JOURNAL
of the
House of Representatives
of the
State of Utah

FIFTY-SEVENTH LEGISLATURE
2008 SECOND SPECIAL SESSION

Commencing September 25, 2008 and
Ending September 26, 2008

PUBLISHED BY AUTHORITY
UTAH LEGISLATIVE PRINTING OFFICE
CERTIFICATION

The undersigned, as the duly appointed committee on the revision of the House Journal of the 2008 Second Special Session of the Fifty-seventh Legislature of the State of Utah, do hereby certify that the contents published herein are a full, true and correct record of the proceedings of the session commencing on Thursday, September 25, 2008 and ending Friday, September 26, 2008.

COMMITTEE ON REVISION
OF THE HOUSE JOURNAL

SANDY D. TENNEY
Chief Clerk

JANICE A. GADD
Journal Clerk
The House was called to order by Speaker Curtis at 9:00 a.m.

Prayer and Pledge of Allegiance led by Representative Brad King.

On motion of Representative D. Clark, the House voted to continue with the same organization for the 2008 Second Special Session of the 57th Legislature as set up and constituted during the 2008 General Session of the Legislature insofar as it pertains to the Speakership, Majority Leadership and Minority Leadership.

Speaker Curtis appointed Sandy D. Tenney as Chief Clerk.

The Chief Clerk read the following:

PROCLAMATION

WHEREAS, since the adjournment of the 2008 General Session of the Fifty–Seventh Legislature of the State of Utah, matters have arisen that 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 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 Second Special Session at the State Capitol Complex, in Salt Lake City, Utah, on the 25th day of September, 2008, at 9:00 a.m., for the following purposes:
1. To make adjustments to the FY2009 budget to conform with the most recent revenue estimates and to make amendments to statutes necessary to implement those budget adjustments.

2. To consider amending state and local sales and use tax provisions to address the transactions eligible for exemption as aircraft parts and equipment and to require the exemption to be claimed by refund under certain circumstances.

3. To consider legislation allowing the State Board of Education to exempt a school district or charter school from testing requirements under the Utah Performance Assessment System for Students (U−PASS).

4. To consider issuance of general obligation bonds for capital facilities and transportation projects.

IN TESTIMONY WHEREOF,
I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Capitol Complex in Salt Lake City, Utah, this 22nd day of September, 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 on the 22nd day of September, 2008, 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 Second Special Session at the Capitol Complex at Salt Lake City, Utah on the 25th day of September, 2008, at 9:00 a.m., for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State House of Representatives has not changed from that of the Certification of the 2008 General Session with the exception of the following named persons who have been duly appointed as members of the Legislature of the State of Utah, to serve in the House
of Representatives, filling seats vacated in their respective districts, to terms expiring on December 31, 2008: to wit:

    FIFTH DISTRICT: County of Cache
    R. Curt Webb

    TWELFTH DISTRICT: County of Weber
    Richard A. Greenwood

    TWENTY-FOURTH DISTRICT: County of Salt Lake
    Rebecca Chavez-Houck

    FORTY-FIFTH DISTRICT: County of Salt Lake
    Brian P. Monsen

    SIXTY-SECOND DISTRICT: County of Utah
    Christopher N. Herrod

    SIXTY-EIGHT DISTRICT: Counties of Millard, Juab, and Sanpete
    Bradley Winn

IN TESTIMONY WHEREOF,
I have hereunto set my hand and affixed the Great Seal of the State of Utah, at Salt Lake City, this 22nd day of September, 2008.

GARY R. HERBERT
Lieutenant Governor

Communication filed.

MISCELLANEOUS BUSINESS

Roll call showed all members present, except Representatives Kay McIff, Jennifer Seelig, Roger Barrus, and Steve Clark, excused.

On motion of Representative Urquhart, the House voted to adopt the same House Rules and Joint Rules for the 2008 Second Special Session as adopted in the 2008 General Session.

On motion of Representative King, the House voted to authorize the Speaker to appoint a committee to meet with a like committee from the Senate to wait upon the Governor to inform him that the Legislature is organized and ready to do business.
The Speaker appointed Representatives Glenn Donnelson, Sylvia Andersen, and Roz McGee.

On motion of Representative Snow, the House voted to authorize the Speaker to appoint a committee to wait upon the Senate to inform that Honorable Body that the House is organized and ready to do business.

The Speaker appointed Representatives Aaron Tilton, Paul Neuenschwander, and LuWanna Shurtliff.

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

Representative Tilton reported that his committee waited upon the Senate and informed them that the House is organized and ready to do business.

Representative Donnelson reported that his committee waited upon the Governor and informed him that the House is organized and ready to receive any communication he has to offer.

Senators Walker, Stowell, and Davis formally notified the House of Representatives that the Senate was organized and ready to do business.

* * *

On motion of Representative D. Clark, and at 9:30 a.m., the House voted to adjourn until September 26, 2008, at 9:00 a.m.
SECOND DAY

* * *

MORNING SESSION

The House was called to order by Speaker Curtis at 9:25 a.m.

Roll call showed all members present except Representatives Jennifer Seelig and Roger Barrus, excused.

Prayer and Pledge of Allegiance by Representative Bud Bowman.

INTRODUCTION OF BILLS

H.B. 2001, Sales and Use Tax Exemption for Aircraft Parts and Equipment (B. Dee), read the first time by short title and referred to the Rules Committee.

H.B. 2002, Amendments to Legislator Salaries (D. Clark), read the first time by short title and referred to the Rules Committee.

H.B. 2003, Capital Improvement Amendments (K. Garn), read the first time by short title and referred to the Rules Committee.

MISCELLANEOUS BUSINESS


THIRD READING CALENDAR

H.B. 2001, SALES AND USE TAX EXEMPTION FOR AIRCRAFT PARTS AND EQUIPMENT, read the third time by short title and placed on its final passage. Representative Dee commented.

H.B. 2001 passed on the following roll call:

Yeas, 68; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Representatives
Aagard Allen Andersen Bigelow
Bird Bowman Chavez–Houck D. Clark
Absent or not voting were: Representatives
Barrus Biskupski Brown Hughes
Johnson Painter Seelig

H.B. 2001 transmitted to the Senate for its consideration.

* * *

H.B. 2002, AMENDMENTS TO LEGISLATOR SALARIES, read the third time by short title and placed on its final passage. Representatives Clark, Hansen, and Noel commented.

H.B. 2002 passed on the following roll call:

Yeas, 69; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Representatives
Aagard Allen Andersen Bigelow
Bird Bowman Brown Chavez–Houck
D. Clark S. Clark Cosgrove Daw
Dee Donnelson Dougall Draxler
Duckworth Dunnigan Ferry Janice Fisher
Julie Fisher Fowlke Frank Froerer
Garn Gibson Gowans Greenwood
Grover Harper Hemingway Hendrickson
Herrod Holdaway Hughes Hunsaker
Hutchings King Kiser Last
Absent or not voting were: Representatives
Barrus  Biskupski  Hansen  Johnson
Painter  Seelig

H.B. 2002 transmitted to the Senate for its consideration.

* * *

H.B. 2003, CAPITAL IMPROVEMENT AMENDMENTS, read the third time by short title and placed on its final passage. Representatives Garn, and King commented.

H.B. 2003 passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard  Allen  Andersen  Bigelow
Bird    Bowman  Brown  Chavez–Houck
D. Clark  S. Clark  Cosgrove  Daw
Dee    Donnelson  Dougall  Draxler
Duckworth  Dunnigan  Ferry  Janice Fisher
Julie Fisher  Fowlke  Frank  Froerer
Garn  Gibson  Gowans  Greenwood
Grover  Hansen  Harper  Hemingway
Hendrickson  Herrod  Holdaway  Hughes
Hunsaker  Hutchings  King  Kiser
Last    Litvack  Lockhart  Mascaro
Mathis  McGee  McIff  Menlove
Monsen  Morgan  Morley  Moss
Neuenschwander  Newbold  Noel  Oda
Ray    Riesen  Sandstrom  Shurtliff
Snow  Sumision  Tilton  Urquhart
Webb  Wheatley  Wiley  Wimmer
Winn    Curtis
Absent or not voting were: Representatives
Barrus Biskupski Johnson Painter Seelig

H.B. 2003 transmitted to the Senate for its consideration.

INTRODUCTION OF BILL

H.B. 2004, Transportation General Obligation Bond Modifications (W. Harper), read the first time by short title and referred to the Rules Committee.

MISCELLANEOUS BUSINESS

On motion of Representative Urquhart, under suspension of the rules, the House voted to lift H.B. 2004 from the Rules Committee, consider it read the second time by short title and placed on the Third Reading Calendar.

THIRD READING CALENDAR

On motion of Representative Urquhart, the House voted to circle H.B. 2004.

UNFINISHED BUSINESS

On motion of Representative Harper, the House voted to uncircle H.B. 2004.

H.B. 2004, TRANSPORTATION GENERAL OBLIGATION BOND MODIFICATIONS, read the third time by short title and placed on its final passage. Representatives Harper and Dunnigan commented.

H.B. 2004 passed on the following roll call:

Yeas, 65; Nays, 0; Absent or not voting, 10.

Voting in the affirmative were: Representatives
Aagard Allen Andersen Bigelow
Bird Bowman Brown Chavez–Houck
D. Clark S. Clark Cosgrove Daw
Dee Donnelson Draxler Duckworth
Dunnigan Ferry Janice Fisher Julie Fisher
Fowlke Frank Garn Gowans
Greenwood Grover Hansen Harper
Hemingway Hendrickson Herrod Holdaway
Hughes Hunsaker Hutchings Johnson
King Kiser Last Litvack
Absent or not voting were: Representatives
Barrus  Biskupski  Dougall  Froerer
Gibson  Lockhart  Morley  Newbold
Painter  Seelig

H.B. 2004 transmitted to the Senate for its consideration.

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On motion of Representative D. Clark, the House voted to saunter.

Speaker Curtis called the House to order at 2:40 p.m.

On motion of Representative D. Clark, the House voted to cease to saunter.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: September 26, 2008

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

The Senate passed S.B. 2003, HIGHER EDUCATION BUDGET AUTHORITY, by Senator G. Bell, and it is transmitted for consideration; and

The Senate passed S.B. 2004, DEPOSIT OF INTEREST EARNED ON RESTRICTED FUNDS, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed, H.B. 2001, SALES AND USE TAX EXEMPTION FOR AIRCRAFT PARTS AND EQUIPMENT, by Representative B. Dee, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 2002, AMENDMENTS TO LEGISLATOR SALARIES, by Representative D. Clark, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. H.B. 2001 and H.B. 2002 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

INTRODUCTION OF BILLS

H.B. 2005, Transportation Finance Amendments (R. Lockhart), read the first time by short title and referred to the Rules Committee.

H.J.R. 201, Joint Resolution Rejecting Salary Increases for Legislators (G. Snow), read the first time by short title and referred to the Rules Committee.

MISCELLANEOUS BUSINESS


THIRD READING CALENDAR

H.B. 2005, TRANSPORTATION FINANCE AMENDMENTS, read the third time by short title and placed on its final passage. Representative Lockhart commented.

H.B. 2005 passed on the following roll call:

Yeas, 62; Nays, 0; Absent or not voting, 13.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives
Andersen Barrus Brown Ferry
Hughes Morley Newbold Noel Painter Seelig Tilton Webb Wimmer

H.B. 2005 transmitted to the Senate for its consideration.

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H.J.R. 201, JOINT RESOLUTION REJECTING SALARY INCREASES FOR LEGISLATORS, read the third time by short title and placed on its final passage. Representative Lockhart commented.

H.J.R. 201 passed on the following roll call:

Yeas, 68; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Representatives
Aagard Allen Andersen Bigelow
Bird Biskupski Bowman Chavez–Houck
D. Clark S. Clark Cosgrove Daw
Dee Donnelson Dougall Draxler
Duckworth Dunnigan Janice Fisher Julie Fisher
Fowlke Frank Froerer Garn
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Last Litvack Lockhart Mascaro
Mathis McGee McIlff Menlove
Monsen Morgan Moss Neuenschwander
Newbold Oda Ray Riesen
Sandstrom Shurtliff Snow Sumsion
Tilton Urquhart Webb Wheatley
Wiley Wimmer Winn Curtis
Absent or not voting were: Representatives
Barrus Brown Ferry Morley
Noel Painter Seelig

H.J.R. 201 transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative D. Clark, the House voted to move to the Senate Third Reading Calendar.

THIRD READING CALENDAR

S.B. 2004, DEPOSIT OF INTEREST EARNED ON RESTRICTED FUNDS, read the third time by short title and placed on its final passage.

Representative Bigelow proposed the following amendment:

1. Page 1, Lines 17 through 19

   17 ◀ provides that interest generated from funds in the Education Fund Budget Reserve
   18 Account be deposited into the { General−} Education Fund rather than the Education Fund Budget Reserve Account; and
   19 Reserve Account; and

2. Page 7, Lines 206 through 207:

   206 (6) Interest generated from investments of money in the Education Fund Budget
   207 Reserve Account shall be deposited into the [account] { General } Education Fund.

Representative Bigelow’s motion to amend passed on a voice vote.

Representative Bigelow commented.

S.B. 2004, as amended, passed on the following roll call:

Yeas, 65; Nays, 0; Absent or not voting, 10.

Voting in the affirmative were: Representatives
Aagard Allen Andersen Bigelow
Bird Biskupski Bowman Chavez–Houck
Absent or not voting were: Representatives
Barrus    Brown    Ferry    King
Lockhart  Morley   Noel    Painter
Seelig    Tilton

S.B. 2004, as amended, returned to the Senate for further consideration.

* * *

S.B. 2002, STUDENT ACHIEVEMENT TESTING EXCEPTIONS, read the third time by short title and placed on its final passage.

Representative Newbold proposed the following amendment:

1. Page 2, Lines 28 through 30

   28   ► provides that a student enrolled in a school district or charter school that is exempt
   29   from administering the tenth grade basic skills competency test is subject to high
   30   school graduation standards adopted by the State Board of Education ; and
   31   ► provides a repeal date .

2. Page 2, Line 38:

   38   53A-1-611, as last amended by Laws of Utah 2008, Chapter 382
63I–2–253, as last amended by Laws of Utah 2008, Chapters 250, 397, and renumbered and amended by Laws of Utah 2008, Chapter 382

3. Page 4, Lines 105 through 106
   Senate Floor Amendments 9–26–2008:
   105   (ii) developed and adopted by the State Board of Education.
   105a (c) By {October 31, 2009} the November 2009 meeting of the Education Interim Committee, the State Board of Education shall {→}
   105b (i) develop and adopt an accountability plan for a school district or charter school that
   105c pilots an assessment system described in Subsection (3)(a)(i)–(iii); and
   105d (iii) report on the accountability plan to the Education Interim Committee. Submit recommendations to the committee on the state’s assessment system.
   105e (d) The State Board of Education may only provide the following exemptions under this
   105f Subsection (5):
   105g (i) up to three rural school districts;
   105h (ii) up to two urban school districts; and
   105i (iii) up to five charter schools. ←
   106 Section 2. Section 53A–1–611 is amended to read:

4. Page 5, Line 136:
   136 standards adopted by the State Board of Education pursuant to Section 53A–1–603.
   Section 3. Section 63I–2–253 is amended to read:
   63I–2–253. Repeal dates — Titles 53, 53A, and 53B.
   (1) Section 53A–1–403.5 is repealed July 1, 2012.
   (2) Subsection 53A–1–603(5) is repealed July 1, 2010.
   (2) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2014.
   (3) Section 53A–3–702 is repealed July 1, 2008.
   (4) Section 53A–6–112 is repealed July 1, 2009.
(5) Subsection 53A–13–110(3) is repealed July 1, 2013.
(6) Section 53A–17a–152 is repealed July 1, 2010.
(7) Section 53A–17a–162 is repealed July 1, 2012.

Representative Newbold’s motion to amend passed on a voice vote.

Representatives Newbold, Holdaway, Moss, Urquhart, McIff, and Allen commented.

**S.B. 2002**, as amended, passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

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**S.B. 2002**, as amended, returned to the Senate for further consideration.

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**S.B. 2003**, **HIGHER EDUCATION BUDGET AUTHORITY**, read the third time by short title and placed on its final passage.
Representative Holdaway proposed the following amendment:

1. Page 2, Lines 36 through 37
   36 (b) (i) The total amount of money reallocated may not exceed the net reduction made in
   37 the 2008 Second Special Session.
   (ii) The money reallocated from each line item may not exceed four percent of the line item.

2. Page 2, Lines 44 through 45:
   44 (b) (i) The total amount of money reallocated may not exceed the net reduction made in
   45 the 2008 Second Special Session.
   (ii) The money reallocated from each line item may not exceed four percent of the line item.

3. Page 2, Lines 52 through 53:
   52 (b) (i) The total amount of money reallocated may not exceed the net reduction made in
   53 the 2008 Second Special Session.
   (ii) The money reallocated from each line item may not exceed four percent of the line item.

4. Page 3, Lines 60 through 61:
   60 (b) (i) The total amount of money reallocated may not exceed the net reduction made in
   61 the 2008 Second Special Session.
   (ii) The money reallocated from each line item may not exceed four percent of the line item.

5. Page 3, Lines 68 through 69:
   68 (b) (i) The total amount of money reallocated may not exceed the net reduction made in
   69 the 2008 Second Special Session.
   (ii) The money reallocated from each line item may not exceed four percent of the line item.
6. Page 3, Lines 76 through 77:

76  (b)  (i)  The total amount of money reallocated may not exceed the net reduction made in

77  the 2008 Second Special Session.

   (ii) The money reallocated from each line item may not exceed four percent of the line item.

7. Page 3, Lines 84 through 85:

84  (b)  (i)  The total amount of money reallocated may not exceed the net reduction made in

85  the 2008 Second Special Session.

   (ii) The money reallocated from each line item may not exceed four percent of the line item.

8. Page 4, Lines 92 through 93:

92  (b)  (i)  The total amount of money reallocated may not exceed the net reduction made in

93  the 2008 Second Special Session.

   (ii) The money reallocated from each line item may not exceed four percent of the line item.

9. Page 4, Lines 100 through 101:

100  (b)  (i)  The total amount of money reallocated may not exceed the net reduction made in

101  the 2008 Second Special Session.

   (ii) The money reallocated from each line item may not exceed four percent of the line item.

10. Page 4, Lines 109 through 110:

109  (b)  (i)  The total amount of money reallocated may not exceed the net reduction made in

110  the 2008 Second Special Session.

   (ii) The money reallocated from each line item may not exceed four percent of the line item.
Representative Holdaway’s motion to amend passed on a voice vote.

Representative Holdaway commented.

**S.B. 2003**, as amended, passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

| Aagard | Barrus | King | Seelig |

**S.B. 2003**, as amended, returned to the Senate for further consideration.

***

On motion of Representative D. Clark, the House voted to saunter.

Speaker Curtis called the House to order at 3:50 p.m.

On motion of Representative D. Clark, the House voted to cease to saunter.
COMMUNICATIONS FROM THE SENATE

Mr. Speaker: September 26, 2008

The Senate passed, **H.J.R. 201**, JOINT RESOLUTION REJECTING SALARY INCREASES FOR LEGISLATORS, by Representative G. Snow, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 2003**, CAPITAL IMPROVEMENT AMENDMENTS, by Representative K. Garn, which has been signed by the President and it is transmitted for the signature of the Speaker.

The Senate passed, **H.B. 2004**, TRANSPORTATION GENERAL OBLIGATION BOND MODIFICATIONS, by Representative W. Harper, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 2005**, TRANSPORTATION FINANCE AMENDMENTS, by Representative R. Lockhart, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate


***

Mr. Speaker: September 26, 2008

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

Annette B. Moore
Secretary of the Senate

Communication filed. **S.B. 2001** read the first time by short title and referred to the Rules Committee.

MISCELLANEOUS BUSINESS

On motion of Representative Urquhart, under suspension of the rules, the House voted to lift **S.B. 2001** from the Rules Committee, consider it read the second time by short title and placed on the Third Reading Calendar.
THIRD READING CALENDAR

S.B. 2001, CURRENT FISCAL YEAR BUDGET ADJUSTMENTS, read the third time by short title and placed on its final passage.

Representative Bigelow proposed the following amendment:

1. Page 11, Line 388 (goldenrod copy):
   Reinstate line 388 then delete “60,000” and insert “30,000”

2. Page 11, Line 391:
   Delete “(127,500)” and insert “(97,500)”

3. Page 12, Line 412:
   Delete “370,000” and insert “340,000”

4. Page 12, Line 422:
   Delete “48,000” and insert “18,000”

Representative Bigelow’s motion to amend passed on a voice vote.

###

Representative Litvack proposed the following amendment:

1. Page 13, Line 481:
   After line 481 insert:
   “It is intent of the Legislature that the Department of Health shall reduce $150,000 in one−time General Funds from Community Health Centers and use the monies to fund 2008 General Session HB 131, Community Based Self Sufficiency Program.”

Representative Litvack’s motion to amend failed on the following roll call:

**Yeas, 24; Nays, 44; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Biskupski Chavez−Houck Cosgrove Dougall
Duckworth Janice Fisher Gowans Hansen
Hemingway Hendrickson Johnson King
Kiser Litvack Lockhart McGee
Menlove Morgan Moss Riesen
Shurtleff Wheatley Wiley Wimmer
Voting in the negative were: Representatives
Aagard  Allen  Andersen  Bigelow  
Bird  Bowman  Brown  D. Clark  
S. Clark  Dee  Donnelson  Draxler  
Ferry  Julie Fisher  Fowlke  Frank  
Froerer  Garn  Gibson  Greenwood  
Grover  Harper  Herrod  Holdaway  
Hughes  Hunsaker  Hutchings  Last  
Mascaro  Mathis  Monsen  Morley  
Neuenschwander  Newbold  Noel  Painter  
Sandstrom  Snow  Sumasion  Tilton  
Urquhart  Webb  Winn  Curtis  

Absent or not voting were: Representatives
Barrus  Daw  Dunnigan  McIff  
Oda  Ray  Seelig  

Representative Bigelow commented.

S.B. 2001, as amended, passed on the following roll call:

Yeas, 56; Nays, 15; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard  Allen  Andersen  Bigelow  
Bird  Bowman  Brown  D. Clark  
S. Clark  Cosgrove  Dee  Donnelson  
Dougall  Draxler  Dunnigan  Ferry  
Julie Fisher  Fowlke  Frank  Froerer  
Garn  Gibson  Gowans  Greenwood  
Grover  Harper  Herrod  Holdaway  
Hughes  Hunsaker  Hutchings  King  
Last  Litvack  Lockhart  Mascaro  
Mathis  McIff  Menlove  Monsen  
Morley  Neuenschwander  Newbold  Noel  
Oda  Painter  Ray  Sandstrom  
Snow  Sumasion  Tilton  Urquhart  
Webb  Wimmer  Winn  Curtis  

Voting in the negative were: Representatives
Biskupski  Chavez–Houck  Duckworth  Janice Fisher  
Hansen  Hemingway  Hendrickson  Johnson  
McGee  Morgan  Moss  Riesen  
Shurtliff  Wheatley  Wiley  

Absent or not voting were: Representatives
Barrus Daw Kiser Seelig

S.B. 2001, as amended, returned to the Senate for further consideration.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: September 26, 2008

The Senate concurred in the House amendments and passed S.B. 2001, CURRENT FISCAL YEAR BUDGET ADJUSTMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed S.B. 2002, STUDENT ACHIEVEMENT TESTING EXCEPTIONS, by Senator H. Stephenson, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed S.B. 2003, HIGHER EDUCATION BUDGET AUTHORITY, by Senator G. Bell, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed S.B. 2004, DEPOSIT OF INTEREST EARNED ON RESTRICTED FUNDS, by Senator L. Hillyard, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate


MISCELLANEOUS BUSINESS

On motion of Representative Clark, the House voted to authorize the Speaker to wait upon the Senate and inform that Honorable Body that the House has completed its business and is prepared to adjourn sine die.

Speaker Curtis appointed Representatives Steve Urquhart, Brian Monsen, and Rebecca Chavez–Houck.

On motion of Representative King, the House voted to authorize the Speaker to appoint a committee to meet with a like committee from the Senate to wait upon the Governor to inform him that the Legislature has completed its business and is prepared to adjourn sine die.
Speaker Curtis appointed Representatives Gordon Snow, Merlynn Newbold, and Carl Duckworth.

Senators Greiner, Bell and Fife formally notified the House of Representatives that the Senate has completed its business and is prepared to adjourn sine die.

Representative Urquhart reported that his committee notified the Senate that the House of Representatives has completed its business and is prepared to adjourn sine die.

Representative Snow reported that his committee met with a like committee from the Senate and informed the Governor that the Legislature has completed its business and is prepared to adjourn sine die.

Speaker Curtis directed Sandy Tenney to read, revise and make minor corrections to the daily House Journal and be responsible for certifying the bound copy as the accurate record of the proceedings of the 2008 Second Special Session of the Fifty−seventh Legislature.

On motion of Representative D. Clark, and at 5:00 p.m., the Second Special Session of the Fifty−seventh Legislature adjourned sine die.
H.B. 2001 — SALES AND USE TAX EXEMPTION FOR AIRCRAFT PARTS AND EQUIPMENT  
(B. Dee)  
Read the first time by short title and referred to the Rules Committee. .......... 9  
Read the second time .......................................................... 9  
Read the third time ............................................................ 9  
Transmitted to the Senate ...................................................... 10  
Signed by the Speaker and transmitted to the Governor ................. 14

H.B. 2002 — AMENDMENTS TO LEGISLATOR SALARIES (D. Clark)  
Read the first time by short title and referred to the Rules Committee. .......... 9  
Read the second time .......................................................... 9  
Read the third time ............................................................ 10  
Transmitted to the Senate ...................................................... 11  
Signed by the Speaker and transmitted to the Governor ................. 14

H.B. 2003 — CAPITAL IMPROVEMENT AMENDMENTS (K. Garn)  
Read the first time by short title and referred to the Rules Committee. .......... 9  
Read the second time .......................................................... 9  
Read the third time ............................................................ 11  
Transmitted to the Senate ...................................................... 12  
Signed by the Speaker and transmitted to the Governor ................. 23

H.B. 2004 — TRANSPORTATION GENERAL OBLIGATION BOND MODIFICATIONS (W. Harper)  
Read the first time by short title and referred to the Rules Committee. .......... 12  
Read the second time .......................................................... 12  
Circled ................................................................. 12  
Uncircled .............................................................. 12  
Read the third time ............................................................ 12  
Transmitted to the Senate ...................................................... 13  
Signed by the Speaker and transmitted to the Governor ................. 23

H.B. 2005 — TRANSPORTATION FINANCE AMENDMENTS (R. Lockhart)  
Read the first time by short title and referred to the Rules Committee. .......... 14  
Read the second time .......................................................... 14  
Read the third time ............................................................ 14  
Transmitted to the Senate ...................................................... 15  
Signed by the Speaker and transmitted to the Governor ................. 23

H.J.R. 201 — JOINT RESOLUTION REJECTING SALARY INCREASES FOR LEGISLATORS  
(G. Snow)  
Read the first time by short title and referred to the Rules Committee. .......... 14  
Read the second time .......................................................... 14  
Read the third time ............................................................ 15  
Transmitted to the Senate ...................................................... 16  
Signed by the Speaker and transmitted to the Governor ................. 23
Senate Bills

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

Read the first time by short title and referred to Rules Committee .......... 23
Read the second time ...................................................... 23
Read the third time .......................................................... 24
Amendments ................................................................. 24
Returned to the Senate ..................................................... 26
Signed by the Speaker and returned to the Senate .......................... 26

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

Read the first time by short title and referred to Rules Committee .......... 14
Read the second time ...................................................... 14
Amendments ................................................................. 17
Read the third time .......................................................... 17
Returned to the Senate ..................................................... 19
Signed by the Speaker and returned to the Senate .......................... 26

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

Read the first time by short title and referred to Rules Committee .......... 14
Read the second time ...................................................... 14
Read the third time .......................................................... 19
Amendments ................................................................. 20
Returned to the Senate ..................................................... 22
Signed by the Speaker and returned to the Senate .......................... 26

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

Read the first time by short title and referred to Rules Committee .......... 14
Read the second time ...................................................... 14
Read the third time .......................................................... 16
Amendments ................................................................. 16
Returned to the Senate ..................................................... 17
Signed by the Speaker and returned to the Senate .......................... 26
CERTIFICATION

The undersigned, as the duly appointed committee on the revision of the House Journal of the 2009 General Session of the Fifty-eighth Legislature of the State of Utah, do hereby certify that the contents published herein are a full, true and correct record of the proceedings of the session commencing on Monday, January 26, 2009 and ending Thursday, March 12, 2009.

COMMITTEE ON REVISION
OF THE HOUSE JOURNAL

SANDY D. TENNEY
Chief Clerk

JANICE A. GADD
Journal Clerk
HOUSE LEADERSHIP

David L. Clark
Speaker

MAJORITY LEADERSHIP (Republican)

Kevin S. Garn
Majority Leader

Brad L. Dee
Majority Whip

Rebecca Lockhart
Asst. Majority Whip

MINORITY LEADERSHIP (Democrat)

David L. Litvack
Minority Leader

James R. Gowans
Minority Whip

Carol Spackman Moss
Asst. Minority Whip
House Full–Time Staff

Chris Bleak  
*Chief of Staff*

Sandy D. Tenney  
*Chief Clerk*

Kathryn Jackson  
*Administrative Assistant*

Emily Bergeson  
*Assistant to Majority Leadership*

Rhoda Struhs  
*House Minority Caucus Assistant*
HOUSE LEADERSHIP
Speaker of the House (R) ................................................. David L. Clark
Majority Leader (R) ....................................................... Kevin S. Garn
Majority Whip (R) ......................................................... Brad Dee
Assistant Majority Whip (R) ............................. Rebecca Lockhart
Minority Leader (D) ...................................................... David Litvack
Minority Whip (D) ......................................................... James R. Gowans
Assistant Minority Whip (D) ....................... Carol Spackman Moss

SENATE LEADERSHIP
President of the Senate (R) ............................ Michael G. Waddoups
Majority Leader (R) ...................................................... Sheldon Killpack
Majority Whip (R) ......................................................... Scott K. Jenkins
Assistant Majority Whip (R) ........................ Greg Bell
Minority Leader (D) ...................................................... Pat Jones
Minority Whip (D) ......................................................... Ross I. Romero
Assistant Minority Whip (D) ....................... Karen Mayne

STATE OFFICIALS
Governor ................................................................. Jon M. Huntsman Jr.
Lieutenant Governor ................................................... Gary Herbert
Attorney General ....................................................... Mark Shurtleff
Auditor ................................................................. Auston Johnson
Treasurer ............................................................. Richard K. Ellis

CONGRESSIONAL DELEGATION
Senator ................................................................. Robert F. Bennett
Senator ................................................................. Orrin G. Hatch
Congressman ........................................................... Jim Matheson
Congressman ........................................................... Rob Bishop
Congressman ........................................................... Jason Chaffetz

UTAH SUPREME COURT
Chief Justice ........................................................... Christine M. Durham
Assoc. Chief Justice .................................................... Matthew B. Durrant
Justice ................................................................. Ronald E. Nehring
Justice ................................................................. Jill N. Parrish
Justice ................................................................. Michael J. Wilkins
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46 Marie H Poulson
(D) 7037 HORIZON CIRCLE
Salt Lake (D) COTTONWOOD HEIGHTS UT 84121
Home (801) 942–5390

47 Steven R Mascaro
(R) 3075 W 9050 S
Salt Lake (R) WEST JORDAN UT 84088
Home (801) 569–2719
Office (801) 965–8145
Fax (801) 495–3713

48 Trisha Beck
(D) 1783 E 9880 S
Salt Lake (D) SANDY UT 84092
Home (801) 572–2325
Fax (801) 572–2328

49 Jay Seegmiller
(D) 9152 S STERLING DR
Salt Lake (D) SANDY UT 84093
(801) 538–1029

50 Merlynn T Newbold
(R) 10454 S 1440 W
Salt Lake (R) SOUTH JORDAN UT 84095
Home (801) 254–0142

51 Gregory H Hughes
(R) 472 MIDLAKE DR
Salt Lake (R) DRAPER UT 84020
Home (801) 572–5305
Office (801) 548–2922

52 Carl Wimmer
(R) 5526 W 13400 S #108
Salt Lake (R) HERRIMAN UT 84096
Cell (801) 254–5981

53 Melvin R Brown
(R) PO BOX 697
Daggett, Morgan, (R) COALVILLE UT 84017
Rich, Summit, Home (435) 336–3309
Wasatch Cell (435) 901–1729
Fax (435) 722–9111

54 Kraig Powell
(R) 943 E 530 N
Duchesne, Uintah, (R) HEBER CITY UT 84032
Wasatch Home (435) 654–5986
Office (435) 654–1550

55 John G Mathis
(R) 384 E 2500 S
Grand, (R) VERNAL UT 84078
Uintah Home (435) 789–7316

56 Kenneth W Sumson
(R) PO BOX 1475
Utah (R) AMERICAN FORK UT 84003
Cell (801) 404–8225

57 Craig A Frank
(R) 10808 N LACOSTA
Utah (R) CEDAR HILLS UT 84062
Home (801) 785–6652
Cell (801) 362–3171
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The House was called to order by Former Speaker Greg J. Curtis at 10:00 a.m.

Prayer given by Elder Russell M. Nelson, Quorum of the Twelve, Church of Jesus Christ of Latter–Day Saints.

PRAYER BY ELDER RUSSELL M. NELSON

Oh God our Eternal Father,

We thank thee for our many blessings, for life, liberty and opportunity as citizens of the United States of America. Thou hast established this great nation as a beacon of freedom and a citadel of spiritual strength to all the world. Unitedly, we pray for our new President and for the success of his administration.

We thank thee for this sovereign state of Utah. We feel a deep debt of gratitude for the faith of its founders, who made the desert blossom as a rose. We are grateful for others who followed to bring diversity and variety to the society that we now enjoy. We pray for our Governor and his administration. We thank thee for the citizens of this great state. We pray for them individually and collectively. Bless them to respect one another and share this state in peace and harmony. May we host with dignity our visitors who flock as doves to our windows. May these guests return to their homes with a renewed passion for peace and recollections of righteousness.
In this Legislative chamber, we thank thee for these distinguished men and women, who have been elected by the people. We pray for each member of this House of Representatives. Wilt thou bless them and their families. Bless their personal affairs. Bless them with safety in their travels and fulfillment of their heartfelt hopes. Bless them to strengthen the ties that bind us together as a people. Bless them with wisdom, vision and the courage to place principle above politics and morality above expediency. Bless them to merit the reward of public trust. Humbly we pray for these dedicated Representatives as they commence this Legislative season in the sacred name of Jesus Christ. Amen.

MISCELLANEOUS BUSINESS

The posting of Colors was performed by the Utah National Guard. The Color Guard consisted of the following members: Technical Sergeant Brian Fortie, Technical Sergeant Jamie Phair, Technical Sergeant Ron Ford, and Staff Sergeant Nathan Abejars.

The Pledge of Allegiance was led by Speaker Clark’s grandchildren: Ashtyn Thayn, Brantson Thayn, Cierra Clark, Jaxon Clark, and Jorey Clark.

The National Anthem was performed by The Crimson Four. Members are Ricky Parkinson, Andrew Neff, Dave Gray, and Isaac Bickmore, accompanied by Brittany Gray.

The Crimson Four also performed “Prayer of the Children,” “Battle Hymn of the Republic,” and “Utah Man.”

Speaker−elect Clark appointed Sandy D. Tenney as Chief Clerk of the House of Representatives for the 2009 General Session.

The Chief Clerk, Sandy D. Tenney, read the following:

CERTIFICATE OF MEMBERSHIP OF THE 2009 GENERAL SESSION OF THE UTAH STATE HOUSE OF REPRESENTATIVES

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

FIRST DISTRICT: Counties of Box Elder, Tooele Ronda Rudd Menlove
SECOND DISTRICT: County of Box Elder, Cache

THIRD DISTRICT: County of Cache

FOURTH DISTRICT: Counties of Cache, Rich

FIFTH DISTRICT: County of Cache

SIXTH DISTRICT: County of Weber

SEVENTH DISTRICT: County of Weber

EIGHTH DISTRICT: County of Weber

NINTH DISTRICT: County of Weber

TENTH DISTRICT: County of Weber

ELEVENTH DISTRICT: Counties of Davis, Weber

TWELFTH DISTRICT: County of Weber

THIRTEENTH DISTRICT: County of Davis

FOURTEENTH DISTRICT: County of Davis

FIFTEENTH DISTRICT: County of Davis

SIXTEENTH DISTRICT: County of Davis

SEVENTEENTH DISTRICT: County of Davis

EIGHTEENTH DISTRICT: County of Davis

NINETEENTH DISTRICT: County of Davis

TWENTIETH DISTRICT: Counties of Davis, Salt Lake

TWENTY-FIRST DISTRICT: County of Tooele

TWENTY-SECOND DISTRICT: County of Salt Lake

TWENTY-THIRD DISTRICT: County of Salt Lake

Ben C. Ferry

Jack R. Draxler

Fred R. Hunsaker

R. Curt Webb

Kerry W. Gibson

Ryan D. Wilcox

Gage Froerer

Neil A. Hansen

Brent C. Wallis

Brad L. Dee

Richard A. Greenwood

Paul Ray

Curtis Oda

Douglas C. Aagard

Kevin S. Garn

Julie Fisher

Roger E. Barrus

Sheryl L. Allen

Rebecca P. Edwards

James R. Gowans

Susan Duckworth

Jennifer M. Seelig
TWENTY-FOURTH DISTRICT: County of Salt Lake Rebecca Chavez-Houck

TWENTY-FIFTH DISTRICT: Counties of Salt Lake, Summit Christine A. Johnson

TWENTY-SIXTH DISTRICT: County of Salt Lake David Litvack

TWENTY-SEVENTH DISTRICT: County of Utah John Dougall

TWENTY-EIGHTH DISTRICT: County of Salt Lake Brian S. King

TWENTY-NINTH DISTRICT: County of Salt Lake Janice M. Fisher

THIRTIETH DISTRICT: County of Salt Lake Jackie Biskupski

THIRTY-FIRST DISTRICT: County of Salt Lake Larry B. Wiley

THIRTY-SECOND DISTRICT: County of Salt Lake Ron Bigelow

THIRTY-THIRD DISTRICT: County of Salt Lake Neal B. Hendrickson

THIRTY-FOURTH DISTRICT: County of Salt Lake Kory M. Holdaway

THIRTY-FIFTH DISTRICT: County of Salt Lake Mark A. Wheatley

THIRTY-SIXTH DISTRICT: County of Salt Lake Phil Riesen

THIRTY-SEVENTH DISTRICT: County of Salt Lake Carol Spackman Moss

THIRTY-EIGHTH: County of Salt Lake Eric K. Hutchings

THIRTY-NINTH DISTRICT: County of Salt Lake James A. Dunnigan

FORTIETH DISTRICT: County of Salt Lake Lynn N. Hemingway

FORTY-FIRST DISTRICT: County of Salt Lake Todd E. Kiser

FORTY-SECOND DISTRICT: County of Salt Lake Jim Bird

FORTY-THIRD DISTRICT: County of Salt Lake Wayne A. Harper

FORTY-FOURTH DISTRICT: County of Salt Lake Tim M. Cosgrove

FORTY-FIFTH DISTRICT: County of Salt Lake Laura Black
FORTY-SIXTH DISTRICT: County of Salt Lake  Marie H. Poulson
FORTY-SEVENTH DISTRICT: County of Salt Lake  Steven R. Mascaro
FORTY-EIGHTH DISTRICT: County of Salt Lake  Trisha S. Beck
FORTY-NINTH DISTRICT: County of Salt Lake  F. Jay Seegmiller
FIFTIETH DISTRICT: County of Salt Lake  Merlynn T. Newbold
FIFTY-FIRST DISTRICT: County of Salt Lake  Gregory H. Hughes
FIFTY-SECOND DISTRICT: County of Salt Lake  Carl Wimmer
FIFTY-THIRD DISTRICT: Counties of Daggett, Morgan, Rich, Summit, Wasatch  Melvin R. Brown
FIFTY-FOURTH DISTRICT: Counties of Duchesne, Uintah, Wasatch  Kraig Powell
FIFTY-FIFTH DISTRICT: Counties of Grand, Uintah  John G. Mathis
FIFTY-SIXTH DISTRICT: County of Utah  Kenneth W. Sumsion
FIFTY-SEVENTH DISTRICT: County of Utah  Craig A. Frank
FIFTY-EIGHTH DISTRICT: County of Utah  Stephen E. Sandstrom
FIFTY-NINTH DISTRICT: County of Utah  Lorie D. Fowlke
SIXTIETH DISTRICT: County of Utah  Bradley M. Daw
SIXTY-FIRST DISTRICT: County of Utah  Keith Grover
SIXTY-SECOND DISTRICT: County of Utah  Christopher N. Herrod
SIXTY-THIRD DISTRICT: County of Utah  Stephen D. Clark
SIXTY-FOURTH DISTRICT: County of Utah  Rebecca D. Lockhart
SIXTY-FIFTH DISTRICT: County of Utah  Francis D. Gibson
SIXTY-SIXTH DISTRICT: County of Utah  Michael T. Morley
SIXTY–SEVENTH DISTRICT: Counties of Carbon, Juab, Sanpete, Utah  Patrick L. Painter

SIXTY–EIGHTH DISTRICT: Counties of Juab, Millard, Sanpete  Bradley A. Winn

SIXTY–NINTH DISTRICT: Counties of Carbon, Emery Garfield, Grand, San Juan, Wayne  Christine F. Watkins

SEVENTIETH DISTRICT: Counties of Emery, Sanpete, Sevier  Kay L. McIff

SEVENTY–FIRST DISTRICT: County of Washington  Bradley G. Last

SEVENTY–SECOND DISTRICT: County of Iron  Evan J. Vickers

SEVENTY–THIRD DISTRICT: Counties of Beaver, Garfield, Kane, Piute, Sevier, Washington, Wayne  Michael E. Noel

SEVENTY–FOURTH DISTRICT: County Washington  David Clark

SEVENTY–FIFTH DISTRICT: County of Washington  Don L. Ipson

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 21st day of January, 2009 at Salt Lake City, Utah.

GARY R. HERBERT
LIEUTENANT GOVERNOR

Communication filed.

Roll call showed all members present.

Former Speaker Greg J. Curtis administered the Oath of Office to the members of the Fifty–eighth Legislature.

Representative David Litvack nominated Representative David L. Clark as Speaker of the House of Representatives for the 58th Legislature.
On motion of Representative Kevin Garn, the House voted that Representative David L. Clark be elected as Speaker of the Utah House of Representatives for the 58th Legislature by acclamation.

Representatives Kevin Garn and David Litvack escorted Speaker David L. Clark to the chair.

Former Speaker Greg J. Curtis administered the Oath of Office to Speaker David L. Clark.

REMARKS BY SPEAKER DAVID L. CLARK

With humility and gratitude I address you today. Before we commence, I feel that I would be remiss if I failed to express my appreciation for the many people who have loved and supported me through life’s journey to this position of reverent service. I have been blessed with parents who provided me with emotional and spiritual support. I do not remember an event that I participated in where they were not there supporting me. Being raised in a strong and stable family has given me purpose, grounding, and a context for everything I do.

My parents set wonderful examples for their children. Education was very important in our house. My father was the first in his family to attend college. He obtained his Doctorate, and for 35 years was a college professor at BYU. My mother was the first in her family to go to college, obtaining her masters degree and becoming the first female principal in the Nebo school district. I wanted to express to them the love of a thankful and proud son.

I also count, as chief among my many blessings, my wife, Nan. She has supported me in the pursuit of my many dreams and has made me a better man. Together, we have been lucky enough to have four wonderful children who have given us nine beautiful grandchildren, some of whom led us in the Pledge of Allegiance today.

Becoming a parent has broadened my perspective and increased my appreciation for a great many things. Like all parents, my children taught me to care about things I seldom thought of before and gave my life a purpose beyond myself. I wish to express to them the love of a proud dad.

Thank you for indulging me.

Today marks the opening of the 58th Legislature, the first to be opened on the fourth Monday in January and not on the historic third Monday of the month.

Today, January 26th is a date, historic in its own right.
On this date in history:

1945 – The Russian Army first reached Auschwitz and the world never looked at itself the same.

1948 – Executive Order #9981 ended segregation in the army and America took another step on the path toward a world where everyone is judged on the content of their character and not the color of their skin.

1954 – Groundbreaking of Disneyland and the world found the happiest place on earth.

1980 – Israel and Egypt establish diplomatic relations ending the period of violence that began with the Six Day War.

1992 – America Disabilities Act goes into effect and we found a helping hand was not as difficult as we first thought.

And on January 26th, 2009, for the first time ever in Utah, we the Legislature are making history by convening not on the third, but the fourth Monday of January. By doing so we hope to pay respect to the progress that America has made, and to a man who helped define that progress, Dr. Martin Luther King.

As we enter into a new era nationally, I would like to welcome all of you to the beginning of the new 58th Legislative Session of this great State of Utah.

In every new beginning, one should remember the history of what came before so as not to repeat the mistakes of yesteryear. With that in mind, I want to share with you the story of how this hill overlooking the city became Capitol Hill.

Arsenal Hill Story by Faye Thoral

In 1888 Salt Lake City officials gave approximately 20 acres on a barren hill north of the city center to the territorial authority for the future purpose of building this Capitol. At first, the gentle rise had been called Prospect Hill because of its position overlooking the entire expanse of the newly settled valley. But by virtue of that advantageous view, in only a few years Prospect Hill had become the headquarters for the Nauvoo Legion, a civil defense group carried over from the Mormon Pioneer days in Nauvoo, Illinois. The hill had also been the repository for arsenals of munitions belonging to four Salt Lake “powder” companies and their agents. At least 3,000 kegs totaling over forty–five tons of gunpowder were stored in warehouses on the site.

Twelve years before the city gave the land to territorial officials on a bitter cold sixth day of April in 1876, three devastating blasts on the hill rocked the city
below and caused widespread destruction. Subsequent newspaper accounts ran for days in the three local papers. The headline in the Deseret Evening News the day after the explosion read: “TERRIBLE DISASTER Terrible Explosion of Forty Tons of [explosive] Powder Four Persons Immediately Killed and Others Injured Great Damage to Property.”

Emergency workers at the scene found four large holes where the magazines had stood. The ground was strewn with small fragments of the buildings; an iron door was the only recognizable thing in the wreck. Reports claimed that 30 tons of flying missiles hurtled about as smoke and debris belched from the hill.

The blast caused widespread destruction. A large boulder went through the mayor’s roof and two floors of his new home. Territorial Governor Brigham Young’s flourmill, nearly a half-mile away on City Creek was destroyed. One of Young’s daughters was sitting near a window and received a head wound from the shattering glass.

The day following the blast, city officials held an inquest at City Hall. Their preliminary verdict was that the explosion was caused by a burning paper wad shot from a gun igniting loose powder strewn around the site. The act appeared to be traceable to two teenage boys, Charles Richardson and Frank Hill, who had been grazing their small herd of cattle on the side of Ensign Peak and had been seen taking target practice near the magazines. Both boys unfortunately were killed in the blast.

On February 28, 1888, the Mormon Church President Heber J. Grant proposed that Salt Lake City should donate the 20-acre plot of the former Arsenal Hill property for a future state Capitol site.

At times this last year, it seems as though the headline from that terrible day in April 1876 proclaiming disaster and destruction could just as easily have been the headlines describing House ethics charges, counter charges and the surrounding events. The tragic story of Arsenal Hill and its rebirth as Capitol Hill provides lessons we should all take to heart. As I reflect on this story, and in an attempt to not have Capitol Hill revert to Arsenal Hill, I’ve found there are four things that once done you cannot un-do:

A stone after it is thrown,

A word after it is said,

The occasion after it is lost,

Time after it has gone.
In 2008, stones were thrown, words said, occasions lost and time gone that will never return. I suggest to you that we are at a crossroads. To plow old fields, as I recently read in the City Weekly, is not what we should be about. As a legislative body we have a choice to look backward or look forward. I choose to look forward toward positive change.

For the better part of over 150 years Utahns have proven that the pioneer spirit is alive and well and is still one of our core cultural values. We are a state born from adversity and persecution, yet we are quick to help a neighbor in need as demonstrated by Utah’s ranking as the most charitable state in the nation. Utah’s firm foundation has not been built on misgivings or hesitations; rather, civility is the foundation— civility for a social peace and human cooperation for a greater good. In fact the definition of civility is the art of maintaining good manners, a calm demeanor, and consideration of others in social interactions for the good of society. So I ask you, my fellow representatives: Why are you here? Is it to prove a point? Or are you here to solve the challenges facing our state?

As elected representatives, we owe the people of the state of Utah our very best efforts on their behalf. Our actions inside and outside of our official duties should not detract from our ability to deliver our very best efforts to the people. Geoffrey Chaucer, the author of The Canterbury Tales said, “If gold rusts, what shall iron do?” If we do not uphold the high values entrusted to us in this representative form of democracy, we risk the deterioration of the people’s trust in us. Sam Rayburn, former Speaker of the U.S. House of Representatives, shared this thought, which I believe applies to us, “Members have two constituencies: they have their constituents at home and their colleagues in the House. To serve their constituents at home they must serve their colleagues here in the House.” The persona we project to our constituents should be the very same persona we show our colleagues here in this chamber. The power of our political system is that it requires collective work, input and perspective in order to produce a finished product. Every piece of legislation is better for having been thoroughly debated, even contentiously debate, as its rough edges are refined. In short, teamwork, compromise and openness are the hallmarks of our system and we should strive to ensure those traits are never repressed, but always celebrated.

In the dark days of the Battle for Britain in 1941, Winston Churchill lifted the spirit of his nation by reminding them to never give in “Except to convictions of honour and good sense.” As I have contemplated the example the Office of Speaker might set, I have committed myself to the following eight guiding principles. I suggest they might be helpful to all who serve in this chamber. They are:
1. Understand limits – legislative “power” stems from personal influence rather than mere office.

2. Have genuine respect for differing points of view as demonstrated by consulting with as many colleagues as possible.

3. Remember that the members of this chamber are your colleagues, and not your opponents. Everyone here has a family, people that support him or her, and loved ones that read the newspaper.

4. Listen more often than you speak. Senator Everett Dirksen once admonished his son-in-law, Senator Howard Baker, in his first year in the U.S. Senate to “occasionally allow yourself the luxury of an unexpressed thought.”

5. No surprises, simply keep colleagues informed.

6. Tell the truth—whether you have to or not. Remember that your word is your only currency; devalue it and your effectiveness as a legislator is over. Even when as Harry S. Truman once said, “I never give them hell, I just tell the truth and they think it is hell.” Be honest.

7. Be patient with colleagues and the process. Patience and persistence will always win the day.

8. Be civil and encourage others to do likewise.

In concluding my remarks, I would like to ask the Pages to please begin passing out the books.

Over the past eight years I have often found myself faced with two choices with regard to policy: either tinker with systems clearly not working and then rest on the laurels of having made a bad system a little less bad or dive headlong into issues that will attract the critics, risk be ridiculed and maybe, just maybe, transform the system. I have always tried to choose the latter.

As we look at our State today, there is a widespread sense of financial insecurity. Many in our State feel they are one layoff or one serious illness away from losing everything they have earned. Worst of all, Utahns doubt that they will be able to leave their children what their parents left them: a better life.

As I look out upon this Chamber, I wonder if we are a Legislature of Destiny or Demise. No other Legislature has been asked to meet such ever-growing needs under such trying economic circumstances. It will require all of our collective wisdom, courage and vision.
I ask each of you to accept the responsibility for Utah’s future. I ask you to not see Utah as it is today, rather, we must envision it as it could be tomorrow.

The most important issue facing Utah today is the future!

I deeply believe in the power of ideas. In life, real progress results from a marriage of good ideas and the courage to see those ideas through. In government, we ask every Utahn to work hard and play by the rules. In turn, we commit to creating a government whose role is to insure that every Utahn is given the opportunity and freedom to achieve financial security and ultimately leave for their children a better life than their own.

So today, I ask you to make a commitment to the people of Utah about our future.

You hold in your hands the first draft of a book that charts the course of Utah’s future. Today your book, as does mine, contains 100 blank pages. Our future has yet to be written. So between this historic day and another historic day, July 24th, 2009, our challenge is for each of us to fill these 100 pages with 100 innovative ideas. In doing so I ask that you enlist all 2.8 million of our fellow citizens and constituents to fill this book with the energy of ideas.

We should collectively challenge all citizens of Utah to consider their place in public service. One need not stand for election or sit in this legislative chamber in order to affect good government. Working as a private citizen does not excuse one from their obligation to society. I issue the challenge to legislators, local civic and business leaders, and those who call Utah home to not let this book sit silently and gather dust. To assist you even further, if you prefer, you can email your innovative ideas directly to “Utahmatters@utah.gov”. Do not let the bold ideas in your heart fall silent. Give life to innovative notions and together we can chart a better, brighter course for Utah’s future.

I urge all who engage in this process to keep three things in mind:

First, our ideas should focus on the real challenges and anxieties of Utahns. They should be relevant to the day-to-day lives of the average Utahn. In order to find those ideas, I suggest as legislators we talk a little less and listen a little more.

Second, our ideas should be focused on tomorrow. Each idea should be about what’s best for our children and grandchildren now and 20 years from now.

Third, our ideas should not just be anti-government, nor should they be about just expanding government’s role, but they should be about anti-waste.
In our search for answers, I encourage you to look not to government but to what I believe are the foundations that have helped to make this country great: the family, civil society and the free market system. The role of government should be to serve and protect these three institutions, not run them.

You will notice on the book in your hands and on the wall above this dais, is written in Latin VOX POPULI, voice of the people.

I ask you, my colleagues, to commit yourself to meet with your constituents to fill your book with the ideas that will power Utah well into the future.

What we do in this Chamber matters. It will matter even more if we commit to be ambitious in bringing the voice of the people to the House of the People.

I look forward to July 24th, 2009 and the return of what, I hope, will be your dog–eared, well–worn, idea–filled books. Together, we will turn innovative ideas into excellent state policy that will serve our state well now and for generations to come.

Thank you for your service to this great State.

May God bless each one of you.

**MISCELLANEOUS BUSINESS**

Senators Karen Morgan, Wayne Neiderhauser, and David Hinkins formally notified the House that the Senate was organized and ready to do business.

On motion of Representative Garn, the House voted to have the prayer given by Elder Russell M. Nelson and the remarks given by Speaker David L. Clark printed upon the pages of the House Journal.

On motion of Representative Ferry, the House voted to adopt the same House Rules, Joint Rules, and Interim Rules as were adopted by the 57th Legislature until such time as new rules may be drafted and adopted by the 58th Legislature.

On motion of Representative Dee, the House vote to authorize the Speaker to appoint a committee to notify the Senate to inform that Honorable Body that the House is organized and ready to do business. Speaker Clark appointed Representatives Herrod, Newbold, and King.

On motion of Representative Gowans, the House voted to authorize the Speaker to appoint a committee to meet with a like committee from the Senate to wait upon the Governor to inform him that the Legislature is organized and ready
to receive any communication or message he may have to offer. Speaker Clark appointed Representatives S. Clark, Grover, and Black.

Representative Herrod reported that his committee had waited upon the Senate and formally notified them that the House was organized and ready to do business.

Representative S. Clark reported that his committee had met with a like committee from the Senate and waited upon the Governor to inform His Excellency that the Legislature was organized and ready for any communication he may have to offer. He will address the citizens of the state and a Joint Convention of the Legislature on Tuesday, January 27, 2009 at 6:30 p.m.

MISCELLANEOUS BUSINESS

Speaker Clark introduced the following Legislative Interns, fulltime staff, and session employees.

INTRODUCTION OF INTERNS

<table>
<thead>
<tr>
<th>Representative</th>
<th>Intern</th>
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<tbody>
<tr>
<td>Douglas C. Aagard</td>
<td>Jeffery Butler</td>
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<td>Sheryl L. Allen</td>
<td>Emily Dunn</td>
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<td>Roger E. Barrus</td>
<td>Jesse Walker</td>
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<td>Trisha Beck</td>
<td>Rose Jones</td>
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<td>Ron Bigelow</td>
<td>John Mattox</td>
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<td>Jim Bird</td>
<td>Aaron Smith</td>
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<td>Jackie Biskupski</td>
<td>Joseph Mammone</td>
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<td>Laura Black</td>
<td>Caitlin Bronson</td>
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<td>Melvin R. Brown</td>
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<td>Rebecca Chavez–Houck</td>
<td>Quinn Kendall</td>
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<td>David Clark</td>
<td>Alexander Sullivan</td>
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<td>Stephen D. Clark</td>
<td>Travis Pickup</td>
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<td>Tim M. Cosgrove</td>
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<td>Bradley M. Daw</td>
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<td>Brad Dee</td>
<td>Sean Brian</td>
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<td>John Dougall</td>
<td>Benjamin Cornish</td>
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</tbody>
</table>
Jack R. Draxler ........................................ Peter Van Akin
Susan Duckworth ........................................ Robert Brill
James Dunnigan ........................................... Lisa Welch
Rebecca Edwards ......................................... Jesse Walker
Ben C. Ferry ................................................ Laura Ferry
Janice Fisher ............................................... Rose Jones
Julie Fisher ................................................. Shana Mecham
Lorie D. Fowlke ........................................... Rachel Pitts
Craig Frank ............................................... Jeffrey Bingham
Gage Froerer ............................................... Matthew Ipson
Kevin S. Garn ............................................. Catherine Bell
Francis D. Gibson ....................................... Zachary Hancock
Kerry Gibson ............................................... David Hunsaker
James R. Gowans ...................................... Matthew Jacobsen
Richard Greenwood .................................... Jocilyn May
Keith Grover ............................................... Aaron Smith
Neil A. Hansen ............................................ Robert Brill
Wayne A. Harper ......................................... Jonathan Enright
Lynn N. Hemingway ...................................... Caitlin Bronson
Neal B. Hendrickson .................................... Robert Brill
Christopher Herrod ..................................... Austin Conners
Kory M. Holdaway ....................................... Blair Myrick
Greg Hughes ............................................. Elisabeth Hilverda
Fred Hunsaker ........................................... Samantha Coombs
Eric Hutchings .......................................... Whitlie Murdoch
Don Ipson .................................................. James Wilson
Christine A. Johnson .................................. Shelley Johnson
Brian King .................................................. Guadalupe Aguilera
Todd E. Kiser ............................................... Lindsey Wickstrum
Bradley G. Last ........................................ Kent Robinson
David Litvack ............................................ Michael Oswald
Becky Lockhart ........................................ Hannah Lockhart
Steven R. Mascaro ............................... Lamont Robinson
John Mathis ........................................ David Hunsaker
Kay L. McIff ........................................ Bret Evans
Ronda Rudd Menlove ......................... Samantha Coombs
Mike Morley ........................................ Matthew Ipson
Carol Spackman Moss ...................... Camille Buffenmeyer
Merlynn T. Newbold .......................... Nathan Dallon
Mike Noel ........................................ Jeff Peterson
Curtis Oda ........................................ Shana Mecham
Patrick Painter ................................. Zachary Hancock
Marie H. Poulson ............................... Quinn Hancock
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Paul Ray ........................................ Whitlie Murdoch
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Stephen E. Sandstrom ....................... Jeffrey Bingham
F. Jay Seegmiller ............................... Rose Jones
Jennifer M. Seelig .............................. Amie Richards
Kenneth W. Sumsion ....................... Jocilyn May
Evan J. Vickers ................................ Megan Kennard
Brent Wallis ....................................... Simon Runolfson
Christine F. Watkins ......................... Quinn Kendall
R Curt Webb ..................................... Peter Van Akin
Mark Wheatley ................................ Guadalupe Aguilera
Ryan Wilcox ..................................... Zachary Hancock
Larry B. Wiley .................................. Guadalupe Aguilera
Carl Wimmer ..................................... James Williams
Bradley Winn ..................................... Megan Kennard
# INTRODUCTION OF HOUSE STAFF

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHIEF OF STAFF</td>
<td>Chris R. Bleak</td>
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<tr>
<td>CHIEF CLERK</td>
<td>Sandy D. Tenney</td>
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<tr>
<td>ADMINISTRATIVE ASSISTANT</td>
<td>Kathy M. Jackson</td>
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<tr>
<td>ADMINISTRATIVE ASSISTANT TO THE SPEAKER</td>
<td>Emily Bergeson</td>
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<tr>
<td>ADMINISTRATIVE ASSISTANT TO THE MINORITY CAUCUS</td>
<td>Rhoda Struhs</td>
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<tr>
<td>MAJORITY PUBLIC RELATIONS OFFICER</td>
<td>Barbara Thornton</td>
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<tr>
<td>MINORITY PUBLIC RELATIONS OFFICER</td>
<td>Emily Hollingshead</td>
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<tr>
<td>JOURNAL CLERK</td>
<td>Janice A. Gadd</td>
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<tr>
<td>READING, AMENDING &amp; ENROLLING CLERK</td>
<td>Ann Tillson</td>
</tr>
<tr>
<td>VOTING SYSTEM OPERATOR</td>
<td>Barbara Hilbert</td>
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<tr>
<td>RECORDER</td>
<td>Linda McDonald</td>
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<tr>
<td>SUPERVISOR OF SECRETARIES &amp; RULES COMMITTEE SECRETARY</td>
<td>Barbara Bryner</td>
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<td>COMMITTEE SECRETARIES</td>
<td>Rosemary Young</td>
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<td>Doris Donat</td>
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<td>Cherri White</td>
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<td>Carrie Griffith</td>
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<td>Jennifer Eyring</td>
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<tr>
<td>SUPERVISOR OF PAGES</td>
<td>Audrey Hadley</td>
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<tr>
<td>ASSISTANT SUPERVISOR OF PAGES</td>
<td>Jill Heyborne</td>
</tr>
</tbody>
</table>
PAGES
Linda Barton
Rebecca Bateman
Wendy Hill
Loralei Holt
Sue Kemp
Rose Marie LeCheminant
Jewel Nelson
Nina Rogers
Verlaine Showell
JoAnna Thorne

THIRD HOUSE STAFF
Cindy Peterson
Evelyn Luce

KITCHEN STAFF
Shannon Chase
Jeannie Nay

SESSION RECEPTIONIST
Judy Nielsen

TELEPHONE OPERATORS
Betty Bishop
Linda Grygla
Dorothy Nielsen

SERGEANT AT ARMS
Mike Mitchell

ASSISTANT SERGEANT AT ARMS
Joe Pepper

SECURITY
Steven Bishop
Larry Burningham
Jerry Campbell
Ken Caputo
Lynn Cottrell
Walter Dillman
Robert Franson
Eric Gruendell
Bob Grygla
Brent McDonald
Larry Nielsen
Richard Nielsen
Keith Olsen
Gary Service
Don Strong
Lynn Strong
Burke Tangren
Richard Van Wagenen
INTRODUCTION OF BILLS

**H.B. 10, Condominium and Community Association Provisions** (R. C. Webb), read the first time by short title and referred to the Rules Committee.

**H.B. 11, Recodification of Natural Resources Provisions** (J. Mathis), read the first time by short title and referred to the Rules Committee.

**H.B. 12, County Sheriff Qualification Amendments** (R. Greenwood), read the first time by short title and referred to the Rules Committee.

**H.B. 13, Crime of Strangulation or Smothering** (J. Seelig), read the first time by short title and referred to the Rules Committee.

**H.B. 14, Material Harmful to Minors Amendments** (S. Allen), read the first time by short title and referred to the Rules Committee.

**H.B. 15, Career and Technical Education Amendments** (R. Bigelow), read the first time by short title and referred to the Rules Committee.

**H.B. 16, Assessment Area Amendments** (F. Hunsaker), read the first time by short title and referred to the Rules Committee.

**H.B. 17, Expedited Partner Therapy Treatment** (J. Seelig), read the first time by short title and referred to the Rules Committee.

**H.B. 18, Water Right Applications and Records** (P. Painter), read the first time by short title and referred to the Rules Committee.

**H.B. 19, Water Rights – Informal Adjudications** (K. McIff), read the first time by short title and referred to the Rules Committee.

**H.B. 20, Repeal of Certain Income Tax Credits and Contributions** (Julie Fisher), read the first time by short title and referred to the Rules Committee.

**H.B. 21, Amendments to Driver License Sanction Requirements** (R. Greenwood), read the first time by short title and referred to the Rules Committee.
H.B. 22, Harboring a Runaway (L. Fowlke), read the first time by short title and referred to the Rules Committee.

H.B. 23, Certified Tax Rate Amendments (F. Hunsaker), read the first time by short title and referred to the Rules Committee.

H.B. 24, Traffic Accident Clearance Amendments (E. Hutchings), read the first time by short title and referred to the Rules Committee.

H.B. 25, Gun Dealer Penalty Amendments (C. Oda), read the first time by short title and referred to the Rules Committee.

H.B. 26, Child and Vulnerable Adult Endangerment Provisions (M. Morley), read the first time by short title and referred to the Rules Committee.

H.B. 27, Protections for Agricultural Practices (M. Morley), read the first time by short title and referred to the Rules Committee.

H.B. 28, Personal Property Tax Amendments (C. Frank), read the first time by short title and referred to the Rules Committee.

H.B. 29, Sex Offenders’ Contact with Children (R. Greenwood), read the first time by short title and referred to the Rules Committee.

H.B. 30, Commercial Motor Vehicle Amendments (T. Kiser), read the first time by short title and referred to the Rules Committee.

H.B. 31, Utah Sudden Cardiac Arrest Survival Act (C. Wimmer), read the first time by short title and referred to the Rules Committee.

H.B. 32, Amendments to Agency Rulemaking Regarding Criminal Penalties (B. Ferry), read the first time by short title and referred to the Rules Committee.

H.B. 33, Refund of Unearned Health Insurance Premiums and Medicare Supplement Insurance Premiums (P. Ray), read the first time by short title and referred to the Rules Committee.

H.B. 34, Penalties for Destruction of Bald Eagle (R. Barrus), read the first time by short title and referred to the Rules Committee.

H.B. 35, Nonrefundable Higher Education Tuition Credit (J. Dougall), read the first time by short title and referred to the Rules Committee.
H.B. 36, Criminal Offense Elements and Penalties (C. Wimmer), read the first time by short title and referred to the Rules Committee.

H.B. 37, Violent Offenses Amendments (J. Seelig), read the first time by short title and referred to the Rules Committee.

H.B. 38, Refugee Services Fund Amendments (C. Herrod), read the first time by short title and referred to the Rules Committee.

H.B. 39, Utah Injured Worker Reemployment Act (M. Morley), read the first time by short title and referred to the Rules Committee.

H.B. 40, Motorcycle Rider Education Program Amendments (B. Daw), read the first time by short title and referred to the Rules Committee.

H.B. 41, Sex Offender Registration Amendments (K. Sumsion), read the first time by short title and referred to the Rules Committee.

H.B. 42, Adoption Revisions (S. Allen), read the first time by short title and referred to the Rules Committee.

H.B. 43, Coordinating Municipal and Special District Elections (K. Grover), read the first time by short title and referred to the Rules Committee.

H.B. 44, Local and Special Service District Election Amendments (L. Fowlke), read the first time by short title and referred to the Rules Committee.

H.B. 45, Per Diem and Travel Expenses for State Boards and Commissions (D. Aagard), read the first time by short title and referred to the Rules Committee.

H.B. 46, Designation of State Highways Amendments (T. Kiser), read the first time by short title and referred to the Rules Committee.

H.B. 47, Criminal Procedure – Investigation Amendments (P. Ray), read the first time by short title and referred to the Rules Committee.

H.B. 48, Ballot Question Amendments (K. Grover), read the first time by short title and referred to the Rules Committee.

H.B. 49, Voter Challenge Amendments (N. Hansen), read the first time by short title and referred to the Rules Committee.

H.B. 50, Firefighter Special Group License Plate Amendments (R. Menlove), read the first time by short title and referred to the Rules Committee.
H.B. 51, Exemption for Alcoholic Beverage Manufacturing License (C. Johnson), read the first time by short title and referred to the Rules Committee.

H.B. 52, Insurance Code Amendments (J. Dunnigan), read the first time by short title and referred to the Rules Committee.

H.B. 53, Driver License Amendments – Motor Driven Cycles (T. Kiser), read the first time by short title and referred to the Rules Committee.

H.B. 54, Amendments to Vehicle Registration Requirements (F. Gibson), read the first time by short title and referred to the Rules Committee.

H.B. 55, Amendments to Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Act (W. Harper), read the first time by short title and referred to the Rules Committee.

H.B. 56, Declaration of Candidacy Amendments (D. Aagard), read the first time by short title and referred to the Rules Committee.

H.B. 57, Exemptions from Requirements to Deduct and Withhold an Income Tax (C. Frank), read the first time by short title and referred to the Rules Committee.

H.B. 58, Sales and Use Tax – Determining the Location of Certain Transactions (W. Harper), read the first time by short title and referred to the Rules Committee.

H.B. 59, Subpoenas for Records in Certain Criminal Investigations (B. Daw), read the first time by short title and referred to the Rules Committee.

H.B. 60, Family Preservation Services Amendments (W. Harper), read the first time by short title and referred to the Rules Committee.

H.B. 61, Local Government Entity Changes (K. Holdaway), read the first time by short title and referred to the Rules Committee.

H.B. 62, State Water Development Commission Amendments (K. Gibson), read the first time by short title and referred to the Rules Committee.

H.B. 63, Amendments to Child Welfare (W. Harper), read the first time by short title and referred to the Rules Committee.

H.B. 64, Deterring Illegal Immigration (B. Dee), read the first time by short title and referred to the Rules Committee.
H.B. 65, Reporting of Certain Transactions Exempt from Sales and Use Taxes (Julie Fisher), read the first time by short title and referred to the Rules Committee.

H.B. 66, Property Tax Amendments (M. Newbold), read the first time by short title and referred to the Rules Committee.

H.B. 67, Public Hearings on Property Tax Increases (G. Froerer), read the first time by short title and referred to the Rules Committee.

H.B. 68, Development Exactions (P. Painter), read the first time by short title and referred to the Rules Committee.

H.B. 69, Guardian Ad Litem Amendments (W. Harper), read the first time by short title and referred to the Rules Committee.

H.B. 70, Cigarette Tax Exemption Amendments (J. Dougall), read the first time by short title and referred to the Rules Committee.

H.B. 71, Withholding Tax Amendments (J. Dougall), read the first time by short title and referred to the Rules Committee.

H.B. 72, Children’s Justice Center Amendments (L. Fowlke), read the first time by short title and referred to the Rules Committee.

H.B. 73, Vehicle Operator Turn off Requirements (F. Hunsaker), read the first time by short title and referred to the Rules Committee.

H.B. 74, Township Amendments (P. Riesen), read the first time by short title and referred to the Rules Committee.

H.B. 75, Utah Communications Agency Network Amendments (F. Hunsaker), read the first time by short title and referred to the Rules Committee.

H.B. 76, Income Tax Credit for Military Retired Pay (S. Mascaro), read the first time by short title and referred to the Rules Committee.

H.B. 77, Income Tax Credit for Taxable Social Security Benefits (S. Mascaro), read the first time by short title and referred to the Rules Committee.

H.B. 78, Utah Uniform Securities Act Modifications (J. Bird), read the first time by short title and referred to the Rules Committee.
H.B. 79, Income Tax Credit for At-home Parent (J. Draxler), read the first time by short title and referred to the Rules Committee.

H.B. 80, Study on Taxpayer Advocate Program (K. Grover), read the first time by short title and referred to the Rules Committee.

H.B. 81, Health Care Patient Identity Protection (S. Sandstrom), read the first time by short title and referred to the Rules Committee.

H.B. 82, Teacher Mortgage Loan Program (L. Hemingway), read the first time by short title and referred to the Rules Committee.

H.B. 83, Property Tax Relief Programs (G. Froerer), read the first time by short title and referred to the Rules Committee.

H.B. 84, Campaign Financing and Gift Regulation (S. Mascaro), read the first time by short title and referred to the Rules Committee.

H.B. 85, Mutual Benefit Corporation – Judicial Liens (P. Painter), read the first time by short title and referred to the Rules Committee.

H.B. 86, Division of Real Estate Related Amendments (G. Froerer), read the first time by short title and referred to the Rules Committee.

H.B. 87, Identity Theft Amendment (Julie Fisher), read the first time by short title and referred to the Rules Committee.

H.B. 88, Local District Board of Trustees Amendments (Janice Fisher), read the first time by short title and referred to the Rules Committee.

H.B. 89, Prosthetic Limb Health Insurance Parity (D. Litvack), read the first time by short title and referred to the Rules Committee.

H.B. 90, Criminal Homicide Abortion (P. Ray), read the first time by short title and referred to the Rules Committee.

H.B. 91, Individual Development Account Amendments (F.J. Seegmiller), read the first time by short title and referred to the Rules Committee.

H.B. 92, Requirement to Wear Hunter Orange Amendments (S. Sandstrom), read the first time by short title and referred to the Rules Committee.

H.B. 93, Establishment of State Ethics Commission (P. Riesen), read the first time by short title and referred to the Rules Committee.
H.B. 94, State Parks Fee Exemption for Seniors (R. Greenwood), read the first time by short title and referred to the Rules Committee.

H.B. 95, Restrictions on Use of Wireless Communication Devices in Vehicles (P. Riesen), read the first time by short title and referred to the Rules Committee.

H.B. 96, State Retirement System Participation for Charter Schools (C. Watkins), read the first time by short title and referred to the Rules Committee.

H.B. 97, Sexual Exploitation of a Minor (R. Bigelow), read the first time by short title and referred to the Rules Committee.

H.B. 98, Campaign Finance Definitions (S. Allen), read the first time by short title and referred to the Rules Committee.

H.B. 99, Professional Licensure Exemptions (L. Wiley), read the first time by short title and referred to the Rules Committee.

H.B. 100, Department of Corrections – Tracking and Reimbursement of Individual Prisoner Costs (C. Wimmer), read the first time by short title and referred to the Rules Committee.

H.B. 101, Assertive Community Mental Health Treatment Pilot Program (C. Moss), read the first time by short title and referred to the Rules Committee.

H.B. 102, False Vehicle Title and Registration Penalties (P. Ray), read the first time by short title and referred to the Rules Committee.

H.B. 103, Revolving Door Limitations for Public Officials to Become Lobbyists (C. Moss), read the first time by short title and referred to the Rules Committee.

H.B. 104, Driver License Hearing Amendments (R. Greenwood), read the first time by short title and referred to the Rules Committee.

H.B. 105, Department of Agriculture and Food Amendments (J. Mathis), read the first time by short title and referred to the Rules Committee.

H.B. 106, Controlled Substance Database Amendments (B. Daw), read the first time by short title and referred to the Rules Committee.

H.B. 107, Economic Impact of Illegal Aliens (S. Clark), read the first time by short title and referred to the Rules Committee.
H.B. 108, **Hormone Restoration Amendments** (D. Aagard), read the first time by short title and referred to the Rules Committee.

H.B. 109, **Modifications to Campaign Finance Provisions** (K. Powell), read the first time by short title and referred to the Rules Committee.

H.B. 110, **Financial Transaction Card Offenses** (Julie Fisher), read the first time by short title and referred to the Rules Committee.

H.B. 111, **Deferred Deposit Lending Amendments** (L. Black), read the first time by short title and referred to the Rules Committee.

H.B. 112, **Vehicle Towing Amendments** (T. Kiser), read the first time by short title and referred to the Rules Committee.

H.B. 113, **Salvage Vehicle Title Amendments** (T. Kiser), read the first time by short title and referred to the Rules Committee.

H.B. 114, **Abortion Litigation Trust Account Amendments** (K. Sumsion), read the first time by short title and referred to the Rules Committee.

H.B. 115, **County Conservation and Preservation Fund** (J. Draxler), read the first time by short title and referred to the Rules Committee.

H.B. 116, **Uniform Fees on Canoes** (M. Wheatley), read the first time by short title and referred to the Rules Committee.

H.B. 117, **Mechanical Contractor Licensing Provisions** (L. Wiley), read the first time by short title and referred to the Rules Committee.

H.B. 118, **Archives and Grama Revisions** (D. Aagard), read the first time by short title and referred to the Rules Committee.

H.B. 119, **Powersport Vehicle Franchise Act Revisions** (J. Gowans), read the first time by short title and referred to the Rules Committee.

H.B. 120, **Snake Valley Aquifer Research Team and Advisory Council** (B. Winn), read the first time by short title and referred to the Rules Committee.

H.B. 121, **Retired Volunteer Health Care Practitioner Act** (M. Brown), read the first time by short title and referred to the Rules Committee.

H.B. 122, **Government Records Access and Management Act Amendments** (D. Aagard), read the first time by short title and referred to the Rules Committee.
H.B. 123, Retail and Library Theft Amendments (F. Gibson), read the first time by short title and referred to the Rules Committee.

H.B. 124, Insurance Coverage for Eosinophilic Gastrointestinal Disorders and Short Bowel Syndrome (C. Johnson), read the first time by short title and referred to the Rules Committee.

H.B. 211, Divestment of Certain Retirement Investments (Julie Fisher), read the first time by short title and referred to the Rules Committee.


H.B. 213, Ban on Gifts to Legislators (C. Johnson), read the first time by short title and referred to the Rules Committee.

H.B. 214, Sunset Date on Township Status (E. Hutchings), read the first time by short title and referred to the Rules Committee.

H.B. 215, Public Service Commission Powers – Area Code Assignment (J. Dunnigan), read the first time by short title and referred to the Rules Committee.

H.B. 216, Telecommunication Pricing Flexibility Amendments (F. Hunsaker), read the first time by short title and referred to the Rules Committee.

H.B. 217, Utah Indoor Clean Air Act Amendments (N. Hansen), read the first time by short title and referred to the Rules Committee.

H.B. 218, Family Employment Program Amendments (Janice Fisher), read the first time by short title and referred to the Rules Committee.

H.B. 219, Tobacco Tax Increase (P. Ray), read the first time by short title and referred to the Rules Committee.

H.B. 220, State Payment and Reimbursement to County Correctional Facilities (M. Noel), read the first time by short title and referred to the Rules Committee.

H.B. 221, County Correctional Facilities Funding Amendments (M. Noel), read the first time by short title and referred to the Rules Committee.
H.B. 222, Unborn Child Pain Prevention Act (C. Wimmer), read the first time by short title and referred to the Rules Committee.

H.B. 223, Statute of Limitations Amendments (C. Wimmer), read the first time by short title and referred to the Rules Committee.

H.B. 224, Health Care Provider Abusive Work Environment Prohibition Act (S. Sandstrom), read the first time by short title and referred to the Rules Committee.

H.B. 225, Driver License Amendments (C. Wimmer), read the first time by short title and referred to the Rules Committee.

H.B. 226, Disaster Recovery and Emergency Management Amendments (C. Oda), read the first time by short title and referred to the Rules Committee.

H.B. 227, Prohibition on Citation Quotas (N. Hansen), read the first time by short title and referred to the Rules Committee.

H.B. 228, Assault on Service Member in Uniform (E. Hutchings), read the first time by short title and referred to the Rules Committee.

H.B. 229, Public School Funding (W. Harper), read the first time by short title and referred to the Rules Committee.

H.B. 230, Credit Required in Teacher Transfers (L. Fowlke), read the first time by short title and referred to the Rules Committee.

H.B. 231, Utah Commission on Volunteers Amendments (D. Aagard), read the first time by short title and referred to the Rules Committee.

H.B. 232, Campaign and Financial Reporting Requirements Revisions (D. Aagard), read the first time by short title and referred to the Rules Committee.

H.B. 233, Aggravated Sexual Assault Amendments (C. Wimmer), read the first time by short title and referred to the Rules Committee.

H.B. 234, Consumer Credit Protection Act Modification (Julie Fisher), read the first time by short title and referred to the Rules Committee.

H.B. 235, Dam Safety Amendments (S. Sandstrom), read the first time by short title and referred to the Rules Committee.

H.B. 236, Department of Community and Culture Grants (S. Allen), read the first time by short title and referred to the Rules Committee.
H.B. 237, Criminal Penalties Amendments – Leaving the Scene of an Accident (C. Herrod), read the first time by short title and referred to the Rules Committee.

H.B. 238, Exemption of University Housing from Eviction Laws (K. Holdaway), read the first time by short title and referred to the Rules Committee.

H.B. 239, Utah Medical Examiner Act – Investigation and Autopsies Amendments (C. Oda), read the first time by short title and referred to the Rules Committee.

H.B. 240, Wanton Destruction of Livestock (R. Menlove), read the first time by short title and referred to the Rules Committee.

H.B. 241, Priority of Water Rights (K. Gibson), read the first time by short title and referred to the Rules Committee.

H.B. 242, Kindergarten Amendments (L. Black), read the first time by short title and referred to the Rules Committee.

H.B. 243, Rental Restrictions on Condominiums and Common Interest Communities (G. Froerer), read the first time by short title and referred to the Rules Committee.

H.B. 244, Disruption of School Activities (C. Moss), read the first time by short title and referred to the Rules Committee.

H.B. 245, Utah State 911 Committee Amendments (C. Oda), read the first time by short title and referred to the Rules Committee.

H.B. 246, Property Tax – Residential Exemption (G. Froerer), read the first time by short title and referred to the Rules Committee.

H.B. 247, Amendments to Email Information Required of Registered Sex Offenders (J. Bird), read the first time by short title and referred to the Rules Committee.

H.B. 248, Regulating the Use of a Wireless Communication Device While Operating a Motor Vehicle (C. Moss), read the first time by short title and referred to the Rules Committee.

H.B. 249, Continuing Education for Contractors Amendments (R. Bigelow), read the first time by short title and referred to the Rules Committee.
H.B. 250, Revisor’s Statute (K. Garn), read the first time by short title and referred to the Rules Committee.

H.B. 251, Joint Custody Amendments (L. Fowlke), read the first time by short title and referred to the Rules Committee.

H.B. 252, Emergency Management Administration Council Amendments (C. Oda), read the first time by short title and referred to the Rules Committee.

H.B. 253, Motor Carrier Permit Fee Amendments (T. Kiser), read the first time by short title and referred to the Rules Committee.

H.B. 254, Health Professional Authority – Death Certificates (B. Last), read the first time by short title and referred to the Rules Committee.

H.B. 255, Repeal of Sales and Use Tax Exemption Relating to Mining (C. Watkins), read the first time by short title and referred to the Rules Committee.

H.B. 256, Livestock Watering Rights Amendments (M. Noel), read the first time by short title and referred to the Rules Committee.

H.B. 257, Political Subdivision Clerk Amendments (M. Newbold), read the first time by short title and referred to the Rules Committee.

H.B. 258, Amendments to Notice Provisions for Subdivision Changes (K. Powell), read the first time by short title and referred to the Rules Committee.

H.B. 259, Prohibition of Impact Fees on School Districts and Charter Schools (S. Sandstrom), read the first time by short title and referred to the Rules Committee.

H.B. 260, School Employee Termination Amendments (C. Wimmer), read the first time by short title and referred to the Rules Committee.

H.B. 261, Aviation Amendments (W. Harper), read the first time by short title and referred to the Rules Committee.

H.B. 262, Licensing Eligibility (S. Sandstrom), read the first time by short title and referred to the Rules Committee.

H.B. 263, Insurance Fraud Related Assessments (D. Aagard), read the first time by short title and referred to the Rules Committee.
H.B. 264, Educator Evaluation Amendments (R. Menlove), read the first time by short title and referred to the Rules Committee.

H.C.R. 1, Concurrent Resolution on Certification of Compressed Natural Gas Vehicles (J. Draxler), read the first time by short title and referred to the Rules Committee.

H.C.R. 2, Healthy Family Partnership Concurrent Resolution (C. Oda), read the first time by short title and referred to the Rules Committee.

H.C.R. 3, Concurrent Resolution Honoring the 200th Anniversary of the Birth of Abraham Lincoln (Julie Fisher), read the first time by short title and referred to the Rules Committee.

H.C.R. 4, University of Utah Championship Football Team Concurrent Resolution (J. Bird), read the first time by short title and referred to the Rules Committee.

H.J.R. 1, Resolution Urging the Withdrawal of United States’ World Trade Organization Commitment on Gambling (S. Allen), read the first time by short title and referred to the Rules Committee.

H.J.R. 6, Joint Resolution Revising Property Tax Exemption (P. Painter), read the first time by short title and referred to the Rules Committee.

H.J.R. 7, Equine Resources Joint Resolution (B. Winn), read the first time by short title and referred to the Rules Committee.

H.R. 1, House Resolution Supporting the Narrows Water Project in Central Utah (B. Winn), read the first time by short title and referred to the Rules Committee.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, the House voted to saunter.

On motion of Representative Garn, the House voted to cease to saunter.

RULES COMMITTEE REPORT

Mr. Speaker: January 26, 2009

The Rules Committee recommends the following bills and resolutions be assigned to standing committees:
### BUSINESS AND LABOR

**H.B. 51**  
Exemption for Alcoholic Beverage Manufacturing License (Rep. C. Johnson)  

**H.B. 78**  
Utah Uniform Securities Act Modifications (Rep. J. Bird)  

**H.B. 85**  

**H.B. 86**  
Division of Real Estate Related Amendments (Rep. G. Froerer)  

**H.B. 99**  
Professional Licensure Exemptions (Rep. L. Wiley)  

**H.B. 107**  
Economic Impact of Illegal Aliens (Rep. S. Clark)  

### EDUCATION

**H.B. 15**  
Career and Technical Education Amendments (Rep. R. Bigelow)  

**H.B. 82**  
Teacher Mortgage Loan Program (Rep. L. Hemingway)  

**H.B. 229**  
Public School Funding (Rep. W. Harper)  

**H.B. 230**  
Credit Required in Teacher Transfers (Rep. L. Fowlke)  

**H.B. 242**  
Kindergarten Amendments (Rep. L. Black)  

**H.B. 244**  
Disruption of School Activities (Rep. C. Moss)  

### GOVERNMENT OPERATIONS

**H.B. 32**  
Amendments to Agency Rulemaking Regarding Criminal Penalties (Rep. B. Ferry)  

**H.B. 44**  
Local and Special Service District Election Amendments (Rep. K. Grover)  

**H.B. 48**  
Ballot Question Amendments (Rep. K. Grover)  

**H.B. 49**  
Voter Challenge Amendments (Rep. N. Hansen)  

**H.B. 232**  
Campaign and Financial Reporting Requirements Revisions (Rep. D. Aagard)  

### HEALTH AND HUMAN SERVICES

**H.B. 17**  
Expedited Partner Therapy Treatment (Rep. J. Seelig)  

**H.B. 33**  

**H.B. 42**  
Adoption Revisions (Rep. S. Allen)  

**H.B. 60**  
Family Preservation Services Amendments (Rep. W. Harper)  

**H.B. 63**  

**H.B. 69**  
Guardian Ad Litem Amendments (Rep. W. Harper)  

**H.B. 81**  
Health Care Patient Identity Protection (Rep. S. Sandstrom)
H.B. 89  Prosthetic Limb Health Insurance Parity  
(Rep. D. Litvack)
H.B. 90  Criminal Homicide Abortion  (Rep. P. Ray)
H.C.R. 2  Healthy Family Partnership Concurrent Resolution  
(Rep. C. Oda)

JUDICIARY
H.B. 10  Condominium and Community Association Provisions  
(Rep. R. C. Webb)
H.B. 13  Crime of Strangulation or Smothering  (Rep. J. Seelig)
H.B. 238  Exemption of University Housing from Eviction Laws  
(Rep. K. Holdaway)
H.B. 97  Sexual Exploitation of a Minor  (Rep. R. Bigelow)
H.B. 223  Statute of Limitations Amendments  (Rep. C. Wimmer)
H.B. 228  Assault on Service Member in Uniform  (Rep. E. Hutchings)
H.B. 233  Aggravated Sexual Assault Amendments  
(Rep. C. Wimmer)
H.B. 247  Amendments to Email Information Required of  
Registered Sex Offenders  (Rep. J. Bird)

LAW ENFORCEMENT AND CRIMINAL JUSTICE
H.B. 29  Sex Offenders’ Contact with Children  
(Rep. R. Greenwood)
H.B. 36  Criminal Offense Elements and Penalties  
(Rep. C. Wimmer)
H.B. 37  Violent Offenses Amendments  (Rep. J. Seelig)
H.B. 41  Sex Offender Registration Amendments  
(Rep. K. Sumption)
H.B. 64  Deterring Illegal Immigration  (Rep. B. Dee)
H.B. 87  Identity Theft Amendment  (Rep. Julie Fisher)
H.B. 106  Controlled Substance Database Amendments  
(Rep. B. Daw)

NATURAL RESOURCES, AGRICULTURE AND ENVIRONMENT
H.B. 11  Recodification of Natural Resources Provisions  
(Rep. J. Mathis)
H.B. 34  Penalties for Destruction of Bald Eagle  (Rep. R. Barrus)
H.B. 62  State Water Development Commission Amendments  
(Rep. K. Gibson)
H.B. 92  Requirement to Wear Hunter Orange Amendments
(Rep. S. Sandstrom)
H.B. 94  State Parks Fee Exemption for Seniors
(Rep. R. Greenwood)
H.B. 105 Department of Agriculture and Food Amendments
(Rep. J. Mathis)
H.J.R. 7  Equine Resources Joint Resolution (Rep. B. Winn)
H.R. 1  House Resolution Supporting the Narrows Water Project
in Central Utah (Rep. B. Winn)

POLITICAL SUBDIVISIONS
H.B. 61  Local Government Entity Changes (Rep. K. Holdaway)
H.B. 74  Township Amendments (Rep. P. Riesen)
H.B. 88  Local District Board of Trustees Amendments
(Rep. Janice Fisher)
H.B. 214 Sunset Date on Township Status (Rep. E. Hutchings)

PUBLIC UTILITIES AND TECHNOLOGY
H.B. 75  Utah Communications Agency Network Amendments
(Rep. F. Hunsaker)
H.B. 215  Public Service Commission Powers – Area Code
Assignment (Rep. J. Dunnigan)
H.B. 216  Telecommunication Pricing Flexibility Amendments
(Rep. F. Hunsaker)
H.B. 245  Utah State 911 Committee Amendments (Rep. C. Oda)

RETIREMENT AND INDEPENDENT ENTITIES
H.B. 96  State Retirement System Participation for Charter Schools
(Rep. C. Watkins)
H.B. 212  Enhanced Public Safety Retirement Systems
Cost–of–living Adjustment Option Amendments
(Rep. C. Wimmer)

REVENUE AND TAXATION
H.B. 20  Repeal of Certain Income Tax Credits and Contributions
(Rep. Julie Fisher)
H.B. 23  Certified Tax Rate Amendments (Rep. F. Hunsaker)
H.B. 28  Personal Property Tax Amendments (Rep. C. Frank)
H.B. 35  Nonrefundable Higher Education Tuition Credit
(Rep. J. Dougall)
H.B. 54 Amendments to Vehicle Registration Requirements  
(Rep. F. Gibson)

H.B. 55 Amendments to Tourism, Recreation, Cultural,  
Convention, and Airport Facilities Tax Act  
(Rep. W. Harper)

H.B. 57 Exemptions from Requirements to Deduct and Withhold  
an Income Tax (Rep. C. Frank)

H.B. 58 Sales and Use Tax – Determining the Location of Certain  
Transactions (Rep. W. Harper)

H.B. 58 Reporting of Certain Transactions Exempt from Sales and  
Use Taxes (Rep. Julie Fisher)


H.B. 66 Public Hearings on Property Tax Increases  
(Rep. G. Froerer)

H.B. 67 Study on Taxpayer Advocate Program (Rep. K. Grover)

H.J.R. 6 Joint Resolution Revising Property Tax Exemption  
(Rep. P. Painter)

TRANSPORTATION

H.B. 24 Traffic Accident Clearance Amendments  
(Rep. E. Hutchings)

H.B. 73 Vehicle Operator Turn off Requirements  
(Rep. F. Hunsaker)

H.B. 102 False Vehicle Title and Registration Penalties  
(Rep. P. Ray)

H.B. 104 Driver License Hearing Amendments  
(Rep. R. Greenwood)

H.B. 225 Driver License Amendments (Rep. C. Wimmer)

H.B. 237 Criminal Penalties Amendments – Leaving the Scene of  
an Accident (Rep. C. Herrod)

H.C.R. 1 Concurrent Resolution on Certification of Compressed  
Natural Gas Vehicles (Rep. J. Draxler)

WORKFORCE SERVICES AND COMMUNITY & ECONOMIC  
DEVELOPMENT

H.B. 38 Refugee Services Fund Amendments (Rep. C. Herrod)

H.B. 91 Individual Development Account Amendments  
(Rep. F.J. Seegmiller)

H.B. 218 Family Employment Program Amendments  
(Rep. Janice Fisher)
H.B. 231  Utah Commission on Volunteers Amendments
(Rep. D. Aagard)

H.B. 236  Department of Community and Culture Grants
(Rep. S. Allen)

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, report of the Rules Committee was adopted.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, the House voted to recess until 2:00 p.m.

AFTERNOON SESSION

JOINT CONVENTION

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

COMMITTEE OF THE WHOLE

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

STATE OF THE JUDICIARY
BY CHRISTINE M. DURHAM

President Waddoups, Speaker Clark, members of the Senate and the House of Representatives, I thank you for the invitation to address you today, and for your courtesy in convening in joint session. I appreciate and acknowledge the presence of my colleagues from the Supreme Court, the Judicial Council, and our State Court Administrator.

My task in reporting to you on the state of Utah’s judicial branch is somewhat more difficult today than it has been in the past because we are all dealing with enormous challenges and uncertainty stemming from a troubled economy and related losses in state revenue. Ordinarily I use this opportunity to report to you on court initiatives and projects that you have identified in legislation, but this year I am going to forego those reports. The entire nation is grappling with serious challenges, and we in Utah are no exception. While those of us who are engaged in public service must take full account of the problems, we must also believe that hard work and creativity will ultimately see us through. I am extremely proud of...
the more than one thousand employees and over one hundred judges who make up the Utah state judiciary. We are asking more from them, professionally and personally, than ever before, and they consistently perform.

The role of the state courts in the American system has never been more critical. As one of my colleagues, recently nominated as the new Chief Judge for the state of New York, observed:

[A]ll over the country, state court leaders have committed themselves, like never before, to the pursuit of court reform as a way of life, whether it be modernizing the jury system, introducing specialized drug courts and domestic violence courts, promoting more coordinated and comprehensive justice for families and children, ensuring meaningful access to the courts, or using the latest technology to promote efficiency, and cost savings, among countless other reforms. Whether we like it or not, the state courts are in the eye of the storm; we have become the emergency room for society’s worst ailments − substance abuse, family violence, mental illness, mortgage foreclosures, and so many more. (Jonathan Lippman, “Institutional Independence of the Judiciary”)

To these observations I would add the point that the courts perform an essential function in the economy generally. For every contract dispute and debt collection action in the courts, there are thousands − cumulatively hundreds of millions − of dollars tied up, awaiting resolution. And, while we tend to hear and read a lot about the nation’s federal courts, it is sometimes overlooked that the state courts conduct more than ninety five percent of the judicial business of this country.

In a recent conversation I had with Scott Anderson of Zions Bank, he pointed out that in the financial industry “so much depends on the timely adjudication of court cases.” He suggested that as the “carrying costs businesses incur increase because of court delays, the overall costs to the business side are significantly increased,” which further harms the prospects of economic recovery.

Our economy and our public safety, along with responses to so many of the ills that beset individuals and families, depend on the operation of our courts. The conclusion that courts perform core functions of government in American society is self-evident, and is indeed at the heart of our reliance on the rule of law.

As you gather for this legislative session, Utahns from every walk of life are aware of the critical issues you face in dealing with our state’s budget in light of recent revenue shortfalls. I know that every aspect of state government will be affected, and I want to spend most of my time with you today describing what we in the judiciary have already done to cut our budget, what our plans are for the
coming months, and what the implications are for our ability to fulfill our constitutional role.

Let me talk first about this fiscal year. As the state’s economic downturn emerged late last summer, the Utah Judicial Council took immediate and in some cases dramatic steps. We implemented a hiring freeze in September and, with the concurrence of the Governor, determined to hold open all judicial vacancies for the foreseeable future. Aside from those individuals who were already in the nominations process when our announcement was made, current and future vacancies will be held open until we have managed the worst of this crisis. We have reorganized some of the ways we do business, completely eliminating our in–house court reporters, for example, and moving instead to full–time reliance on audio recording. This is a significant break with the way the courts have preserved records for many years. Through a combination of vacancies from the hiring freeze and staff cuts in the Administrative Office of the Courts, we will see a reduction in force of sixty employees by the end of the fiscal year. We have eliminated service contracts, closed programs, canceled travel and training, and identified every opportunity we can for creative funding and re–engineering of our operations.

We have some striking limitations, however. First, the courts’ budget is almost all general fund dependent: eighty nine percent of our money comes from the general fund. Second, almost all of our budget is devoted to personnel. After our lease and contract obligations, fully ninety one percent of our budget pays for people. Thus, after the four percent budget reductions we took at the time of the special session, the additional seven and one half percent currently identified for us for this fiscal year will have to come through unpaid furloughs of our employees. The numbers are quite straightforward. As of today, we have approximately forty four million dollars left in our 2009 budget. After subtracting mandatory lease and contract payments and judges compensation (which cannot be reduced constitutionally), we will have approximately thirty million dollars left, virtually all of which is allocated to employee salaries. We have been told to assume a seven and a half percent reduction. That equates to eight million dollars out of our remaining thirty million, before the end of June. We understand that even as I speak you are engaged in discussions that may reduce the level of this cut, but until we learn otherwise it would be irresponsible not to have a plan for a seven and a half percent reduction in FY 2009.

The only way we will be able to accomplish such a large reduction is to furlough every one of our thousand employees for twenty–six days before June 30th, a total furlough of more than five full work weeks. This will mean that our employees will experience a twenty percent reduction in pay in every paycheck, and it also means that the courts will not be adequately staffed to perform our
work. But even more critical is the impact of reduced staffing on the ability of the courts to do the public’s business.

Because the time remaining in the fiscal year is so short, we believe that it would not be fair to our staff to delay the furlough process to the end of the legislative session. It will be more fair to our employees to distribute the burden over as much time as we can, and we are already effectively only twenty weeks away from the end of the fiscal year. While we hope that you will find a way to make implementation of this drastic step unnecessary, or at least very limited in duration, the Judicial Council has decided it will be necessary to start the furloughs for all of our employees in mid-February. Local presiding judges and court administrators have met and will meet again to address how to effectively operate the courts with such an emaciated staffing level. One option on the table is to close courts on a regular schedule to allow for somewhat normal staffing on other days. Let me be clear: this is not the way we as a state want to run our courts; this is not what Utah’s citizens are entitled to. We need your help to find a way for the courts to perform their essential governmental role, and we hope that we will be able to re-assess our plans as the budget comes into clearer focus during the session.

I know that other government entities and many private businesses are also dealing with staffing reductions. At least in the private sector, however, when the employees are reduced it is because the work is reduced too. For us, the opposite is true. The workload of the courts is directly tied to the performance of the economy. For the first half of this fiscal year, we have seen a completely unprecedented increase in court filings. Civil case filings statewide were up twenty two percent, the first time in the history of the Utah courts that we have ever seen anything in double digit increases; criminal filings were also up. In a fairly dramatic illustration of the fact that the downturn in the economy gets reflected almost immediately in the work of the courts, filings in contract disputes increased sixty-one percent, debt collections twenty-seven percent, child custody and support matters twenty-seven percent, and mortgage foreclosures one hundred and one percent.

These pronounced trends will only get worse. As my colleague from New York put it, the state courts are the nation’s legal “emergency rooms,” and there are going to be a lot more emergencies out there for a while. If this were an ordinary year, the filing increases in the first half of this year would justify a request for three new trial judges and over forty new court clerks. Instead, the combination of increased demand and decreased resources is profoundly affecting our ability to hear cases at all levels of court. We are already receiving complaints from lawyers and members of the public about delays in processing cases, and frankly I
sympathize with them. Delays in the resolution of legal disputes have profound human and economic costs.

Drastically reduced staffing and the possible court closures that likely would follow are not merely an inconvenience; they are an economic disaster. The more dreadful the economy, the greater the need for an efficient court system that can quickly get judgments entered and money transferred from debtors to creditors. The "domino effect" of a creditor’s inability to secure a prompt court−ordered judgment is far−reaching. A small business that cannot get money or assets owed to it is then at risk of defaulting on its obligations to suppliers and employees; then the suppliers and employees are unable to meet their obligations, and so on up the money trail to banks and investors, who in turn become unable to invest or loan money. Small debts become exponentially larger debts contributing to economic gridlock. These are not consequences that might be realized down the road; these effects can already be seen today, and they will only get worse as our existing filing backlog grows.

The problems are no less severe on the human side. In delinquency cases in the juvenile courts, for example, the goal is to intervene at the earliest possible moment in a child’s unlawful behavior to prevent escalation into more serious criminal acts. Drug and alcohol use, without swift response, will in many cases lead to addiction. Because we will have to prioritize child welfare cases, which have mandatory time requirements, the processing of delinquency cases will inevitably slow. Imagine a fifteen−year−old who is being recruited by a gang and is caught shoplifting. In the months it will take to get that child and his family into court he may well become a full−fledged gang member with serious criminal acts under his belt. This is not the court system we want for Utah.

Let me move to a discussion of our budget for 2010. Under current projections, with the fifteen percent cuts the legislature has requested, the prospect is also bleak, but in this case we have some time and more options. The legislative fiscal analyst has calculated that at fifteen percent, the courts would have to permanently eliminate two hundred and eighty three court employees. Except for vacancies resulting from our current hiring freeze, every one of those positions has a person in it. A reduction in force at this level is to me almost unimaginable, but it would certainly entail closing some court locations permanently, and being unable to try civil cases or hear delinquency matters because we would have to prioritize criminal and child welfare cases to comply with constitutional and statutory requirements. Our capacity to do our work at even a minimally acceptable level would be gravely threatened; the time to resolve routine matters would go from weeks to months, and for more complex ones from months to years.
In searching for options to deal with these concerns, we conducted a survey of neighboring states to examine how our court fee structure compared. We determined that Utah is on the low end of civil filing fees, and that it would be equitable to raise those fees as a means of generating funds to avoid drastic personnel reductions. We need, of course, your support for such a proposal, and hope that you will see it as a reasonable solution to our budget dilemma for 2010. At the new filing fee levels we propose, enough revenue would be generated to prevent the hundreds of personnel losses that will otherwise be necessary. We have calibrated the proposed increases to distribute the burdens fairly, and we predict that Utah will remain on the low end of the scale after other states have revisited fees (as most are planning to do this year). Furthermore, if you are able to adopt a fee increase, it could be made effective on April 1st, which would generate three months of revenue in 2009 that could be used to reduce the length of our employee furlough and court closures. Such a solution would help maintain the courts’ ability to function, and would reduce a significant amount of individual suffering, which in turn would have positive economic consequences.

While the solutions I have detailed are intended to alleviate the courts’ budget concerns directly, we also have ideas that would benefit the state coffers generally. For example, the courts play a role in the collection of a variety of debts owed the state. Criminal fines, tax liens and surcharges are examples of state debts collected under court authority. One way in which you could assist us in that collection function is to support pending federal legislation that would allow the state to intercept federal tax refunds that are due to those who owe the state money. Utah’s Finders Program currently intercepts state refunds; this would allow federal funds to be attached as well. A joint resolution supporting this federal proposal would help Congress to understand the need, and passage of that federal law would generate millions of dollars for Utah’s general fund.

Let me end where I began, in emphasizing the critical role that courts play in sustaining and stabilizing the rule of law and the economic engines of our society. We resolve contract and property disputes, employment and labor issues, tax and regulatory cases, debt collections and property repossessions, state and local government disputes, divorce, child custody and family support cases, domestic violence claims, child welfare cases where the safety of children is at issue, juvenile delinquency cases where early and prompt intervention in young lives may prevent human tragedy, and, on the criminal side, dispositions that are necessary for public safety and effective law enforcement and, in settings like drug courts, may restore people to productive lives free of addiction and criminal acts. None of these are optional services; these are things that a constitutional democracy owes its citizens.
We in the courts are prepared to do everything in our power to continue to serve the people of Utah efficiently and effectively. We hope that you will do everything in your power to preserve our ability to do so. These are very hard times, and we are ready to do our part. But I believe that the magnitude of the budget cuts we are currently being asked to take will cause our capacity to perform our core governmental function to grind to a halt. Utah needs a healthy, functioning court system. I hope that I have done an adequate job today of explaining the challenges we face and their impact on the public, and of making it clear how much we need your help. For your dedication, for your hard work, and for your public service, thank you.

* * *

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

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

On motion of Representative Garn, the Joint Convention was dissolved.

MISCELLANEOUS BUSINESS

On motion of Representative Gowans, the House voted to print upon the pages of the House Journal that the House Republican Caucus has elected the following members to positions of Caucus Leadership:

Representative Kevin S. Garn, Majority Leader
Representative Brad L. Dee, Majority Whip
Representative Rebecca Lockhart, Assistant Majority Whip

On motion of Representative Dee, the House voted to print upon the pages of the House Journal that the House Democratic Caucus has elected the following members to positions of Caucus Leadership:

Representative David Litvack, Minority Leader
Representative James Gowans, Minority Whip
Representative Carol Spackman Moss, Assistant Minority Whip
Representative Jennifer Seelig, Caucus Manager

On motion of Representative Lockhart, the House voted to print upon the pages of the House Journal that Representative Julie Fisher has been appointed as Chair of the Third House.
On motion of Representative Garn, the House voted to print upon the pages of the House Journal that Representative Greg Hughes has been appointed as Speaker Pro Tempore.

On motion of Representative Hughes, the House voted to print upon the pages of the House Journal that Representative Mel Brown has been appointed as the House Parliamentarian.

On motion of Representative Ferry, the House voted to authorize the Speaker to appoint a committee to draft House Rules and a committee to act with a like committee from the Senate to draft Joint Rules and instruct the committees to report back to the House.

Speaker Clark appointed the following members of the House Rules Committee:

Representative Ben C. Ferry, Chair  
Representative Gregory H. Hughes, Vice-Chair  
Representative Jackie Biskupski  
Representative Neal B. Hendrickson  
Representative Kory M. Holdaway  
Representative Ronda Rudd Menlove  
Representative Michael T. Morley  
Representative Michael E. Noel  
Representative Patrick Painter  
Representative Larry B. Wiley  
Representative Carl Wimmer

On motion of Representative Ferry, the House voted to allow legislators to be given the opportunity to sign on as co-sponsors on any prefiled bills, if permission if granted to do so by the Chief Sponsor.

On motion of Representative Dee, the House voted to print upon the pages of the House Journal the membership of the House Standing Committees, Executive Appropriations Committee, Joint Appropriations Subcommittee and House Ethics Committee.
STANDING COMMITTEES

Business and Labor
James A. Dunnigan, Chair
Patrick P. Painter, Vice Chair
Jackie Biskupski
Stephen D. Clark
Susan Duckworth
Gage Froerer
Kevin S. Garn
Francis D. Gibson
Neil A. Hansen
Brian S. King
Todd E. Kiser
Michael T. Morley
C. Brent Wallis
R Curt Webb

Education
Greg Hughes, Chair
Kenneth W. Sumsion, Vice Chair
Laura Black
Brad L. Dee
Rebecca P. Edwards
Craig A. Frank
Kory M. Holdaway
Don L. Ipson
Bradley G. Last
Carol Spackman Moss
Merlynn T. Newbold
Marie H. Poulsen
Kraig Powell
Mark A. Wheatley
Carl Wimmer

Ethics
John Dougall, Chair
Rebecca Chavez-Houck, Co-Chair
Tim M. Cosgrove
Brad L. Dee
Kevin S. Garn
Brian S. King
Bradley G. Last
Carol Spackman Moss

Government Operations
Craig A. Frank, Chair
Keith Grover, Vice Chair
Douglas C. Aagard
Ron Bigelow
Jim Bird
Ben C. Ferry
Neil A. Hansen
Neal B. Hendrickson
John G. Mathis
Larry B. Wiley

Health and Human Services
Paul Ray, Chair
Ronda Rudd Menlove, Vice Chair
Trisha S. Beck
Bradley M. Daw
Phil Riesen
Stephen E. Sandstrom
Evan J. Vickers
Judiciary
Lorie Fowlke, Chair
Don L. Ipson, Vice Chair
Sheryl L. Allen
Jim Bird
Jackie Biskupski
Francis D. Gibson
Keith Grover
Eric K. Hutchings
Christine A. Johnson
Brian S. King
Kay L. McIff
Kraig Powell
Mark A. Wheatley

Law Enforcement and Criminal Justice
Douglas C. Aagard, Chair
Curtis Oda, Vice Chair
Trisha S. Beck
John Dougall
Ben C. Ferry
Richard A. Greenwood
David Litvack
Rebecca D. Lockhart
Paul Ray
Jennifer M. Seelig
Larry B. Wiley
Carl Wimmer

Natural Resources, Agriculture, and Environment
Roger E. Barrus, Chair
John G. Mathis, Vice Chair
Melvin R. Brown
Brad L. Dee
Jack R. Draxler
Kerry W. Gibson
James R. Gowans
Neal B. Hendrickson
Michael E. Noel
Patrick Painter
Phil Riesen
Christine F. Watkins
Ryan D. Wilcox
Bradley A. Winn

Political Subdivisions
Fred R. Hunsaker, Chair
R Curt Webb, Vice Chair
Laura Black
Rebecca Chavez–Houck
Jack R. Draxler
James A. Dunnigan
Rebecca P. Edwards
Janice M. Fisher
Kerry W. Gibson
Richard A. Greenwood
Curtis Oda
Marie H. Poulson

Public Utilities and Technology
Mike Noel, Chair
Bradley A. Winn, Vice Chair
Roger E. Barrus
Melvin R. Brown
Rebecca Chavez–Houck
Lorie D. Fowlke
James R. Gowans
Lynn N. Hemingway
Christopher N. Herrod
Fred R. Hunsaker
Ryan D. Wilcox
Retirement and Independent Entities
Melvin R. Brown, Chair
Bradley M. Daw
Susan Duckworth
Neil A. Hansen
Wayne A. Harper
Bradley G. Last
Merlynn T. Newbold
Stephen E. Sandstrom
Christine F. Watkins

Revenue and Taxation
Todd E. Kiser, Chair
Gage Froerer, Vice Chair
Sheryl L. Allen
Tim M. Cosgrove
John Dougall
Susan Duckworth
Julie Fisher
Wayne A. Harper
Gregory H. Hughes
Eric K. Hutchings
Christine A. Johnson
Carol Spackman Moss
Merlynn T. Newbold
Stephen E. Sandstrom
Jennifer M. Seelig
Evan J. Vickers

Transportation
Brad Daw, Chair
Julie Fisher, Vice Chair
Stephen D. Clark
Tim M. Cosgrove
Janice M. Fisher
Wayne A. Harper
Lynn N. Hemingway
Kory M. Holdaway
Bradley G. Last
Steven R. Mascaro
Ronda Rudd Menlove
Michael T. Morley
F. Jay Seegmiller
C. Brent Wallis

Workforce Services and Community and Economic Development
Steven R. Mascaro, Chair
Christopher N. Herrod, Vice Chair
David Litvack
Rebecca D. Lockhart
Kay L. McIff
F. Jay Seegmiller
Kenneth W. Sumsion
Christine F. Watkins
JOINT APPROPRIATIONS SUBCOMMITTEES

Executive Appropriations
Ron Bigelow, Co-Chair
Bradley G. Last, Vice-Chair
David Clark, Speaker
Brad Dee
Kevin Garn
James R. Gowans
David Litvack
Rebecca Lockhart
Carol Spackman Moss
Jennifer Seelig

Executive Offices and Criminal Justice
Eric K. Hutchings, Co-Chair
Douglas C. Aagard
Richard A. Greenwood
Steven R. Mascaro
Curtis Oda
Jennifer Seelig
Larry B. Wiley

Capital Facilities and Administrative Services
Stephen D. Clark, Co-Chair
Laura Black
Brad L. Dee
Janice M. Fisher
Craig A. Frank
Gage Froerer
Fred R. Hunsaker
Stephen E. Sandstrom

Health and Human Services
John Dougall, Co-Chair
Rebecca Chavez–Houck
Ben C. Ferry
Keith Grover
David Litvack
Kraig Powell
Paul Ray

Commerce and Workforce Services
Mike Morley, Co-Chair
Jim Bird
Susan Duckworth
James A. Dunnigan
Lynn Hemingway
Brian S. King
Ryan D. Wilcox

Higher Education
Kory M. Holdaway, Co-Chair
Trisha S. Beck
Melvin R. Brown
Bradley M. Daw
Kay McIff
Carol Spackman Moss
Evan J. Vickers
C. Brent Wallis
R Curt Webb
Mark A. Wheatley

Economic Development and Revenue
Sheryl Allen, Co-Chair
Jackie Biskupski
RULES COMMITTEE REPORT

Mr. Speaker: January 26, 2009

The Rules Committee recommends that the following bills and resolutions be considered read for the second time and placed on the Third Reading Calendar:

H.B. 250  Revisor’s Statute (Rep. K. Garn)
H.B. 12   County Sheriff Qualification Amendments (Rep. R. Greenwood)
H.B. 14   Material Harmful to Minors Amendments (Rep. S. Allen)
H.B. 16   Assessment Area Amendments (Rep. F. Hunsaker)
H.B. 21   Amendments to Driver License Sanction Requirements (Rep. R. Greenwood)
H.B. 22   Harboring a Runaway (Rep. L. Fowlke)
(Rep. M. Morley)
H.B. 31  Utah Sudden Cardiac Arrest Survival Act  
(Rep. C. Wimmer)
H.B. 39  Utah Injured Worker Reemployment Act  
(Rep. M. Morley)
H.B. 40  Motorcycle Rider Education Program Amendments  
(Rep. B. Daw)
H.B. 43  Coordinating Municipal and Special District Elections  
(Rep. K. Grover)
H.B. 45  Per Diem and Travel Expenses for State Boards and  
Commissions (Rep. D. Aagard)
H.B. 46  Designation of State Highways Amendments  
(Rep. T. Kiser)
H.B. 47  Criminal Procedure – Investigation Amendments  
(Rep. P. Ray)
H.B. 50  Firefighter Special Group License Plate Amendments  
(Rep. R. Menlove)
H.B. 52  Insurance Code Amendments (Rep. J. Dunnigan)
H.B. 53  Driver License Amendments – Motor Driven Cycles  
(Rep. T. Kiser)
H.B. 56  Declaration of Candidacy Amendments (Rep. D. Aagard)
H.B. 59  Subpoenas for Records in Certain Criminal Investigations  
(Rep. B. Daw)
H.J.R. 1  Resolution Urging the Withdrawal of United States’  
World Trade Organization Commitment on Gambling  
(Rep. S. Allen)
       Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules  
Committee was adopted.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, and at 3:10 p.m., the House voted to  
adjourn until January 27, 2009, at 10:00 a.m.
SECOND DAY

* * *

MORNING SESSION

The House was called to order by Speaker Clark at 10:10 a.m.

Roll call showed all members present.

Prayer offered by Mr. Clell Pete, Confederated Tribes of Goshute. Pledge of Allegiance led by Laura Ferry, Representative Ferry’s intern.

INTRODUCTION OF BILLS

H.B. 125, Impact Fee Amendments (K. Powell), read the first time by short title and referred to the Rules Committee.

H.B. 126, Voter Identification for Elections (B. Daw), read the first time by short title and referred to the Rules Committee.

H.B. 127, Personal Injury Protection Coverage Amendments (T. Kiser), read the first time by short title and referred to the Rules Committee.

H.B. 128, Electronic Prescribing Act (R. Menlove), read the first time by short title and referred to the Rules Committee.

H.B. 265, Postmortem Procedures Amendments (B. Daw), read the first time by short title and referred to the Rules Committee.

H.B. 266, Wrongful Lien Amendments (G. Froerer), read the first time by short title and referred to the Rules Committee.

H.B. 267, Antidiscrimination Amendments (C. Johnson), read the first time by short title and referred to the Rules Committee.

H.B. 268, Legislator Reporting of Gifts and Other Items (M. Wheatley), read the first time by short title and referred to the Rules Committee.

H.J.R. 8, Joint Resolution Regarding Secret Ballot (C. Wimmer), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

H.B. 250, REVISOR’S STATUTE, Garn, read the third time by short title and placed on its final passage.
H.B. 250 passed on the following roll call:

Yea, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives

| Dunnigan | Herrod | Hutchings |

H.B. 250 transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

Representative Draxler introduced Tribal Leaders from around the state. They are as follows: Rupert Steele, Chair, Goshute Indian Tribe; Lora E. Tom, Chairwoman, Paiute Indian Tribe; Mary Lou Boone, President, San Juan Southern Paiute Tribe; Bruce Parry, Chairman, Northwestern Band of Shoshone Nation; Lawrence Bear, Chairman, Skull Valley Band of Goshute Indians; Curtis Cesspooch, Chairman, Ute Indian Tribe; Ernest House, Sr. Chairman, Ute Mountain Ute Tribe; Leona Eyetoo, Council Member, White Mesa Administration; President Joe Shirley, Jr., Navajo Nation; Clarence Rockwell, Executive Director, Navajo Utah Commission; Jonathan Hale, Navajo Nation; Wilbur Capitan, Aneth Chapter; John Billie, Aneth Chapter; Bruce G. Pary, NW Band Shoshone; Clell Pete, Goshute Tribe; Clarence Rockwell, Navajo Nation; Davis Filfred, Navajo Council; Herman Farley, Red Mesa Chapter Navajo Nation;
Ben Shelly Vice President, Navajo Nation; Kenneth Maryboy, Navajo Nation; Leo Hoskie, Navajo Nation; Alberta Laughing, Navajo Nation; Martha Shelly, Navajo Nation; James Adaki; and Ella Daysie.

THIRD READING CALENDAR

H.B. 12, COUNTY SHERIFF QUALIFICATION AMENDMENTS, Greenwood, read the third time by short title and placed on its final passage.

On motion of Representative Greenwood, the House voted to circle H.B. 12.

***

H.B. 14, MATERIAL HARMFUL TO MINORS AMENDMENTS, Allen, read the third time by short title and placed on its final passage.

H.B. 14 passed on the following roll call:

Yeas, 74; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Representatives

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<th>Aagard</th>
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Absent or not voting was: Representative Bigelow
H.B. 14 transmitted to the Senate for its consideration.

* * *

H.B. 16, ASSESSMENT AREA AMENDMENTS, Hunsaker, read the third time by short title and placed on its final passage.

H.B. 16 passed on the following roll call:

Yeas, 74; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Representatives

Aagard   Allen   Barrus   Beck
Bird     Biskupski  Black    Brown
Chavez−Houck  S. Clark  Cosgrove  Daw
Dee       Dougall  Draxler  S Duckworth
Dunnigan  Edwards  Ferry    Janice Fisher
Julie Fisher  Fowlke  Frank    Froerer
Garn      F Gibson  K Gibson  Gowans
Greenwood  Grover  Hansen  Harper
Hemmingway  Hendrickson  Herrod  Holdaway
Hughes    Hunsaker  Hutchings  Ipson
Johnson  King     Kiser     Last
Litvack  Lockhart  Mascaro  Mathis
McIff  Menlove  Morley  Moss
Newbold  Noel     Oda       Painter
Poulson  Powell  Ray       Riesen
Sandstrom  Seegmiller  Seelig  Sumision
Vickers  Wallis  Watkins  Webb
Wheatley  Wilcox  Wiley    Wimmer
Winn     D. Clark

Absent or not voting was: Representative

Bigelow

H.B. 16 transmitted to the Senate for its consideration.

* * *

H.B. 19, WATER RIGHTS – INFORMAL ADJUDICATIONS, McIff, read the third time by short title and placed on its final passage.

H.B. 19 passed on the following roll call:
Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard    Allen    Barrus    Beck
Bird      Biskupski  Black    Brown
Chavez–Houck S. Clark  Cosgrove  Daw
Dee       Dougall  Draxler  S Duckworth
Dunnigan  Edwards  Ferry  Janice Fisher
Julie Fisher Fowlke  Frank  Froerer
Garn      F Gibson  K Gibson  Gowans
Greenwood Grover  Hansen  Harper
Hemingway Hendrickson  Herrod  Holdaway
Hughes Hutchings  Ipson  Johnson
King      Kiser    Litvack  Lockhart
Mascaro  Mathis    McIff  Menlove
Morley    Moss     Newbold  Noel
Oda       Painter  Poulson  Powell
Ray       Riesen  Sandstrom  Seegmiller
Seelig    Sumson  Vickers  Wallis
Watkins  Webb    Wheatley  Wilcox
Wiley     Wimmer  Winn  D. Clark

Absent or not voting were: Representatives

Bigelow  Hunsaker  Last

H.B. 19 transmitted to the Senate for its consideration.

***

H.B. 21, AMENDMENTS TO DRIVER LICENSE SANCTION REQUIREMENTS, Greenwood, read the third time by short title and placed on its final passage.

H.B. 21 passed on the following roll call:

Yeas, 73; Nays, 1; Absent or not voting, 1.

Voting in the affirmative were: Representatives

Aagard    Allen    Barrus    Beck
Bird      Biskupski  Black    Brown
Chavez–Houck S. Clark  Cosgrove  Daw
Dee       Dougall  Draxler  S Duckworth
Dunnigan  Edwards  Ferry  Janice Fisher
Voting in the negative was: Representative Noel

Absent or not voting was: Representative Bigelow

H.B. 21 transmitted to the Senate for its consideration.

* * *

H.B. 22, HARBORING A RUNAWAY, Fowlke, read the third time by short title and placed on its final passage. Representative Johnson commented.

H.B. 22 passed on the following roll call:

Yeas, 74; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Representatives

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</table>
Absent or not voting was: Representative Bigelow

H.B. 22 transmitted to the Senate for its consideration.

***

H.B. 25, GUN DEALER PENALTY AMENDMENTS, Oda, read the third time by short title and placed on its final passage.

H.B. 25 passed on the following roll call:

Yeas, 74; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Representatives

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Absent or not voting was: Representative Bigelow

**H.B. 25** transmitted to the Senate for its consideration.

***


On motion of Representative Morley, the House voted to circle **H.B. 26**.

**UNFINISHED BUSINESS**

On motion of Representative Greenwood, the House voted to uncircle **H.B. 12**.

**H.B. 12**, COUNTY SHERIFF QUALIFICATION AMENDMENTS, was before the House on its final passage.

Representative Ray proposed the following amendment:

1. Page 2, Line 36
   
   36  {–None–}  This bill takes effect upon approval.

2. Page 3, Line 65:

   65  (II) a correctional facility manager by having successfully completed

3. Page 3, Line 66:

   66  management course that is offered by a certified academy in both an online web-based format and in a classroom format and that is approved by the Peace Officer Standards and Training Council created in

4. Page 3, Line 78:

   78  management course approved by the Peace Officer Standards and Training Council.

   (3) If a sheriff resigns before the expiration of the term of office, the person appointed to serve for the remainder of the term shall within 30 days after the date of appointment complete the training and exam required under Subsection (2)(a)(ii)(B).
5. Page 3, Line 79:

79 { (3) } (4) The county legislative body shall declare the office of sheriff to be vacant if at any time the incumbent sheriff fails to meet the qualifications for office under Subsection (2).

6. Page 3, Line 80:

80 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.

Representative Ray’s motion to amend passed on a voice vote.

H.B. 12, as amended, passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

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<tr>
<th>Bigelow</th>
<th>Draxler</th>
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**H.B. 12**, as amended, transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**


**H.B. 27** passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

| Bigelow | Draxler |

**H.B. 27** transmitted to the Senate for its consideration.

***


**H.B. 30** passed on the following roll call:
Yeas, 71; Nays, 1; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bird    Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee     Dougall  Draxler  S Duckworth
Dunnigan Edwards  Ferry  Janice Fisher
Julie Fisher Fowlke  Frank  Froerer
Garn    F Gibson  K Gibson  Gowan
Greenwood Grover  Hansen  Harper
Hemingway Hendrickson  Herrod  Holdaway
Hughes Hunsaker  Hutchings  Ipson
King    Kiser   Last    Litvack
Lockhart Mascaro  Mathis  McIff
Menlove Morley  Moss  Newbold
Noel    Oda     Painter  Poulson
Powell  Ray     Riesen  Sandstrom
Seegmiller  Seelig  Vickers  Wallis
Watkins  Webb    Wheatley  Wilcox
Wiley   Winn    D. Clark

Voting in the negative was: Representative
Wimmer

Absent or not voting were: Representatives
Bigelow Johnson Sumson

H.B. 30 transmitted to the Senate for its consideration.

***

H.B. 31, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, Wimmer, read the third time by short title and placed on its final passage.

On motion of Representative Wimmer, the House voted to circle H.B. 31.

***

H.B. 39, UTAH INJURED WORKER REEMPLOYMENT ACT, Morley, read the third time by short title and placed on its final passage.

H.B. 39 passed on the following roll call:
Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives

- Aagard
- Allen
- Barrus
- Beck
- Bird
- Biskupski
- Black
- Brown
- Chavez–Houck
- S. Clark
- Cosgrove
- Daw
- Dee
- Dougall
- Draxler
- S Duckworth
- Dunnigan
- Edwards
- Ferry
- Janice Fisher
- Julie Fisher
- Frank
- Froerer
- Garn
- F Gibson
- K Gibson
- Gowans
- Greenwood
- Grover
- Hansen
- Harper
- Hemingway
- Hendrickson
- Herrod
- Holdaway
- Hughes
- Hunsaker
- Hutchings
- Ipson
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- Sandstrom
- Seegmiller
- Seelig
- Vickers
- Wallis
- Watkins
- Webb
- Wheatley
- Wilcox
- Wiley
- Wimmer
- Winn
- D. Clark

Absent or not voting were: Representatives

- Bigelow
- Fowlke
- Sumson

H.B. 39 transmitted to the Senate for its consideration.

***

H.B. 40, MOTORCYCLE RIDER EDUCATION PROGRAM AMENDMENTS, Daw, read the third time by short title and placed on its final passage.

H.B. 40 passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives

- Aagard
- Allen
- Barrus
- Beck
- Bird
- Biskupski
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- Dunnigan
- Edwards
- Ferry
- Janice Fisher
- Julie Fisher
Absent or not voting were: Representatives
Bigelow Draxler Fowlke

H.B. 40 transmitted to the Senate for its consideration.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: January 27, 2009

The Government Operations Committee reports a favorable recommendation on H.B. 32, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, by Representative B. Ferry, with the following amendments:

1. Page 2, Line 38:

   38 61−1−24, as last amended by Laws of Utah 1991, Chapter 161
   63G−3−201, as renumbered and amended by Laws of Utah 2008, Chapter 382

2. Page 21, Line 632:

   632 (2) a violation of any rule of the Board of Parks and Recreation
   is an infraction.

Section 14. Section 63G−3−201 is amended to read:

63G−3−201. When rulemaking is required.
(1) Each agency shall:
   (a) maintain a current version of its rules; and
   (b) make it available to the public for inspection during its regular business hours.
(2) In addition to other rulemaking required by law, each agency shall make rules when agency action:
   (a) authorizes, requires, or prohibits an action;
   (b) provides or prohibits a material benefit;
   (c) applies to a class of persons or another agency; and
   (d) is explicitly or implicitly authorized by statute.

(3) Rulemaking is also required when an agency issues a written interpretation of a state or federal legal mandate.

(4) Rulemaking is not required when:
   (a) agency action applies only to internal agency management, inmates or residents of a state correctional, diagnostic, or detention facility, persons under state legal custody, patients admitted to a state hospital, members of the state retirement system, or students enrolled in a state education institution;
   (b) a standardized agency manual applies only to internal fiscal or administrative details of governmental entities supervised under statute;
   (c) an agency issues policy or other statements that are advisory, informative, or descriptive, and do not conform to the requirements of Subsections (2) and (3); or
   (d) an agency makes nonsubstantive changes in a rule, except that the agency shall file all nonsubstantive changes in a rule with the division.

(5) A rule shall enumerate any penalty authorized by statute that may result from its violation, subject to Subsections (5)(b) and (c).

   (b) A violation of a rule may not be subject to the criminal penalty of a class C misdemeanor or greater offense, except as provided under Subsection (5)(c).

   (c) A violation of a rule may be subject to a class C or greater criminal penalty under Subsection (5)(a) when:
    (i) a federal law or regulation requires that the criminal penalty be established by rule; or
    (ii) state law or a federal law or regulation imposes a deadline for enacting a provision in order for the state to retain primacy over a federal program and the deadline cannot be met prior to the next general legislative session.

(6) Each agency shall enact rules incorporating the principles of law not already in its rules that are established by final adjudicative decisions within 120 days after the decision is announced in its cases.
(7) (a) Each agency may enact a rule that incorporates by reference:

(i) all or any part of another code, rule, or regulation that has been adopted by a federal agency, an agency or political subdivision of this state, an agency of another state, or by a nationally recognized organization or association;

(ii) state agency implementation plans mandated by the federal government for participation in the federal program;

(iii) lists, tables, illustrations, or similar materials that are subject to frequent change, fully described in the rule, and are available for public inspection; or

(iv) lists, tables, illustrations, or similar materials that the director determines are too expensive to reproduce in the administrative code.

(b) Rules incorporating materials by reference shall:

(i) be enacted according to the procedures outlined in this chapter;

(ii) state that the referenced material is incorporated by reference;

(iii) state the date, issue, or version of the material being incorporated; and

(iv) define specifically what material is incorporated by reference and identify any agency deviations from it.

(c) The agency shall identify any substantive changes in the material incorporated by reference by following the rulemaking procedures of this chapter.

(d) The agency shall maintain a complete and current copy of the referenced material available for public review at the agency and at the division.

(8) (a) This chapter is not intended to inhibit the exercise of agency discretion within the limits prescribed by statute or agency rule.

(b) An agency may enact a rule creating a justified exception to a rule.

(9) An agency may obtain assistance from the attorney general to ensure that its rules meet legal and constitutional requirements.

Renumber remaining sections accordingly; and
The Government Operations Committee recommends **H.B. 44**, LOCAL AND SPECIAL SERVICE DISTRICT ELECTION AMENDMENTS, by Representative K. Grover, be replaced and favorably recommends **1st Sub. H.B. 44**, LOCAL AND SPECIAL SERVICE DISTRICT ELECTION AMENDMENTS; and

The Government Operations Committee reports a favorable recommendation on **H.B. 48**, BALLOT QUESTION AMENDMENTS, by Representative K. Grover; and


Craig A. Frank, Chair

Reports filed. On motion of Representative Frank, the reports of the Government Operations committee were adopted.


* * *

Mr. Speaker: January 27, 2009

The Revenue and Taxation Committee recommends **H.B. 23**, CERTIFIED TAX RATE AMENDMENTS, by Representative F. Hunsaker, be replaced and favorably recommends **1st Sub. H.B. 23**, CERTIFIED TAX RATE AMENDMENTS; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 54**, AMENDMENTS TO VEHICLE REGISTRATION REQUIREMENTS, by Representative F. Gibson; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 57**, EXEMPTIONS FROM REQUIREMENTS TO DEDUCT AND WITHHOLD AN INCOME TAX, by Representative C. Frank, with the following amendments:

1. Page 1, Line 26 through Page 2, Line 28:
   
   26 Other Special Clauses:
   
   27 {–None–} This bill has retrospective operation for a taxable year beginning on or after January 1, 2009.
The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 58**, SALES AND USE TAX – DETERMINING THE LOCATION OF CERTAIN TRANSACTIONS, by Representative W. Harper; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 20**, REPEAL OF CERTAIN INCOME TAX CREDITS AND CONTRIBUTIONS, by Representative Julie Fisher, and recommends it be placed on the Consent Calendar; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 28**, PERSONAL PROPERTY TAX AMENDMENTS, by Representative C. Frank, and recommends it be placed on the Consent Calendar; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 55**, AMENDMENTS TO TOURISM, RECREATION, CULTURAL, CONVENTION, AND AIRPORT FACILITIES TAX ACT, by Representative W. Harper, and recommends it be placed on the Consent Calendar.

Todd E. Kiser, Chair

Reports filed. On motion of Representative Kiser, the reports of the Revenue and Taxation committee were adopted.


* * *

Mr. Speaker: January 27, 2009

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 38**, REFUGEE SERVICES FUND AMENDMENTS, by Representative C. Herrod, et al; and
The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 218**, FAMILY EMPLOYMENT PROGRAM AMENDMENTS, by Representative Janice Fisher; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 231**, UTAH COMMISSION ON VOLUNTEERS AMENDMENTS, by Representative D. Aagard, with the following amendments:

1. Page 4, Lines 114 through 116:

   114 (k) preselect programs and prepare applications to the corporation pursuant to the act this part;  
   115 [this part] ;  
   116 [(l) prepare service learning applications;]

2. Page 5, Lines 122 through 126:

   122 [(p)] (o) assist in the development of programs established in the act under this part ;  
   123 [(q)] (p) develop mechanisms for recruitment and placement of people interested in participating in national service programs;  
   125 [(r)] (q) assist in the provision of health care and child care benefits to participants under the act this part ; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 236**, DEPARTMENT OF COMMUNITY AND CULTURE GRANTS, by Representative S. Allen.

Steven R. Mascaro, Chair

Reports filed. On motion of Representative Mascaro, the reports of the Workforce Services and Community and Economic Development committee were adopted.


**THIRD READING CALENDAR**

**H.B. 43**, COORDINATING MUNICIPAL AND SPECIAL DISTRICT ELECTIONS, *Grover*, read the third time by short title and placed on its final passage.
On motion of Representative Herrod, the House voted to circle **H.B. 43**.

***

**H.B. 45**, PER DIEM AND TRAVEL EXPENSES FOR STATE BOARDS AND COMMISSIONS, *Aagard*, read the third time by short title and placed on its final passage.

**H.B. 45** passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

| Bigelow | Draxler | Fowlke | Gowans |

**H.B. 45** transmitted to the Senate for its consideration.

***

**H.B. 46**, DESIGNATION OF STATE HIGHWAYS AMENDMENTS, *Kiser*, read the third time by short title and placed on its final passage.

**H.B. 46** passed on the following roll call:
Yeas, 71; Nays, 0; Absent or not voting, 4.

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

| Aagard   | Draxler | Fowlke | Johnson |

H.B. 46 transmitted to the Senate for its consideration.

**H.B. 47, CRIMINAL PROCEDURE – INVESTIGATION AMENDMENTS, Ray, read the third time by short title and placed on its final passage.**

H.B. 47 passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

**Voting in the affirmative were:** Representatives

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Absent or not voting were: Representatives
Draxler Fowlke

H.B. 47 transmitted to the Senate for its consideration.

***

H.B. 50, FIREFIGHTER SPECIAL GROUP LICENSE PLATE AMENDMENTS, Menlove, read the third time by short title and placed on its final passage.

On motion of Representative Menlove, the House voted to circle H.B. 50.

***

H.B. 52, INSURANCE CODE AMENDMENTS, Dunnigan, read the third time by short title and placed on its final passage.

On motion of Representative Garn, the House voted to circle H.B. 52.

***

H.B. 53, DRIVER LICENSE AMENDMENTS – MOTOR DRIVEN CYCLES, Kiser, read the third time by short title and placed on its final passage.

H.B. 53 passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Absent or not voting were: Representatives
Draxler Wilcox

H.B. 53 transmitted to the Senate for its consideration.

***

H.B. 56, DECLARATION OF CANDIDACY AMENDMENTS, Aagard, read the third time by short title and placed on its final passage.

On motion of Representative Garn, the House voted to circle H.B. 56.

***

H.B. 59, SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS, Daw, read the third time by short title and placed on its final passage.

On motion of Representative Daw, the House voted to circle H.B. 59.

UNFINISHED BUSINESS

On motion of Representative Grover, the House voted to uncircle H.B. 43.

H.B. 43, COORDINATING MUNICIPAL AND SPECIAL DISTRICT ELECTIONS, was before the House on its final passage.
Representative Grover proposed the following amendment:

1. Page 5, Lines 143 through 144

143 (12) The provisions of Title 20A, Chapter 3, Part {3} 6 , {4} Early Voting {4} {Absentee Voting} ,

144 do not apply to an election under this section.

Representative Grover’s motion to amend passed on a voice vote.

H.B. 43, as amended, passed on the following roll call:

Yeas, 63; Nays, 0; Absent or not voting, 12.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives

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H.B. 43, as amended, transmitted to the Senate for its consideration.

THIRD READING CALENDAR

H.J.R. 1, RESOLUTION URGING THE WITHDRAWAL OF UNITED STATES’ WORLD TRADE ORGANIZATION COMMITMENT ON GAMBLING, Allen, read the third time by short title and placed on its final passage. Representative Hutchings commented.
H.J.R. 1 passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

**Voting in the affirmative were:** Representatives

Aagard  Allen  Beck  Bigelow
Bird    Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee     Dougall  S Duckworth  Dunnigan
Edwards Ferry  Janice Fisher  Julie Fisher
Fowlke Frank  Froerer  Garn
K Gibson Gowans  Greenwood  Grover
Hansen Harper  Hemingway  Hendrickson
Herrod Holdaway  Hughes  Hunsaker
Hutchings Ipson  Johnson  King
Kiser Last  Litvack  Lockhart
Mascaro Mathis  Mclff  Menlove
Morley Moss  Newbold  Noel
Oda Painter  Poulson  Powell
Ray Riesen  Sandstrom  Seegmiller
Seelig Sumson  Vickers  Wallis
Watkins Webb  Wheatley  Wilcox
Wiley Wimmer  Winn  D. Clark

**Absent or not voting were:** Representatives

Barrus  Draxler  F Gibson

H.J.R. 1 transmitted to the Senate for its consideration.

**RULES COMMITTEE REPORTS**

Mr. Speaker: January 27, 2009

The Rules Committee recommends the following bills and resolutions be assigned to standing committees:

**BUSINESS AND LABOR**

**H.B. 243** Rental Restrictions on Condominiums and Common Interest Communities (Rep. G. Froerer)

**H.B. 249** Continuing Education for Contractors Amendments (Rep. R. Bigelow)
GOVERNMENT OPERATIONS
H.B. 234  Consumer Credit Protection Act Modification
          (Rep. J. Fisher)
H.B. 252  Emergency Management Administration Council
          Amendments (Rep. C. Oda)

HEALTH AND HUMAN SERVICES
H.B. 101  Assertive Community Mental Health Treatment Pilot
          Program (Rep. C. Moss)
H.B. 224  Health Care Provider Abusive Work Environment
          Prohibition Act (Rep. S. Sandstrom)

JUDICIARY
H.B. 72   Children’s Justice Center Amendments (Rep. L. Fowlke)

LAW ENFORCEMENT AND CRIMINAL JUSTICE
H.B. 227  Prohibition on Citation Quotas (Rep. N. Hansen)
H.B. 239  Utah Medical Examiner Act – Investigation and
          Autopsies Amendments (Rep. C. Oda)

NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT
H.B. 235  Dam Safety Amendments (Rep. S. Sandstrom)

POLITICAL SUBDIVISIONS
H.B. 226  Disaster Recovery and Emergency Management
          Amendments (Rep. C. Oda)
H.B. 257  Political Subdivision Clerk Amendments
          (Rep. M. Newbold)
H.B. 258  Amendments to Notice Provisions for Subdivision
          Changes (Rep. K. Powell)

REVENUE AND TAXATION
H.B. 70   Cigarette Tax Exemption Amendments (Rep. J. Dougall)
H.B. 71   Witholding Tax Amendments (Rep. J. Dougall)
H.B. 76   Income Tax Credit for Military Retired Pay
          (Rep. S. Mascaro)
H.B. 83   Property Tax Relief Programs (Rep. G. Froerer)
TRANSPORTATION
H.B. 253 Motor Carrier Permit Fee Amendments (Rep. T. Kiser)

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

***

Mr. Speaker: January 27, 2009

The Rules Committee recommends that, under suspension of the rules, H.C.R. 3, Concurrent Resolution Honoring the 200th Anniversary of the Birth of Abraham Lincoln (Rep. Julie Fisher), be considered read for the second time and placed on the Third Reading Calendar with a time certain of February 12, 2009, at 11:45 a.m.

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, and at 12:00 noon, the House voted to adjourn until January 28, 2009, at 10:00 a.m.

JOINT CONVENTION

President Michael Waddoups called the Joint Convention to order at 6:20 p.m., in the Chamber of the Utah House of Representatives and recognized David Clark, Speaker of the House.

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

President Waddoups appointed a Joint Committee comprised of Senators Sheldon Killpack, Scott Jenkins, and Pat Jones, and Representatives Kevin Garn, Brad Dee, and David Litvack to notify Governor Jon M. Huntsman, Jr., that the 2009 General Session of the Fifty-eighth Legislature is in Joint Convention and ready to hear his State—of—the—State address.

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

Senator Sheldon Killpack 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 and First Lady May Kay Huntsman to the House rostrum.

STATE OF THE STATE ADDRESS
GOVERNOR JON M. HUNTSMAN

Lt. Governor; Mr. President; Mr. Speaker; Members of the Legislature; My parents and in–laws – who are with me tonight as they always have been; My wife and best friend, Mary Kaye; Distinguished guests and fellow Utahns;

I am grateful to be standing here joined in purpose with the generous people of Utah who have given me the distinct honor of a second, and final, term. As the elected officials of the greatest state in America, this roomful of leaders holds an awesome responsibility – to guide our state to success in a time of uncertainty.

We are beginning a new chapter for our nation and for our state. There is a sense of anxiety, pain, heartache and, yes, hope, on display almost everywhere.

Let me state from the top that today’s economic conditions make it imperative that we ensure a level of trust between the people who call Utah home and their elected officials. In a time of financial distress, inadequate healthcare, a shaky housing market and apprehensiveness, we must reach beyond traditional political boundaries in seeking solutions that are uniquely our own.

Our first and most urgent priority must be to prudently and wisely balance our budget, as we always have. Let’s not forget, unlike many other states, we have tools we can utilize, and with these options we have added flexibility in minimizing impacts to our most critical priorities.

Every person in this chamber is motivated by our state’s success. Our discussions should be conducted with civility, respect and a recognition of the challenging circumstances in which we find ourselves.

We are changing. That’s inevitable. Utah has gone from fly–over–country to fly–into–country. But, one thing that should never change is our ability to unite behind our state’s primary objectives. Because when we are united, we are one. And when we are one, anything is achievable!

I have seen this state when we have been one, of common purpose and mind. I’ve seen it during the Olympics, floods, fires, festivals and war. It is an awesome thing when unity happens, enough to humble any governor.

Today’s circumstances require us, once again, to come together with common purpose and mind. We have a choice: we can cower in the face of strong economic
headwinds or we can stand resolute knowing that getting through this financial crisis will require something of all of us.

Politically, we should unite like never before in addressing our state’s most basic needs; remembering that government is the last safety net for our most vulnerable. Individually, I ask all of our citizens to use these challenging times to draw closer, one with another, by dropping barriers that serve to divide and disenfranchise by showing just a bit more care and concern, love and respect for those in our pathway of life.

Above all, may it be said, when this economic storm dissipates – as it will – that our actions were never driven by fear, but rather always with an eye toward our future strength and the generations that will follow us.

This year will require the fighting spirit in all of us, our families, our businesses and as individuals. As Utahns we don’t have to look too far for examples of that spirit. On and off the field, the young men of the University of Utah football team have demonstrated service, teamwork and perseverance.

They were told they couldn’t compete, they couldn’t win. They represented Utah well and, guess what? They did win.

I welcome with us here tonight Quarterback and Sugar Bowl MVP Brian Johnson and Place–kicker King Louie Sakoda. I told Louie it is cool to be Governor, but it is truly awesome to be king.

Though we have not been immune to the world–wide economic downturn, it is this very fighting spirit that sets us apart as a state. We are here in the west, where our future is always more important than our past. And when these challenges are over we will be even better poised to move forward.

Utah has been repeatedly recognized by respected organizations for our business acumen, quality of life and management abilities. In what is perhaps the most tremendous distinction in these tumultuous times, Utah was named the Best Managed State in America! I thank the members of the Legislature and our great state employees for their part in this honor!

We are facing difficult decisions that have real impacts on the lives of Utah families. We are sensitive to this and must be ever vigilant in our realignment of state programs and resources. Let us be mindful of the children we are impacting, the jobs we are eliminating and the critical road and building projects we are delaying. We are in this together, and together we will find creative solutions to critical problems. After working with legislative leaders on nearing a solution for
the current budget, tonight I am directing the Utah Department of Transportation to reinstate major road projects that were delayed in November.

We are one. We must acknowledge it is all of us, our kids, our communities and our businesses that are being impacted by our decisions. And none of these decisions is more important than education.

The amazing gains we have made in education have enhanced opportunities for everyone, improving our state’s ability to provide companies with a skilled workforce. In turn, businesses are providing more and better-paying jobs to our children. This keeps our kids and our grandkids, our brain power, here at home.

Early childhood learning is critical for their long-term success, quality of life and our state’s competitive edge in attracting world-class jobs. Early results indicate kindergarten students are six times better prepared for a successful first grade experience if they attended full-day kindergarten. On behalf of my daughter Gracie and so many others: Legislators, thank you for making this available to our kids.

We are leading the nation in educating our kids in 21st century languages like Chinese and Arabic. So, to the thousands of students studying Mandarin Chinese I say: Gongxi gongxi. “Congratulations!”

Yet, our kids’ literacy in these critical foreign languages must be matched by their mastery of numbers, an area that is in need of strengthening. We must keep pace. Through additional emphasis and reprioritizing, I have asked both public and higher ed to make this year the “Year of Math.”

Workforce demands in quantitative skills continue to increase; yet, our workforce preparation is inadequate. We can and must do better in embracing our knowledge-based economy. Every child ought to have the opportunity to prepare for post-secondary training. This will be our economic development engine and our strongest tool in attracting companies to Utah.

The Utah College of Applied Technology was created to be responsive to industry and meet the demands of a growing technical workforce. As employment demands change, we must assure that this system is dynamic in fulfilling the needs of the 21st Century. I want to thank the legislative task force that worked to put together HB 15. While there are still issues to be ironed out, I think it is safe to say we all agree on the goal: a UCAT system that is more responsive to real-time business needs and is more accessible to Utah’s students.

Of course, the biggest influence in the classroom is the person leading, molding and mentoring the students. My grandfather called them educators. We
have embarked upon a journey to offer our teachers a more competitive wage. While in these times we may not be able to further that investment, we must not lose ground.

If you want a glimpse into the future our teachers are cultivating, in the Capitol tonight stands a display from schools across the state, showing “Utah as One.” These projects have pictures, poems, collages and drawings depicting the wonderful scenes of our state and the unity sought after by our diverse youth. This week I invite all to come visit this colorful gallery. Be inspired by it as I was, and be reminded of the power of youth.

By the way, our youth would like me to point out that Utah is rapidly becoming one of the hottest movie−making destinations between New York and Los Angeles. And if SB 14, sponsored by Senator Lyle Hillyard, is successful the entire cast of High School Musical may need to become permanent residents of our state. Please welcome one of HSM’s biggest stars Lucas Grabeel.

It is easy in difficult economic times like these to forget that we must plan and prepare for the economy of tomorrow. As we reduce spending to hit short−term targets, we must not lose sight of our long−term goals. We must be judicious. Medical procedures today use lasers for a reason; let’s remember the less invasive the procedure, the stronger the recovery.

Speaking of medical procedures, nowhere is major surgery needed more than in accessing affordable healthcare. I’m sorry to have to say it again this year, but skyrocketing healthcare costs are bankrupting businesses and leaving too many Utahns with no options at all. In a state as compassionate as ours, certainly we can find a better way to cover the uninsured.

I recently visited a public health clinic in St. George. Due to the goodness of volunteer doctors and staff, 10,000 people were seen last year, this in a city of 70,000. Why? One out of every seven people in Dixie must go to a volunteer clinic to receive adequate health care? These people have been completely left out of the healthcare equation; they don’t qualify for existing programs, and they can’t afford a basic healthcare plan.

So, to Dr. Doxey – who started this volunteer clinic – and the staff there, I say thank you for your humanitarianism. I assure you and those you serve, we will fix this problem. We are going to find policies that are affordable, the political will to enact them and, through perseverance, provide a pathway to coverage for everyone.

Therefore, I am asking all involved: doctors, insurance companies, consumers and we in this chamber to close the gap on the uninsured by 2012.
Let’s begin this session by passing the task force legislation shepherded by Speaker David Clark and Senator Sheldon Killpack to develop a truly affordable insurance policy. But this is not enough. We must connect all people to the healthcare they need. A truly affordable policy and the means by which to connect all people will be done in this state, this year!

Though we are one in community, we are many in number. Utah is now the fastest-growing state in America. People are flocking here for the unmatched quality of life, high-paying jobs and the essence of everything we love about America. We also continue our trend of being the youngest state in the union. These are tremendous attributes, but if unplanned for, they can carry a significant burden.

We hold dear the things that give us a sense of humanity – our land, our air and our water – and recognize the role they play in our peace of mind and spirit, as well as our economy.

If we are going to take air quality seriously, which we must for the sake of the next generation, we must be bold; we must be visionary. Our aspirations should be nothing short of extraordinary. And there are two goals that we should immediately set our sights on.

First, just as Wall Street is known for finance and Silicone Valley for technology, by 2012, I believe Utah can become the premier destination in America for renewable energy!

And don’t tell me it can’t be done! In just this past year alone, we have witnessed in Utah the opening of a solar farm, a hydroelectric plant, a wind farm and a geothermal plant. To support this energy development, innovation at our higher education campuses is running at an all-time high, like technologies that will ensure the long-term viability of our abundant natural resources. The University of Utah is now second only to MIT in commercialization of cutting-edge research.

But this is just the beginning!

We will be the epicenter for energy development – but we must have the land, transmission, and regulatory framework to make it a reality. We must look beyond 20th century mentalities and bet on 21st century realities. We must pass legislation this year to incentivize, rather than penalize, innovative technologies where the risk is real, but the reward is great.

Our second goal will be to designate Interstate 15 from Idaho to Arizona as a natural gas corridor! It makes sense – working with Questar, a great local company
– to encourage the use of natural gas which emits almost no pollution, is more affordable and most importantly, is a domestic fuel found right here in our own backyard; getting Utah, and the nation, one step closer to breaking our addiction to foreign oil.

This will require adding infrastructure, looking differently at our regulatory approach and demanding that we look beyond the here and now.

As a state, we are leading with innovative solutions to ensure better access and services to our citizens, 24 hours a day, 365 days a year. Some Utahns may be surprised to know that more than 850 government services now can be found online – which is why we have been recognized as the Number 1 state in the country for Digital Government!

But as we have moved into the digital age, I am concerned that some of our time–tested values have been left behind. In the past year, we’ve seen our nation’s financial pillars crumble, and not because we have a deficit of talented people.

I would suggest there is one common thread: a deficit of ethics.

There is a complete disconnect with our nation’s best and brightest. They have been taught to be brilliant on Wall Street without concern for their impact on Main Street. Whether in business, politics or community affairs, correcting this deficit of ethics is just as important as overcoming our economic struggles.

Closer to home, there is a deficit of another kind, and no less disturbing. Unfortunately, in Utah we are seeing a weakening in our own pillars of democracy. We’ve long been recognized as a community known for its patriotism and public spiritedness, yet as the nation has seen an upswing in voter turnout, we are seeing just the opposite.

This apathy is corrosive to a stable and functioning democracy. We must restore trust. We must restore confidence. We must reach out, particularly to our youth, to reinvigorate the democracy they will inherit.

This is the purpose of the newly–announced Commission on Strengthening Utah’s Democracy, because without public support and participation we have no democracy.

One of our most passionate and respected community leaders has taken our call to action. And you know this guy – I want to thank Larry H. Miller for his willingness to lead this effort! Our prayers are with him tonight as he recovers from recent surgery.
When times are good economically, as we have seen in recent years, we sometimes become preoccupied with our own selfish interests. But when times get tough, we are reminded of the power of our community, of people reaching across boundaries to help others, reawakening the need to improve the human condition.

Though it is warmer tonight in this chamber than it was three weeks ago on the front steps of the Capitol when I was sworn in, outside there are single moms without homes, children without dinner, and many without work.

I reiterate my call to all who can hear me: find someone in need and help them – whether it be a neighbor, a friend or a perfect stranger. We all have something to give, even if it is just a hand to hold, and there are so many in need right now.

It is through the spirit of service that a community is born. It is this same sense of service that is displayed by so many, like our men and women in uniform serving overseas; pastors and preachers, many of whom I’ve worshipped with; those looking out for our most vulnerable – people like Pamela Atkinson, a true community advocate, Jim Pugh at the Utah Food Bank, and Matt Minkevitch at the Road Home.

It is because of community leaders like these that I know we will prevail! And we will continue to occupy our rightful and well–earned position as the greatest state in America. The journey is up to us and the decisions made by this very body will lead us there. This is the time to unite with one purpose and one mind.

Because together we can succeed. Together we will thrive. Together we will overcome. Together we are one.

May God bless you and the great State of Utah!

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

Representative Garn made a motion that the complete text of the Governor’s State–of–the–State address be spread upon the pages of the Senate and House Journals, that the Joint Convention and Committee of the Whole be dissolved, and that the Senate and House adjourn until 10:00 a.m., Wednesday, January 28, 2009.
THIRD DAY

MORNING SESSION

The House was called to order by Speaker Clark at 10:05 a.m.

Roll call showed all members.

Prayer offered by Representative Jack Draxler. Pledge of Allegiance led by Brian Bills, a constituent and former Scout of Representative Draxler.

INTRODUCTION OF BILLS

H.B. 129, Alcoholic Beverage Amendments Related to Minors (C. Oda), read the first time by short title and referred to the Rules Committee.

H.B. 130, Asset Preservation Amendments (G. Hughes), read the first time by short title and referred to the Rules Committee.

H.B. 131, School Fee Amendments (C. Frank), read the first time by short title and referred to the Rules Committee.

H.B. 132, Sexual Assault Victim Protocols (J. Biskupski), read the first time by short title and referred to the Rules Committee.

H.B. 133, Earned Income Tax Credit (B. King), read the first time by short title and referred to the Rules Committee.

H.B. 134, Recall of Unsafe or Defective Products (C. Watkins), read the first time by short title and referred to the Rules Committee.

H.B. 135, Lien Revisions (B. King), read the first time by short title and referred to the Rules Committee.

H.B. 269, Anesthesiologist Assistants (Julie Fisher), read the first time by short title and referred to the Rules Committee.

H.B. 270, Parent–time Holiday and Notification Amendments (L. Fowlke), read the first time by short title and referred to the Rules Committee.

H.B. 271, Workers’ Compensation – Uninsured Employers’ Fund (M. Morley), read the first time by short title and referred to the Rules Committee.
H.B. 272, Utah Scenic Byway Designation Amendments (C. Herrod), read the first time by short title and referred to the Rules Committee.

H.B. 273, Contracting for Inter-facility Medical Transports (M. Noel), read the first time by short title and referred to the Rules Committee.

H.B. 274, Local Government Fees and Charges to State Agencies (C. B. Wallis), read the first time by short title and referred to the Rules Committee.

H.B. 275, Domestic Violence in Presence of a Child Amendments (K. Gibson), read the first time by short title and referred to the Rules Committee.

H.B. 276, Custodial Interference Amendments (C. Wimmer), read the first time by short title and referred to the Rules Committee.

H.C.R. 5, Concurrent Resolution Urging the Realignment of Air Quality Requirements by the EPA (R. Menlove), read the first time by short title and referred to the Rules Committee.

H.J.R. 2, Joint Resolution to Amend the Marriage Provision of the Utah Constitution (J. Biskupski), read the first time by short title and referred to the Rules Committee.

H.J.R. 9, Joint Resolution on Cost-effective Energy Efficiency and Utility Demand-side Management (R. Barrus), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

H.B. 18, WATER RIGHT APPLICATIONS AND RECORDS, Painter, read the third time by short title and placed on its final passage.

Representative Painter declared a conflict of interest because he owns shares in a water company.

H.B. 18 passed on the following roll call:

Yeas, 67; Nays, 0; Absent or not voting, 8.

Voting in the affirmative were: Representatives

Aagard    Allen    Beck    Bigelow
Bird      Biskupski Black    Brown
Chavez–Houck S. Clark Cosgrove Daw
Absent or not voting were: Representatives
Barrus Janice Fisher F Gibson K Gibson
Gowans Litvack Lockhart Morley

H.B. 18 transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Wimmer, the House voted to uncircle H.B. 31.

H.B. 31, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, was before the House on its final passage. Representative King commented.

H.B. 31 passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Froerer Garn F Gibson K Gibson
Gowans Greenwood Grover Hansen
Harper Hemingway Hendrickson Herrold
Holdaway Hughes Hunsaker Hutchings
Wimmer Winn D. Clark
Absent or not voting were: Representatives
Lockhart Morley Painter

H.B. 31 transmitted to the Senate for its consideration.

***

On motion of Representative Menlove, the House voted to uncircle H.B. 50.

H.B. 50, FIREFIGHTER SPECIAL GROUP LICENSE PLATE AMENDMENTS, was before the House on its final passage.

Representative Menlove proposed the following amendment:

1. Page 1, Lines 25 through 26

25 exempts a person that is required to replace the firefighter special group license

26 plate with a new license plate from certain license plate fees until June 30, 2011;

2. Page 7, Lines 202 through 205:

202 (ii) considered a voluntary contribution for the funding of the activities specified under

203 this section and not a motor vehicle registration fee; { and }

204 (iii) deposited into the appropriate account less actual administrative costs associated

205 with issuing the license plates; and

206 (iv) for a firefighter special group license plate, deposited into the appropriate account less:

207 (A) the costs of reordering firefighter special group license plate decals; and

208 (B) the costs of replacing recognition special group license plates with new license plates under Subsection 41−1a−1211(13) .
3. Page 9, Lines 262 through 270:

262 (13) {A} Until June 30, 2011, a person is exempt from the license plate fee under Subsection (1) or (6) if the person:

264 (a) was issued a firefighter recognition special group license plate in accordance with Section 41–1a–418 prior to July 1, 2009;

266 (b) upon renewal of the person’s vehicle registration on or after July 1, 2009 is not a contributor to the Firefighter Support Restricted Account as required under Section 41–1a–418;

268 and

269 (c) is required to replace the firefighter special group license plate with a new license in accordance with Section 41–1a–418.

4. Page 10, Lines 290 through 295:

290 { (i) pay the costs of reordering firefighter special group license plate decals; (ii) pay for firefighter education or training programs; (iii) pay for firefighter scholarship programs; (iv) pay the costs of maintaining a fire history museum; (v) pay the costs of representing firefighter interests on a national and local level; and (vi) pay for assistance with purchasing equipment or apparatuses used in firefighting.}

Representative Menlove’s motion to amend passed on a voice vote.

Representatives Greenwood and Watkins commented.

H.B. 50, as amended, passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.
**Voting in the affirmative were:** Representatives

Aagard  Allen  Barrus  Beck  
Bigelow  Bird  Biskupski  Black  
Brown  Chavez–Houck  S. Clark  Cosgrove  
Daw  Dee  Dougall  Draxler  
S Duckworth  Dunnigan  Edwards  Ferry  
Janice Fisher  Julie Fisher  Fowlke  Frank  
Froerer  Garn  F Gibson  K Gibson  
Gowans  Greenwood  Grover  Hansen  
Harper  Hemingway  Hendrickson  Herrod  
Holdaway  Hughes  Hunsaker  Hutchings  
Johnson  King  Kiser  Last  
Litvack  Mascaro  Mathis  McClff  
Menlove  Morley  Moss  Newbold  
Noel  Oda  Poulson  Powell  
Ray  Riesen  Sandstrom  Seegmiller  
Seelig  Sumasion  Vickers  Wallis  
Watkins  Webb  Wheatley  Wilcox  
Wiley  Winn  D. Clark

**Absent or not voting were:** Representatives

Ipson  Lockhart  Painter  Wimmer

**H.B. 50,** as amended, transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

**H.B. 32,** AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, *Ferry,* read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to circle **H.B. 32.**

* * *

**1st Sub. H.B. 44,** LOCAL AND SPECIAL SERVICE DISTRICT ELECTION AMENDMENTS, *Grover,* read the third time by short title and placed on its final passage.

**1st Sub. H.B. 44** passed on the following roll call:

**Y eas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard  Allen  Barrus  Beck  
Bigelow  Bird  Biskupski  Black  
Brown  Chavez–Houck  S. Clark  Cosgrove  
Daw  Dee  Dougall  Draxler  
S Duckworth  Dunnigan  Edwards  Ferry  
Janice Fisher  Julie Fisher  Fowlke  Frank  
Froerer  Garn  F Gibson  K Gibson  
Gowans  Greenwood  Grover  Hansen  
Harper  Hemingway  Hendrickson  Herrod  
Holdaway  Hughes  Hunsaker  Hutchings  
Johnson  King  Kiser  Last  
Litvack  Mascaro  Mathis  McClff  
Menlove  Morley  Moss  Newbold  
Noel  Oda  Poulson  Powell  
Ray  Riesen  Sandstrom  Seegmiller  
Seelig  Sumasion  Vickers  Wallis  
Watkins  Webb  Wheatley  Wilcox  
Wiley  Winn  D. Clark
Absent or not voting were: Representatives
Lockhart Painter

1st Sub. H.B. 44 transmitted to the Senate for its consideration.

* * *

H.B. 48, BALLOT QUESTION AMENDMENTS, Grover, read the third time by short title and placed on its final passage.

H.B. 48 passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Froerer Garn F Gibson K Gibson
Gowans Greenwood Grover Hansen
Harper Hemingway Hendrickson Herrod
Holdaway Hughes Hunsaker Hutchings
Ipson Johnson King Kiser
Last Litvack Mascaro Mathis
McIff Menlove Morley Moss
Newbold Noel Oda Poulson
Powell Ray Riesen Sandstrom
Seegmiller Seelig Sumson Vickers
Wallis Watkins Webb Wheatley
Wilcox Wiley Wimmer Winn
D. Clark
Absent or not voting were: Representatives
Gowans Hunsaker Lockhart Oda

H.B. 48 transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Aagard, the House voted to uncircle H.B. 56.

H.B. 56, DECLARATION OF CANDIDACY AMENDMENTS, was before the House on its final passage.

H.B. 56 passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Froerer F Gibson K Gibson Gowans
Greenwood Grover Hansen Harper
Hemingway Hendrickson Herrod Holdaway
Hughes Hunsaker Hutchings Ipson
Johnson King Kiser Last
Litvack Mascaro Mathis McIlff
Menlove Morley Moss Newbold
Noel Oda Painter Poulsom
Powell Ray Riesen Sandstrom
Seegmiller Seelig Sumsion Vickers
Wallis Watkins Webb Wilcox
Wiley Wimmer Winn D. Clark
Absent or not voting were: Representatives
Garn       Lockhart       Wheatley

H.B. 56 transmitted to the Senate for its consideration.

THIRD READING CALENDAR

1st Sub. H.B. 232, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS REVISIONS, Aagard, read the third time by short title and placed on its final passage.

1st Sub. H.B. 232 passed on the following roll call:

Yeas, 74; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Representatives
Aagard       Allen       Barrus       Beck
Bigelow      Bird        Biskupski    Black
Brown        Chavez–Houck S. Clark    Cosgrove
Daw          Dee         Dougall      Draxler
S Duckworth  Dunnigan    Edwards      Ferry
Janice Fisher Julie Fisher Fowlke     Frank
Froerer      Garn        F Gibson     K Gibson
Gowans       Greenwood   Grover       Hansen
Harper       Hemingway   Hendrickson Herrod
Holdaway     Hughes      Hunsaker    Hutchings
Ipson        Johnson     King         Kiser
Last         Litvack     Mascaro     Mathis
McIff        Menlove     Morley      Moss
Newbold      Noel        Oda         Painter
Poulson      Powell      Ray          Riesen
Sandstrom    Seegmiller  Seelig      Sumsion
Vickers       Wallis      Watkins     Webb
Wheatley     Wilcox      Wiley       Wimmer
Winn         D. Clark

Absent or not voting was: Representative
Lockhart

1st Sub. H.B. 232 transmitted to the Senate for its consideration.

* * *

1st Sub. H.B. 23, CERTIFIED TAX RATE AMENDMENTS, Hunsaker, read the third time by short title and placed on its final passage.
On motion of Representative Ferry, the House voted to circle **1st Sub.** **H.B. 23.**

* * *

**H.B. 54**, **AMENDMENTS TO VEHICLE REGISTRATION REQUIREMENTS**, *F. Gibson*, read the third time by short title and placed on its final passage.

**H.B. 54** passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

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**H.B. 54** transmitted to the Senate for its consideration.

* * *

**H.B. 57**, **EXEMPTIONS FROM REQUIREMENTS OF DEDUCT AND WITHHOLD AN INCOME TAX**, *Frank*, read the third time by short title and placed on its final passage.
On motion of Representative Frank, the House voted to circle **H.B. 57**.

***


**H.B. 58** passed on the following roll call:

**Yeas, 75; Nays, 0; Absent or not voting, 0.**

**Voting in the affirmative were:** Representatives

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**H.B. 58** transmitted to the Senate for its consideration.

***

**H.B. 38**, **REFUGEE SERVICES FUND AMENDMENTS**, *Herrod*, read the third time by short title and placed on its final passage. Representative Hemingway commented.

**H.B. 38** passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**
Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird   Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Dougall  Draxler  S Duckworth
Dunnigan  Edwards  Ferry  Janice Fisher
Julie Fisher  Fowlke  Frank  Froerer
Garn  F Gibson  K Gibson  Gowans
Greenwood  Grover  Hansen  Harper
Hemingway  Hendrickson  Herrod  Holdaway
Hughes  Hunsaker  Hutchings  Ipson
Johnson  King  Kiser  Last
Litvack  Lockhart  Mascaro  Mathis
McIff  Menlove  Morley  Moss
Newbold  Noel  Oda  Painter
Poulson  Ray  Riesen  Sandstrom
Seegmiller  Seelig  Sumsion  Vickers
Watkins  Webb  Wheatley  Wilcox
Wiley  Wimmer  Winn  D. Clark

Absent or not voting were: Representatives

Biskupski  Powell  Wallis

H.B. 38 transmitted to the Senate for its consideration.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: January 27, 2009

The Business and Labor Committee reports a favorable recommendation on H.B. 51, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, by Representative C. Johnson; and

The Business and Labor Committee reports a favorable recommendation on H.B. 85, MUTUAL BENEFIT CORPORATION – JUDICIAL LIENS, by Representative P. Painter; and

The Business and Labor Committee recommends H.B. 86, DIVISION OF REAL ESTATE RELATED AMENDMENTS, by Representative G. Froerer, be replaced and reports a favorable recommendation on 1st Sub. H.B. 86, DIVISION OF REAL ESTATE RELATED AMENDMENTS with the following amendments:
1. Page 58, Lines 1777 through 1781:

1777  (6)  (a) The division may not make a payment from the fund to a lender who:

1778  (i) makes a residential mortgage loan originated by a licensee; or

1779  (ii) acquires a residential mortgage loan originated by a licensee.

1780  (b)  A person may not bring a claim against the fund if the person is substantially

1781 complicit in the fraud, misrepresentation, or deceit that is the basis of the claim.

James A. Dunnigan, Chair

Reports filed. On motion of Representative Painter, the reports of the Business and Labor committee were adopted.

**H.B. 51, H.B. 85, and 1st Sub. H.B. 86, as amended, read the second time by short title and placed on the Third Reading Calendar.**

* * *

Mr. Speaker: January 27, 2009

The Education Committee reports a favorable recommendation on **H.B. 15, CAREER AND TECHNICAL EDUCATION AMENDMENTS**, by Representative R. Bigelow; and

The Education Committee reports a favorable recommendation on **H.B. 244, DISRUPTION OF SCHOOL ACTIVITIES**, by Representative C. Moss, with the following amendments:

1. Page 1, Line 14:

14  provides that not knowing the property is school property is not a defense; { and }

2. Page 1, Line 16:

16  defendant’s presence on school property ; and

 provides that this offense is a separate offense from other offenses that involve failure to stop for an officer .
3. Page 2, Line 40:

40 defendant’s presence on the school property.

(5) The offense under this section of evading law enforcement while on school property is a separate offense from a violation of:

(a) Section 41–6a–210, regarding failure to respond to an officer’s signal to stop; or

(b) Section 76–8–305.5, regarding failure to stop at the command of a law enforcement officer.

Gregory H. Hughes, Chair

Reports filed. On motion of Representative Sumson, the reports of the Education committee were adopted.

H.B. 15 and H.B. 244, as amended, read the second time by short title and placed on the Third Reading Calendar.

* * *

Mr. Speaker: January 27, 2009

The Health and Human Services Committee reports a favorable recommendation on H.B. 17, EXPEDITED PARTNER THERAPY TREATMENT, by Representative J. Seelig, with the following amendments:

1. Page 2, Line 56 through Page 3, Line 59:

56 (2) This section does not require a practitioner or a licensee under this chapter to prescribe or dispense a drug to treat a sexually transmitted disease for patient delivered expedited partner therapy. A practitioner’s or licensee’s decision to use expedited partner therapy as allowed by this section is voluntary.

57 (3) Notwithstanding Sections 58–1–501, 58–17b–501, and 58–17b–502, it is not unlawful; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 33, REFUND OF UNEARNED HEALTH INSURANCE PREMIUMS AND MEDICARE SUPPLEMENT INSURANCE PREMIUMS, by Representative P. Ray; and

The Health and Human Services Committee recommends H.B. 81, HEALTH CARE PATIENT IDENTITY PROTECTION, by Representative S. Sandstrom,
be replaced and favorably recommends 1st Sub. H.B. 81, HEALTH CARE PATIENT IDENTITY PROTECTION; and

The Health and Human Services Committee recommends H.B. 60, FAMILY PRESERVATION SERVICES AMENDMENTS, by Representative W. Harper, be replaced and reports a favorable recommendation on 1st Sub. H.B. 60, FAMILY PRESERVATION SERVICES AMENDMENTS and asks that it be placed on the Consent Calendar.

Paul Ray, Chair

Reports filed. On motion of Representative Ray, the reports of the Health and Human Services committee were adopted.

H.B. 17, as amended, H.B. 33, and 1st Sub. H.B. 81 read the second time by short title and placed on the Third Reading Calendar.

1st Sub. H.B. 60 read the second time by short title and placed on the Consent Calendar.

***

Mr. Speaker: January 27, 2009

The Public Utilities and Technology Committee reports a favorable recommendation on H.B. 75, UTAH COMMUNICATIONS AGENCY NETWORK AMENDMENTS, by Representative F. Hunsaker; and

The Public Utilities and Technology Committee reports a favorable recommendation on H.B. 216, TELECOMMUNICATION PRICING FLEXIBILITY AMENDMENTS, by Representative F. Hunsaker.

Michael E. Noel, Chair

Reports filed. On motion of Representative Dee, the reports of the Public Utilities and Technology committee were adopted.

H.B. 75 and H.B. 216 read the second time by short title and placed on the Third Reading Calendar.

THIRD READING CALENDAR

H.B. 218, FAMILY EMPLOYMENT PROGRAM AMENDMENTS, Janice Fisher, read the third time by short title and placed on its final passage.

On motion of Representative Janice Fisher, the House voted to circle H.B. 218.
H.B. 231, UTAH COMMISSION ON VOLUNTEERS AMENDMENTS, Aagard, read the third time by short title and placed on its final passage.

H.B. 231 passed on the following roll call:

Yeas, 61; Nays, 0; Absent or not voting, 14.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Janice Fisher Julie Fisher
Fowlke Froerer Garn K Gibson
Gowans Greenwood Grover Hansen
Harper Hemingway Herrod Hunsaker
Hutchings Johnson King Kiser
Last Litvack Lockhart Mascaro
Mathis McIff Moss Newbold
Oda Poulson Powell Ray
Riesen Sandstrom Seegmiller Seelig
Sumsion Vickers Wallis Watkins
Webb Wheatley Wilcox Winn
D. Clark

Absent or not voting were: Representatives
Biskupski Ferry Frank F Gibson
Hendrickson Holdaway Hughes Ipson
Menlove Morley Noel Painter
Wiley Wimmer

H.B. 231 transmitted to the Senate for its consideration.

* * *

H.B. 236, DEPARTMENT OF COMMUNITY AND CULTURE GRANTS, Allen, read the third time by short title and placed on its final passage.

On motion of Representative Allen, the House voted to circle H.B. 236.
REPORTS OF STANDING COMMITTEES

Mr. Speaker: January 28, 2009

The Judiciary Committee reports a favorable recommendation on **H.B. 13**, CRIME OF STRANGULATION OR SMOTHERING, by Representative J. Seelig; and

The Judiciary Committee reports a favorable recommendation on **H.B. 238**, EXEMPTION OF UNIVERSITY HOUSING FROM EVICTION LAWS, by Representative K. Holdaway; and

The Judiciary Committee reports a favorable recommendation on **H.B. 247**, AMENDMENTS TO EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, by Representative J. Bird.

Lorie D. Fowlke, Chair

Reports filed. On motion of Representative Fowlke, the reports of the Judiciary committee were adopted.

**H.B. 13, H.B. 238, and H.B. 247** read the second time by short title and placed on the Third Reading Calendar.

* * *

Mr. Speaker: January 28, 2009

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 87**, IDENTITY THEFT AMENDMENT, by Representative Julie Fisher; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 106**, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, by Representative B. Daw, with the following amendments:

1. Page 6, Lines 178 through 180:

   178  (B) provides the employee with a [unique] password that is unique to that employee to access the database in order to

   179  permit the division to comply with the requirements of Subsection (6)(b) with respect to the

   180  employee;

Douglas C. Aagard, Chair

Reports filed. On motion of Representative Aagard, the reports of the Judiciary committee were adopted.
H.B. 87 and H.B. 106, as amended, read the second time by short title and placed on the Third Reading Calendar.

* * *

Mr. Speaker: January 28, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 11, RECODIFICATION OF NATURAL RESOURCES PROVISIONS, by Representative J. Mathis; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 34, PENALTIES FOR DESTRUCTION OF BALD EAGLE, by Representative R. Barrus; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 68, DEVELOPMENT EXACTIONS, by Representative P. Painter; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.J.R. 7, EQUINE RESOURCES JOINT RESOLUTION, by Representative B. Winn; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.R. 1, HOUSE RESOLUTION SUPPORTING THE NARROWS WATER PROJECT IN CENTRAL UTAH, by Representative B. Winn; and

The Natural Resources, Agriculture, and Environment Committee recommends H.B. 62, STATE WATER DEVELOPMENT COMMISSION AMENDMENTS, by Representative K. Gibson, be replaced and reports a favorable recommendation on 1st Sub. H.B. 62, STATE WATER DEVELOPMENT COMMISSION AMENDMENTS and asks that it be placed on the Consent Calendar.

Roger E. Barrus, Chair

Reports filed. On motion of Representative Barrus, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.


1st Sub. H.B. 62, read the second time by short title and placed on the Consent Calendar.
Mr. Speaker:

The Transportation Committee reports a favorable recommendation on H.B. 24, TRAFFIC ACCIDENT CLEARANCE AMENDMENTS, by Representative E. Hutchings, with the following amendments:

1. Page 1, Lines 21 through 23:
   
   increases the property damage limit from $1,000 to $2,000 for requiring an operator of a vehicle to give notice of an accident to the nearest office of a law enforcement agency;

2. Page 1, Line 26 through Page 2, Line 29:
   
   authorizes the Department of Transportation or a law enforcement agency with jurisdiction to remove a vehicle, cargo, or other personal property that has been damaged or spilled within the right-of-way of a roadway on the state highway system, is blocking the roadway, or is endangering public safety;

3. Page 2, Lines 30 through 36:
   
   provides that the Department of Transportation or a law enforcement agency shall not be held responsible for any damages or claims that result from exercising the authority or the failure to exercise the authority to remove a vehicle, cargo, or personal property; and requires the owner and carrier, if any, of the vehicle, cargo, or personal property removed or disposed of to reimburse the Department of Transportation or other law enforcement agency for all costs incurred in removing and subsequently disposing of the property; and
4. Page 2, Lines 56 through 57:

56 (i) move the vehicle as soon as possible off the roadway or freeway main lines,

57 shoulders, medians, or adjacent areas to { a } the nearest safe location on an exit ramp shoulder, a frontage road.

5. Page 3, Lines 76 through 79:

76 (3) The operator of a vehicle involved in an accident shall immediately and by the quickest means of communication available give notice or cause to give notice of the accident to the nearest office of a law enforcement agency if the accident resulted in property damage to

79 an apparent extent of [$1,000] { $2,000 } $1,500 or more.

6. Page 4, Lines 98 through 100:

98 (1) As a result of a motor vehicle accident, { the Department of Transportation or } a law enforcement agency with jurisdiction may, without the consent of the owner or carrier, remove a vehicle, cargo, or other personal property that:

99 { (3) The owner and carrier, if any, of the vehicle, cargo, or personal property removed

100 or disposed of in accordance with this section shall reimburse the Department of

105 Transportation or other law enforcement agency for all costs incurred in the removal and

111
subsequent disposition of the vehicle, cargo, or personal property.} ; and

The Transportation Committee reports a favorable recommendation on H.C.R. 1, CONCURRENT RESOLUTION ON CERTIFICATION OF COMPRESSED NATURAL GAS VEHICLES, by Representative J. Draxler.

Bradley M. Daw, Chair

Reports filed. On motion of Representative Daw, the reports of the Transportation committee were adopted.

H.B. 24, as amended, and H.C.R. 1 read the second time by short title and placed on the Third Reading Calendar.

RULES COMMITTEE REPORT

Mr. Speaker: January 28, 2009

The Rules Committee recommends the following bills and resolutions be assigned to standing committees:

BUSINESS AND LABOR
H.B. 266 Wrongful Lien Amendments (Rep. G. Froerer)

GOVERNMENT OPERATIONS
H.B. 98 Campaign Finance Definitions (Rep. S. Allen)

HEALTH AND HUMAN SERVICES
H.B. 217 Utah Indoor Clean Air Act Amendments (Rep. N. Hansen)
H.B. 222 Unborn Child Pain Prevention Act (Rep. C. Wimmer)

LAW ENFORCEMENT AND CRIMINAL JUSTICE
H.B. 113 Salvage Vehicle Title Amendments (Rep. T. Kiser)

NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT
H.B. 240 Wanton Destruction of Livestock (Rep. R. Menlove)
POLITICAL SUBDIVISIONS


Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

UNFINISHED BUSINESS

On motion of Representative Dunnigan, the House voted to uncircle H.B. 52.

H.B. 52, INSURANCE CODE AMENDMENTS, was before the House on its final passage.

On motion of Representative Dee, the House voted to circle H.B. 52.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, under suspension of the rules, the House voted to suspend the 24-hour rule and consider bills on the Third Reading Calendar.

THIRD READING CALENDAR

H.B. 51, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, Johnson, read the third time by short title and placed on its final passage.

H.B. 51 passed on the following roll call:

Y eas, 66; Nays, 7; Absent or not voting, 2.

Voting in the affirmative were: Representatives

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Voting in the negative were: Representatives
Draxler           K Gibson       Greenwood       Last
Mathis            Menlove       Noel

Absent or not voting were: Representatives
Allen             Morley

H.B. 51 transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Dunnigan, the House voted to uncircle H.B. 52.

H.B. 52, INSURANCE CODE AMENDMENTS, was before the House on its final passage.

Representative Dunnigan proposed the following amendment:

1. Page 1, Line 1
   INSURANCE CODE AND RELATED AMENDMENTS

2. Page 1, Line 11:
   This bill modifies the Insurance Code and related provisions.

3. Page 1, Line 21:
   • clarifying insider directors;
     • addresses single risk limitations;

4. Page 2, Lines 47 through 49:
   lieu of an examination for a captive insurance company;
   provisions
   • provides for the sharing of information with the Insurance Department related to professional employer organizations; and
makes technical and conforming amendments, including repealing outdated
language.

5. Page 3, Line 59:

31A–8–215, as last amended by Laws of Utah 2004, Chapter 90
31A–20–108, as last amended by Laws of Utah 2008, Chapter 257

6. Page 3, Lines 87 through 88:

31A–37a–402, as enacted by Laws of Utah 2008, Chapter 302
35A–4–312, as last amended by Laws of Utah 2008, Chapters 58 and
382
63G–2–302, as last amended by Laws of Utah 2008, Chapter 91
and renumbered and

7. Page 45, Line 1382:

through (ix) shall be read: “corporate reorganizations under
Section 31A–8–216.”

Section 5. Section 31A–20–108 is amended to read:
(1) This section applies to all lines of insurance, including ocean
marine and reinsurance, except:
(a) title insurance;
(b) workers’ compensation insurance;
(c) occupational disease insurance;    {and–}
(d) employers’ liability insurance ; and
(e) health insurance .

(2) (a) Except as provided under Subsections (3) and (4) and
under Section 31A–20–109, an insurer authorized to do an insurance
business in Utah may not expose itself to loss on a single risk in an
amount exceeding 10% of its capital and surplus.

(b) The commissioner may adopt rules to calculate surplus
under this section.

(c) An insurer may deduct the portion of a risk reinsured by a
reinsurance contract worthy of a reserve credit under Sections
31A–17–404 through 31A–17–404.4 in determining the limitation of
risk under this section.

(3) (a) The commissioner may adopt rules, after hearings held
with notice provided under Section 31A–2–303, to specify the maximum
exposure to which an assessable mutual may subject itself.
(b) The rules described in Subsection (3)(a) may provide for classifications of insurance and insurers to preserve the solidity of insurers.

(4) As used in this section, a “single risk” includes all losses reasonably expected as a result of the same event.

(5) A company transacting fidelity or surety insurance may expose itself to a risk or hazard in excess of the amount prescribed in Subsection (2), if the commissioner, after considering all the facts and circumstances, approves the risk.

8. Page 105, Line 3238:

3238 company.

Section 33. Section 35A–4–312 is amended to read:


(1) (a) An employing unit shall keep true and accurate work records containing any information the department may prescribe by rule.

(b) A record shall be open to inspection and subject to being copied by the division or its authorized representatives at a reasonable time and as often as may be necessary.

(c) An employing unit shall make a record available in the state for three years after the calendar year in which the services are rendered.

(2) The division may require from an employing unit a sworn or unsworn report with respect to a person employed by the employing unit that the division considers necessary for the effective administration of this chapter.

(3) Except as provided in this section or in Sections 35A–4–103 and 35A–4–106, information obtained under this chapter or obtained from an individual may not be published or open to public inspection in any manner revealing the employing unit’s or individual’s identity.

(4) (a) The information obtained by the division under this section may not be used in court or admitted into evidence in an action or proceeding, except:

(i) in an action or proceeding arising out of this chapter;

(ii) if the Labor Commission enters into a written agreement with the division under Subsection (6)(b), in an action or proceeding by the Labor Commission to enforce:

(A) Title 34, Chapter 23, Employment of Minors;

(B) Title 34, Chapter 28, Payment of Wages;

(C) Title 34, Chapter 40, Utah Minimum Wage Act; or
(D) Title 34A, Utah Labor Code; or
(iii) under the terms of a court order obtained under Subsection 63G−2−202(7) and Section 63G−2−207.
(b) The information obtained by the division under this section shall be disclosed to:
(i) a party to an unemployment insurance hearing before an administrative law judge of the department or a review by the Workforce Appeals Board to the extent necessary for the proper presentation of the party’s case; or
(ii) an employer, upon request in writing for any information concerning a claim for a benefit with respect to a former employee of the employer.
(5) The information obtained by the division under this section may be disclosed to:
(a) an employee of the department in the performance of the employee’s duties in administering this chapter or other programs of the department;
(b) an employee of the Labor Commission for the purpose of carrying out the programs administered by the Labor Commission;
(c) an employee of the Department of Commerce for the purpose of carrying out the programs administered by the Department of Commerce;
(d) an employee of the governor’s office or another state governmental agency administratively responsible for statewide economic development, to the extent necessary for economic development policy analysis and formulation;
(e) an employee of another governmental agency that is specifically identified and authorized by federal or state law to receive the information for the purposes stated in the law authorizing the employee of the agency to receive the information;
(f) an employee of a governmental agency or workers’ compensation insurer to the extent the information will aid in:
(i) the detection or avoidance of duplicate, inconsistent, or fraudulent claims against:
(A) a workers’ compensation program; or
(B) public assistance funds; or
(ii) the recovery of overpayments of workers’ compensation or public assistance funds;
(g) an employee of a law enforcement agency to the extent the disclosure is necessary to avoid a significant risk to public safety or in aid of a felony criminal investigation;

(h) an employee of the State Tax Commission or the Internal Revenue Service for the purposes of:
   (i) audit verification or simplification;
   (ii) state or federal tax compliance;
   (iii) verification of a code or classification of the:
      (A) 1987 Standard Industrial Classification Manual of the federal Executive Office of the President, Office of Management and Budget; or
      (B) 2002 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget; and
   (iv) statistics;
   (i) an employee or contractor of the department or an educational institution, or other governmental entity engaged in workforce investment and development activities under the Workforce Investment Act of 1998 for the purpose of:
      (i) coordinating services with the department;
      (ii) evaluating the effectiveness of those activities; and
      (iii) measuring performance;
   (j) an employee of the Governor’s Office of Economic Development, for the purpose of periodically publishing in the Directory of Business and Industry, the name, address, telephone number, number of employees by range, code or classification of an employer, and type of ownership of Utah employers;

   (k) the public for any purpose following a written waiver by all interested parties of their rights to nondisclosure; or

   (l) an individual whose wage data is submitted to the department by an employer, so long as no information other than the individual’s wage data and the identity of the employer who submitted the information is provided to the individual; or

   (m) an employee of the Insurance Department for the purpose of administering Title 31A, Chapter 40, Professional Employer Organization Licensing Act.

(6) Disclosure of private information under Subsection (4)(a)(ii) or Subsection (5), with the exception of Subsections (5)(a) and (g), shall be made only if:
(a) the division determines that the disclosure will not have a
negative effect on:
   (i) the willingness of employers to report wage and employment
information; or
   (ii) the willingness of individuals to file claims for
unemployment benefits; and
(b) the agency enters into a written agreement with the division
in accordance with rules made by the department.

(7) (a) The employees of a division of the department other than
the Workforce Development and Information Division and the
Unemployment Insurance Division or an agency receiving private
information from the division under this chapter are subject to the same
requirements of privacy and confidentiality and to the same penalties for
misuse or improper disclosure of the information as employees of the
division.

(b) Use of private information obtained from the department by
a person, or for a purpose other than one authorized in Subsection (4) or
(5) violates Subsection 76−8−1301(4).

Renumber remaining sections accordingly.

Representative Dunnigan’s motion to amend passed on a voice vote.

Representatives Bird and Aagard commented.

H.B. 52, as amended, passed on the following roll call:

Yeas, 68; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives
Bigelow  Dougall  S Duckworth  Hughes
Mascaro  McIff  Wiley

H.B. 52, as amended, transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, and at 12:00 noon, the House voted to adjourn until January 29, 2009, at 10:00 a.m.
MORNING SESSION

The House was called to order by Speaker Clark at 10:00 a.m.

Roll call showed all members present.

Prayer offered by Reverend Canon Robin L. James, Canon Precentor of the Cathedral Church of St. Mark. Pledge of Allegiance led by Janna Tessman, a senior at East High School and the highest level of achievement in Girl Scouts of America.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: January 28, 2009

The Senate passed S.B. 10, DEPARTMENT OF COMMUNITY AND CULTURE – STATE-OWNED ART INVENTORY, by Senator M. Madsen, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 13, ADMINISTERING SUBSTANCES TO WILDLIFE, by Senator M. Dayton, and it is transmitted for consideration; and

The Senate passed S.B. 16, PROHIBITED GANG ACTIVITY, by Senator J. Greiner, and it is transmitted for consideration; and

The Senate passed S.B. 17, SURFACE COAL MINING AMENDMENTS, by Senator D. Stowell, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 22, STREET LEGAL ALL-TERRAIN VEHICLE AMENDMENTS, by Senator S. Jenkins, and it is transmitted for consideration; and

The Senate passed S.B. 24, EARLY VOTING AMENDMENTS, by Senator P. Knudson, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate


INTRODUCTION OF BILLS

H.B. 136, Sex Offender Definition Amendments (P. Ray), read the first time by short title and referred to the Rules Committee.
H.B. 137, Driver License Qualification Amendments (S. Sandstrom), read the first time by short title and referred to the Rules Committee.

H.B. 138, Expungement of Records Amendments (Julie Fisher), read the first time by short title and referred to the Rules Committee.

H.B. 139, Legislator Gift Reporting Act (S. Clark), read the first time by short title and referred to the Rules Committee.

H.B. 140, Motor Vehicle Registration Fee Amendments (C. Frank), read the first time by short title and referred to the Rules Committee.

H.B. 141, Billboard Amendments (C. Frank), read the first time by short title and referred to the Rules Committee.

H.B. 260, School Employee Termination Amendments (C. Wimmer), read the first time by short title and referred to the Rules Committee.

H.B. 268, Legislator Reporting of Gifts and Other Items (M. Wheatley), read the first time by short title and referred to the Rules Committee.

H.B. 277, Controlled Substance Amendments (P. Ray), read the first time by short title and referred to the Rules Committee.

H.B. 278, B and C Roads Fund Amendments (M. Noel), read the first time by short title and referred to the Rules Committee.

H.B. 279, Uniform Prudent Management of Institutional Funds Act (B. Last), read the first time by short title and referred to the Rules Committee.

H.B. 280, Insurance Code – Continuing Education (J. Bird), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

H.B. 85, MUTUAL BENEFIT CORPORATION – JUDICIAL LIENS, Painter, read the third time by short title and placed on its final passage.

Representative Painter declared a conflict of interest because he is the chair of a water company.

H.B. 85 passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.
Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bird  Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Dougall  Draxler  S Duckworth
Dunnigan  Edwards  Ferry  Janice Fisher
Julie Fisher  Fowlke  Frank  Froerer
Garn  F Gibson  K Gibson  Gowans
Greenwood  Grover  Hansen  Harper
Hemingway  Hendrickson  Herrod  Hughes
Hunsaker  Hutchings  Ipson  Johnson
King  Kiser  Litvack  Lockhart
Mascaro  Mathis  McIlff  Menlove
Morley  Moss  Newbold  Noel
Oda  Painter  Poulson  Powell
Ray  Riesen  Sandstrom  Seegmiller
Seelig  Sumsion  Vickers  Wallis
Watkins  Webb  Wheatley  Wilcox
Wiley  Wimmer  Winn  D. Clark

Absent or not voting were: Representatives

Bigelow  Holdaway  Last

H.B. 85 transmitted to the Senate for its consideration.

***

1st Sub. H.B. 86, DIVISION OF REAL ESTATE RELATED AMENDMENTS, Froerer, read the third time by short title and placed on its final passage.

On motion of Representative Froerer, the House voted to circle 1st Sub. H.B. 86.

***

H.B. 15, CAREER AND TECHNICAL EDUCATION AMENDMENTS, Bigelow, read the third time by short title and placed on its final passage.

On motion of Representative Dee, the House voted to circle H.B. 15.

***

H.B. 244, DISRUPTION OF SCHOOL ACTIVITIES, Moss, read the third time by short title and placed on its final passage. Representatives Hutchings, Herrod, and Daw commented.
H.B. 244, as amended, passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

| Bigelow | Last | Mascaro |

H.B. 244, as amended, transmitted to the Senate for its consideration.

***

H.B. 17, EXPEDITED PARTNER THERAPY TREATMENT, Seelig, read the third time by short title and placed on its final passage. Representative Ferry commented.

H.B. 17, as amended, passed on the following roll call:

**Yeas, 63; Nays, 8; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

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Voting in the negative were: Representatives
Frank  K Gibson  Mathis  Morley
Noel  Oda  Painter  Webb

Absent or not voting were: Representatives
Bigelow  Last  Mascaro  Powell

H.B. 17, as amended, transmitted to the Senate for its consideration.

* * *

H.B. 33, REFUND OF UNEARNED HEALTH INSURANCE PREMIUMS AND MEDICARE SUPPLEMENT INSURANCE PREMIUMS, Ray, read the third time by short title and placed on its final passage.

H.B. 33 passed on the following roll call:

Yeas, 68; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bird  Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Dougall  Draxler  S Duckworth
Dunnigan  Edwards  Ferry  Janice Fisher
Julie Fisher  Fowlke  Frank  Froerer
Garn  F Gibson  Gowans  Greenwood
Grover  Hansen  Harper  Hemingway
Hendrickson  Herrod  Holdaway  Hughes
Hunsaker  Hutchings  Ipson  Johnson
Absent or not voting were: Representatives
Bigelow K Gibson Last Mascaro
Painter Vickers D. Clark

H.B. 33 transmitted to the Senate for its consideration.

***

1st Sub. H.B. 81, HEALTH CARE PATIENT IDENTITY PROTECTION, Sandstrom, read the third time by short title and placed on its final passage.

On motion of Representative Sandstrom, the House voted to circle 1st Sub. H.B. 81.

***

H.B. 75, UTAH COMMUNICATIONS AGENCY NETWORK AMENDMENTS, Hunsaker, read the third time by short title and placed on its final passage.

H.B. 75 passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez-Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Groerer Garn F Gibson Gowans
Greenwood Grover Hansen Harper
Hemingway Hendrickson Herrod Holdaway
Hughes Hunsaker Hutchings Ipson
Johnson King Kiser Last
Absent or not voting were: Representatives
K Gibson Mascaro Painter Vickers

H.B. 75 transmitted to the Senate for its consideration.

* * *

H.B. 216, TELECOMMUNICATION PRICING FLEXIBILITY AMENDMENTS, Hunsaker, read the third time by short title and placed on its final passage. Representative Dunnigan commented.

H.B. 216 passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Froerer Garn F Gibson K Gibson
Gowans Greenwood Grover Hansen
Harper Hemingway Hendrickson Herrod
Holdaway Hughes Hunsaker Hutchings
Johnson King Kiser Last
Litvack Lockhart Mathis McIff
Menlove Morley Moss Newbold
Noel Oda Painter Powell
Powell Ray Riesen Sandstrom
Seegmiller Seelig Sumson Vickers
Wallis Watkins Webb Wheatley
Wilcox Wiley Wimmer Winn
D. Clark
Absent or not voting were: Representatives
Ipson Mascaro

H.B. 216 transmitted to the Senate for its consideration.

* * *

H.B. 13, CRIME OF STRANGULATION OR SMOTHERING, Seelig, read the third time by short title and placed on its final passage.

On motion of Representative Seelig, the House voted to circle H.B. 13.

* * *

H.B. 238, EXEMPTION OF UNIVERSITY HOUSING FROM EVICTION LAWS, Holdaway, read the third time by short title and placed on its final passage.

On motion of Representative Holdaway, the House voted to circle H.B. 238.

* * *

H.B. 247, AMENDMENTS TO EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, Bird, read the third time by short title and placed on its final passage.

On motion of Representative Bird, the House voted to circle H.B. 247.

* * *

H.B. 87, IDENTITY THEFT AMENDMENTS, Julie Fisher, read the third time by short title and placed on its final passage.

H.B. 87 passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Froerer Garn F Gibson K Gibson
Gowans Greenwood Grover Hansen
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Absent or not voting were: Representatives
Ipson          Mascaro          Painter

H.B. 87 transmitted to the Senate for its consideration.

* * *

H.B. 106, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, Daw, read the third time by short title and placed on its final passage.

H.B. 106, as amended, passed on the following roll call:

Yeas, 69; Nays, 2; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard          Allen          Barrus          Beck
Bird            Biskupski     Black          Brown
Chavez–Houck    S. Clark      Cosgrove       Daw
Dee             Dougall       Draxler        S Duckworth
Dunnigan        Edwards       Ferry          Janice Fisher
Fowlke          Frank         Froerer        Garn
F Gibson        K Gibson      Gowans         Greenwood
Grover          Hansen        Harper         Hemingway
Hendrickson     Herrod        Holdaway      Hughes
Hunsaker        Hutchings     Ipson          Johnson
King            Kiser         Last           Lockhart
McIff           Menlove       Morley         Moss
Newbold         Noel          Oda            Poulson
Powell          Ray           Riesen        Sandstrom
Seegmiller      Seelig        Sumsion       Vickers
Wallis          Watkins       Webb           Wheatley
Wilcox          Wiley         Wimmer        Winn
D. Clark
Voting in the negative were: Representatives
Julie Fisher Mathis

Absent or not voting were: Representatives
Bigelow Litvack Mascaro Painter

H.B. 106, as amended, transmitted to the Senate for its consideration.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: January 29, 2009

The Government Operations Committee reports a favorable recommendation on H.B. 234, CONSUMER CREDIT PROTECTION ACT MODIFICATION, by Representative Julie Fisher; and

The Government Operations Committee reports a favorable recommendation on H.B. 252, EMERGENCY MANAGEMENT ADMINISTRATION COUNCIL AMENDMENTS, by Representative C. Oda, with the following amendments:

1. Page 1, Lines 17 through 18:
   17 security, critical infrastructure, or key resources within the private sector appointed
   18 by the chair of the council; {—and—}
   ▶ adds two representatives appointed by the Utah Emergency Management Association; and

2. Page 2, Lines 52 through 56:
   52 (g) two representatives with expertise in emergency management appointed by the
   53 Utah Association of Counties; {—and—}
   54 (h) up to four additional members [appointed] with expertise in homeland security,
   55 critical infrastructure, or key resources as these terms are defined under 6 U.S. Code Section
   56 101 appointed from the private sector, by the chair of the council {—} ; and
(i) two representatives appointed by the Utah Emergency Management Association.

Craig A. Frank, Chair

Reports filed. On motion of Representative Grover, the reports of the Government Operations committee were adopted.

H.B. 234 and H.B. 252, as amended, read the second time by short title and placed on the Third Reading Calendar.

* * *

Mr. Speaker: January 29, 2009

The Political Subdivisions Committee reports a favorable recommendation on H.B. 226, DISASTER RECOVERY AND EMERGENCY MANAGEMENT AMENDMENTS, by Representative C. Oda; and

The Political Subdivisions Committee reports a favorable recommendation on H.B. 257, POLITICAL SUBDIVISION CLERK AMENDMENTS, by Representative M. Newbold; and

The Political Subdivisions Committee reports a favorable recommendation on H.B. 258, AMENDMENTS TO NOTICE PROVISIONS FOR SUBDIVISION CHANGES, by Representative K. Powell.

Fred R. Hunsaker, Chair

Reports filed. On motion of Representative Webb, the reports of the Political Subdivisions committee were adopted.

H.B. 226, H.B. 257, and H.B. 258 read the second time by short title and placed on the Third Reading Calendar.

* * *

Mr. Speaker: January 29, 2009

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 65, REPORTING OF CERTAIN TRANSACTIONS EXEMPT FROM SALES AND USE TAXES, by Representative Julie Fisher; and

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 67, PUBLIC HEARINGS ON PROPERTY TAX INCREASES, by Representative G. Froerer, with the following amendments:
1. Page 10, Lines 281 through 282:

281 (5) (a) A county auditor shall by no later than 30 days of the day on which the last publication of the information required by Subsection (3)(a) is made:

2. Page 3, Lines 68 through 72:

68 (3) The form of the advertisement required by this section shall meet the size, type, placement, and frequency requirements established under Section 59–2–919 and shall be:

70 substantially as follows:

71 “NOTICE OF PROPOSED TAX INCREASE

72 (NAME OF TAXING ENTITY)

3. Page 6, Lines 173 through 175:

173 (3) The form and content of the notice shall be substantially as follows:

174 “NOTICE OF PROPOSED TAX INCREASE

175 (NAME OF TAXING ENTITY) ; and

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 80, STUDY ON TAXPAYER ADVOCATE PROGRAM, by Representative K. Grover.

Todd E. Kiser, Chair

Reports filed. On motion of Representative Kiser, the reports of the Revenue and Taxation committee were adopted.

H.B. 65, H.B. 67, as amended, and H.B. 80 read the second time by short title and placed on the Third Reading Calendar.

***

Mr. Speaker: January 29, 2009

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on H.B. 91, INDIVIDUAL DEVELOPMENT ACCOUNT AMENDMENTS, by Representative F.J. Seegmiller, with the following amendment:
1. Page 2, Lines 54 through 57:

54 not–for–profit organization into an individual development account.

55 (b) Funds held in an individual development account may not be used in determining

56 eligibility for assistance, or the amount of assistance to be received, in a state or federal

57 means–tested program unless otherwise required by federal law or regulation.

Steven R. Mascaro, Chair

Report filed. On motion of Representative Garn, the report of the Workforce Services and Community and Economic Development committee was adopted.

H.B. 91, as amended, read the second time by short title and placed on the Third Reading Calendar.

THIRD READING CALENDAR

H.B. 11, RECODIFICATION OF NATURAL RESOURCES PROVISIONS, Mathis, read the third time by short title and placed on its final passage.

H.B. 11 passed on the following roll call:

Yeas, 69; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Representatives

Aagard Barrus Beck Biskupski
Black Brown Chavez–Houck S. Clark
Cosgrove Daw Dee Dougall
Draxler S Duckworth Dunnigan Edwards
Ferry Janice Fisher Julie Fisher Fowlke
Frank Froerer Garn F Gibson
K Gibson Gowans Greenwood Grover
Hansen Harper Hemingway Hendrickson
Herrod Holdaway Hughes Hunsaker
Hutchings Ipson Johnson King
Kiser Last Lockhart Mathis
McIff Menlove Morley Moss
Newbold Noel Oda Painter
Poulson Powell Ray Riesen
Sandstrom Seegmiller Sumption Vickers
Absent or not voting were: Representatives
Allen Bigelow Bird Litvack
Mascaro Seelig

H.B. 11 transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Froerer, the House voted to uncircle 1st Sub. H.B. 86.

1st Sub. H.B. 86, DIVISION OF REAL ESTATE RELATED AMENDMENTS, was before the House on its final passage.

Representative Webb proposed the following amendment:

1. Page 24, Lines 714 through 719
   714   (c) The commission, with the concurrence of the division, { may } shall make rules in
   accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
   716   (i) defining what constitutes a “payment instrument” for purposes of this Subsection
   717   (1); or
   718   (ii) the form and contents of the { of the } written instructions required by Subsection
   719   (1)(b), including providing that the contents of the written instructions indicate that the payment instrument process is an assignment to the associate broker or sales agent by the principal broker of a portion of the consideration the title insurance agent is obligated to pay the principal broker.

Representative Webb’s motion to amend passed on a voice vote.

Representatives Draxler and Hemingway commented.

1st Sub. H.B. 86, as amended, passed on the following roll call:
Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives

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1st Sub. H.B. 86, as amended, transmitted to the Senate for its consideration.

***

On motion of Representative Holdaway, the House voted to uncircle H.B. 238.

H.B. 238, EXEMPTION OF UNIVERSITY HOUSING FROM EVICTION LAWS, was before the House on its final passage.

Representative Hutchings commented

H.B. 238 passed on the following roll call:

Yeas, 62; Nays, 0; Absent or not voting, 13.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives
Allen Bigelow Biskupski Daw
Ferry Hendrickson Hughes Litvack
Mascaro Morley Painter Wiley
Wimmer

H.B. 238 transmitted to the Senate for its consideration.

THIRD READING CALENDAR

H.B. 34, PENALTIES FOR DESTRUCTION OF BALD EAGLE, Barrus, read the third time by short title and placed on its final passage.

H.B. 34 passed on the following roll call:

Yeas, 68; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Representatives
Aagard Barrus Beck Bird
Biskupski Black Brown Chavez–Houck
S. Clark Cosgrove Dee Dougall
Draxler S Duckworth Dunnigan Edwards
Ferry Janice Fisher Julie Fisher Fowlke
Frank Froerer Garn F Gibson
K Gibson Gowans Greenwood Hansen
Harper Hemingway Hendrickson Herrod
Holdaway Hughes Hunsaker Hutchings
Ipson Johnson King Kiser

Winn D. Clark
Last: Lockhart, Mathis, McIff
Menlove: Morley, Moss, Newbold
Noel: Oda, Painter, Poulson
Powell: Ray, Riesen, Sandstrom
Seegmiller: Seelig, Vickers, Wallis
Watkins: Webb, Wheatley, Wilcox
Wiley: Wimmer, Winn, D. Clark

Absent or not voting were: Representatives
Allen: Bigelow, Daw, Grover
Litvack: Mascaro, Sumasion

H.B. 34 transmitted to the Senate for its consideration.

RULES COMMITTEE REPORT

Mr. Speaker: January 29, 2009

The Rules Committee recommends the following bills and resolutions be assigned to standing committees:

BUSINESS AND LABOR

GOVERNMENT OPERATIONS
S.B. 10 Department of Community and Culture — State—owned Art Inventory (Sen. M. Madsen)
S.B. 24 Early Voting Amendments (Sen. P. Knudson)

LAW ENFORCEMENT AND CRIMINAL JUSTICE
S.B. 16 Prohibited Gang Activity (Sen. J. Greiner)

NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT
H.B. 115 County Conservation and Preservation Fund (Rep. J. Draxler)
S.B. 13 Administering Substances to Wildlife (Sen. M. Dayton)
S.B. 17 Surface Coal Mining Amendments (Sen. D. Stowell)

TRANSPORTATION
S.B. 22 Street Legal All—terrain Vehicle Amendments (Sen. S. Jenkins)

Ben C. Ferry, Chair
Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: January 29, 2009

The Senate passed **S.B. 12**, DUI AMENDMENTS, by Senator S. Killpack, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 25**, ONLINE VOTER REGISTRATION, by Senator P. Knudson, and it is transmitted for consideration; and

The Senate passed **S.B. 26**, OPEN AND PUBLIC MEETINGS ACT – MEETING RECORD, by Senator P. Knudson, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communications filed. **S.B. 12**, **S.B. 25**, and **S.B. 26** read the first time by short title and referred to the Rules Committee.

UNFINISHED BUSINESS

On motion of Representative Morley, the House voted to uncircle **H.B. 26**.

**H.B. 26**, CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS, was before the House on its final passage.

**H.B. 26** passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

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Absent or not voting were: Representatives
Allen
K Gibson
Bigelow
Litvack
Daw
Mascaro
Ferry
Mascaro

H.B. 26 transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, and at 12:00 noon, the House voted to adjourn until January 30, 2009, at 10:00 a.m.
FIFTH DAY
* * *

MORNING SESSION

The House was called to order by Speaker Pro Tem Hughes at 10:00 a.m.

Roll call showed all members present except Representative Holdaway, excused.

Prayer offered by Samantha Coombs, Representative Hunsaker’s intern. Pledge of Allegiance led by Representative Hunsaker.

INTRODUCTION OF BILLS

H.B. 142, Reporting Abuse or Neglect of the Elderly or Disabled (L. Hemingway), read the first time by short title and referred to the Rules Committee.

H.B. 143, Vehicle Inspection and Emission Testing Exemptions (K. Sumsion), read the first time by short title and referred to the Rules Committee.

H.B. 144, Medical Language Interpreter Act (R. Chavez–Houck), read the first time by short title and referred to the Rules Committee.

H.B. 281, Wireless Communication Device Use Limitations While Operating a Motor Vehicle (P. Ray), read the first time by short title and referred to the Rules Committee.

H.B. 283, Illegal Use of Off−highway Vehicles (M. Noel), read the first time by short title and referred to the Rules Committee.

H.B. 284, Smoking Ban in Motor Vehicle (F.J. Seegmiller), read the first time by short title and referred to the Rules Committee.

H.B. 285, Loss of Personal Information (E. Hutchings), read the first time by short title and referred to the Rules Committee.

H.B. 286, Regulation of Lending by the Department of Financial Institutions (K. Garn), read the first time by short title and referred to the Rules Committee.
H.J.R. 10, Joint Resolution Honoring the Lives and Accomplishments of Father Francisco Atanascio Dominguez and Father Silvestre Velez De Escalante (M. Wheatley), read the first time by short title and referred to the Rules Committee.

**CONSENT CALENDAR**

H.B. 20, REPEAL OF CERTAIN INCOME TAX CREDITS AND CONTRIBUTIONS, Julie Fisher, read the third time by short title and placed on its final passage.

H.B. 20 passed on the following roll call:

**Yeas, 66; Nays, 0; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

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H.B. 20 transmitted to the Senate for its consideration.

***

H.B. 28, PERSONAL PROPERTY TAX AMENDMENTS, Frank, read the third time by short title and placed on its final passage.
H.B. 28 passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

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H.B. 28 transmitted to the Senate for its consideration.

* * *

H.B. 55, AMENDMENTS TO TOURISM, RECREATION, CULTURAL, CONVENTION, AND AIRPORT FACILITIES TAX ACT, Harper, read the third time by short title and placed on its final passage.

H.B. 55 passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

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Absent or not voting were: Representatives
Grover Holdaway Kiser Moss
D. Clark

H.B. 55 transmitted to the Senate for its consideration.

THIRD READING CALENDAR

H.B. 68, DEVELOPMENT EXACTIONS, Painter, read the third time by short title and placed on its final passage.

On motion of Representative Painter, the House voted to circle H.B. 68.

***

H.J.R. 7, EQUINE RESOURCES JOINT RESOLUTION, Winn, read the third time by short title and placed on its final passage.

Representative Seelig proposed the following amendment:

1. Page 2, Lines 34 through 38

34 United States is currently estimated at 100,000 and continues to increase;

35 WHEREAS, Utahns appreciate the contributions of the horse to our Western traditions and issues related to the humane handling and slaughter of surplus domestic
36 horses are best addressed by proper regulations {and} inspection and enforcement and not by banning or exporting

37 the issues; and

38 WHEREAS, state agriculture and rural leaders recognize the necessity and benefit of a

Representative Seelig’s motion to amend failed on a voice vote.

Representative K. Gibson commented.

H.J.R. 7 passed on the following roll call:

**Yeas, 51; Nays, 14; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

| Beck | Biskupski | Black | Chavez–Houck |
| Cosgrove | Janice Fisher | Hemingway | Litvack |
| Moss | Poulson | Seegmiller | Seelig |
| Wheatley | Wiley |

**Absent or not voting were:** Representatives

| Brown | S. Clark | Dee | Garn |
| Greenwood | Holdaway | Johnson | King |
| Kiser | D. Clark |

H.J.R. 7 transmitted to the Senate for its consideration.
UNFINISHED BUSINESS

On motion of Representative Sandstrom, the House voted to uncircle 1st Sub. H.B. 81.

1st Sub. H.B. 81, HEALTH CARE PATIENT IDENTITY PROTECTION, was before the House on its final passage.

Representative Litvack proposed the following amendment:

1. Page 3, Line 85

85 (iv) other reasonable means.

(4) The identification described in this bill:
(a) is intended to be used for medical records purposes only; and
(b) shall be kept in accordance with the requirements of the Health Insurance Portability and Accountability Act of 1996.

Representative Litvack’s motion to amend passed on a voice vote.

1st Sub. H.B. 81, as amended, passed on the following roll call:

Yeas, 66; Nays, 0; Absent or not voting, 9.

**Voting in the affirmative were:** Representatives

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Absent or not voting were: Representatives
Allen Brown Ferry Garn
Holdaway Kiser Last Morley
D. Clark

1st Sub. H.B. 81, as amended, transmitted to the Senate for its consideration.

THIRD READING CALENDAR

H.R. 1, HOUSE RESOLUTION SUPPORTING THE NARROWS WATER PROJECT IN CENTRAL UTAH, Winn, read the third time by short title and placed on its final passage. Representative Watkins commented.

H.R. 1 passed on the following roll call:

Yeas, 54; Nays, 16; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Brown S. Clark
Daw Dee Dougall Draxler
Dunnigan Edwards Ferry Julie Fisher
Fowlke Frank Froerer Garn
F Gibson K Gibson Gowans Greenwood
Grover Hansen Harper Herrod
Hughes Hunsaker Hutchings Ipson
Last Lockhart Mascaro Mathis
McIff Menlove Morley Newbold
Noel Oda Painter Powell
Ray Riesen Sandstrom Sumson
Vickers Wallis Webb Wilcox
Wimmer Winn

Voting in the negative were: Representatives
Biskupski Black Chavez–Houck Cosgrove
S Duckworth Janice Fisher Hemingway Hendrickson
Johnson King Moss Seegmiller
Seelig Watkins Wheatley Wiley

Absent or not voting were: Representatives
Holdaway Kiser Litvack Poulson
D. Clark

H.R. 1 signed by the Speaker and referred to staff for enrolling and transmission to the Lt. Governor.
UNFINISHED BUSINESS

On motion of Representative Bird, the House voted to uncircle H.B. 247.

H.B. 247, AMENDMENTS TO EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, was before the House on its final passage.

H.B. 247 passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck  
Bigelow  Bird  Biskupski  Black  
Brown  Chavez–Houck  S. Clark  Cosgrove  
Daw  Dee  Draxler  S Duckworth  
Dunnigan  Edwards  Ferry  Janice Fisher  
Julie Fisher  Fowlke  Frank  Froerer  
F Gibson  K Gibson  Gowans  Greenwood  
Grover  Hansen  Harper  Hemingway  
Hendrickson  Herrod  Hughes  Hunsaker  
Hutchings  Ipson  Johnson  King  
Last  Litvack  Lockhart  Mascaro  
Mathis  McIff  Menlove  Morley  
Moss  Newbold  Noel  Oda  
Painter  Poulson  Powell  Riesen  
Sandstrom  Seegmiller  Seelig  Sumsion  
Vickers  Wallis  Watkins  Webb  
Wheatley  Wilcox  Wiley  Wimmer  
Winn  D. Clark  

Absent or not voting were: Representatives

Dougall  Garn  Holdaway  Kiser  Ray  

H.B. 247 transmitted to the Senate for its consideration.

THIRD READING CALENDAR

H.B. 24, TRAFFIC ACCIDENT CLEARANCE AMENDMENTS, Hutchings, read the third time by short title and placed on its final passage.

H.B. 24 passed on the following roll call:
Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck  
Bigelow  Biskupski  Black  Brown  
Chavez–Houck  S. Clark  Cosgrove  Daw  
Dee  Dougall  Draxler  S Duckworth  
Dunnigan  Edwards  Ferry  Janice Fisher  
Julie Fisher  Fowlke  Frank  Froerer  
F Gibson  K Gibson  Gowans  Greenwood  
Grover  Hansen  Harper  Hemingway  
Hendrickson  Herrod  Hughes  Hunsaker  
Hutchings  Johnson  King  Last  
Litvack  Lockhart  Mascaro  Mathis  
McIff  Menlove  Morley  Moss  
Newbold  Noel  Oda  Painter  
Poulson  Powell  Ray  Riesen  
Sandstrom  Seegmiller  Seelig  Sumsion  
Vickers  Wallis  Watkins  Webb  
Wheatley  Wilcox  Wiley  Wimmer  
Winn  D. Clark

Absent or not voting were: Representatives

Bird  Garn  Holdaway  Ipson  
Kiser

H.B. 24 transmitted to the Senate for its consideration.

RULES COMMITTEE REPORT

Mr. Speaker: January 30, 2009

The Rules Committee recommends the following bills and resolutions be assigned to standing committees:

GOVERNMENT OPERATIONS
H.B. 118 Archives and Grama Revisions (Rep. D. Aagard)  
S.B. 25 Online Voter Registration (Sen. P. Knudson)  
S.B. 26 Open and Public Meetings Act – Meeting Record  (Sen. P. Knudson)  

HEALTH AND HUMAN SERVICES
H.B. 273 Contracting for Inter–facility Medical Transports  (Rep. M. Noel)
LAW ENFORCEMENT AND CRIMINAL JUSTICE
H.B. 123 Retail and Library Theft Amendments (Rep. F. Gibson)

REVENUE AND TAXATION
H.B. 255 Repeal of Sales and Use Tax Exemption Relating to Mining (Rep. C. Watkins)

TRANSPORTATION
S.B. 12 DUI Amendments (Sen. S. Killpack)

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

THIRD READING CALENDAR

H.C.R. 1, CONCURRENT RESOLUTION ON CERTIFICATION OF COMPRESSED NATURAL GAS VEHICLES, Draxler, read the third time by short title and placed on its final passage. Representative Barrus commented.

H.C.R. 1 passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives

Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Froerer F Gibson K Gibson Gowans
Greenwood Grover Hansen Harper
Hemingway Hendrickson Herrod Hughes
Hunsaker Hutchings Ipson Johnson
King Last Litvack Lockhart
Mascaro Mathis McIff Menlove
Morley Moss Newbold Noel
Oda Poulson Powell Ray
Riesen Sandstrom Seegmiller Seelig
Sumption Vickers Wallis Watkins
Webb Wheatley Wilcox Wiley
Winn D. Clark
Absent or not voting were: Representatives
Garn Holdaway Kiser Painter
Wimmer

H.C.R. 1 transmitted to the Senate for its consideration.

* * *

H.B. 234, CONSUMER CREDIT PROTECTION ACT MODIFICATION, Julie Fisher, read the third time by short title and placed on its final passage.

H.B. 234 passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Froerer Garn F Gibson K Gibson
Gowans Greenwood Grover Hansen
Harper Hemingway Hendrickson Herrod
Hughes Hunsaker Hutchings Ipson
Johnson King Last Litvack
Lockhart Mascaro Mathis McClff
Menlove Morley Moss Newbold
Noel Oda Painter Powell
Ray Riesen Sandstrom Seegmiller
Sumssion Vickers Wallis Watkins
Webb Wheatley Wilcox Wiley
Wimmer Winn D. Clark

Absent or not voting were: Representatives
Holdaway Kiser Poulson Seelig

H.B. 234 transmitted to the Senate for its consideration.

* * *

H.B. 252, EMERGENCY MANAGEMENT ADMINISTRATION COUNCIL AMENDMENTS, Oda, read the third time by short title and placed on its final passage. Representative Greenwood commented.
**H.B. 252** passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

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**H.B. 252** transmitted to the Senate for its consideration.

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**H.B. 226** passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

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Day 5  Friday, January 30, 2009  197

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Julie Fisher  Fowlke  Frank  Froerer
Garn  F Gibson  K Gibson  Gowans
Greenwood  Grover  Hansen  Harper
Hemingway  Hendrickson  Herrod  Hunsaker
Hutchings  Ipson  Johnson  King
Last  Lockhart  Mascaro  Mathis
McIff  Menlove  Morley  Moss
Newbold  Noel  Oda  Painter
Poulson  Powell  Ray  Riesen
Sandstrom  Seegmiller  Sumasion  Vickers
Wallis  Watkins  Webb  Wheatley
Wilcox  Wiley  Wimmer  Winn
D. Clark

Absent or not voting were: Representatives
Bigelow  Holdaway  Hughes  Kiser
Litvack  Seelig

H.B. 226 transmitted to the Senate for its consideration.

***

H.B. 257, POLITICAL SUBDIVISION CLERK AMENDMENTS, Newbold, read the third time by short title and placed on its final passage.

H.B. 257 passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bird  Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Dougall  Draxler  S Duckworth
Dunnigan  Edwards  Ferry  Janice Fisher
Julie Fisher  Fowlke  Frank  Froerer
Garn  F Gibson  K Gibson  Gowans
Greenwood  Grover  Hansen  Harper
Hemingway  Hendrickson  Herrod  Hughes
Hunsaker  Hutchings  Ipson  Johnson
King  Last  Litvack  Lockhart
Mascaro     Mathis     McIff     Menlove
Morley      Moss      Newbold   Noel
Oda         Painter   Poulson   Powell
Ray         Riesen    Sandstrom Seegmiller
Seelig      Sumssion  Vickers   Wallis
Watkins     Webb      Wheatley  Wilcox
Wiley       Wimmer    Winn      D. Clark

Absent or not voting were: Representatives
Bigelow     Holdaway  Kiser

H.B. 257 transmitted to the Senate for its consideration.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: January 30, 2009

The Business and Labor Committee reports a favorable recommendation on H.B. 78, UTAH UNIFORM SECURITIES ACT MODIFICATIONS, by Representative J. Bird; and

The Business and Labor Committee recommends H.B. 121, RETIRED VOLUNTEER HEALTH CARE PRACTITIONER ACT, by Representative M. Brown, be replaced and favorably recommends 2nd Sub. H.B. 121, RETIRED VOLUNTEER HEALTH CARE PRACTITIONER ACT; and

The Business and Labor Committee reports a favorable recommendation on H.B. 243, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES, by Representative G. Froerer; and

The Business and Labor Committee reports a favorable recommendation on H.B. 266, WRONGFUL LIEN AMENDMENTS, by Representative G. Froerer, with the following amendments:

1. Page 2, Lines 38–39:
   After “includes” delete “a grantor of a deed conveying title to a person who holds or possesses a present, lawful property interest in certain real property” and insert “any grantor in the chain of the title in certain real property.”

   James A. Dunnigan, Chair

Reports filed. On motion of Representative Dunnigan, the reports of the Business and Labor committee were adopted.

Mr. Speaker:  

The Health and Human Services Committee reports a favorable recommendation on H.B. 63, AMENDMENTS TO CHILD WELFARE, by Representative W. Harper, with the following amendments:

1. Page 2, Lines 30 through 31:

30 amends provisions relating to the conduct of periodic review hearings for a minor in state custody; and

31 provides that the intentional, knowing, or reckless killing by a child’s parent of the child’s other parent, without legal justification, constitutes primae facie evidence of parental unfitness; and

2. Page 2, Line 49:


3. Page 26, Line 797:

797 be present at each hearing held under this part, but notice is not required to be provided.

Section 10. Section 78A−6−508 is amended to read:

78A−6−508. Evidence of grounds for termination.

(1) In determining whether a parent or parents have abandoned a child, it is prima facie evidence of abandonment that the parent or parents:

(a) although having legal custody of the child, have surrendered physical custody of the child, and for a period of six months following the surrender have not manifested to the child or to the person having the physical custody of the child a firm intention to resume physical custody or to make arrangements for the care of the child;

(b) have failed to communicate with the child by mail, telephone, or otherwise for six months;

(c) failed to have shown the normal interest of a natural parent, without just cause; or

(d) have abandoned an infant, as described in Subsection 78A−6−316(1).

(2) In determining whether a parent or parents are unfit or have
neglected a child the court shall consider, but is not limited to, the following circumstances, conduct, or conditions:

(a) emotional illness, mental illness, or mental deficiency of the parent that renders the parent unable to care for the immediate and continuing physical or emotional needs of the child for extended periods of time;

(b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive nature;

(c) habitual or excessive use of intoxicating liquors, controlled substances, or dangerous drugs that render the parent unable to care for the child;

(d) repeated or continuous failure to provide the child with adequate food, clothing, shelter, education, or other care necessary for the child’s physical, mental, and emotional health and development by a parent or parents who are capable of providing that care;

(e) whether the parent is incarcerated as a result of conviction of a felony, and the sentence is of such length that the child will be deprived of a normal home for more than one year; or

(f) a history of violent behavior.

(3) A parent who, legitimately practicing the parent’s religious beliefs, does not provide specified medical treatment for a child is not, for that reason alone, a negligent or unfit parent.

(4) (a) Notwithstanding Subsection (2), a parent may not be considered neglectful or unfit because of a health care decision made for a child by the child’s parent 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.

(b) Nothing in Subsection (4)(a) may prohibit a parent from exercising the right to obtain a second health care opinion.

(5) If a child has been placed in the custody of the division and the parent or parents fail to comply substantially with the terms and conditions of a plan within six months after the date on which the child was placed or the plan was commenced, whichever occurs later, that failure to comply is evidence of failure of parental adjustment.

(6) The following circumstances constitute prima facie evidence of unfitness:

(a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any child, due to known or substantiated abuse or neglect by the parent or parents;

(b) conviction of a crime, if the facts surrounding the crime are
of such a nature as to indicate the unfitness of the parent to provide adequate care to the extent necessary for the child’s physical, mental, or emotional health and development;

(c) a single incident of life-threatening or gravely disabling injury to or disfigurement of the child;

d) the parent has committed, aided, abetted, attempted, conspired, or solicited to commit murder or manslaughter of a child or child abuse homicide; or

e) the parent intentionally, knowingly, or recklessly causes the death of another parent of the child, without legal justification.

Renumber remaining sections accordingly; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 69, GUARDIAN AD LITEM AMENDMENTS, by Representative W. Harper, with the following amendments:

1. Page 27, Lines 813 through 816:

   813 [(2)] (3) (a) The [Judicial Council] Guardian Ad Litem Oversight Committee shall

   814 appoint one person to serve full time as the guardian ad litem director for the state. The

   815 guardian ad litem director shall serve at the pleasure of the [Judicial Council] Guardian Ad

   816 Litem Oversight Committee, in consultation with the state court administrator; and

The Health and Human Services Committee recommends H.B. 90, CRIMINAL HOMICIDE ABORTION, by Representative P. Ray, be replaced and reports a favorable recommendation on 1st Sub. H.B. 90, ABORTION LAW AMENDMENTS with the following amendments:

1. Page 1, Lines 14 through 22:

   ▶ Defines the term “viable”;

   14 ▶ provides that an abortion may only be performed in this state if:

   15 • the unborn child is not viable; or

   16 • the unborn child is viable, if the abortion
is necessary to avert the death of the woman on whom the abortion is performed, the abortion is necessary to avert a serious risk of substantial and irreversible impairment of a major bodily function of the woman, or the abortion is performed, under certain circumstances, on an unborn child who has a naturally occurring medical condition that makes it highly unlikely that the child will survive more than 24 hours after birth. Two physicians who practice maternal fetal medicine concur, in writing, that the fetus has a defect that is uniformly diagnosable and uniformly lethal;

2. Page 2, Line 47:
   (1) As used in this section, “viable” means that the unborn child has reached a stage of fetal development when the unborn child is potentially able to live outside the womb by natural or artificial life-supportive systems, as determined by the attending physician to a reasonable degree of medical certainty.
   (2) An abortion may be performed in this state only by a physician licensed to practice;

3. Page 2, Line 52:
   (2) An abortion may be performed in this state only under the following circumstances:

4. Page 3, Lines 71 through 72:
   (a) the unborn child is not viable; or
   (b) the unborn child is viable, if:

5. Page 3, Lines 77 through 86:
   (ii) (A) the abortion is performed on an unborn child who has a naturally occurring medical condition that makes it highly unlikely that the child will survive more than 24 hours.
after birth; and

(B) there is not a medically acceptable intervention or procedure that:

(I) may be performed before or after the child’s birth;

(II) may be performed without risk to the health of the woman on whom the abortion is performed; and

(III) has a reasonable chance of extending the child’s life beyond 24 hours.

(ii) two physicians who practice maternal fetal medicine concur, in writing, in the patient’s medical record that the fetus has a defect that is uniformly diagnosable and uniformly lethal.

Notwithstanding any other provision of this section, a woman who seeks to have, or obtains, an abortion for herself is not criminally liable.

6. Page 4, Line 105:

Subsection 76−7−302 {−(2) } (3) ; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 222, UNBORN CHILD PAIN PREVENTION ACT, by Representative C. Wimmer; and

The Health and Human Services Committee reports a favorable recommendation on H.C.R. 2, HEALTHY FAMILY PARTNERSHIP CONCURRENT RESOLUTION, by Representative C. Oda.

Paul Ray, Chair

Reports filed. On motion of Representative Ray, the reports of the Health and Human Services committee were adopted.

H.B. 63, as amended, H.B. 69, as amended, H.B. 222, and H.C.R. 2 read the second time by short title and placed on the Third Reading Calendar.

1st Sub. H.B. 90, as amended, considered read the first and second times by short title and placed on the Third Reading Calendar.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, and at 11:40 a.m., the House voted to adjourn until February 2, 2009, at 10:00 a.m.
EIGHTH DAY

* * *

MORNING SESSION

The House was called to order by Speaker Clark at 10:00 a.m.

Roll call showed all members present.

Prayer offered by Susan Lemon, constituent of Representative Webb. Pledge of Allegiance led by Lynn Lemon, Cache County Executive.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker:

January 30, 2009

The Senate passed, as amended, 1st Sub. S.B. 27, ELECTION LAW CHANGES, by Senator P. Knudson, and it is transmitted for consideration; and

The Senate passed S.B. 28, PROHIBITED ACTIVITIES OF GANG OFFENDERS, by Senator J. Greiner, and it is transmitted for consideration; and

The Senate passed S.B. 33, UTILITY TRANSMISSION CORRIDOR SITING TASK FORCE, by Senator S. Jenkins, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 38, SEVERANCE TAX AMENDMENTS, by Senator J. Valentine, and it is transmitted for consideration; and

The Senate passed S.C.R. 1, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER–SPONSORED WORK PROGRAM, by Senator S. Jenkins, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate


INTRODUCTION OF BILLS

H.B. 3, Current Fiscal Year Supplemental Appropriations (R. Bigelow), read the first time by short title and referred to the Rules Committee.
H.B. 145, Workplace Drug Testing Programs (T. Beck), read the first time by short title and referred to the Rules Committee.

H.B. 146, Expenditures of School and Institutional Trust Land Money by School Districts (T. Cosgrove), read the first time by short title and referred to the Rules Committee.

H.B. 147, Resource Recovery by Governmental Entities (T. Cosgrove), read the first time by short title and referred to the Rules Committee.

H.B. 148, Victim Rights Amendments (R. C. Webb), read the first time by short title and referred to the Rules Committee.

H.B. 149, Forest Reserve Fund Revisions (M. Noel), read the first time by short title and referred to the Rules Committee.

H.B. 150, State Board of Education Member Election Process Amendments (C. Moss), read the first time by short title and referred to the Rules Committee.

H.B. 151, Motor Vehicle Forfeiture Amendments (C. Herrod), read the first time by short title and referred to the Rules Committee.

H.B. 287, Utah Education Network Amendments (K. Holdaway), read the first time by short title and referred to the Rules Committee.

H.B. 288, Adoption Amendments (R. Chavez−Houck), read the first time by short title and referred to the Rules Committee.

H.B. 289, Background Checks for Qualifying Entities (S. Sandstrom), read the first time by short title and referred to the Rules Committee.

H.B. 290, Prohibition of Wireless Communication Device Use in a Motor Vehicle (S. Clark), read the first time by short title and referred to the Rules Committee.

H.B. 291, County Personnel Amendments (B. King), read the first time by short title and referred to the Rules Committee.

H.B. 292, Traffic Violation and Citation Amendments (D. Ipson), read the first time by short title and referred to the Rules Committee.

H.B. 293, State School Board Election Amendments (R. Menlove), read the first time by short title and referred to the Rules Committee.
H.B. 294, Survival Action upon Injury or Death (K. McIff), read the first time by short title and referred to the Rules Committee.

H.B. 300, Capital Improvement Appropriation Modification (R. Bigelow), read the first time by short title and referred to the Rules Committee.

H.B. 301, State Disaster Recovery Restricted Account Amendments (R. Bigelow), read the first time by short title and referred to the Rules Committee.

H.C.R. 6, Concurrent Resolution Expressing Opposition to Congressional Efforts to Expand the Jurisdiction of the Clean Water Act (M. Brown), read the first time by short title and referred to the Rules Committee.

H.J.R. 11, Joint Resolution Expressing Support for and Recognizing the Value of Locally Elected Officials (M. Brown), read the first time by short title and referred to the Rules Committee.

H.J.R. 12, Joint Resolution Supporting Hydrogen Power from Advanced Coal and Carbon Capture and Sequestration Technology (P. Painter), read the first time by short title and referred to the Rules Committee.

MISCELLANEOUS BUSINESS

On motion of Representative Ferry, under suspension of the rules, the House voted to lift H.B. 300, H.B. 301, and H.B. 3 from the Rules Committee, consider them read the second time by short title and place them at the top of the Third Reading Calendar in the order stated.

CONSENT CALENDAR

1st Sub. H.B. 60, FAMILY PRESERVATION SERVICES AMENDMENTS, Harper, read the third time by short title and placed on its final passage.

1st Sub. H.B. 60 passed on the following roll call:

Yeas, 69; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Representatives

Aagard    Allen    Barrus    Beck
Bigelow    Bird     Black     Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee        Dougall  Draxler   S Duckworth
Dunnigan   Edwards  Ferry     Janice Fisher
Julie Fisher Fowlke  Frank     Froerer
Absent or not voting were: Representatives
Biskupski Hansen Newbold Oda
Painter Sandstrom

1st Sub. H.B. 60 transmitted to the Senate for its consideration.

* * *

1st Sub. H.B. 62, STATE WATER DEVELOPMENT COMMISSION AMENDMENTS, Kerry Gibson, read the third time by short title and placed on its final passage.

1st Sub. H.B. 62 passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives

Aagard Barrus Beck Bigelow
Bird Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Frank Froerer
Garn F Gibson K Gibson Gowans
Greenwood Grover Hansen Harper
Hemingway Hendrickson Herrod Holdaway
Hughes Hunsaker Hutchings Ipson
Johnson King Kiser Last
Litvack Lockhart Mascaro Mathis
McIff Menlove Morley Moss
Wilcox Wiley Webb Wheatley

D. Clark

Winckelman Winn
Absent or not voting were: Representatives
Allen Painter

1st Sub. H.B. 62 transmitted to the Senate for its consideration.

THIRD READING CALENDAR

H.B. 300, CAPITAL IMPROVEMENT APPROPRIATION MODIFICATION, Bigelow, read the third time by short title and placed on its final passage. Representative Mascaro commented.

H.B. 300 passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Froerer
Garn F Gibson K Gibson Gowans
Greenwood Grover Hansen Harper
Hemingway Hendrickson Herrod Holdaway
Hughes Hunsaker Hutchings Ipson
Johnson King Kiser Last
Litvack Lockhart Mascaro Mathis
McIff Menlove Morley Moss
Newbold Noel Oda Poulsom
Powell Ray Riesen Sandstrom
Seegmiller Seelig Sumson Vickers
Wallis Watkins Webb Wheatley
Wilcox Wiley Wimmer Winn
D. Clark
Absent or not voting were: Representatives
Frank Painter

H.B. 300 transmitted to the Senate for its consideration.

* * *

H.B. 301, STATE DISASTER RECOVERY RESTRICTED ACCOUNTS AMENDMENTS, Bigelow, read the third time by short title and placed on its final passage. Representatives Allen, and Oda commented.

Representative Mathis proposed the following amendment:

1. Page 2, Line 54:
   Delete line 54.

Representative Herrod proposed the following substitute motion to amend:

1. Page 2, Line 54:
   At the beginning of line 54 after “(iii)” insert “For fiscal years 2009 and 2010 only.”

Representative Herrod’s motion to amend passed on a voice vote.

H.B. 301, as amended, passed on the following roll call:

Yeas, 73; Nays, 1; Absent or not voting, 1.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Froerer Garn F Gibson K Gibson
Gowans Greenwood Grover Harper
Hemingway Hendrickson Herrod Holdaway
Hughes Hunsaker Hutchings Ipson
Johnson King Kiser Last
Litvack Lockhart Mascaro Mathis
McIff Menlove Morley Moss
Newbold Noel Oda Poulson
Powell Ray Riesen Sandstrom
H.B. 301, as amended, transmitted to the Senate for its consideration.

* * *

H.B. 3, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS, Bigelow, read the third time by short title and placed on its final passage.

Representative Bigelow proposed the following amendment:

1. Page 7, Line 252:
   Delete “(5,093,500)” and insert “(4,155,900)”

2. Page 7, Line 254:
   Delete “(7,027,100)” and insert “(3,793,600)”

3. Page 7, Line 258:
   Delete “(9,064,700)” and insert “(4,893,600)”

Representative Bigelow’s motion to amend passed on a voice vote.

Representatives Holdaway, Litvack, King, McIff, Mascaro, and Noel commented.

H.B. 3, as amended, passed on the following roll call:

Yeas, 65; Nays, 9; Absent or not voting, 1.

Voting in the affirmative were: Representatives
Aagard        Allen         Beck         Bigelow
Bird          Biskupski     Black        Brown
S. Clark      Cosgrove      Daw          Dee
Dougall       Draxler       Dunnigan     Edwards
Voting in the negative were: Representatives
Chavez–Houck S Duckworth Janice Fisher Hansen
Hendrickson King Seegmiller Watkins
Wiley

Absent or not voting was: Representative
Barrus

H.B. 3, as amended, transmitted to the Senate for its consideration.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: January 30, 2009

The Judiciary Committee reports a favorable recommendation on H.B. 72, CHILDREN’S JUSTICE CENTER AMENDMENTS, by Representative L. Fowlke; and

The Judiciary Committee reports a favorable recommendation on H.B. 97, SEXUAL EXPLOITATION OF A MINOR, by Representative R. Bigelow, with the following amendments:

1. Page 1, Line 13:

   13 child pornography ; and

   provides that entities, their employees, and law enforcement officers who are acting in good faith to investigate, monitor for, or report child pornography are not considered to have violated any civil or criminal provision regarding sexual exploitation of a minor .
2. Page 1, Line 26 through Page 2, Line 28:

(a) when the person
   (i) knowingly produces, possesses, with intent to distribute child pornography; or
   (ii) intentionally distributes or views child pornography; or

(b) if the person is a minor’s parent or legal guardian and knowingly consents to or

3. Page 2, Line 38:

the visual depiction.

(5) This section may not be construed to impose criminal or civil liability on:

(a) any entity or an employee, director, officer, or agent of an entity when acting within the scope of employment, for the good faith performance of:
   (i) reporting or data preservation duties required under any federal or state law; or
   (ii) implementing a policy of attempting to prevent the presence of child pornography on any tangible or intangible property, or of detecting and reporting the presence of child pornography on the property; or
   (b) any law enforcement officer acting within the scope of a criminal investigation.

The Judiciary Committee reports a favorable recommendation on H.B. 223, STATUTE OF LIMITATIONS AMENDMENTS, by Representative C. Wimmer; and

The Judiciary Committee reports a favorable recommendation on H.B. 233, AGGRAVATED SEXUAL ASSAULT AMENDMENTS, by Representative C. Wimmer.

Lorie D. Fowlke, Chair

Reports filed. On motion of Representative Fowlke, the reports of the Judiciary committee were adopted.

H.B. 72, H.B. 97, as amended, H.B. 223, and H.B. 233 read the second time by short title and placed on the Third Reading Calendar.
Mr. Speaker:

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 41**, SEX OFFENDER REGISTRATION AMENDMENTS, by Representative K. Sumsion; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 113**, SALVAGE VEHICLE TITLE AMENDMENTS, by Representative T. Kiser; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **S.B. 16**, PROHIBITED GANG ACTIVITY, by Senator J. Greiner.

Douglas C. Aagard, Chair

Reports filed. On motion of Representative Aagard, the reports of the Law Enforcement and Criminal Justice committee were adopted.

**H.B. 41, H.B. 113, and S.B. 16** read the second time by short title and placed on the Third Reading Calendar.

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Mr. Speaker:

The Natural Resources, Agriculture, and Environment Committee recommends **H.B. 92**, REQUIREMENT TO WEAR HUNTER ORANGE AMENDMENTS, by Representative S. Sandstrom, be replaced and favorably recommends **1st Sub. H.B. 92**, REQUIREMENT TO WEAR HUNTER ORANGE AMENDMENTS; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 115**, COUNTY CONSERVATION AND PRESERVATION FUND, by Representative J. Draxler; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 116**, UNIFORM FEES ON CANOES, by Representative M. Wheatley; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 235**, DAM SAFETY AMENDMENTS, by Representative S. Sandstrom; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 13**, ADMINISTERING SUBSTANCES TO WILDLIFE, by Senator M. Dayton; and
The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 17, SURFACE COAL MINING AMENDMENTS, by Senator D. Stowell, et al, and recommends it be placed on the Consent Calendar.

Roger E. Barrus, Chair

Reports filed. On motion of Representative Garn, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.


S.B. 17 read the second time by short title and placed on the Consent Calendar.

***

Mr. Speaker: January 30, 2009

The Transportation Committee reports a favorable recommendation on H.B. 102, FALSE VEHICLE TITLE AND REGISTRATION PENALTIES, by Representative P. Ray; and

The Transportation Committee reports a favorable recommendation on H.B. 104, DRIVER LICENSE HEARING AMENDMENTS, by Representative R. Greenwood; and

The Transportation Committee reports a favorable recommendation on H.B. 253, MOTOR CARRIER PERMIT FEE AMENDMENTS, by Representative T. Kiser; and

The Transportation Committee reports a favorable recommendation on S.B. 22, STREET LEGAL ALL–TERRAIN VEHICLE AMENDMENTS, by Senator S. Jenkins, et al, with the following amendments:

1. Page 11, Lines 319 through 325:

   319   (71) (a) “Utility type vehicle” means any recreational vehicle designed and capable of
   320 travel over unimproved terrain;
   321   (i) traveling on four or more tires;
   322   (ii) having a width of 30 to 70 inches;
   323   (iii) having an unladen dry weight of 2,200 pounds or less;
324 (iv) having a seat height of 30 to 40 inches when measured at the forward edge of the seat bottom; and

2. Page 13, Lines 369 through 393:

369 (3) A street−legal ATV shall be equipped with:
370 (a) one or more headlamps that meet the requirements of Section 41−6a−1603;
371 (b) one or more tail lamps;
372 (c) a tail lamp or other lamp constructed and placed to illuminate the registration plate with a white light;
374 (d) one or more red reflectors on the rear;
375 (e) one or more stop lamps on the rear;
376 (f) amber or red electric turn signals, one on each side of the front and rear;
377 (g) a braking system, other than a parking brake, that meets the requirements of Section 41−6a−1623;
379 (h) a horn or other warning device that meets the requirements of Section 41−6a−1625;
380 (i) a muffler and emission control system that meets the requirements of Section 41−6a−1626;
382 (j) rearview mirrors on the right and left side of the driver in accordance with Section 41−6a−1627;
384 (k) a windshield, unless the operator wears eye protection while operating the vehicle;
385 (l) a speedometer, illuminated for nighttime operation;
386 (m) for vehicles designed by the manufacturer for carrying one or more passengers, a seat designed for passengers, including a footrest and handhold for each passenger; [and]
for vehicles with side–by–side seating, seatbelts for each vehicle occupant[ ]; and

(t) tires that:

(i) do not exceed 26 inches in height;

(ii) are not larger than the tires that the all–terrain vehicle manufacturer made available

(iii) have at least 2/32 inches or greater tire tread.

Bradley M. Daw, Chair

Reports filed. On motion of Representative Daw, the reports of the Transportation committee were adopted.


* * *

Mr. Speaker: February 2, 2009

The Government Operations Committee recommends H.B. 49, VOTER CHALLENGE AMENDMENTS, by Representative N. Hansen, be replaced and favorably recommends 1st Sub. H.B. 49, VOTER CHALLENGE AMENDMENTS; and

The Government Operations Committee reports a favorable recommendation on S.B. 10, DEPARTMENT OF COMMUNITY AND CULTURE – STATE–OWNED ART INVENTORY, by Senator M. Madsen, and, due to fiscal impact, recommends it be referred to the Rules Committee for prioritization.

Craig A. Frank, Chair

Reports filed. On motion of Representative Frank, the reports of the Government Operations committee were adopted.

1st Sub. H.B. 49 read the second time by short title and placed on the Third Reading Calendar.

S.B. 10 read the second time by short title and referred to the Rules Committee due to fiscal impact.
NOTICE OF BILL RETURNED TO RULES COMMITTEE

Mr. Speaker: February 2, 2009

The Government Operations Committee has returned H.B. 98, CAMPAIGN FINANCE DEFINITIONS, by Representative S. Allen, to the Rules Committee.

Craig A. Frank, Chair

Report filed. H.B. 98 read the second time by short title and returned to the Rules Committee.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 2, 2009

The Political Subdivisions Committee recommends H.B. 61, LOCAL GOVERNMENT ENTITY CHANGES, by Representative K. Holdaway, be replaced and reports a favorable recommendation on 2nd Sub. H.B. 61, LOCAL GOVERNMENT ENTITY CHANGES with the following amendments:

1. Page 59, Lines 1806 through 1807:
   
   1806 (i) the plat has been {certified} approved under Section 17–23–20 by the county surveyor as a final
   1807 local entity plat, as defined in Section 17–23–20; and

   Fred R. Hunsaker, Chair

   Report filed. On motion of Representative Webb, the report of the Political Subdivisions committee was adopted.

   2nd Sub. H.B. 61, as amended, read the second time by short title and placed on the Third Reading Calendar.

   * * *

Mr. Speaker: February 2, 2009

The Revenue and Taxation Committee recommends H.B. 35, NONREFUNDABLE HIGHER EDUCATION TUITION CREDIT, by Representative J. Dougall, be replaced and reports a favorable recommendation on 1st Sub. H.B. 35, HIGHER EDUCATION TAX CREDIT AND CONTRIBUTION with the following amendments and that the bill be considered to have been read for the first time:

1. Page 10, Lines 284 through 289:

   284 (ii) If the taxpayer does not sign and return the account agreement by the date specified
by the Utah Educational Savings Plan Trust and the Utah Educational Savings Plan Trust shall return the contribution to the commissioner without any interest or earnings.

(B) the commission shall remit the taxpayer’s individual income tax refund to the taxpayer.

Page 10, Lines 290 through 296:

(4) For the purpose of determining interest on an overpayment or refund under Section 59–1–402:

(a) no interest accrues after the commission sends the contribution to the Utah Educational Savings Plan Trust and

(b) if the Utah Educational Savings Plan Trust returns a contribution pursuant to Subsection (3)(c)(ii)(A), the return of the contribution shall be considered the filing of a return under Subsection 59–1–402(4)(a).

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 71, WITHHOLDING TAX AMENDMENTS, by Representative E. Vickers; and

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 76, INCOME TAX CREDIT FOR MILITARY RETIRED PAY, by Representative S. Mascaro, with the following amendments:

1. Page 1, Lines 21 through 22:

This bill has retrospective operation takes effect for a taxable year beginning on or after January 1, 2010.

2. Page 3, Lines 79 through 80:

(4) The maximum amount of a tax credit a claimant may claim on a return for a taxable
80 year, regardless of filing status, is the amount determined under Subsection (1) (2).

3. Page 3, Lines 85 through 87:

3. Section 3. { Retrospective operation } Effective date.

86 This bill { has retrospective operation } takes effect for a taxable year beginning on or after January 1.

87 { 2009 } 2010; and

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 83, PROPERTY TAX RELIEF PROGRAMS, by Representative G. Froerer; and

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 70, CIGARETTE TAX EXEMPTION AMENDMENTS, by Representative E. Vickers, and recommends it be placed on the Consent Calendar.

             Todd E. Kiser, Chair

Reports filed. On motion of Representative Froerer, the reports of the Revenue and Taxation committee were adopted.

1st Sub. H.B. 35, as amended, read the first and second times by short title and placed on the Third Reading Calendar.

H.B. 71, H.B. 76, as amended, and H.B. 83 read the second time by short title and placed on the Third Reading Calendar.

H.B. 70 read the second time by short title and placed on the Consent Calendar.

MISCELLANEOUS BUSINESS

On motion of Representative Oda, the House voted to calendar H.C.R. 2 for Time Certain on February 6, 2009 at 11:00 a.m.

RULES COMMITTEE REPORT

Mr. Speaker: February 2, 2009

The Rules Committee recommends the following bills and resolutions be assigned to standing committees:

BUSINESS AND LABOR
H.B. 265 Postmortem Procedures Amendments (Rep. B. Daw)

EDUCATION
H.B. 264  Educator Evaluation Amendments (Rep. R. Menlove)

GOVERNMENT OPERATIONS
H.B. 272  Utah Scenic Byway Designation Amendments (Rep. C. Herrod)

HEALTH AND HUMAN SERVICES
H.B. 114  Abortion Litigation Trust Account Amendments (Rep. K. Sumsion)
H.B. 128  Electronic Prescribing Act (Rep. R. Menlove)

LAW ENFORCEMENT AND CRIMINAL JUSTICE
S.B. 28  Prohibited Activities of Gang Offenders (Sen. J. Greiner)

NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT

PUBLIC UTILITIES AND TECHNOLOGY
H.C.R. 5  Concurrent Resolution Urging the Realignment of Air Quality Requirements by the EPA (Rep. R. Menlove)

TRANSPORTATION
H.B. 261  Aviation Amendments (Rep. W. Harper)

WORKFORCE SERVICES AND COMMUNITY AND ECONOMIC DEVELOPMENT
S.C.R. 1  Concurrent Resolution Requesting a Federal Waiver to Establish an Employer-sponsored Work Program (Sen. S. Jenkins)

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

RULES COMMITTEE REPORT

Mr. Speaker:  February 2, 2009

The Rules Committee recommends that, under suspension of the rules, H.C.R. 4, University of Utah Championship Football Team Concurrent
Resolution (Rep. J. Bird), be considered read for the second time and placed on the Third Reading Calendar with a time certain of February 5, 2009 at 11:30 a.m.

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

MISCELLANEOUS BUSINESS

On motion of Representative Ferry, the House voted to calendar S.J.R. 3 for Time Certain on February 3, 2009 at 11:30 a.m.

THIRD READING CALENDAR

H.B. 258, AMENDMENTS TO NOTICE PROVISIONS FOR SUBDIVISION CHANGES, Powell, read the third time by short title and placed on its final passage.

H.B. 258 passed on the following roll call:

Yeas, 74; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Representatives

Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Froerer Garn F Gibson K Gibson
Gowans Greenwood Grover Hansen
Harper Hemingway Hendrickson Herrod
Holdaway Hughes Hunsaker Hutchings
Ipson Johnson King Kiser
Last Litvack Lockhart Mascaro
Mathis McIff Menlove Morley
Moss Noel Oda Painter
Poulson Powell Ray Riesen
Sandstrom Seegmiller Seelig Sumasion
Vickers Wallis Watkins Webb
Wheatley Wilcox Wiley Wimmer
Winn D. Clark

Absent or not voting was: Representative

Newbold
**H.B. 258** transmitted to the Senate for its consideration.

* * *

**H.B. 65**, REPORTING OF CERTAIN TRANSACTIONS EXEMPT FROM SALES AND USE TAXES, Julie Fisher, read the third time by short title and placed on its final passage.

On motion of Representative Julie Fisher, the House voted to circle **H.B. 65**.

* * *

**H.B. 67**, PUBLIC HEARINGS ON PROPERTY TAX INCREASES, Froerer, read the third time by short title and placed on its final passage.

Representative Froerer proposed the following amendment:

1. **Page 1, Lines 16 through 17**
   
   16 ◀ amend the format of the “Truth in Taxation” newspaper advertisement;
   
   ◀ excludes new growth from the taxing entity’s budgeted revenue amounts for purposes of determining the taxing entity’s percentage increase listed in a “Truth in Taxation” newspaper advertisement;
   
   17 ◀ modifies the advertisement requirements for a taxing entity when the taxing entity’s

2. **Page 3, Lines 82 through 83**
   
   House Committee Amendments 1–29–2009:
   
   82 ◀ If the proposed budget is approved, { this would be an increase of ____% above
   
   83 the (name of the taxing entity) property tax budgeted revenue for the prior year } (name of the taxing entity) would increase its property tax budgeted revenue by ____% above last year’s property tax budgeted revenue excluding new growth

3. **Page 4, Lines 101 through 104**:
   
   101 Section 2. Section 59–2–919 is amended to read:
   
   102 59–2–919. Resolution proposing tax increases — { Notice — Contents of notice of
   
   103 proposed tax increase — Personal mailed notice in addition to advertisement — Contents
4. Page 7, Lines 185 through 186:

185 If the proposed budget is approved, this would be an increase of _____% above

186 the (name of the taxing entity) property tax budgeted revenue for the prior year (name of the taxing entity) would increase its property tax budgeted revenue by ____% above last year’s property tax budgeted revenue excluding new growth.

Representative Froerer’s motion to amend passed on a voice vote.

Representatives Cosgrove, Hemingway, and Menlove commented.

H.B. 67, as amended, passed on the following roll call:

**Voting in the affirmative were:** Representatives

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**Voting in the negative was:** Representative Menlove

**Absent or not voting were:** Representatives Hutchings Newbold
H.B. 67, as amended, transmitted to the Senate for its consideration.

* * *

H.B. 80, STUDY ON TAXPAYER ADVOCATE PROGRAM, Grover, read the third time by short title and placed on its final passage.

Representatives Litvack and Wimmer commented.

H.B. 80 passed on the following roll call:

Yeas, 42; Nays, 32; Absent or not voting, 1.

Voting in the affirmative were: Representatives
Aagard Barrus Bigelow Bird
S. Clark Daw Dee Dougall
Draxler Ferry Fowlke Frank
Froerer F Gibson K Gibson Grover
Harper Herrod Hughes Hunsaker
Hutchings Ipson Kiser Last
Lockhart Mascaro Mathis Morley
Newbold Noel Oda Painter
Ray Sandstrom Sumsion Vickers
Wallis Webb Wilcox Wimmer
Winn D. Clark

Voting in the negative were: Representatives
Allen Beck Biskupski Black
Brown Chavez–Houck Cosgrove S Duckworth
Dunnigan Edwards Janice Fisher Julie Fisher
Gowans Greenwood Hansen Hemingway
Hendrickson Holdaway Johnson King
Litvack McIff Menlove Moss
Poulson Powell Riesen Seegmiller
Seelig Watkins Wheatley Wiley

Absent or not voting was: Representative
Garn

H.B. 80 transmitted to the Senate for its consideration.

* * *

H.B. 91, INDIVIDUAL DEVELOPMENT ACCOUNT AMENDMENTS, Seegmiller, read the third time by short title and placed on its final passage.
Representatives Lockhart and Mascaro commented.

On motion of Representative Litvack, the House voted to circle **H.B. 91**.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: February 2, 2009

The Senate passed, as amended, **S.B. 4**, CURRENT SCHOOL YEAR SUPPLEMENTAL MINIMUM SCHOOL PROGRAM BUDGET ADJUSTMENTS, by Senator H. Stephenson, and it is transmitted for consideration; and

The Senate passed, as amended, **1st Sub. S.B. 18**, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for consideration; and

The Senate passed **S.B. 19**, CRIMINAL OFFENSE PENALTIES AMENDMENT, by Senator J. Greiner, and it is transmitted for consideration; and

The Senate passed **S.B. 40**, LAWFUL PRESENCE VERIFICATION FOR ISSUANCE OF A DRIVER LICENSE OR IDENTIFICATION CARD, by Senator C. Bramble, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communications filed. **S.B. 4, 1st Sub. S.B. 18, S.B. 19, and S.B. 40** read the first time by short title and referred to the Rules Committee.

**MISCELLANEOUS BUSINESS**

On motion of Representative Ferry, under suspension of the rules, the House voted to lift **S.B. 4** from the Rules Committee, consider it read the second time by short title and place it at the top of the Senate Third Reading Calendar.

* * *

On motion of Representative Newbold, the House voted to move to the Senate Third Reading Calendar.

**THIRD READING CALENDAR**

**S.B. 4**, CURRENT SCHOOL YEAR SUPPLEMENTAL MINIMUM SCHOOL PROGRAM BUDGET ADJUSTMENTS, read the third time by short title and placed on its final passage.
Representatives Holdaway, King, Allen, and Watkins commented.

**S.B. 4** passed on the following roll call:

**Yeas, 57; Nays, 17; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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**Absent or not voting was:** Representative

Garn

**S.B. 4** was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: February 2, 2009

The Senate passed, **H.B. 3**, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS, by Representative R. Bigelow, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 300**, CAPITAL IMPROVEMENT APPROPRIATION MODIFICATION, by Representative R. Bigelow, which has
been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 301**, STATE DISASTER RECOVERY RESTRICTED ACCOUNT AMENDMENTS, by Representative R. Bigelow, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. **H.B. 3, H.B. 300**, and **H.B. 301** signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

**MISCELLANEOUS BUSINESS**

On motion of Representative Dee, and at 12:40 p.m., the House voted to adjourn until February 3, 2009, at 10:00 a.m.
NINTH DAY

MORNING SESSION

The House was called to order by Speaker Clark at 10:00 a.m.

Roll call showed all members present.

Prayer offered by Representative Gibson’s intern, David Hunsaker. Pledge of Allegiance led by Representative Gibson’s 5-year old daughter, Korianne.

INTRODUCTION OF BILLS

H.B. 152, Appraisal Management Company Regulation (M. Morley), read the first time by short title and referred to the Rules Committee.

H.B. 154, State Construction Registry Amendments (M. Morley), read the first time by short title and referred to the Rules Committee.

H.B. 155, Equalization of Funding for Divided School Districts (J. Bird), read the first time by short title and referred to the Rules Committee.

H.B. 282, Task Force on Legislative Reform (N. Hansen), read the first time by short title and referred to the Rules Committee.

H.B. 295, Money Laundering Amendments (B. Dee), read the first time by short title and referred to the Rules Committee.

H.B. 296, Schools for the Deaf and Blind Amendments (K. Sumson), read the first time by short title and referred to the Rules Committee.

H.B. 297, Budgetary Procedures Act Recodification (R. Bigelow), read the first time by short title and referred to the Rules Committee.

H.B. 298, Juvenile Transfers from Justice Court (K. McIff), read the first time by short title and referred to the Rules Committee.

H.B. 299, Unlawful Detainer Amendments (G. Froerer), read the first time by short title and referred to the Rules Committee.

H.B. 309, County Fiscal Procedures Amendments (C. Herrod), read the first time by short title and referred to the Rules Committee.
H.B. 310, Authority of Lieutenant Governor to Perform Marriage (C. Wimmer), read the first time by short title and referred to the Rules Committee.

H.J.R. 13, Joint Resolution – Teacher Performance Pay (M. Poulson), read the first time by short title and referred to the Rules Committee.


THIRD READING CALENDAR

H.B. 78, UTAH UNIFORM SECURITIES ACT MODIFICATIONS, Bird, read the third time by short title and placed on its final passage. Representative Allen commented.

H.B. 78 passed on the following roll call:

Yeas, 69; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives

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2nd Sub. H.B. 121, RETIRED VOLUNTEER HEALTH CARE PRACTITIONER ACT, Brown, read the third time by short title and placed on its final passage.

On motion of Representative Garn, the House voted to circle 2nd Sub. H.B. 121.

H.B. 243, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES, Froerer, read the third time by short title and placed on its final passage.

Representative Froerer proposed the following amendment:

1. Page 1, Lines 10 through 11
   10 This bill modifies the powers of {a condominium association or common interest community—} an association of unit owners or association to create rental restrictions.

2. Page 1, Lines 14 through 20:
   14 /> modifies the powers of {a condominium association or common interest community—} an association of unit owners or association to:
   15 • create reasonable restrictions on the number and terms of rental units or lots;
   16 • include rental restrictions in the {association or community declaration—} association of unit owners’ declaration or association’s governing documents;
   17 • include a hardship exemption in the rental restrictions;
   18 • include a grandfather clause for existing rental units or lots; and
   19 • create procedures to track the number of rental units or lots; and
3. Page 12, Lines 350 through 357:

350  (14) (a)  { A condominium association } Except for a declaration governing a condominium project containing a time period unit or any other form of timeshare interest as defined in Section 57–19–2, an association of unit owners, by amendment to the declaration, may create reasonable restrictions on the number and term of rentals in a condominium project.

352  (b)  If the restrictions prohibit the rental of units, restrictions are imposed on the number and term of rentals. { prohibit the rental of units; } the restrictions:

353  (i) { may not restrict less than 10% of the units } shall allow a minimum of 20% of the units to be rentals; and

354  (ii) shall be included in the declaration required by this section.

355  (c) { Restrictions } If restrictions are imposed on the number and term of rentals, the restrictions shall include:

356  (i) a hardship exemption that { allows an association } requires an association of unit owners to exempt from the rental restrictions an owner suffering from hardship, including:

4. Page 12, Line 363:

363  (ii) a grandfather clause allowing all owners who have rentals in the { community } condominium project, before

5. Page 13, Line 372:

372  (i) conveyance, sale, or other transfer of { the } a unit by deed;

6. Page 16, Line 492 through Page 17, Line 498:

492  (1) (a)  { A common interest community } Except for governing documents governing an association project containing a time period unit as defined in Section 57–8–1 or any other form of timeshare interest as defined in Section 57–19–2, an association, by amendment to the governing documents, may create reasonable restrictions on the number and term of rentals in the { community } association.
(b) If restrictions are imposed on the number and term of rentals, the restrictions:

(i) may not restrict less than 10% of the units shall allow a minimum of 20% of the lots to be rentals; and

(ii) shall be included in a declaration the governing documents.

(2) Restrictions If restrictions are imposed on the number and term of rentals, the restrictions shall include:

(a) a hardship exemption that allows requires an association to exempt from the rental

7. Page 17, Lines 505 through 511:

(b) a grandfather clause allowing all owners who have rentals in the community association, before the time the rental restriction is recorded with the county recorder of the county in which the condominium project association is located, to continue renting until the owner transfers the unit lot; and

(c) procedures to:

(i) determine and track the number of rentals in a common interest community an association;

(ii) identify the units lots that are grandfathered units lots; and

(iii) ensure fair administration of the rental restrictions.

8. Page 17, Lines 514 through 516:

(a) conveyance, sale, or other transfer of the unit a lot by deed;

(b) the granting of a life estate in the unit lot; or

(c) if the unit lot is owned by a limited liability company, corporation, partnership, or

Representative Bigelow commented.

Representative Froerer’s motion to amend passed on a voice vote.
H.B. 243, as amended, passed on the following roll call:

**Yeas, 72; Nays, 3; Absent or not voting, 0.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

| Hemingway | Powell | Riesen |

H.B. 243, as amended, transmitted to the Senate for its consideration.

* * *

H.B. 266, WRONGFUL LIEN AMENDMENTS, Froerer, read the third time by short title and placed on its final passage.

H.B. 266, as amended, passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

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| Hemingway | Powell | Riesen |

H.B. 266, as amended, transmitted to the Senate for its consideration.

* * *
Absent or not voting were: Representatives
S Duckworth Frank Garn Ray Winn

H.B. 266, as amended, transmitted to the Senate for its consideration.

* * *

H.B. 63, AMENDMENTS TO CHILD WELFARE, Harper, read the third time by short title and placed on its final passage. Representative Fowlke commented.

H.B. 63, as amended, passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Froerer
Garn F Gibson K Gibson Gowans
Greenwood Grover Hansen Harper
Hemingway Hendrickson Herrod Holdaway
Hughes Hunsaker Hutchings Ipson
Johnson King Kiser Last
Lockhart Mascaro Mathis McIff

Wimmer D. Clark

Absent or not voting were:
Representatives
K Gibson Gowans Greenwood Grover
Hansen Harper Hemingway Hendrickson
Herrod Holdaway Hughes Hunsaker
Hutchings Ipson Johnson King
Kiser Last Litvack Lockhart
Mascaro Mathis McIff Menlove
Morley Moss Newbold Noel
Oda Painter Poulson Powell
Riesen Sandstrom Seegmiller Seelig
Sumasion Vickers Wallis Watkins
Webb Wheatley Wilcox Wiley
Wimmer D. Clark
Menlove  Morley  Moss  Newbold  
Noel  Oda  Painter  Poulson  
Powell  Ray  Riesen  Sandstrom  
Seegmiller  Seelig  Sumslion  Vickers  
Wallis  Watkins  Webb  Wheatley  
Wilcox  Wiley  Wimmer  D. Clark  

Absent or not voting were: Representatives  
Frank  Litvack  Winn  

H.B. 63, as amended, transmitted to the Senate for its consideration.  

UNFINISHED BUSINESS  

On motion of Representative Hunsaker, the House voted to uncircle 1st Sub. H.B. 23.  

1st Sub. H.B. 23, CERTIFIED TAX RATE AMENDMENTS, was before the House on its final passage.  

Representative McIff proposed the following amendment:  

1. Page 5, Lines 125 through 129  

125   (viii) For purposes of Subsection (3)(c)(i), for a calendar year beginning on or after January 1, 2009, a taxing entity’s ad valorem property tax revenues budgeted for the prior year shall be decreased by an amount of revenue equal to the five year average of the most recent prior five years of redemptions as reported on the county treasurer’s final annual settlement required under Subsection 59–2–1365(2) for the following calendar years:  

(A) for a taxing entity operating under a January 1 through December 31 fiscal year, a calendar year beginning on or after January 1, 2010; and  

(B) for a taxing entity operating under a July 1 through June 30 fiscal year, a calendar year beginning on or after January 1, 2009.  

Representative McIff’s motion to amend passed on a voice vote.
1st Sub. H.B. 23, as amended, passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Fowlke  Frank
Froerer  Garn  F Gibson  Gowans
Greenwood  Grover  Hansen  Harper
Hemingway  Hendrickson  Herrod  Holdaway
Hughes  Hunsaker  Hutchings  Ipson
Johnson  King  Kiser  Last
Litvack  Lockhart  Mascaro  McIff
Menlove  Morley  Moss  Newbold
Noel  Oda  Painter  Poulson
Powell  Ray  Riesen  Sandstrom
Seegmiller  Seelig  Sumson  Vickers
Wallis  Watkins  Webb  Wheatley
Wilcox  Wiley  Wimmer  D. Clark

**Absent or not voting were:** Representatives

K Gibson  Mathis  Winn

1st Sub. H.B. 23, as amended, transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

**H.B. 69, GUARDIAN AD LITEM AMENDMENTS, Harper,** read the third time by short title and placed on its final passage.

**H.B. 69,** as amended, passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Dougall  Draxler  Dunnigan
Edwards  Ferry  Janice Fisher  Julie Fisher
Absent or not voting were: Representatives

Brown S Duckworth Frank Hemingway
Winn

H.B. 69, as amended, transmitted to the Senate for its consideration.

* * *

1st Sub. H.B. 90. ABORTION LAW AMENDMENTS, Ray, read the third time by short title and placed on its final passage.

Representative Ray proposed the following amendment:

1. Page 1, Line 19
   House Committee Amendments 1–30–2009
   19 irreversible impairment of a major bodily function of the woman, \{or\} \(\Rightarrow\) \{the

2. Page 1, Line 22b
   House Committee Amendments 1–30–2009:
   22b uniformly lethal \(\Leftarrow\) \(\Rightarrow\), or the woman is pregnant as a result of rape, rape of a child, or incest ;

3. Page 3, Line 76
   House Committee Amendments 1–30–2009:
   76 of the woman on whom the abortion is performed: \{or\}

4. Page 3, Line 84c
   House Committee Amendments 1–30–2009:
84c uniformly lethal \{− \} ; or

(iii) (A) the woman is pregnant as a result of:
(I) rape, as described in Section 76–5–402;
(II) rape of a child, as described in Section 76–5–402.1; or
(III) incest, as described in Subsection 76–5–406(10) or Section 76–7–102; and

(B) before the abortion is performed, the physician who performs the abortion:
(I) verifies that the incident described in Subsection (3)(b)(iii)(A) has been reported to law enforcement; and
(II) complies with the requirements of Section 62A–4a–403.

Representative Ray’s motion to amend passed on a voice vote.

###

Representative Allen proposed the following amendment:

1. Page 1, Line 24:
   Delete “second” and insert “third”

2. Page 4, Line 99:
   Delete “second” and insert “third”

Representative Allen’s motion to amend failed on the following roll call:

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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**Yeas, 32; Nays, 41; Absent or not voting, 2.**
Absent or not voting were: Representatives

Daw

Representative Riesen, King, Herrod, and Chavez–Houck commented.

1st Sub. H.B. 90, as amended, passed on the following roll call:

Yeas, 56; Nays, 16; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard Allen Barrus Beck
Bigelow Bird Brown S. Clark
Cosgrove Daw Dee Dougall
Draxler Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Froerer Garn F Gibson K Gibson
Greenwood Grover Harper Hendrickson
Herrod Holdaway Hughes Hunsaker
Hutchings Ipson Kiser Last
Lockhart Mascaro Mathis Menlove
Morley Newbold Noel Oda
Moulson Powell Ray Sandstrom
Sumsion Vickers Wallis Webb
Wilcox Wimmer Winn D. Clark

Voting in the negative were: Representatives

Biskupski Black Chavez–Houck S Duckworth
Gowans Hansen Hemingway Johnson
King Litvack Moss Riesen
Seegmiller Seelig Watkins Wiley

Absent or not voting were: Representatives

McIff Painter Wheatley

1st Sub. H.B. 90, as amended, transmitted to the Senate for its consideration.
H.B. 222, UNBORN CHILD PAIN PREVENTION ACT, Wimmer, read the third time by short title and placed on its final passage.

Representatives Johnson commented.

Representative Beck proposed the following amendment:

1. Page 3, Lines 75 through 76:
   75 (B) any medical risks to the woman that are associated with administering the anesthetic or analgesic described in Subsection (2)(a)(iv)(A);

2. Page 8, Lines 230 through 231:
   230 (iv) potential medical risks to a pregnant woman that are associated with the administration of an anesthetic or analgesic to an unborn child during an abortion procedure.

Representative Beck’s motion to amend passed on a voice vote.

Representatives Ray and Hansen commented.

H.B. 222, as amended, passed on the following roll call:

Y eas, 56; Nays, 15; Absent or not voting, 4.

Voting in the affirmative were: Representatives

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**Voting in the negative were:** Representatives
- Biskupski
- Black
- Chavez–Houck
- S Duckworth
- Gowans
- Hansen
- Hemingway
- Johnson
- King
- Litvack
- Moss
- Riesen
- Seelig
- Watkins
- Wiley

**Absent or not voting were:** Representatives
- Ferry
- Hendrickson
- Mascaro
- Wheatley

**H.B. 222**, as amended, transmitted to the Senate for its consideration.

**COMMUNICATION FROM THE SENATE**

Mr. Speaker: February 3, 2009

The Senate passed **S.J.R. 3**, JOINT RESOLUTION APPROVING APPOINTMENT OF LEGISLATIVE GENERAL COUNSEL, by Senator S. Killpack, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. **S.J.R. 3** read the first time by short title. On motion of Representative Garn, under suspension of the rules, the House voted to consider **S.J.R. 3** read the second time by short title and place it at the top of the Senate Third Reading Calendar.

**MISCELLANEOUS BUSINESS**

On motion of Representative Garn, the House voted to move to the Senate Third Reading Calendar.

**THIRD READING CALENDAR**

**S.J.R. 3**, JOINT RESOLUTION APPROVING APPOINTMENT OF LEGISLATIVE GENERAL COUNSEL, Garn, read the third time by short title and placed on its final passage.

**S.J.R. 3** passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives
- Aagard
- Allen
- Barrus
- Beck
- Bigelow
- Bird
- Biskupski
- Black
- Brown
- Chavez–Houck
- Cosgrove
- Daw
Absent or not voting were: Representatives
S. Clark   Ferry   Hendrickson   Litvack

S.J.R. 3 was signed by the Speaker and returned to the Senate for signature of the President, enrolling and transmission to the Lt. Governor.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

COMMITTEE OF THE WHOLE

On motion of Representative Garn, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing from John Fellows, Legislative General Counsel.

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

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 3, 2009

The Senate passed, as amended, 1st Sub. S.B. 15, WORKERS’ COMPENSATION PREMIUM ASSESSMENT AND RELATED FUNDING, by Senator K. Mayne, and it is transmitted for consideration; and

The Senate passed, as amended, 1st Sub. S.B. 31, UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT, by Senator W. Niederhauser, and it is transmitted for consideration; and
The Senate passed **S.B. 37**, UTAH SUBSTANCE ABUSE AND ANTI−VIOLENCE COORDINATING COUNCIL AMENDMENTS, by Senator K. Van Tassell, and it is transmitted for consideration; and

The Senate passed **S.B. 88**, ADMINISTRATIVE RULEMAKING ACT AMENDMENTS, by Senator H. Stephenson, and it is transmitted for consideration; and

The Senate passed **S.B. 93**, BUILDING AUTHORITIES, by Senator D. Stowell, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 103**, UNIFORM LAWS − UNIFORM PRINCIPAL AND INCOME ACT AMENDMENTS, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed **S.B. 104**, HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed **S.B. 105**, ENGINEERING AND COMPUTER SCIENCE INITIATIVE AMENDMENTS, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed **S.J.R. 2**, TOPAZ MUSEUM AND CIVIL LIBERTIES LEARNING CENTER JOINT RESOLUTION, by Senator D. Stowell, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate


**REPORTS OF STANDING COMMITTEES**

Mr. Speaker: February 3, 2009

The Health and Human Services Committee reports a favorable recommendation on **H.B. 42**, ADOPTION REVISIONS, by Representative S. Allen.

Paul Ray, Chair

Report filed. On motion of Representative Ray, the report of the Health and Human Services committee was adopted.
H.B. 42 read the second time by short title and placed on the Third Reading Calendar.

RULES COMMITTEE REPORT

Mr. Speaker: February 3, 2009

The Rules Committee recommends the following bills and resolutions be assigned to standing committees:

BUSINESS AND LABOR


GOVERNMENT OPERATIONS

H.B. 279 Uniform Prudent Management of Institutional Funds Act (Rep. B. Last)
1st Sub. S.B. 18 Utah Transparency Advisory Board Amendments (Sen. W. Niederhauser)
1st Sub. S.B. 27 Election Law Changes (Sen. P. Knudson)

JUDICIARY


LAW ENFORCEMENT AND CRIMINAL JUSTICE

H.B. 277 Controlled Substance Amendments (Rep. P. Ray)
H.B. 289 Background Checks for Qualifying Entities (Rep. S. Sandstrom)
S.B. 19 Criminal Offense Penalties Amendment (Sen. J. Greiner)
S.B. 40 Lawful Presence Verification for Issuance of a Driver License or Identification Card (Sen. C. Bramble)

NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT

H.C.R. 6 Concurrent Resolution Expressing Opposition to Congressional Efforts to Expand the Jurisdiction of the Clean Water Act (Rep. M. Brown)

POLITICAL SUBDIVISIONS
H.B. 125 Impact Fee Amendments (Rep. K. Powell)

TRANSPORTATION
H.B. 112 Vehicle Towing Amendments (Rep. T. Kiser)

Ben C. Ferry, Chair

Report filed. On motion of Representative Hughes, the report of the Rules Committee was adopted.

RULES COMMITTEE REPORT

Mr. Speaker: February 3, 2009

The Rules Committee recommends that, under suspension of the rules, H.J.R. 10, Joint Resolution Honoring the Lives and Accomplishments of Father Francisco Atanascio Dominguez and Father Silvestre Velez De Escalante (Rep. M. Wheatley), be considered read for the second time and placed on the Time Certain calendar for February 18, 2009 at 10:30 a.m.

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, and at 12:00 noon, the House voted to adjourn until February 4, 2009, at 10:00 a.m.
TENTH DAY
* * *

MORNING SESSION

The House was called to order by Speaker Clark at 10:00 a.m.

Roll call showed all members present except Representative Rebecca Chavez–Houck, excused.

Prayer offered by Representative David Litvack. Pledge of Allegiance led by Representative Litvack’s intern, Noah Oswald.

COMMUNICATION FROM THE SENATE

Mr. Speaker: February 3, 2009

The Senate passed, as amended, 1st Sub. S.J.R. 1, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM, by Senator P. Jones, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. 1st Sub. S.J.R. 1 read the first time by short title and referred to the Rules Committee.

INTRODUCTION OF BILLS

H.B. 153, Trespass Law Amendments (J. Mathis), read the first time by short title and referred to the Rules Committee.

H.B. 209, Amendments to Criminal Appeals (Julie Fisher), read the first time by short title and referred to the Rules Committee.

H.B. 210, Posting of Collective Bargaining Agreements by School Districts (K. Sumption), read the first time by short title and referred to the Rules Committee.

H.B. 311, Utah State Railroad Museum Authority (N. Hansen), read the first time by short title and referred to the Rules Committee.

H.B. 312, Amended Campaign Finance Filings (S. Allen), read the first time by short title and referred to the Rules Committee.
H.B. 313, Social Host Liability Act (E. Hutchings), read the first time by short title and referred to the Rules Committee.

H.B. 314, DNA Sample for Criminal Offenses – Amendments (R. Greenwood), read the first time by short title and referred to the Rules Committee.

H.B. 315, Local School Governance Amendments (K. Sumson), read the first time by short title and referred to the Rules Committee.

H.R. 2, Ecumenical Patriarch House Resolution (G. Hughes), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 16, PROHIBITED GANG ACTIVITY, Oda, read the third time by short title and placed on its final passage.

On motion of Representative Oda, the House voted to circle S.B. 16.

* * *

S.B. 13, ADMINISTERING SUBSTANCES TO WILDLIFE, Barrus, read the third time by short title and placed on its final passage.

On motion of Representative Allen, the House voted to circle S.B. 13.

* * *

S.B. 22, STREET LEGAL ALL-TERRAIN VEHICLE AMENDMENTS, Noel, read the third time by short title and placed on its final passage.

S.B. 22 passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives
Chavez–Houck Daw K Gibson D. Clark

S.B. 22 held for possible reconsideration.

UNFINISHED BUSINESS

On motion of Representative Barrus, the House voted to uncircle S.B. 13.

S.B. 13, ADMINISTERING SUBSTANCES TO WILDLIFE, was before the House on its final passage.

Representatives Webb, Sumson, Hutchings, and Bird commented.

S.B. 13 passed on the following roll call:

Yeas, 67; Nays, 5; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown S. Clark Cosgrove Daw
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Froerer Garn
F Gibson K Gibson Gowans Greenwood
Grover Hansen Harper Hemingway
Hendrickson Herrod Holdaway Hughes
Hunsaker Ipson King Kiser
Last Litvack Lockhart Mascaro
Mathis McIff Menlove Morley
Moss Newbold Noel Oda
Voting in the negative were: Representatives
Frank Hutchings Ray Sumsion Wimmer

Absent or not voting were: Representatives
Chavez–Houck Johnson Winn

S.B. 13 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

MISCELLANEOUS BUSINESS

On motion of Representative Harper, the House voted to reconsider its action on S.B. 22.

RECONSIDERATION OF S.B. 22

S.B. 22, STREET LEGAL ALL–TERRAIN VEHICLE AMENDMENTS, was before the House for reconsideration.

On motion of Representative Harper, the House voted to circle S.B. 22.

MISCELLANEOUS BUSINESS

On motion of Representative Dee, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

UNFINISHED BUSINESS

On motion of Representative Seegmiller, the House voted to uncircle H.B. 91.

H.B. 91, INDIVIDUAL DEVELOPMENT ACCOUNT AMENDMENTS, Seegmiller, was before the House on its final passage.

Representative Seegmiller proposed the following amendment:

1. Page 1, Lines 16 through 22
   16 assistive technologies, vehicle modifications, or home improvements that will allow
the client to participate in work–related activities. 
provides that funds held in an individual development account may not be used in determining eligibility for assistance, or the amount of assistance to be received, in a state or federal means–tested program.

Monies Appropriated in this Bill:

None

2. Page 2, Lines 52 through 57

House Committee Amendments 1–29–2009:

improvements that will allow a client with a disability to participate in work–related activities.

(3) (a) A client may only deposit earned income and funds received from a not–for–profit organization into an individual development account.

(b) Funds held in an individual development account may not be used in determining eligibility for assistance, or the amount of assistance to be received, in a state or federal means–tested program

unless otherwise required by federal law or regulation.

Representative Seegmiller’s motion to amend passed on a voice vote.

Representatives Mascaro and Ray commented.

H.B. 91, as amended, passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  S. Clark  Cosgrove  Daw
Dee  Draxler  S Duckworth  Dunnigan
Edwards  Ferry  Janice Fisher  Julie Fisher

...
Absent or not voting were: Representatives
Chavez–Houck    Dougall    Painter

H.B. 91, as amended, transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Frank, the House voted to uncircle **H.B. 57**.

**H.B. 57**, EXEMPTIONS FROM REQUIREMENTS TO DEDUCT AND
WITHHOLD AN INCOME TAX, *Frank*, was before the House on its final
passage.

On motion of Representative Frank, the House voted to return the bill to the
Rules Committee.

***

On motion of Representative Ferry, the House voted to uncircle **H.B. 32**.

**H.B. 32**, AMENDMENTS TO AGENCY RULEMAKING REGARDING
CRIMINAL PENALTIES, *Ferry*, was before the House on its final passage.

Representative Ferry proposed the following amendment:

1. Page 1, Line 20
   20  criminal penalty;
   ▶  addresses rulemaking as needed to maintain state primacy of
      federal programs and as relates to federal penalties that are equal to or
greater than state penalties; and
Representative Harper proposed the following substitute motion to amend:

Include Representative Ferry’s amendment and the following:

1. Page 1, Line 14
   14 administrative rule what conduct constitutes a criminal penalty and amends a provision regarding wildlife resources.

2. Page 1, Line 20:
   20 criminal penalty;
   ▶ amends the limitations on specified uses of Division of Wildlife Resources lands that are being placed in statute; and

3. Page 5, Line 125:
   125 or other common mineral resource, or vegetation resource except a person may collect for noncommercial uses up to 250 pounds per calendar year of common rock or gravel lying on the surface of the ground.

4. Page 5, Line 129:
   129 (f) enter, use, or occupy division land as part of a group of more than 25 people except a group may include up to 50 persons if the group consists of extended family members.
Representative Harper’s substitute motion to amend passed on a voice vote.

**H.B. 32**, as amended, passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

| Chavez−Houck | Hendrickson | Winn |

**H.B. 32**, as amended, transmitted to the Senate for its consideration.

**REPORTS OF STANDING COMMITTEES**

Mr. Speaker: February 3, 2009

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 29**, SEX OFFENDERS’ CONTACT WITH CHILDREN, by Representative R. Greenwood; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 108**, HORMONE RESTORATION AMENDMENTS, by Representative D. Aagard; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 123**, RETAIL AND LIBRARY THEFT
AMENDMENTS, by Representative F. Gibson, and recommends it be placed on the Consent Calendar.

Douglas C. Aagard, Chair

Reports filed. On motion of Representative Aagard, the reports of the Law Enforcement and Criminal Justice committee were adopted.

H.B. 29 and H.B. 108 read the second time by short title and placed on the Third Reading Calendar.

H.B. 123 read the second time by short title and placed on the Consent Calendar.

* * *

Mr. Speaker: February 3, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 94, STATE PARKS FEE EXEMPTION FOR SENIORS, by Representative R. Greenwood; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 105, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, by Representative J. Mathis, with the following amendments:

1. Page 2, Line 30:

30 (1) approve and make a [loans] loan to a farm or agricultural cooperative association regulated under Title 3, General Provisions Relating to Agricultural Associations, subject to Section 4–19–3, including: ; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 241, PRIORITY OF WATER RIGHTS, by Representative K. Gibson; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 278, B AND C ROADS FUND AMENDMENTS, by Representative M. Noel, with the following amendments:

1. Page 1, Lines 13 through 15:

13 ▶ provides that a county or municipality may use up to 30% of the class B and class C
14 roads account funds allocated to the county or municipality to pay the costs of
15 asserting, defending, or litigating state and local government rights under R.S. 2477 on class B, class C, or class D roads;

2. Page 2, Lines 34 through 36:
34 (2) use up to 30% of the class B and class C roads account funds allocated to the
35 county or municipality to pay the costs of asserting, defending, or
36 litigating state and local government rights under R.S. 2477 on class B, class C, or class D roads.

Roger E. Barrus, Chair
Reports filed. On motion of Representative Barrus, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.


***

Mr. Speaker: February 3, 2009

The Transportation Committee reports a favorable recommendation on S.B. 12, DUI AMENDMENTS, by Senator S. Killpack, et al.

Bradley M. Daw, Chair
Report filed. On motion of Representative Daw, the report of the Transportation committee was adopted.

S.B. 12 read the second time by short title and placed on the Third Reading Calendar.

***

Mr. Speaker: February 3, 2009

The Government Operations Committee reports a favorable recommendation on H.B. 118, ARCHIVES AND GRAMA REVISIONS, by Representative D. Aagard; and

The Government Operations Committee reports a favorable recommendation on S.B. 24, EARLY VOTING AMENDMENTS, by Senator P. Knudson, with the following amendments:
1. Page 1, Line 18:

18 offered; {and

requires that early voting polling places be proportionately distributed based on population within a county of the first class; and

2. Page 2, Lines 57 through 58:

57 (3) For each regular general election and regular primary election, counties of the first class shall ensure that

the early voting polling places are approximately proportionately distributed based on population within the county.

; and

The Government Operations Committee reports a favorable recommendation on S.B. 25, ONLINE VOTER REGISTRATION, by Senator P. Knudson, with the following amendments:

1. Page 3, Lines 59 through 60a:

59 the lieutenant governor shall send the information to the county clerk for the county in which

60 the applicant’s principal place of residence is found for further action as required by Section

60a 20A−2−304 as ; and


Craig A. Frank, Chair

Reports filed. On motion of Representative Frank, the reports of the Government Operations committee were adopted.


* * *

Mr. Speaker: February 3, 2009

The Political Subdivisions Committee reports a favorable recommendation on H.B. 88, LOCAL DISTRICT BOARD OF TRUSTEES AMENDMENTS, by Representative Janice Fisher, with the following amendments:
1. Page 1, Line 16:

provides that up to two members need not be a resident of the mosquito abatement district.

2. Page 2, Lines 34 through 35:

(B) notwithstanding Subsection 17B−1−302(1)(a)(ii), up to two members of the board need not be a resident within the boundary of the mosquito abatement district.; and

The Political Subdivisions Committee reports a favorable recommendation on H.B. 259, PROHIBITION OF IMPACT FEES ON SCHOOL DISTRICTS AND CHARTER SCHOOLS, by Representative S. Sandstrom, with the following amendments:

1. Page , Line 338 through Page 12, Line 338:

(b) to authorize the imposition of an impact fee on a school district or charter school.

(8) A local political subdivision or private entity may not increase the amount of an impact fee if the reason for the increase is to recoup a reduction of revenue resulting from application of Subsection (7)(b).

Fred R. Hunsaker, Chair

Reports filed. On motion of Representative Hunsaker, the reports of the Political Subdivisions committee were adopted.

H.B. 88, as amended, and H.B. 259, as amended, read the second time by short title and placed on the Third Reading Calendar.

* * *

Mr. Speaker: February 3, 2009

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.C.R. 1, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER-SPONSORED WORK PROGRAM, by Senator S. Jenkins.

Steven R. Mascaro, Chair

Report filed. On motion of Representative Mascaro, the report of the Workforce Services and Community and Economic Development committee was adopted.
S.C.R. 1 read the second time by short title and placed on the Third Reading Calendar.

***

Mr. Speaker: February 4, 2009

The Business and Labor Committee reports a favorable recommendation on H.B. 119, POWERSPORT VEHICLE FRANCHISE ACT REVISIONS, by Representative J. Gowans; and

The Business and Labor Committee reports a favorable recommendation on H.B. 265, POSTMORTEM PROCEDURES AMENDMENTS, by Representative B. Daw; and

The Business and Labor Committee reports a favorable recommendation on H.B. 271, WORKERS’ COMPENSATION – UNINSURED EMPLOYERS’ FUND, by Representative M. Morley.

James A. Dunnigan, Chair

Reports filed. On motion of Representative Dunnigan, the reports of the Business and Labor committee were adopted.

H.B. 119, H.B. 265, and H.B. 271 read the second time by short title and placed on the Third Reading Calendar.

***

Mr. Speaker: February 4, 2009

The Education Committee recommends H.B. 264, EDUCATOR EVALUATION AMENDMENTS, by Representative R. Menlove, be replaced and reports a favorable recommendation on 1st Sub. H.B. 264, EDUCATOR EVALUATION AMENDMENTS with the following amendments:

1. Page 1, Lines 16 through 18:
   16  ▶ requires the principal or immediate supervisor of a provisional educator to assign a
   17  person who has received training  or will receive training  in mentoring educators to mentor the provisional
   18  educator; and

2. Page 6, Lines 162 through 164:
   162  (1) In accordance with Subsections 53A−1a−104(7) and 53A−6−102(2)(a) and (b), the
principal or immediate supervisor of a provisional educator shall assign a person who has received training or will receive training in mentoring educators as a mentor to the provisional educator.

Gregory H. Hughes, Chair

Report filed. On motion of Representative Sumion, the report of the Education committee was adopted.

1st Sub. H.B. 264, as amended, read the second time by short title and placed on the Third Reading Calendar.

Mr. Speaker:

The Health and Human Services Committee reports a favorable recommendation on H.B. 114, ABORTION LITIGATION TRUST ACCOUNT AMENDMENTS, by Representative K. Sumion, with the following amendments:

1. Page 1, Lines 14 through 19:
   14 provides that money may be deposited into the account, by private entities or by the Legislature, for the purpose of defending any law passed by the Legislature on or after January 1, 2009, and on or before July 1, 2014, that challenges the legal concept that a woman has the right to an abortion, even when the woman is not threatened with the loss of her life or substantial and irreversible impairment of a major bodily function, rape, or incest;

2. Page 2, Lines 50 through 56:
   50 (4) Except as provided in Subsection (9), money deposited into the account on or after May 12, 2009, shall be retained in the account for the purpose of paying litigation and appellate expenses of the Office of the Attorney General to defend any law passed by the Legislature on
or after January 1, 2009, that challenges the legal concept that a woman has the right to an abortion when the woman is not threatened with:

(a) the loss of her life; or
(b) substantial and irreversible impairment of a major bodily function;
(c) rape; or
(d) incest;

and

The Health and Human Services Committee reports a favorable recommendation on H.B. 128, ELECTRONIC PRESCRIBING ACT, by Representative R. Menlove, with the following amendments:

1. Page 1, Line 25:
   - ensure that electronic prescribing is done in a secure manner, consistent with industry standards;

2. Page 2, Lines 28 through 29:
   - grant a hardship exemption to a pharmacy or a practitioner, to the extent that the requirements of this bill would impose an extreme financial hardship on the pharmacy or the practitioner.

3. Page 2, Lines 32 through 33:
   - Other Special Clauses:
     - This bill takes effect on July 1, 2012.

4. Page 5, Line 121:
   - electronic prescribing is conducted in a secure manner, consistent with industry standards; and

5. Page 5, Lines 124 through 127:
   - The division may, by rule, grant an exemption from the requirements of this section to a pharmacy or a practitioner to the extent that the pharmacy or practitioner can establish, to the satisfaction of the division, that compliance with the requirements of this section would impose an extreme financial
hardship on the pharmacy.

Section 4. Effective date.
This bill takes effect on July 1, 2012.

Paul Ray, Chair

Reports filed. On motion of Representative Ray, the reports of the Health and Human Services committee were adopted.

H.B. 114, as amended, and H.B. 128, as amended, read the second time by short title and placed on the Third Reading Calendar.

* * *

Mr. Speaker: February 4, 2009

The Public Utilities and Technology Committee reports a favorable recommendation on H.C.R. 5, CONCURRENT RESOLUTION URGING THE REALIGNMENT OF AIR QUALITY REQUIREMENTS BY THE EPA, by Representative R. Menlove.

Michael E. Noel, Chair

Report filed. On motion of Representative Noel, the report of the Public Utilities and Technology committee was adopted.

H.C.R. 5 read the second time by short title and placed on the Third Reading Calendar.

UNFINISHED BUSINESS

On motion of Representative Allen, the House voted to uncircle H.B. 236.

H.B. 236, DEPARTMENT OF COMMUNITY AND CULTURE GRANTS, Allen, was before the House on its final passage.

Representative Julie Fisher proposed the following amendment:

1. Page 1, Lines 23 through 25
23 administering independent grants to use up to 3% of the grant money for technical
24 assistance and administrative overhead costs; {and
25 provides for progress reports as a precondition to the dispersal of grant funds; and
26 makes certain technical changes.
2. Page 3, Lines 59 through 62:

59 Museums may retain up to 3% of the money provided for the grant for technical assistance and
60 administrative overhead costs, but not less than $500 or more than $10,000 dependent on the
61 size and complexity of the grant being administered.
(5)(a) For a grant of at least $25,000, the division shall make quarterly disbursements to the grant recipient, contingent upon the division receiving a quarterly progress report from the recipient.
(b) The division shall:
(i) provide each grant recipient with a progress report form for the reporting purposes of Subsection (5)(a); and
(ii) include reporting requirement instructions with the form.
62 Section 2. Section 9−6–605 is amended to read:

3. Page 3, Lines 83 through 85:

83 administrative overhead costs, but not less than $500 or more than $10,000 dependent on the
84 size and complexity of the grant being administered.
(5)(a) For a grant of at least $25,000, the division shall make quarterly disbursements to the grant recipient, contingent upon the division receiving a quarterly progress report from the recipient.
(b) The division shall:
(i) provide each grant recipient with a progress report form for the reporting purposes of Subsection (5)(a); and
(ii) include reporting requirement instructions with the form.
85 Section 3. Section 9−7–205 is amended to read:

4. Page 5, Lines 133 through 136:

133 administrative overhead costs, but not less than $500 or more than $10,000 dependent on the
134 size and complexity of the grant being administered.
135 (2)(4) (a) For a grant of at least $25,000, the division shall make quarterly disbursements to the grant recipient, contingent upon the division receiving a quarterly progress report from the recipient.
(b) The division shall:
(i) provide each grant recipient with a progress report form for the
(ii) include reporting requirement instructions with the form.

(5) The director shall, under the policy direction of the board, carry out the responsibilities under Subsection (1).

5. Page 6, Lines 163 through 166:

163 administrative overhead costs, but not less than $500 or more than $10,000 dependent on the size and complexity of the grant being administered.

165 [(2)] (4) (a) For a grant of at least $25,000, the division shall make quarterly disbursements to the grant recipient, contingent upon the division receiving a quarterly progress report from the recipient.

(b) The division shall:

(i) provide each grant recipient with a progress report form for the reporting purposes of Subsection (5)(a); and

(ii) include reporting requirement instructions with the form.

(5) The board may establish advisory committees to assist it and the division in carrying out their responsibilities under this chapter.

Representative Julie Fisher’s motion to amend passed on a voice vote.

###

Representative Sumsion proposed the following amendment:

1. Page 1, Lines 14 through 25

14 Highlighted Provisions:

15 This bill:

16 ▶ provides that the Board of Directors of the Utah Arts Council, the Museum Services Advisory Board, the State Library Board, and the Board of State History prepare

17 and submit an annual request to the governor and Legislature for prioritized capital facilities grants to be awarded to eligible applicants;

19 facilities grants to be awarded to eligible applicants;

20 ▶ provides an annual cutoff date for receiving capital facilities grant applications and
for submission of prioritized capital requests to the governor and Legislature;

allows divisions within the Department of Community and Culture charged with administering independent grants to use up to 3% of the grant money for technical assistance and administrative overhead costs;

makes certain technical changes.

2. Page 2, Line 55 through Page 3, Line 62:

(c) The board shall accept applications for capital facilities grants through June 1 of each year, prior to compiling and submitting its yearly request to the governor and the Legislature under Subsection (3)(a).

(4) When charged with administering an independent grant, the Division of Arts and Museums may retain up to 3% of the money provided for the grant for technical assistance and administrative overhead costs, but not less than $500 or more than $10,000 dependent on the size and complexity of the grant being administered.

Section 2. Section 9–6–605 is amended to read:

3. Page 3, Lines 77 through 85:

(ii) the basis of its prioritization of requested grants on the list.

(c) The board shall accept applications for capital facilities grants through June 1 of each year, prior to compiling and submitting its yearly request to the governor and the Legislature under Subsection (3)(a).

(4) When charged with administering an independent grant, the Division of Arts and Museums may retain up to 3% of the money provided for the grant for technical assistance and
administrative overhead costs, but not less than $500 or more than $10,000 dependent on the
size and complexity of the grant being administered.

Section 3. Section 9–7–205 is amended to read:

4. Page 5, Lines 128 through 136:
   128 (c) The board shall accept applications for capital facilities grants through June 1 of each year, prior to compiling and submitting its yearly request to the governor and Legislature under Subsection (2)(a).
   129 (3) { When charged with administering an independent grant, the State Library Division
   130 may retain up to 3% of the money provided for the grant for technical assistance and
   131 administrative overhead costs, but not less than $500 or more than $10,000 dependent on the
   132 size and complexity of the grant being administered.
   133 (2)(4) } The director shall, under the policy direction of the board, carry out the
   134 responsibilities under Subsection (1).

5. Page 6, Lines 158 through 166:
   158 (c) The board shall accept applications for capital facilities grants by June 1 of each year, prior to compiling and submitting its yearly request to the governor and Legislature under Subsection (2)(a).
   159 (3) { When charged with administering an independent grant, the Division of State
   160 History may retain up to 3% of the money provided for the grant for technical assistance and
   161 administrative overhead costs, but not less than $500 or more than $10,000 dependent on the
The board may establish advisory committees to assist it and the division in carrying out their responsibilities under this chapter.

Representative Bird proposed the following substitute motion to amend:

1. Page 1, Lines 22 through 24
   - allows divisions within the Department of Community and Culture charged with administering independent grants to use up to \( \frac{3}{2} \) \% of the grant money for technical assistance and administrative overhead costs; and

2. Page 3, Lines 59 through 61:
   - Museums may retain up to \( \frac{3}{2} \) \% of the money provided for the grant for technical assistance and administrative overhead costs, but not less than $500 or more than $10,000 dependent on the size and complexity of the grant being administered.

3. Page 3, Lines 81 through 83:
   - When charged with administering an independent grant, the Division of Arts and Museums may retain up to \( \frac{3}{2} \) \% of the money provided for the grant for technical assistance and administrative overhead costs, but not less than $500 or more than $10,000 dependent on the size and complexity of the grant being administered.

4. Page 5, Lines 131 through 134:
   - When charged with administering an independent grant, the State Library Division may retain up to \( \frac{3}{2} \) \% of the money provided for the grant for technical assistance and administrative overhead costs, but not less than $500 or more than $10,000 dependent on the size and complexity of the grant being administered.
134 size and complexity of the grant being administered.

5. Page 6, Lines 161 through 164:

161 (3) When charged with administering an independent grant, the Division of State History may retain up to \( \{ -2\% - \} 2\% \) of the money provided for the grant for technical assistance and

162 administrative overhead costs, but not less than $500 or more than \( \{ -$10,000 - \} $5,000 \) dependent on the

163 size and complexity of the grant being administered.

Representative Bird’s substitute motion to amend passed on the following roll call:

**Yeas, 41; Nays, 33; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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**Absent or not voting was:** Representative

Chavez–Houck
Representatives Bigelow, Julie Fisher, Mascaro, Johnson, and Dougall commented.

**H.B. 236**, as amended, passed on the following roll call:

**Yeas, 49; Nays, 24; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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**Absent or not voting were:** Representatives

Chavez–Houck K Gibson

**H.B. 236**, as amended, transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative Bigelow, the House voted to uncircle **H.B. 15**.

**H.B. 15, CAREER AND TECHNICAL EDUCATION AMENDMENTS, Bigelow, was before the House on its final passage.**

Representative Bigelow proposed the following amendment:
1. Page 13, Line 394: After “the” delete the rest of line 394

2. Page 13, Line 395: Delete “director’s designee” and insert “commissioner of higher education”

Representative Bigelow’s motion to amend passed on a voice vote.

# # #

Representative Ipson proposed the following amendment:

1. Page 21, Lines 619 through 620:
   619 (c) offer career and technical education or basic instruction outside the geographic area
   620 served by the college campus without a cooperative agreement between an affected institution , except as provided in Subsection (6) ;

2. Page 21, Line 637:
   637 Technology Campus.”
   (6)(a) A college campus may offer career and technical education or basic instruction outside the geographic area served by the college campus without a cooperative agreement, as required in Subsection (3)(c), if:
   (i) the career and technical education or basic instruction is specifically requested by:
       (A) an employer; or
       (B) a craft, trade, or apprenticeship program;
   (ii) the college campus notifies the affected institution about the request; and
   (iii) the affected institution is given an opportunity to make a proposal, prior to any contract being finalized or training being initiated by the college campus, to the employer, craft, trade, or apprenticeship program about offering the requested career and technical education or basic instruction, provided that the proposal shall be presented no later than one business week from the delivery of the notice described under Subsection (6)(b).
   (b) The requirements under Subsection (6)(a)(iii) do not apply if there is a prior training relationship.
Representative McIff commented. Representative Ipson’s motion to amend passed on a voice vote.

Representatives Holdaway, Menlove, Gowans, and Garn commented.

**H.B. 15**, as amended, passed on the following roll call:

**Y eas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

| Chavez–Houck | Johnson | Sumssion | Winn |

**H.B. 15**, as amended, transmitted to the Senate for its consideration.

**RULES COMMITTEE REPORT**

Mr. Speaker: February 4, 2009

The Rules Committee recommends the following bills and resolutions be assigned to standing committees:

**BUSINESS AND LABOR**

**H.B. 135**  Lien Revisions (Rep. B. King)

**1st Sub. S.B. 15**  Workers’ Compensation Premium Assessment and Related Funding (Sen. K. Mayne)
1st Sub. S.B. 31  Utah Residential Mortgage Practices and Licensing Act  
(Sen. W. Niederhauser)

EDUCATION
S.B. 104  Higher Education Scholarship Program Amendments  
(Sen. L. Hillyard)

GOVERNMENT OPERATIONS
S.B. 88  Administrative Rulemaking Act Amendments  
(Sen. H. Stephenson)

JUDICIARY
H.B. 270  Parent–time Holiday and Notification Amendments  
(Rep. L. Fowlke)

RETIREMENT AND INDEPENDENT ENTITIES
H.B. 211  Divestment of Certain Retirement Investments  
(Rep. J. Fisher)

REVENUE AND TAXATION
H.B. 133  Earned Income Tax Credit (Rep. B. King)  
H.B. 149  Forest Reserve Fund Revisions (Rep. M. Noel)

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, and at 12:05 p.m., the House voted to adjourn until February 5, 2009, at 10:00 a.m.
ELEVENTH DAY

* * *

MORNING SESSION

The House was called to order by Speaker Clark at 10:05 a.m.

Roll call showed all members present.

Prayer offered by Representative Wilcox’s father, Bob Wilcox. Pledge of Allegiance led by Representative Wilcox’s son, Ryder Wilcox.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker:

February 4, 2009

The Senate passed, as substituted, 1st Sub. S.B. 117, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS, by Senator A. Christensen, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 92, LOCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS, by Senator P. Jones, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communications filed. 1st Sub. S.B. 117 and S.B. 92 read the first time by short title and referred to the Rules Committee.

MISCELLANEOUS BUSINESS

On motion of Representative Bird, the House voted to reschedule H.C.R. 4 for Time Certain on February 9, 2009 at 11:15 a.m.

INTRODUCTION OF BILLS


H.B. 203, High Occupancy Vehicle Lane Amendments (K. Sumspion), read the first time by short title and referred to the Rules Committee.

H.B. 204, Concealed Firearms Instructors Amendments (C. Oda), read the first time by short title and referred to the Rules Committee.
H.B. 205, Water Source Protection Amendments (M. Noel), read the first time by short title and referred to the Rules Committee.

H.B. 206, Employment Selection Procedures (W. Harper), read the first time by short title and referred to the Rules Committee.

H.B. 207, Concurrent Enrollment Amendments (K. Holdaway), read the first time by short title and referred to the Rules Committee.

H.B. 208, Modification of Exemption from Nonresident Tuition (R. Greenwood), read the first time by short title and referred to the Rules Committee.

H.B. 316, Time Limitation for Prosecution of Environmental Crimes (C. Wimmer), read the first time by short title and referred to the Rules Committee.

H.B. 317, Capital Felony Amendments (C. Wimmer), read the first time by short title and referred to the Rules Committee.

H.B. 318, Construction Trades Licensing Amendments (B. King), read the first time by short title and referred to the Rules Committee.

H.B. 319, Disaster Recovery Funding Amendments (C. Oda), read the first time by short title and referred to the Rules Committee.

H.B. 320, Collection Agency Amendments (R. C. Webb), read the first time by short title and referred to the Rules Committee.

H.B. 321, State Agency Structure Task Force (W. Harper), read the first time by short title and referred to the Rules Committee.

H.B. 322, Tire Recycling Fee Modifications (N. Hendrickson), read the first time by short title and referred to the Rules Committee.

H.B. 323, Amendments Regarding Notice on Utah Public Notice Website (B. Winn), read the first time by short title and referred to the Rules Committee.

H.B. 324, Motor Vehicle Business Regulation Act Amendments (F. Gibson), read the first time by short title and referred to the Rules Committee.

H.B. 325, Opting Out of the Real Id Act (S. Sandstrom), read the first time by short title and referred to the Rules Committee.
H.J.R. 3. Joint Resolution Supporting Efforts to Increase and Improve Cancer Treatment, Screening, and Research Programs (S. Duckworth), read the first time by short title and referred to the Rules Committee.

H.J.R. 15. Joint Resolution Approving Compensation of In-session Employees (K. Garn), read the first time by short title and referred to the Rules Committee.


CONSENT CALENDAR

S.B. 17, SURFACE COAL MINING AMENDMENTS, Noel, read the third time by short title and placed on its final passage.

S.B. 17 passed on the following roll call:

Yeas, 68; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives

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S.B. 17 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.
**H.B. 70, CIGARETTE TAX EXEMPTION AMENDMENTS, Vickers, read the third time by short title and placed on its final passage.**

**H.B. 70 passed on the following roll call:**

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

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**H.B. 70 transmitted to the Senate for its consideration.**

**THIRD READING CALENDAR**

**S.B. 12, DUI AMENDMENTS, Last, read the third time by short title and placed on its final passage.**

On motion of Representative Last, the House voted to circle **S.B. 12**.

**S.B. 24, EARLY VOTING AMENDMENTS, Aagard, read the third time by short title and placed on its final passage. Representative Frank commented.**
S.B. 24, as amended, passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard  
Allen  
Barrus  
Beck  

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Biskupski  
Black  
Chavez–Houck  

S. Clark  
Cosgrove  
Daw  
Dee  

Dougall  
Draxler  
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Edwards  
Ferry  
Janice Fisher  
Julie Fisher  

Fowlke  
Frank  
Froerer  
Garn  

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Noel  
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Seegmiller  
Seelig  
Sumson  
Vickers  

Wallis  
Watkins  
Webb  
Wheatley  

Wilcox  
Wiley  
Wimmer  
Winn  

**Absent or not voting were:** Representatives

Bigelow  
Brown  

S.B. 24, as amended, returned to the Senate for further consideration.

* * *

S.B. 25, ONLINE VOTER REGISTRATION, Aagard, read the third time by short title and placed on its final passage.

S.B. 25, as amended, passed on the following roll call:

**Yeas, 58; Nays, 14; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard  
Allen  
Barrus  
Beck  

Bird  
Biskupski  
Black  
Brown  

Chavez–Houck  
S. Clark  
Cosgrove  
Dee  

S Duckworth  
Edwards  
Ferry  
Janice Fisher
Voting in the negative were: Representatives
DawDougallDraxlerDunnigan
GreenwoodHerrodMorleyNewbold
OdaPainterSandstromSumasion
WilcoxWimmer

Absent or not voting were: Representatives
BigelowHughesD. Clark

S.B. 25, as amended, returned to the Senate for further consideration.

UNFINISHED BUSINESS

On motion of Representative Oda, the House voted to uncircle S.B. 16.

S.B. 16, PROHIBITED GANG ACTIVITY, Oda, was before the House on its final passage.

Representative Litvack proposed the following amendment:

1. Page 1, Line 15
   15  provides that a peace officer may order those members of a group who are engaged in gang loitering to disperse if the group includes

2. Page 1, Lines 19 through 20:
   20  requires that only officers who have been trained regarding criminal gang issues and racial profiling enforce the provision of this bill;
   19  requires that the officer warn the members of the group subject to being dispersed that failure to disperse is subject to arrest;
20 ▶ requires municipal and county legislative bodies
   {→to→} that designate areas in their

3. Page 1, Lines 22 through 23:
   22 disperse:
   • to consult with persons who have experience regarding criminal
     gangs; and
   • provide for a public hearing on the proposed designated
     areas;
   23 ▶ provides that failure to disperse upon the order of an officer is a
     class B

4. Page 3, Line 70:
   70 (c) conceal illegal activities.
   (3) “Law enforcement officer” or “officer” means an officer who has
       successfully completed training under Section 76–9–907.

5. Page 5, Lines 141 through 143:
   141 one or more other persons who are also engaging in gang
       loitering in any public place where gang loitering is prohibited under
       Section
   142 76–9–905, the police officer shall, regarding the persons
       engaging in gang loitering under this Subsection (1):
   143 (a) inform { all the } these persons that they are
       within an area in which loitering by a group

6. Page 5, Line 143:
   143 (a) inform all the persons engaging in gang loitering that
       they are within an area in which loitering by a group

7. Page 5, Line 145:
   145 (b) order { all the } these persons { in the group }
       to disperse and remove themselves from within

8. Page 5, Line 147:
   147 (c) inform { the } these persons that any person
       { in the group } ordered to disperse will be subject to being
       charged
9. Page 5, Line 150:

(2) The officer under Subsection (1) shall also advise the persons under Subsection (1) whom the officer is

10. Page 7, Lines 187 through 188:

(i) consult, as appropriate, with persons who are knowledgeable about the effects of gang activity in areas where Section 76–9–903 may be enforced; and

(ii) place each proposed designated area on the agenda of a public meeting of the legislative body and allow public comment at the meeting regarding each area.

11. Page 7, Line 198:

for periodic review and update of area designations it makes under Subsection (1).

(4) The legislative body shall include as a part of each designation of an area under this part a description of the area included in the designation, including a description of the borders of the area.

(5) Each area designated under this section shall be posted in a manner that is legible and that the reasonable person can understand, and that:

(a) advises that the area is subject to enforcement under this part;

(b) provides a description of the area included in the designation, including its borders; and

(c) provide a brief description of enforcement actions a person may be subject to while within the designated area.

12. Page 7, Lines 209 through 211:

(1) The sheriff or chief of police implementing this part shall ensure that all officers charged with enforcing this part successfully complete appropriate training on identification of gang members and criminal street gangs and the departmental policy regarding racial profiling.

(2) As used in this section, “racial profiling” means the practice of including racial or ethnic characteristics in determining whether a person is considered likely to commit a particular type of criminal offense.
Representatives Ray, McIff, and Ferry, commented.

Representative Litvack’s motion to amend failed on the following roll call:

**Yeas, 31; Nays, 42; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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**Absent or not voting were:** Representatives

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**S.B. 16** passed on the following roll call:

**Yeas, 56; Nays, 17; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

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Voting in the negative were: Representatives
Biskupski Black Chavez–Houck Cosgrove
S Duckworth Janice Fisher Gowans Hemingway
Johnson King Litvack McIff
Moss Poulson Riesen Watkins
Wheatley

Absent or not voting were: Representatives
Allen D. Clark

S.B. 16 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

THIRD READING CALENDAR

S.B. 26, OPEN AND PUBLIC MEETINGS ACT – MEETING RECORD, Aagard, read the third time by short title and placed on its final passage.

S.B. 26 passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard Barrus Beck Bigelow
Bird Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Frank Froerer
Garn F Gibson K Gibson Gowans
Greenwood Grover Hansen Harper
Hemingway Hendrickson Herrod Holdaway
Hughes Hunsaker Hutchings Ipson
King Last Litvack Lockhart

Harper Hendrickson Herrod Holdaway
Hughes Hunsaker Hutchings Ipson
Kiser Last Lockhart Mascaro
Mathis Menlove Morley Newbold
Noel Oda Painter Powell
Ray Sandstrom Seegmiller Seelig
Sumison Vickers Wallis Webb
Wilcox Wiley Wimmer Winn

Day 11 Thursday, February 5, 2009 281
Absent or not voting were: Representatives
Allen                   Johnson           Kiser             Painter

S.B. 26 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

RECONSIDERATION OF S.B. 22

On motion of Representative Noel, the House voted touncircle S.B. 22.

S.B. 22, STREET LEGAL ALL−TERRAIN VEHICLE AMENDMENTS, Noel, was before the House on its reconsideration.

Representative Harper proposed the following amendment:

1. Page 11, Lines 319 through 325
   House Committee Amendments 2–2–2009
   319  (71) (a) “Utility type vehicle” means any recreational vehicle designed and capable of
   320  travel over unimproved terrain:
   321  (i) traveling on four or more tires;
   322  (ii) having a width of 30 to {70} 90 inches;
   323  (iii) having an unladen dry weight of {2,200} 4,500 pounds or less;
   324  (iv) having a seat height of 25 to {40} 45 inches when measured at the forward
   324a edge of the
   325  seat bottom; and

2. Page 13, Lines 389 through 393
   House Committee Amendments 2–2–2009:
(o) tires that:

(i) do not exceed \(26\) inches in height; and

(ii) are not larger than the tires that the all-terrain vehicle manufacturer made available for the all-terrain vehicle model; and

(iii) have at least \(\frac{2}{32}\) inches or greater tire tread.

3. Page 14, Line 419:
   Delete “eight” and insert “twelve”

4. Page 14, Line 420:
   Delete “eight” and insert “twelve”

Representative Hendrickson commented.

Representative Harper’s motion to amend passed on a voice vote.

Representative Mascaro commented.

S.B. 22, as amended, passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

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Absent or not voting were: Representatives
Allen Janice Fisher Frank K Gibson
Hunsaker Painter Winn

S.B. 22, as amended, held for possible reconsideration.

UNFINISHED BUSINESS

On motion of Representative Last, the House voted to uncircle S.B. 12.

S.B. 12, DUI Amendments, Last, was before the House on its final passage. Representative Greenwood commented.

S.B. 12 passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard Barrus Beck Bigelow
Bird Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Frank Froerer
Garn F Gibson K Gibson Gowans
Greenwood Grover Hansen Harper
Hemingway Hendrickson Herrod Hughes
Hunsaker Hutchings Ipson Johnson
King Last Litvack Lockhart
Mascaro Mathis Mclff Menlove
Morley Moss Newbold Noel
Oda Poulson Powell Ray
Riesen Sandstrom Seegmiller Sumision
Vickers Wallis Watkins Webb
Wheatley Wilcox Wiley Wimmer
Winn D. Clark

Absent or not voting were: Representatives
Allen Holdaway Kiser Painter
Seelig

S.B. 12 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.
THIRD READING CALENDAR

S.C.R. 1, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER–SPONSORED WORK PROGRAM, Dee, read the third time by short title and placed on its final passage.

Representative Herrod proposed the following amendment:

1. Page 2, Lines 36 through 44
   36 WHEREAS, a federal waiver would be required for Utah to institute an
   37 employer–sponsored work program providing a two–year, renewable guest worker authorization
   38 for foreign workers {–and undocumented immigrants currently residing in the state–} ;
   39 WHEREAS, a second waiver is needed to withhold federal FICA and Medicare revenue
   40 and apply it toward the health insurance and other administrative costs of the program;
   41 {–WHEREAS, the proposed employer–sponsored work program will allow for Utah to
   42 deal with its current undocumented population in a fair manner by giving each undocumented
   43 immigrant an opportunity to be classified as a guest worker and receive a two–year immigration
   44 benefit that has the possibility of being renewed;–}

2. Page 2, Lines 45 through 46:
   45 WHEREAS, the employer–sponsored work program would also address Utah’s need for
   46 both unskilled and skilled laborers while ensuring that all available local workers are given ample opportunity to meet that need ;

Representative Litvack proposed the following substitute motion to amend:

Consider only item 2 of Representative Herrod’s amendment above.

Representative Litvack’s substitute motion to amend failed on a voice vote.
Representative Herrod’s motion to amend passed on a voice vote.

Representatives Mascaro and Seegmiller commented.

S.C.R. 1, as amended, passed on the following roll call:

Yeas, 66; Nays, 6; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Brown
S. Clark  Cosgrove  Daw  Dee
Dougall  Draxler  Dunnigan  Edwards
Ferry  Janice Fisher  Julie Fisher  Fowlke
Frank  Froerer  Garn  F Gibson
K Gibson  Gowans  Grover  Hansen
Hemingway  Hendrickson  Herrod  Holdaway
Hunsaker  Hutchings  Ipson  Johnson
King  Kiser  Last  Litvack
Lockhart  Mascaro  Mathis  Mclff
Menlove  Morley  Moss  Newbold
Noel  Oda  Painter  Poulson
Powell  Ray  Riesen  Seelig
Sumison  Vickers  Wallis  Watkins
Webb  Wheatley  Wilcox  Wiley
Winn  D. Clark

Voting in the negative were: Representatives

Black  Chavez–Houck  S Duckworth  Sandstrom
Seegmiller  Wimmer

Absent or not voting were: Representatives

Greenwood  Harper  Hughes

S.C.R. 1, as amended, returned to the Senate for further consideration.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 5, 2009

The Judiciary Committee reports a favorable recommendation on H.B. 228, ASSAULT ON SERVICE MEMBER IN UNIFORM, by Representative E. Hutchings; and

The Judiciary Committee reports a favorable recommendation on H.B. 263, INSURANCE FRAUD RELATED ASSESSMENTS, by Representative D. Aagard; and
The Judiciary Committee reports a favorable recommendation on **H.B. 127**, PERSONAL INJURY PROTECTION COVERAGE AMENDMENTS, by Representative T. Kiser, and recommends it be placed on the Consent Calendar.

Lorie D. Fowlke, Chair

Reports filed. On motion of Representative Fowlke, the reports of the Judiciary committee were adopted.

**H.B. 228** and **H.B. 263** read the second time by short title and placed on the Third Reading Calendar.

**H.B. 127** read the second time by short title and placed on the Consent Calendar.

* * *

Mr. Speaker: February 5, 2009

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 239**, UTAH MEDICAL EXAMINER ACT − INVESTIGATION AND AUTOPSIES AMENDMENTS, by Representative C. Oda; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 289**, BACKGROUND CHECKS FOR QUALIFYING ENTITIES, by Representative S. Sandstrom; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **S.B. 19**, CRIMINAL OFFENSE PENALTIES AMENDMENT, by Senator J. Greiner, and, due to fiscal impact, recommends it be referred to the Rules Committee for prioritization; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **S.B. 28**, PROHIBITED ACTIVITIES OF GANG OFFENDERS, by Senator J. Greiner, and, due to fiscal impact, recommends it be referred to the Rules Committee for prioritization; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 275**, DOMESTIC VIOLENCE IN PRESENCE OF A CHILD AMENDMENTS, by Representative K. Gibson, and recommends it be placed on the Consent Calendar.

Douglas C. Aagard, Chair

Reports filed. On motion of Representative Aagard, the reports of the Law Enforcement and Criminal Justice committee were adopted.
H.B. 239 and H.B. 289 read the second time by short title and placed on the Third Reading Calendar.

S.B. 19 and S.B. 28 read the second time by short title and returned to the Rules Committee due to fiscal impact.

H.B. 275 read the second time by short title and placed on the Consent Calendar.

* * *

Mr. Speaker: February 5, 2009

The Natural Resources, Agriculture, and Environment Committee recommends H.B. 240, WANTON DESTRUCTION OF LIVESTOCK, by Representative R. Menlove, be replaced and reports a favorable recommendation on 1st Sub. H.B. 240, WANTON DESTRUCTION OF LIVESTOCK, with the following amendments:

1. Page 4, Line 91:
   91 (ii) { direct } authorize the division in writing or through electronic means to take possession of the

2. Page 7, Line 191:
   191 (2) Unless authorized by Sections 4–25–4, 4–25–5, { and } 4–25–14, 4–39–401, or 18–1–3, a person is guilty of

3. Page 7, Line 193:
   193 (a) injures, physically alters, releases, or causes the death of livestock; and; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.C.R. 6, CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO CONGRESSIONAL EFFORTS TO EXPAND THE JURISDICTION OF THE CLEAN WATER ACT, by Representative M. Brown; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.J.R. 12, JOINT RESOLUTION SUPPORTING HYDROGEN POWER FROM ADVANCED COAL AND CARBON CAPTURE AND SEQUESTRATION TECHNOLOGY, by Representative P. Painter.

Roger E. Barrus, Chair

Reports filed. On motion of Representative Mathis, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.
* * *

Mr. Speaker: February 5, 2009

The Transportation Committee reports a favorable recommendation on H.B. 261, AVIATION AMENDMENTS, by Representative W. Harper, with the following amendments:

1. Page 1, Lines 13 through 16:
   13 reduces the aviation fuel tax rate that a federally certificated air carrier pays on
   14 aviation fuel purchased at an international airport located within a county of the first
   15 class that has a United States customs office on its premises from $.04 to {$.026} $.025 on
   16 each gallon of aviation fuel;

2. Page 1, Lines 24 through 25:
   24 provides that until July 1, 2014 the Department of Transportation may not use funds in the Aeronautics
   25 Restricted Account to purchase and operate aircraft for statewide aviation purposes;

3. Page 2, Lines 55 through 57:
   55 (b) {2.6} 2.5 cents per gallon on aviation fuel purchased at an international airport:
   56 (i) located within a county of the first class; and
   57 (ii) that has a United States customs office on its premises.

4. Page 4, Lines 93 through 100:
   93 (b) Tax, [less a refund or credit]
   94 [claimed under Section 59−13−404,]
   95 on Each Gallon of Aviation
   96 Fuel Purchased for Use by a Certificated
Air Carrier at [the Salt Lake International] [Airport] an International Airport Located Within a County of the First Class that has a United States Customs Office on its Premises

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5. Page 6, Line 165:

(c) the purchase and operation of aircraft by the department for statewide purposes; operation of the division of aeronautics;

6. Page 6, Line 169:

the duty of regulating and supervising aeronautics in this state.

(5) Until July 1, 2014, monies in the account may not be used by the department for the purchase or operation of aircraft for statewide purposes.

Bradley M. Daw, Chair

Report filed. On motion of Representative Daw, the report of the Transportation committee was adopted.

H.B. 261, as amended, read the second time by short title and placed on the Third Reading Calendar.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 4, 2009

The Senate passed S.B. 97, GOOD SAMARITAN ACT FOR ENGINEERS, by Senator M. Waddoups, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 100, FINANCIAL AND ECONOMIC LITERACY EDUCATION AMENDMENTS, by Senator P. Jones, and it is transmitted for consideration; and

The Senate passed S.B. 110, OIL AND GAS LIMITATION OF ACTIONS AMENDMENTS, by Senator K. Van Tassell, and it is transmitted for consideration; and

The Senate passed S.B. 119, HOSPITAL EMERGENCY ROOM TASK FORCE, by Senator D. C. Buttars, and it is transmitted for consideration; and
The Senate passed **S.B. 122**, **UNIFORM STATE LAW – UNIFORM UNSWORN FOREIGN DECLARATIONS ACT**, by Senator L. Hillyard, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 97, S.B. 100, S.B. 110, S.B. 119, and S.B. 122** read the first time by short title and referred to the Rules Committee.

* * *

Mr. Speaker: February 5, 2009

The Senate passed, **H.B. 19**, **WATER RIGHTS – INFORMAL ADJUDICATIONS**, by Representative K. McIlff, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 39**, **UTAH INJURED WORKER REEMPLOYMENT ACT**, by Representative M. Morley, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 250**, **REVISOR’S STATUTE**, by Representative K. Garn, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 19, H.B. 39, and H.B. 250** signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

**RULES COMMITTEE REPORT**

Mr. Speaker: February 5, 2009

The Rules Committee recommends the following bills and resolutions be assigned to standing committees:

**BUSINESS AND LABOR**

**H.B. 130**  
Asset Preservation Amendments (Rep. G. Hughes)

**H.B. 154**  
State Construction Registry Amendments  
(Rep. M. Morley)

**H.B. 286**  
Regulation of Lending by the Department of Financial Institutions (Rep. K. Garn)

**H.B. 295**  
Money Laundering Amendments (Rep. R. Wilcox)

**H.J.R. 8**  
Joint Resolution Regarding Secret Ballot  
(Rep. C. Wimmer)
S.B. 93 Building Authorities (Sen. D. Stowell)

EDUCATION
H.B. 131 School Fee Amendments (Rep. C. Frank)
S.B. 105 Engineering and Computer Science Initiative Amendments (Sen. L. Hillyard)

GOVERNMENT OPERATIONS
H.B. 291 County Personnel Amendments (Rep. B. King)

HEALTH AND HUMAN SERVICES
S.B. 37 Utah Substance Abuse and Anti-violence Coordinating Council Amendments (Sen. K. Van Tassell)

JUDICIARY
H.B. 251 Joint Custody Amendments (Rep. L. Fowlke)

LAW ENFORCEMENT AND CRIMINAL JUSTICE
H.B. 100 Department of Corrections – Tracking and Reimbursement of Individual Prisoner Costs (Rep. C. Wimmer)
H.B. 129 Alcoholic Beverage Amendments Related to Minors (Rep. C. Oda)
H.B. 136 Sex Offender Definition Amendments (Rep. P. Ray)
H.B. 140 Motor Vehicle Registration Fee Amendments (Rep. C. Frank)

NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT
S.J.R. 2 Topaz Museum and Civil Liberties Learning Center Joint Resolution (Sen. D. Stowell)

POLITICAL SUBDIVISIONS
H.B. 274 Local Government Fees and Charges to State Agencies (Rep. C. Wallis)
S.B. 92  Local Governmental Cooperation in Education Matters  
(Sen. P. Jones)

PUBLIC UTILITIES AND TECHNOLOGY
H.B. 287  Utah Education Network Amendments  
(Rep. K. Holdaway)

REVENUE AND TAXATION
S.B. 103  Uniform Laws – Uniform Principal and Income Act Amendments  
(Sen. L. Hillyard)

Ben C. Ferry, Chair

Report filed. On motion of Representative Garn, the report of the Rules Committee was adopted.

RULES COMMITTEE REPORT

Mr. Speaker:  
February 5, 2009

The House Rules Committee recommends, with written request of the sponsor, that H.B. 297, Budgetary Procedures Act Recodification (Rep. R. Bigelow) be amended as follows and assigned to the Government Operations Standing Committee.

1. Page 335, Lines 10352 through 10377:  
Delete Lines 10352 through 10377

2. Page 335, Line 10377:  
After Line 10377 insert the following section:


   (1) In providing for appropriations, the Legislature intends that expenditures of departments, agencies, and institutions of state government be kept within revenues available for such expenditures.

   (2) (a) The Legislature also intends that line items of appropriation not be overexpended.

      (b) If an agency’s line item is overexpended at the close of a fiscal year:

      (i) the director of the Division of Finance may make payments from the line item to vendors for goods or services that were received on or before June 30; and

      (ii) the director of the Division of Finance shall immediately reduce the agency’s line item budget in the current year by the amount of the overexpenditure.
(c) Each agency with an overexpended line item shall [produce] :

(i) **prepare** a written report explaining the reasons for the overexpenditure ; and [shall]

(ii) present the report to the Board of Examiners as required by Section 63G–9–301.

(3) If the total of all revenues accruing in any given fiscal year to the General Fund, or any other major fund type, collections, or dedicated credits, from which appropriations are made, are not sufficient to cover the appropriations made for that period, the governor shall reduce the budgetary allotments and transfer of funds by the amount of the deficiency.

(4) (a) [No] A department may not receive [any] an advance [allotment, or allotments in excess of regular monthly allotments,] of funds that cannot be covered by anticipated revenue within the work program of the fiscal year, unless the governor allocates [monies] monies from the governor’s emergency appropriations.

(b) All allocations made from the governor’s emergency appropriations shall be reported to the budget subcommittee of the Legislative Management Committee by notifying the Office of the Legislative Fiscal Analyst at least 15 days before the effective date of the allocation.

(c) Emergency appropriations shall be allocated only to support activities having existing legislative approval and appropriation, and may not be allocated to any activity or function rejected directly or indirectly by the Legislature.

Ben C. Ferry, Chair

Report filed. On motion of Representative Garn, the report of the Rules Committee was adopted.

**MISCELLANEOUS BUSINESS**

On motion of Representative Garn, and at 12:00 noon, the House voted to adjourn until February 6, 2009, at 10:00 a.m.
TWELFTH DAY

MORNING SESSION

The House was called to order by Speaker Pro Tem Hughes at 10:05 a.m.

Roll call showed all members present.

Prayer offered by former Representative Joe Murray. Pledge of Allegiance led by Representative Froerer’s grandson, Mason Gage Froerer.

INTRODUCTION OF BILLS

H.B. 156, Subdivision Approval Amendments (R. C. Webb), read the first time by short title and referred to the Rules Committee.

H.B. 157, Property Tax Assessment Amendments (W. Harper), read the first time by short title and referred to the Rules Committee.

H.B. 158, Motorcycle Helmet Law Amendments (N. Hansen), read the first time by short title and referred to the Rules Committee.

H.B. 159, Ethics Provisions (S. Allen), read the first time by short title and referred to the Rules Committee.

H.B. 192, Personal Injury Judgment Interest (J. Dunnigan), read the first time by short title and referred to the Rules Committee.

H.B. 193, Property Tax – Greenbelt Rollback (R. Menlove), read the first time by short title and referred to the Rules Committee.

H.B. 194, Education Policies for Military Children (R. Menlove), read the first time by short title and referred to the Rules Committee.

H.B. 195, Utah Uniform Probate Code – Trust Amendments (R. Lockhart), read the first time by short title and referred to the Rules Committee.

H.B. 196, Provisional Ballot Amendments for Unregistered Voters (N. Hansen), read the first time by short title and referred to the Rules Committee.

H.B. 197, Reauthorization of Administrative Rules (B. Ferry), read the first time by short title and referred to the Rules Committee.
H.B. 198, Marriage License Fee Amendments (C. Johnson), read the first time by short title and referred to the Rules Committee.

H.B. 199, Statewide Equalization of School Funding (W. Harper), read the first time by short title and referred to the Rules Committee.

H.B. 200, Designation of Certain State Buildings (N. Hansen), read the first time by short title and referred to the Rules Committee.

H.B. 201, Municipal Disincorporation Amendments (G. Froerer), read the first time by short title and referred to the Rules Committee.

H.B. 326, Forcible Entry and Detainer Amendments (L. Fowlke), read the first time by short title and referred to the Rules Committee.

H.B. 327, Building Inspector Amendments (D. Aagard), read the first time by short title and referred to the Rules Committee.

H.B. 328, Teacher Quality Amendments (G. Hughes), read the first time by short title and referred to the Rules Committee.

H.J.R. 16, Resolution Amending Provision on Municipal Water Rights (K. McIff), read the first time by short title and referred to the Rules Committee.

H.R. 4, House Resolution Expressing Opposition to the Creation of a National Identification Card (S. Sandstrom), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

H.B. 72, CHILDREN’S JUSTICE CENTER AMENDMENTS, Fowlke, read the third time by short title and placed on its final passage.

H.B. 72 passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Dougall  Draxler  S Duckworth
Edwards  Ferry  Janice Fisher  Julie Fisher
Fowlke  Frank  Froerer  Garn
Absent or not voting were: Representatives

Bird               Dunnigan               Grover               Ray
D. Clark

H.B. 72 transmitted to the Senate for its consideration.

** **

H.B. 97, SEXUAL EXPLOITATION OF A MINOR, Bigelow, read the third
time by short title and placed on its final passage.

H.B. 97, as amended, passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives

Aagard               Allen               Barrus               Beck
Bigelow              Bird               Biskupski              Black
Brown               Chavez–Houck               S. Clark               Cosgrove
Daw               Dougall               Draxler               S Duckworth
Edwards               Ferry               Janice Fisher               Julie Fisher
Fowlke               Frank               Froerer               F Gibson
K Gibson               Gowans               Greenwood               Grover
Hansen               Harper               Hemingway               Hendrickson
Herrold               Holdaway               Hughes               Hunsaker
Hutchings               Ipson               Johnson               King
Kiser               Last               Litvack               Lockhart
Mascaro              Mathis               McIlff               Menlove
Morley               Moss               Newbold               Noel
Oda               Painter               Poulson               Powell
Riesen  Sandstrom  Seegmiller  Seelig 
Sumson  Vickers  Wallis  Watkins 
Webb  Wheatley  Wilcox  Wiley 
Wimmer  Winn 

**Absent or not voting were:** Representatives  
Dee  Dunnigan  Garn  Ray  
D. Clark 

**H.B. 97,** as amended, transmitted to the Senate for its consideration. 

**UNFINISHED BUSINESS**

On motion of Representative Daw, the House voted to uncircle **H.B. 59.**

**H.B. 59,** **SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS, Daw,** was before the House on its final passage. 

On motion of Representative Daw, the House voted to delete **H.B. 59** in title and body and insert **2nd Sub. H.B. 59** in lieu thereof. 

**2nd Sub. H.B. 59** passed on the following roll call:

**Voting in the affirmative were:** Representatives  
Aagard  Allen  Barrus  Beck  
Bigelow  Bird  Biskupski  Black  
Brown  Chavez–Houck  S. Clark  Cosgrove  
Daw  Dee  Dougall  Draxler  
S Duckworth  Edwards  Ferry  Janice Fisher  
Julie Fisher  Fowlke  Frank  Froerer  
Garn  F Gibson  K Gibson  Greenwood  
Grover  Hansen  Harper  Hemingway  
Hendrickson  Herrod  Holdaway  Hughes  
Hunsaker  Hutchings  Ipson  Johnson  
King  Kiser  Last  Litvack  
Lockhart  Mascaro  Mathis  McIff  
Menlove  Morley  Moss  Newbold  
Noel  Oda  Painter  Poulson  
Powell  Ray  Riesen  Sandstrom  
Seegmiller  Sumson  Vickers  Wallis  
Watkins  Webb  Wheatley  Wilcox  
Wiley  Wimmer  Winn  

**Yeas, 71; Nays, 0; Absent or not voting, 4.**
Absent or not voting were: Representatives
Dunnigan         Gowans         Seelig         D. Clark

2nd Sub. H.B. 59 transmitted to the Senate for its consideration.

* * *

On motion of Representative Painter, the House voted to uncircle H.B. 68.

H.B. 68, DEVELOPMENT EXACTIONS, Painter, was before the House on its final passage.

On motion of Representative Painter, the House voted to delete H.B. 68 in title and body and insert 1st Sub. H.B. 68 in lieu thereof.

Representative Painter proposed the following amendment:

1. Page 10, Line 280:
   After “existing” insert “available”

2. Page 19, Line 563:
   After “existing” insert “available”

Representative Painter’s motion to amend passed on a voice vote.

Representative Painter declared a conflict of interest because he owns water shares.

Representative Powell declared a conflict of interest because he represents municipalities who may have an interest in this bill.

Representative Powell commented.

1st Sub. H.B. 68, as amended, passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard            Allen           Barrus          Beck
Bigelow           Bird            Biskupski       Black
Brown             Chavez–Houck   S. Clark        Cosgrove
Daw               Dee             Dougall         Draxler
S Duckworth       Edwards         Ferry           Janice Fisher
Julie Fisher      Frank           Froerer         F Gibson
K Gibson          Gowans         Greenwood      Grover
Absent or not voting were: Representatives
Dunnigan Fowlke Garn Mascaro
D. Clark

1st Sub. H.B. 68, as amended, transmitted to the Senate for its consideration.

* * *

On motion of Representative Brown, the House voted to uncircle 2nd Sub. H.B. 121.

2nd Sub. H.B. 121, RETIRED VOLUNTEER HEALTH CARE PRACTITIONER ACT, Brown, was before the House on its final passage.

Representative Brown proposed the following amendment:

1. Page 3, Lines 57 through 58
   57 Hygienist Practice Act; or
   58 (k) a physician assistant licensed under Chapter 70a, Physician Assistant Act;
   (l) a pharmacist licensed under Chapter 17b, Pharmacy Practice Act; or
   (m) an optometrist licensed under Chapter 16a, Utah Optometry Practice Act;

2. Page 3, Line 73:
   73 (b) for the health care practitioners listed in Subsections (2)(a) through (m) and not

Representative Brown’s motion to amend passed on a voice vote.
Representatives Vickers, King, F. Gibson, Allen, S. Clark, and Garn, commented.

2nd Sub. H.B. 121, as amended, passed on the following roll call:

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

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<th>Johnson</th>
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2nd Sub. H.B. 121, as amended, transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

H.B. 223, STATUTE OF LIMITATIONS AMENDMENTS, Wimmer, read the third time by short title and placed on its final passage.

H.B. 223 passed on the following roll call:

**Voting in the affirmative were:** Representatives

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<th>Aagard</th>
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<th>Beck</th>
<th>Bigelow</th>
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<td>Bird</td>
<td>Biskupski</td>
<td>Black</td>
<td>Brown</td>
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</table>
Absent or not voting were: Representatives
Barrus Dee Dunnigan Holdaway

H.B. 223 transmitted to the Senate for its consideration.

* * *

H.B. 233, AGGRAVATED SEXUAL ASSAULT AMENDMENTS, Wimmer, read the third time by short title and placed on its final passage.

H.B. 233 passed on the following roll call:

Y eas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Aagard Allen Beck Bigelow
Bird Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Frank Froerer
Garn F Gibson Gowans Greenwood
Grover Hansen Harper Hemingway
Hendrickson Herrod Holdaway Hughes
Hunsaker Hutchings Ipson Johnson
King Kiser Last Litvack
Wimmer Winn D. Clark
Absent or not voting were: Representatives
Barrus          K Gibson

H.B. 233 transmitted to the Senate for its consideration.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 6, 2009

The Government Operations Committee reports a favorable recommendation on 1st Sub. S.B. 18, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS, by Senator W. Niederhauser, with the following amendments and, due to unknown fiscal impact, recommends it be referred to the Rules Committee pending completion of a fiscal note:

1. Page 7, Lines 200 through 203
   Senate 3rd Reading Amendments 2–2–2009:
   200 (c) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A–3–106 and 63A–3–107.
   (ii) Local government officer and employee members may decline to receive per diem and expenses for their service.; and

The Government Operations Committee reports a favorable recommendation on 1st Sub. S.B. 27, ELECTION LAW CHANGES, by Senator P. Knudson; and

The Government Operations Committee reports a favorable recommendation on H.B. 279, UNIFORM PRUDENT MANAGEMENT OF
INSTITUTIONAL FUNDS ACT, by Representative B. Last, and recommends it be placed on the Consent Calendar; and

The Government Operations Committee reports a favorable recommendation on **S.B. 88**, ADMINISTRATIVE RULEMAKING ACT AMENDMENTS, by Senator H. Stephenson, and recommends it be placed on the Consent Calendar.

Craig A. Frank, Chair

Reports filed. On motion of Representative Frank, the reports of the Government Operations committee were adopted.

**1st Sub. S.B. 18**, as amended, read the second time by short title and referred to the Rules Committee due to fiscal impact.

**1st Sub. S.B. 27** read the second time by short title and placed on the Third Reading Calendar.

**H.B. 279** and **S.B. 88** read the second time by short title and placed on the Consent Calendar.

* * *

Mr. Speaker: February 6, 2009

The Political Subdivisions Committee reports a favorable recommendation on **H.B. 125**, IMPACT FEE AMENDMENTS, by Representative K. Powell.

Fred R. Hunsaker, Chair

Report filed. On motion of Representative Hunsaker, the report of the Political Subdivisions committee was adopted.

**H.B. 125** read the second time by short title and placed on the Third Reading Calendar.

* * *

Mr. Speaker: February 6, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 149**, FOREST RESERVE FUND REVISIONS, by Representative M. Noel.

Todd E. Kiser, Chair

Report filed. On motion of Representative Kiser, the report of the Revenue and Taxation committee was adopted.
H.B. 149 read the second time by short title and placed on the Third Reading Calendar.

**TIME CERTAIN CALENDAR**

H.C.R. 2, HEALTHY FAMILY PARTNERSHIP CONCURRENT RESOLUTION, *Oda*, read the third time by short title and placed on its final passage.

H.C.R. 2 passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

- Aagard
- Allen
- Barrus
- Beck
- Bigelow
- Bird
- Biskupski
- Black
- Brown
- Chavez–Houck
- S. Clark
- Cosgrove
- Daw
- Dee
- Dougall
- Draxler
- S Duckworth
- Dunnigan
- Edwards
- Ferry
- Janice Fisher
- Fowlke
- Frank
- Froerer
- Garn
- F Gibson
- K Gibson
- Grover
- Hansen
- Harper
- Hemingway
- Hendrickson
- Herrod
- Holdaway
- Hughes
- Hunsaker
- Hutchings
- Ipson
- Johnson
- King
- Kiser
- Last
- Litvack
- Lockhart
- Mascaro
- Mathis
- McIff
- Menlove
- Morley
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- Newbold
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- Painter
- Poulson
- Powell
- Riesen
- Sandstrom
- Seegmiller
- Seelig
- Sumsion
- Vickers
- Wallis
- Watkins
- Webb
- Wheatley
- Wilcox
- Wiley
- Wimmer
- Winn
- D. Clark

**Absent or not voting were:** Representatives

- Julie Fisher
- Gowans
- Greenwood
- Ray

H.C.R. 2 transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

H.B. 41, SEX OFFENDER REGISTRATION AMENDMENTS, *Sumsion*, read the third time by short title and placed on its final passage.

H.B. 41 passed on the following roll call:
Yeas, 69; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Fowlke  Froerer
Garn  F Gibson  K Gibson  Greenwood
Grover  Hansen  Harper  Hemingway
Hendrickson  Herrod  Holdaway  Hughes
Hunsaker  Hutchings  Ipson  King
Last  Litvack  Lockhart  Mascaro
Mathis  McIff  Menlove  Morley
Moss  Newbold  Noel  Oda
Poulson  Powell  Ray  Riesen
Sandstrom  Seegmiller  Seelig  Sumson
Vickers  Wallis  Watkins  Webb
Wheatley  Wilcox  Wiley  Wimmer
Winn

Absent or not voting were: Representatives
Frank  Gowans  Johnson  Kiser
Painter  D. Clark

H.B. 41 transmitted to the Senate for its consideration.

***

H.B. 113, SALVAGE VEHICLE TITLE AMENDMENTS, Kiser, read the third time by short title and placed on its final passage.

Representative Kiser proposed the following amendment:

1. Page 2, Lines 54 through 55

54 (b) The advertisement disclosure under Subsection (3)(a) shall : 
   (i) be displayed at least as 
55 prominently as the description of the advertised vehicle is displayed ; and 
   (ii) use the words “salvage certificate” or “branded title” in the advertisement .
Representative Webb commented. Representative Kiser’s motion to amend passed on a voice vote.

Representative Biskupski commented.

**H.B. 113**, as amended, passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard     Barrus     Beck     Bigelow
Bird        Biskupski  Black    Brown
Chavez–Houck S. Clark  Cosgrove Daw
Dee         Dougall    Draxler  S Duckworth
Dunnigan    Edwards    Ferry    Janice Fisher
Julie Fisher Fowlke    Frank    Froerer
F Gibson     K Gibson   Greenwood Grover
Hansen      Harper     Hemingway Hendrickson
Herrod      Holdaway   Hughes   Hunsaker
Hutchings   Ipson      Johnson  King
Kiser       Litvack    Mascaro  Mathis
McIff       Menlove    Morley   Moss
Newbold     Noel       Oda      Painter
Poulson     Powell     Riesen   Sandstrom
Seegmiller  Seelig     Sumson   Vickers
Wallis      Watkins    Webb     Wheatley
Wilcox      Wiley      Wimmer  Winn
D. Clark

**Absent or not voting were:** Representatives

Allen     Garn     Gowans    Last
Lockhart  Ray

**H.B. 113**, as amended, transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Dee, the House voted to reconsider its action on **S.B. 22.**

* * *

On motion of Representative Dee, the House voted to move to the Senate Third Reading Calendar.
RECONSIDERATION OF S.B. 22

S.B. 22, STREET LEGAL ALL–TERRAIN VEHICLE AMENDMENTS, Noel, was before the House for reconsideration.

On motion of Representative Harper, the House voted to delete S.B. 22, STREET LEGAL ALL–TERRAIN VEHICLE AMENDMENTS, Noel, in title and body and insert 1st Sub. S.B. 22, VEHICLE AMENDMENTS, Noel, in lieu thereof and, under suspension of the rules, to consider it read the first, second, and third times by short title.

1st Sub. S.B. 22 passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives

| Froerer     | Gowans    |

1st Sub. S.B. 22, as substituted, returned to the Senate for further consideration.
MISCELLANEOUS BUSINESS

On motion of Representative Garn, under suspension of the rules, the House voted to lift H.B. 149 from its place on the Third Reading Calendar and place it at the top of the House Third Reading Calendar.

***

On motion of Representative Garn, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

THIRD READING CALENDAR

H.B. 149, FOREST RESERVE FUND REVISIONS, Noel, under suspension of the 24-hour rule, read the third time by short title and placed on its final passage.

Representatives Bigelow, Johnson, and McIff commented.

H.B. 149 passed on the following roll call:

Yeas, 63; Nays, 0; Absent or not voting, 12.

Voting in the affirmative were: Representatives

Aagard    Allen     Barrus     Beck
Bigelow   Bird      Black     Brown
Chavez-Houck S. Clark  Cosgrove  Daw
Dee       Dougall   Draxler   S Duckworth
Dunnigan  Edwards   Janice Fisher Julie Fisher
Fowlke    Frank     Froerer   Garn
F Gibson  K Gibson  Greenwood Grover
Hansen    Harper    Hemingway Herrod
Hunsaker  Hutchings Ipson     Johnson
King      Kiser     Last      Litvack
Lockhart  Mascaro  Mathis    McIff
Moss      Newbold   Noel      Oda
Poulson   Powell    Ray       Riesen
Sandstrom Seegmiller Sumsmion Vickers
Wallis    Watkins   Webb      Wheatley
Wilcox    Winn      D. Clark

Absent or not voting were: Representatives

Biskupski Ferry     Gowans     Hendrickson
Holdaway Hughes    Menlove   Morley
Painter Seelig    Wiley      Wimmer
H.B. 149 transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

Representative Holdaway introduced National Board Certified Teachers. They are as follows:

Alpine District: Kenneth Wright and Vicki Smith.
Granite District: Amy Martz and Terence Cline.
Murray District: Jennifer Lightfoot and Judy Mahoskey.
Provo District: Jill Taylor, Meagan Taylor, Christine Whatcott, and Rebekah Witt.
Salt Lake District: Kerrie Baughman, Rebecca Bowen, Ruth Campbell, Jana Edward, Vicky Mayall, Toni Simmons, Kevin Smith, and Karen Steele.
Washington District: Claudia Empey.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 6, 2009

The Senate passed, H.B. 11, RECODIFICATION OF NATURAL RESOURCES PROVISIONS, by Representative J. Mathis, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 16, ASSESSMENT AREA AMENDMENTS, by Representative F. Hunsaker, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 18, WATER RIGHT APPLICATIONS AND RECORDS, by Representative P. Painter, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 34, PENALTIES FOR DESTRUCTION OF BALD EAGLE, by Representative R. Barrus, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 40, MOTORCYCLE RIDER EDUCATION PROGRAM AMENDMENTS, by Representative B. Daw, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 46, DESIGNATION OF STATE HIGHWAYS AMENDMENTS, by Representative T. Kiser, which has been signed by the President and it is transmitted for the signature of the Speaker; and
The Senate passed, **1st Sub. H.B. 86**, DIVISION OF REAL ESTATE RELATED AMENDMENTS, by Representative G. Froerer, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate


***

Mr. Speaker: February 6, 2009

The Senate passed, as amended, **H.B. 30**, COMMERCIAL MOTOR VEHICLE AMENDMENTS, by Representative T. Kiser, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 30** placed on the Concurrence Calendar.

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Mr. Speaker: February 6, 2009

The Senate passed **S.B. 129**, MENTAL HEALTH THERAPIST GRANT AND SCHOLARSHIP ACT REPEAL, by Senator D. Liljenquist, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **S.B. 129** read the first time by short title and referred to the Rules Committee.

**RULES COMMITTEE REPORT**

Mr. Speaker: February 6, 2009

The Rules Committee recommends the following bills and resolutions be assigned to standing committees:

**BUSINESS AND LABOR**

**H.B. 134**  
Recall of Unsafe or Defective Products (Rep. C. Watkins)

**H.B. 152**  
Appraisal Management Company Regulation  
(Rep. M. Morley)
EDUCATION
H.B. 146  Expenditures of School and Institutional Trust Land
Money by School Districts (Rep. T. Cosgrove)

ETHICS
H.J.R. 14  Joint Rules Resolution – Ethics Training Course
Provisions (Rep. L. Fowlke)

GOVERNMENT OPERATIONS
H.B. 141  Billboard Amendments (Rep. C. Frank)
S.B. 122  Uniform State Law – Uniform Unsworn Foreign
Declarations Act (Sen. L. Hillyard)

HEALTH AND HUMAN SERVICES
H.B. 254  Health Professional Authority – Death Certificates
(Rep. B. Last)

JUDICIARY
H.B. 294  Survival Action upon Injury or Death (Rep. K. McIff)
H.B. 298  Juvenile Transfers from Justice Court (Rep. K. McIff)

LAW ENFORCEMENT AND CRIMINAL JUSTICE
H.B. 220  State Payment and Reimbursement to County
Correctional Facilities (Rep. M. Noel)
H.B. 221  County Correctional Facilities Funding Amendments
(Rep. M. Noel)

NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT
S.B. 110  Oil and Gas Limitation of Actions Amendments
(Sen. K. Van Tassell)
1st Sub. S.J.R. 1  Joint Resolution – Renewable Energy System
(Sen. P. Jones)

POLITICAL SUBDIVISIONS
H.B. 147  Resource Recovery by Governmental Entities
(Rep. T. Cosgrove)
H.B. 309  County Fiscal Procedures Amendments (Rep. C. Herrod)
TRANSPORTATION
S.B. 97 Good Samaritan Act for Engineers (Sen. M. Waddoups) Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

RULES COMMITTEE REPORT

Mr. Speaker: February 6, 2009

The Rules Committee recommends that the following resolution be considered read for the second time and placed on the Third Reading Calendar:

H.J.R. 15 Joint Resolution Approving Compensation of In–session Employees (Rep. K. Garn) Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 6, 2009

The Senate passed, as amended, H.B. 12, COUNTY SHERIFF QUALIFICATION AMENDMENTS, by Representative R. Greenwood, and it is transmitted for further consideration; and

The Senate passed, as amended, H.B. 52, INSURANCE CODE AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate

Communications filed. H.B. 12 and H.B. 52 placed on the Concurrence Calendar.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, and at 12:05 p.m., the House voted to adjourn until February 9, 2009, at 10:00 a.m.
FIFTEENTH DAY

MORNING SESSION

The House was called to order by Speaker Clark at 10:05 a.m.

Roll call showed all members present, except Representative Biskupski, excused.

Prayer offered by Representative Dee’s granddaughter, Jen Preisler. Pledge of Allegiance led by Representative Dee’s grandchildren, Boston and Kenzie Preisler.

COMMUNICATION FROM THE SENATE

Mr. Speaker: February 6, 2009

The Senate passed, as amended, H.B. 31, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, by Representative C. Wimmer, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. H.B. 31 placed on the Concurrence Calendar.

INTRODUCTION OF BILLS

H.B. 160, Adult Joint Support Declaration (J. Seelig), read the first time by short title and referred to the Rules Committee.

H.B. 161, Motor Vehicle Insurance Fee (L. Wiley), read the first time by short title and referred to the Rules Committee.

H.B. 188, Health System Reform – Insurance Market (D. Clark), read the first time by short title and referred to the Rules Committee.

H.B. 189, Instruction in Health Amendments (L. Hemingway), read the first time by short title and referred to the Rules Committee.

H.B. 190, State Energy Policy Restrictions (R. Barrus), read the first time by short title and referred to the Rules Committee.

H.B. 191, Air Quality Board Amendments (R. Barrus), read the first time by short title and referred to the Rules Committee.
H.B. 308, Workers’ Compensation – Motor Carriers (D. Ipson), read the first time by short title and referred to the Rules Committee.

H.B. 329, Wrongful Death Claims (L. Fowlke), read the first time by short title and referred to the Rules Committee.

H.B. 330, Utah School Seismic Hazard Inventory (L. Wiley), read the first time by short title and referred to the Rules Committee.

H.J.R. 4, Joint Rules Resolution – Base Budget Deadline Amendments (D. Litvack), read the first time by short title and referred to the Rules Committee.

CONCURRENCE CALENDAR

On motion of Representative Kiser, the House voted to concur in the Senate amendments to H.B. 30, COMMERCIAL MOTOR VEHICLE AMENDMENTS.

Representatives Ipson and Ferry commented.

H.B. 30, as amended by the Senate, passed on the following roll call:

**Yeas, 69; Nays, 2; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

<table>
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<th>Morley</th>
<th>Wimmer</th>
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Absent or not voting were: Representatives
Barrus Biskupski Noel Painter

H.B. 30, as amended by the Senate, held for possible reconsideration.

* * *

On motion of Representative Greenwood, the House voted to concur in the Senate amendments to H.B. 12, COUNTY SHERIFF QUALIFICATION AMENDMENTS.

H.B. 12, as amended by the Senate, passed on the following roll call:

Yeas, 71; Nays, 1; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard Allen Barrus Beck
Bigelow Bird Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Frank Froerer
Garn F Gibson K Gibson Gowans
Greenwood Grover Harper Hemingway
Hendrickson Herrod Holdaway Hughes
Hunsaker Huttings Ipson Johnson
King Kiser Last Litvack
Lockhart Mascaro Mathis McIff
Menlove Morley Moss Newbold
Oda Poulson Powell Ray
Riesen Sandstrom Seegmiller Seelig
Sumasion Vickers Wallis Watkins
Webb Wheatley Wilcox Wiley
Wimmer Winn D. Clark

Voting in the negative was: Representative Hansen

Absent or not voting were: Representatives
Biskupski Noel Painter

H.B. 12, as amended by the Senate, transmitted to the Senate for signature of President.
On motion of Representative Dunnigan, the House voted to concur in the Senate amendments to H.B. 52, INSURANCE CODE AND RELATED AMENDMENTS.

H.B. 52, as amended by the Senate, passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

| Allen | Biskupski | Noel | Painter |

H.B. 52, as amended by the Senate, transmitted to the Senate for signature of President.

**CONSENT CALENDAR**

H.B. 123, RETAIL AND LIBRARY THEFT AMENDMENTS, F. Gibson, read the third time by short title and placed on its final passage.

H.B. 123 passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**
Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird   Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee      Dougall  Draxler  S. Duckworth
Dunnigan Edwards  Ferry  Janice Fisher
Julie Fisher Fowlke  Frank  Froerer
Garn     F Gibson  K Gibson  Gowans
Greenwood Grover  Hansen  Harper
Hemingway Hendrickson  Herrod  Holdaway
Hughes  Hunsaker  Hutchings  Ipson
Johnson  King    Kiser    Last
Litvack  Lockhart  Mascaro  Mathis
McIff    Menlove  Morley   Moss
Newbold  Oda     Poulson  Powell
Ray  Riesen  Sandstrom  Seegmiller
Seelig  Sumision  Vickers  Wallis
Watkins  Webb   Wheatley  Wilcox
Wiley    Wimmer  Winn   D. Clark

Absent or not voting were: Representatives

Biskupski  Noel  Painter

H.B. 123 transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Hughes, under suspension of the rules, the House voted to allow a bill file be opened concerning truth in music.

On motion of Representative Dee, under suspension of the rules, the House voted to allow a bill file be opened for a concurrent resolution concerning wildlife.

THIRD READING CALENDAR

1st Sub. H.B. 92, REQUIREMENT TO WEAR HUNTER ORANGE AMENDMENTS, Sandstrom, read the third time by short title and placed on its final passage. Representatives Ferry and Hemingway commented.

1st Sub. H.B. 92 passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird   Black  Brown
| Chavez–Houck | S. Clark | Cosgrove | Daw        |
| Dee          | Dougall  | Draxler  | S Duckworth|
| Dunnigan     | Edwards  | Ferry    | Janice Fisher|
| Julie Fisher | Fowlke   | Frank    | Froerer    |
| Garn         | F Gibson | K Gibson | Gowans     |
| Greenwood    | Grover   | Hansen   | Harper     |
| Hemingway    | Hendrickson | Herrod | Holdaway  |
| Hughes       | Hunsaker | Hutchings | Ipson |
| Johnson      | King     | Kiser    | Last       |
| Litvack      | Lockhart | Mascaro  | Mathis     |
| McIff        | Menlove  | Morley   | Moss       |
| Newbold      | Noel     | Oda      | Poulson    |
| Powell       | Ray      | Riesen   | Sandstrom  |
| Seegmiller   | Seelig   | Sumsion  | Vickers    |
| Wallis       | Watkins  | Webb     | Wheatley   |
| Wilcox       | Wiley    | Wimmer   | Winn       |
| D. Clark     |          |          |            |

Absent or not voting were: Representatives

Biskupski    Painter

1st Sub. H.B. 92 transmitted to the Senate for its consideration.

***


Representative Noel proposed the following amendment:

1. Page 2, Line 35:
   Delete “the entire amount” and insert “30%”

Representatives Mascaro, Ferry, Menlove, Powell, Webb, and Hutchings commented. Representative Noel’s motion to amend passed on the following roll call:

Yeas, 38; Nays, 30; Absent or not voting, 7.

Voting in the affirmative were: Representatives

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Voting in the negative were: Representatives
Allen                Beck                Black                Chavez–Houck
S. Clark             Cosgrove            Draxler             Edwards
Janice Fisher        Julie Fisher        Froerer             Grover
Hansen               Hemingway           Holdaway            Hunsaker
Hutchings            Johnson             King                 Litvack
Mascaro              McIlff              Menlove             Moss
Poulson              Powell              Riesen              Seegmiller
Watkins              Wheatley

Absent or not voting were: Representatives
Biskupski            Dee                 Hendrickson         Painter
Seelig               Wiley               Winn

On motion of Representative Garn, the House voted to circle H.B. 115.

SPECIAL ORDER OF BUSINESS

H.C.R. 4, UNIVERSITY OF UTAH CHAMPIONSHIP FOOTBALL TEAM CONCURRENT RESOLUTION, Bird, read the third time by short title and placed on its final passage. Representatives Allen, S. Clark, F. Gibson, and D. Clark commented.

H.C.R. 4 passed on the following roll call:

Yeas, 66; Nays, 0; Absent or not voting, 9.

Voting in the affirmative were: Representatives
Aagard               Allen               Barrus               Beck
Bigelow              Bird                Black                Brown
Chavez–Houck         S. Clark            Cosgrove            Daw
Dee                  Dougall             Draxler             S Duckworth
Dunnigan             Edwards             Janice Fisher        Julie Fisher
Fowlke               Frank               Froerer             Garn
F Gibson             K Gibson            Gowsans             Greenwood
Absent or not voting were: Representatives
Biskupski    Ferry    Hughes    McIff
Menlove    Morley    Noel    Wiley
Wimmer

H.C.R. 4 transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Draxler, the House voted to uncircle H.B. 115.

H.B. 115, COUNTY CONSERVATION AND PRESERVATION FUND, Draxler, was before the House on its final passage. Representatives Powell, Mathis, and Webb commented.

H.B. 115, as amended, failed to pass on the following roll call:

Yeas, 25; Nays, 45; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Chavez−Houck    Cosgrove    Dee    Draxler
Edwards    Julie Fisher    Froerer    P Gibson
K Gibson    Holdaway    Hunsaker    Hutchings
Johnson    King    Litvack    Moss
Newbold    Poulson    Powell    Riesen
Seegmiller    Seelig    Wallis    Wilcox
Winn

Voting in the negative were: Representatives
Aagard    Allen    Barrus    Beck
Black    Brown    S. Clark    Daw
Dougall    S Duckworth    Dunnigan    Ferry
Janice Fisher    Fowlke    Frank    Gowans
Absent or not voting were: Representatives
Bigelow Bird Biskupski Garn McIff

H.B. 115, as amended, was filed.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 6, 2009

The Business and Labor Committee reports a favorable recommendation on H.B. 130, ASSET PRESERVATION AMENDMENTS, by Representative G. Hughes; and

The Business and Labor Committee reports a favorable recommendation on H.B. 154, STATE CONSTRUCTION REGISTRY AMENDMENTS, by Representative M. Morley, with the following amendments:

1. Page 10, Lines 301 through 306:

   301 (4) The standardized building permit numbering system [developed] described under

   302 Subsection (2) shall include { alpha or numeric characters in the following order:

   303 (a) three alphabetical characters identifying the compliance agency issuing the permit;

   304 and

   305 } a combination of alpha or numeric characters arranged in a format acceptable to the

   306 compliance agency; and

The Business and Labor Committee reports a favorable recommendation on S.B. 93, BUILDING AUTHORITIES, by Senator D. Stowell; and
The Business and Labor Committee reports a favorable recommendation on **H.B. 295, MONEY LAUNDERING AMENDMENTS**, by Representative R. Wilcox, and recommends it be placed on the Consent Calendar.

James A. Dunnigan, Chair

Reports filed. On motion of Representative Painter, the reports of the Business and Labor committee were adopted.

**H.B. 130, H.B. 154**, as amended, and **S.B. 93** read the second time by short title and placed on the Third Reading Calendar.

**H.B. 295** read the second time by short title and placed on the Consent Calendar.

* * *

Mr. Speaker: February 6, 2009

The Education Committee reports a favorable recommendation on **S.B. 104, HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS**, by Senator L. Hillyard, with the following amendments:

1. Page 1, Lines 13 through 14:
   13 beginning with the { 2010 } 2011 high school graduating class, changes the New Century
   14 scholarship to a set total amount of $5,000;

2. Page 1, Lines 24 through 25:
   24 beginning with the { 2010 } 2011 high school graduating class, changes the Exemplary
   25 Academic Achievement Scholarship to a set total amount of $5,000;

3. Page 3, Lines 63 through 64:
   63 (b) For a student whose class graduates from high school in
   64 the requirements under Subsection (1)(b) by September 1,
   65 and who completes

4. Page 3, Lines 72 through 74:
   72 (c) For a student whose class graduates in
   73 or after and who completes the
requirements under this section the total scholarship is equal to $5,000, allocated over a time period described in Subsection (2)(d), as prescribed by the board.

5. Page 8, Line 238:

(2) For a student who graduates from high school in the school year:

6. Page 9, Lines 247 through 249:

(3) For a student who graduates from high school in or after the school year, the total Exemplary Academic Achievement Scholarship is equal to $5,000, allocated over a time period described in Subsection (4), as prescribed by the board;

The Education Committee reports a favorable recommendation on S.B. 105, ENGINEERING AND COMPUTER SCIENCE INITIATIVE AMENDMENTS, by Senator L. Hillyard.

Gregory H. Hughes, Chair

Reports filed. On motion of Representative Sumsion, the reports of the Education committee were adopted.

S.B. 104, as amended, and S.B. 105 read the second time by short title and placed on the Third Reading Calendar.

***

Mr. Speaker: February 6, 2009

The Health and Human Services Committee reports a favorable recommendation on H.B. 273, CONTRACTING FOR INTER–FACILITY MEDICAL TRANSPORTS, by Representative M. Noel; and

The Health and Human Services Committee reports a favorable recommendation on 1st Sub. S.B. 117, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS, by Senator A. Christensen; and
The Health and Human Services Committee reports a favorable recommendation on **S.B. 37**, **UTAH SUBSTANCE ABUSE AND ANTI–VIOLENCE COORDINATING COUNCIL AMENDMENTS**, by Senator K. Van Tassell, and recommends it be placed on the Consent Calendar.

Paul Ray, Chair

Reports filed. On motion of Representative Ray, the reports of the Health and Human Services committee were adopted.

**H.B. 273** and **1st Sub. S.B. 117** read the second time by short title and placed on the Third Reading Calendar.

**S.B. 37** read the second time by short title and placed on the Consent Calendar.

* * *

Mr. Speaker: February 9, 2009

The Judiciary Committee reports a favorable recommendation on **H.B. 138**, **EXPUNGEMENT OF RECORDS AMENDMENTS**, by Representative Julie Fisher, with the following amendments:

1. Page 4, Lines 107 through 109:

   107 (9) If, after obtaining an expungement, the petitioner is charged with a felony, the state
   108 may petition the court to open the expunged records { and }
   109 court may allow any relevant records to be used in an investigation or trial of the new charges.

The Judiciary Committee reports a favorable recommendation on **H.B. 251**, **JOINT CUSTODY AMENDMENTS**, by Representative L. Fowlke, with the following amendments:

1. Page 4, Lines 110 through 114:

   110 (5) [(a)] The appointment of joint legal or physical custodians does not impair or limit
   111 the authority of the court to order support of the child, including payments by one custodian to
   112 the other.
An order of joint legal \{or physical\} custody, in itself, is not grounds for modifying a support order.

2. Page 5, Line 122:

(1) On the \{-motion-\} petition of one or both of the parents, or the joint legal or physical custodians

3. Page 5, Lines 141 through 147:

(b) The court shall make specific written findings on each of the factors relied upon stating:

(i) a material and substantial change of circumstance has occurred; and

(ii) a modification of the terms and conditions of the order would be an improvement for and in the best interest of the child; and

(iii) where each factor falls within the spectrum of relative importance and to accord each factor its appropriate weight.

The Judiciary Committee reports a favorable recommendation on H.B. 298, JUVENILE TRANSFERS FROM JUSTICE COURT, by Representative K. McIff; and

The Judiciary Committee reports a favorable recommendation on H.B. 270, PARENT−TIME HOLIDAY AND NOTIFICATION AMENDMENTS, by Representative L. Fowlke, and recommends it be placed on the Consent Calendar.

Lorie D. Fowlke, Chair

Reports filed. On motion of Representative Fowlke, the reports of the Judiciary committee were adopted.

H.B. 138, as amended, H.B. 251, as amended, and H.B. 298 read the second time by short title and placed on the Third Reading Calendar.

H.B. 270 read the second time by short title and placed on the Consent Calendar.
Mr. Speaker:  

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on H.B. 37, VIOLENT OFFENSES AMENDMENTS, by Representative J. Seelig, with the following amendments:

1. Page 3, Line 74:

   (e) any felony sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on H.B. 122, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, by Representative D. Aagard, with the following amendments:

1. Page 1, Lines 14 through 15:

   clarifies that records may be classified as protected if they are prepared in anticipation of litigation; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on H.B. 129, ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS, by Representative C. Oda, with the following amendments:

1. Page 7, Lines 192 through 198:

   (1) A minor is liable to a retail licensee in an amount described in Subsection (2) if:

   (a) the commission imposes an applicable fine against the retail licensee on the basis of a violation related to a minor; and

   (b) the minor, as part of the minor’s involvement in the violation related to a minor that is the basis for the applicable fine; and

   (c) as part of the facts that are the basis for the applicable fine, the minor attempts to:

   (i) use described in Subsection (1)(a), uses proof of age in violation of Chapter 1, Part 3, Proof of Age; or
...otherwise engage in an act that is a violation of this title for a minor to engage in ...; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on H.B. 136, SEX OFFENDER DEFINITION AMENDMENTS, by Representative P. Ray; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on S.B. 40, LAWFUL PRESENCE VERIFICATION FOR ISSUANCE OF A DRIVER LICENSE OR IDENTIFICATION CARD, by Senator C. Bramble.

Douglas C. Aagard, Chair

Reports filed. On motion of Representative Aagard, the reports of the Law Enforcement and Criminal Justice committee were adopted.


NOTICE OF BILL RETURNED TO RULES COMMITTEE

Mr. Speaker: February 9, 2009

The Law Enforcement and Criminal Justice Committee has returned H.B. 277, CONTROLLED SUBSTANCE AMENDMENTS, by Representative P. Ray, to the Rules Committee for interim study.

Douglas C. Aagard, Chair


REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 9, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 110, OIL AND GAS LIMITATION OF ACTIONS AMENDMENTS, by Senator K. Van Tassell, and recommends it be placed on the Consent Calendar; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.J.R. 2, TOPAZ MUSEUM AND CIVIL LIBERTIES LEARNING CENTER JOINT RESOLUTION, by Senator D. Stowell, and recommends it be placed on the Consent Calendar.

Roger E. Barrus, Chair

Reports filed. On motion of Representative Barrus, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.
**S.B. 110** and **S.J.R. 2** read the second time by short title and placed on the Consent Calendar.

* * *

Mr. Speaker:  
February 9, 2009

The Transportation Committee reports a favorable recommendation on **H.B. 112**, VEHICLE TOWING AMENDMENTS, by Representative T. Kiser; and

The Transportation Committee reports a favorable recommendation on **S.B. 97**, GOOD SAMARITAN ACT FOR ENGINEERS, by Senator M. Waddoups, et al.

Bradley M. Daw, Chair

Reports filed. On motion of Representative Daw, the reports of the Transportation committee were adopted.

**H.B. 112** and **S.B. 97** read the second time by short title and placed on the Third Reading Calendar.

**RULES COMMITTEE REPORT**

Mr. Speaker:  
February 9, 2009

The Rules Committee recommends the following bills and resolutions be assigned to standing committees:

**BUSINESS AND LABOR**
- **H.B. 320** Collection Agency Amendments (Rep. R. Webb)

**EDUCATION**
- **H.B. 207** Concurrent Enrollment Amendments (Rep. K. Holdaway)

**ETHICS**
- **H.B. 84** Campaign Financing and Gift Regulation (Rep. S. Mascaro)
- **H.B. 93** Establishment of State Ethics Commission (Rep. P. Riesen)
- **H.B. 103** Revolving Door Limitations for Public Officials to Become Lobbyists (Rep. C. Moss)
(Rep. K. Powell)

H.B. 139  Legislator Gift Reporting Act  (Rep. S. Clark)

H.B. 213  Ban on Gifts to Legislators  (Rep. C. Johnson)

H.B. 268  Legislator Reporting of Gifts and Other Items  
(Rep. M. Wheatley)

GOVERNMENT OPERATIONS
H.B. 310  Authority of Lieutenant Governor to Perform Marriage  
(Rep. C. Wimmer)

HEALTH AND HUMAN SERVICES
H.B. 142  Reporting Abuse or Neglect of the Elderly or Disabled  
(Rep. L. Hemingway)

H.B. 144  Medical Language Interpreter Act  
(Rep. R. Chavez–Houck)

H.J.R. 3  Joint Resolution Supporting Efforts to Increase and  
Improve Cancer Treatment, Screening, and Research  
Programs  (Rep. S. Duckworth)

S.B. 129  Mental Health Therapist Grant and Scholarship Act  
Repeal  (Sen. D. Liljenquist)

JUDICIARY
H.B. 209  Amendments to Criminal Appeals  (Rep. J. Fisher)

LAW ENFORCEMENT AND CRIMINAL JUSTICE
H.B. 151  Motor Vehicle Forfeiture Amendments  (Rep. C. Herrod)

H.B. 299  Unlawful Detainer Amendments  (Rep. G. Froerer)

H.B. 290  Prohibition of Wireless Communication Device Use in a  
Motor Vehicle  (Rep. S. Clark)

NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT
H.B. 205  Water Source Protection Amendments  (Rep. M. Noel)


TRANSPORTATION
H.B. 292  Traffic Violation and Citation Amendments  
(Rep. D. Ipson)

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.
RULES COMMITTEE REPORT

Mr. Speaker: February 9, 2009

The Rules Committee recommends that H.R. 3, Resolution on Energy Policy (Rep. M. Noel), be lifted from the Natural Resources, Agriculture, and Environment Standing Committee, and reassigned to the Public Utilities and Technology Standing Committee.

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, and at 12:00 noon, the House voted to adjourn until February 10, 2009, at 10:00 a.m.
SIXTEENTH DAY

* * *

MORNING SESSION

The House was called to order by Speaker Clark at 10:00 a.m.

Roll call showed all members present except Representatives Evan Vickers and Stephen Sandstrom, excused.

Prayer and Pledge of Allegiance led by Representative Christine Watkins.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 9, 2009

The Senate passed, as amended, S.B. 20, LOCAL PUBLIC HEALTH EMERGENCY FUNDING, by Senator D. Stowell, and it is transmitted for consideration; and

The Senate passed S.B. 35, SALES AND USE TAX DEFINITIONS RELATING TO PROPERTY, by Senator W. Niederhauser, and it is transmitted for consideration; and

The Senate passed S.B. 94, UNDERGROUND SEWER UTILITIES FACILITIES AMENDMENTS, by Senator J. Greiner, and it is transmitted for consideration; and

The Senate passed S.B. 115, PAYMENT OF MOBILE HOME PARK RELOCATION EXPENSES, by Senator W. Niederhauser, and it is transmitted for consideration; and

The Senate passed, as amended, S.J.R. 11, JOINT RESOLUTION URGING FOOTBALL PLAYOFF, by Senator S. Jenkins, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate


* * *

Mr. Speaker: February 9, 2009

The Senate refuses to concur with the House Amendments to S.C.R. 1, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO
ESTABLISH AN EMPLOYER–SPONSORED WORK PROGRAM, by Senator S. Jenkins, and requests the House recede from its amendments.

Annette B. Moore
Secretary of the Senate

Communication filed. On motion of Representative Dee, the House voted to refuse to concur with the Senate amendments to S.C.R. 1. The Speaker was authorized to appoint a Conference Committee. The Speaker appointed Representatives Dee, Herrod, and Cosgrove.

* * *

Mr. Speaker: February 9, 2009

The Senate passed, H.B. 25, GUN DEALER PENALTY AMENDMENTS, by Representative C. Oda, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 47, CRIMINAL PROCEDURE – INVESTIGATION AMENDMENTS, by Representative P. Ray, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.C.R. 4, UNIVERSITY OF UTAH CHAMPIONSHIP FOOTBALL TEAM CONCURRENT RESOLUTION, by Representative J. Bird, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. H.B. 25, H.B. 47, and H.C.R. 4 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

INTRODUCTION OF BILLS

H.B. 165, Health Reform – Administrative Simplification (M. Newbold), read the first time by short title and referred to the Rules Committee.

H.B. 345, Elected Officials – Restrictions on Lobbying (B. Dee), read the first time by short title and referred to the Rules Committee.

H.B. 346, Campaign and Financial Reporting Requirements Amendments (B. Dee), read the first time by short title and referred to the Rules Committee.

H.B. 352, Alcoholic Beverage Related Amendments (J. Dunnigan), read the first time by short title and referred to the Rules Committee.
H.B. 353, Truth in Advertising Act Amendments (M. Morley), read the first time by short title and referred to the Rules Committee.

H.B. 375, Local Government Records Amendments (D. Aagard), read the first time by short title and referred to the Rules Committee.

**MISCELLANEOUS BUSINESS**

On motion of Representative Kiser, the House voted to reconsider its action on **H.B. 30**.

**RECONSIDERATION OF H.B. 30**

H.B. 30, COMMERCIAL MOTOR VEHICLE AMENDMENTS, was before the House for reconsideration.

On motion of Representative Kiser, the House voted to refuse to concur in the Senate amendments to **H.B. 30**.

H.B. 30 was returned to the Senate.

**CONCURRENCE CALENDAR**

On motion of Representative Wimmer, the House voted to concur in the Senate amendments to **H.B. 31**, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT.

H.B. 31, as amended by the Senate, passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

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Absent or not voting were: Representatives
McIff  Oda  Sandstrom  Vickers

H.B. 31, as amended by the Senate, transmitted to the Senate for signature of President.

CONSENT CALENDAR

H.B. 127, PERSONAL INJURY PROTECTION COVERAGE AMENDMENTS, Kiser, read the third time by short title and placed on its final passage.

H.B. 127 passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Fowlke  Frank
Froerer  Garn  F Gibson  K Gibson
Gowans  Greenwood  Grover  Hansen
Harper  Hemingway  Hendrickson  Herrod
Holdaway  Hughes  Hunsaker  Hutchings
Ipson  Johnson  King  Kiser
Last  Litvack  Lockhart  Mascaro
Mathis  Menlove  Morley  Newbold
Noel  Oda  Painter  Poulson
Powell  Ray  Riesen  Seegmiller
Seelig  Sumsiion  Watkins  Webb
Wheatley  Wilcox  Wiley  Wimmer
Winn  D. Clark
Absent or not voting were: Representatives
McIff  Moss  Sandstrom  Vickers  Wallis

H.B. 127 transmitted to the Senate for its consideration.

* * *

H.B. 275, DOMESTIC VIOLENCE IN PRESENCE OF A CHILD AMENDMENTS, K. Gibson, read the third time by short title and placed on its final passage.

H.B. 275 passed on the following roll call:

Yeas, 69; Nays, 3; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Frank  Froerer
Garn  F Gibson  K Gibson  Gowans
Greenwood  Grover  Hansen  Harper
Hemingway  Hendrickson  Herrod  Holdaway
Hughes  Hunsaker  Ipson  Johnson
King  Kiser  Last  Litvack
Lockhart  Mascaro  Menlove  Morley
Moss  Newbold  Noel  Oda
Painter  Poulson  Powell  Ray
Riesen  Seegmiller  Seelig  Sumision
Wallis  Watkins  Webb  Wheatley
Wilcox  Wiley  Wimmer  Winn
D. Clark

Voting in the negative were: Representatives
Fowlke  Hutchings  Mathis

Absent or not voting were: Representatives
McIff  Sandstrom  Vickers

H.B. 275 transmitted to the Senate for its consideration.
MISCELLANEOUS BUSINESS

On motion of Representative Garn, under suspension of the rules, the House voted to lift H.J.R. 15 from its current position on the Third Reading Calendar to the top.

THIRD READING CALENDAR

H.J.R. 15, JOINT RESOLUTION APPROVING COMPENSATION OF IN–SESSION EMPLOYEES, Garn, read the third time by short title and placed on its final passage.

H.J.R. 15 passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard    Allen    Barrus    Beck
Bigelow   Bird     Biskupski Black
Brown     Chavez–Houck S. Clark Cosgrove
Daw       Dee      Dougall   Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Froerer
Garn       F Gibson K Gibson Gowans
Greenwood  Grover   Hansen   Harper
Hemingway  Hendrickson Herrod   Holdaway
Hughes     Hunsaker Hutchings Ipson
Johnson    King     Kiser     Last
Litvack    Lockhart Mascaro Mathis
Menlove    Morley   Moss      Newbold
Noel       Oda      Painter   Poulson
Powell     Ray      Riesen    Seegmiller
Seelig     Sumson   Wallis    Watkins
Webb       Wheatley Wilcox   Wiley
Wimmer     Winn     D. Clark

Absent or not voting were: Representatives
Frank     McIff   Sandstrom Vickers

H.J.R. 15 transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Julie Fisher, the House voted to uncircle H.B. 65.
H.B. 65, REPORTING OF CERTAIN TRANSACTIONS EXEMPT FROM SALES AND USE TAXES, *Julie Fisher*, was before the House on its final passage. Representatives Bigelow, Dougall, and Cosgrove commented.

H.B. 65 passed on the following roll call:

**Yeas, 55; Nays, 15; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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**Absent or not voting were:** Representatives

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H.B. 65 transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

H.B. 116, UNIFORM FEES ON CANOES, *Wheatley*, read the third time by short title and placed on its final passage.

H.B. 116 passed on the following roll call:

**Yeas, 66; Nays, 2; Absent or not voting, 7.**
Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Fowlke  Frank
Froerer  Garn  Gowans  Greenwood
Grover  Hansen  Harper  Hemingway
Hendrickson  Holdaway  Hughes  Hunsaker
Ipson  Johnson  King  Kiser
Last  Litvack  Lockhart  Mascaro
Mathis  Menlove  Morley  Moss
Newbold  Noel  Oda  Painter
Poulson  Powell  Riesen  Seegmiller
Seelig  Sumson  Wallis  Watkins
Webb  Wheatley  Wiley  Wimmer
Winn  D. Clark

Voting in the negative were: Representatives
Hutchings  Ray

Absent or not voting were: Representatives
F Gibson  K Gibson  Herrod  McIff
Sandstrom  Vickers  Wilcox

H.B. 116 transmitted to the Senate for its consideration.

***

H.B. 235, DAM SAFETY AMENDMENTS, Sandstrom, read the third time by short title and placed on its final passage.

On motion of Representative Grover, the House voted to circle H.B. 235.

***

H.B. 102, FALSE VEHICLE TITLE AND REGISTRATION PENALTIES, Ray, read the third time by short title and placed on its final passage.

Representative Hutchings proposed the following amendment:
1. Page 1, Lines 14 through 15

14 provides that it is a {third degree felony} class A misdemeanor, rather than a second degree felony, for

15 providing false evidences for certain motor vehicle title or registration information.

2. Page 1, Line 27 through Page 2, Line 28:

27 It is a [second] {third degree felony} class A misdemeanor for a person with respect to a motor vehicle, trailer,

28 or semitrailer to:

Representative Fowlke commented. Representative Hutchings’ motion to amend passed on a voice vote.

H.B. 102, as amended, passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

| F Gibson | K Gibson | Sandstrom | Vickers |
H.B. 102, as amended, transmitted to the Senate for its consideration.

***

H.B. 104, DRIVER LICENSE HEARING AMENDMENTS, Greenwood, read the third time by short title and placed on its final passage.

H.B. 104 passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives

| K Gibson | Sandstrom | Vickers |

H.B. 104 transmitted to the Senate for its consideration.

***

H.B. 253, MOTOR CARRIER PERMIT FEE AMENDMENTS, Kiser, read the third time by short title and placed on its final passage. Representatives Ipson, Menlove, and Greenwood commented.

H.B. 253 passed on the following roll call:
Yeas, 66; Nays, 3; Absent or not voting, 6.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Julie Fisher  Frank  Froerer  Garn
F Gibson  K Gibson  Gowans  Greenwood
Grover  Hansen  Harper  Hemingway
Hendrickson  Herrod  Hunsaker  Hutchings
Ipson  Johnson  King  Kiser
Last  Litvack  Lockhart  Mascaro
Mathis  McIff  Menlove  Moss
Newbold  Noel  Oda  Painter
Poulson  Powell  Ray  Riesen
Seegmiller  Seelig  Wallis  Watkins
Webb  Wheatley  Wilcox  Wiley
Winn  D. Clark

Voting in the negative were: Representatives
Morley  Sumsion  Wimmer

Absent or not voting were: Representatives
Janice Fisher  Fowlke  Holdaway  Hughes
Sandstrom  Vickers

H.B. 253 transmitted to the Senate for its consideration.

* * *

1st Sub. H.B. 49. VOTER CHALLENGE AMENDMENTS, Hansen, read the third time by short title and placed on its final passage.

Representative Hansen proposed the following amendment:

1. Page 5, Line 121:
   Delete the comma after “challenged”

Representative Hansen’s motion to amend passed on a voice vote.

Representatives Hutchings, Powell, and Wilcox commented.
1st Sub. H.B. 49, as amended, passed on the following roll call:

**Y eas, 42; Nays, 31; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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**Absent or not voting were:** Representatives

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1st Sub. H.B. 49, as amended, transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative Sandstrom, the House voted to uncircle H.B. 235.

**H.B. 235, DAM SAFETY AMENDMENTS, Sandstrom,** was before the House on its final passage.

H.B. 235 passed on the following roll call:

**Y eas, 73; Nays, 0; Absent or not voting, 2.**
Voting in the affirmative were: Representatives

Aagard       Barrus       Beck       Bigelow
Bird         Biskupski   Black      Brown
Chavez-Houck S. Clark   Cosgrove   Daw
Dee          Dougall     Draxler    S Duckworth
Dunnigan     Edwards     Ferry      Janice Fisher
Julie Fisher Fowlke     Frank      Froerer
Garn         F Gibson    K Gibson   Gowans
Greenwood    Grover      Hansen     Harper
Hemingway    Hendrickson Herrod     Holdaway
Hughes       Hunsaker    Hutchings  Ipson
Johnson      King        Kiser      Last
Litvack      Lockhart    Mascaro    Mathis
McIff        Menlove     Morley     Moss
Newbold      Noel        Oda        Painter
Poulson      Powell      Ray        Riesen
Sandstrom    Seegmiller  Seelig     Sumson
Wallis       Watkins     Webb       Wheatley
Wilcox       Wiley       Wimmer     Winn
D. Clark

Absent or not voting were: Representatives
Allen        Vickers

H.B. 235 transmitted to the Senate for its consideration.

THIRD READING CALENDAR

2nd Sub. H.B. 61, LOCAL GOVERNMENT ENTITY CHANGES, Holdaway, read the third time by short title and placed on its final passage.

On motion of Representative Holdaway, the House voted to circle 2nd Sub. H.B. 61.

* * *

1st Sub. H.B. 35, HIGHER EDUCATION TAX CREDIT AND CONTRIBUTION, Dougall, read the third time by short title and placed on its final passage.

On motion of Representative Dougall, the House voted to circle 1st Sub. H.B. 35.
H.B. 71, WITHHOLDING TAX AMENDMENTS, Vickers, read the third time by short title and placed on its final passage.

On motion of Representative Garn, the House voted to circle H.B. 71.

H.B. 76, INCOME TAX CREDIT FOR MILITARY RETIRED PAY, Mascaro, read the third time by short title and placed on its final passage. Representatives Bigelow and Dougall commented.

H.B. 76, as amended, passed on the following roll call:

Yeas, 70; Nays, 1; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall S Duckworth
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Frank Froerer
F Gibson K Gibson Gowans Greenwood
Grover Harper Hemingway Hendrickson
Herrod Holdaway Hughes Hunsaker
Hutchings Ipson Johnson King
Kiser Last Litvack Lockhart
Mascaro Mathis McIlff Menlove
Morley Moss Newbold Noel
Oda Painter Poulson Powell
Ray Riesen Sandstrom Seegmiller
Seelig Sumson Wallis Watkins
Webb Wheatley Wilcox Wiley
Winn D. Clark

Voting in the negative was: Representative Draxler

Absent or not voting were: Representatives
Garn Hansen Vickers Wimmer

H.B. 76, as amended, transmitted to the Senate for its consideration.
UNFINISHED BUSINESS

On motion of Representative Holdaway, the House voted to uncircle 2nd Sub. H.B. 61.

2nd Sub. H.B. 61, LOCAL GOVERNMENT ENTITY CHANGES, Holdaway, was before the House on its final passage.

Representative Holdaway proposed the following amendment:

1. Page 8, Lines 241 through 242
   241 [(g)] (f) borrow funds for startup expenses of the future [municipality] city; {and—}
   242 [(h)] (g) issue tax anticipation notes in the name of the future [municipality] city {—} ; and
   (h) make appointments to the city’s planning commission.

2. Page 27, Line 830:
   830 (iii) charge or collect a fee for service provided to property within an affected area , unless the municipality was charging and collecting the fee within that area immediately before annexation .

3. Page 60, Lines 1831 through 1846:
   1831 (c) “Final local entity plat” means a plat that {—}
   1832 (i) depicts:
   1833 (A) in the case of a proposed creation or incorporation of a local entity, the boundary of
   1834 the proposed local entity;
   1835 (B) in the case of a proposed annexation of an area into an existing local entity, the
   1836 boundary of the area proposed to be annexed;
   1837 (C) in the case of a proposed adjustment of a boundary between local entities, the
   1838 boundary of the area that the boundary adjustment proposes to move from within the boundary
   1839 of one local entity to within the boundary of another local entity;
(D) in the case of a proposed withdrawal or disconnection of an area from a local entity, the boundary of the area that is proposed to be withdrawn or disconnected;

(E) in the case of a proposed consolidation of multiple local entities, the boundary of the consolidated local entity; and

(F) in the case of a proposed division of a local entity into multiple local entities, the boundary of each new local entity created by the proposed division; and

(ii) meets the requirements of Subsection (4).

4. Page 61, Lines 1856 through 1857:

(a) contains a graphical illustration of the local entity boundary, as the boundary is proposed to exist as a result of a proposed boundary action; depicting:

(i) in the case of a proposed creation or incorporation of a local entity, the boundary of the proposed local entity;

(ii) in the case of a proposed annexation of an area into an existing local entity, the boundary of the area proposed to be annexed;

(iii) in the case of a proposed adjustment of a boundary between local entities, the boundary of the area that the boundary adjustment proposes to move from inside the boundary of one local entity to inside the boundary of another local entity;

(iv) in the case of a proposed withdrawal or disconnection of an area from a local entity, the boundary of the area that is proposed to be withdrawn or disconnected;

(v) in the case of a proposed consolidation of multiple local entities, the boundary of the proposed consolidated local entity; and

(vi) in the case of a proposed division of a local entity into multiple local entities, the boundary of each new local entity created by the proposed division;

Representative Holdaway’s motion to amended passed on a voice vote.

2nd Sub. H.B. 61, as amended, passed on the following roll call:
Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives

Aagard            Allen           Barrus          Beck
Bigelow           Bird            Biskupski       Black
Brown             Chavez–Houck  S. Clark        Cosgrove
Daw               Dee             Dougall         Draxler
S Duckworth       Dunnigan       Edwards         Ferry
Janice Fisher     Julie Fisher    Fowlke          Frank
Grover            Horrold         Holdaway        Hunsaker
Ipson             Johnson         King
Kiser             Last            Litvack         Lockhart
Morley            Moss            Newbold         Noel
Oda               Painter         Poulson         Powell
Ray               Riesen          Sandstrom       Seegmiller
Wimmer            Winn            D. Clark

Absent or not voting were: Representatives

K Gibson          Hansen          Hughes          Vickers

2nd Sub. H.B. 61, as amended, transmitted to the Senate for its consideration.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 10, 2009

The Senate passed, as substituted, 1st Sub. S.B. 36, SALES AND USE TAX AMENDMENTS, by Senator C. Bramble, and it is transmitted for consideration; and

The Senate passed S.B. 85, HOMICIDE AMENDMENTS, by Senator S. Urquhart, and it is transmitted for consideration; and

The Senate passed S.B. 99, RENEWABLE ENERGY CERTIFICATE REVISIONS, by Senator C. Bramble, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 95, MOBILE HOME PARK AMENDMENTS, by Senator S. Jenkins, and it is transmitted for consideration; and
The Senate passed, as substituted, 1st Sub. S.B. 107, COMMUNICATIONS AND MORTGAGE FRAUD PENALTY AMENDMENTS, by Senator D. Hinkins, and it is transmitted for consideration; and

The Senate passed S.B. 136, DIESEL–POWERED MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM AMENDMENTS, by Senator G. Bell, and it is transmitted for consideration; and

The Senate passed S.J.R. 4, RECYCLING OF ELECTRONIC WASTE JOINT RESOLUTION, by Senator S. McCoy, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate


* * *

Mr. Speaker: February 10, 2009

The President of the Senate has signed H.B. 12, COUNTY SHERIFF QUALIFICATION AMENDMENTS, by Representative R. Greenwood, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed H.B. 52, INSURANCE CODE AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed 1st Sub. S.B. 22, VEHICLE AMENDMENTS, by Senator S. Jenkins, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. H.B. 12 and H.B. 52 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

1st Sub. S.B. 22 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

RULES COMMITTEE REPORT

Mr. Speaker: February 10, 2009

The Rules Committee recommends the following bills and resolutions be assigned to standing committees:
BUSINESS AND LABOR
H.B. 313 Social Host Liability Act (Rep. E. Hutchings)
S.B. 115 Payment of Mobile Home Park Relocation Expenses
(Sen. W. Niederhauser)

EDUCATION
H.B. 150 State Board of Education Member Election Process
Amendments (Rep. C. Moss)
H.B. 293 State School Board Election Amendments
(Rep. R. Menlove)

GOVERNMENT OPERATIONS
H.B. 319 Disaster Recovery Funding Amendments (Rep. C. Oda)
S.J.R. 11 Joint Resolution Urging Football Playoff (Sen. S. Jenkins)

HEALTH AND HUMAN SERVICES
S.B. 20 Local Public Health Emergency Funding
(Sen. D. Stowell)

LAW ENFORCEMENT AND CRIMINAL JUSTICE
H.B. 95 Restrictions on Use of Wireless Communication Devices
in Vehicles (Rep. P. Riesen)
H.B. 248 Regulating the Use of a Wireless Communication Device
While Operating a Motor Vehicle (Rep. C. Moss)
H.B. 281 Wireless Communication Device Use Limitations While
Operating a Motor Vehicle (Rep. P. Ray)
H.B. 316 Time Limitation for Prosecution of Environmental
Crimes (Rep. C. Wimmer)
H.B. 317 Capital Felony Amendments (Rep. C. Wimmer)

NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT
H.B. 322 Tire Recycling Fee Modifications (Rep. N. Hendrickson)

PUBLIC UTILITIES AND TECHNOLOGY
S.B. 94 Underground Sewer Utilities Facilities Amendments
(Sen. J. Greiner)

TRANSPORTATION
H.B. 324 Motor Vehicle Business Regulation Act Amendments
(Rep. F. Gibson)
WORKFORCE SERVICES AND COMMUNITY AND ECONOMIC DEVELOPMENT

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, the House voted to recess until 2:00 p.m.

AFTERNOON SESSION

The House was called to order by Speaker Clark at 2:00 p.m.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 10, 2009

The Senate passed S.B. 66, HIGHWAY DESIGNATION AMENDMENTS, by Senator D. Hinkins, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. S.B. 66 read the first time by short title and referred to the Rules Committee.

***

Mr. Speaker: February 10, 2009

The President of the Senate has appointed a Conference Committee consisting of Senators S. Jenkins, M. Madsen, and R. Romero to meet with a like committee from the House of Representatives to consider or amend S.C.R. 1, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER−SPONSORED WORK PROGRAM, by Senator S. Jenkins.

Annette B. Moore
Secretary of the Senate

Communication filed. The committee may now meet.

***

Mr. Speaker: February 10, 2009

The Senate passed, H.J.R. 15, JOINT RESOLUTION APPROVING COMPENSATION OF IN−SESSION EMPLOYEES, by Representative K. Garn,
which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communication filed. H.J.R. 15 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 10, 2009
The Government Operations Committee reports a favorable recommendation on H.B. 272, UTAH SCENIC BYWAY DESIGNATION AMENDMENTS, by Representative C. Herrod, with the following amendments:

1. Page 1, Lines 21 through 23:
   21 provides that non–scenic areas of existing state scenic byways, National Scenic Byways, and All–American Roads shall be segmented;
   22 provides that the Utah State Scenic Byway Committee shall apply for segmentation of non–scenic areas on existing National Scenic Byways or All–American Roads;

2. Page 3, Lines 66 through 70:
   66 (a) A non–scenic area that was designated as a state scenic byway, National Scenic Byway, or All–American road prior to the effective date of this bill shall be segmented.
   68 (b) The committee shall apply for segmentation of a non–scenic area that was designated as a National Scenic Byway or All–American Road prior to the effective date of this bill.

3. Page 4, Lines 97 through 100:
   97 (g) segment the portions of all existing and future state scenic byways, National Scenic Byways, and All–American Roads that adjoin
non-scenic areas \( ; \) and \\n
(h) apply for segmentation of any portion of an existing National Scenic Byway or an All-American Road that adjoins a non-scenic area within the state} ; and \\n
The Government Operations Committee reports a favorable recommendation on H.B. 297, BUDGETARY PROCEDURES ACT RECODIFICATION, by Representative R. Bigelow, with the following amendments:

1. Page 316, Line 9791 through Page 317, Line 9813:

\begin{verbatim}
9791 63J\textendash}1\textendash}102. Definitions.
9792 (1) \{ (a) \} “Dedicated credits” means collections by an agency that are deposited directly into an account for expenditure on a separate line item and program.
9794 \{ (b) \} “Dedicated credits” includes federal revenues that are deposited into an agency account for expenditure on a separate line item and program.
9795 (2) “Federal revenues” means collections by an agency from a federal source that are deposited directly into an account for expenditure on a separate line item and program.
9796 \{ (2) \} (3) “Fixed collections” means collections that are:
9797 (a) fixed at a specific amount by law or by an appropriation act; and
9798 (b) required to be deposited into a separate line item and program.
9799 \{ (2) \} (4) “Free revenue” includes:
9800 (a) collections that are required by law to be deposited in:
9801 (i) the General Fund;
(ii) the Education Fund;
9802 \{ (iii) \} (iii) the Uniform School Fund; or
\end{verbatim}
(iii) (iv) the Transportation Fund;
(b) collections that are not otherwise designated by law;
(c) collections that are not externally restricted; and
(d) collections that are not included in an approved work program.

“Major revenue types” means:
(a) free revenue;
(b) restricted revenue;
(c) dedicated credits; and
(d) fixed collections.

“Restricted fund” means a fund or subfund that contains monies that are set aside for a specific program or purpose.

2. Page 319, Lines 9878 through 9880:

(B) The Division of Finance and the director of the Governor’s Office of Planning and Budget shall review the work program and written justification and submit their findings and recommendations to the governor. ; and

The Government Operations Committee reports a favorable recommendation on H.R. 2, ECUMENICAL PATRIARCH HOUSE RESOLUTION, by Representative G. Hughes; and

The Government Operations Committee reports a favorable recommendation on S.B. 122, UNIFORM STATE LAW – UNIFORM UNSWORN FOREIGN DECLARATIONS ACT, by Senator L. Hillyard; and

The Government Operations Committee reports a favorable recommendation on H.B. 291, COUNTY PERSONNEL AMENDMENTS, by Representative B. King, and recommends it be placed on the Consent Calendar.

Craig A. Frank, Chair

Reports filed. On motion of Representative Frank, the reports of the Government Operations committee were adopted.
H.B. 272, as amended, H.B. 297, as amended, H.R. 2, and S.B. 122 read the second time by short title and placed on the Third Reading Calendar.

H.B. 291 read the second time by short title and placed on the Consent Calendar.

* * *

Mr. Speaker: February 10, 2009

The Political Subdivisions Committee reports a favorable recommendation on H.J.R. 11, JOINT RESOLUTION EXPRESSING SUPPORT FOR AND RECOGNIZING THE VALUE OF LOCALLY ELECTED OFFICIALS, by Representative M. Brown, and recommends it be placed on the Consent Calendar; and

The Political Subdivisions Committee reports a favorable recommendation on S.B. 92, LOCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS, by Senator P. Jones, and recommends it be placed on the Consent Calendar.

Fred R. Hunsaker, Chair

Reports filed. On motion of Representative Webb, the reports of the Political Subdivisions committee were adopted.

H.J.R. 11 and S.B. 92 read the second time by short title and placed on the Consent Calendar.

* * *

Mr. Speaker: February 10, 2009

The Revenue and Taxation Committee recommends H.B. 66, PROPERTY TAX AMENDMENTS, by Representative M. Newbold, be replaced and favorably recommends 1st Sub. H.B. 66, PROPERTY TAX AMENDMENTS; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 103, UNIFORM LAWS – UNIFORM PRINCIPAL AND INCOME ACT AMENDMENTS, by Senator L. Hillyard, and recommends it be placed on the Consent Calendar.

Todd E. Kiser, Chair

Reports filed. On motion of Representative Kiser, the reports of the Revenue and Taxation committee were adopted.
1st Sub. H.B. 66 read the second time by short title and placed on the Third
Reading Calendar.

S.B. 103 read the second time by short title and placed on the Consent
Calendar.

INTRODUCTION OF BILLS

H.B. 164, Migratory Bird Production Areas (C. Oda), read the first time by
short title and referred to the Rules Committee.

H.B. 170, Insurance and Life Settlement Amendments (J. Dunnigan), read
the first time by short title and referred to the Rules Committee.

H.B. 331, Health Reform – Health Insurance Coverage in State Contracts
(J. Dunnigan), read the first time by short title and referred to the Rules
Committee.

H.B. 351, Court Fees Amendments (C. Oda), read the first time by short title
and referred to the Rules Committee.

H.B. 357, Firearms Amendments (S. Sandstrom), read the first time by
short title and referred to the Rules Committee.

H.J.R. 5, Joint Resolution Supporting Needed Improvements in the
Navajo Nation’s Ability to Collect and Track Child Support Payments
(C. Watkins), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

H.B. 83, PROPERTY TAX RELIEF PROGRAMS, Froerer, read the third
time by short title and placed on its final passage.

H.B. 83 passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives

Aagard          Allen          Barrus          Beck
Bigelow         Bird           Biskupski       Black
Brown           Chavez–Houck   S. Clark        Cosgrove
Daw             Dee            Dougall         Draxler
S Duckworth     Dunnigan       Edwards         Ferry
Janice Fisher   Julie Fisher    Fowlke          Frank
Absent or not voting were: Representatives
Hansen Vickers

H.B. 83 transmitted to the Senate for its consideration.

***

H.B. 42, ADOPTION REVISIONS, Allen, read the third time by short title and placed on its final passage.

On motion of Representative Allen, the House voted to circle H.B. 42.

***

H.B. 29, SEX OFFENDERS’ CONTACT WITH CHILDREN, Greenwood, read the third time by short title and placed on its final passage. Representative Johnson commented.

H.B. 29 passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Froerer Garn F Gibson K Gibson

D. Clark
Absent or not voting were: Representatives
Kiser Vickers

H.B. 29 transmitted to the Senate for its consideration.

* * *

H.B. 108, HORMONE RESTORATION AMENDMENTS, Aagard, read the third time by short title and placed on its final passage.

Representative Aagard proposed the following amendment:

1. Page 2, Line 29

29 level in order to restore the patient to a normal testosterone level;
   {and—}
   ▶ provides that the provisions of Title 58, Chapter 71, Naturopathic Physician Practice Act, do not mandate health insurance coverage for the prescription or administration of testosterone by a naturopathic physician; and

2. Page 2, Line 39:

39 58–71–102, as last amended by Laws of Utah 2008, Chapter 382
   58–71–804, as enacted by Laws of Utah 1996, Chapter 282

3. Page 23, Line 680:

680 as may be further defined by division rule.

Section 4. Section 58–71–804 is amended to read:
(1) This chapter does not mandate health insurance coverage for naturopathic medical services.
(2) This chapter does not establish a class of health care providers for the purposes of Section 31A–22–618.
(3) This chapter does not mandate health insurance coverage for the prescription or administration of testosterone, as described in Subsection 58–71–102(8)(e), by a naturopathic physician.

Representative Aagard’s motion to amend passed on a voice vote.

Representatives Holdaway, Seelig, Ray, and Oda commented.

**H.B. 108**, as amended, passed on the following roll call:

**Yeas, 67; Nays, 6; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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**Absent or not voting were:** Representatives

| Hunsaker | Vickers |

**H.B. 108**, as amended, transmitted to the Senate for its consideration.
H.B. 94, STATE PARKS FEE EXEMPTION FOR SENIORS, Greenwood, read the third time by short title and placed on its final passage. Representatives Noel, Draxler, Dunnigan, Barrus, Watkins, Riesen, and Allen commented.

Representatives Brown and Gowans declared conflicts of interest because they are senior citizens.

H.B. 94 then failed to pass on the following roll call:

**Yeas, 21; Nays, 53; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

| Allen | Bigelow | Brown | Cosgrove |
| Dee   | Dougall | S Duckworth | Ferry |
| F Gibson | K Gibson | Greenwood | Hansen |
| Hendrickson | Kiser | Last | Mascaro |
| Menlove | Oda | Ray | Wallis |
| D. Clark |

**Voting in the negative were:** Representatives

| Aagard | Barrus | Beck | Bird |
| Biskupski | Black | Chavez–Houck | S. Clark |
| Daw | Draxler | Dunnigan | Edwards |
| Janice Fisher | Julie Fisher | Fowlke | Frank |
| Froerer | Garn | Gowans | Grover |
| Harper | Hemingway | Herrod | Holdaway |
| Hughes | Hunsaker | Hutchings | Ipson |
| Johnson | King | Litvack | Lockhart |
| Mathis | McIff | Morley | Moss |
| Newbold | Noel | Painter | Poulson |
| Powell | Riesen | Sandstrom | Seegmiller |
| Seelig | Sumasion | Watkins | Webb |
| Wheatley | Wilcox | Wiley | Wimmer |
| Winn |

Absent or not voting was: Representative

Vickers

H.B. 94 was filed.
H.B. 105, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, Mathis, read the third time by short title and placed on its final passage.

H.B. 105, as amended, passed on the following roll call:

Yeas, 74; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Representatives
Aagard    Allen    Barrus    Beck
Bigelow   Bird     Biskupski Black
Brown     Chavez–Houck S. Clark Cosgrove
Daw       Dee      Dougall  Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Froerer   Garn     F Gibson  K Gibson
Gowans    Greenwood Grover  Hansen
Harper    Hemingway Hendrickson Herrod
Holdaway  Hughes   Hunsaker Hutchings
Ipson     Johnson  King     Kiser
Last      Litvack  Lockhart Mascaro
Mathis    McIff    Menlove  Morley
Moss      Newbold  Noel     Oda
Painter   Poulson  Powell   Ray
Riesen    Sandstrom Seegmiller Seelig
Sumasion  Wallis   Watkins  Webb
Wheatley  Wilcox  Wiley    Wimmer
Winn      D. Clark

Absent or not voting was: Representative
Vickers

H.B. 105, as amended, transmitted to the Senate for its consideration.

* * *

H.B. 241, PRIORITY OF WATER RIGHTS, K. Gibson, read the third time by short title and placed on its final passage.

On motion of Representative K. Gibson, the House voted to circle H.B. 241.

* * *

H.B. 278, B AND C ROADS FUND AMENDMENTS, Noel, read the third time by short title and placed on its final passage.
Representative Noel proposed the following amendment:

1. Page 1, Lines 13 through 15a
   House Committee Amendments 2–4–2009
   13 provides that a county or municipality may use up to 30% of the class B and class C roads account funds allocated to the county or municipality to pay the costs of asserting, defending, or litigating state and local government rights under R.S. 2477 on class B, class C, or class D roads.

2. Page 2, Lines 30 through 36
   House Committee Amendments 2–4–2009:
   30 Any A county or municipality may:
   31 (1) use funds which are allocated to class B and class C roads for matching federal funds for the construction of secondary roads now available or which may later become available in accordance with the provisions of law; or
   34 (2) use up to 30% of the class B and class C roads account funds allocated to the county or municipality to pay the costs of asserting, defending, or litigating state and local government rights under R.S. 2477 on class B, class C, or class D roads.

Representative Noel’s motion to amend passed on a voice vote.

Representatives Allen, Chavez–Houck, and Menlove commented.

H.B. 278, as amended, passed on the following roll call:

Y eas, 53; Nays, 20; Absent or not voting, 2.

Voting in the affirmative were: Representatives

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Edwards Ferry Fowlke Frank
Froerer Garn F Gibson K Gibson
Gowans Greenwood Grover Harper
Hendrickson Herrod Holdaway Hughes
Hunsaker Hutchings Ipson Kiser
Last Lockhart Mascaro Mathis
McIff Morley Newbold Noel
Oda Painter Powell Ray
Sandstrom Sumsion Wallis Watkins
Webb Wilcox Wimmer Winn
D. Clark

**Voting in the negative were:** Representatives
Beck Biskupski Black Chavez–Houck
Cosgrove Janice Fisher Julie Fisher Hansen
Hemingway Johnson King Litvack
Menlove Moss Poulson Riesen
Seegmiller Seelig Wheatley Wiley

**Absent or not voting were:** Representatives
Draxler Vickers

**H.B. 278**, as amended, transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Garn, and at 3:10 p.m., the House voted to adjourn until February 11, 2009, at 10:00 a.m.
SEVENTEENTH DAY

MORNING SESSION

The House was called to order by Speaker Pro Tem Hughes at 10:10 a.m.

Roll call showed all members present.

Prayer offered by Representative Francis Gibson. Pledge of Allegiance led by Representative Francis Gibson’s son, Kendrick.

MISCELLANEOUS BUSINESS

On motion of Representative Julie Fisher, the House voted to move H.C.R. 3 on the Time Certain Calendar to February 12, 2009 at 10:45 a.m.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 10, 2009

The President of the Senate has signed H.B. 31, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, by Representative C. Wimmer, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communication filed. H.B. 31 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

* * *

Mr. Speaker: February 10, 2009

The Senate has receded from its amendments and substituted, amended and passed 1st Sub. H.B. 30, COMMERCIAL MOTOR VEHICLE AMENDMENTS, by Representative T. Kiser, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. 1st Sub. H.B. 30 placed on the Concurrence Calendar.
Mr. Speaker: February 10, 2009

The Senate passed, as substituted, 1st Sub. S.B. 126, STATE PERSONNEL MANAGEMENT ACT AMENDMENTS, by Senator D. Liljenquist, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. 1st Sub. S.B. 126 read the first time by short title and referred to the Rules Committee.

### INTRODUCTION OF BILLS

**H.B. 187, Recreational Use of Public Waters** (B. Ferry), read the first time by short title and referred to the Rules Committee.

**H.B. 390, Absentee Ballot Amendments** (J. Mathis), read the first time by short title and referred to the Rules Committee.

**H.B. 406, Compact Agreement among the States to Elect the President by National Popular Vote** (N. Hansen), read the first time by short title and referred to the Rules Committee.

**H.B. 440, Nuclear Power Generation and Distribution** (F.J. Seegmiller), read the first time by short title and referred to the Rules Committee.

### CONSENT CALENDAR

**H.B. 279, UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT, Last**, read the third time by short title and placed on its final passage.

H.B. 279 passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

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H.B. 279 transmitted to the Senate for its consideration.

***

S.B. 88, ADMINISTRATIVE RULEMAKING ACT AMENDMENTS, Ferry, read the third time by short title and placed on its final passage.

S.B. 88 passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives

Aagard  Beck  Bigelow  Bird
Biskupski  Black  Brown  Chavez–Houck
S. Clark  Cosgrove  Daw  Dee
Dougall  Draxler  S Duckworth  Dunnigan
Edwards  Ferry  Janice Fisher  Julie Fisher
Fowlke  Frank  Froerer  Garn
F Gibson  K Gibson  Gowans  Greenwood
Grover  Hansen  Harper  Hemingway
Hendrickson  Herrod  Holdaway  Hughes
Hunsaker  Hutchings  Johnson  King
Kiser  Last  Litvack  Lockhart
Mathis  McIff  Menlove  Morley
Moss  Newbold  Noel  Oda
Painter  Poulson  Powell  Ray
Riesen  Sandstrom  Seegmiller  Seelig
Wiley  Wimmer  Winn

Absent or not voting were: Representatives

Gowans  Hutchings  Mascaro  D. Clark
Sumsion  Vickers  Wallis  Watkins
Webb  Wheatley  Wilcox  Wiley
Wimmer  Winn

Absent or not voting were: Representatives
Allen  Barrus  Ipson  Mascaro
D. Clark

S.B. 88 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

THIRD READING CALENDAR

1st Sub. S.B. 27, ELECTION LAW CHANGES, Aagard, read the third time by short title and placed on its final passage.

1st Sub. S.B. 27 passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard  Allen  Beck  Bigelow
Bird  Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Dougall  Draxler  S Duckworth
Dunnigan  Edwards  Ferry  Janice Fisher
Julie Fisher  Fowlke  Frank  Froerer
F Gibson  K Gibson  Gowans  Greenwood
Grover  Hansen  Harper  Hemingway
Hendrickson  Herron  Holdaway  Hughes
Hunsaker  Hutchings  Ipson  Johnson
King  Kiser  Last  Litvack
Lockhart  Mascaro  Mathis  Mclff
Menlove  Morley  Moss  Newbold
Noel  Oda  Painter  Poulson
Powell  Ray  Riesen  Sandstrom
Seegmiller  Seelig  Summersion  Vickers
Wallis  Watkins  Webb  Wheatley
Wilcox  Wiley  Wimmer  Winn

Absent or not voting were: Representatives
Barrus  Garn  D. Clark

1st Sub. S.B. 27 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.
S.B. 93, BUILDING AUTHORITIES, Hunsaker, read the third time by short title and placed on its final passage.

S.B. 93 passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

| Garn     | Gowans | D. Clark |

S.B. 93 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

S.B. 104, HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS, Hunsaker, read the third time by short title and placed on its final passage.

S.B. 104, as amended, passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.
Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Fowlke  Frank
Froerer  Garn  F Gibson  Gowans
Greenwood  Grover  Hansen  Harper
Hemingway  Hendrickson  Herrod  Holdaway
Hughes  Hunsaker  Hutchings  Ipson
Johnson  King  Kiser  Last
Litvack  Lockhart  Mascaro  Mathis
McIff  Menlove  Morley  Moss
Newbold  Noel  Oda  Painter
Poulson  Powell  Ray  Riesen
Sandstrom  Seegmiller  Seelig  Sumption
Vickers  Wallis  Watkins  Webb
Wheatley  Wilcox  Wiley  Wimmer
Winn

Absent or not voting were: Representatives
K Gibson  D. Clark

S.B. 104, as amended, returned to the Senate for further consideration.

***

S.B. 105, ENGINEERING AND COMPUTER SCIENCE INITIATIVE AMENDMENTS, Hillyard, read the third time by short title and placed on its final passage.

S.B. 105 passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard  Allen  Beck  Bigelow
Bird  Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Dougall  Draxler  S Duckworth
Dunnigan  Edwards  Ferry  Janice Fisher
Julie Fisher  Fowlke  Frank  Froerer
Absent or not voting were: Representatives

Barrus  K Gibson  D. Clark

S.B. 105 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *


1st Sub. S.B. 117 failed to pass on the following roll call:

Yeas, 12; Nays, 54; Absent or not voting, 9.

Voting in the affirmative were: Representatives

Allen  Beck  Biskupski  Chavez–Houck
K Gibson  Hunsaker  Johnson  Litvack
Mascaro  Menlove  Seegmiller  Wiley

Voting in the negative were: Representatives

Aagard  Barrus  Bigelow  Bird
Black  Brown  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Fowlke  Frank
Froerer  F Gibson  Greenwood  Grover
Harper  Hemingway  Hendrickson  Herrod
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**Absent or not voting were:** Representatives  
Garn      | Gowans    | Hansen    | McIff |
Noel      | Painter   | Wilcox    | Winn  |
D. Clark  |           |           |       |

**1st Sub. S.B. 117** was held for possible reconsideration.

* * *

**S.B. 40, LAWFUL PRESENCE VERIFICATION FOR ISSUANCE OF A DRIVER LICENSE OR IDENTIFICATION CARD, Lockhart**, read the third time by short title and placed on its final passage.

**S.B. 40** passed on the following roll call:

**Yea**s, 65; Nays, 0; **Absent or not voting**, 10.

**Voting in the affirmative were:** Representatives  
Aagard | Allen | Barrus | Beck |
Bigelow | Bird   | Biskupski | Black |
Brown   | Chavez–Houck | S. Clark | Cosgrove |
Daw     | Dee    | Dougall | Draxler |
Dunnigan| Edwards | Ferry    | Janice Fisher |
Julie Fisher | Fowlke | Frank | Froerer |
Garn    | F Gibson | K Gibson | Greenwood |
Grover  | Harper | Hemingway | Hendrickson |
Herrod  | Holdaway | Hughes | Hunsaker |
Hutchings | Ipson | Johnson | King |
Kiser   | Last | Lockhart | Mathis |
Menlove | Morley | Moss | Newbold |
Oda     | Poulson | Powell | Ray |
Riesen  | Sandstrom | Seegmiller | Seelig |
Sumasion| Vickers | Watkins | Webb |
Wheatley | Wilcox | Wiley | Wimmer |
Winn    |        |        |       |
Absent or not voting were: Representatives
S Duckworth  Gowans  Hansen  Litvack
Mascaro  McIff  Noel  Painter
Wallis  D. Clark

S.B. 40 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

S.B. 97, GOOD SAMARITAN ACT FOR ENGINEERS, F. Gibson, read the third time by short title and placed on its final passage.

On motion of Representative F. Gibson, the House voted to circle S.B. 97.

* * *

S.B. 122, UNIFORM STATE LAW – UNIFORM UNSWORN FOREIGN DECLARATIONS ACT, McIff, read the third time by short title and placed on its final passage.

On motion of Representative Dee, the House voted to circle S.B. 122.

MISCELLANEOUS BUSINESS

On motion of Representative Dee, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

THIRD READING CALENDAR

H.B. 118, ARCHIVES AND GRAMA REVISIONS, Aagard, read the third time by short title and placed on its final passage.

H.B. 118 passed on the following roll call:

Yeas, 66; Nays, 0; Absent or not voting, 9.

Voting in the affirmative were: Representatives
Aagard  Beck  Bigelow  Biskupski
Black  Brown  Chavez–Houck  S. Clark
Cosgrove  Daw  Dee  Dougall
Draxler  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Fowlke  Frank
Froerer  F Gibson  K Gibson  Gowans
Absent or not voting were: Representatives
Allen             Barrus             Bird             S Duckworth
Garn             Hansen             Ipson             McIff
D. Clark

H.B. 118 transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Janice Fisher, the House voted to uncircle H.B. 218.

H.B. 218, FAMILY EMPLOYMENT PROGRAM AMENDMENTS, Janice Fisher, was before the House on its final passage.

Representative Bigelow proposed the following amendment:

1. Page 2, Lines 52 through 53
   52  (7) The department shall provide for an appeal of a determination of eligibility in
   53  accordance with Title 63G, Chapter 4, Administrative Procedures Act.
   (8)(a) The department shall make a report to either the Legislature’s Executive Appropriations Committee or the Commerce and Workforce Services Appropriations Subcommittee on any proposed rule change made under Subsection (5) that would modify the eligibility requirements or the amount of cash assistance a family would be eligible to receive.
   (b) The department shall submit the report prior to implementing the proposed rule change and the report shall include:
(i) a description of the department’s current practice or policy that it is proposing to change;
(ii) an explanation of why the department is proposing the change;
(iii) the effect of an increase or decrease in cash benefits on families; and
(iv) the fiscal impact of the proposed change.

Representative Bigelow’s motion to amend passed on a voice vote.

**H.B. 218**, as amended, passed on the following roll call:

**Yeas, 62; Nays, 0; Absent or not voting, 13.**

**Voting in the affirmative were:**

Representatives

Aagard  Allen  Beck  Bigelow  
Bird    Biskupski  Black  Brown  
Chavez-Houck  S. Clark  Cosgrove  Daw  
Dee     Dougall  Draxler  S. Duckworth  
Dunnigan  Edwards  Janice Fisher  Julie Fisher  
Fowlke  Frank  Froerer  Garn  
F Gibson  Gowans  Greenwood  Grover  
Hansen  Harper  Hemingway  Herrod  
Holdaway  Hughes  Hunsaker  Hutchings  
Johnson  King  Kiser  Last  
Litvack  Lockhart  Mathis  Menlove  
Moss  Newbold  Oda  Poulson  
Powell  Ray  Seegmiller  Seelig  
Sumison  Vickers  Wallis  Watkins  
Webb  Wheatley  Wilcox  Wiley  
Winn  D. Clark  

**Absent or not voting were:**

Representatives

Barrus  Ferry  K Gibson  Hendrickson  
Ipson  Mascaro  McIff  Morley  
Noel  Painter  Riesen  Sandstrom  
Wimmer  

**H.B. 218**, as amended, transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative Vickers, the House voted to uncircle **H.B. 71.**
H.B. 71, WITHHOLDING TAX AMENDMENTS, Vickers, was before the House on its final passage.

H.B. 71 passed on the following roll call:

Yeas, 67; Nays, 0; Absent or not voting, 8.

Voting in the affirmative were: Representatives

Aagard    Allen    Beck    Bigelow
Bird      Biskupski  Black  Brown
Chavez–Houck S. Clark  Cosgrove  Daw
Dee       Dougall  Draxler  S Duckworth
Dunnigan   Edwards  Ferry   Janice Fisher
Julie Fisher  Fowlke  Frank  Froerer
Garn      F Gibson  Gowans  Greenwood
Grover    Hansen  Harper  Hemingway
Herrod    Holdaway  Hughes  Hunsaker
Hutchings  King    Kiser    Last
Litvack    Lockhart  Mascaro  Mathis
Menlove   Moss     Newbold  Noel
Oda       Painter  Poulson  Powell
Ray       Sandstrom  Seegmiller  Seelig
Sumison   Vickers  Wallis  Watkins
Webb      Wheatley  Wilcox  Wiley
Wimmer    Winn     D. Clark

Absent or not voting were: Representatives

Barrus  K Gibson  Hendrickson  Ipson
Johnson  McIff  Morley  Riesen

H.B. 71 transmitted to the Senate for its consideration.

THIRD READING CALENDAR

H.B. 88, LOCAL DISTRICT BOARD OF TRUSTEES AMENDMENTS, Janice Fisher, read the third time by short title and placed on its final passage.

On motion of Representative Janice Fisher, the House voted to circle H.B. 88.

* * *

H.B. 259, PROHIBITION OF IMPACT FEES ON SCHOOL DISTRICTS AND CHARTER SCHOOLS, Sandstrom, read the third time by short title and placed on its final passage. Representatives Webb and Powell commented.
Representative Powell declared a conflict of interest because professionally he represents cities and counties on this issue.

On motion of Representative Fowlke, the House voted to circle **H.B. 259**.

**MISCELLANEOUS BUSINESS**

On motion of Representative Dunnigan, the House voted to lift **H.B. 215, PUBLIC SERVICE COMMISSION POWERS – AREA CODE ASSIGNMENT**, from the Public Utilities Standing Committee and return the bill to the Rules Committee.

**UNFINISHED BUSINESS**

On motion of Representative K. Gibson, the House voted to uncircle **H.B. 241**.


Representative Brown declared a conflict of interest because he’s a member of a water users association.

**H.B. 241** passed on the following roll call:

**Yeas, 52; Nays, 18; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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Absent or not voting were: Representatives
Dougall Mclff Menlove Morley
Seegmiller

H.B. 241 transmitted to the Senate for its consideration.

RULES COMMITTEE REPORT

Mr. Speaker: February 11, 2009

The Rules Committee recommends the following bills and resolutions be assigned to standing committees:

BUSINESS AND LABOR
S.B. 95 Mobile Home Park Amendments (Sen. S. Jenkins)
1st Sub. S.B. 107 Communications and Mortgage Fraud Penalty Amendments (Sen. D. Hinkins)

EDUCATION
S.B. 100 Financial and Economic Literacy Education Amendments (Sen. P. Jones)

GOVERNMENT OPERATIONS
H.B. 197 Reauthorization of Administrative Rules (Rep. B. Ferry)
H.B. 198 Marriage License Fee Amendments (Rep. C. Johnson)
H.B. 312 Amended Campaign Finance Filings (Rep. S. Allen)

HEALTH AND HUMAN SERVICES
H.B. 188 Health System Reform – Insurance Market (Rep. D. Clark)

LAW ENFORCEMENT AND CRIMINAL JUSTICE
H.B. 208 Modification of Exemption from Nonresident Tuition (Rep. R. Greenwood)
H.B. 276 Custodial Interference Amendments (Rep. C. Wimmer)
H.B. 314 DNA Sample for Criminal Offenses – Amendments (Rep. R. Greenwood)
S.B. 85 Homicide Amendments (Sen. S. Urquhart)
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT

S.J.R. 4  Recycling of Electronic Waste Joint Resolution
    (Sen. S. McCoy)

REVENUE AND TAXATION

S.B. 35  Sales and Use Tax Definitions Relating to Property
    (Sen. W. Niederhauser)

TRANSPORTATION

H.B. 202  School District Traffic Violation Complaint Procedures
    (Rep. W. Harper)
S.B. 136  Diesel–powered Motor Vehicle Emissions Inspection
    Program Amendments (Sen. G. Bell)

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, and at 12:25 p.m., the House voted to adjourn until February 12, 2009, at 10:00 a.m.
EIGHTEENTH DAY
* * *

MORNING SESSION

The House was called to order by Speaker Clark at 10:00 a.m.

Roll call showed all members present except Representatives Evan Vickers and Janice Fisher, excused.

Prayer and Pledge of Allegiance led by Representative Garn’s intern, Catherine Bell.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 11, 2009

The Senate passed S.B. 49, SMALL BUSINESS ACCESS TO JUSTICE ACT, by Senator R. Romero, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 87, PREFERRED DRUG LIST REVISIONS, by Senator A. Christensen, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 112, OBSTRUCTION OF JUSTICE AMENDMENT, by Senator R. Okerlund, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 120, WORKERS’ COMPENSATION ACT – MEDICAL REPORTS, by Senator K. Mayne, and it is transmitted for consideration; and

The Senate passed S.B. 121, WORKERS’ COMPENSATION – ATTORNEY FEES, by Senator K. Mayne, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communications filed. S.B. 49, S.B. 87, S.B. 112, S.B. 120, and S.B. 121 read the first time by short title and referred to the Rules Committee.

* * *

Mr. Speaker: February 11, 2009

The Senate passed, H.B. 38, REFUGEE SERVICES FUND AMENDMENTS, by Representative C. Herrod, which has been signed by the President and it is transmitted for the signature of the Speaker; and
The Senate passed, **H.B. 55**, AMENDMENTS TO TOURISM, RECREATION, CULTURAL, CONVENTION, AND AIRPORT FACILITIES TAX ACT, by Representative W. Harper, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 58**, SALES AND USE TAX – DETERMINING THE LOCATION OF CERTAIN TRANSACTIONS, by Representative W. Harper, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 226**, DISASTER RECOVERY AND EMERGENCY MANAGEMENT AMENDMENTS, by Representative C. Oda, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. **H.B. 38**, **H.B. 55**, **H.B. 58**, and **H.B. 226** signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

**REPORTS OF STANDING COMMITTEES**

Mr. Speaker: February 10, 2009

The Business and Labor Committee reports a favorable recommendation on **H.B. 286**, REGULATION OF LENDING BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS, by Representative K. Garn; and

The Business and Labor Committee recommends **H.J.R. 8**, JOINT RESOLUTION REGARDING SECRET BALLOT, by Representative C. Wimmer, be replaced and favorably recommends **1st Sub. H.J.R. 8**, JOINT RESOLUTION REGARDING SECRET BALLOT; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 320**, COLLECTION AGENCY AMENDMENTS, by Representative R. C. Webb, and recommends it be placed on the Consent Calendar.

James A. Dunnigan, Chair

Reports filed. On motion of Representative Dunnigan, the reports of the Business and Labor committee were adopted.

**H.B. 286** and **1st Sub. H.J.R. 8** read the second time by short title and placed on the Third Reading Calendar.

**H.B. 320** read the second time by short title and placed on the Consent Calendar.
Mr. Speaker: February 10, 2009

The Education Committee recommends **H.B. 207, CONCURRENT ENROLLMENT AMENDMENTS**, by Representative K. Holdaway, be replaced and favorably recommends **1st Sub. H.B. 207, CONCURRENT ENROLLMENT AMENDMENTS**; and

The Education Committee reports a favorable recommendation on **H.B. 210, POSTING OF COLLECTIVE BARGAINING AGREEMENTS BY SCHOOL DISTRICTS**, by Representative K. Sumson.

Gregory H. Hughes, Chair

Reports filed. On motion of Representative Hughes, the reports of the Education committee were adopted.

**1st Sub. H.B. 207** and **H.B. 210** read the second time by short title and placed on the Third Reading Calendar.

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Mr. Speaker: February 10, 2009

The Health and Human Services Committee reports a favorable recommendation on **H.B. 254, HEALTH PROFESSIONAL AUTHORITY – DEATH CERTIFICATES**, by Representative B. Last; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 144, MEDICAL LANGUAGE INTERPRETER ACT**, by Representative R. Chavez–Houck, and recommends it be placed on the Consent Calendar; and

The Health and Human Services Committee reports a favorable recommendation on **H.J.R. 3, JOINT RESOLUTION SUPPORTING EFFORTS TO INCREASE AND IMPROVE CANCER TREATMENT, SCREENING, AND RESEARCH PROGRAMS**, by Representative S. Duckworth, and recommends it be placed on the Consent Calendar; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 129, MENTAL HEALTH THERAPIST GRANT AND SCHOLARSHIP ACT REPEAL**, by Senator D. Liljenquist, and recommends it be placed on the Consent Calendar.

Paul Ray, Chair

Reports filed. On motion of Representative Health and Human Services, the reports of the committee were adopted.
H.B. 254 read the second time by short title and placed on the Third Reading Calendar.

H.B. 144, H.J.R. 3, and S.B. 129 read the second time by short title and placed on the Consent Calendar.

***

Mr. Speaker: February 10, 2009

The Public Utilities and Technology Committee reports a favorable recommendation on H.B. 287, UTAH EDUCATION NETWORK AMENDMENTS, by Representative K. Holdaway, with the following amendments and recommends it be placed on the Consent Calendar.

1. Page 1, Lines 12 through 14:
   12 modifies UEN’s duties and authority related to the provision of telecommunication services in support of education and government agencies, including local government; and

2. Page 3, Lines 74 through 83:
   74 of the educational telecommunications infrastructure; and
   75 (d) assure that public service entities such as educators, public service providers, and public broadcasters are provided access to the telecommunications infrastructures that are developed in the state; and
   78 (e) provide statewide network infrastructure, connections to the Internet, and interactive video conferencing services in support of public and higher education, state and local government, and public libraries; and
   81 (f) provide web services, distance learning, and professional development for public
   82 and higher education.

   (3) If the network operated by the Department of Technology Services
is not available, UEN may provide network connections to the central administration of counties and municipalities for the sole purpose of transferring data to a secure facility for backup and disaster recovery.

83 {4} (4) This section neither regulates nor restricts a privately owned company in the

Michael E. Noel, Chair

Report filed. On motion of Representative Noel, the report of the Public Utilities and Technology committee was adopted.

H.B. 287, as amended, read the second time by short title and placed on the Consent Calendar.

* * *

Mr. Speaker: February 11, 2009

The Law Enforcement and Criminal Justice Committee recommends H.B. 100, DEPARTMENT OF CORRECTIONS – TRACKING AND REIMBURSEMENT OF INDIVIDUAL PRISONER COSTS, by Representative C. Wimmer, be replaced and favorably recommends 1st Sub. H.B. 100, DEPARTMENT OF CORRECTIONS – TRACKING AND REIMBURSEMENT OF INDIVIDUAL PRISONER COSTS; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on H.B. 140, MOTOR VEHICLE REGISTRATION FEE AMENDMENTS, by Representative C. Frank, with the following amendments:

1. Page 1, Lines 13 through 15:

13 increases certain motor vehicle registration fees by $2 until June 30, 2012;

14 provides that until June 30, 2012, $2 of certain motor vehicle registration fees shall be deposited in the

15 Public Safety Restricted Account;

2. Page 1, Line 18:

18 a portion of the costs to employ highway patrol {officers} troopers to police or patrol the

3. Page 3, Lines 65 through 66:

65 (7) {Two} Until June 30, 2012, $2 dollars of the registration fees imposed under Section 41–1a–1206 for each
66 vehicle shall be deposited in the Public Safety Restricted Account created in Section 53–3–106.

4. Page 3, Lines 72 through 74:

(a) [$22.50] (i) until June 30, 2012, $24.50 for each motorcycle; and
(ii) beginning on July 1, 2012, $22.50 for each motorcycle;

(b) [$24] (i) until June 30, 2012, $23 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding motorcycles; and
(ii) beginning on July 1, 2012, $21 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding motorcycles;

5. Page 3, Lines 75 through 81:

(c) unless the semitrailer or trailer is exempt from registration under Section 41–1a–202 or is registered under Section 41–1a–301:

(i) [$11] (A) until June 30, 2012, $13 for each trailer or semitrailer over 750 pounds gross unladen weight; and
(B) beginning on July 1, 2012, $11 for each trailer or semitrailer over 750 pounds gross unladen weight; or

(ii) [$8.50] (A) until June 30, 2012, $10.50 for each commercial trailer or commercial semitrailer of 750 pounds or less gross unladen weight; and
(B) beginning on July 1, 2012, $8.50 for each commercial trailer or commercial semitrailer of 750 pounds or less gross unladen weight;

(d) (i) [$33] (A) until June 30, 2012, $35 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; and
(B) beginning on July 1, 2012, $33 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus

6. Page 2, Line 82 through Page 3, Line 87:

(ii) [$9] (A) until June 30, 2012, $11 for each 2,000 pounds over 14,000 pounds gross laden weight; and
(B) beginning on July 1, 2012, $9 for each 2,000 pounds over 14,000 pounds gross laden weight; and
(e) (i) [$49.50] (A) until June 30, 2012, $51.50 for each motor vehicle or combination of motor vehicles,

excluding farm trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight;

and

(B) beginning on July 1, 2012, $49.50 for each motor vehicle or combination of motor vehicles, excluding farm trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus

(ii) [$18.50] (A) until June 30, 2012, $20.50 for each 2,000 pounds over 14,000 pounds gross laden weight; and

(B) beginning on July 1, 2012, $18.50 for each 2,000 pounds over 14,000 pounds gross laden weight.

(2) (a) { The } (i) Until June 30, 2012, the initial registration fee for a vintage vehicle is [$20] $22.

(ii) Beginning on July 1, 2012, the initial registration fee for a vintage vehicle is $20.

7. Page 4, Line 101:

101 plate for a fee of ;

(a) until June 30, 2012, [$110] $112 ; and

(b) beginning on July 1, 2012, $110 .

8. Page 5, Line 137:

137 patrol { officers } troopers to police or patrol the highways within this state; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on H.B. 220, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, by Representative M. Noel.

Douglas C. Aagard, Chair

Reports filed. On motion of Representative Aagard, the reports of the Law Enforcement and Criminal Justice committee were adopted.

1st Sub. H.B. 100, H.B. 140, as amended, and H.B. 220 read the second time by short title and placed on the Third Reading Calendar.
The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 205, WATER SOURCE PROTECTION AMENDMENTS, by Representative M. Noel.

Roger E. Barrus, Chair

Report filed. On motion of Representative Barrus, the report of the Natural Resources, Agriculture, and Environment committee was adopted.

H.B. 205 read the second time by short title and placed on the Third Reading Calendar.

CONFERENCE COMMITTEE REPORT

The Joint Conference Committee comprised of Senators Jenkins, Madsen, and Romero, and Representatives Dee, Herrod, and Cosgrove, recommends S.C.R. 1, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER-SPONSORED WORK PROGRAM, by Senator S. Jenkins, with the following amendments:

1. Page 2, Lines 36 through 46a

   36 WHEREAS, a federal waiver would be required for Utah to institute an employer-sponsored work program providing a two-year, renewable guest worker authorization for foreign workers [and undocumented immigrants currently residing in the state];

   37 WHEREAS, a second waiver is needed to withhold federal FICA and Medicare revenue and apply it toward the health insurance and other administrative costs of the program;

   38 WHEREAS, the proposed employer-sponsored work program will allow for Utah to deal with its current undocumented population in a fair manner by giving each undocumented
43 immigrant an opportunity to be classified as a guest worker and receive a two-year immigration
44 benefit that has the possibility of being renewed;]
WHEREAS, the employer-sponsored work program would also address Utah’s need for
46 both unskilled and skilled laborers; while ensuring that all available local workers are given
46a ample opportunity to meet that need:

Senator Scott Jenkins
Senate Chair

Representative Brad Dee
House Chair

Report filed. On motion of Representative Dee, the House voted to adopt the
Conference Committee report. Representative Herrod commented.

S.C.R. 1, as amended, passed on the following roll call:

Yeas, 57; Nays, 12; Absent or not voting, 6.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Bigelow
Bird    Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee    Draxler  Dunnigan  Edwards
Julie Fisher  Fowlke  Frank  Froerer
Garn   K Gibson  Gowans  Hansen
Harper  Hemingway  Hendrickson  Herrod
Holdaway  Hughes  Hunsaker  Ipson
Johnson  King  Kiser  Last
Litvack  Lockhart  Mascaro  McIff
Menlove  Moss  Newbold  Noel
Oda    Powell  Ray  Riesen
Seelig  Wallis  Watkins  Webb
Wheatley  Wilcox  Wiley  Winn
D. Clark

Voting in the negative were: Representatives

Beck    Greenwood  Grover  Hutchings
Mathis  Morley  Painter  Poulson
Sandstrom  Seegmiller  Sumasion  Wimmer
Absent or not voting were: Representatives
Dougall           S Duckworth          Ferry          Janice Fisher
F Gibson           Vickers

S.C.R. 1, as amended, was returned to the Senate for further consideration.

INTRODUCTION OF BILLS

H.B. 184, Income Tax Credit for a Disabled Dependent (J. Dougall), read the first time by short title and referred to the Rules Committee.

H.B. 340, Respite Care Assistance Fund (J. Draxler), read the first time by short title and referred to the Rules Committee.

H.B. 387, Motorcycle Helmet Amendments (R. Menlove), read the first time by short title and referred to the Rules Committee.

H.B. 393, Air Quality Amendments (R. Barrus), read the first time by short title and referred to the Rules Committee.


H.J.R. 18, Joint Resolution for Legislative Appropriation Subcommittee Name Change (N. Hendrickson), read the first time by short title and referred to the Rules Committee.


H.J.R. 25, Joint Resolution Urging Employers to Hire Only Individuals Who Are Authorized to Work in the United States (C. Herrod), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 295, MONEY LAUNDERING AMENDMENTS, Wilcox, read the third time by short title and placed on its final passage.

H.B. 295 passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard           Allen           Barrus           Beck
Bigelow          Bird           Biskupski        Black
Absent or not voting were: Representatives

Ferry Janice Fisher Litvack Vickers

H.B. 295 transmitted to the Senate for its consideration.

***

S.B. 37, UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL AMENDMENTS, Wheatley, read the third time by short title and placed on its final passage.

S.B. 37 passed on the following roll call:

Yeas, 67; Nays, 0; Absent or not voting, 8.

Voting in the affirmative were: Representatives

Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown S. Clark Cosgrove Daw
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Julie Fisher Fowlke
Froerer Garn F Gibson Gowans
Greenwood Grover Hansen Harper
Hemingway Hendrickson Herrod Holdaway
Hughes Hunsaker Hutchings Ipson
Johnson King Kiser Last

Webb Wheatley Wilcox Wiley
Wimmer Winn D. Clark
Absent or not voting were: Representatives
Chavez – Houck  Ferry  Janice Fisher  Frank K Gibson  Litvack  Seelig  Vickers

S.B. 37 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

H.B. 270, PARENT–TIME HOLIDAY AND NOTIFICATION AMENDMENTS, Fowlke, read the third time by short title and placed on its final passage.

H.B. 270 passed on the following roll call:

Yeas, 68; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Julie Fisher  Fowlke  Froerer  Garn
Gowans  Greenwood  Grover  Hansen
Harper  Hemingway  Hendrickson  Herrod
Holdaway  Hughes  Hunsaker  Hutchings
Ipson  Johnson  King  Kiser
Last  Litvack  Lockhart  Mascaro
Mathis  McIff  Menlove  Morley
Moss  Newbold  Noel  Oda
Painter  Poulson  Powell  Ray
Riesen  Seegmiller  Sumsion  Wallis
Watkins  Webb  Wheatley  Wilcox
Wiley  Wimmer  Winn  D. Clark
Absent or not voting were: Representatives
Janice Fisher  Frank  F Gibson  K Gibson
Sandstrom  Seelig  Vickers

H.B. 270 transmitted to the Senate for its consideration.

* * *

S.B. 110, OIL AND GAS LIMITATION OF ACTIONS AMENDMENTS, Mathis, read the third time by short title and placed on its final passage.

S.B. 110 passed on the following roll call:

Yeas, 69; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Dougall  Draxler  S Duckworth
Dunnigan  Edwards  Ferry  Julie Fisher
Fowlke  Frank  Froerer  Garn
Gowans  Greenwood  Grover  Hansen
Harper  Hemingway  Hendrickson  Herrod
Holdaway  Hughes  Hunsaker  Hutchings
Ipson  Johnson  King  Kiser
Last  Litvack  Lockhart  Mascaro
Mathis  McIff  Menlove  Morley
Moss  Newbold  Noel  Oda
Painter  Poulson  Powell  Ray
Riesen  Sandstrom  Seegmiller  Sumsion
Wallis  Watkins  Webb  Wheatley
Wilcox  Wiley  Wimmer  Winn
D. Clark

Absent or not voting were: Representatives
Bird  Janice Fisher  F Gibson  K Gibson
Seelig  Vickers

S.B. 110 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.
S.J.R. 2, TOPAZ MUSEUM AND CIVIL LIBERTIES LEARNING CENTER JOINT RESOLUTION, Winn, read the third time by short title and placed on its final passage.

S.J.R. 2 passed on the following roll call:

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

| Janice Fisher | F Gibson | Seelig | Vickers |

S.J.R. 2 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

**SPECIAL ORDER OF BUSINESS**


On motion of Representative Julie Fisher, the House voted to delete H.C.R. 3 in title and body and insert 1st Sub. H.C.R. 3 in lieu thereof.
Representative Hansen commented.

**1st Sub. H.C.R. 3** passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

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**1st Sub. H.C.R. 3** transmitted to the Senate for its consideration.

**COMMITTEE OF THE WHOLE**

On motion of Representative Julie Fisher, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing Lincoln’s Gettysburg Address from the students of Layton’s Lincoln Elementary school.

On motion of Representative Julie Fisher, the Committee of the Whole was dissolved.
CONCURRENCE CALENDAR

On motion of Representative Kiser, the House voted to concur in the Senate amendments to **1st Sub. H.B. 30**, COMMERCIAL MOTOR VEHICLE AMENDMENTS.

**1st Sub. H.B. 30**, as amended by the Senate, passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives  
Aagard  Allen  Barrus  Beck  
Bigelow  Bird  Biskupski  Black  
Chavez–Houck  S. Clark  Cosgrove  Daw  
Dee  Dougall  Draxler  S Duckworth  
Dunnigan  Edwards  Ferry  Julie Fisher  
Fowlke  Frank  Froerer  Garn  
F Gibson  K Gibson  Gowans  Greenwood  
Grover  Hansen  Harper  Hemingway  
Hendrickson  Herrod  Holdaway  Hughes  
Hunsaker  Hutchings  Ipson  Johnson  
King  Kiser  Last  Litvack  
Lockhart  Mascaro  Mathis  McIff  
Menlove  Morley  Moss  Noel  
Painter  Poulson  Powell  Ray  
Riesen  Sandstrom  Seegmiller  Sumision  
Wallis  Watkins  Webb  Wheatley  
Wilcox  Wiley  Winn  D. Clark

**Absent or not voting were:** Representatives  
Brown  Janice Fisher  Newbold  Oda  
Seelig  Vickers  Wimmer

**1st Sub. H.B. 30**, as amended by the Senate, transmitted to the Senate for signature of President.

UNFINISHED BUSINESS

On motion of Representative McIff, the House voted to uncircle **S.B. 122**.

**S.B. 122**, UNIFORM STATE LAW – UNIFORM UNSWORN FOREIGN DECLARATIONS ACT, **McIff**, was before the House on its final passage.

**S.B. 122** passed on the following roll call:
Yeas, 69; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Representatives

Aagard           Allen           Barrus           Beck
Bigelow          Bird            Biskupski        Black
Chavez–Houck     S. Clark        Cosgrove         Daw
Dee              Dougall         Draxler          S Duckworth
Dunnigan         Edwards         Ferry            Julie Fisher
Fowlke           Frank           Froerer          Garn
F Gibson          K Gibson        Gowans           Greenwood
Grover           Hansen          Harper           Hendrickson
Herrod           Holdaway        Hughes           Hunsaker
Hutchings        Ipson           Johnson          King
Kiser            Last            Litvack          Lockhart
Mascaro          Mathis          McIff            Menlove
Morley           Moss            Noel             Oda
Painter          Poulson         Powell           Ray
Riesen           Sandstrom       Seegmiller       Seelig
Sumison          Wallis          Watkins          Webb
Wheatley         Wilcox          Wiley            Wimmer
D. Clark

Absent or not voting were: Representatives

Brown           Janice Fisher    Hemingway       Newbold
Vickers          Winn

S.B. 122 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

THIRD READING CALENDAR

H.B. 119, POWERSPORT VEHICLE FRANCHISE ACT REVISIONS, Gowans, read the third time by short title and placed on its final passage.

H.B. 119 passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives

Aagard           Allen           Barrus           Beck
Bigelow          Bird            Biskupski        Black
Brown            Chavez–Houck    S. Clark        Cosgrove
Daw              Dee             Dougall         Draxler
H.B. 119 transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Allen, the House voted to uncircle H.B. 42.

H.B. 42, ADOPTION AMENDMENTS, Allen, was before the House on its final passage.

Representative Allen proposed the following amendment:

1. Page 12, Line 367 through Page 13, Line 376

   367 mother consented to adoption, or relinquishment for adoption, of the proposed adoptee; { 
   368   (ii) is confirmed to be the father of the proposed adoptee under Title 78B, Chapter 15. 
   369   Utah Uniform Parentage Act, unless the man was not married to the mother of the proposed adoptee until after the mother consented to adoption, or relinquishment for adoption, of the proposed adoptee; } or 
   370   { (iii) } (ii) is the father of the adoptee by a previous legal adoption;
(c) the mother of [an] the adoptee [born outside of marriage];
(d) a biological parent who has been adjudicated to be the child’s biological father by a court of competent jurisdiction prior to the mother’s execution of consent to adoption or her relinquishment of the child for adoption;

Representative Allen’s motion to amend passed on a voice vote.

# # #

Representative Fowlke proposed the following amendment:

1. Page 1, Line 27 through Page 2, Line 30
   { provides that a court may not refuse to allow or accept a mother’s consent to adoption or relinquishment for adoption on the grounds that an unmarried biological father filed an action to establish parentage or complied with, or alleges compliance with, the requirements for an unmarried biological father to preserve the right to consent to an adoption.— }

2. Page 13, Line 395 through Page 14, Line 401:
   (4) A court may not refuse to allow or accept a mother’s consent to adoption or relinquishment for adoption on the grounds that an unmarried biological father:
   (a) filed an action to establish parentage of the child under Title 78B, Chapter 15, Utah Uniform Parentage Act, or any other proceeding to establish parentage in Utah or outside of Utah; or
   (b) complied with, or alleges compliance with, the requirements of Section 78B–6–121 or 78B–6–122.
Representative Fowlke’s motion to amend passed on a voice vote.

H.B. 42, as amended, passed on the following roll call:

**Y eas, 50; Nays, 21; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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**Absent or not voting were:** Representatives

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<th>Vickers</th>
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H.B. 42, as amended, transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

H.B. 265, POSTMORTEM PROCEDURES AMENDMENTS, Daw, read the third time by short title and placed on its final passage.

Representative Daw proposed the following amendment:

1. Page 1, Line 24

   24 • is a dispositioner, if a funeral service director is not retained;
provides that a dispositioner may not sign a certificate of death, unless the signature is witnessed by the state registrar or a local registrar;

2. Page 2, Line 29:

possessing, transporting, and disposing of a dead body or dead fetus;

provides that it is unlawful for a dispositioner to charge for, or receive remuneration for, signing a certificate of death or performing other duties of a dispositioner;

3. Page 3, Lines 69 through 75:

(5) “Dispositioner” means:

(a) a person designated in a written instrument, under Subsection 58–9–602(1), as having the right and duty to control the disposition of the decedent, if the person voluntarily acts as the dispositioner; or

(b) the next of kin of the decedent, if:

(i) a person has not been designated as described in Subsection (5)(a); or

(ii) the person described in Subsection (5)(a) is unable or unwilling to exercise the right and duty described in Subsection (5)(a); and

(ii) the next of kin voluntarily acts as the dispositioner.

4. Page 5, Lines 132 through 133:

Subject to Subsections (4)(d) and (10), a custodial funeral service director or, if a funeral service director is not retained, a dispositioner shall sign the certificate of death.

5. Page 5, Line 139:

The certificate of death may not include the decedent’s Social Security number.

A dispositioner may not sign a certificate of death, unless the signature is witnessed by the state registrar or a local registrar.

6. Page 6, Line 173:

(ii) identify the court and the date of the order.
(10) It is unlawful for a dispositioner to charge for or accept any remuneration for:

(a) signing a certificate of death; or

(b) performing any other duty of a dispositioner, as described in this section.

Representative Daw’s motion to amend passed on a voice vote.

Representatives Draxler and Duckworth commented.

H.B. 265, as amended, passed on the following roll call:

**Yeas, 66; Nays, 3; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

| Dee | Dunnigan | Menlove |

**Absent or not voting were:** Representatives

| Barrus | Janice Fisher | Hutchings | Newbold |
| Riesen | Vickers | |

H.B. 265, as amended, transmitted to the Senate for its consideration.
H.B. 271, WORKERS’ COMPENSATION – UNINSURED EMPLOYERS’ FUND, Morley, read the third time by short title and placed on its final passage.

H.B. 271 passed on the following roll call:

**Yeas, 61; Nays, 0; Absent or not voting, 14.**

**Voting in the affirmative were:** Representatives

- Aagard
- Barrus
- Beck
- Bigelow
- Bird
- Biskupski
- Black
- Brown
- Chavez–Houck
- S. Clark
- Cosgrove
- Daw
- Dee
- Dougall
- Draxler
- S Duckworth
- Dunnigan
- Edwards
- Ferry
- Julie Fisher
- Fowlke
- Frank
- Froerer
- F Gibson
- K Gibson
- Greenwood
- Grover
- Hansen
- Harper
- Hemingway
- Herrod
- Holdaway
- Hughes
- Hunsaker
- Hutchings
- Ipson
- Johnson
- King
- Kiser
- Last
- Lockhart
- Mascaro
- Mathis
- Menlove
- Morley
- Moss
- Noel
- Oda
- Poulson
- Powell
- Ray
- Seegmiller
- Seelig
- Sumson
- Wallis
- Watkins
- Webb
- Wheatley
- Wilcox
- Wimmer
- Winn

**Absent or not voting were:** Representatives

- Allen
- Janice Fisher
- Garn
- Gowans
- Hendrickson
- Litvack
- McIff
- Newbold
- Painter
- Riesen
- Sandstrom
- Vickers
- Wiley
- D. Clark

H.B. 271 transmitted to the Senate for its consideration.

* * *

1st Sub. H.B. 264, EDUCATOR EVALUATION AMENDMENTS, Menlove, read the third time by short title and placed on its final passage.

Representative Menlove proposed the following amendment:

1. Page 2, Lines 52 through 55

52 identify teachers according to their abilities, and to improve the education system.] educator; and
53 (b) identify and encourage quality instruction in order to improve student achievement. 
54 and 
55 (c) improve decisions about the educator’s employment. }

2. Page 5, Lines 120 through 121:
120 53A–10–106.5. { Evaluation } Summative evaluation timelines { → } -- Review of summative evaluations. 
121 (1) The person responsible for administering an educator’s summative evaluation shall:

3. Page 5, Line 133:
133 (2) An educator who is not satisfied with a summative evaluation may request a review of the 

4. Page 5, Line 138:
138 regarding the teacher’s summative evaluation. 

Representative Menlove’s motion to amend passed on a voice vote.

1st Sub. H.B. 264, as amended, passed on the following roll call:

Yeas, 51; Nays, 5; Absent or not voting, 19.

Voting in the affirmative were: Representatives
Aagard  Barrus  Beck  Bird 
Biskupski  Brown  Chavez–Houck  S. Clark 
Cosgrove  Daw  Dee  Dougall 
Draxler  S Duckworth  Dunnigan  Edwards 
Julie Fisher  Fowlke  Frank  Froerer 
F Gibson  Gowans  Greenwood  Grover 
Hansen  Harper  Hemingway  Herrod 
Hughes  Hunsaker  Hutchings  Ipson 
Johnson  King  Kiser  Last 
Litvack  Lockhart  Mascaro  Mathis 
Menlove  Moss  Oda  Poulson 
Powell  Ray  Riesen  Seelig 
Sumasion  Webb  Wheatley 

Voting in the negative were: Representatives
Black  Sandstrom  Seegmiller  Watkins 
Wilcox
Absent or not voting were: Representatives
Allen Bigelow Ferry Janice Fisher
Garn K Gibson Hendrickson Holdaway
McIff Morley Newbold Noel
Painter Vickers Wallis Wiley
Wimmer Winn D. Clark

1st Sub. H.B. 264, as amended, transmitted to the Senate for its consideration.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 12, 2009

The Government Operations Committee reports a favorable recommendation on H.B. 141, BILLBOARD AMENDMENTS, by Representative C. Frank, with the following amendments:

1. Page 2, Line 34:
   (1) As used in this section, “clearly visible” has the same meaning as defined in Subsection 72-7-510.5(4).
   34 { (1)−−−−−−} (2) (a) A municipality is considered to have initiated the acquisition of a billboard

2. Page 2, Line 38:
   38 (ii) except as provided in Subsection { (1)−−−−−−} (2) (c), relocating or rebuilding a billboard

3. Page 2, Line 58:
   58 { (1)−−−−−−} (2) (a)(iii) or relocating the billboard under Subsection { (1)−−−−−−} (2) (a)(iv):

4. Page 3, Line 61:
   61 (I) (Aa) to a height [that is at least the same as, but no higher than,] of up to {−65 } 45 feet or the

5. Page 3, Lines 63 through 65:
   63 ordinances allow or the municipality consents to a higher structure; or
   (Bb) if the street or highway for which the sign is intended is an interstate, to a height of up to 65 feet or the height of the previous use or structure, whichever is higher, unless the municipality’s ordinances allow or the municipality consents to a higher structure; or
(II) to a height and angle to make it clearly visible to traffic on the main traveled way of the street or highway on which the billboard is located; and

6. Page 3, Line 73:
Subsection (1) (2) (a) if the mistake in placement or erection of the billboard is determined by clear

7. Page 3, Line 77:
Notwithstanding Subsection (1) (2) and Section 10–9a–512, a municipality may remove

8. Page 3, Line 88:
or more of the conditions listed in Subsections (2) (3) (a)(i) and (ii);

9. Page 4, Line 90 through Page 4, Line 91:
(i) except as provided in Subsection (2) (3) (c)(ii), 90 days following the billboard owner’s receipt of written notice under Subsection (2) (3) (b); or

10. Page 4, Lines 95 through 96:
Subsection (2) (3) (b); and
(d) following the expiration of the applicable period under Subsection (2) (3) (c) and after

11. Page 4, Line 104:
A municipality may not allow a nonconforming billboard to be rebuilt or replaced

12. Page 4, Line 106:
A permit issued, extended, or renewed by a municipality for a billboard remains

13. Page 4, Line 116:
As used in this section, “clearly visible” has the same meaning as defined in Subsection 72–7–510.5(4).
116 (a) A county is considered to have initiated the acquisition of a billboard structure

14. Page 4, Line 120:

(ii) except as provided in Subsection (a) (c), relocating or rebuilding a billboard

15. Page 5, Line 140:

(a)(iii) or relocating the billboard under Subsection (a)(iv):

16. Page 5, Line 143:

(Aa) to a height that is at least the same as, but no higher than, of up to 45 feet or the

17. Page 5, Lines 145 through 147:

allow or the county consents to a higher structure;

and (Bb) if the street or highway for which the sign is intended is an interstate, to a height of up to 65 feet or the height of the previous use or structure, whichever is higher, unless the county’s ordinances allow or the county consents to a higher structure; or

18. Page 6, Line 155:

(a) if the mistake in placement or erection of the billboard is determined by clear and

19. Page 6, Line 159:

Notwithstanding Subsection and Section 17–27a–511, a county may remove a

20. Page 6, Line 170:

more of the conditions listed in Subsections (a)(i) and (ii);

21. Page 6, Lines 172 through 173:

(i) except as provided in Subsection (c)(ii), 90 days following the billboard owner’s
173 receipt of written notice under Subsection \( (2) \) \( (3) \) (b); or

22. Page 6, Lines 177 through 178:

177 \( (2) \) \( (3) \) (b); and

178 (d) following the expiration of the applicable period under Subsection \( (2) \) \( (3) \) (c) and after

23. Page 7, Line 186:

186 \( (3) \) \( (4) \) A county may not allow a nonconforming billboard to be rebuilt or replaced by

24. Page 7, Line 188:

188 \( (4) \) \( (5) \) A permit issued, extended, or renewed by a county for a billboard remains valid

25. Page 8, Lines 215 through 216:

215 without obstruction from a distance of 500 feet \{ on the main-traveled way of the highway by the

216 traffic for which intended \} from the base of the sign by an occupant of a vehicle traveling on a street or highway until the point where the vehicle and the sign are on a plane that is perpendicular to the street or highway \( \_ \_ \_ \); and

The Government Operations Committee reports a favorable recommendation on **H.B. 310, AUTHORITY OF LIEUTENANT GOVERNOR TO PERFORM MARRIAGE**, by Representative C. Wimmer; and

The Government Operations Committee reports a favorable recommendation on **H.B. 319, DISASTER RECOVERY FUNDING AMENDMENTS**, by Representative C. Oda, with the following amendments and recommends it be placed on the Consent Calendar:

1. Page 4, Lines 115 through 116:

115 \( (D) \) provides consolidated 911 and emergency dispatch service; \{ or \}

116 \( (E) \) operates an airport \( \_ \_ \_ \) ; or

\( (F) \) operates a sewage system ; and
The Government Operations Committee reports a favorable recommendation on S.J.R. 11, JOINT RESOLUTION URGING FOOTBALL PLAYOFF, by Senator S. Jenkins, and recommends it be placed on the Consent Calendar.

Craig A. Frank, Chair

Reports filed. On motion of Representative Grover, the reports of the Government Operations committee were adopted.

H.B. 141, as amended, and H.B. 310 read the second time by short title and placed on the Third Reading Calendar.

H.B. 319 and S.J.R. 11 read the second time by short title and placed on the Consent Calendar.

* * *

Mr. Speaker: February 12, 2009

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 133, EARNED INCOME TAX CREDIT, by Representative B. King, with the following amendments:

1. Page 2, Lines 43 through 47:

   43 (1) As used in this section, “federal earned income tax credit” means the amount of the
   44 federal earned income tax credit a claimant claims as allowed:
   45 (a) in accordance with Section 32, Internal Revenue Code;
   46 (b) for the taxable year; and
   47 (c) on the claimant’s federal individual income tax return.

The Revenue and Taxation Committee recommends H.B. 246, PROPERTY TAX – RESIDENTIAL EXEMPTION, by Representative G. Froerer, be replaced and favorably recommends 2nd Sub. H.B. 246, PROPERTY TAX – RESIDENTIAL EXEMPTION.

Todd E. Kiser, Chair

Reports filed. On motion of Representative Kiser, the reports of the Revenue and Taxation committee were adopted.

H.B. 133, as amended, and 2nd Sub. H.B. 246 read the second time by short title and placed on the Third Reading Calendar.
Mr. Speaker: February 12, 2009

The Workforce Services and Community and Economic Development Committee recommends H.B. 126, VOTER IDENTIFICATION FOR ELECTIONS, by Representative B. Daw, be replaced and favorably recommends 1st Sub. H.B. 126, VOTER IDENTIFICATION FOR ELECTIONS.

Steven R. Mascaro, Chair

Report filed. On motion of Representative Mascaro, the report of the Workforce Services and Community and Economic Development committee was adopted.

1st Sub. H.B. 126 read the second time by short title and placed on the Third Reading Calendar.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 12, 2009

The Senate passed, H.B. 45, PER DIEM AND TRAVEL EXPENSES FOR STATE BOARDS AND COMMISSIONS, by Representative D. Aagard, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 56, DECLARATION OF CANDIDACY AMENDMENTS, by Representative D. Aagard, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, 1st Sub. H.B. 81, HEALTH CARE PATIENT IDENTITY PROTECTION, by Representative S. Sandstrom, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 234, CONSUMER CREDIT PROTECTION ACT MODIFICATION, by Representative Julie Fisher, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 231, UTAH COMMISSION ON VOLUNTEERS AMENDMENTS, by Representative D. Aagard, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. H.B. 45, H.B. 56, 1st Sub. H.B. 81, H.B. 234, and H.B. 231 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.
Mr. Speaker: February 12, 2009

The Senate passed S.B. 127, RETIREMENT AMENDMENTS, by Senator D. Liljenquist, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 138, INTERNAL SERVICE FUND RATE COMMITTEE AMENDMENTS, by Senator J. Valentine, and it is transmitted for consideration; and

The Senate passed S.B. 139, EMPLOYER ELECTION RETIREMENT AMENDMENTS, by Senator C. Bramble, and it is transmitted for consideration; and

The Senate passed S.B. 145, PUBLIC SAFETY RETIREE DEATH BENEFIT REVISIONS, by Senator J. Greiner, and it is transmitted for consideration; and

The Senate passed S.J.R. 7, JOINT RESOLUTION DESIGNATING MAY 2009 AS UTAH LIONS CLUB EYESIGHT PRESERVATION MONTH, by Senator K. Mayne, and it is transmitted for consideration; and

Annette B. Moore
Secretary of the Senate


* * *

Mr. Speaker: February 12, 2009

The Senate concurred in the House amendments and passed S.B. 24, EARLY VOTING AMENDMENTS, by Senator P. Knudson, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed S.B. 25, ONLINE VOTER REGISTRATION, by Senator P. Knudson, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. S.B. 24 and S.B. 25 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.
THIRD READING CALENDAR

H.B. 114, ABORTION LITIGATION TRUST ACCOUNT AMENDMENTS, Sumption, read the third time by short title and placed on its final passage.

Representative Sandstrom proposed the following amendment:

1. Page 1, Lines 14 through 19
   House Committee Amendments 2–4–2009
   14 provides that money may be deposited into the account by private entities or by the Legislature for the purpose of defending any law passed by the Legislature on or after January 1, 2009, and on or before July 1, 2014, that
   • challenges the legal concept that a woman has a constitutional right to an abortion, even when the woman is not threatened with the loss of her life; or
   • places a restriction on the right to an abortion; or

2. Page 2, Lines 46 through 56b
   House Committee Amendments 2–4–2009:
   46 (3) The Division of Finance may accept grants, gifts, bequests, or any money made available from any private sources to implement this section.
   47 (a) any money appropriated to the account by the Legislature,
   48 (b) any money appropriated to the account by the Legislature.
   50 (4) Except as provided in Subsection (9), money deposited into the account on or after May 12, 2009, shall be retained in the account for the purpose of paying litigation and appellate
expenses of the Office of the Attorney General, including any court-ordered payment of plaintiff’s attorney fees, to defend any law passed by the Legislature on or after January 1, 2009, that:

(a) challenges the legal concept that a woman has a constitutional right to an abortion when the woman is not threatened with:

(a) the loss of her life;

(b) substantial and irreversible impairment of a major bodily function;

(c) rape;

(d) incest;

(b) places a restriction on the right to an abortion.

Representative Litvack commented. Representative Sandstrom’s motion to amend passed on a voice vote.

Representative Johnson commented.

H.B. 114, as amended, passed on the following roll call:

Yeas, 47; Nays, 16; Absent or not voting, 12.

Voting in the affirmative were: Representatives

Aagard           Allen           Barrus           Beck
Bigelow          Bird            Brown            Cosgrove
Daw              Dougall         Draxler          Dunnigan
Edwards          Ferry           Julie Fisher     Fowlke
Garn             F Gibson        Greenwood       Grover
Harper           Hendrickson    Herrod           Holdaway
Hughes           Hunsaker       Hutchings      Ipson
Kiser            Last            Lockhart       Mascaro
Mathis           Morley          Noel            Oda
Painter          Poulson        Powell          Ray
Sandstrom        Sumasion       Wallis          Webb
Wilcox           Wimmer         Winn
Voting in the negative were: Representatives
Biskupski    Black    Chavez−Houck    S Duckworth
Gowans      Hemingway  Johnson    King
Litvack      Moss      Riesen     Seegmiller
Seelig      Watkins    Wheatley    Wiley

Absent or not voting were: Representatives
S. Clark    Dee       Janice Fisher Frank
Froerer     K Gibson  Hansen     McIff
Menlove     Newbold  Vickers     D. Clark

H.B. 114, as amended, transmitted to the Senate for its consideration.

* * *

H.B. 128, ELECTRONIC PRESCRIBING ACT, Menlove, read the third time by short title and placed on its final passage.

Representative Menlove proposed the following amendment:

1. Page 5, Lines 124 through 127
   House Committee Amendments 2−4−2009
   124 (5) The division may, by rule, grant an exemption from the requirements of this section
   125 to a pharmacy or a practitioner to the extent that the pharmacy or practitioner can establish, to the satisfaction of the division,
   125a that compliance with the requirements of this section would impose an extreme financial hardship on the pharmacy or practitioner.

Representative Menlove’s motion to amend passed on a voice vote.

H.B. 128, as amended, passed on the following roll call:

Yeas, 65; Nays, 0; Absent or not voting, 10.

Voting in the affirmative were: Representatives
Aagard    Allen    Barrus    Beck
Bigelow   Bird     Biskupski Black
Brown     Chavez−Houck S. Clark Cosgrove
Absent or not voting were: Representatives

Dee                Janice Fisher          K Gibson          Gowans
Hansen             Hemingway            Newbold          Vickers
Wimmer             D. Clark

H.B. 128, as amended, transmitted to the Senate for its consideration.

RULES COMMITTEE REPORT

Mr. Speaker: February 12, 2009

The Rules Committee recommends the following bills and resolutions be assigned to standing committees:

BUSINESS AND LABOR

H.B. 192 Personal Injury Judgment Interest (Rep. J. Dunnigan)
H.B. 195 Utah Uniform Probate Code – Trust Amendments
      (Rep. R. Lockhart)
S.B. 120 Workers’ Compensation Act – Medical Reports
      (Sen. K. Mayne)

EDUCATION

H.B. 194 Education Policies for Military Children
      (Rep. R. Menlove)
H.B. 328 Teacher Quality Amendments (Rep. G. Hughes)
H.J.R. 13 Joint Resolution – Teacher Performance Pay
      (Rep. M. Poulson)

ETHICS

H.B. 345 Elected Officials – Restrictions on Lobbying
      (Rep. B. Dee)
H.B. 346  Campaign and Financial Reporting Requirements Amendments (Rep. B. Dee)

GOVERNMENT OPERATIONS
H.B. 323  Amendments Regarding Notice on Utah Public Notice Website (Rep. B. Winn)
H.R. 4  House Resolution Expressing Opposition to the Creation of a National Identification Card (Rep. S. Sandstrom)
1st Sub. S.B. 126  State Personnel Management Act Amendments (Sen. D. Liljenquist)

HEALTH AND HUMAN SERVICES
H.B. 331  Health Reform – Health Insurance Coverage in State Contracts (Rep. J. Dunnigan)
H.B. 165  Health Reform – Administrative Simplification (Rep. M. Newbold)

JUDICIARY
H.B. 329  Wrongful Death Claims (Rep. L. Fowlke)
S.B. 112  Obstruction of Justice Amendment (Sen. R. Okerlund)

LAW ENFORCEMENT AND CRIMINAL JUSTICE
H.B. 204  Concealed Firearms Instructors Amendments (Rep. C. Oda)

POLITICAL SUBDIVISIONS
H.B. 156  Subdivision Approval Amendments (Rep. R. Webb)

REVENUE AND TAXATION
H.B. 199  Statewide Equalization of School Funding (Rep. W. Harper)
1st Sub. S.B. 36  Sales and Use Tax Amendments (Sen. C. Bramble)

Ben C. Ferry, Chair
Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.
RULES COMMITTEE REPORTS

Mr. Speaker: February 12, 2009

The House Rules Committee recommends, with written request of the sponsor, that **H.B. 352**, Alcoholic Beverage Related Amendments (Rep. J. Dunnigan), be replaced with **1st Sub. H.B. 352**, Alcoholic Beverage Related Amendments (Rep. J. Dunnigan), and further recommends it be assigned to the Business and Labor Standing Committee; and

The House Rules Committee recommends, with written request of the sponsor, that **H.B. 269**, Anesthesiologist Assistants (Rep. Julie Fisher), be replaced with **1st Sub. H.B. 269**, Anesthesiologist Assistants (Rep. Julie Fisher), and further recommends it be assigned to the Health and Human Standing Committee; and

The House Rules Committee recommends, with written request of the sponsor, that **H.B. 132**, Sexual Assault Victim Protocols (Rep. J. Biskupski), be replaced with **1st Sub. H.B. 132**, Sexual Assault Victim Protocols (Rep. J. Biskupski), and further recommends it be assigned to Health and Human Standing Committee; and


Ben C. Ferry, Chair

Reports filed. On motion of Representative Ferry, the reports of the Rules Committee were adopted.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, and at 12:10 p.m., the House voted to adjourn until February 13, 2009, at 10:00 a.m.
The House was called to order by Speaker Pro Tem Hughes at 10:10 a.m.

Roll call showed all members present except Representatives Evan Vickers and Janice Fisher, excused.

Prayer offered by Lindsey Wickstrum, Representative Kiser’s intern. Pledge of Allegiance led by Representative Kiser’s son, Joshua Kiser.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 12, 2009

The Senate passed, 1st Sub. H.B. 60, FAMILY PRESERVATION SERVICES AMENDMENTS, by Representative W. Harper, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.J.R. 7, EQUINE RESOURCES JOINT RESOLUTION, by Representative B. Winn, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, 1st Sub. H.C.R. 3, CONCURRENT RESOLUTION HONORING THE 200TH ANNIVERSARY OF THE BIRTH OF ABRAHAM LINCOLN, by Representative Julie Fisher, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. 1st Sub. H.B. 60, H.J.R. 7, and 1st Sub. H.C.R. 3 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

* * *

Mr. Speaker: February 12, 2009

The Senate passed, as amended, 1st Sub. H.B. 62, STATE WATER DEVELOPMENT COMMISSION AMENDMENTS, by Representative K. Gibson, and it is transmitted for further consideration; and
The Senate passed, as amended, **H.B. 80**, STUDY ON TAXPAYER ADVOCATE PROGRAM, by Representative K. Grover, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 22**, HARBORING A RUNAWAY, by Representative L. Fowlke, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate


* * *

**Mr. Speaker:** February 12, 2009

The Senate refuses to concur with the House Amendments to **1st Sub. S.B. 22**, VEHICLE AMENDMENTS, by Senator S. Jenkins, and requests the House recede from its amendments.

Annette B. Moore  
Secretary of the Senate

Communication filed. On motion of Representative Noel, the House voted to refuse to recede from its amendments and authorize the speaker pro tem to appoint a conference committee. Speaker Pro Tem Hughes appointed Representatives Noel, Harper, and Gowans.

* * *

**Mr. Speaker:** February 12, 2009

The Senate passed, as amended, **S.B. 108**, TAX COMMISSION ADMINISTRATION, COLLECTION, AND ENFORCEMENT AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for consideration; and

The Senate passed **S.B. 158**, CHILD SUPPORT – CASH MEDICAL SUPPORT, by Senator G. Bell, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 108** and **S.B. 158** read the first time by short title and referred to the Rules Committee.

**INTRODUCTION OF BILLS**

**H.B. 167, County Hospital Retirement Provisions** (M. Noel), read the first time by short title and referred to the Rules Committee.
H.B. 333, Motor Vehicle Impound Amendments (C. Oda), read the first time by short title and referred to the Rules Committee.

H.B. 337, Choose Life Special Group License Plate (C. Herrod), read the first time by short title and referred to the Rules Committee.

H.B. 342, Disproportionate Rental Fee Amendments (G. Froerer), read the first time by short title and referred to the Rules Committee.

H.B. 355, Indigent Inmate Trust Fund Amendments (K. McIff), read the first time by short title and referred to the Rules Committee.

H.B. 380, Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Amendments (C. Frank), read the first time by short title and referred to the Rules Committee.

H.B. 399, Charitable Care Amendments (B. Last), read the first time by short title and referred to the Rules Committee.

H.B. 413, County Authority Amendments (R. Menlove), read the first time by short title and referred to the Rules Committee.

H.B. 414, Eminent Domain Modifications (C. Frank), read the first time by short title and referred to the Rules Committee.

H.J.R. 17, Joint Resolution Urging Congressional and Presidential Opposition to Federal Bailouts and Promotion of Fiscal Responsibility (C. Frank), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 291, COUNTY PERSONNEL AMENDMENTS, King, read the third time by short title and placed on its final passage.

H.B. 291 passed on the following roll call:

Yeas, 59; Nays, 0; Absent or not voting, 16.

Voting in the affirmative were: Representatives

Aagard  Allen  Beck  Bigelow
Bird  Biskupski  Brown  Chavez–Houck
S. Clark  Cosgrove  Daw  Dee
Dougall  Draxler  S Duckworth  Dunnigan
Edwards  Ferry  Julie Fisher  Fowlke
Absent or not voting were: Representatives

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H.B. 291 transmitted to the Senate for its consideration.

** H.J.R. 11, JOINT RESOLUTION EXPRESSING SUPPORT FOR AND RECOGNIZING THE VALUE OF LOCALLY ELECTED OFFICIALS, Brown, read the third time by short title and placed on its final passage.

H.J.R. 11 passed on the following roll call:

Yeas, 67; Nays, 0; Absent or not voting, 8.

Voting in the affirmative were: Representatives

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Cosgrove
Draxler
Ferry
Froerer
Greenwood
Hendrickson
Hunsaker
King
Mascaro
Morley
Painter
Absent or not voting were: Representatives
Janice Fisher Gowans Hemingway Litvack
Noel Ray Vickers D. Clark

H.J.R. 11 transmitted to the Senate for its consideration.

* * *

S.B. 92, LOCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS, Moss, read the third time by short title and placed on its final passage.

S.B. 92 passed on the following roll call:

Y eas, 65; Nays, 0; Absent or not voting, 10.

Voting in the affirmative were: Representatives

Aagard Allen Barrus Beck
Bigelow Biskupski Black Brown
Chavez−Houck S. Clark Cosgrove Daw
Dee Dougall Draxler S Duckworth
Edwards Ferry Julie Fisher Fowlke
Frank Froerer Garn F Gibson
K Gibson Greenwood Grover Hansen
Harper Hemingway Hendrickson Herrod
Holdaway Hughes Hunsaker Hutchings
Ipson Johnson King Kiser
Last Lockhart Mascaro Mathis
Mclff Menlove Morley Moss
Newbold Painter Poulsen Powell
Riesen Sandstrom Seegmiller Seelig
Sumson Wallis Watkins Webb
Wheatley Wilcox Wiley Wimmer
Winn

Absent or not voting were: Representatives
Bird Dunnigan Janice Fisher Gowans
Litvack Noel Oda Ray
Vickers D. Clark


S.B. 92 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

S.B. 103, UNIFORM LAWS – UNIFORM PRINCIPAL AND INCOME ACT AMENDMENTS, Hunsaker, read the third time by short title and placed on its final passage.

S.B. 103 passed on the following roll call:

Yeas, 66; Nays, 0; Absent or not voting, 9.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez−Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
Dunnigan  Edwards  Ferry  Julie Fisher
Frank  Froerer  Garn  F Gibson
K Gibson  Gowans  Greenwood  Grover
Hansen  Harper  Hemingway  Hendrickson
Herrod  Holdaway  Hughes  Hunsaker
Hutchings  Ipson  Johnson  King
Kiser  Last  Mascaro  Mathis
McIff  Menlove  Morley  Moss
Newbold  Noel  Oda  Painter
Poulson  Powell  Riesen  Sandstrom
Seegmiller  Sumson  Wallis  Watkins
Webb  Wheatley  Wilcox  Wiley
Wimmer  Winn

Absent or not voting were: Representatives

S Duckworth  Janice Fisher  Fowlke  Litvack
Lockhart  Ray  Seelig  Vickers
D. Clark

S.B. 103 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

UNFINISHED BUSINESS

On motion of Representative Dougall, the House voted to uncircle 1st Sub. H.B. 35.
Representative Newbold proposed the following amendment:

1. Page 1, Lines 14 through 16
   14 allows a claimant to claim a nonrefundable tax credit for tuition and mandatory fees
   15 for the claimant’s enrollment in an eligible institution
   16 within the state system of higher education;

2. Page 7, Lines 205 through 206:
   205 (a) “Eligible institution” means:
   (i) an institution within the state system of higher education specified in Section 53B-1-102;
   (ii) a private, degree granting college or university in the state accredited by the:
       (A) Accrediting Council for Independent Colleges and Schools;
       (B) North Central Association of Colleges and Schools The Higher Learning Commission;
       (C) Northwest Commission on Colleges and Universities.

Representatives Holdaway, Menlove, Mascaro, Sumsion, and Riesen commented.

Representative Sumsion declared a conflict of interest because he works at BYU.

Representative Newbold’s motion to amend failed on the following roll call:

Yeas, 29; Nays, 40; Absent or not voting, 6.

Voting in the affirmative were: Representatives

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</table>
Voting in the negative were: Representatives

Allen   Beck   Bigelow   Bird
Black   Brown   Chavez–Houck   Cosgrove
Dee   Draxler   S Duckworth   Edwards
Julie Fisher   Garn   K Gibson   Gowans
Hansen   Hemingway   Hendrickson   Holdaway
Hunsaker   Johnson   King   Last
Mascaro   Mathis   McIff   Menlove
Moss   Poulson   Powell   Ray
Riesen   Seegmiller   Seelig   Wallis
Watkins   Wheatley   Wiley   Winn

Absent or not voting were: Representatives

Biskupski   Janice Fisher   Litvack   Painter
Vickers   D. Clark

# # #

Representative Cosgrove proposed the following amendment:

1. Page 1, Line 9

9    This bill { creates a tax credit for higher education tuition and fees and } allows an

2. Page 1, Lines 13 through 20:

13    This bill:

14    { allows a claimant to claim a nonrefundable tax credit for tuition and mandatory fees

15    for the claimant’s enrollment in an institution within the state system of higher

16    education;

17    limits the nonrefundable tax credit to 5% of the claimant’s tax liability before tax

18    credits;

19    allows the claimant to carry forward the nonrefundable tax credit if the amount of

20    the tax credit exceeds 5% of the claimant’s tax liability before tax credits; and }
3. Page 2, Lines 27 through 28:

27 { This bill has retrospective operation for a taxable year beginning on or after January 1, 2009. } None

4. Page 2, Line 34:

34 { −59−10−1025, Utah Code Annotated 1953− } None

5. Page 7, Line 202 through Page 9, Line 244:

202 { Section 2. Section 59−10−1025 is enacted to read: }
203 59−10−1025. Nonrefundable higher education tuition credit. 59−10−1025.
204 (1) As used in this section:
205 (a) “Eligible institution” means an institution within the state system of higher education specified in Section 53B−1−102.
206 (b) “Qualified tuition expenses” mean tuition and mandatory fees, less:
207 (i) refunds; and
208 (ii) amounts received from scholarships, grants, stipends, or similar forms of financial aid that are not subject to repayment.
209 (2) (a) For taxable years beginning on or after January 1, 2009, a claimant may claim a nonrefundable tax credit equal to the amount of the qualified tuition expenses paid:
210 (i) (A) by the claimant; or
211 (B) by another person on behalf of the claimant;
212 (ii) in the taxable year; and
213 (iii) for the claimant’s enrollment at an eligible institution.
214 (b) The amount of the nonrefundable tax credit claimed under Subsection (2)(a) may
215 not exceed 5% of the claimant’s tax liability before tax credits under this chapter.
(c) If the nonrefundable tax credit allowed under this section exceeds 5% of the claimant’s tax liability before tax credits under this chapter, the claimant may carry forward the excess amount to future taxable years.

(d) The sum of the nonrefundable tax credit claimed under Subsection (2)(a) and any excess amount carried forward pursuant to Subsection (2)(c) may not exceed 5% of the claimant’s tax liability before tax credits under this chapter.

(e) A claimant who qualifies for a nonrefundable tax credit under this section shall, at the request of the commission:

(i) identify to the commission the eligible institution or institutions where the claimant was enrolled; and

(ii) provide written authorization for the eligible institution to release to the commission information regarding the claimant’s tuition and related expenses, including scholarships and grants, that the institution is required to file under federal law for the purpose of the claimant claiming a federal tax credit.

(3) Upon request of the commission, the eligible institution shall release the information specified in Subsection (2)(e)(ii) to the commission for a claimant that claims a tax credit under this section.

(4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules that:

(i) establish procedures for a claimant to claim a nonrefundable tax credit under this
(ii) define “tuition and mandatory fees” and “scholarships, grants, stipends, or similar forms of financial aid received but not subject to repayment” for the purposes of this section.

(b) The commission shall define “tuition and mandatory fees” to include the same types of expenses for which a taxpayer may claim a Hope credit or Lifetime Learning credit under federal law.

6. Page 10, Lines 297 through 299

House Committee Amendments 2–2–2009:

Section 5. Retrospective operation.

This bill has retrospective operation for a taxable year beginning on or after January 1, 2009.

Renumber remaining sections accordingly

Representatives Mascaro and Holdaway commented. Representative Cosgrove’s motion to amend failed on the following roll call:

Yeas, 25; Nays, 43; Absent or not voting, 7.

Voting in the affirmative were: Representatives
Beck Black Chavez–Houck S. Clark
Cosgrove Dee S Duckworth Edwards
F Gibson Gowans Hansen Hemingway
Hendrickson Johnson King Kiser
Litvack Moss Poulson Riesen
Seegmiller Seelig Watkins Wheatley
Wiley

Voting in the negative were: Representatives
Aagard Allen Barrus Bigelow
Bird Brown Daw Dougall
Draxler Dunnigan Ferry Julie Fisher
Frank Froerer K Gibson Greenwood
Grover Harper Herrod Holdaway
Absent or not voting were: Representatives
Biskupski  Janice Fisher  Fowlke  Garn
Painter  Vickers  D. Clark

Representatives Julie Fisher, Bird, and Ferry commented.

1st Sub. H.B. 35, as amended, passed on the following roll call:

Yeas, 62; Nays, 3; Absent or not voting, 10.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Brown  Chavez–Houck
S. Clark  Daw  Dee  Dougall
Draxler  S Duckworth  Dunnigan  Edwards
Ferry  Julie Fisher  Frank  Froerer
Garn  F Gibson  Gowans  Greenwood
Grover  Harper  Hemingway  Herrod
Holdaway  Hughes  Hunsaker  Hutchings
Ipson  King  Kiser  Last
Lockhart  Mascaro  Mathis  McIff
Menlove  Morley  Moss  Newbold
Noel  Oda  Poulson  Powell
Ray  Riesen  Sandstrom  Seegmiller
Seelig  Sumision  Wallis  Watkins
Webb  Wheatley  Wilcox  Wiley
Wimmer  Winn

Voting in the negative were: Representatives
Black  Cosgrove  Johnson

Absent or not voting were: Representatives
Biskupski  Janice Fisher  Fowlke  K Gibson
Hansen  Hendrickson  Litvack  Painter
Vickers  D. Clark
1st Sub. H.B. 35, as amended, transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Wimmer, the House voted to recall H.B. 31 from the Office of Legislative Research and General Counsel for a technical correction.

***

On motion of Representative Wimmer, the House voted to reconsider its action on H.B. 31.

RECONSIDERATION OF H.B. 31

On motion of Representative Wimmer, the House voted to concur in the Senate amendments to H.B. 31, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT.

H.B. 31, as amended by the Senate, passed on the following roll call:

Yeas, 64; Nays, 0; Absent or not voting, 11.

Voting in the affirmative were: Representatives

Aagard  Allen  Beck  Bigelow
Bird  Black  Brown  Chavez–Houck
S. Clark  Cosgrove  Daw  Dee
Dougall  S Duckworth  Dunnigan  Edwards
Ferry  Julie Fisher  Fowlke  Frank
Froerer  Garn  F Gibson  K Gibson
Gowans  Greenwood  Grover  Harper
Hemingway  Hendrickson  Herrod  Holdaway
Hughes  Hunsaker  Hutchings  Johnson
King  Kiser  Last  Lockhart
Mascaro  Mathis  McIff  Menlove
Morley  Moss  Newbold  Noel
Oda  Poulson  Powell  Ray
Riesen  Sandstrom  Seegmiller  Seelig
Sumison  Wallis  Watkins  Webb
Wheatley  Wiley  Wimmer  Winn

Absent or not voting were: Representatives

Barrus  Biskupski  Draxler  Janice Fisher
Hansen  Ipson  Litvack  Painter
Vickers  Wilcox  D. Clark
**H.B. 31**, as amended by the Senate, transmitted to the Senate for signature of President.

**MISCELLANEOUS BUSINESS**

On motion of Representative Mathis, the House voted to reconsider its action on **1st Sub. S.B. 117**.

**THIRD READING CALENDAR**

**H.C.R. 5**, CONCURRENT RESOLUTION URGING THE REALIGNMENT OF AIR QUALITY REQUIREMENTS BY THE EPA, Menlove, read the third time by short title and placed on its final passage.

**H.C.R. 5** passed on the following roll call:

**Voting in the affirmative were**: Representatives

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**H.C.R. 5** transmitted to the Senate for its consideration.
H.B. 228, ASSAULT ON SERVICE MEMBER IN UNIFORM, Hutchings, read the third time by short title and placed on its final passage. Representative Wiley commented.

H.B. 228 passed on the following roll call:

**Yeas, 70; Nays, 0;Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

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H.B. 228 transmitted to the Senate for its consideration.

H.B. 263, INSURANCE FRAUD RELATED ASSESSMENTS, Aagard, read the third time by short title and placed on its final passage.

On motion of Representative Aagard, the House voted to circle H.B. 263.

**H.B. 239** passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

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**H.B. 239** transmitted to the Senate for its consideration.

**H.B. 289**, BACKGROUND CHECKS FOR QUALIFYING ENTITIES, *Sandstrom*, read the third time by short title and placed on its final passage.

**H.B. 289** passed on the following roll call:

**Yeas, 62; Nays, 0; Absent or not voting, 13.**
Voting in the affirmative were: Representatives

Aagard       Allen       Beck       Bigelow
Black        Brown       Chavez–Houck S. Clark
Cosgrove     Daw         Dee        Dougall
Draxler      S Duckworth Dunnigan Edwards
Julie Fisher  Fowlke      Froerer    Garn
F Gibson      K Gibson    Gowans     Greenwood
Grover       Hansen      Harper     Hemingway
Herrod       Hunsaker    Hutchings Ipson
Johnson      King        Kiser      Last
Litvack       Lockhart   Mascaro   Mathis
Menlove      Morley      Moss      Newbold
Noel         Oda         Poulson   Powell
Ray          Riesen      Sandstrom Seegmiller
Seelig       Sumsion     Wallis    Watkins
Webb         Wheatley    Wilcox    Wimmer
Winn         D. Clark

Absent or not voting were: Representatives

Barrus       Bird        Biskupski Ferry
Janice Fisher Frank      Hendrickson Holdaway
Hughes       McIff       Painter   Vickers
Wiley

H.B. 289 transmitted to the Senate for its consideration.

** * **


1st Sub. H.B. 240, as amended, passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives

Aagard       Allen       Barrus       Beck
Bigelow      Bird        Biskupski    Black
Brown        Chavez–Houck S. Clark   Cosgrove
Daw          Dougall     Draxler     S Duckworth
Dunnigan     Edwards     Ferry       Julie Fisher
Fowlke       Frank       Froerer     Garn
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Herrod Holdaway Hughes Hunsaker
Hutchings Ipson Johnson King
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Mascaro Mathis McIff Menlove
Morley Moss Newbold Noel
Oda Painter Poulson Powell
Ray Riesen Sandstrom Seegmiller
Seelig Sumsion Wallis Watkins
Webb Wilcox Wiley Wimmer
Winn D. Clark

Absent or not voting were: Representatives
Dee Janice Fisher Hendrickson Vickers
Wheatley

1st Sub. H.B. 240, as amended, transmitted to the Senate for its consideration.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 13, 2009

The President of the Senate has signed 1st Sub. H.B. 30, COMMERCIAL MOTOR VEHICLE AMENDMENTS, by Representative T. Kiser, and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 43, COORDINATING MUNICIPAL AND SPECIAL DISTRICT ELECTIONS, by Representative K. Grover, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, 1st Sub. H.B. 44, LOCAL AND SPECIAL SERVICE DISTRICT ELECTION AMENDMENTS, by Representative K. Grover, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 87, IDENTITY THEFT AMENDMENT, by Representative Julie Fisher, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 106, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, by Representative B. Daw, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.C.R. 1, CONCURRENT RESOLUTION ON CERTIFICATION OF COMPRESSED NATURAL GAS VEHICLES, by Representative J. Draxler, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate


* * *

Mr. Speaker: February 13, 2009

The Senate concurred in the House amendments and passed S.B. 104, HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the Speaker; and

The Senate adopted the Joint Conference Committee Report dated February 13, 2009, and passed S.C.R. 1, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER-SPONSORED WORK PROGRAM, by Senator S. Jenkins, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. S.B. 104 and S.C.R. 1 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

* * *

Mr. Speaker: February 13, 2009

The Senate passed S.J.R. 9, RESOLUTION HONORING THE UTAH LAW ENFORCEMENT MEMORIAL FOUNDATION, by Senator J. Greiner, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. S.J.R. 9 read the first time by short title and referred to the Rules Committee.
REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 13, 2009

The Business and Labor Committee reports a favorable recommendation on 1st Sub. H.B. 352, ALCOHOLIC BEVERAGE RELATED AMENDMENTS, by Representative J. Dunnigan; and

The Business and Labor Committee reports a favorable recommendation on H.B. 152, APPRAISAL MANAGEMENT COMPANY REGULATION, by Representative M. Morley; and

The Business and Labor Committee recommends H.B. 280, INSURANCE CODE – CONTINUING EDUCATION, by Representative J. Bird, be replaced and reports a favorable recommendation on 1st Sub. H.B. 280, INSURANCE CODE – CONTINUING EDUCATION with the following amendments:

1. Page 3, Lines 71 through 73:
   71 (d) (i) [Beginning May 3, 1999, a] A licensee is exempt from continuing education
   72 requirements under this section if:
   73 (A) the licensee was first licensed before April 1, 1978; and

The Business and Labor Committee reports a favorable recommendation on H.B. 249, CONTINUING EDUCATION FOR CONTRACTORS AMENDMENTS, by Representative R. Bigelow; and

The Business and Labor Committee reports a favorable recommendation on 1st Sub. S.B. 15, WORKERS’ COMPENSATION PREMIUM ASSESSMENT AND RELATED FUNDING, by Senator K. Mayne, and, due to fiscal impact, recommends it be referred to the Rules Committee for prioritization; and

The Business and Labor Committee reports a favorable recommendation on 1st Sub. S.B. 31, UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT, by Senator W. Niederhauser, with the following amendments:

1. Page 2, Lines 33 through 34:
   33 Other Special Clauses:
   34 This bill provides an effective date.
   This bill coordinates with H.B. 86, Division of Real Estate Related Amendments, by making technical changes.
2. Page 50, Lines 1534 through 1536:

1534 Section 31. Effective date.

1535 This bill takes effect January 1, 2010, except that Section 62–2c–205.1 takes effect on July 1, 2009.

1536 July 1, 2009.

Section 32, Coordinating S.B. 31 with H.B. 86 — Technical changes. If this S.B. 31, and H.B. 86, Division of Real Estate Related Amendments, both pass, it is the intent of the Legislature that in preparing the Utah Code database for publication, the Office of Legislative Research and General Counsel modify Section 61–2c–402 to read as follows:

“(1) Subject to the requirements of Section 61–2c–402.1, {–if an individual or entity} the commission, with the concurrence of the division, may impose a sanction described in Subsection (2) against a person if the person:

(a) (i) is a licensee or person required to be licensed under this chapter; and

(ii) violates this chapter {—–} or {—an—}.

(b) (i) is a certified education provider or person required to be certified to provide prelicensing or continuing education under this chapter; and

(ii) violates this chapter {—the—}.

(2) The commission, with the concurrence of the director, may against a person described in Subsection (1) :

(a) impose an educational requirement;

(b) impose a civil penalty against the individual or entity in an amount not to exceed the greater of:

(i) $2,500 for each violation; or

(ii) the amount equal to any gain or economic benefit derived from each violation;

(c) deny an application for an original license;

(d) do any of the following to a license under this chapter:

(i) suspend;

(ii) revoke;

(iii) place on probation;

(iv) deny renewal;

(v) deny reinstatement; or

(vi) in the case of a denial or revocation of a license, set
a waiting period for an applicant to apply for a license under this chapter;

(5) issue a cease and desist order; or

(f) require the reimbursement of the division of costs incurred by the division related to the recovery, storage, or destruction of a record that the person disposes of in a manner that violates this chapter or a rule made under this chapter;

(g) modify a sanction described in Subsections (2)(a) through (f) if the commission finds that the person complies with court ordered restitution; or

(h) impose any combination of sanctions described in this Subsection (2).

James A. Dunnigan, Chair

Reports filed. On motion of Representative Dunnigan, the reports of the Business and Labor committee were adopted.


1st Sub. S.B. 15 read the second time by short title and referred to the Rules Committee due to fiscal impact.

NOTICE OF BILL RETURNED TO RULES COMMITTEE

Mr. Speaker: February 13, 2009

The Business and Labor Committee has returned H.B. 117, MECHANICAL CONTRACTOR LICENSING PROVISIONS, by Representative L. Wiley, to the Rules Committee.

James A. Dunnigan, Chair


REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 13, 2009

The Education Committee recommends H.B. 150, STATE BOARD OF EDUCATION MEMBER ELECTION PROCESS AMENDMENTS, by Representative C. Moss, be replaced and favorably recommends 1st Sub. H.B. 150, STATE BOARD OF EDUCATION MEMBER ELECTION PROCESS AMENDMENTS; and
The Education Committee reports a favorable recommendation on S.B. 100, FINANCIAL AND ECONOMIC LITERACY EDUCATION AMENDMENTS, by Senator P. Jones, et al, and recommends it be placed on the Consent Calendar.

Gregory H. Hughes, Chair

Reports filed. On motion of Representative Sumsion, the reports of the Education committee were adopted.

1st Sub. H.B. 150 read the second time by short title and placed on the Third Reading Calendar.

S.B. 100 read the second time by short title and placed on the Consent Calendar.

* * *

Mr. Speaker: February 13, 2009

The Health and Human Services Committee recommends H.B. 165, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, by Representative M. Newbold, be replaced and favorably recommends 1st Sub. H.B. 165, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, and recommends that the bill be placed on the time certain calendar for February 19, 2009 at 10:15 a.m.; and

The Health and Human Services Committee recommends H.B. 188, HEALTH SYSTEM REFORM – INSURANCE MARKET, by Representative D. Clark, be replaced and reports a favorable recommendation on 1st Sub. H.B. 188, HEALTH SYSTEM REFORM – INSURANCE MARKET with the following amendments, and recommends that the bill be placed on the time certain calendar for February 19, 2009 at 10:15 a.m.:

1. Page 21, Lines 638 through 639:
   638   (A) $2,000 for an individual plan; and
   (B) $4,000 for a two party plan; and
   639   (B) $6,000 for a family plan;

2. Page 21, Lines 641 through 642:
   641   (A) $4,000 for an individual plan; and
   (B) $8,000 for a two party plan; and
   642   (B) $12,000 for a family plan;

3. Page 21, Line 646 through Page 22, Line 647:
   646   (A) $5,000 for an individual plan; and
   (B) $10,000 for a two party plan; and
4. Page 22, Lines 649 through 650:

(A) $10,000 for an individual plan;  
(B) $20,000 for a two party plan; and

(C) $30,000 for a family plan; and

The Health and Human Services Committee recommends H.B. 331, HEALTH REFORM – HEALTH INSURANCE COVERAGE IN STATE CONTRACTS, by Representative J. Dunnigan, be replaced and favorably recommends 1st Sub. H.B. 331, HEALTH REFORM – HEALTH INSURANCE COVERAGE IN STATE CONTRACTS, and recommends that the bill be placed on the time certain calendar for February 19, 2009 at 10:15 a.m.

Paul Ray, Chair

Reports filed. On motion of Representative Ray, the reports of the Health and Human Services committee were adopted.


* * *
S.B. 121  Workers’ Compensation – Attorney Fees (Sen. K. Mayne)
S.B. 139  Employer Election Retirement Amendments
           (Sen. C. Bramble)

EDUCATION
H.B. 296  Schools for the Deaf and Blind Amendments
           (Rep. K. Sumson)

ETHICS
H.B. 159  Ethics Provisions (Rep. S. Allen)

GOVERNMENT OPERATIONS
S.B. 138  Internal Service Fund Rate Committee Amendments
           (Sen. J. Valentine)

HEALTH AND HUMAN SERVICES
H.B. 288  Adoption Amendments (Rep. R. Chavez–Houck)
S.B. 87   Preferred Drug List Revisions (Sen. A. Christensen)
S.B. 158  Child Support – Cash Medical Support (Sen. G. Bell)
S.J.R. 7  Joint Resolution Designating May 2009 as Utah Lions
           Club Eyesight Preservation Month (Sen. K. Mayne)

JUDICIARY

LAW ENFORCEMENT AND CRIMINAL JUSTICE
S.B. 145  Public Safety Retirees Death Benefit Revisions
           (Sen. J. Greiner)

NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT
S.B. 99   Renewable Energy Certificate Revisions
           (Sen. C. Bramble)

REVENUE AND TAXATION
S.B. 108  Tax Commission Administration, Collection, and
           Enforcement Amendments (Sen. W. Niederhauser)

RETIREMENT AND INDEPENDENT ENTITIES
S.B. 127  Retirement Amendments (Sen. D. Liljenquist)
TRANSPORTATION
H.B. 161 Motor Vehicle Insurance Fee (Rep. L. Wiley)

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

RULES COMMITTEE REPORT

Mr. Speaker: February 13, 2009

The House Rules Committee recommends, with written request of the sponsor, that H.B. 260, School Employee Termination Amendments (Rep. C. Wimmer), be replaced with 1st Sub. H.B. 260, School Employee Termination Amendments (Rep. C. Wimmer) and further recommends it be assigned to the Government Operations Standing Committee; and

The House Rules Committee recommends, with written request of the sponsor, that H.B. 120, Snake Valley Aquifer Research Team and Advisory Council (Rep. B. Winn), be replaced with 1st Sub. H.B. 120, Snake Valley Aquifer Research Team and Advisory Council (Rep. B. Winn), and further recommends it be assigned to the Natural Resources, Agriculture, and Environment Standing Committee with the following amendments:

1. Page 5, Line 125
   125 direct the research team’s data and information compilation
   { evaluation } and reporting required

2. Page 5, Line 130
   130 (1) compile existing scientific research data on { and evaluate } the potential impact of the

3. Page 5, Lines 142 through 143
   142 (2) compile baseline data and changes to the baseline data and
   information { for the
   143 evaluation required } compiled under Subsection (1); ; and

The House Rules Committee recommends, with written request of the sponsor, that H.B. 267, Antidiscrimination Amendments (Rep. C. Johnson). be replaced with 1st Sub. H.B. 267, Antidiscrimination Amendments
(Rep. C. Johnson), and further recommends it be assigned to the Business and Labor Standing Committee.

Ben C. Ferry, Chair

Reports filed. On motion of Representative Ferry, the reports of the Rules Committee were adopted.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, and at 12:15 p.m., the House voted to adjourn until February 17, 2009, at 10:00 a.m.
TWENTY–SECOND DAY

MORNING SESSION

The House was called to order by Speaker Clark at 10:00 a.m.

Roll call showed all members present.

Prayer offered by Reverend John Norman. Pledge of Allegiance led by Representative Larry Wiley.

MISCELLANEOUS BUSINESS

On motion of Representative Mathis, under suspension of the rules, the House voted to authorize a bill file to be opened for a concurrent resolution concerning BLM leases.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 13, 2009

The Senate passed, as amended, S.B. 57, LOCAL OPTION TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS, by Senator R. Okerlund, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 48, TEACHER LICENSING BY COMPETENCY AMENDMENTS, by Senator D. C. Buttars, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communications filed. S.B. 57 and S.B. 48 read the first time by short title and referred to the Rules Committee.

Mr. Speaker: February 13, 2009

The Senate passed, H.B. 149, FOREST RESERVE FUND REVISIONS, by Representative M. Noel, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communication filed. H.B. 149 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.
INTRODUCTION OF BILLS

H.B. 172, Advisory Redistricting Committee (R. Chavez–Houck), read the first time by short title and referred to the Rules Committee.

H.B. 186, School District Division Amendment (L. Black), read the first time by short title and referred to the Rules Committee.

H.B. 347, Alcoholic Beverage Control Act Modifications (G. Hughes), read the first time by short title and referred to the Rules Committee.

H.B. 349, Heavy Beer Amendments (C. Oda), read the first time by short title and referred to the Rules Committee.

H.B. 354, Capital Project Amendments (S. Clark), read the first time by short title and referred to the Rules Committee.

H.B. 364, Border and Nonresident Student Amendments (D. Ipson), read the first time by short title and referred to the Rules Committee.

H.B. 366, Water Rights Addendums to Deeds (B. Ferry), read the first time by short title and referred to the Rules Committee.

H.B. 370, Disabled Parking Violation Amendments (S. Mascaro), read the first time by short title and referred to the Rules Committee.

H.B. 372, Insurance Provisions Regarding Offenders (P. Ray), read the first time by short title and referred to the Rules Committee.

H.B. 384, Public Lewdness Amendments (D. Ipson), read the first time by short title and referred to the Rules Committee.

H.B. 388, Highway Access to State Parks or Sovereign Lands (R. Barrus), read the first time by short title and referred to the Rules Committee.

H.B. 394, Uniform Building Code Commission Amendments (C. Wimmer), read the first time by short title and referred to the Rules Committee.

H.B. 400, Pete Suazo Utah Athletic Commission Amendments (C. Oda), read the first time by short title and referred to the Rules Committee.

H.B. 409, Education Building Projects Zoning Exemption Amendments (C. Wimmer), read the first time by short title and referred to the Rules Committee.
H.B. 418, Delinquent Property Tax Amendments (G. Froerer), read the first time by short title and referred to the Rules Committee.

H.B. 439, Amendments to City or Town Sales and Use Tax for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities (K. Holdaway), read the first time by short title and referred to the Rules Committee.

H.B. 456, Tobacco Access Restrictions (B. Last), read the first time by short title and referred to the Rules Committee.

H.J.R. 22, Joint Resolution − Utah’s Medicaid Asset Test (R. Chavez−Houck), read the first time by short title and referred to the Rules Committee.

H.J.R. 24, Joint Resolution Approving Water Rights Form (B. Ferry), read the first time by short title and referred to the Rules Committee.

H.J.R. 26, Joint Rules Resolution on the Selection of Ethics Committee Members (N. Hansen), read the first time by short title and referred to the Rules Committee.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 13, 2009

The Ethics Committee reports a favorable recommendation on H.B. 345, Elected Officials − Restrictions on Lobbying, by Representative B. Dee; and

The Ethics Committee reports a favorable recommendation on H.B. 346, Campaign and Financial Reporting Requirements Amendments, by Representative B. Dee.

John Dougall, Chair

Reports filed. On motion of Representative Dougall, the reports of the Ethics committee were adopted.

H.B. 345 and H.B. 346 read the second time by short title and placed on the Third Reading Calendar.

* * *

Mr. Speaker: February 13, 2009

The Judiciary Committee reports a favorable recommendation on H.B. 209, Amendments to Criminal Appeals, by Representative Julie Fisher; and
The Judiciary Committee recommends **H.B. 294**, SURVIVAL ACTION UPON INJURY OR DEATH, by Representative K. McIff, be replaced and favorably recommends **1st Sub. H.B. 294**, SURVIVAL ACTION UPON INJURY OR DEATH; and

The Judiciary Committee reports a favorable recommendation on **H.B. 329**, WRONGFUL DEATH CLAIMS, by Representative L. Fowlke, and recommends it be placed on the Consent Calendar; and

The Judiciary Committee reports a favorable recommendation on **S.B. 112**, OBSTRUCTION OF JUSTICE AMENDMENT, by Senator R. Okerlund, and recommends it be placed on the Consent Calendar.

Lorie D. Fowlke, Chair
Reports filed. On motion of Representative Fowlke, the reports of the Judiciary committee were adopted.

**H.B. 209** and **1st Sub. H.B. 294** read the second time by short title and placed on the Third Reading Calendar.

**H.B. 329** and **S.B. 112** read the second time by short title and placed on the Consent Calendar.

* * *

Mr. Speaker: February 13, 2009

The Law Enforcement and Criminal Justice Committee recommends **H.B. 151**, MOTOR VEHICLE FORFEITURE AMENDMENTS, by Representative C. Herrod, be replaced and reports a favorable recommendation on **1st Sub. H.B. 151**, MOTOR VEHICLE FORFEITURE AMENDMENTS with the following amendments:

1. Page 3, Lines 62 through 64:
   
   62 (b) the operator of the vehicle has previously been convicted of a violation committed after May 29, 2009 of ;
   63 (i) a felony driving under the influence violation under Section 41–6a–502;
   64 (ii) a felony violation of Subsection 58–37–8(2) of ; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 221**, COUNTY CORRECTIONAL FACILITIES FUNDING AMENDMENTS, by Representative M. Noel; and
The Law Enforcement and Criminal Justice Committee recommends **H.B. 299**, UNLAWFUL DETAINER AMENDMENTS, by Representative G. Froerer, be replaced and reports a favorable recommendation on **1st Sub. H.B. 299**, UNLAWFUL DETAINER AMENDMENTS with the following amendments:

1. Page 3, Lines 85 through 87:
   
   85 (2) (a) In an action for unlawful detainer \(\rightarrow\) where the claim is for nonpayment of rent \(\rightarrow\) or for occupancy of a property after a forced sale as described in 78B-6-802(1)(i),
   
   86 the court shall hold an evidentiary hearing, upon request of either party, within ten days after
   
   87 the day on which the defendant files the defendant’s answer.; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 317**, CAPITAL FELONY AMENDMENTS, by Representative C. Wimmer.

Douglas C. Aagard, Chair

Reports filed. On motion of Representative Aagard, the reports of the Law Enforcement and Criminal Justice committee were adopted.


***

Mr. Speaker: February 13, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 153**, TRESPASS LAW AMENDMENTS, by Representative J. Mathis; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 322**, TIRE RECYCLING FEE MODIFICATIONS, by Representative N. Hendrickson, with the following amendments:

1. Page 1, Line 26:
   
   26 tire from a tire retailer shall pay the tire retailer a recycling fee [is imposed upon each purchase from a tire]; and
The Natural Resources, Agriculture, and Environment Committee recommends 1st Sub. S.J.R. 1, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM, by Senator P. Jones, et al, be replaced and reports a favorable recommendation on 2nd Sub. S.J.R. 1, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM with the following amendments:

1. Page 1, Line 17:

   17 ▶ {–directs–} urges the State Energy Program to consult and work cooperatively with municipal

2. Page 2, Line 53:

   53 BE IT FURTHER RESOLVED that the State Energy Program be {–directed–} urged to consult; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.J.R. 4, RECYCLING OF ELECTRONIC WASTE JOINT RESOLUTION, by Senator S. McCoy.

Roger E. Barrus, Chair

Reports filed. On motion of Representative Barrus, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.


***

Mr. Speaker: February 13, 2009

The Transportation Committee reports a favorable recommendation on H.B. 202, SCHOOL DISTRICT TRAFFIC VIOLATION COMPLAINT PROCEDURES, by Representative W. Harper; and

The Transportation Committee recommends H.B. 237, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT, by Representative C. Herrod, be replaced and favorably recommends 1st Sub. H.B. 237, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT; and

The Transportation Committee reports a favorable recommendation on H.B. 292, TRAFFIC VIOLATION AND CITATION AMENDMENTS, by Representative D. Ipson, with the following amendments:

1. Page 1, Lines 15 through 18:

   15 ▶ provides that an operator of a vehicle operating on a roadway divided into two or
more clearly marked lanes for traffic may not move the vehicle from the lane until

the movement can be made safely rather than when—] the
operator reasonably determines that the

movement can be made safely;

2. Page 3, Lines 59 through 62:

(1) (a) A person operating a vehicle:

shall keep the vehicle as nearly as practical entirely within a single lane; and

may not move the vehicle from the lane until the operator has reasonably determined the

movement can be made safely.

(b) A determination under Subsection (1)(a)(ii) is reasonable if a reasonable person acting under the same conditions and having regard for actual and potential hazards then existing would determine that the movement could be made safely.

3. Page 3, Lines 80 through 83:

A person operating a motor vehicle is guilty of careless driving if the person:

(a) commits two or more moving traffic violations under this chapter in a series of

acts within a single continuous period of driving covering three miles or less in total distance;

The Transportation Committee reports a favorable recommendation on

S.B. 136, DIESEL–POWERED MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM AMENDMENTS, by Senator G. Bell; and

The Transportation Committee reports a favorable recommendation on

H.B. 324, MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS, by Representative F. Gibson, and recommends it be placed on the Consent Calendar.

Bradley M. Daw, Chair

Reports filed. On motion of Representative Daw, the reports of the Transportation committee were adopted.

H.B. 324 read the second time by short title and placed on the Consent Calendar.

CONCURRENCE CALENDAR

On motion of Representative K. Gibson, the House voted to concur in the Senate amendments to 1st Sub. H.B. 62, STATE WATER DEVELOPMENT COMMISSION AMENDMENTS.

1st Sub. H.B. 62, as amended by the Senate, passed on the following roll call:

Yeas, 75; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Fowlke  Frank
Froerer  Garn  F Gibson  K Gibson
Gowans  Greenwood  Grover  Hansen
Harper  Hemingway  Hendrickson  Herrod
Holdaway  Hughes  Hunsaker  Hutchings
Ipson  Johnson  King  Kiser
Last  Litvack  Lockhart  Mascaro
Mathis  McIff  Menlove  Morley
Moss  Newbold  Noel  Oda
Painter  Poulson  Powell  Ray
Riesen  Sandstrom  Seegmiller  Seelig
Sumision  Vickers  Wallis  Watkins
Webb  Wheatley  Wilcox  Wiley
Wimmer  Winn  D. Clark

1st Sub. H.B. 62, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative Grover, the House voted to concur in the Senate amendments to H.B. 80, STUDY ON TAXPAYER ADVOCATE PROGRAM. Representative Johnson commented.
H.B. 80, as amended by the Senate, passed on the following roll call:

**Yeas, 49; Nays, 23; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard  Barrus  Bigelow  Bird
Brown  S. Clark  Daw  Dee
Dougall  Draxler  Dunnigan  Edwards
Ferry  Julie Fisher  Fowlke  Frank
Froerer  F Gibson  Greenwood  Grover
Harper  Herrod  Holdaway  Hughes
Hunsaker  Hutchings  Ipson  Kiser
Last  Lockhart  Mascaro  Mathis
McIff  Menlove  Morley  Newbold
Noel  Oda  Painter  Powell
Ray  Sandstrom  Sumasion  Wallis
Webb  Wilcox  Wimmer  Winn
D. Clark

**Voting in the negative were:** Representatives

Beck  Biskupski  Black  Chavez–Houck
Cosgrove  S Duckworth  Janice Fisher  Gowans
Hansen  Hemingway  Hendrickson  Johnson
King  Litvack  Moss  Poulson
Riesen  Seegmiller  Seelig  Vickers
Watkins  Wheatley  Wiley

**Absent or not voting were:** Representatives

Allen  Garn  K Gibson

H.B. 80, as amended by the Senate, transmitted to the Senate for signature of President.

***

On motion of Representative Fowlke, the House voted to concur in the Senate amendments to H.B. 22, HARBORING A RUNAWAY.

H.B. 22, as amended by the Senate, passed on the following roll call:

**Yeas, 72; Nays, 1; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard  Barrus  Beck  Bigelow
Bird  Biskupski  Black  Brown


Voting in the negative was: Representative Hutchings

Absent or not voting were: Representatives Allen Garn

H.B. 22, as amended by the Senate, transmitted to the Senate for signature of President.

THIRD READING CALENDAR

H.C.R. 6, CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO CONGRESSIONAL EFFORTS TO EXPAND THE JURISDICTION OF THE CLEAN WATER ACT, Brown, read the third time by short title and placed on its final passage.

H.C.R. 6 passed on the following roll call:

Yeas, 74; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Representatives

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Absent or not voting was: Representative Seelig

H.C.R. 6 transmitted to the Senate for its consideration.

***

H.J.R. 12, JOINT RESOLUTION SUPPORTING HYDROGEN POWER FROM ADVANCED COAL AND CARBON CAPTURE AND SEQUESTRATION TECHNOLOGY, Painter, read the third time by short title and placed on its final passage.

On motion of Representative Painter, the House voted to circle H.J.R. 12.

***

H.B. 261, AVIATION AMENDMENTS, Harper, read the third time by short title and placed on its final passage.

Representative Newbold proposed the following amendment:

1. Page 1, Line 25:
   Delete “and operate”

2. Page 6, Line 169:
   Transportation Standing Committee Report dated 2–5–2009:
   Delete “or operation”

Representative Newbold’s motion to amend passed on a voice vote.
H.B. 261, as amended, passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird   Biskupski  Black
Brown   Chavez–Houck  S. Clark  Cosgrove
Daw     Dee     Dougall  Draxler
S Duckworth Dunnigan  Edwards  Ferry
Janice Fisher Julie Fisher  Fowlke  Frank
Froerer  Garn    F Gibson  Gowans
Greenwood Grover  Harper  Hemingway
Hendrickson Herrod  Holdaway Hughes
Hunsaker Hutchings  Ipson    Johnson
King     Kiser    Last     Litvack
Lockhart Mascaro  Mathis   McIff
Menlove Morley  Moss Newbold
Noel     Oda     Poulson  Powell
Ray      Riesen  Sandstrom Seegmiller
Seelig  SumSSION  Vickers  Wallis
Watkins  Webb   Wheatley Wilcox
Wiley    Wimmer  Winn    D. Clark

Absent or not voting were: Representatives

K Gibson  Hansen  Painter

H.B. 261, as amended, transmitted to the Senate for its consideration.

* * *

H.B. 125, IMPACT FEE AMENDMENTS, Powell, read the third time by short title and placed on its final passage.

Representative Powell proposed the following amendment:

1. Page 1, Line 13

   facilities plans \{→\} ; and 

   modifies how that notice is to be given.

2. Page 3, Lines 67 through 68:

   (C) be \{→\} :
68 (I) sent to each county in whose unincorporated area and each municipality in whose

3. Page 3, Lines 70 through 72:

70 (II) sent to each affected entity;

71 (III) sent to the Automated Geographic Reference Center created in Section 63F–1–506;

72 (IV) sent to the association of governments, established pursuant to an interlocal agreement

4. Page 3, Lines 74 through 78:

74 be located;

(V)(Aa) placed on the Utah Public Notice Website created under Section 63F–1–701, if the local political subdivision:

(i) is required under Subsection 52–4–203(3) to use that website to provide public notice of a meeting; or

(ii) voluntarily chooses to place notice on that website despite not being required to do so under Subsection (2)(b)(iii)(C)(V)(Aa)(II); or

(Bb) if the local political subdivision does not provide notice on the Utah Public Notice Website, or in the case of a private entity, sent to:

75 (V) the state planning coordinator appointed under Section 63J–4–202;

76 (VI) the registered agent of the Utah Home Builders Association;

77 (VII) the registered agent of the Utah Association of Realtors; [and]

78 (VIII) the registered agent of the Utah Chapter of the Associated General Contractors

5. Page 3, Lines 80 through 82:

80 (IX) the registered agent of the Utah League of Women Voters;

81 (X) the Utah office of the American Association of Retired Persons; AARP; and

82 (XI) the registered agent of the Utah Taxpayers Association; and

(VI) sent to each owner of an undeveloped parcel of property that is:
(Aa) located within the boundary of the local political subdivision or within the jurisdiction of the private entity, as the case may be; and
(Bb) larger than five acres in size; and

6. Page 4, Lines 101 through 110:
101 independent capital facilities plan, {send} provide written notice, as provided in Subsection (e)(ii):
102 { (I) to:
103 (Aa) the registered agent of the Utah Home Builders Association;
104 (Bb) the registered agent of the Utah Association of Realtors;
[and]
105 (Cc) the registered agent of the Utah Chapter of the Associated General Contractors of America;
106 (Dd) the registered agent of the Utah League of Women Voters;
107 (Ee) the Utah office of the American Association of Retired Persons; and
109 (Ff) the registered agent of the Utah Taxpayers Association;
110 { (II) stating the local political subdivision’s intent to prepare or amend a capital facilities

7. Page 4, Line 112:
112 { (III) inviting each of the notice recipients to participate in the preparation of or

8. Page 4, Line 115:
115 { (I) give public notice of the plan or amendment according to Subsection (2)(e) { (ii) } (iii) (A),

9. Page 5, Line 121 through Page 5, Line 122:
121 (IV) hold a public hearing to hear public comment on the plan or amendment.
(ii) The notice required under Subsection (2)(e)(i)(A) shall be:
(A)(I) placed on the Utah Public Notice Website created in Section 63F–1–701, if the local political subdivision:
(Aa) is required under Subsection 52–4–203(3) to use that website to provide public notice of a meeting; or

(Bb) voluntarily chooses to place notice on that website despite not being required to do so under Subsection (2)(e)(ii)(A)(I); or

(II) if the local political subdivision does not provide notice on the Utah Public Notice Website under Subsection (2)(e)(ii)(A)(I), sent to:

(Aa) the registered agent of the Utah Homebuilders Association;

(Bb) the registered agent of the Utah Association of Realtors;

(Cc) the registered agent of the Utah Chapter of the Associated General Contractors of America;

(Dd) the Utah office of AARP; and

(Ee) the registered agent of the Utah Taxpayers Association; and

(B) sent to each owner of an undeveloped parcel of property that is:

(I) located within the boundary of the local political subdivision;

and

(II) larger than five acres in size.

With respect to the public notice required under Subsection (2)(e)(i)(B)(I):

10. Page 5, Line 131:

Nothing contained in this Subsection (2)(e) or in the subsections referenced in

11. Page 6, Lines 161 through 164:

(A) (I)(Aa) on the Utah Public Notice Website created in Section 63F–1–701, if the local political:

(ii) is required under Subsection 52–4–203(3) to use that website to provide public notice of a meeting; or

(IIIi) voluntarily chooses to provide written notice on that website despite not being required to do so under Subsection (5)(b)(ii)(A)(I)(Aa); or

(Bb) if the local political subdivision does not provide notice on the Utah Public Notice Website under Subsection (5)(b)(ii)(A)(I)(Aa), or in the case of a private entity, to:

(I) the registered agent of the Utah Home Builders Association;

(II) the registered agent of the Utah Association of Realtors; [and]

(III) the registered agent of the Utah Chapter of the Associated General Contractors of
12. Page 6, Lines 166 through 168:

   { (IV) the registered agent of the Utah League of Women Voters; }  
   { (V) the Utah office of } the American Association of Retired Persons  
     AARP; and  
   { (VI) the registered agent of the Utah Taxpayers Association; and  
     (II) to each owner of an undeveloped parcel of property that is:  
     (Aa) located within the boundary of the local political subdivision 
     or within the jurisdiction of the private entity, as the case may be; and  
     (Bb) larger than five acres in size;  

13. Page 7, Lines 199 through 203:

   required by Subsection (5)(d) { to } :  
   { (a) to each public library within the local political subdivision; and  
   (b) (i) on the Utah Public Notice Website created in Section 63F−1−701, if the local political subdivision:  
     (A) is required under Subsection 52−4−203(2) to use that website to provide public notice of a meeting; or  
     (B) voluntarily chooses to place a copy of the written analysis and a copy of the summary on that website despite not being required to do so under Subsection (6)(b)(i)(A); or  
     (ii) if the local political subdivision does not place a copy of the written analysis and a copy of the summary on the Utah Public Notice Website under Subsection (6)(b)(i), to:  
     (A) the registered agent of the Utah Home Builders Association;  
   { (c) } (B) the registered agent of the Utah Association of Realtors; [and]  
   { (d) } (C) the registered agent of the Utah Chapter of the Associated General Contractors of  

14. Page 7, Lines 205 through 207:

   { (e) the registered agent of the Utah League of Women Voters; }  
   { (f) the Utah office of } the American Association of Retired Persons  
     AARP; and
(c) to each owner of an undeveloped parcel of property that is:
   (i) located within the boundary of the local political subdivision; and
   (ii) larger than five acres in size.

15. Page 8, Lines 238 through 242:

   (A) make a copy of the impact fee enactment available to the public; { and }
   (B) (I) place a copy of the impact fee enactment on the Utah Public Notice Website created in Section 63F−1−701, if the local political subdivision:
      (Aa) is required under Subsection 52−4−203(3) to use that website to provide public notice of a meeting; or
      (Bb) voluntarily chooses to place a copy of the impact fee enactment on that website despite not being required to do so under Subsection (1)(f)(i)(B)(I)(Aa); or
      (II) if the local political subdivision does not place a copy of the impact fee enactment on the Utah Public Notice Website under Subsection (1)(f)(i)(B)(I), or in the case of a private entity, mail a written copy of the impact fee enactment to:
   (Aa) the registered agent of the Utah Home Builders Association;
   (Bb) the registered agent of the Utah Association of Realtors; [and]
   (Cc) the registered agent of the Utah Chapter of the Associated General Contractors of

16. Page , Line 244 through Page 9, Line 246:

   (IV) the registered agent of the Utah League of Women Voters; }
   (V) the Utah office of the American Association of Retired Persons ) AARP ; and
   (VI) the registered agent of the Utah Taxpayers Association; and
   (C) mail a written copy of the impact fee enactment to each owner of an undeveloped parcel of property that is:
Representative Powell’s motion to amend passed on a voice vote.


**H.B. 125**, as amended, passed on the following roll call:

**Yeas, 40; Nays, 32; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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**Absent or not voting were:** Representatives

| K Gibson | Ray  | Seelig |

**H.B. 125**, as amended, transmitted to the Senate for its consideration.

**COMMITTEE OF THE WHOLE**

On motion of Representative Lockhart, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing from U.S. Congressman Jason Chaffetz.
On motion of Representative Lockhart, the Committee of the Whole was dissolved.

**INTRODUCTION OF BILL**

**H.C.R. 8, Concurrent Resolution Supporting Current Bureau of Land Management Resource Management Plans** (J. Mathis), read the first time by short title and referred to the Rules Committee.

**THIRD READING CALENDAR**

**H.B. 130, ASSET PRESERVATION AMENDMENTS, Hughes**, read the third time by short title and placed on its final passage.

**H.B. 130** passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

| S Duckworth | Hansen | Holdaway | Ray |

**H.B. 130** transmitted to the Senate for its consideration.
REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 17, 2009

The Government Operations Committee reports a favorable recommendation on **H.B. 327**, BUILDING INSPECTOR AMENDMENTS, by Representative D. Aagard; and

The Government Operations Committee reports a favorable recommendation on **H.R. 4**, HOUSE RESOLUTION EXPRESSING OPPOSITION TO THE CREATION OF A NATIONAL IDENTIFICATION CARD, by Representative S. Sandstrom; and

The Government Operations Committee reports a favorable recommendation on **1st Sub. S.B. 126**, STATE PERSONNEL MANAGEMENT ACT AMENDMENTS, by Senator D. Liljenquist; and

The Government Operations Committee reports a favorable recommendation on **S.B. 138**, INTERNAL SERVICE FUND RATE COMMITTEE AMENDMENTS, by Senator J. Valentine; and

The Government Operations Committee reports a favorable recommendation on **H.B. 197**, REAUTHORIZATION OF ADMINISTRATIVE RULES, by Representative B. Ferry, and recommends it be placed on the Consent Calendar.

Craig A. Frank, Chair

Reports filed. On motion of Representative Frank, the reports of the Government Operations committee were adopted.


**H.B. 197** read the second time by short title and placed on the Consent Calendar.

* * *

Mr. Speaker: February 17, 2009

The Political Subdivisions Committee reports a favorable recommendation on **H.B. 156**, SUBDIVISION APPROVAL AMENDMENTS, by Representative R. C. Webb, with the following amendments:

1. Page 3, Line 81:

   After “100” delete “−acre” and after “square” insert “acre”; and
The Political Subdivisions Committee recommends **H.J.R. 5**, JOINT RESOLUTION SUPPORTING NEEDED IMPROVEMENTS IN THE NAJAVO NATION’S ABILITY TO COLLECT AND TRACK CHILD SUPPORT PAYMENTS, by Representative C. Watkins, be replaced and reports a favorable recommendation on **1st Sub. H.J.R. 5**, JOINT RESOLUTION SUPPORTING NEEDED IMPROVEMENTS IN THE NAJAVO NATION’S ABILITY TO COLLECT AND TRACK CHILD SUPPORT PAYMENTS and asks that it be placed on the Consent Calendar.

Fred R. Hunsaker, Chair

Reports filed. On motion of Representative Hunsaker, the reports of the Political Subdivisions committee were adopted.

**H.B. 156**, as amended, read the second time by short title and placed on the Third Reading Calendar.

**1st Sub. H.J.R. 5** read the second time by short title and placed on the Consent Calendar.

* * *

Mr. Speaker: February 17, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 157**, PROPERTY TAX ASSESSMENT AMENDMENTS, by Representative W. Harper, with the following amendments:

1. Page 1, Lines 16 through 17:
   16 requires second through sixth class counties to levy an additional .000010 per dollar
   17 of taxable value for its Multicounty Assessing and Collection Levy;

2. Page 9, Line 250 through Page 9, Line 271:
   250 the following calendar year.
   251 Section 4. Section 59–2–1606 is enacted to read:
   252 59–2–1606. Multicounty Appraisal Trust Account ---
   253 Multicounty assessing and collecting levy ---} Deposits into the Multicounty Appraisal Trust Account --- Distribution and use of funds.
(1) As used in this section:

(a) “CAMA” means computer assisted mass appraisal system.

(b) “CAMA fee rate” means:

(i) $1.50 for the calendar year that begins on January 1, 2009; and

(ii) for a calendar year beginning on or after January 1, 2010, the $1.50 shall be increased each year by 2%.

(c) “Factored parcel count” means the product of:

(i) a county’s parcel count described in Subsection 59–2–1603(3)(f); and

(ii) the county’s class parcel factor described in Subsection 59–2–1603(3)(e).

(d) “Multicounty Appraisal Trust” means the Multicounty Appraisal Trust created by interlocal agreement by all 29 counties in the state.

(e) “Multicounty Appraisal Trust Account” means the Multicounty Appraisal Trust Account created in this section.

(2) (a) There is created a restricted account within the Property Tax Valuation Agency Fund known as the “Multicounty Appraisal Trust Account.”

(b) The purpose of the Multicounty Appraisal Trust Account is to provide funding for a statewide computer assisted mass appraisal CAMA system that will promote:

(i) accurate valuation of property;

3. Page 10, Lines 290 through 291:

(4) The Multicounty Appraisal Trust shall determine which projects should be funded and oversee the administration of a statewide computer assisted mass appraisal CAMA system; and
The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. S.B. 36**, SALES AND USE TAX AMENDMENTS, by Senator C. Bramble, and, due to fiscal impact, recommends it be referred to the Rules Committee for prioritization; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 35**, SALES AND USE TAX DEFINITIONS RELATING TO PROPERTY, by Senator W. Niederhauser, with the following amendments, recommended it be placed on the Consent Calendar, but, due to fiscal impact, recommends it be referred to the Rules Committee for prioritization.

1. Page 22, Lines 663 through 664:

   663 (iii) property attached to oil, gas, or water pipelines, [other than] except for the
   664 property listed in { } Subsection { }{ }{ } (68)(c)(iii) { through (v) } or (iv) .

2. Page 23, Lines 685 through 695:

   685 [(H)] (D) tangible personal property similar to Subsections (68)(c)(iii)(A) through
   686 [ (G) ] (C) as determined by the commission by rule made in accordance with Title 63G, Chapter
   687 3, Utah Administrative Rulemaking Act; { } or { }
   688 (iv) the following if attached to real property, regardless of whether the attachment to
   689 real property is only through a line that supplies water, electricity, gas, telephone, cable, or
   690 supplies a similar item as determined by the commission by rule made in accordance with Title
   691 63G, Chapter 3, Utah Administrative Rulemaking Act:
   692 (A) a hot water heater;
   693 (B) a water filtration system; or
   694 (C) a water softener system; or }
   695 { (v) } (iv) an item listed in Subsection (108)(c).

Todd E. Kiser, Chair

Reports filed. On motion of Representative Kiser, the reports of the Revenue and Taxation committee were adopted.
H.B. 157, as amended, read the second time by short title and placed on the Third Reading Calendar.

1st Sub. S.B. 36 and S.B. 35, as amended, read the second time by short title and returned to the Rules Committee due to fiscal impact.

THIRD READING CALENDAR

H.B. 154, STATE CONSTRUCTION REGISTRY AMENDMENTS, Morley, read the third time by short title and placed on its final passage.

Representative Noel proposed the following amendment:

1. Page 3, Line 72
   72 (d) Notwithstanding Subsection (1)(a)(ii) (C), final completion of the original contract does

2. Page 7, Lines 203 through 208:
   203 (1) (a) (i) Except for a person who has a contract with an owner or an owner–builder or
   204 a laborer compensated with wages, a subcontractor shall file a preliminary notice with the
   205 database [within the later of] {no later than} by the later of:
   206 (A) 20 days after commencement of its own work or the commencement of furnishing
   207 labor, service, equipment, and material to a construction project; or
   208 (B) 20 days after the filing of a notice of commencement if the subcontractor’s work commences before the filing of the first notice of commencement.

Representative Noel’s motion to amend passed on a voice vote.

Representative Allen commented.

Representative Powell proposed the following amendment:

1. Page 4, Line 116 through Page 5, Line 122
   116 by way of the Internet or computer modem or by any other means; {off} and {off}
(II) the original contractor, owner, or owner–builder shall file a notice of commencement based on the building permit issued by the local government entity with the database whether or not a building permit is issued or a notice of commencement is filed under Subsection (1)(a)(i)(A)(I).

(B) The combined information submitted under both Subsections (1)(a)(i)(A)(I) and (II) creates a notice of commencement.

2. Page 5, Lines 131 through 133:

at the project site, the original contractor, owner, or owner–builder shall create a notice of commencement with the database whether or not a building permit is issued or a notice of commencement is filed under Subsection (1)(a).

3. Page 6, Line 154:

the creation of the notice of commencement.

4. Page 6, Lines 174 through 175:

(3) If a notice of commencement for a construction project is not created as required by Subsections (1)(a) or (b), the following do not apply:

5. Page 7, Line 208:

(B) 20 days after the creation of a notice of commencement.

Representatives Mascaro and S. Clark commented. Representative Powell’s motion to amend failed on the following roll call:

Yeas, 14; Nays, 60; Absent or not voting, 1.
Voting in the affirmative were: Representatives
Allen Beck Biskupski Brown
Edwards Hansen Holdaway Johnson
King Mascaro Moss Poulson
Powell Watkins

Voting in the negative were: Representatives
Aagard Barrus Bigelow Bird
Black Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Ferry Janice Fisher
Julie Fisher Fowlke Frank Froerer
Garn F Gibson K Gibson Gowans
Greenwood Grover Harper Hemingway
Hendrickson Herrod Hughes Hunsaker
Hutchings Ipson Kiser Last
Litvack Lockhart Mathis McLff
Menlove Morley Newbold Noel
Oda Painter Ray Riesen
Sandstrom Seegmiller Sumsion Vickers
Wallis Webb Wheatley Wilcox
Wiley Wimmer Winn D. Clark

Absent or not voting was: Representative
Seelig

H.B. 154, as amended, passed on the following roll call:

Yea, 70; Nays, 4; Absent or not voting, 1.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Dougall Draxler S Duckworth
Edwards Ferry Janice Fisher Fowlke
Frank Garn F Gibson Grover
K Gibson Gowans Greenwood
Hansen Harper Hemingway Hendrickson
Herrod Holdaway Hughes Hunsaker
Hutchings Ipson Johnson King
Last Litvack Lockhart Mascaro
Mathis McLff Menlove Morley

Voting in the negative were: Representatives
Bird Dunnigan Julie Fisher Kiser

Absent or not voting was: Representative
Seelig

H.B. 154, as amended, transmitted to the Senate for its consideration.

COMMITTEE OF THE WHOLE

On motion of Representative Garn, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing from U.S. Senator Orrin Hatch.

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

RULES COMMITTEE REPORT

Mr. Speaker: February 17, 2009

The Rules Committee recommends the following bills and resolutions be assigned to standing committees:

EDUCATION
H.B. 330 Utah School Seismic Hazard Inventory (Rep. L. Wiley)

GOVERNMENT OPERATIONS
H.B. 390 Absentee Ballot Amendments (Rep. J. Mathis)

HEALTH AND HUMAN SERVICES
H.B. 399 Charitable Care Amendments (Rep. B. Last)

JUDICIARY
H.B. 351 Court Fees Amendments (Rep. C. Oda)
LAW ENFORCEMENT AND CRIMINAL JUSTICE
H.B. 357 Firearms Amendments (Rep. S. Sandstrom)
S.J.R. 9 Resolution Honoring the Utah Law Enforcement Memorial Foundation (Sen. J. Greiner)

NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT
H.B. 393 Air Quality Amendments (Rep. R. Barrus)
H.J.R. 18 Joint Resolution for Legislative Appropriation Subcommittee Name Change (Rep. N. Hendrickson)

POLITICAL SUBDIVISIONS
H.B. 375 Local Government Records Amendments (Rep. R. Wilcox)

REVENUE AND TAXATION
H.B. 184 Income Tax Credit for a Disabled Dependent (Rep. J. Dougall)

TRANSPORTATION
S.B. 57 Local Option Transportation Corridor Preservation Fund Amendments (Sen. R. Okerlund)

Ben C. Ferry, Chair
Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted with the exception that H.C.R. 8 will be considered read for the second time and placed at the top of the Third Reading Calendar.

RULES COMMITTEE REPORT

Mr. Speaker: February 17, 2009

The House Rules Committee recommends, with written request of the sponsor, that H.B. 262, Licensing Eligibility (Rep. S. Sandstrom), be replaced with 1st Sub. H.B. 262, Licensing Eligibility (Rep. S. Sandstrom), and further recommends it be assigned to the Business and Labor Standing Committee.

Ben C. Ferry, Chair
Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.
MISCELLANEOUS BUSINESS

On motion of Representative Garn, and at 12:40 p.m., the House voted to adjourn until February 18, 2009, at 10:00 a.m.
TWENTY—THIRD DAY

MORNING SESSION

The House was called to order by Speaker Clark at 10:05 a.m.

Roll call showed all members present.

Prayer offered by Mark Cluff, Utah County Republican Party Vice—chair. Pledge of Allegiance led by Representative Dougall’s guest, DeLaina Tonks, board member of the Open High School of Utah.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker:

February 17, 2009

The President of the Senate has signed H.B. 31, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, by Representative C. Wimmer, and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 75, UTAH COMMUNICATIONS AGENCY NETWORK AMENDMENTS, by Representative F. Hunsaker, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 216, TELECOMMUNICATION PRICING FLEXIBILITY AMENDMENTS, by Representative F. Hunsaker, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, 1st Sub. H.B. 232, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS REVISIONS, by Representative D. Aagard, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 252, EMERGENCY MANAGEMENT ADMINISTRATION COUNCIL AMENDMENTS, by Representative C. Oda, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. H.B. 31, H.B. 75, H.B. 216, 1st Sub. H.B. 232, and H.B. 252 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.
Mr. Speaker: February 17, 2009

The Senate passed, as substituted, **1st Sub. S.B. 23**, INCOME TAXATION OF PASS-THROUGH ENTITIES AND PASS-THROUGH ENTITY TAXPAYERS, by Senator W. Niederhauser, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 91**, ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT, by Senator J. Greiner, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 111**, HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS, by Senator G. Davis, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 143**, SUNSET ACT AND REPEALERS REAUTHORIZATIONS, by Senator S. Killpack, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate


Mr. Speaker: February 17, 2009

The President of the Senate has appointed a Conference Committee consisting of Senators S. Jenkins, J. Greiner, and R. Romero to meet with a like committee from the House of Representatives to consider or amend **1st Sub. S.B. 22**, VEHICLE AMENDMENTS, by Senator S. Jenkins.

Annette B. Moore
Secretary of the Senate

Communication filed. The committee will now meet.

**INTRODUCTION OF BILLS**

**H.B. 344, Automobile Registration Amendment** (S. Sandstrom), read the first time by short title and referred to the Rules Committee.

**H.B. 402, Enforcement of Carbon Monoxide Detector Requirements** (K. Garn), read the first time by short title and referred to the Rules Committee.
H.B. 410, **Legislator Salary Amendments** (R. Bigelow), read the first time by short title and referred to the Rules Committee.

H.B. 419, **Tanning Facilities Tax and Melanoma Cancer Research Fund** (M. Brown), read the first time by short title and referred to the Rules Committee.

H.B. 425, **Carson Smith Scholarship Program Amendments** (M. Newbold), read the first time by short title and referred to the Rules Committee.

H.C.R. 7, **Concurrent Resolution Expressing Opposition to the Congressional Enactment of the National Landscape Conservation System** (M. Brown), read the first time by short title and referred to the Rules Committee.

**MISCELLANEOUS BUSINESS**

On motion of Representative Mathis, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

**THIRD READING CALENDAR**

**H.C.R. 8, CONCURRENT RESOLUTION SUPPORTING CURRENT BUREAU OF LAND MANAGEMENT RESOURCE MANAGEMENT PLANS, Mathis**, read the third time by short title and placed on its final passage. Representatives Draxler, Noel, Watkins, and Hemingway commented.

**H.C.R. 8** passed on the following roll call:

**Yeas, 61; Nays, 8; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

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Voting in the negative were: Representatives
Chavez – Houck  Hansen  Hemingway  Johnson
King  Litvack  Moss  Riesen

Absent or not voting were: Representatives
Fowlke  K Gibson  Seelig  Wheatley
Winn  D. Clark

H.C.R. 8 transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, the House voted to move to the Senate Third Reading Calendar.

CONSENT CALENDAR

H.B. 320, COLLECTION AGENCY AMENDMENTS, Webb, read the third time by short title and placed on its final passage.

H.B. 320 passed on the following roll call:

Yeas, 68; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez – Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Frank  Froerer
Garn  F Gibson  Greenwood  Grover
Hansen  Harper  Hemingway  Hendrickson
Herrod  Holdaway  Hughes  Hunsaker
Hutchings  Ipson  Johnson  King
Kiser  Last  Litvack  Lockhart
Mascaro  McIff  Menlove  Morley
Moss  Newbold  Noel  Oda
Painter  Poulson  Powell  Ray
Riesen  Sandstrom  Seegmiller  Sumasion
Vickers  Wallis  Watkins  Webb
Wheatley  Wiley  Wimmer  D. Clark
Absent or not voting were: Representatives
Fowlke          K Gibson          Gowans          Mathis
Seelig          Wilcox          Winn

H.B. 320 transmitted to the Senate for its consideration.

TIME CERTAIN CALENDAR

H.J.R. 10, JOINT RESOLUTION HONORING THE LIVES AND ACCOMPLISHMENTS OF FATHER FRANCISCO ATANASIO DOMINGUEZ AND FATHER SILVESTRE VELEZ DE ESCALANTE, Wheatley, read the third time by short title and placed on its final passage.

Representative Wheatley proposed the following amendment:

1. Page 2, Lines 50 through 52

50 the Western United States.
51 BE IT FURTHER RESOLVED that a copy of this resolution be sent to The Most Reverend Bishop John C. Wester, Bishop of the Catholic Dioceses of Salt Lake City.
52

Representative Wheatley’s motion to amend passed on a voice vote.

Representatives Harper, Lockhart, Morley, and Ipson commented.

H.J.R. 10, as amended, passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Aagard           Allen           Barrus           Beck
Bigelow          Biskupski      Black            Brown
Chavez–Houck     S. Clark       Cosgrove        Daw
Dee              Dougall        Draxler          S Duckworth
Dunnigan         Edwards        Ferry            Janice Fisher
Julie Fisher     Fowlke         Frank            Froerer
Garn             F Gibson        K Gibson         Gowans
Greenwood        Grover         Hansen           Harper
Hemingway        Hendrickson    Herrod           Holdaway
Hughes           Hunsaker       Hutchings       Ipson
Johnson          King           Kiser            Last
Litvack          Lockhart       Mascaro         Mathis
McIff     Menlove     Morley     Moss
Newbold   Noel       Oda       Painter
Poulsen   Powell     Ray       Riesen
Sandstrom Seegmiller Seelig Sumasion
Vickers   Wallis     Watkins Webb
Wheatley  Wilcox     Wiley     Wimmer

Absent or not voting were: Representatives
Bird       Winn

H.J.R. 10, as amended, transmitted to the Senate for its consideration.

**CONSENT CALENDAR**

H.B. 144, MEDICAL LANGUAGE INTERPRETER ACT, Chavez–Houck, read the third time by short title and placed on its final passage.

H.B. 144 passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives
Bird       K Gibson     Wimmer     Winn
H.B. 144 transmitted to the Senate for its consideration.

***

H.J.R. 3, JOINT RESOLUTION SUPPORTING EFFORTS TO INCREASE AND IMPROVE CANCER TREATMENT, SCREENING, AND RESEARCH PROGRAMS, Duckworth, read the third time by short title and placed on its final passage.

H.J.R. 3 passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Fowlke  Frank
Froerer  Garn  F Gibson  Gowans
Greenwood  Grover  Hansen  Harper
Hemingway  Hendrickson  Herrod  Holdaway
Hughes  Hunsaker  Hutchings  Ipson
Johnson  King  Kiser  Last
Litvack  Lockhart  Mascaro  Mathis
McIff  Menlove  Morley  Moss
Newbold  Noel  Oda  Painter
Poulson  Powell  Ray  Riesen
Sandstrom  Seegmiller  Seelig  Sumasion
Vickers  Wallis  Watkins  Webb
Wheatley  Wilcox  Wiley  D. Clark

Absent or not voting were: Representatives

K Gibson  Wimmer  Winn

H.J.R. 3 transmitted to the Senate for its consideration.

***

S.B. 129, MENTAL HEALTH THERAPIST GRAND AND SCHOLARSHIP ACT REPEAL, Dougall, read the third time by short title and placed on its final passage.
S.B. 129 passed on the following roll call:

**Yeas, 71; Nays, 1; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative was:** Representative

Hutchings

**Absent or not voting were:** Representatives

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S.B. 129 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

**---**

H.B. 287, UTAH EDUCATION NETWORK AMENDMENTS, Holdaway, read the third time by short title and placed on its final passage.

H.B. 287, as amended, passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

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Absent or not voting were: Representatives
Frank K Gibson Gowans Moss
Winn

H.B. 287, as amended, transmitted to the Senate for its consideration.

H.B. 319, DISASTER RECOVERY FUNDING AMENDMENTS, Oda, read the third time by short title and placed on its final passage.

H.B. 319, as amended, passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Froerer
Garn F Gibson Greenwood Grover
Hansen Harper Hemingway Hendrickson
Herrod Holdaway Hughes Hunsaker
Hutchings Ipson Johnson King
Kiser Last Litvack Lockhart
Mascaro Mathis McIff Menlove
Morley Newbold Noel Oda
Painter Poulson Powell Ray
Riesen Sandstrom Seegmiller Seelig
Sumsion Vickers Wallis Watkins
Webb Wheatley Wilcox Wiley
Wimmer D. Clark
H.B. 319, as amended, transmitted to the Senate for its consideration.

S.J.R. 11, JOINT RESOLUTION URGING FOOTBALL PLAYOFF, Dee, read the third time by short title and placed on its final passage.

S.J.R. 11 passed on the following roll call:

Yeas, 68; Nays, 2; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Draxler S. Duckworth
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Frank Froerer
Garn F. Gibson Greenwood Grover
Hansen Harper Hemingway Hendrickson
Herrod Holdaway Hughes Hunsaker
Hutchings Ipson Johnson King
Kiser Last Lockhart Mascaro
Mathis McIff Menlove Morley
Moss Newbold Noel Oda
Painter Poulson Powell Ray
Riesen Sandstrom Seegmiller Seelig
Sumison Vickers Wallis Watkins
Webb Wilcox Wiley D. Clark

Voting in the negative were: Representatives
Dougall Wimmer
Absent or not voting were: Representatives
K Gibson Gowans Litvack Wheatley Winn

S.J.R. 11 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 17, 2009

The Business and Labor Committee reports a favorable recommendation on H.B. 170, INSURANCE AND LIFE SETTLEMENT AMENDMENTS, by Representative J. Dunnigan; and

The Business and Labor Committee reports a favorable recommendation on H.B. 206, EMPLOYMENT SELECTION PROCEDURES, by Representative W. Harper, with the following amendments:

1. Page 3, Lines 70 through 77:

70 (b) (i) if applicable to any applicant applying for the position for which the applicant is applying, the time in the employer’s employment selection process when the employer obtains
71 a:
73 (A) criminal background check; { or }
74 (B) credit history of an applicant for employment, subject to the requirements of the
75 Fair Credit Reporting Act, 15 U.S.C. Sec. 1681 et seq.; or (C) a driving record of a driver from the Driver License Division in accordance with Section 53–3–104 or Section 53–3–420; and
76 (ii) the applicant consents to the employer taking the action described in Subsection
77 (1)(b)(i); and

The Business and Labor Committee reports a favorable recommendation on S.B. 115, PAYMENT OF MOBILE HOME PARK RELOCATION EXPENSES, by Senator W. Niederhauser; and
The Business and Labor Committee reports a favorable recommendation on **S.B. 95, MOBILE HOME PARK AMENDMENTS**, by Senator S. Jenkins, and recommends it be placed on the Consent Calendar.

James A. Dunnigan, Chair

Reports filed. On motion of Representative Painter, the reports of the Business and Labor committee were adopted.

**H.B. 170, H.B. 206**, as amended, and **S.B. 115** read the second time by short title and placed on the Third Reading Calendar.

**S.B. 95** read the second time by short title and placed on the Consent Calendar.

***

Mr. Speaker: February 17, 2009

The Education Committee reports a favorable recommendation on **H.B. 194, EDUCATION POLICIES FOR MILITARY CHILDREN**, by Representative R. Menlove; and

The Education Committee recommends **H.B. 296, SCHOOLS FOR THE DEAF AND BLIND AMENDMENTS**, by Representative K. Sumsion, et al, be replaced and reports a favorable recommendation on **1st Sub. H.B. 296, SCHOOLS FOR THE DEAF AND BLIND AMENDMENTS** with the following amendments:

1. Page 14, Lines 411 through 413:

   411 (b) The board may make rules to allow a resident of Utah who is **younger than 22 years**
   412 of age and who is **neither deaf, blind, nor deafblind** to receive services of the Utah Schools for
   413 the Deaf and the Blind **if the student:**
   (i) is younger than 22 years of age and has an IEP; or
   (ii) is younger than 19 years of age **; and**

The Education Committee reports a favorable recommendation on **H.B. 328, TEACHER QUALITY AMENDMENTS**, by Representative G. Hughes; and

The Education Committee reports a favorable recommendation on **H.J.R. 13, JOINT RESOLUTION – TEACHER PERFORMANCE PAY**, by
Representative M. Poulson, et al, and recommends it be placed on the Consent Calendar.

Gregory H. Hughes, Chair
Reports filed. On motion of Representative Hughes, the reports of the Education committee were adopted.

H.B. 194, 1st Sub. H.B. 296, as amended, and H.B. 328 read the second time by short title and placed on the Third Reading Calendar.

H.J.R. 13 read the second time by short title and placed on the Consent Calendar.

***

Mr. Speaker: February 17, 2009
The Health and Human Services Committee reports a favorable recommendation on S.B. 158, CHILD SUPPORT − CASH MEDICAL SUPPORT, by Senator G. Bell; and

The Health and Human Services Committee reports a favorable recommendation on S.J.R. 7, JOINT RESOLUTION DESIGNATING MAY 2009 AS UTAH LIONS CLUB EYESIGHT PRESERVATION MONTH, by Senator K. Mayne.

Paul Ray, Chair
Reports filed. On motion of Representative Ray, the reports of the Health and Human Services committee were adopted.

S.B. 158 and S.J.R. 7 read the second time by short title and placed on the Third Reading Calendar.

***

Mr. Speaker: February 17, 2009
The Public Utilities and Technology Committee reports a favorable recommendation on S.B. 94, UNDERGROUND SEWER UTILITIES FACILITIES AMENDMENTS, by Senator J. Greiner, and recommends it be placed on the Consent Calendar.

Michael E. Noel, Chair
Report filed. On motion of Representative Garn, the report of the Public Utilities and Technology committee was adopted.
S.B. 94 read the second time by short title and placed on the Consent Calendar.

RECONSIDERATION OF 1ST SUB. S.B. 117

1st Sub. S.B. 117, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS, Mascaro, was before the House on its reconsideration.

Representative Garn proposed the following amendment:

1. Page 1, Lines 16 through 18

   16 ▶ authorizes a physician assistant { or a psychologist } to determine whether an adult

   17 lacks health care decision making capacity , if the physician assistant is permitted to make that determination under a delegation of services agreement ;

   18 ▶ provides that a physician assistant may prepare or sign a life with dignity order , if the physician assistant is permitted to prepare or sign the life with dignity order under a delegation of services agreement ; and

2. Page 5, Lines 141 through 143:

   141 { (21) “Psychologist” means a person licensed as a psychologist under Title 58, Chapter 61, Psychologist Licensing Act. }

   143 [(20) (22) ] (21) “Reasonably available” means:

3. Page 5, Line 147:

   147 [(21) (22) ] (22) “Substituted judgment” means the standard to be applied by a surrogate

4. Page 6, Line 156:

   156 (d) to the extent that the preferences described in Subsections [(21) (23) ] (22) (a) through (c)

5. Page 6, Line 158:

   158 [(22) (24) ] (23) “Surrogate” means a health care decision maker who is:

6. Page 6, Lines 168 through 170:

   168 (2) To overcome the presumption of capacity described in Subsection (1)(a), a
physician, physician assistant, psychologist, or APRN, or, subject to Subsection (6), a physician assistant who has personally examined the adult and assessed the adult’s health care decision making capacity must:

7. Page 7, Line 203:

203 adult’s own health care.

(6) A physician assistant may not make a finding described in Subsection (2), unless the physician assistant is permitted to make the finding under the physician assistant’s delegation of services agreement, as defined in Section 58–70a–102.

8. Page 7, Lines 210 through 211:

210 (a) the physician, physician assistant, or APRN, or, subject to Subsection (11), physician assistant of the person to whom the life with dignity order relates; or

9. Page 8, Lines 221 through 223:

221 (3) A life with dignity order shall be signed:

222 (a) personally, by the physician, physician assistant, or APRN, or, subject to Subsection (11), physician assistant of the person to whom the life with dignity order relates; and

10. Page 10, Line 291:

291 professionals regarding this chapter.

(11) A physician assistant may not prepare or sign a life with dignity order, unless the physician assistant is permitted to prepare or sign the life with dignity order under the physician assistant’s delegation of services agreement, as defined in Section 58–70a–102.

11. Page 10, Lines 300 through 304:

300 (3) Unless otherwise directed in an advance health care directive, an advance health care directive or the authority of a surrogate to make health care decisions on behalf of an
302 adult:

303 (a) is effective only after a physician, physician assistant, psychologist, or APRN makes a determination of incapacity as provided in Section 75−2a−104;

Representative Garn’s motion to amend passed on a voice vote.

Representatives Harper and Fowlke commented.

1st Sub. S.B. 117, as amended, passed on the following roll call:

Yeas, 42; Nays, 28; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Biskupski Black Brown
Chavez−Houck Cosgrove Daw Dee
S Duckworth Froerer Garn F Gibson
Hansen Hemingway Holdaway Hunsaker
Ipson Johnson King Last
Litvack Mascaro Mathis McIff
Moss Painter Poulson Powell
Ray Riesen Seegmiller Seelig
Vickers Wallis Watkins Wheatley
Wilcox Wiley

Voting in the negative were: Representatives
Bird S. Clark Dougall Draxler
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Greenwood Grover
Harper Hendrickson Herrod Hughes
Hutchings Kiser Menlove Morley
Newbold Oda Sandstrom Sumsion
Webb Wimmer Winn D. Clark

Absent or not voting were: Representatives
Frank K Gibson Gowans Lockhart
Noel

1st Sub. S.B. 117, as amended, returned to the Senate for further consideration.
COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 18, 2009

The President of the Senate has signed H.B. 22, HARBORING A RUNAWAY, by Representative L. Fowlke, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed 1st Sub. H.B. 62, STATE WATER DEVELOPMENT COMMISSION AMENDMENTS, by Representative K. Gibson, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed H.B. 80, STUDY ON TAXPAYER ADVOCATE PROGRAM, by Representative K. Grover, and it is transmitted for the signature of the Speaker; and

The Senate passed, H.C.R. 8, CONCURRENT RESOLUTION SUPPORTING CURRENT BUREAU OF LAND MANAGEMENT RESOURCE MANAGEMENT PLANS, by Representative J. Mathis, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. H.B. 22, 1st Sub. H.B. 62, H.B. 80, and H.C.R. 8 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

* * *

Mr. Speaker: February 18, 2009

The Senate passed S.B. 140, FINANCIAL INSTITUTIONS DISCLOSURE OF RECORDS, by Senator M. Dayton, and it is transmitted for consideration; and

The Senate passed S.B. 141, AVIATION FUEL TAX AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communications filed. S.B. 140 and S.B. 141 read the first time by short title and referred to the Rules Committee.

UNFINISHED BUSINESS

On motion of Representative F. Gibson, the House voted to uncircle S.B. 97.
S.B. 97, GOOD SAMARITAN ACT FOR ENGINEERS, F. Gibson, was before the House on its final passage. Representative King commented.

S.B. 97 passed on the following roll call:

**Yeas, 64; Nays, 10; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

| Chavez–Houck | Janice Fisher | Gowans | Johnson |
| King         | Litvack      | Moss   | Poulson |
| Seelig       | Watkins      |        |        |

**Absent or not voting was:** Representative Mathis

S.B. 97 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

**THIRD READING CALENDAR**

1st Sub. S.B. 31, UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT, Dunnigan, read the third time by short title and placed on its final passage.

1st Sub. S.B. 31, as amended, passed on the following roll call:
Yeas, 69; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Representatives

Aagard  Allen  Beck  Bigelow
Bird  Biskupski  Black  Chavez–Houck
S. Clark  Cosgrove  Daw  Dee
Dougall  Draxler  S Duckworth  Dunnigan
Edwards  Janice Fisher  Julie Fisher  Fowlke
Frank  Froerer  F Gibson  K Gibson
Gowans  Greenwood  Grover  Hansen
Harper  Hemingway  Hendrickson  Herrod
Holdaway  Hughes  Hunsaker  Hutchings
Ipson  King  Kiser  Last
Litvack  Lockhart  Mascaro  Mathis
McIff  Menlove  Morley  Moss
Newbold  Noel  Painter  Poulson
Powell  Ray  Riesen  Sandstrom
Seegmiller  Seelig  Sumision  Vickers
Wallis  Watkins  Webb  Wheatley
Wilcox  Wiley  Wimmer  Winn
D. Clark

Absent or not voting were: Representatives
Barrus  Brown  Ferry  Garn
Johnson  Oda

1st Sub. S.B. 31, as amended, returned to the Senate for further consideration.

* * *

2nd Sub. S.J.R. 1, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM, Chavez–Houck, read the third time by short title and placed on its final passage.

Representative Chavez–Houck proposed the following amendment:

1. Page 1, Line 25
   House Committee Amendments 2-17-2009

   25 WHEREAES, it is the policy of the state, as provided in
   Subsection { 63-53b-301(1)(a) } 63M-4-301(1)(a) ,

   Representative Chavez–Houck’s motion to amend passed on a voice vote.
Representative Daw proposed the following amendment:

1. Page 1, Line 19:
   After “hydro,” insert “nuclear,”

2. Page 2, Lines 33, 48, and 55:
   After “hydro,” insert “nuclear,”

Representatives Allen, Brown, King, and Harper commented. Representative Daw’s motion to amend failed on a voice vote.

2nd Sub. S.J.R. 1, as amended, passed on the following roll call:

**Yeas, 64; Nays, 0; Absent or not voting, 11.**

**Voting in the affirmative were:** Representatives

- Aagard
- Allen
- Barrus
- Beck
- Bird
- Black
- Brown
- Chavez–Houck
- S. Clark
- Cosgrove
- Daw
- Dee
- Dougall
- Draxler
- S Duckworth
- Dunnigan
- Edwards
- Janice Fisher
- Julie Fisher
- Fowlke
- Frank
- Froerer
- Garn
- F Gibson
- K Gibson
- Gowans
- Greenwood
- Grover
- Hansen
- Harper
- Hemingway
- Herrod
- Hughes
- Hunsaker
- Hutchings
- Ipson
- Johnson
- King
- Kiser
- Last
- Litvack
- Lockhart
- Mascaro
- Mathis
- McIff
- Menlove
- Moss
- Newbold
- Oda
- Poulson
- Powell
- Ray
- Riesen
- Sandstrom
- Seegmiller
- Seelig
- Sumison
- Vickers
- Wallis
- Watkins
- Webb
- Wheatley
- Wilcox
- Winn

**Absent or not voting were:** Representatives

- Bigelow
- Biskupski
- Ferry
- Hendrickson
- Holdaway
- Morley
- Noel
- Painter
- Wiley
- Wimmer
- D. Clark

2nd Sub. S.J.R. 1, as amended, returned to the Senate for further consideration.

***

S.J.R. 4, RECYCLING OF ELECTRONIC WASTE JOINT RESOLUTION, *Chavez–Houck*, read the third time by short title and placed on its final passage.
S.J.R. 4 passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

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S.J.R. 4 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

**REPORTS OF STANDING COMMITTEES**

Mr. Speaker: February 18, 2009

The Law Enforcement and Criminal Justice Committee recommends **H.B. 204**, CONCEALED FIREARMS INSTRUCTORS AMENDMENTS, by Representative C. Oda, be replaced and favorably recommends **1st Sub. H.B. 204**, CONCEALED FIREARMS INSTRUCTORS AMENDMENTS; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 208**, MODIFICATION OF EXEMPTION FROM NONRESIDENT TUITION, by Representative R. Greenwood; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 314**, DNA SAMPLE FOR CRIMINAL OFFENSES –
AMENDMENTS, by Representative R. Greenwood, with the following amendments:

1. Page 1, Lines 14 through 15:

   requires that a DNA specimen shall be obtained from a person convicted of { an assault } an offense of class B misdemeanor domestic violence assault, { which is a class B misdemeanor, } in addition to current requirements for

2. Page 1, Lines 17 through 19:

   provides that a DNA specimen is not to be taken from a minor who commits { an assault } a class B misdemeanor domestic violence assault offense; 

   requires a person convicted of { an assault } a class B misdemeanor domestic violence assault offense to also pay the fee of $100 for the costs of

3. Page 2, Lines 47 through 48:

   (ii) on and after May 12, 2009, { assault, } a class B misdemeanor offense of domestic violence assault, { under } as defined { Section 76–5–102–77–36–1(4)(b), } except that a DNA specimen may not be taken from a minor whom the court has

4. Page 2, Line 50:

   class B { assault } misdemeanor domestic violence assault offense; or ; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on S.B. 85, HOMICIDE AMENDMENTS, by Senator S. Urquhart; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on S.B. 145, PUBLIC SAFETY RETIREE DEATH BENEFIT REVISIONS, by Senator J. Greiner.

Douglas C. Aagard, Chair

Reports filed. On motion of Representative Aagard, the reports of the Law Enforcement and Criminal Justice committee were adopted.

* * *

Mr. Speaker: February 18, 2009

The Natural Resources, Agriculture, and Environment Committee recommends 1st Sub. H.B. 120, SNAKE VALLEY AQUIFER RESEARCH TEAM AND ADVISORY COUNCIL, by Representative B. Winn, et al, be replaced and reports a favorable recommendation on 2nd Sub. H.B. 120, SNAKE VALLEY AQUIFER RESEARCH TEAM AND ADVISORY COUNCIL with the following amendments:

1. Page 3, Lines 60 through 61:

60 (ii) one elected representative of the Salt Lake County Council from individuals recommended by an organization that represents counties in the state; and

61

The Natural Resources, Agriculture, and Environment Committee recommends H.B. 283, ILLEGAL USE OF OFF–HIGHWAY VEHICLES, by Representative M. Noel, et al, be replaced and favorably recommends 1st Sub. H.B. 283, ILLEGAL USE OF MOTOR VEHICLES; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 99, RENEWABLE ENERGY CERTIFICATE REVISIONS, by Senator C. Bramble, et al, and recommends it be placed on the Consent Calendar.

Roger E. Barrus, Chair

Reports filed. On motion of Representative Barrus, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.

2nd Sub. H.B. 120, as amended, and 1st Sub. H.B. 283 read the second time by short title and placed on the Third Reading Calendar.

S.B. 99 read the second time by short title and placed on the Consent Calendar.

THIRD READING CALENDAR

S.B. 136, DIESEL–POWERED MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM AMENDMENTS, Bell, read the third time by short title and placed on its final passage.
RULES COMMITTEE REPORT

Mr. Speaker: February 18, 2009

The Rules Committee recommends the following bills and resolutions be assigned to standing committees:

BUSINESS AND LABOR
H.B. 342 Disproportionate Rental Fee Amendments (Rep. G. Froerer)

GOVERNMENT OPERATIONS
S.B. 143 Sunset Act and Repealers Reauthorizations (Sen. S. Killpack)

HEALTH AND HUMAN SERVICES
H.J.R. 22 Joint Resolution – Utah’s Medicaid Asset Test (Rep. R. Chavez−Houck)
S.B. 111 Health Care Workforce Financial Assistance Program Amendments (Sen. G. Davis)

JUDICIARY
S.B. 91 Electronic Communication Harassment Amendment (Sen. J. Greiner)

LAW ENFORCEMENT AND CRIMINAL JUSTICE
H.B. 325 Opting Out of the Real Id Act (Rep. S. Sandstrom)

NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT
H.B. 164 Migratory Bird Production Areas (Rep. C. Oda)
H.C.R. 7 Concurrent Resolution Expressing Opposition to the Congressional Enactment of the National Landscape Conservation System (Rep. M. Brown)

POLITICAL SUBDIVISIONS
H.B. 413 County Authority Amendments (Rep. R. Menlove)
RETIREMENT AND INDEPENDENT ENTITIES
H.B. 167  County Hospital Retirement Provisions (Rep. M. Noel)

REVENUE AND TAXATION
H.B. 380  Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Amendments (Rep. C. Frank)
1st Sub. S.B. 23  Income Taxation of Pass-through Entities and Pass-through Entity Taxpayers (Sen. W. Niederhauser)

TRANSPORTATION
H.B. 158  Motorcycle Helmet Law Amendments (Rep. N. Hansen)
H.B. 387  Motorcycle Helmet Amendments (Rep. R. Menlove)

Ben C. Ferry, Chair
Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

RULES COMMITTEE REPORT

Mr. Speaker:  February 18, 2009


Ben C. Ferry, Chair
Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, the House voted to recess until 2:00 p.m.

AFTERNOON SESSION

The House was called to order by Speaker Clark at 2:10 p.m.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker:  February 18, 2009

The Senate passed, H.J.R. 10, JOINT RESOLUTION HONORING THE LIVES AND ACCOMPLISHMENTS OF FATHER FRANCISCO ATANASCIO
DOMINGUEZ AND FATHER SILVESTRE VELEZ DE E, by Representative M. Wheatley, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communication filed. H.J.R. 10 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

* * *

Mr. Speaker:

The Senate passed S.B. 50, Restricting the Movement of a Motor Vehicle, by Senator B. Goodfellow, and it is transmitted for consideration; and

The Senate passed, as substituted, 1st Sub. S.B. 135, Local District Taxing Authority, by Senator C. Bramble, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communications filed. S.B. 50 and 1st Sub. S.B. 135 read the first time by short title and referred to the Rules Committee.

INTRODUCTION OF BILLS

H.B. 163, Property Transaction Amendments (R. Lockhart), read the first time by short title and referred to the Rules Committee.

H.B. 334, Writing Assessment and Instruction (M. Newbold), read the first time by short title and referred to the Rules Committee.

H.B. 371, Transportation Governance (W. Harper), read the first time by short title and referred to the Rules Committee.

H.B. 401, Custody and Parent−time Amendments for Service Members (T. Cosgrove), read the first time by short title and referred to the Rules Committee.

UNFINISHED BUSINESS

S.B. 136, Diesel−powered Motor Vehicle Emissions Inspection Program Amendments, Julie Fisher, was before the House on its final passage.
S.B. 136 passed on the following roll call:

**Yeas, 60; Nays, 4; Absent or not voting, 11.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

| Biskupski | Black | Chavez–Houck | Johnson |

**Absent or not voting were:** Representatives

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S.B. 136 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

**THIRD READING CALENDAR**

1st Sub. S.B. 126, STATE PERSONNEL MANAGEMENT ACT AMENDMENTS, Dee, read the third time by short title and placed on its final passage.

1st Sub. S.B. 126 passed on the following roll call:

**Yeas, 64; Nays, 6; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

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Voting in the negative were: Representatives
Beck Bigelow Biskupski Black
F Gibson Seegmiller

Absent or not voting were: Representatives
Daw Hughes Lockhart Noel
Painter

1st Sub. S.B. 126 signed by the Speaker and held for possible reconsideration.

* * *

S.B. 138. INTERNAL SERVICE FUND RATE COMMITTEE AMENDMENTS, Frank, read the third time by short title and placed on its final passage. Representative Mascaro commented.

S.B. 138 passed on the following roll call:

Yeas, 70; Nays, 1; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Frank Froerer
Garn K Gibson Gowans Greenwood
Grover Hansen Harper Hemingway
Hendrickson Herrod Holdaway Hunsaker
Hutchings Ipson Johnson King
Kiser Last Litvack Mascaro
Mathis McIff Menlove Morley
Moss Newbold Oda Poulson
Powell Ray Riesen Sandstrom
Seelig Sumsion Vickers Wallis
Watkins Webb Wheatley Wilcox
Wiley Wimmer Winn D. Clark

Garn K Gibson Gowans Greenwood
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Mathis McIff Menlove Morley
Moss Newbold Oda Poulson
Powell Ray Riesen Sandstrom
Seelig Sumsion Vickers Wallis
Watkins Webb Wheatley Wilcox
Wiley Wimmer Winn D. Clark
Voting in the negative was: Representative
Johnson

Absent or not voting were: Representatives
Daw Hughes Lockhart Painter

S.B. 138 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

THIRD READING CALENDAR

H.B. 273, CONTRACTING FOR INTER–FACILITY MEDICAL TRANSPORTS, Noel, read the third time by short title and placed on its final passage.

On motion of Representative Noel, the House voted to circle H.B. 273.

* * *

H.B. 138, EXPUNGEMENT OF RECORDS AMENDMENTS, Julie Fisher, read the third time by short title and placed on its final passage.

H.B. 138, as amended, passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Ferry Janice Fisher
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**Absent or not voting were:** Representatives
Daw Painter Sumision

**H.B. 138**, as amended, transmitted to the Senate for its consideration.

* * *


**H.B. 251**, as amended, passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

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Absent or not voting were: Representatives
Daw Painter Winn

H.B. 251, as amended, transmitted to the Senate for its consideration.

* * *

H.B. 298, JUVENILE TRANSFERS FROM JUSTICE COURT, McIff, read the third time by short title and placed on its final passage.

H.B. 298 passed on the following roll call:

Yeas, 69; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez−Houck S. Clark Cosgrove
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Frank Froerer
Garn F Gibson K Gibson Gowans
Greenwood Grover Hansen Harper
Hemingway Hendrickson Herrod Holdaway
Hunsaker Hutchings Ipson Johnson
King Kiser Last Litvack
Lockhart Mathis McIff Menlove
Morley Moss Newbold Oda
Poulson Powell Ray Riesen
Sandstrom Seegmiller Seelig Sumption
Vickers Wallis Watkins Webb
Wheatley Wilcox Wiley Wimmer
D. Clark

Absent or not voting were: Representatives
Daw Hughes Mascaro Noel
Painter Winn
H.B. 298 transmitted to the Senate for its consideration.

* * *

H.B. 37, VIOLENT OFFENSES AMENDMENTS, Seelig, read the third time by short title and placed on its final passage. Representatives Wimmer and Hutchings commented.

On motion of Representative Biskupski, the House voted to circle H.B. 37.

* * *

H.B. 122, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, Aagard, read the third time by short title and placed on its final passage.

Representative Aagard proposed the following amendment:

1. Page 1, Lines 21 through 23
   House Committee Amendments 2–9–2009
   21 prohibits a governmental entity’s chief administrative officer, the records
   22 committee, and a court from releasing certain protected records via means of a
   23 balancing test unless it is determined, by clear and convincing evidence, that the public interest favoring access to the record outweighs the interest favoring restriction of access to the record; and

2. Page 18, Lines 547 through 550:
   547 63G–2–406. Restrictions on release of certain enforcement and litigation records.
   548 { The provisions of Subsections 63G–2–401(6), 63G–2–403(11)(b), and 63G–2–404(8)(a) do not apply to records that are classified as protected under Subsection 63G–2–305(9), (10), (16), (17), (18), (23), (24), or (33). } Records that are classified as protected under Subsections 63G–2–305(9), (10), (16), (17), (18), (23), (24), or (33) may be ordered to be disclosed under the provisions of Subsections 63G–2–401(6), 63G–2–403(11)(b), and 63G–2–404(8)(a) only if the person or party seeking disclosure of the record has
established, by clear and convincing evidence, that the public interest favoring access outweighs the interest in favoring restriction of access.

Representative Litvack commented. Representative Aagard’s motion to amend passed on a voice vote.

Representative King commented.

###

Representative Dougall proposed the following amendment:

1. Page 1, Line 20:
   Insert “and” at the end of the line.

2. Page 1, Lines 21–23:
   Delete lines 21 through 23.

3. Page 11, Line 315 through 550:
   Delete lines 315 through 550.

Representative Powell commented. Representative Dougall’s motion to amend failed on a voice vote.

###

Representative Powell proposed the following amendment:

1. Page 5, Line 135:
   Delete “anticipated” and insert “reasonably imminent”

2. Page 6, Line 164:
   Delete “anticipated” and insert “reasonably imminent”

Representative Powell’s motion to amend failed on a voice vote.

**H.B. 122**, as amended, passed on the following roll call:

**Yeas, 43; Nays, 27; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

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Voting in the negative were: Representatives

Absent or not voting were: Representatives
Bird Daw Ipson Noel Painter

H.B. 122, as amended, transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Seelig, the House voted to uncircle H.B. 37.

H.B. 37, VIOLENT OFFENSES AMENDMENTS, Seelig, was before the House on its final passage. Representative Hutchings commented.

H.B. 37, as amended, passed on the following roll call:

Y eas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Hughes  Hunsaker  Hutchings  Ipson
Johnson  King  Kiser  Last
Litvack  Lockhart  Mascaro  Mathis
McIff  Menlove  Morley  Moss
Newbold  Noel  Oda  Poulson
Powell  Ray  Riesen  Sandstrom
Seegmiller  Seelig  Sumption  Vickers
Wallis  Watkins  Webb  Wheatley
Wilcox  Wiley  Wimmer  Winn

Absent or not voting were: Representatives
Daw  Painter  D. Clark

H.B. 37, as amended, transmitted to the Senate for its consideration.

THIRD READING CALENDAR

H.B. 129, ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS, Oda, read the third time by short title and placed on its final passage.

Representative Oda proposed the following amendment:

1. Page 6, Lines 175 through 176

175 (2) “Retail licensee” means a person licensed under this { chapter } title to sell an alcoholic beverage at retail.

Representative Oda’s motion to amend passed on a voice vote.

H.B. 129, as amended, passed on the following roll call:

Yeas, 64; Nays, 0; Absent or not voting, 11.

Voting in the affirmative were: Representatives
Aagard  Allen  Beck  Bigelow
Bird  Biskupski  Black  Brown
Chavez–Houck  Cosgrove  Dee  Dougall
Draxler  S Duckworth  Dunnigan  Ferry
Janice Fisher  Julie Fisher  Fowlke  Frank
Froerer  Garn  F Gibson  K Gibson
Greenwood  Grover  Harper  Hemingway
Hendrickson  Herrod  Holdaway  Hughes
Hunsaker  Hutchings  Ipson  Johnson
* * *

**H.B. 136, SEX OFFENDER DEFINITION AMENDMENTS**, Ray, read the third time by short title and placed on its final passage.

Representative Frank proposed the following amendment:

1. Page 1, Line 14

   14 register as a sex offender, if the person is convicted of either offense
   \{ two \} \three \ or more

2. Page 1, Line 16:

   16 \[\text{one time each of} \]
   \{ a total of three times of the offenses \}
   lewdness and sexual battery,

3. Page 4, Line 108:

   108 \{ two \} \three \ or more times;

4. Page 4, Lines 110 through 112:

   110 offense \{ two \} \three \ or more times;

   111 (S) (i) one violation of Subsection 76–9–702(1), lewdness, and \{ one violation \} two violations of Subsection 76–9–702(3), sexual battery; or

   (ii) one violation of Subsection 76–9–702(3), sexual battery, and two violations of Subsection 76–9–702(1), lewdness;
Representative Frank’s motion to amend passed on a voice vote.

Representatives Fowlke, Litvack, and Cosgrove commented.

**H.B. 136**, as amended, passed on the following roll call:

**Yeas, 66; Nays, 2; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

| Fowlke | Kiser |

**Absent or not voting were:** Representatives

| Barrus | S. Clark | Daw | Gowans |
| Painter | Seelig | D. Clark |

**H.B. 136**, as amended, transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Garn, and at 3:50 p.m., the House voted to adjourn until February 19, 2009, at 10:00 a.m.
TWENTY-FOURTH DAY

MORNING SESSION

The House was called to order by Speaker Clark at 10:00 a.m.

Roll call showed all members present except Representative Kerry Gibson, excused.

Prayer offered by Representative Stephen Clark. Pledge of Allegiance led by Representative Stephen Clark’s daughters, Courtney Clark Kendrick and Lucy Clark Beesley.

COMMITTEE OF THE WHOLE

On motion of Representative Garn, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing from U.S. Congressman Rob Bishop.

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

TIME CERTAIN CALENDAR

1st Sub. H.B. 165, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, Newbold, read the third time by short title and placed on its final passage. Representatives King and Duckworth commented.

1st Sub. H.B. 165 passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Chavez–Houck  S. Clark  Cosgrove  Daw
Dougall  Draxler  S Duckworth  Dunnigan
Edwards  Ferry  Janice Fisher  Julie Fisher
Fowlke  Frank  Froerer  Garn
F Gibson  Gowans  Greenwood  Grover
Hansen  Harper  Hemingway  Hendrickson
Absent or not voting were: Representatives
Brown Dee K Gibson

1st Sub. H.B. 165 transmitted to the Senate for its consideration.

* * *

1st Sub. H.B. 188. HEALTH SYSTEM REFORM – INSURANCE MARKET, D. Clark, read the third time by short title and placed on its final passage.

Representative D. Clark proposed the following amendment:

1. Page 11, Line 327

   327 (A) not less than $1,500 per person for major medical expenses; and

2. Page 19, Line 570:

   570 December 31, 2009; and

3. Page 23, Line 680:

   680 (v) Section 31A−22−628, Standing referral to a specialist; and

4. Page 40, Lines 1219 through 1221:

   1219 (1) (a) Beginning January 1, 2010, and during the open enrollment period described in Section 31A−30−208, an eligible small employer may choose to participate in

   1220 (b) Beginning January 1, 2012, and during the open enrollment period described in Section 31A−30−208, an eligible large employer may choose to participate in
5. Page 40, Lines 1225 through 1227:

1225  (2) (a) Participating insurers:  
      (i) shall offer to accept all eligible employees of an employer  
1226 described in Subsection (1), and their dependents at the same level  
1227 of benefits as anyone else; and  
      (ii) may not impose a premium surcharge under Section  
31A−30−106.7 in the defined contribution market; and  

6. Page 52, Line 1579:

1579 and small employer group plans on the Internet portal if the  
insurer’s plans are offered to the general public;  

7. Page 54, Line 1667:

1667 provide insurance may play in the defined contribution market  
portal; { and }  

8. Page 54, Line 1669:

1669 public involved in the process of health care reform;  
(m) the development of a process to help the public understand the  
circumstances underlying significant cost increase within the healthcare  
market or regional treatment variances; and  
(n) the consideration of insurance reimbursement disincentives for  
a healthcare provider to choose the most effective and efficient treatment  
method for a patient;  

Representative D. Clark’s motion to amend passed on a voice vote.  

###  

Representative Dunnigan proposed the following amendment:

1. Page 27, Line 832 through Page 28, Line 833

832 administrator for the placement of a health benefit plan unless prior to the customer’s  
833 of a health benefit plan the producer;  


Representative Dunnigan’s motion to amend passed on a voice vote.

Representatives S. Clark, Holdaway, Dee, Biskupski, Mascaro, Beck, Sumson, Hemingway, Hutchings, and F. Gibson commented.

1st Sub. H.B. 188, as amended, passed on the following roll call:

**Yeas, 64; Nays, 4; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

| Morley | Oda | Sumson | Wimmer |

**Absent or not voting were:** Representatives

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1st Sub. H.B. 188, as amended, transmitted to the Senate for its consideration.

* * *

1st Sub. H.B. 331, HEALTH REFORM – HEALTH INSURANCE COVERAGE IN STATE CONTRACTS, Dunnigan, read the third time by short title and placed on its final passage.
On motion of Representative Dunnigan, the House voted to delete 1st Sub. H.B. 331 in title and body and insert 2nd Sub. H.B. 331 in lieu thereof.

2nd Sub. H.B. 331 passed on the following roll call:

Yea, 58; Nays, 12; Absent or not voting, 5.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Chavez-Houck  S. Clark  Cosgrove  Daw
Dee  S Duckworth  Dunnigan  Edwards
Ferry  Janice Fisher  Julie Fisher  Froerer
Garn  Gowans  Greenwood  Grover
Harper  Hemingway  Hendrickson  Herrod
Holdaway  Hutchings  Ipson  Johnson
King  Last  Litvack  Lockhart
Mascaro  McIff  Menlove  Moss
Noel  Oda  Painter  Poulsen
Powell  Ray  Riesen  Seegmiller
Seelig  Vickers  Wallis  Watkins
Webb  Wheatley  Wiley  Wimmer
Winn  D. Clark

Voting in the negative were: Representatives

Dougall  Fowlke  Frank  F Gibson
Hughes  Kiser  Mathis  Morley
Newbold  Sandstrom  Sumson  Wilcox

Absent or not voting were: Representatives

Brown  Draxler  K Gibson  Hansen
Hunsaker

2nd Sub. H.B. 331 transmitted to the Senate for its consideration.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker:

February 19, 2009

The Senate passed, as amended, S.J.R. 5, JOINT RESOLUTION URGING PRESIDENTIAL SUPPORT OF TAIWAN’S PARTICIPATION IN
SPECIALIZED AGENCIES OF THE UNITED NATIONS, by Senator M. Waddoups, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. S.J.R. 5 read the first time by short title and referred to the Rules Committee. On motion of Representative Lockhart, under suspension of the rules, the House voted to lift the bill from the Rules Committee, consider it read the second time by short title and set for Time Certain today at 2:15 p.m.

INTRODUCTION OF BILLS

H.B. 395, Medical Services Amendments (P. Ray), read the first time by short title and referred to the Rules Committee.

H.J.R. 27, Criminal Procedure Revisions Resolution (W. Harper), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 100, FINANCIAL AND ECONOMIC LITERACY EDUCATION AMENDMENTS, Poulson, read the third time by short title and placed on its final passage.

S.B. 100 passed on the following roll call:

Y eas, 65; Nays, 0; Absent or not voting, 10.

Voting in the affirmative were: Representatives

Aagard       Allen       Barrus       Beck
Bigelow      Bird        Biskupski    Black
Brown        Chavez–Houck S. Clark    Cosgrove
Daw          Dee         Dougall     Draxler
S Duckworth  Dunnigan    Edwards      Janice Fisher
Julie Fisher  Fowlke      Frank       Froerer
Garn         F Gibson     Gowans      Greenwood
Grover       Hansen      Harper       Holdaway
Hughes       Hunsaker    Hutchings    Ipson
Johnson      King        Kiser        Last
Litvack       Lockhart    Mascaro     Mathis
McCaffrey    Menlove     Moss         Newbold
Noel         Poulson     Powell       Ray
Sandstrom    Seegmiller  Seelig       Sumision
Absent or not voting were: Representatives
Ferry        K Gibson       Hemingway       Hendrickson
Herrod       Morley        Oda             Painter
Riesen       Wimmer

S.B. 100 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, the House voted to recess until 2:00 p.m.

AFTERNOON SESSION

The House was called to order by Speaker Clark at 2:00 p.m.

Representatives Kerry Gibson and Evan Vickers, excused.

RULES COMMITTEE REPORT

Mr. Speaker: February 19, 2009

The Rules Committee recommends the following bills and resolutions be assigned to standing committees:

BUSINESS AND LABOR
H.B. 349    Heavy Beer Amendments (Rep. C. Oda)
H.B. 394    Uniform Building Code Commission Amendments
            (Rep. C. Wimmer)
H.B. 409    Education Building Projects Zoning Exemption
            Amendments (Rep. C. Wimmer)
S.B. 140    Financial Institutions Disclosure of Records
            (Sen. M. Dayton)

GOVERNMENT OPERATIONS
H.B. 400    Pete Suazo Utah Athletic Commission Amendments
            (Rep. C. Oda)

HEALTH AND HUMAN SERVICES
H.B. 340    Respite Care Assistance Fund (Rep. J. Draxler)
LAW ENFORCEMENT AND CRIMINAL JUSTICE

NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT
H.B. 388 Highway Access to State Parks or Sovereign Lands
  (Rep. R. Barrus)
H.J.R. 24 Joint Resolution Approving Water Rights Form
  (Rep. B. Ferry)

POLITICAL SUBDIVISIONS
1st Sub. S.B. 135 Local District Taxing Authority (Sen. C. Bramble)

REVENUE AND TAXATION
S.B. 141 Aviation Fuel Tax Amendments (Sen. W. Niederhauser)

TRANSPORTATION
H.B. 337 Choose Life Special Group License Plate
  (Rep. C. Herrod)
S.B. 50 Restricting the Movement of a Motor Vehicle
  (Sen. B. Goodfellow)

Report filed. On motion of Representative Lockhart, the report of the Rules
Committee was adopted.

RULES COMMITTEE REPORTS

Mr. Speaker: February 19, 2009

The Rules Committee recommends that H.J.R. 9, Joint Resolution on
Cost–effective Energy Efficiency and Utility Demand–side Management
(Rep. R. Barrus), be lifted from the Natural Resources, Agriculture and
Environment Standing Committee and be reassigned to the Public Utilities and
Technology Standing Committee.

Ben C. Ferry, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules
Committee was adopted.
Mr. Speaker:

The Rules Committee recommends that 1st Sub. S.B. 36, Sales and Use Tax Amendments (Sen. C. Bramble), be placed on the Third Reading Calendar for Senate bills.

Ben C. Ferry, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

Mr. Speaker:

The House Rules Committee recommends, with written request of the sponsor, that H.B. 318, Construction Trades Licensing Amendments (Rep. B. King), be amended as follows and further recommends it be assigned to the Business and Labor Standing Committee.

1. Page 1, Line 27 through Page 2, Line 33:

27 (1) (a) When a contractor receives [any] construction funds from an owner, lender, or another contractor or work performed and billed, he shall pay each of his subcontractors and suppliers] the contractor shall, for each subcontractor or supplier with whom the contractor is in privity of contract:

30 (a) (i) hold the construction funds in trust; and

31 (b) (ii) pay each subcontractor and supplier in proportion to the percentage of the work they] the subcontractor performed or goods the supplier provided under that billing, unless otherwise agreed by contract.

(b) A contractor under Subsection (1)(a)(i) may create a separate construction fund trust account.

Ben C. Ferry, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.
Mr. Speaker: February 19, 2009

The Government Operations Committee reports a favorable recommendation on **H.B. 312**, AMENDED CAMPAIGN FINANCE FILINGS, by Representative S. Allen; and

The Government Operations Committee reports a favorable recommendation on **H.B. 323**, AMENDMENTS REGARDING NOTICE ON UTAH PUBLIC NOTICE WEBSITE, by Representative B. Winn, with the following amendments:

1. Page 5, Line 130:
   
   130 Subsection (2)(b)(iii)(C)(V)(Aa) or for a private entity ; and


Craig A. Frank, Chair

Reports filed. On motion of Representative Grover, the reports of the Government Operations committee were adopted.


* * *

Mr. Speaker: February 19, 2009

The Political Subdivisions Committee reports a favorable recommendation on **H.B. 309**, COUNTY FISCAL PROCEDURES AMENDMENTS, by Representative C. Herrod, with the following amendments:

1. Page 1, Line 16:

   16 • (require the approval of) allow the transfer or expenditure if it is in accordance with budgetary and fiscal policies or ordinances adopted by the county legislative body;

2. Page 2, Line 39:

   39 (1) After review by the budget officer{,} and { with the approval of } in accordance with budgetary and fiscal policies or ordinances adopted by the county legislative; and
The Political Subdivisions Committee reports a favorable recommendation on H.B. 375, LOCAL GOVERNMENT RECORDS AMENDMENTS, by Representative R. Wilcox, and recommends it be placed on the Consent Calendar.

Fred R. Hunsaker, Chair

Reports filed. On motion of Representative Hunsaker, the reports of the Political Subdivisions committee were adopted.

H.B. 309, as amended, read the second time by short title and placed on the Third Reading Calendar.

H.B. 375 read the second time by short title and placed on the Consent Calendar.

* * *

Mr. Speaker: February 19, 2009

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 184, INCOME TAX CREDIT FOR A DISABLED DEPENDENT, by Representative J. Dougall; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 108, TAX COMMISSION ADMINISTRATION, COLLECTION, AND ENFORCEMENT AMENDMENTS, by Senator W. Niederhauser, and recommends it be placed on the Consent Calendar.

Todd E. Kiser, Chair

Reports filed. On motion of Representative Kiser, the reports of the Revenue and Taxation committee were adopted.

H.B. 184 read the second time by short title and placed on the Third Reading Calendar.

S.B. 108 read the second time by short title and placed on the Consent Calendar.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 19, 2009

The Senate passed, as amended, H.B. 27, PROTECTIONS FOR AGRICULTURAL PRACTICES, by Representative M. Morley, and it is transmitted for further consideration; and

The Senate passed, as amended, H.B. 53, DRIVER LICENSE AMENDMENTS – MOTOR DRIVEN CYCLES, by Representative T. Kiser, and it is transmitted for further consideration; and
The Senate passed, as amended, **1st Sub. H.B. 90**, ABORTION LAW AMENDMENTS, by Representative P. Ray, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate


***

Mr. Speaker: February 19, 2009

The Senate concurred in the House amendments and passed **1st Sub. S.B. 31**, UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT, by Senator W. Niederhauser, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **1st Sub. S.B. 117**, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS, by Senator A. Christensen, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **2nd Sub. S.J.R. 1**, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM, by Senator P. Jones, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **1st Sub. S.B. 31, 1st Sub. S.B. 117, 2nd Sub. S.J.R. 1** signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

**JOINT CONFERENCE COMMITTEE REPORT**

Mr. Speaker: February 18, 2009


Scott Jenkins, Senate Chair  
Mike Noel, House Chair

Report filed. On motion of Representative Noel, the House voted to adopt the Conference Committee Report.
**2nd Sub. S.B. 22** passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

| Bigelow | S. Clark | K Gibson | Last |
| Morley | Vickers |

**2nd Sub. S.B. 22** was transmitted to the Senate for further consideration.

**INTRODUCTION OF BILLS**

**H.B. 183, National Animal Identification System** (M. Brown), read the first time by short title and referred to the Rules Committee.

**H.B. 405, Geothermal Pool Amendments** (K. Sumzion), read the first time by short title and referred to the Rules Committee.

**H.B. 450, Trademark Amendments** (B. Last), read the first time by short title and referred to the Rules Committee.

**TIME CERTAIN CALENDAR**

On motion of Representative Lockhart, the House voted to suspend the 24 hour rule and consider **S.J.R. 5**.
S.J.R. 5, JOINT RESOLUTION URGING PRESIDENTIAL SUPPORT OF TAIWAN’S PARTICIPATION IN SPECIALIZED AGENCIES OF THE UNITED NATIONS, Lockhart, read the third time by short title and placed on its final passage.

S.J.R. 5 passed on the following roll call:

Yeas, 69; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bird Biskupski Black Brown
Chavez–Houck Cosgrove Daw Dee
Dougall Draxler S Duckworth Dunnigan
Edwards Ferry Janice Fisher Julie Fisher
Fowlke Frank Froerer Garn
F Gibson Gowans Greenwood Grover
Hansen Harper Hemingway Hendrickson
Herrod Holdaway Hughes Hunsaker
Hutchings Ipson Johnson King
Kiser Litvack Lockhart Mascaro
Mathis McIff Menlove Moss
Newbold Noel Oda Painter
Poulson Powell Ray Riesen
Sandstrom Seegmiller Seelig Sumision
Wallis Watkins Webb Wheatley
Wilcox Wiley Wimmer Winn
D. Clark

Absent or not voting were: Representatives
Bigelow S. Clark K Gibson Last
Morley Vickers

S.J.R. 5 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

COMMITTEE OF THE WHOLE

On motion of Representative Lockhart, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing from Thomas J.C. Chen, Director General, Taipei Economic and Cultural Office in San Francisco.
On motion of Representative Lockhart, the Committee of the Whole was dissolved.

THIRD READING CALENDAR

S.B. 115, PAYMENT OF MOBILE HOME PARK RELOCATION EXPENSES, Hughes, read the third time by short title and placed on its final passage.

On motion of Representative Hughes, the House voted to circle S.B. 115.

***

S.B. 158, CHILD SUPPORT – CASH MEDICAL SUPPORT, Last, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle S.B. 158.

***

S.J.R. 7, JOINT RESOLUTION DESIGNATING MAY 2009 AS UTAH LIONS CLUB EYESIGHT PRESERVATION MONTH, Bigelow, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle S.J.R. 7.

***

S.B. 85, HOMICIDE AMENDMENTS, Ipson, read the third time by short title and placed on its final passage.

S.B. 85 passed on the following roll call:

Yeas, 66; Nays, 0; Absent or not voting, 9.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bird Biskupski Black Chavez–Houck
Cosgrove Daw Dee Dougall
Draxler S Duckworth Dunnigan Edwards
Ferry Janice Fisher Julie Fisher Fowlke
Frank Froerer Garn F Gibson
Gowans Greenwood Grover Harper
Hemingway Hendrickson Herrod Holdaway
S.B. **85** was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

**S.B. 145, PUBLIC SAFETY RETIREES DEATH BENEFIT REVISIONS,** Greenwood, read the third time by short title and placed on its final passage.

Representative Hansen declared a conflict of interest because he has two brothers in law enforcement.

**S.B. 145** passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

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Absent or not voting were: Representatives
Bigelow Bird S. Clark Garn
K Gibson Last Morley Vickers

S.B. 145 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

THIRD READING CALENDAR

H.B. 112, VEHICLE TOWING AMENDMENTS, Kiser, read the third time by short title and placed on its final passage. Representative Greenwood commented.

H.B. 112 passed on the following roll call:

Y eas, 67; Nays, 0; Absent or not voting, 8.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bird Biskupski Black Brown
Chavez–Houck Cosgrove Daw Dee
Dougall Draxler S Duckworth Dunnigan
Edwards Ferry Janice Fisher Julie Fisher
Fowlke Frank Froerer Garn
F Gibson Gowans Greenwood Grover
Hansen Harper Hemingway Hendrickson
Herrod Holdaway Hughes Hunsaker
Hutchings Ipson King Kiser
Litvack Lockhart Mascaro Mathis
McIff Menlove Morley Moss
Newbold Noel Oda Painter
Poulson Powell Ray Riesen
Sandstrom Seegmiller Sumson Wallis
Watkins Webb Wheatley Wilcox
Wiley Wimmer Winn

Absent or not voting were: Representatives
Bigelow S. Clark K Gibson Johnson
Last Seelig Vickers D. Clark
H.B. 112 transmitted to the Senate for its consideration.

***

H.B. 272, UTAH SCENIC BYWAY DESIGNATION AMENDMENTS, Herrod, read the third time by short title and placed on its final passage.

On motion of Representative Herrod, the House voted to circle H.B. 272.

***

H.B. 297, BUDGETARY PROCEDURES ACT RECODIFICATION, Bigelow, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle H.B. 297.

***

H.R. 2, ECUMENICAL PATRIARCH HOUSE RESOLUTION, Hughes, read the third time by short title and placed on its final passage.

H.R. 2 passed on the following roll call:

Yeas, 67; Nays, 0; Absent or not voting, 8.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bird  Biskupski  Black  Brown
Chavez–Houck  Cosgrove  Daw  Dee
Dougall  Draxler  S Duckworth  Dunnigan
Edwards  Ferry  Janice Fisher  Julie Fisher
Fowlke  Frank  Froerer  Garn
F Gibson  Gowans  Greenwood  Grover
Harper  Hemingway  Hendrickson  Herrod
Holdaway  Hughes  Hunsaker  Hutchings
Ipson  King  Kiser  Litvack
Lockhart  Mascaro  Mathis  McIff
Menlove  Morley  Moss  Newbold
Noel  Oda  Painter  Poulson
Powell  Ray  Riesen  Sandstrom
Seegmiller  Sumasion  Wallis  Watkins
Webb  Wheatley  Wilcox  Wiley
Wimmer  Winn  D. Clark
Absent or not voting were: Representatives
Bigelow               S. Clark            K Gibson            Hansen
Johnson               Last                Seelig              Vickers

H.R. 2 was signed by the Speaker and referred to staff for enrolling and transmission to the Lt. Governor.

UNFINISHED BUSINESS

On motion of Representative Painter, the House voted to uncircle H.J.R. 12.

H.J.R. 12, JOINT RESOLUTION SUPPORTING HYDROGEN POWER FROM ADVANCED COAL AND CARBON CAPTURE AND SEQUESTRATION TECHNOLOGY, Painter, was before the House on its final passage.

On motion of Representative Painter, the House voted to delete H.J.R. 12 in title and body and insert 1st Sub. H.J.R. 12 in lieu thereof.

1st Sub. H.J.R. 12 passed on the following roll call:

Yeas, 67; Nays, 0; Absent or not voting, 8.

Voting in the affirmative were: Representatives
Aagard                Allen               Barrus              Beck
Bird                  Black               Brown               Chavez–Houck
Cosgrove              Daw                 Dee                 Dougall
Draxler               S Duckworth        Dunnigan            Edwards
Ferry                 Janice Fisher       Julie Fisher        Fowlke
Frank                 Roerer              Garn                F Gibson
Gowans                Greenwood          Grover              Harper
Hemingway             Hendrickson        Herrod              Holdaway
Hughes                Hunsaker           Hutchings           Johnson
King                  Kiser               Litvack             Lockhart
Mascaro               Mathis              McLff               Menlove
Morley                Moss                Newbold             Noel
Oda                   Painter             Poulson             Powell
Ray                   Riesen              Sandstrom           Seegmiller
Seelig                Sumsion            Wallis              Watkins
Webb                  Wheatley           Wilcox              Wiley
Wimmer                Winn                D. Clark

Absent or not voting were: Representatives
Bigelow               Biskupski           S. Clark            Hansen
Hansen                Ipson               Last                Vickers
1st Sub. H.J.R. 12 transmitted to the Senate for its consideration.

THIRD READING CALENDAR

1st Sub. H.B. 66, PROPERTY TAX AMENDMENTS, Newbold, read the third time by short title and placed on its final passage.

On motion of Representative Newbold, the House voted to delete 1st Sub. H.B. 66 in title and body and insert 2nd Sub. H.B. 66 in lieu thereof.

On motion of Representative Newbold, the House voted to circle 2nd Sub. H.B. 66.

* * *

H.B. 286, REGULATION OF LENDING BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS, Garn, read the third time by short title and placed on its final passage.

H.B. 286 passed on the following roll call:

Voting in the affirmative were: Representatives

Aagard    Allen    Barrus    Beck
Bird      Biskupski Black      Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee      Dougall    Draxler    S Duckworth
Dunnigan Edwards    Ferry      Janice Fisher
Julie Fisher Fowlke    Frank      Garn
F Gibson Greenwood    Grover      Hansen
Harper Hemingway Hendrickson Holdaway
Hughes Hunsaker Hutchings Ipson
King      Kiser      Litvack    Lockhart
Mascaro Mathis    McIlff      Menlove
Morley Moss      Newbold    Noel
Oda      Painter    Poulson    Powell
Ray      Riesen    Sandstrom  Seegmiller
Seelig Sumasion    Wallis      Watkins
Webb Wheatley Wilcox    Wiley
Winn D. Clark

Absent or not voting were: Representatives

Bigelow  Froerer K Gibson Gowans
Herrod  Johnson Last  Vickers
Wimmer
H.B 286 transmitted to the Senate for its consideration.

***

1st Sub. H.J.R. 8, JOINT RESOLUTION REGARDING SECRET BALLOT, Wimmer, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle 1st Sub. H.J.R. 8.

***

1st Sub. H.B. 207, CONCURRENT ENROLLMENT AMENDMENTS, Holdaway, read the third time by short title and placed on its final passage.

1st Sub. H.B. 207 passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

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1st Sub. H.B. 207 transmitted to the Senate for its consideration.
H.B. 210, POSTING OF COLLECTIVE BARGAINING AGREEMENTS BY SCHOOL DISTRICTS, Sumision, read the third time by short title and placed on its final passage.

On motion of Representative Sumision, the House voted to delete H.B. 210, POSTING OF COLLECTIVE BARGAINING AGREEMENTS BY SCHOOL DISTRICTS, in title and body and insert 1st Sub. H.B. 210, POSTING OF COLLECTIVE BARGAINING AGREEMENTS BY SCHOOL DISTRICTS AND CHARTER SCHOOLS, in lieu thereof and consider it read for the first, second, and third times by short title, under suspension of the rules.

Representatives Hemingway, Moss, Holdaway, and Grover commented.

1st Sub. H.B. 210 passed on the following roll call:

Yeas, 49; Nays, 20; Absent or not voting, 6.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Bird
Brown  S. Clark  Daw  Dee
Dougall  Draxler  Dunnigan  Edwards
Ferry  Julie Fisher  Fowlke  Frank
Froerer  F Gibson  Greenwood  Grover
Harper  Herrod  Holdaway  Hughes
Hunsaker  Hutchings  Ipson  Kiser
Lockhart  Mascaro  Mathis  McIff
Menlove  Morley  Newbold  Noel
Oda  Painter  Powell  Ray
Sandstrom  Seegmiller  Sumision  Wallis
Webb  Wilcox  Wimmer  Winn
D. Clark

Voting in the negative were: Representatives

Beck  Biskupski  Black  Chavez–Houck
Cosgrove  Janice Fisher  Gowans  Hansen
Hemingway  Hendrickson  Johnson  King
Litvack  Moss  Poulson  Riesen
Seelig  Watkins  Wheatley  Wiley

Absent or not voting were: Representatives

Bigelow  S Duckworth  Garn  K Gibson
Last  Vickers
1st Sub. H.B. 210 transmitted to the Senate for its consideration.

* * *

H.B. 254, HEALTH PROFESSIONAL AUTHORITY – DEATH CERTIFICATES, Dee, read the third time by short title and placed on its final passage.

On motion of Representative Dee, the House voted to circle H.B. 254.

* * *


On motion of Representative Wimmer, the House voted to delete 1st Sub. H.B. 100 in title and body and insert 2nd Sub. H.B. 100 in lieu thereof.

Representatives Ipson, Draxler, Hemingway, Holdaway, Bigelow, and Noel commented.

A motion by Representative Frank to end debate failed on the following roll call:

Yeas, 38; Nays, 36; Absent or not voting, 1.

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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Representative Wheatley commented and declared a conflict of interest because he works for Salt Lake Community College.

On motion of Representative Garn, the House voted to circle 2nd Sub. H.B. 100.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 19, 2009

The Senate substituted and passed, Senate 2nd Sub. H.B. 23, CERTIFIED TAX RATE AMENDMENTS, by Representative F. Hunsaker, and it is transmitted for further consideration; and

The Senate passed, as amended, H.B. 67, PUBLIC HEARINGS ON PROPERTY TAX INCREASES, by Representative G. Froerer, and it is transmitted for further consideration; and

The Senate substituted and passed, Senate 1st Sub. H.B. 236, DEPARTMENT OF COMMUNITY AND CULTURE GRANTS, by Representative S. Allen, and it is transmitted for further consideration.


MISCELLANEOUS BUSINESS

On motion of Representative Garn, and at 4:00 p.m., the House voted to adjourn until February 20, 2009, at 10:00 a.m.
TWENTY–FIFTH DAY

* * *

MORNING SESSION

The House was called to order by Speaker Clark at 10:05 a.m.

Roll call showed all members present.

Prayer offered by Representative Brad Daw. Pledge of Allegiance led by Representative Daw’s nephew, Logan Wells.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 19, 2009

The Senate passed, H.B. 21, AMENDMENTS TO DRIVER LICENSE SANCTION REQUIREMENTS, by Representative R. Greenwood, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 28, PERSONAL PROPERTY TAX AMENDMENTS, by Representative C. Frank, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. H.B. 21 and H.B. 28 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

INTRODUCTION OF BILLS

H.B. 171, Legal Immigrant Children Health Care Amendments (K. Holdaway), read the first time by short title and referred to the Rules Committee.

H.B. 407, Regulation of Private Instruction Swimming Pools (G. Hughes), read the first time by short title and referred to the Rules Committee.

H.B. 454, Small Employer Group Reinsurance Pool (J. Biskupski), read the first time by short title and referred to the Rules Committee.

H.B. 455, Court Security Restricted Account (E. Hutchings), read the first time by short title and referred to the Rules Committee.
CONCURRENCE CALENDAR

On motion of Representative Kiser, the House voted to concur in the Senate amendments to H.B. 53, DRIVER LICENSE AMENDMENTS – MOTOR DRIVEN CYCLES.

H.B. 53, as amended by the Senate, passed on the following roll call:

Yeas, 63; Nays, 0; Absent or not voting, 12.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bird Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dougall Draxler S Duckworth Dunnigan
Edwards Ferry Janice Fisher Fowlke
Frank Froerer Garn K Gibson
Gowans Greenwood Grover Hansen
Harper Hemingway Hendrickson Herrod
Holdaway Hunsaker Hutchings Ipson
Johnson King Kiser Lockhart
Mascaro McIff Menlove Newbold
Noel Oda Painter Poulson
Powell Riesen Seegmiller Seelig
Sumption Vickers Wallis Watkins
Webb Wheatley Wilcox Wiley
Wimmer Winn D. Clark

Absent or not voting were: Representatives
Bigelow Dee Julie Fisher F Gibson
Hughes Last Litvack Mathis
Morley Moss Ray Sandstrom

H.B. 53, as amended by the Senate, transmitted to the Senate for signature of President.

***

On motion of Representative Hunsaker, the House voted to concur in the Senate amendments to 2nd Sub. H.B. 23, CERTIFIED TAX RATE AMENDMENTS.

2nd Sub. H.B. 23, as amended by the Senate, passed on the following roll call:
Yeas, 66; Nays, 0; Absent or not voting, 9.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives

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2nd Sub. H.B. 23, as amended by the Senate, transmitted to the Senate for signature of President.

***

On motion of Representative Froerer, the House voted to concur in the Senate amendments to H.B. 67, PUBLIC HEARINGS ON PROPERTY TAX INCREASES.

H.B. 67, as amended by the Senate, passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives

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Seegmiller
Wallis
Wilcox
D. Clark

Absent or not voting were: Representatives
Bigelow
Last
Sandstrom

H.B. 67, as amended by the Senate, transmitted to the Senate for signature of President.

On motion of Representative Morley, the House voted to concur in the Senate amendments to H.B. 27, PROTECTIONS FOR AGRICULTURAL PRACTICES.

H.B. 27, as amended by the Senate, passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard
Bird
Chavez–Houck
Dee
Edwards
Fowlke
K Gibson
Hansen
Herrod
Hutchings
Allen
Biskupski
S. Clark
Dougall
Ferry
Frank
Gowans
Harper
Holdaway
Ipson
Beck
Brown
Daw
Dunnigan
Julie Fisher
F Groerer
F Gibson
Hendrickson
Hunsaker
Johnson
King
Absent or not voting were: Representatives
Bigelow  Draxler  Garn  Last
Sandstrom

H.B. 27, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative Ray, the House voted to concur in the Senate amendments to 1st Sub. H.B. 90, ABORTION LAW AMENDMENTS.

1st Sub. H.B. 90, as amended by the Senate, passed on the following roll call:

Yeas, 51; Nays, 15; Absent or not voting, 9.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bird  Brown  S. Clark  Daw
Dee  Dougall  Dunnigan  Edwards
Ferry  Janice Fisher  Julie Fisher  Fowlke
Frank  Froerer  Garn  F Gibson
K Gibson  Greenwood  Grover  Harper
Hemingway  Herrod  Hughes  Hunsaker
Hutchings  Ipson  Lockhart  Mascaro
Mathis  McIff  Menlove  Morley
Newbold  Noel  Oda  Painter
Poulson  Powell  Ray  Seegmiller
Sumsion  Wallis  Webb  Wilcox
Wimmer  Winn  D. Clark

Voting in the negative were: Representatives
Biskupski  Black  Chavez–Houck  S Duckworth
Gowans  Hansen  Johnson  King
Litvack  Moss  Riesen  Seelig
Watkins  Wheatley  Wiley
Absent or not voting were: Representatives
Bigelow          Cosgrove         Draxler        Hendrickson
Holdaway         Kiser           Last           Sandstrom
Vickers

1st Sub. H.B. 90, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative Allen, the House voted to concur in the Senate amendments to 1st Sub. H.B. 236, DEPARTMENT OF COMMUNITY AND CULTURE GRANTS.

1st Sub. H.B. 236, as amended by the Senate, passed on the following roll call:

Yeas, 64; Nays, 7; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard           Allen           Barrus         Beck
Bird             Biskupski       Black          Chavez–Houck
S. Clark         Cosgrove        Dee            Draxler
S Duckworth      Dunnigan        Edwards        Ferry
Janice Fisher    Julie Fisher     Fowlke         Frank
Frorer           Garn            F Gibson       K Gibson
Gowans           Greenwood       Hansen         Harper
Hemingway        Hendrickson     Herrod         Holdaway
Hughes           Hunsaker        Hutchings      Ipson
Johnson          King            Kiser          Litvack
Lockhart         Mascaro         Mathis         McIff
Menlove          Moss            Newbold        Noel
Painter          Poulson         Powell         Ray
Riesen           Seegmiller      Seelig         Vickers
Wallis           Watkins         Webb           Wheatley
Wilcox           Wiley           Winn           D. Clark

Voting in the negative were: Representatives
Daw              Dougall         Grover         Morley
Oda              Sumesion        Wimmer

Absent or not voting were: Representatives
Bigelow          Brown          Last           Sandstrom
1st Sub. H.B. 236, as amended by the Senate, transmitted to the Senate for signature of President.

MISCELLANEOUS BUSINESS

On motion of Representative Ferry, the House voted to remove H.B. 197, REAUTHORIZATION OF ADMINISTRATIVE RULES, Ferry, from the Consent Calendar and place it at the bottom of the House Third Reading Calendar.

* * *

1st Sub. S.B. 126 signed by the Speaker (2–18–09) and is now returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

CONSENT CALENDAR

H.B. 329, WRONGFUL DEATH CLAIMS, Fowlke, read the third time by short title and placed on its final passage.

H.B. 329 passed on the following roll call:

Yeas, 68; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives

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H.B. 329 transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Harper, under suspension of the rules, the House voted to authorize a bill file be opened concerning income tax issues.

**CONSENT CALENDAR**

S.B. 112, OBSTRUCTION OF JUSTICE AMENDMENT, Seelig, read the third time by short title and placed on its final passage.

S.B. 112 passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

Voting in the affirmative were: Representatives


Absent or not voting were: Representatives

| Representative | Bigelow | Holdaway | Last | Painter |

S.B. 112 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

***

H.B. 324, MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS, F. Gibson, read the third time by short title and placed on its final passage.
H.B. 324 passed on the following roll call:

**Yea**s, 71; **Nay**s, 0; **Absent or not voting**, 4.

**Voting in the affirmative were:** Representatives

- Aagard
- Allen
- Barrus
- Beck
- Bird
- Biskupski
- Black
- Brown
- Chavez–Houck
- S. Clark
- Cosgrove
- Daw
- Dee
- Dougall
- Draxler
- S Duckworth
- Dunnigan
- Edwards
- Ferry
- Janice Fisher
- Julie Fisher
- Fowlke
- Frank
- Froerer
- Garn
- F Gibson
- K Gibson
- Gowans
- Greenwood
- Grover
- Hansen
- Harper
- Hemingway
- Hendrickson
- Herrod
- Hughes
- Hunsaker
- Hutchings
- Ipson
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- King
- Kiser
- Litvack
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- Menlove
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- Newbold
- Noel
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- Poulson
- Powell
- Ray
- Riesen
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- Seegmiller
- Seelig
- Sumsion
- Vickers
- Wallis
- Watkins
- Webb
- Wheatley
- Wilcox
- Wiley
- Wimmer
- Winn
- D. Clark

**Absent or not voting were:** Representatives

- Bigelow
- Holdaway
- Last
- Painter

H.B. 324 transmitted to the Senate for its consideration.

***


1st Sub. H.J.R. 5 passed on the following roll call:

**Yea**s, 68; **Nay**s, 0; **Absent or not voting**, 7.

**Voting in the affirmative were:** Representatives

- Aagard
- Allen
- Barrus
- Beck
- Bird
- Biskupski
- Black
- Brown
- Chavez–Houck
- S. Clark
- Cosgrove
- Daw
Absent or not voting were: Representatives
Bigelow Greenwood Hansen Holdaway
Ipson Last Painter

1st Sub. H.J.R. 5 transmitted to the Senate for its consideration.

INTRODUCTION OF BILL

H.B. 173, Outdoor Guides and Outfitters Licensing Act (E. Vickers), read the first time by short title and referred to the Rules Committee.

COMMITTEE OF THE WHOLE

On motion of Representative Garn, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing from U.S. Senator Bob Bennett.

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

THIRD READING CALENDAR

H.B. 140, MOTOR VEHICLE REGISTRATION FEE AMENDMENTS, Frank, read the third time by short title and placed on its final passage.

Representative Frank proposed the following amendment:

1. Page 3, Lines 65 through 66
   House Committee Amendments 2–11–2009
65  (7) \( \hat{\text{H}} \rightarrow \text{[Two]} \) Until June 30, 2012, \( \hat{\text{H}} \rightarrow \$2 \) \{ dollars \} of each registration \{ fees imposed \} collected under

65a \{ Section \} Subsections 41–1a–1206 (1)(a), (1)(b), (1)(c), (1)(d)(i), (1)(e)(i), (2)(a), and (5) \{ for each vehicle \} shall be deposited in the Public Safety Restricted Account created in Section 53–3–106.

2. Page 3a, Lines 82 through 82c
   House Committee Amendments 2–11–2009:

   82 (ii) \{ \[ \] \$9 \] \{ \( \hat{\text{H}} \rightarrow \) until June 30, 2012, \( \hat{\text{H}} \rightarrow \$11 \) \} for each 2,000 pounds over 14,000 pounds

   82a gross laden weight; and

   82b \{ \( \hat{\text{H}} \rightarrow \) (B) beginning on July 1, 2012, \$9 for each 2,000 pounds over 14,000 pounds gross

   82c laden weight; and \( \hat{\text{H}} \) }

3. Page 3a, Lines 86 through 86c
   House Committee Amendments 2–11–2009:

   86 (ii) \{ \[ \] \$18.50 \] \{ \( \hat{\text{H}} \rightarrow \) until June 30, 2012, \( \hat{\text{H}} \rightarrow \$20.50 \) \} for each 2,000 pounds over 14,000

   86a pounds gross laden weight \{ \( \hat{\text{H}} \rightarrow \); and

   86b (B) beginning on July 1, 2012, \$18.50 for each 2,000 pounds over 14,000 pounds gross

   86c laden weight \( \hat{\text{H}} \) }

Representative Frank’s motion to amend passed on a voice vote.

###

Representative Allen proposed the following amendment:

1. Page 1, Line 13
   House Committee Amendments 2–11–2009

   13 \( \hat{\text{H}} \rightarrow \text{ until June 30, 2012 } \) \( \hat{\text{H}} \);
2. Page 1, Line 15
   House Committee Amendments 2–11–2009:
   15 Public Safety Restricted Account;
     that until June 30, 2012, the Tax Commission shall
   retain certain fees to be used to administer the motor vehicle laws;

3. Page 1, Line 19
   House Committee Amendments 2–11–2009:
   19 highways within this state; { and }
     provides that certain registration fees retained by the Tax
   Commission are exempt from the limitation on certain Transportation
   Fund appropriations; and

4. Page 2, Line 29:
   29 53–3–106, as last amended by Laws of Utah 2008, Chapters 304
     and 382
     72–2–103, as last amended by Laws of Utah 2002, Fifth Special
     Session, Chapter 13

5. Page 3, Lines 65 through 66
   House Committee Amendments 2–11–2009:
   65 (7) \( \hat{\text{Two}} \) Until June 30, 2012
   (a) \( \hat{\$2} \) of the registration fees imposed
     under
   65a Section 41–1a–1206 for each
   66 vehicle shall be deposited in the Public Safety Restricted Account
     created in Section 53–3–106; and
   (b) \( \hat{\$1} \) of each registration fee collected under Section 41–1a–1206
     shall be retained by the commission as a nonlapsing dedicated credit to
     be used toward the costs of administering this title.

6. Page 3, Line 72
   House Committee Amendments 2–11–2009:
   72 (a) \( \hat{\$22.50} \) \( \hat{\text{(i) until June 30, 2012)}} \) \( \hat{\$25.50} \) for each motorcycle;

7. Page 3, Lines 73 through 74
   House Committee Amendments 2–11–2009:
(b) [§24] until June 30, 2012, for each motor vehicle of 12,000 pounds or less gross laden weight,

and

8. Page 3, Lines 77 through 77a

House Committee Amendments 2–11–2009:

(i) [§14] until June 30, 2012, for each trailer or semitrailer over 750 pounds gross unladen weight;

and

9. Page 3a, Lines 78 through 79:

(ii) [§8.50] for each commercial trailer or commercial semitrailer of 750 pounds or less gross unladen weight;

and

10. Page 3a, Lines 80 through 81

House Committee Amendments 2–11–2009:

(d) (i) [§33] for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight;

and

11. Page 3a, Lines 83 through 85

House Committee Amendments 2–11–2009:

(e) (i) for each motor vehicle or combination of motor vehicles, excluding farm trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight;

and

12. Page 3a, Lines 87 through 87a

House Committee Amendments 2–11–2009:
87  (2) (a) Until June 30, 2012, the initial registration fee for a vintage vehicle is { $20 } $23.

13. Page 4, Line 101a
House Committee Amendments 2–11–2009:

101a (a) until June 30, 2012, { $110 } $113;

14. Page 5, Lines 135 through 137
House Committee Amendments 2–11–2009:

135 (7) All monies received under Subsection 41–1a–1201(7) (a) shall be appropriated by the Legislature from this account to the department to pay a portion of the costs to employ highway patrol officers to police or patrol the highways within this state.

15. Page 5, Line 138
House Committee Amendments 2–11–2009:

138 [(7)] (8) Appropriations to the department from the account are nonlapseing.

Section 4. Section 72–2–103 is amended to read:

72–2–103. Limitations on Transportation Fund appropriations to agencies not a part of the Department of Transportation — Exceptions.
(1) Except as provided under Subsection (2), the amount appropriated or transferred from the Transportation Fund each year may not exceed a combined total of $11,600,000 to:
(a) the Department of Public Safety;
(b) the State Tax Commission;
(c) the Division of Finance; and
(d) any other state agency that is not a part of the Department of Transportation.
(2) The following amounts are exempt from the appropriation and transfer limitations of Subsection (1):
(a) amounts deposited in the Department of Public Safety Restricted Account created under Section 53–3–106;
(b) revenue generated by the uninsured motorist identification fee under Section 41–1a–1218;
(c) revenue generated by the motor carrier fee under Section 41–1a–1219 or Section 72–9–706; {and} 
(d) revenue generated by the Motorcycle Rider Education 
Program under Section 53–3–905 {and} ; and 
(e) amounts retained by the Tax Commission as a nonlapsing 
dedicated credit under Section 41–1a–1201(7)(b). 

Renumber remaining sections accordingly.

Representative Kiser commented and proposed the following substitute 

motion to amend:

1. Page 1, Line 15
   House Committee Amendments 2–11–2009
   15 Public Safety Restricted Account;
   ▶ provides that the Tax Commission, for fiscal year 2010 only, 
   may use funds generated by certain license plate fees to administer the 
   motor vehicle laws;

2. Page 2, Lines 39 through 41:
   39 (3) (a) Funds generated under Subsections 
   41–1a–1211(1)(b)(i), (6)(b)(i), and (7) and 
   40 Section 41–1a–1212 may be used by the commission as a dedicated 
   credit to cover the costs ; 
   41 (a) incurred in issuing license plates under Part 4, License 
   Plates and Registration Indicia ; and 
   (b) for fiscal year 2010 only, incurred in administering this title .

Representatives Bigelow, Greenwood, and Oda commented. Representative 
Kiser’s substitute motion to amend failed on a voice vote.

Representative Allen’s motion to amend failed on a voice vote.

Representatives Dougall, Ipson, Greenwood, Hughes, and Fowlke 
commented.

H.B. 140, as amended, passed on the following roll call:

Y eas, 48; Nays, 27; Absent or not voting, 0.

Voting in the affirmative were: Representatives

Aagard    Allen    Barrus    Beck
Bigelow    Biskupski    Black    Brown
Voting in the negative were: Representatives

Bird          Cosgrove          Daw          Dee
Dougall       S Duckworth     Dunnigan      Janice Fisher
Julie Fisher  Froerer          Garn         K Gibson
Hansen        Harper           Hendrickson  Hughes
Kiser         Mathis          Morley        Newbold
Noel          Sandstrom       Sumision      Wilcox
Wimmer        Winn            D. Clark

H.B. 140, as amended, transmitted to the Senate for its consideration.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 20, 2009

The Business and Labor Committee recommends H.B. 107, ECONOMIC IMPACT OF ILLEGAL ALIENS, by Representative S. Clark, be replaced and favorably recommends 1st Sub. H.B. 107, ECONOMIC IMPACT OF ILLEGAL ALIENS; and

The Business and Labor Committee reports a favorable recommendation on H.B. 195, UTAH UNIFORM PROBATE CODE – TRUST AMENDMENTS, by Representative R. Lockhart, with the following amendments:

1. Page 1, Lines 13 through 15:

   13 This bill:

   14 expands the definition of “trust” in the Uniform Probate Code to include health

   15 savings accounts as defined by the Internal Revenue Code ; and

   clarifies when a health savings account is established in relation to the account holder’s federal income tax year .
2. Page 1, Line 22:

22 75–1–201, as last amended by Laws of Utah 2004, Chapter 89
75–7–401, as repealed and reenacted by Laws of Utah 2004.

3. Page 7, Lines 205 through 206:

205 the right of an individual or class to succeed to property of the
decedent passing by intestate

206 succession.

Section 2. Section 75–7–401 is amended to read:

75–7–401. Methods of creating trust.

(1) A trust may be created by:

(a) transfer of property to another person as trustee during the settlor’s lifetime or by will or other disposition taking effect upon the settlor’s death;

(b) declaration by the owner of property that the owner holds identifiable property as trustee; or

(c) exercise of a power of appointment in favor of a trustee.

(2) A health savings account is established on the first day an individual is covered by a high deductible health plan, as defined in Section 223 of the Internal Revenue Code. The health savings account shall be opened with a trustee or custodian within the time prescribed by law, without extensions, for filing a federal income tax return for that year. A health savings account is established regardless of a transfer of cash or other property to the account and, unless required by the trustee or custodian, it is not necessary for any party to sign a health savings account trust or custodial agreement regarding the health savings account.

The Business and Labor Committee reports a favorable recommendation on H.B. 313, SOCIAL HOST LIABILITY ACT, by Representative E. Hutchings; and

The Business and Labor Committee reports a favorable recommendation on 1st Sub. S.B. 107, COMMUNICATIONS AND MORTGAGE FRAUD PENALTY AMENDMENTS, by Senator D. Hinkins, and recommends it be placed on the Consent Calendar.

James A. Dunnigan, Chair
Reports filed. On motion of Representative Dunnigan, the reports of the Business and Labor committee were adopted.

1st Sub. H.B. 107, H.B. 195, as amended, and H.B. 313 read the second time by short title and placed on the Third Reading Calendar.

1st Sub. S.B. 107 read the second time by short title and placed on the Consent Calendar.

***.

Mr. Speaker: February 20, 2009

The Health and Human Services Committee reports a favorable recommendation on H.B. 89, PROSTHETIC LIMB HEALTH INSURANCE PARITY, by Representative D. Litvack, with the following amendments:

1. Page 1, Lines 10 through 11:
   10 This bill amends the Insurance Code to require a health benefit plan to provide
   11 coverage for prosthetic devices.

2. Page 1, Line 15:
   15 requires a health benefit plan to provide coverage for prosthetic devices; and

3. Page 2, Lines 36 through 38:
   36 (2) Beginning July 1, 2009, a health benefit plan shall provide coverage for benefits for
   37 { prosthetics } prosthetic devices that:

4. Page 2, Lines 55 through 57:
   55 (3) The coverage required by this section:
   56 (a) may be made subject to { and no more restrictive than, the provisions of an
   57 accident and health insurance policy that apply to other benefits under the policy } cost–sharing provisions, including dollar limits,
deductibles, and coinsurance, that are not less favorable to the insured than the cost-sharing provisions of the health benefit plan that apply to physical illness generally;

5. Page 3, Lines 60 through 76:

60 fee-for-service program; and
61 (c) shall reimburse for a prosthetic device at no less than the fee schedule amount for
62 the prosthetic device under the federal Medicare reimbursement schedule;
63 (d) may not impose any annual or lifetime dollar maximum on coverage for prosthetic
64 devices other than an annual or lifetime dollar maximum that applies in the aggregate to all
65 terms and services covered under the policy; and
66 (e) does not apply to a policy that provides benefits solely for:
67 (i) accident only coverage;
68 (ii) a specific disease;
69 (iii) hospital indemnity;
70 (iv) Medicare supplement;
71 (v) long-term care;
72 (vi) disability income replacement;
73 (vii) dental;
74 (viii) vision; or
75 (ix) a limited health plan offered under Chapter 8, Health Maintenance Organizations;
76 and Limited Health Plans; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 142, REPORTING ABUSE OR NEGLECT OF THE ELDERLY OR DISABLED, by Representative L. Hemingway, with the following amendments:

1. Page 4, Line 109:

109 (i) designate {two} persons within the department to access; and
The Health and Human Services Committee reports a favorable recommendation on 1st Sub. H.B. 269, ANESTHESIOLOGIST ASSISTANTS, by Representative Julie Fisher; and

The Health and Human Services Committee reports a favorable recommendation on S.B. 20, LOCAL PUBLIC HEALTH EMERGENCY FUNDING, by Senator D. Stowell.

Paul Ray, Chair

Reports filed. On motion of Representative Garn, the reports of the Health and Human Services committee were adopted.


NOTICE OF BILL TABLED

Mr. Speaker: February 20, 2009

The Health and Human Services Committee has tabled H.B. 288, ADOPTION AMENDMENTS, by Representative R. Chavez–Houck, and has returned it to the Rules Committee.

Paul Ray, Chair

Report filed. On motion of Representative Garn, the report of the Health and Human Services committee was adopted.

H.B. 288 read the second time by short title and returned to the Rules Committee.

COMMUNICATION FROM THE SENATE

Mr. Speaker: February 20, 2009

The Senate adopted the Joint Conference Committee Report dated February 20, 2009, and passed 2nd Sub. S.B. 22, VEHICLE AMENDMENTS, by Senator S. Jenkins, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communication filed. 2nd Sub. S.B. 22 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

UNFINISHED BUSINESS

On motion of Representative Bigelow, the House voted to uncircle H.B. 297.
**H.B. 297, BUDGETARY PROCEDURES ACT RECODIFICATION, Bigelow, was before the House on its final passage.**

**H.B. 297** passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

| Janice Fisher | Ipson    | Johnson |

**H.B. 297** transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Bigelow, the House voted to move to the Senate Third Reading Calendar.

**THIRD READING CALENDAR**

**S.J.R. 7, JOINT RESOLUTION DESIGNATING MAY 2009 AS UTAH LIONS CLUB EYESIGHT PRESERVATION MONTH, Bigelow, read the third time by short title and placed on its final passage.**

**S.J.R. 7** passed on the following roll call:
Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Draxler S Duckworth
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Frank Froerer
Garn F Gibson K Gibson Gowans
Greenwood Grover Hansen Harper
Hem ingway Hendrickson Herrod Holdaway
Hughes Hunsaker Hutchings Johnson
King Last Litvack Lockhart
Mascaro Mathis McIff Menlove
Morley Moss Newbold Noel
Oda Painter Pouls on Powell
Ray Riesen Sandstrom Seegmiller
Seelig Sumsion Vickers Wallis
Watkins Webb Wheatley Wilcox
Wiley Wimmer Winn D. Clark

Absent or not voting were: Representatives

Dougall Ipson Kiser

S.J.R. 7 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

RULES COMMITTEE REPORT

Mr. Speaker: February 20, 2009

The Rules Committee recommends the following bills and resolutions be assigned to standing committees:

BUSINESS AND LABOR

H.B. 347 Alcoholic Beverage Control Act Modifications (Rep. G. Hughes)
H.B. 354 Capital Project Amendments (Rep. S. Clark)
H.B. 402 Enforcement of Carbon Monoxide Detector Requirements (Rep. K. Garn)
H.B. 450 Trademark Amendments (Rep. B. Last)
S.B. 49 Small Business Access to Justice Act (Sen. R. Romero)
EDUCATION
H.B. 364 Border and Nonresident Student Amendments
(Rep. D. Ipson)

ETHICS
H.J.R. 26 Joint Rules Resolution on the Selection of Ethics
Committee Members (Rep. N. Hansen)

HEALTH AND HUMAN SERVICES
H.B. 456 Tobacco Access Restrictions (Rep. B. Last)

JUDICIARY

LAW ENFORCEMENT AND CRIMINAL JUSTICE
H.B. 163 Property Transaction Amendments (Rep. R. Lockhart)
H.B. 384 Public Lewdness Amendments (Rep. D. Ipson)

NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT

POLITICAL SUBDIVISIONS
H.B. 439 Amendments to City or Town Sales and Use Tax for
Botanical, Cultural, Recreational, and Zoological
Organizations or Facilities (Rep. K. Holdaway)

REVENUE AND TAXATION

TRANSPORTATION

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules
Committee was adopted.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, and at 12:10 p.m., the House voted to
adjourn until February 23, 2009, at 10:00 a.m.
TWENTY-EIGHTH DAY
* * *
MORNING SESSION

The House was called to order by Speaker Clark at 10:00 a.m.

Roll call showed all members present.

Prayer offered by Josie Valdez, Representative Wheatley’s wife. Pledge of Allegiance led by Representative Wheatley’s mother, Sally Wheatley.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker:

February 20, 2009

The Senate passed, H.B. 15, CAREER AND TECHNICAL EDUCATION AMENDMENTS, by Representative R. Bigelow, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 33, REFUND OF UNEARNEO HEALTH INSURANCE PREMIUMS AND MEDICARE SUPPLEMENT INSURANCE PREMIUMS, by Representative P. Ray, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 54, AMENDMENTS TO VEHICLE REGISTRATION REQUIREMENTS, by Representative F. Gibson, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 65, REPORTING OF CERTAIN TRANSACTIONS EXEMPT FROM SALES AND USE TAXES, by Representative Julie Fisher, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 85, MUTUAL BENEFIT CORPORATION – JUDICIAL LIENS, by Representative P. Painter, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 257, POLITICAL SUBDIVISION CLERK AMENDMENTS, by Representative M. Newbold, which has been signed by the President and it is transmitted for the signature of the Speaker; and
The Senate passed, **H.B. 258**, AMENDMENTS TO NOTICE PROVISIONS FOR SUBDIVISION CHANGES, by Representative K. Powell, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 266**, WRONGFUL LIEN AMENDMENTS, by Representative G. Froerer, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate


* * *

Mr. Speaker: February 20, 2009

The Senate passed, as amended, **H.B. 24**, TRAFFIC ACCIDENT CLEARANCE AMENDMENTS, by Representative E. Hutchings, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. **H.B. 24** placed on the Concurrence Calendar.

* * *

Mr. Speaker: February 20, 2009

The Senate passed **S.J.R. 17**, HYDRAULIC FRACTURING JOINT RESOLUTION, by Senator D. Hinkins, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. **S.J.R. 17** read the first time by short title and referred to the Rules Committee.

**INTRODUCTION OF BILLS**

**H.B. 173, Outdoor Guides and Outfitters Licensing Act** (E. Vickers), read the first time by short title and referred to the Rules Committee.

**H.B. 174, Licensing of Vocational Rehabilitation Counselors** (R. Menlove), read the first time by short title and referred to the Rules Committee.
H.B. 179, State–owned Land Amendments (K. Gibson), read the first time by short title and referred to the Rules Committee.


CONSENT CALENDAR

S.B. 95, MOBILE HOME PARK AMENDMENTS, Noel, read the third time by short title and placed on its final passage.

S.B. 95 passed on the following roll call:

Yeas, 64; Nays, 0; Absent or not voting, 11.

Voting in the affirmative were: Representatives

Aagard    Allen    Barrus    Beck
Bigelow   Bird     Biskupski Black
Chavez–Houck S. Clark Cosgrove Daw
Dee       Dougall  Draxler   S Duckworth
Edwards   Ferry    Janice Fisher Julie Fisher
Fowlke    Frank    Froerer   Garn
F Gibson   Greenwood Grover   Hansen
Harper    Hemingway Hendrickson Herrod
Holdaway  Hughes   Hunsaker  Ipson
King      Kiser     Last     Litvack
Lockhart  Mascaro  Mathis    McIff
Moss      Newbold  Noel      Oda
Painter   Poulson  Powell    Ray
Riesen    Sandstrom Seegmiller Sumption
Vickers   Wallis   Watkins   Webb
Wheatley  Wilcox   Wiley     Wimmer

Absent or not voting were: Representatives

Brown    Dunnigan K Gibson Gowans
Hutchings Johnson Menlove Morley
Seelig   Winn     D. Clark

S.B. 95 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

MISCELLANEOUS BUSINESS

On motion of Representative Wimmer, the House voted to open a bill file for a concurrent resolution honoring Larry H. Miller.
CONSENT CALENDAR

H.J.R. 13, JOINT RESOLUTION – TEACHER PERFORMANCE PAY, Poulson, read the third time by short title and placed on its final passage.

H.J.R. 13 passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Dougall  Draxler  S Duckworth
Edwards  Ferry  Janice Fisher  Julie Fisher
Fowlke  Frank  Froerer  Garn
F Gibson  K Gibson  Gowans  Greenwood
Grover  Hansen  Harper  Hemingway
Hendrickson  Herrod  Holdaway  Ipson
Johnson  King  Kiser  Last
Litvack  Lockhart  Mascaro  Mathis
McIff  Menlove  Morley  Moss
Newbold  Noel  Oda  Painter
Poulson  Powell  Ray  Riesen
Sandstrom  Seegmiller  Seelig  Sumasion
Vickers  Wallis  Watkins  Webb
Wheatley  Wilcox  Wiley  Wimmer
Winn  D. Clark

Absent or not voting were: Representatives
Brown  Dunnigan  Hughes  Hunsaker
Hutchings

H.J.R. 13 transmitted to the Senate for its consideration.

**  **

S.B. 94, UNDERGROUND SEWER UTILITIES FACILITIES AMENDMENTS, Aagard, read the third time by short title and placed on its final passage.

S.B. 94 passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.
Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Dougall  Draxler  S Duckworth
Dunnigan  Edwards  Ferry  Janice Fisher
Julie Fisher  Fowlke  Frank  Froerer
Garn  F Gibson  K Gibson  Gowans
Greenwood  Grover  Hansen  Harper
Hemingway  Hendrickson  Herrod  Holdaway
Hunsaker  Ipson  Johnson  King
Kiser  Last  Litvack  Lockhart
Mascaro  Mathis  Mclff  Menlove
Morley  Moss  Newbold  Noel
Oda  Painter  Poulson  Powell
Ray  Riesen  Sandstrom  Seegmiller
Seelig  Sumsion  Vickers  Wallis
Watkins  Webb  Wheatley  Wilcox
Wiley  Wimmer  Winn  D. Clark

Absent or not voting were: Representatives
Brown  Hughes  Hutchings

S.B. 94 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

S.B. 99, RENEWABLE ENERGY CERTIFICATE REVISIONS, Harper, read the third time by short title and placed on its final passage.

S.B. 99 passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bird  Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Dougall  Draxler  S Duckworth
Dunnigan  Edwards  Ferry  Janice Fisher
Julie Fisher  Fowlke  Frank  Froerer
Garn  F Gibson  K Gibson  Gowans
S.B. 99 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

THIRD READING CALENDAR

H.B. 220, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, Noel, read the third time by short title and placed on its final passage.

On motion of Representative Noel, the House voted to delete H.B. 220 in title and body and insert 2nd Sub. H.B. 220 in lieu thereof.

Representatives Ferry, McIff, and Brown commented.

2nd Sub. H.B. 220 passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives

Aagard, Allen, Barrus, Beck
Bigelow, Bird, Biskupski, Black
Brown, Chavez–Houck, S. Clark, Cosgrove
Daw, Dee, Dougall, Draxler
S Duckworth, Dunnigan, Edwards, Ferry
Janice Fisher, Julie Fisher, Fowlke, Frank
Froerer, Garn, F Gibson, K Gibson
Greenwood, Grover, Harper, Hemingway
Herrod, Holdaway, Hughes, Hunsaker
Hutchings, Ipson, Johnson, King
Absent or not voting were: Representatives
Gowans Hansen Hendrickson Newbold

2nd Sub. H.B. 220 transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Wimmer, the House voted to uncircle 2nd Sub. H.B. 100.

2nd Sub. H.B. 100, DEPARTMENT OF CORRECTIONS – TRACKING AND REIMBURSEMENT OF INDIVIDUAL PRISONER COSTS, Wimmer, was before the House on its final passage.

Representative Wimmer proposed the following amendment:

1. Page 1, Lines 16 through 19
   
   16 ▶ { reassigns responsibility for the recidivism reduction plan from the Board of Regents to the Utah Department of Corrections and the State Board of Education and requires the department to collaborate with the State Board of Regents and the Utah College of Applied Technology Board of Trustees; } 

   ▶ requires the Utah Department of Corrections to jointly develop and implement a recidivism reduction plan with the State Board of Regents and the State Board of Education;

2. Page 1, Lines 20 through 21:

   20 ▶ requires the department to make a report to the Education and Law Enforcement and Criminal Justice Interim Committees on the recidivism reduction plan before October 1, 2010;
3. Page 3, Lines 74 through 76:

74  (1) The State Board of Education, the State Board of Regents, and the Utah Department of Corrections, subject to legislative appropriation, are responsible for the education of persons in the custody of the Utah Department of Corrections.

4. Page 3, Lines 80 through 81:

80  (3) (a) As its corrections education program, the State Board of Education, the State Board of Regents, and the Utah Department of Corrections shall develop and implement a recidivism reduction plan,

5. Page 4, Lines 92 through 94:

92  (b) The plan shall be developed and implemented through the State Office of Education, the State Board of Regents, and the Utah Department of Corrections in collaboration with the following entities:

6. Page 4, Lines 97 through 102:

97  (iii) [Department of Corrections] the State Board of Regents;
98  (iii) Department of Workforce Services;
99  (iv) Department of Human Services;
100  (v) Board of Pardons and Parole;
101  (vi) State Office of Rehabilitation; and
102  (vii) the Governor’s Office.
7. Page 4, Lines 103 through 104:
   (c) The Legislature may provide appropriations for implementation of the plan through
   a line item appropriation to any one or a combination of the entities listed in Subsection (3)(b).

8. Page 4, Lines 105 through 106:
   (4) The department shall make a report to the Education and Law Enforcement
   Committees on [the effectiveness of] the recidivism reduction plan

9. Page 5, Lines 129 through 131:
   dental care up to 20% of the inmate’s total determined asset value
   After an inmate has received medical and dental care equal to 20% of the inmate’s
   total asset value, the inmate will be subject to the copayments provided in Subsection (3).

10. Page 5, Lines 139 through 140:
    department shall pay to the department at the time of enrollment
    50% of the costs of
    the postsecondary education tuition.

11. Page 7, Lines 182 through 184:
    (ii) interest on account monies;
    (iii) money paid by inmates participating in postsecondary education provided by
    the department; and

Representatives Fowlke, Holdaway, McIff, and Noel commented. Representative Wimmer’s motion to amend passed on a voice vote.

# # #

Representative Draxler proposed the following amendment:
1. Page 3, Lines 64 through 65

   64   ENACTS:
   65   64−13−30.5, Utah Code Annotated 1953
       64−13−30.7, Utah Code Annotated 1953

2. Page 7, Lines 194 through 199:

   194   { Section 6. Legislative intent — Use of funds for inmate postsecondary education
   195   and training.
   196   It is the intent of the Legislature that any ongoing funds provided to the State Board of
   197   Regent’s Prison Recidivism Program in fiscal year 2009−10 shall be transferred to the Prison
   198   Telephone Surcharge Account for establishing necessary program resources and promoting and
   199   providing inmate postsecondary education. }

   Section 6. Section 64−13−30.7 is enacted to read:
   64−13−30.7. Use of funds for inmate postsecondary education and training.
   Any ongoing funds provided to the State Board of Regent’s Prison Recidivism Program beginning in fiscal year 2009−10 shall be transferred to the Prison Telephone Surcharge Account for establishing necessary program resources and promoting and providing inmate postsecondary education.

   Representative Draxler’s motion to amend passed on a voice vote.

   Representatives Menlove, Holdaway, Seelig, Hutchings, Johnson, and Allen commented.

   Representative Menlove declared a conflict of interest because she works with Utah State University.

   2nd Sub. H.B. 100, as amended, passed on the following roll call:

   Yeas, 68; Nays, 3; Absent or not voting, 4.

   Voting in the affirmative were: Representatives
   Aagard       Allen       Barrus       Beck
   Bigelow      Bird        Biskupski    Black
Voting in the negative were: Representatives
Hansen Hendrickson McIff

Absent or not voting were: Representatives
Dee Morley Painter Riesen

2nd Sub. H.B. 100, as amended, transmitted to the Senate for its consideration.

THIRD READING CALENDAR

H.B. 205, WATER SOURCE PROTECTION AMENDMENTS, Noel, read the third time by short title and placed on its final passage. Representative Harper commented.

H.B. 205 passed on the following roll call:

Yeas, 57; Nays, 4; Absent or not voting, 14.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Black Chavez–Houck
S. Clark Daw Dougall S Duckworth
Dunnigan Edwards Janice Fisher Julie Fisher
Fowlke Frank Froerer Garn
F Gibson K Gibson Gowans Greenwood
Grover Hansen Hemingway Herrod
Hunsaker Hutchings Ipson Johnson
King Kiser Last Lockhart
Mathis McIff Moss Newbold
Noel Oda Poulson Powell
Ray Riesen Sandstrom Seelig
Sumssion Vickers Wallis Watkins
Webb Wheatley Wilcox Winn
D. Clark

Voting in the negative were: Representatives
Cosgrove Draxler Harper Seegmiller

Absent or not voting were: Representatives
Biskupski Brown Dee Ferry
Hendrickson Holdaway Hughes Litvack
Mascaro Menlove Morley Painter
Wiley Wimmer

H.B. 205 transmitted to the Senate for its consideration.

***

H.B. 141, BILLBOARD AMENDMENTS, Frank, read the third time by short title and placed on its final passage.

On motion of Representative Frank, the House voted to circle H.B. 141.

***

H.B. 310, AUTHORITY OF LIEUTENANT GOVERNOR TO PERFORM MARRIAGE, Wimmer, read the third time by short title and placed on its final passage. Representatives Hansen and Mascaro commented.

H.B. 310 passed on the following roll call:

Yeas, 68; Nays, 6; Absent or not voting, 1.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxgro
S Duckworth Dunnigan Edwards Ferry
Julie Fisher Fowlke Frank Froerer
Voting in the negative were: Representatives
Janice Fisher Hendrickson Johnson Moss
Riesen Seegmiller

Absent or not voting was: Representative
Harper

H.B. 310 transmitted to the Senate for its consideration.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 23, 2009

The President of the Senate has signed 2nd Sub. H.B. 23, CERTIFIED TAX RATE AMENDMENTS, by Representative F. Hunsaker, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed H.B. 27, PROTECTIONS FOR AGRICULTURAL PRACTICES, by Representative M. Morley, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed H.B. 53, DRIVER LICENSE AMENDMENTS – MOTOR DRIVEN CYCLES, by Representative T. Kiser, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed H.B. 67, PUBLIC HEARINGS ON PROPERTY TAX INCREASES, by Representative G. Froerer, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed 1st Sub. H.B. 90, ABORTION LAW AMENDMENTS, by Representative P. Ray, and it is transmitted for the signature of the Speaker; and
The President of the Senate has signed 1st Sub. H.B. 236, DEPARTMENT OF COMMUNITY AND CULTURE GRANTS, by Representative S. Allen, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate


REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 20, 2009

The Judiciary Committee reports a favorable recommendation on H.B. 351, COURT FEES AMENDMENTS, by Representative C. Oda; and

The Judiciary Committee reports a favorable recommendation on S.B. 91, ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT, by Senator J. Greiner, and, due to fiscal impact, recommends it be referred to the Rules Committee for prioritization.

Lorie D. Fowlke, Chair

Reports filed. On motion of Representative Fowlke, the reports of the Judiciary committee were adopted.

H.B. 351 read the second time by short title and placed on the Third Reading Calendar.

S.B. 91 read the second time by short title and referred to the Rules Committee due to fiscal impact.

* * *

Mr. Speaker: February 20, 2009

The Law Enforcement and Criminal Justice Committee recommends H.B. 290, PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE, by Representative S. Clark, be replaced and favorably recommends 1st Sub. H.B. 290, PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on H.B. 316, TIME LIMITATION FOR PROSECUTION OF ENVIRONMENTAL CRIMES, by Representative C. Wimmer; and
The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 325**, OPTING OUT OF THE REAL ID ACT, by Representative S. Sandstrom; and

The Law Enforcement and Criminal Justice Committee recommends **H.B. 110**, FINANCIAL TRANSACTION CARD OFFENSES, by Representative Julie Fisher, be replaced and reports a favorable recommendation on **1st Sub. H.B. 110**, FINANCIAL TRANSACTION CARD OFFENSES and asks that it be placed on the Consent Calendar.

Douglas C. Aagard, Chair

Reports filed. On motion of Representative Aagard, the reports of the Law Enforcement and Criminal Justice committee were adopted.


**1st Sub. H.B. 110** read the second time by short title and placed on the Consent Calendar.

* * *

Mr. Speaker: February 20, 2009

The Natural Resources, Agriculture, and Environment Committee recommends **H.B. 164**, MIGRATORY BIRD PRODUCTION AREAS, by Representative C. Oda, be replaced and favorably recommends **1st Sub. H.B. 164**, MIGRATORY BIRD PRODUCTION AREAS; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 187**, RECREATIONAL USE OF PUBLIC WATERS ON PRIVATE PROPERTY, by Representative B. Ferry, with the following amendments:

1. Page 7, Lines 192 through 199:

   192  (5) (a) A person may not fish engage in a recreational activity:

   193  { (a) } (i) in a public water:

   194  { (i) } (A) listed in Section 73−6a−202; and

   195  { (ii) } (B) located on or adjacent to property to which access is restricted; and

   196  { (ii) } (ii) within { 500 } 150 feet or within view, whichever is closer, of a single family dwelling that is built before May 12, 2009, and
197 qualifies for the residential exemption under Section 59–2–103 if the owner of the single family dwelling posts a notice visible from the bed indicating the segment of public water in which fishing is prohibited by this section.

(b) Notwithstanding Subsection (5)(a), a person may walk within the bed of a public water described by Subsection (5)(a) from an entrance to the bed described in Subsection (4) to a segment of the public water in which a recreational activity is allowed by this part.

2. Page 9, Lines 248 through 250:

248  (16) Lower Sevier River from the Yuba dam downstream to Sevier Lake; { and }

249  (17) White River from the Colorado state line in Uintah County downstream to the confluence with the Green River { and }

250  (18) Blacksmith Fork River from the State Road 165 bridge upstream to Lions Hollow; and

(19) Logan River from the Red Banks Campground to the Idaho state line.

Roger E. Barrus, Chair

Reports filed. On motion of Representative Barrus, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.


* * *

Mr. Speaker: February 20, 2009

The Transportation Committee reports a favorable recommendation on S.B. 50, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE, by Senator B. Goodfellow; and

The Transportation Committee reports a favorable recommendation on S.B. 57, LOCAL OPTION TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS, by Senator R. Okerlund, with the following amendments:
1. Page 1, Line 20
Senate Committee Amendments 2–10–2009:
20 allocation of funds on an average monthly balance basis;
   {−and−}
   ▶ provides that the initial allocation of fund interest shall include all interest earned on fund monies since the creation of the fund; and

2. Page 3, Line 67
Senate Committee Amendments 2–10–2009:
67 (e) (i) The department shall allocate the interest earned on fund monies to

3. Page 3, Line 69
Senate Committee Amendments 2–10–2009:
69 Subsection (4)(d) on an average monthly balance basis.
   (ii) The initial annual allocation of fund interest shall include all interest earned on fund monies since the creation of the fund.; and

The Transportation Committee reports a favorable recommendation on H.B. 387, MOTORCYCLE HELMET AMENDMENTS, by Representative R. Menlove, and recommends it be placed on the Consent Calendar.

Bradley M. Daw, Chair

Reports filed. On motion of Representative Daw, the reports of the Transportation committee were adopted.

S.B. 50 and S.B. 57, as amended, read the second time by short title and placed on the Third Reading Calendar.

H.B. 387 read the second time by short title and placed on the Consent Calendar.

***

Mr. Speaker: February 20, 2009

The Retirement and Independent Entities Committee recommends H.B. 211, DIVESTMENT OF CERTAIN RETIREMENT INVESTMENTS, by Representative Julie Fisher, be replaced and favorably recommends 1st Sub. H.B. 211, RETIREMENT INVESTMENT REPORTS and recommends that the bill be read for the first and second time; and

The Retirement and Independent Entities Committee reports a favorable recommendation on H.B. 167, COUNTY HOSPITAL RETIREMENT
PROVISIONS, by Representative M. Noel, and recommends it be placed on the Consent Calendar; and

The Retirement and Independent Entities Committee reports a favorable recommendation on S.B. 127, RETIREMENT AMENDMENTS, by Senator D. Liljenquist, and recommends it be placed on the Consent Calendar.

Melvin R. Brown, Chair
Reports filed. On motion of Representative Brown, the reports of the Retirement and Independent Entities committee were adopted.

1st Sub. H.B. 211 read the first and second times by short title and placed on the Third Reading Calendar.

H.B. 167 and S.B. 127 read the second time by short title and placed on the Consent Calendar.

RULES COMMITTEE REPORT

Mr. Speaker: February 23, 2009

The Rules Committee recommends the following bills and resolutions be assigned to standing committees:

BUSINESS AND LABOR
H.B. 111 Deferred Deposit Lending Amendments (Rep. L. Black)
H.B. 124 Insurance Coverage for Eosinophilic Gastrointestinal Disorders and Short Bowel Syndrome (Rep. C. Johnson)

EDUCATION

GOVERNMENT OPERATIONS
H.B. 311 Utah State Railroad Museum Authority (Rep. N. Hansen)

HEALTH AND HUMAN SERVICES
H.B. 189 Instruction in Health Amendments (Rep. L. Hemingway)
H.B. 219 Tobacco Tax Increase (Rep. P. Ray)

NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT
S.B. 38  Severance Tax Amendments (Sen. J. Valentine)
S.J.R. 17  Hydraulic Fracturing Joint Resolution (Sen. D. Hinkins)

TRANSPORTATION
H.B. 344  Automobile Registration Amendment (Rep. S. Sandstrom)

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

RULES COMMITTEE REPORT

Mr. Speaker: February 23, 2009

The Rules Committee recommends that the following bill and resolution be lifted from the Natural Resources, Agriculture, and Environment Standing Committee and returned to the House Rules Committee with a recommendation that they be referred to interim study:

H.J.R. 24  Joint Resolution Approving Water Rights Form (Rep. B. Ferry)

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

UNFINISHED BUSINESS

On motion of Representative Last, the House voted to uncircle H.B. 254.

H.B. 254, HEALTH PROFESSIONAL AUTHORITY – DEATH CERTIFICATES, Last, was before the House on its final passage.

H.B. 254 passed on the following roll call:

Yeas, 74; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Fowlke  Frank
Froerer  Garn  F Gibson  K Gibson
Absent or not voting was: Representative
Mathis

H.B. 254 transmitted to the Senate for its consideration.

THIRD READING CALENDAR

H.B. 133, EARNED INCOME TAX CREDIT, King, read the third time by short title and placed on its final passage.

H.B. 133, as amended, failed to pass on the following roll call:

Yeas, 34; Nays, 40; Absent or not voting, 1.

Voting in the affirmative were: Representatives
Beck Biskupski Black Brown
Chavez−Houck Cosgrove Dougall S Duckworth
Edwards Janice Fisher Froerer Gowan
Hansen Harper Hemingway Hendrickson
Holdaway Hughes Johnson King
Kiser Litvack Mascaro McIff
Menlove Moss Poulson Powell
Riesen Seegmiller Seelig Watkins
Wheatley Wilcox Wiley Wimmer

Voting in the negative were: Representatives
Aagard Allen Barrus Bigelow
Bird S. Clark Daw Dee
Draxler Dunnigan Ferry Julie Fisher
Fowlke Frank Garn F Gibson
Absent or not voting was: Representative Painter

* * *


2nd Sub. H.B. 246 failed to pass on the following roll call:

Yeas, 33; Nays, 39; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Barrus Brown S. Clark Daw
Draxler Dunnigan Ferry Julie Fisher
Froerer Garn F Gibson K Gibson
Greenwood Harper Herrod Holdaway
Hughes Hunsaker Hutchings Kiser
Last Mathis Morley Newbold
Noel Oda Vickers Wallis
Webb Wheatley Wilcox Wiley
D. Clark

Voting in the negative were: Representatives
Aagard Allen Beck Bigelow
Bird Biskupski Black Chavez–Houck
Cosgrove Dee Dougall S Duckworth
Edwards Janice Fisher Fowlke Frank
Gowans Grover Hansen Hemingway
Hendrickson Ipson Johnson King
Litvack Lockhart Mascaro Menlove
Moss Poulson Powell Ray
Riesen Sandstrom Seegmiller Sumsion
Watkins Wimmer Winn
Absent or not voting were: Representatives
McIff Painter Seelig

2nd Sub. H.B. 246 was filed.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, the House voted to recess until 2:00 p.m.

AFTERNOON SESSION

The House was called to order by Speaker Clark at 2:10 p.m.

RULES COMMITTEE REPORT

Mr. Speaker: February 23, 2009

The House Rules Committee recommends, with written request of the sponsor, that H.B. 370, Disabled Parking Violation Amendments (Rep. S. Mascaro) be replaced with 1st Substitute H.B. 370, Disabled Parking Violation Amendments, and further recommends it be assigned to the House Transportation Standing Committee.

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 23, 2009

The Government Operations Committee recommends H.B. 400, PETE SUAZO UTAH ATHLETIC COMMISSION AMENDMENTS, by Representative C. Oda, be replaced and favorably recommends 1st Sub. H.B. 400, PETE SUAZO UTAH ATHLETIC COMMISSION AMENDMENTS; and

The Government Operations Committee reports a favorable recommendation on H.J.R. 25, JOINT RESOLUTION URGING EMPLOYERS TO HIRE ONLY INDIVIDUALS WHO ARE AUTHORIZED TO WORK IN THE UNITED STATES, by Representative C. Herrod, with the following amendments:

1. Page 2, Lines 38 through 41:

38 WHEREAS, { the Utah economy is further weakened when unauthorized workers
transfer a significant portion of their earnings to foreign nations rather than spending them in Utah where they would support local businesses and contribute to Utah’s sales tax collections; legal immigrants, who have made great sacrifices to follow the law, often suffer the most from these unauthorized workers and must wait longer to bring their family members to this country.

WHEREAS, unauthorized workers are more likely to suffer exploitation and unfair

2. Page 2, Lines 44 through 46:

WHEREAS, 13% of all identity theft in Utah is employment related, and companies were found to be paying salaries to individuals with Social Security numbers of Utah children on public assistance under age 13; and

3. Page 2, Lines 49 through 51:

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah urges employers in Utah to take all steps possible to verify the documentation of an employee’s legal status to ensure that they preserve the jobs of American citizens and legal residents, protect Utah employers who comply with state and ; and


Craig A. Frank, Chair

Reports filed. On motion of Representative Frank, the reports of the Government Operations committee were adopted.


* * *

Mr. Speaker: February 23, 2009

The Political Subdivisions Committee reports a favorable recommendation on H.B. 439, AMENDMENTS TO CITY OR TOWN SALES AND USE TAX
FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES, by Representative K. Holdaway, with the following amendments:

1. Page 1, Line 25 through Page 2, Line 29:

   25  {→ repeal 

   26  → provides certain written information to the county in which the city or town is located, and

   28  → receives a written statement or written resolution from the county in which the city or town is located; →}

2. Page 2, Line 52:

   52  (1) (a) (i) {[→] Subject to Subsection (6), [→] [beginning on January 1, 2003, a] Δ city or town

3. Page 3, Lines 76 through 77:

   76  outlined in Title 11, Chapter 14, Local Government Bonding Act {→], except as provided in

   77  Subsection (6) {→} .

4. Page 6, Line 162 through Page 8, Line 214:

   162  {→} (6) (a) Before a city or town legislative body submits an opinion question to the residents of the city or town under Subsection (1)(a)(i), the city or town legislative body shall:

   164  [(i) submit to the county legislative body in which the city or town is located a written notice of the intent to submit the opinion question to the residents of the city or town; and]

   166  [(ii) receive from the county legislative body:] (A) a written resolution passed by the county legislative body stating that the county legislative body is not seeking to impose a tax under Part 7, County Option Funding for
169 Botanical, Cultural, Recreational, and Zoological Organizations or Facilities; or
170 [(B) a written statement that in accordance with Subsection (6)(b) the results of a
171 county opinion question submitted to the residents of the county under Part 7, County Option
172 Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities,
173 permit the city or town legislative body to submit the opinion question to the residents of the
174 city or town in accordance with this part.]
175 [(b) (i) Within 60 days after the day the county legislative body receives from a city or
town legislative body described in Subsection (6)(a) the notice of the intent to submit an
opinion question to the residents of the city or town, the county legislative body shall provide
178 the city or town legislative body:]}
179 [(A) the written resolution described in Subsection (6)(a)(ii)(A; or]
180 [(B) written notice that the county legislative body will submit an opinion question to
the residents of the county under Part 7, County Option Funding for Botanical, Cultural,
182 Recreational, and Zoological Organizations or Facilities, for the county to impose a tax under
183 that part.]
184 [(ii) If the county legislative body provides the city or town legislative body the written
notice that the county legislative body will submit an opinion question as provided in
186 Subsection (6)(b)(i)(B), the county legislative body shall submit the opinion question by no
187 later than, from the date the county legislative body sends the written notice, the later of:]
[(A) a 12–month period;]
[(B) the next regular primary election; or]
[(C) the next regular general election.]

[(iii) Within 30 days of the date of the canvass of the election at which the opinion question under Subsection (6)(b)(ii) is voted on, the county legislative body shall provide the city or town legislative body described in Subsection (6)(a) written results of the opinion question submitted by the county legislative body under Part 7, County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, indicating that:

[(A) (I) the city or town legislative body may not impose a tax under this part because a majority of the county’s registered voters voted in favor of the county imposing the tax and the county legislative body by a majority vote approved the imposition of the tax; or]

[(II) for at least 12 months from the date the written results are submitted to the city or town legislative body, the city or town legislative body may not submit to the county legislative body a written notice of the intent to submit an opinion question under this part because a majority of the county’s registered voters voted against the county imposing the tax and the majority of the registered voters who are residents of the city or town described in Subsection (6)(a) voted against the imposition of the county tax; or]

[(B) the city or town legislative body may submit the opinion question to the residents of the city or town in accordance with this part because although a majority of the county’s
207 registered voters voted against the county imposing the tax, the majority of the registered voters
208 who are residents of the city or town voted for the imposition of the county tax.]
209 [(c) Notwithstanding Subsection (6)(b), at any time a county legislative body may
210 provide a city or town legislative body described in Subsection (6)(a) a written resolution
211 passed by the county legislative body stating that the county legislative body is not seeking to
212 impose a tax under Part 7, County Option Funding for Botanical, Cultural, Recreational, and
213 Zoological Organizations or Facilities, which permits the city or town legislative body to
214 submit under Subsection (1)(a)(i) an opinion question to the city’s or town’s residents. {—}; and

The Political Subdivisions Committee reports a favorable recommendation on 1st Sub. S.B. 135, LOCAL DISTRICT TAXING AUTHORITY, by Senator C. Bramble, and recommends it be placed on the Consent Calendar.

Fred R. Hunsaker, Chair
Reports filed. On motion of Representative Hunsaker, the reports of the Political Subdivisions committee were adopted.

H.B. 439, as amended, read the second time by short title and placed on the Third Reading Calendar.

1st Sub. S.B. 135 read the second time by short title and placed on the Consent Calendar.

* * *

Mr. Speaker: February 23, 2009
The Revenue and Taxation Committee reports a favorable recommendation on H.B. 418, DELINQUENT PROPERTY TAX AMENDMENTS, by Representative G. Froerer, with the following amendments:

1. Page 1, Lines 13 through 15:
   13 increases the penalty imposed on delinquent property taxes from 2% to {−5%−} 3%;
provides that the penalty is only 2.5% if the delinquent property taxes and the penalty are paid within 60 days of the delinquency;

2. Page 2, Lines 43 through 45:

   (2) (a) Except as provided in Subsection (2)(e), for each parcel, all delinquent taxes on each separately assessed parcel are subject to a penalty of 3% of the amount of the delinquent taxes or $10, whichever is greater.

3. Page 2, Line 58 through Page 3, Line 60:

   (e) The penalty described in Subsection (2)(a) shall be 2.5% of the amount of the delinquent taxes or $10, whichever is greater, if all delinquent taxes and the penalty are paid on or before the January 31 immediately following the delinquency date.

   Todd E. Kiser, Chair

   Report filed. On motion of Representative Froerer, the report of the Revenue and Taxation committee was adopted.

   H.B. 418, as amended, read the second time by short title and placed on the Third Reading Calendar.

   INTRODUCTION OF BILLS

   H.B. 356, Barber, Cosmetologist/barber, Esthetician, Electrologist, and Nail Technician Licensing Act Amendments (M. Newbold), read the first time by short title and referred to the Rules Committee.

   H.B. 379, Environmental Litigation Bond (M. Noel), read the first time by short title and referred to the Rules Committee.

   H.B. 416, Seismic Upgrade Requirements for Condominium Conversion Projects (L. Wiley), read the first time by short title and referred to the Rules Committee.

   H.B. 449, Veterans Nursing Home Amendments (G. Hughes), read the first time by short title and referred to the Rules Committee.
H.C.R. 9, Concurrent Resolution Honoring Don Peay (B. Dee), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

1st Sub. H.B. 126, VOTER IDENTIFICATION FOR ELECTIONS, Daw, read the third time by short title and placed on its final passage.

Representative Daw proposed the following amendment:

1. Page 16, Lines 474 through 475
   474 (A) write the ballot number \{ and type of valid voter identification presented \} opposite
   475 the name of the voter in the official register; and

2. Page 19, Lines 569 through 571:
   569 (A) write the ballot number \{ , the type of valid voter identification presented, \} and the
   570 name of the registered political party whose ballot the voter voted opposite the name of the
   571 voter in the official register; and

3. Page 20, Lines 602 through 603:
   602 (ii) provided valid voter identification to the poll worker \{ as indicated by a notation in
   603 the official register \} or

4. Page 29, Lines 881 through 884:
   881 (b) The division may require an indigent person applying for an identification card
   882 without the payment of a fee to execute a release form allowing the division to inquire with the
   883 Tax Commission whether the person has \{ filed \} tax returns or has state income tax
   884 withholding suggesting that the person is not indigent.

Representative Daw’s motion to amend passed on a voice vote.

###

Representative Watkins proposed the following amendment:
1. Page 20, Lines 606 through 612

606 (c) the voter:
607 (i) is registered to vote in the state;
608 (ii) the poll worker recorded in the official register that the voter either failed to
609 provide valid voter identification or the documents provided as valid voter identification were
610 inadequate; and
611 (iii) (A) the county clerk verifies the voter’s identity and residence through some other
612 means as reliable as photo identification or
(B) the voter provides valid voter identification to the county clerk within five business days after the date of the election.

Representatives Hutchings, Lockhart and Ferry commented. Representative Watkins’ motion to amend passed on a voice vote.

Representatives Poulson, Litvack, Allen, Sumion, Herrod and Mascaro commented.

1st Sub. H.B. 126, as amended, passed on the following roll call:

**Yeas, 51; Nays, 22; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard  Barrus  Bigelow  Bird
Brown   S. Clark  Daw   Dee
Dougall  Draxler  Dunnigan  Edwards
Ferry   Julie Fisher  Fowlke  Frank
Froerer  Garn  F Gibson  K Gibson
Greenwood  Grover  Harper  Herrod
Holdaway  Hughes  Hunsaker  Hutchings
Ipson   Kiser  Last  Lockhart
Mascaro  Mathis  McIlff  Menlove
Morley  Newbold  Noel  Oda
Powell  Ray  Sandstrom  Sumision
Vickers  Wallis  Webb  Wilcox
Wimmer  Winn  D. Clark

**Voting in the negative were:** Representatives

Allen  Beck  Biskupski  Black
Chavez–Houck  Cosgrove  S Duckworth  Janice Fisher
Absent or not voting were: Representatives

Johnson Painter

1st Sub. H.B. 126, as amended, transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Frank, the House voted to uncircle H.B. 141.

H.B. 141, BILLBOARD AMENDMENTS, Frank, was before the House on its final passage.

On motion of Representative Frank, the House voted to delete H.B. 141 in title and body and insert 1st Sub. H.B. 141 in lieu thereof.

Representatives Johnson and Mathis commented. On motion of Representative Litvack, the House voted to circle 1st Sub. H.B. 141.

THIRD READING CALENDAR

1st Sub. H.B. 352, ALCOHOLIC BEVERAGE RELATED AMENDMENTS, Dunnigan, read the third time by short title and placed on its final passage.

On motion of Representative Dee, the House voted to circle 1st Sub. H.B. 352.

***

H.B. 152, APPRAISAL MANAGEMENT COMPANY REGULATION, Morley, read the third time by short title and placed on its final passage.

On motion of Representative Dee, the House voted to circle H.B. 152.

***

**1st Sub. H.B. 280**, as amended, passed on the following roll call:

**Yeas, 71; Nays, 1; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives  
Aagard  Allen  Barrus  Beck  
Bigelow  Bird  Biskupski  Black  
Brown  Chavez–Houck  S. Clark  Cosgrove  
Daw  Dee  Dougall  Draxler  
S Duckworth  Edwards  Ferry  Janice Fisher  
Julie Fisher  Fowlke  Frank  Froerer  
Garn  F Gibson  K Gibson  Gowans  
Greenwood  Grover  Hansen  Hemingway  
Hendrickson  Herrod  Holdaway  Hughes  
Hunsaker  Hutchings  Ipson  Johnson  
King  Kiser  Last  Litvack  
Lockhart  Mascaro  Mathis  McIff  
Menlove  Morley  Moss  Newbold  
Noel  Oda  Poulson  Powell  
Ray  Riesen  Sandstrom  Seegmiller  
Seelig  Sumasion  Vickers  Wallis  
Watkins  Webb  Wheatley  Wilcox  
Wiley  Winn  D. Clark

**Voting in the negative was:** Representative  
Dunnigan

**Absent or not voting were:** Representatives  
Harper  Painter  Wimmer

**1st Sub. H.B. 280**, as amended, transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative Dunnigan, the House voted to uncircle **1st Sub. H.B. 352**.

**1st Sub. H.B. 352**, ALCOHOLIC BEVERAGE RELATED AMENDMENTS, **Dunnigan**, was before the House on its final passage.

**1st Sub. H.B. 352** passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**
Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives

| Allen | Painter | Seelig | Wallis |

1st Sub. H.B. 352 transmitted to the Senate for its consideration.

***

On motion of Representative Morley, the House voted to uncircle H.B. 152.

H.B. 152, APPRAISAL MANAGEMENT COMPANY REGULATION, Morley, was before the House on its final passage. Representatives Draxler, Cosgrove, Hansen, King and Aagard commented.

H.B. 152 passed on the following roll call:

Yeas, 72; Nays, 1; Absent or not voting, 2.

Voting in the affirmative were: Representatives

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Voting in the negative was: Representative Dougall

Absent or not voting were: Representatives Painter Sandstrom

H.B. 152 transmitted to the Senate for its consideration.

***

On motion of Representative Newbold, the House voted to uncircle 2nd Sub. H.B. 66.

2nd Sub. H.B. 66, PROPERTY TAX AMENDMENTS, Newbold, was before the House on its final passage.


On motion of Representative Newbold, the House voted to circle 4th Sub. H.B. 66.

***

THIRD READING CALENDAR

H.B. 249, CONTINUING EDUCATION FOR CONTRACTORS AMENDMENTS, Bigelow, read the third time by short title and placed on its final passage.
On motion of Representative Bigelow, the House voted to circle H.B. 249.

* * *

1st Sub. H.B. 150, STATE BOARD OF EDUCATION MEMBER ELECTION PROCESS AMENDMENTS, Moss, read the third time by short title and placed on its final passage. Representatives Allen, Dougall and Noel commented.


Representatives Hughes, Menlove, and Gowans commented. Representative Sumsion’s motion to substitute failed on the following roll call:

Yeas, 31; Nays, 42; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Aagard Barrus Daw Dee
Dougall Dunnigan Froerer Garn
F. Gibson K. Gibson Grover Harper
Herrod Hughes Ipson Kiser
Lockhart Mathis Newbold Noel
Oda Painter Ray Sandstrom
Sumsion Vickers Wallis Wilcox
Wimmer Winn D. Clark

Voting in the negative were: Representatives
Allen Beck Bigelow Bird
Biskupski Black Brown Chavez–Houck
S. Clark Cosgrove Draxler S. Duckworth
Edwards Ferry Janice Fisher Julie Fisher
Fowlke Gowans Greenwood Hansen
Hemingway Hendrickson Holdaway Hunsaker
Hutchings Johnson King Last
Litvack Mascaro McIff Menlove
Moss Poulson Powell Riesen
Seegmiller Seelig Watkins Webb
Wheatley Wiley

Absent or not voting were: Representatives
Frank Morley

Representatives Bigelow and Mascaro commented. 1st Sub. H.B. 150 passed on the following roll call:
Yeas, 45; Nays, 29; Absent or not voting, 1.

Voting in the affirmative were: Representatives
Allen  Beck  Bird  Biskupski
Black  Brown  Chavez–Houck  Cosgrove
Dee  Draxler  S Duckworth  Dunnigan
Edwards  Ferry  Janice Fisher  Froerer
F Gibson  Gowans  Hansen  Hemingway
Hendrickson  Holdaway  Hunsaker  Hutchings
Johnson  King  Kiser  Litvack
Mascaro  McIff  Menlove  Moss
Poulson  Powell  Riesen  Sandstrom
Seegmiller  Seelig  Sumsion  Vickers
Watkins  Wheatley  Wilcox  Wiley
Wimmer

Voting in the negative were: Representatives
Aagard  Barrus  Bigelow  S. Clark
Daw  Dougall  Julie Fisher  Fowlke
Frank  Garn  K Gibson  Greenwood
Grover  Harper  Herrod  Hughes
Ipson  Last  Lockhart  Mathis
Newbold  Noel  Oda  Painter
Ray  Wallis  Webb  Winn
D. Clark

Absent or not voting was: Representative
Morley

1st Sub. H.B. 150 transmitted to the Senate for its consideration.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker:  February 23, 2009

The Senate passed, as amended, H.B. 51, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, by Representative C. Johnson, and it is transmitted for further consideration; and
The Senate passed, as amended, **H.B. 102**, FALSE VEHICLE TITLE AND REGISTRATION PENALTIES, by Representative P. Ray, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 51** and **H.B. 102** placed on the Concurrence Calendar.

**MISCELLANEOUS BUSINESS**

On motion of Representative Garn, and at 4:25 p.m., the House voted to adjourn until February 24, 2009, at 10:00 a.m.
TWENTY-NINTH DAY

***

MORNING SESSION

The House was called to order by Speaker Pro Tem Hughes at 10:10 a.m.

Roll call showed all members present.

Prayer offered by Kat Harward. Pledge of Allegiance led by Danielle Townsend; both are guests of Representative James Dunnigan.

Mrs. Morgan’s 4th grade class from Eastwood Elementary and Taylorsville High Madrigals, directed by Leah Tarrant, serenaded the House Chamber before session started.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 23, 2009

The Senate passed, H.B. 71, WITHHOLDING TAX AMENDMENTS, by Representative E. Vickers, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 78, UTAH UNIFORM SECURITIES ACT MODIFICATIONS, by Representative J. Bird, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 91, INDIVIDUAL DEVELOPMENT ACCOUNT AMENDMENTS, by Representative F.J. Seegmiller, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, 1st Sub. H.B. 92, REQUIREMENT TO WEAR HUNTER ORANGE AMENDMENTS, by Representative S. Sandstrom, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 104, DRIVER LICENSE HEARING AMENDMENTS, by Representative R. Greenwood, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 105, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, by Representative J. Mathis, which has been signed by the President and it is transmitted for the signature of the Speaker; and
The Senate passed, **2nd Sub. H.B. 121**, RETIRED VOLUNTEER HEALTH CARE PRACTITIONER ACT, by Representative M. Brown, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 233**, AGGRAVATED SEXUAL ASSAULT AMENDMENTS, by Representative C. Wimmer, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 235**, DAM SAFETY AMENDMENTS, by Representative S. Sandstrom, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 247**, AMENDMENTS TO EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, by Representative J. Bird, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 253**, MOTOR CARRIER PERMIT FEE AMENDMENTS, by Representative T. Kiser, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 279**, UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT, by Representative B. Last, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate


* * *

Mr. Speaker: February 23, 2009

The Senate passed, as amended, **S.B. 39**, IMMIGRATION AMENDMENTS, by Senator S. Jenkins, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. **S.B. 39** read the first time by short title and referred to the Rules Committee.

**INTRODUCTION OF BILLS**

**H.B. 4, General Obligation Bonds Authorizations** (S. Clark), read the first time by short title and referred to the Rules Committee.
H.B. 381, **Public Education Law Revisions – Association Leave** (C. Herrod), read the first time by short title and referred to the Rules Committee.

H.B. 428, **Unemployment Insurance Amendments** (S. Mascaro), read the first time by short title and referred to the Rules Committee.

H.B. 434, **Amendments to Department of Environmental Quality** (R. Edwards), read the first time by short title and referred to the Rules Committee.

H.B. 436, **State Prohibition of Sudan Related Contracts** (D. Litvack), read the first time by short title and referred to the Rules Committee.

**CONCURRENCE CALENDAR**

On motion of Representative Hutchings, the House voted to concur in the Senate amendments to **H.B. 24, TRAFFIC ACCIDENT CLEARANCE AMENDMENTS**.

**H.B. 24**, as amended by the Senate, passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

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H.B. 24, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative Johnson, the House voted to refuse to concur with the Senate amendments to H.B. 51 and to request that the Senate recede from its amendments. H.B. 51 will be returned to the Senate.

* * *

On motion of Representative Ray, the House voted to concur in the Senate amendments to H.B. 102, FALSE VEHICLE TITLE AND REGISTRATION PENALTIES.

H.B. 102, as amended by the Senate, passed on the following roll call:

Yeas, 66; Nays, 5; Absent or not voting, 4.

Voting in the affirmative were: Representatives

| Aagard | Allen | Barrus | Beck |
| Bigelow | Bird | Biskupski | Black |
| Brown | S. Clark | Cosgrove | Daw |
| Dee | Dougall | Draxler | S Duckworth |
| Dunnigan | Edwards | Ferry | Janice Fisher |
| Julie Fisher | Fowlke | Frank | Froerer |
| F Gibson | K Gibson | Greenwood | Grover |
| Hansen | Harper | Hemingway | Hendrickson |
| Herrod | Holdaway | Hughes | Hunsaker |
| Hutchings | Ipson | King | Kiser |
| Last | Lockhart | Mascaro | Mathis |
| McIff | Menlove | Morley | Moss |
| Noel | Oda | Painter | Poulson |
| Powell | Ray | Riesen | Sandstrom |
| Sumerson | Vickers | Wallis | Watkins |
| Webb | Wheatley | Wilcox | Wiley |
| Wimmer | Winn | |

Voting in the negative were: Representatives

| Chavez−Houck | Johnson | Litvack | Seegmiller |
| Seelig | |

Absent or not voting were: Representatives

| Garn | Gowans | Newbold | D. Clark |
H.B. 102, as amended by the Senate, transmitted to the Senate for signature of President.

CONSENT CALENDAR

H.B. 375, LOCAL GOVERNMENT RECORDS AMENDMENTS, Wilcox, read the third time by short title and placed on its final passage.

H.B. 375 passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives

| Aagard | Allen | Barrus | Beck |
| Bigelow | Bird | Biskupski | Black |
| Brown | Chavez–Houck | S. Clark | Cosgrove |
| Daw | Dee | Dougall | S Duckworth |
| Dunnigan | Edwards | Ferry | Janice Fisher |
| Julie Fisher | Fowlke | Froerer | Garn |
| F Gibson | K Gibson | Gowans | Greenwood |
| Grover | Hansen | Harper | Hemingway |
| Hendrickson | Herrod | Holdaway | Hughes |
| Hunsaker | Hutchings | Ipson | King |
| Kiser | Last | Litvack | Lockhart |
| Mascaro | Mathis | McIff | Menlove |
| Morley | Moss | Noel | Oda |
| Painter | Poulson | Powell | Ray |
| Riesen | Sandstrom | Seegmiller | Seelig |
| Sumssion | Vickers | Wallis | Watkins |
| Webb | Wheatley | Wilcox | Wiley |
| Wimmer | Winn |

Absent or not voting were: Representatives

| Draxler | Frank | Johnson | Newbold |
| D. Clark |

H.B. 375 transmitted to the Senate for its consideration.

* * *

S.B. 108, TAX COMMISSION ADMINISTRATION, COLLECTION, AND ENFORCEMENT AMENDMENTS, Kiser, read the third time by short title and placed on its final passage.
S.B. 108 passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

| Gowans | Johnson | D. Clark |

S.B. 108 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

**THIRD READING CALENDAR**

1st Sub. H.R. 3, RESOLUTION ON ENERGY POLICY, **Noel**, read the third time by short title and placed on its final passage. Representatives Litvack, K. Gibson and Chavez–Houck commented.

1st Sub. H.R. 3 passed on the following roll call:

**Yeas, 51; Nays, 19; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

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Voting in the negative were: Representatives
Allen Beck Biskupski Black
Chavez–Houck Cosgrove Edwards Janice Fisher
Hansen Hemingway Johnson King
Litvack Moss Poulson Riesen
Seegmiller Seelig Wiley

Absent or not voting were: Representatives
Barrus Brown Draxler Harper
Wheatley

1st Sub. H.R. 3 was signed by the Speaker and referred to staff for enrolling and transmission to the Lt. Governor.

MISCELLANEOUS BUSINESS

On motion of Representative Dee, the House voted to reconsider its action on 2nd Sub. H.B. 246.

On motion of Representative Froerer, the House voted to circle 2nd Sub. H.B. 246.

THIRD READING CALENDAR

H.B. 345, ELECTED OFFICIALS – RESTRICTIONS ON LOBBYING, 
Dee, read the third time by short title and placed on its final passage. Representatives Moss, Hansen and Johnson commented.

H.B. 345 passed on the following roll call:

Yeas, 71; Nays, 3; Absent or not voting, 1.

Voting in the affirmative were: Representatives
Aagard Allen Beck Bigelow
Bird Biskupski Black Brown
Voting in the negative were: Representatives
Frank Hansen Hendrickson

Absent or not voting was: Representative
Barrus

H.B. 345 transmitted to the Senate for its consideration.

***

H.B. 346, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS AMENDMENTS, Dee, read the third time by short title and placed on its final passage.

H.B. 346 passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard Allen Beck Bigelow
Bird Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Froerer Garn
F Gibson K Gibson Gowans Greenwood
Grover Harper Hemingway Herrod
Holdaway Hughes Hunsaker Hutchings
Ipson Johnson King Kiser
Last Litvack Lockhart Mascaro
Mathis McIff Menlove Morley
Moss Newbold Noel Oda
Painter Poulson Powell Ray
Riesen Sandstrom Seegmiller Seelig
Sumsion Vickers Wallis Watkins
Webb Wheatley Wilcox Wiley
Wimmer Winn D. Clark

H.B. 345 transmitted to the Senate for its consideration.

***

H.B. 346, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS AMENDMENTS, Dee, read the third time by short title and placed on its final passage.

H.B. 346 passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard Allen Beck Bigelow
Bird Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Frank Froerer
Garn F Gibson K Gibson Gowans
Absent or not voting were: Representatives
Barrus Hendrickson Johnson Oda

H.B. 346 transmitted to the Senate for its consideration.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 23, 2009

The Education Committee reports a favorable recommendation on H.B. 330, UTAH SCHOOL SEISMIC HAZARD INVENTORY, by Representative L. Wiley; and

The Education Committee reports a favorable recommendation on H.B. 364, BORDER AND NONRESIDENT STUDENT AMENDMENTS, by Representative D. Ipson, et al.

Gregory H. Hughes, Chair

Reports filed. On motion of Representative Sumson, the reports of the Education committee were adopted.

H.B. 330 and H.B. 364 read the second time by short title and placed on the Third Reading Calendar.

* * *

Mr. Speaker: February 23, 2009

The Health and Human Services Committee reports a favorable recommendation on 1st Sub. H.B. 132, SEXUAL ASSAULT VICTIM PROTOCOLS, by Representative J. Biskupski, with the following amendments:

1. Page 3, Line 83:

83 under the protocol described in Subsection { (5) (1)(e) } to a victim of sexual assault; and
The Health and Human Services Committee recommends **H.B. 340**, RESpite Care Assistance Fund, by Representative J. Draxler, be replaced and favorably recommends **1st Sub. H.B. 340**, RESpite Care Assistance Fund; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 456**, Tobacco Access Restrictions, by Representative B. Last, with the following amendments:

1. Page 3, Line 72:
   
   72 of tobacco products by individuals under the age of 19";
   
   \textit{\textendash}and\textit{\textendash}

2. Page 3, Line 76:
   
   76 present, or permitted to enter, at any time, unless accompanied by a parent or legal guardian; and
   
   \textit{(c) sales by a retailer from a retail store which derives at least 80% of its revenue from tobacco and tobacco related products and where the retailer ensures that no person younger than 19 years of age is present, or permitted to enter at any time, unless accompanied by a parent or legal guardian.}\textit{.}

3. Page 3, Line 82:
   
   82 age into an area described in Subsection (3)(b) or into a retail store described Subsection (3)(c) and permits the person younger than 19 years of; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 111**, Health Care Workforce Financial Assistance Program Amendments, by Senator G. Davis; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 399**, Charitable Care Amendments, by Representative B. Last, with the following amendments and recommends it be placed on the Consent Calendar.

1. Page 3, Lines 71 through 76:
   
   71 (ii) does not mean:\textit{\textendash}any grant or donation to the health care facility used to offset direct
costs associated with providing the uncompensated health care such as:

(A) medical supplies [or];

(B) drugs[.]; or

(C) a charitable donation to the health care facility, including a charitable donation

from a patient of the health care facility ; or

(B) incidental reimbursements to the volunteer such as:

(I) food supplied to the volunteer;

(II) clothing supplied to the volunteer to help identify the volunteer during the time of volunteer services;

(III) mileage reimbursement to the volunteer; or

(IV) other similar support to the volunteer ; and

The Health and Human Services Committee reports a favorable recommendation on H.J.R. 22, JOINT RESOLUTION – UTAH’S MEDICAID ASSET TEST, by Representative R. Chavez–Houck, and recommends it be placed on the Consent Calendar.

Paul Ray, Chair

Reports filed. On motion of Representative Last, the reports of the Health and Human committee were adopted.


H.B. 399, as amended, and H.J.R. 22 read the second time by short title and placed on the Consent Calendar.

* * *

Mr. Speaker: February 23, 2009

The Public Utilities and Technology Committee recommends H.J.R. 9, JOINT RESOLUTION ON COST–EFFECTIVE ENERGY EFFICIENCY AND UTILITY DEMAND–SIDE MANAGEMENT, by Representative R. Barrus, be replaced and favorably recommends 1st Sub. H.J.R. 9, JOINT RESOLUTION ON COST–EFFECTIVE ENERGY EFFICIENCY AND UTILITY DEMAND–SIDE MANAGEMENT; and

The Public Utilities and Technology Committee reports a favorable recommendation on H.B. 245, UTAH STATE 911 COMMITTEE
AMENDMENTS, by Representative C. Oda, with the following amendments and
recommends it be placed on the Consent Calendar.

1. Page 1, Line 20

   53–10–602, as last amended by Laws of Utah 2008, Chapter 382
   59–1–403, as last amended by Laws of Utah 2008, Chapters 3, 382, and 384

2. Page 2, Lines 44 through 53:

   (3) (a) The committee shall review information regarding:
   (i) in aggregate, the number of telecommunication service subscribers by telecommunication service type in a political subdivision;
   (ii) 911 call delivery network costs;
   (iii) public safety answering point costs; and
   (iv) system engineering information.
   (b) The committee may request written reports or other information from other state agencies, including:
   (i) information as described in Subsection (3)(a)(i) from the Utah State Tax Commission; and
   (ii) the local exchange carriers; and
   (iii) information from public safety answering points connected to the 911 call delivery system.
   (c) The information requested by and provided to the committee under Subsection (3) is a protected record in accordance with Section 63G–2–305.

3. Page 3, Line 63:

   entity or state agency must adopt in order to qualify for grants from the fund.
This section does not expand the authority of the Utah State Tax Commission to request additional information from a telecommunication service provider.

Section 2. Section 59–1–403 is amended to read:

59–1–403. Confidentiality — Exceptions — Penalty — Application to property tax.

(1) (a) Any of the following may not divulge or make known in any manner any information gained by that person from any return filed with the commission:

(i) a tax commissioner;

(ii) an agent, clerk, or other officer or employee of the commission; or

(iii) a representative, agent, clerk, or other officer or employee of any county, city, or town.

(b) An official charged with the custody of a return filed with the commission is not required to produce the return or evidence of anything contained in the return in any action or proceeding in any court, except:

(i) in accordance with judicial order;

(ii) on behalf of the commission in any action or proceeding under:

(A) this title; or

(B) other law under which persons are required to file returns with the commission;

(iii) on behalf of the commission in any action or proceeding to which the commission is a party; or

(iv) on behalf of any party to any action or proceeding under this title if the report or facts shown by the return are directly involved in the action or proceeding.

(c) Notwithstanding Subsection (1)(b), a court may require the production of, and may admit in evidence, any portion of a return or of the facts shown by the return, as are specifically pertinent to the action or proceeding.

(2) This section does not prohibit:

(a) a person or that person’s duly authorized representative from receiving a copy of any return or report filed in connection with that person’s own tax;

(b) the publication of statistics as long as the statistics are classified to prevent the identification of particular reports or returns; and
(c) the inspection by the attorney general or other legal representative of the state of the report or return of any taxpayer:
   (i) who brings action to set aside or review a tax based on the report or return;
   (ii) against whom an action or proceeding is contemplated or has been instituted under this title; or
   (iii) against whom the state has an unsatisfied money judgment.
(3) (a) Notwithstanding Subsection (1) and for purposes of administration, the commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for a reciprocal exchange of information with:
   (i) the United States Internal Revenue Service; or
   (ii) the revenue service of any other state.
(b) Notwithstanding Subsection (1) and for all taxes except individual income tax and corporate franchise tax, the commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and other written statements with the federal government, any other state, any of the political subdivisions of another state, or any political subdivision of this state, except as limited by Sections 59–12–209 and 59–12–210, if the political subdivision, other state, or the federal government grant substantially similar privileges to this state.
(c) Notwithstanding Subsection (1) and for all taxes except individual income tax and corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for the issuance of information concerning the identity and other information of taxpayers who have failed to file tax returns or to pay any tax due.
(d) Notwithstanding Subsection (1), the commission shall provide to the Solid and Hazardous Waste Control Board executive secretary, as defined in Section 19–6–102, as requested by the executive secretary, any records, returns, or other information filed with the commission under Chapter 13, Motor and Special Fuel Tax Act, or Section 19–6–410.5 regarding the environmental assurance program participation fee.
(e) Notwithstanding Subsection (1), at the request of any person the commission shall provide that person sales and purchase volume data reported to the commission on a report, return, or other information filed with the commission under:
   (i) Chapter 13, Part 2, Motor Fuel; or
(ii) Chapter 13, Part 4, Aviation Fuel.

(f) Notwithstanding Subsection (1), upon request from a tobacco product manufacturer, as defined in Section 59–22–202, the commission shall report to the manufacturer:

(i) the quantity of cigarettes, as defined in Section 59–22–202, produced by the manufacturer and reported to the commission for the previous calendar year under Section 59–14–407; and

(ii) the quantity of cigarettes, as defined in Section 59–22–202, produced by the manufacturer for which a tax refund was granted during the previous calendar year under Section 59–14–401 and reported to the commission under Subsection 59–14–401(1)(a)(v).

(g) Notwithstanding Subsection (1), the commission shall notify manufacturers, distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited from selling cigarettes to consumers within the state under Subsection 59–14–210(2).

(h) Notwithstanding Subsection (1), the commission may:

(i) provide to the Division of Consumer Protection within the Department of Commerce and the attorney general data:

(A) reported to the commission under Section 59–14–212; or

(B) related to a violation under Section 59–14–211; and

(ii) upon request provide to any person data reported to the commission under Subsections 59–14–212(1)(a) through (c) and Subsection 59–14–212(1)(g).

(i) Notwithstanding Subsection (1), the commission shall, at the request of a committee of the Legislature, Office of the Legislative Fiscal Analyst, or Governor’s Office of Planning and Budget, provide to the committee or office the total amount of revenues collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the time period specified by the committee or office.

(j) Notwithstanding Subsection (1), the commission shall at the request of the Legislature provide to the Legislature the total amount of sales or uses exempt under Subsection 59–12–104(46) reported to the commission in accordance with Section 59–12–105.

(k) Notwithstanding Subsection (1), the commission shall make the directory required by Section 59–14–603 available for public inspection.

(l) Notwithstanding Subsection (1), the commission may share information with federal, state, or local agencies as provided in Subsection 59–14–606(3).
(m) (i) Notwithstanding Subsection (1), the commission shall provide the Office of Recovery Services within the Department of Human Services any relevant information obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer who has become obligated to the Office of Recovery Services.

(ii) The information described in Subsection (3)(m)(i) may be provided by the Office of Recovery Services to any other state’s child support collection agency involved in enforcing that support obligation.

(n) (i) Notwithstanding Subsection (1), upon request from the state court administrator, the commission shall provide to the state court administrator, the name, address, telephone number, county of residence, and Social Security number on resident returns filed under Chapter 10, Individual Income Tax Act.

(ii) The state court administrator may use the information described in Subsection (3)(n)(i) only as a source list for the master jury list described in Section 78B–1–106.

(o) Notwithstanding Subsection (1), the commission shall at the request of a committee, commission, or task force of the Legislature provide to the committee, commission, or task force of the Legislature any information relating to a tax imposed under Chapter 9, Taxation of Admitted Insurers, relating to the study required by Section 59–9–101.

(p) (i) As used in this Subsection (3)(p), “office” means the:
(A) Office of the Legislative Fiscal Analyst; or
(B) Office of Legislative Research and General Counsel.

(ii) Notwithstanding Subsection (1) and except as provided in Subsection (3)(p)(iii), the commission shall at the request of an office provide to the office all information:
(A) gained by the commission; and
(B) required to be attached to or included in returns filed with the commission.

(iii) (A) An office may not request and the commission may not provide to an office a person’s:
(I) address;
(II) name;
(III) Social Security number; or
(IV) taxpayer identification number.

(B) The commission shall in all instances protect the privacy of a person as required by Subsection (3)(p)(iii)(A).

(iv) An office may provide information received from the commission in accordance with this Subsection (3)(p) only:
(A) as:
(I) a fiscal estimate;
(II) fiscal note information; or
(III) statistical information; and
(B) if the information is classified to prevent the identification of a particular return.

(v) (A) A person may not request information from an office under Title 63G, Chapter 2, Government Records Access and Management Act, or this section, if that office received the information from the commission in accordance with this Subsection (3)(p).

(B) An office may not provide to a person that requests information in accordance with Subsection (3)(p)(v)(A) any information other than the information the office provides in accordance with Subsection (3)(p)(iv).

(q) Notwithstanding Subsection (1), the commission may provide to the governing board of the agreement or a taxing official of another state, the District of Columbia, the United States, or a territory of the United States:

(i) the following relating to an agreement sales and use tax:
(A) information contained in a return filed with the commission;
(B) information contained in a report filed with the commission;
(C) a schedule related to Subsection (3)(q)(i)(A) or (B); or
(D) a document filed with the commission; or
(ii) a report of an audit or investigation made with respect to an agreement sales and use tax.

(r) Notwithstanding Subsection (1), the commission shall provide to the Utah State 911 Committee the information requested by the Utah State 911 Committee under Subsection 53−10−602 (3).

(4) (a) Reports and returns shall be preserved for at least three years.

(b) After the three−year period provided in Subsection (4)(a) the commission may destroy a report or return.

(5) (a) Any person who violates this section is guilty of a class A misdemeanor.

(b) If the person described in Subsection (5)(a) is an officer or employee of the state, the person shall be dismissed from office and be disqualified from holding public office in this state for a period of five years thereafter.
(c) Notwithstanding Subsection (5)(a) or (b), an office that requests information in accordance with Subsection (3)(p)(iii) or a person that requests information in accordance with Subsection (3)(p)(v):

(i) is not guilty of a class A misdemeanor; and
(ii) is not subject to:
(A) dismissal from office in accordance with Subsection (5)(b); or
(B) disqualification from holding public office in accordance with Subsection (5)(b).

(6) Except as provided in Section 59–1–404, this part does not apply to the property tax.

Section 3. Section 63G–2–305 is amended to read:

63G–2–305. 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 63G–2–309;

(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 63G–2–309;

(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, subject to Subsection (1) and (2), that this Subsection (6) does not restrict the right of a person to have access to, once the contract or grant has been awarded, a bid, proposal, or application submitted to or by a governmental entity in response to:
   (a) a request for bids;
   (b) a request for proposals;
   (c) a grant; or
   (d) other similar document;

(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 78B–6–505;

(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 78B–1–137;

(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:
   (a) contained in the statewide database of the Division of Aging and Adult Services created by Section 62A–3–311.1; or
   (b) received or maintained in relation to the Identity Theft Reporting Information System (IRIS) established under Section 67–5–22;

(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 63G–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 26–39–501:
(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;

(51) unless otherwise classified as public under Section 63G–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) the name, home address, work addresses, and telephone numbers of an individual that is engaged in, or that provides goods or services for, medical or scientific research that is:

(a) conducted within the state system of higher education, as defined in Section 53B–1–102; and

(b) conducted using animals;

(53) an initial proposal under Title 63M, Chapter 1, Part 26, Government Procurement Private Proposal Program, to the extent not made public by rules made under that chapter;

(54) information collected and a report prepared by the Judicial Performance Evaluation Commission concerning a judge, unless Section 20A–7–702 or Title 78A, Chapter 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public, the information or report;

(55) (a) records of the Utah Educational Savings Plan Trust created under Section 53B–8a–103 if the disclosure of the records would conflict with its fiduciary obligations;

(b) proposals submitted to the Utah Educational Savings Plan Trust; and

(c) contracts entered into by the Utah Educational Savings Plan Trust and the related payments;  

records contained in the Management Information System
created in Section 62A−4a−1003 { — } ; and
information requested by and provided to the Utah State 911
Committee under Section 53−10−602.

Michael E. Noel, Chair

Reports filed. On motion of Representative Winn, the reports of the Public Utilities and Technology committee were adopted.

1st Sub. H.J.R. 9 read the second time by short title and placed on the Third Reading Calendar.

H.B. 245, as amended, read the second time by short title and placed on the Consent Calendar.

* * *

Mr. Speaker: February 23, 2009

The Business and Labor Committee reports a favorable recommendation on H.B. 347, ALCOHOLIC BEVERAGE CONTROL ACT MODIFICATIONS, by Representative G. Hughes, with the following amendments:

1. Page 72, Lines 2200 through 2201:

2200 (23) (a) A social on−premise liquor license may not be transferred from one location to
2201 another { person } location , without prior written approval of the commission.

2. Page 72, Lines 2207 through 2208:

2207 (24) Subject to Subsections (22) and (23), a social on−premise liquor licensee may not temporarily
2208 rent or otherwise temporarily lease its premises to a person unless:

3. Page 77, Lines 2367 through 2376:

2367 (c) If after the conversions under Subsection (1) and the allocation under Subsection
2368 (2)(a), there are social on−premise liquor licenses that may be issued by the commission, if a
2369 restaurant liquor licensee renews its license under this section as of September 30, 2009:
(i) the restaurant liquor licensee may request converting its license to a class 1 social on-premise liquor license;

(ii) notwithstanding the renewal fee required under Section 32A-4-102, the restaurant liquor licensee shall pay a renewal fee of $1,600; and

(iii) effective November 1, 2009, if the restaurant liquor licensee qualifies as a class 1 social on-premise liquor licensee, the department shall automatically convert the restaurant liquor license to a class 1 social on-premise liquor license.

4. Page 105, Lines 3249 through 3250:

A private club license may not be transferred from one location to another, without prior written approval of the commission.

5. Page 106, Lines 3256 through 3257:

Subject to Subsections (31) through (33), a private club licensee may not temporarily rent or otherwise lease its premises to a person unless:

6. Page 32, Lines 971 through 975:

(i) used by the social on-premise liquor licensee only for purposes of verifying proof of age in accordance with this section; and

(ii) retained by the social on-premise liquor licensee for no more than 48 hours from close of business of the day on which the social on-premise liquor licensee obtains the information.

The Business and Labor Committee reports a favorable recommendation on H.B. 353, TRUTH IN ADVERTISING ACT AMENDMENTS, by Representative M. Morley; and
The Business and Labor Committee reports a favorable recommendation on **H.B. 192, PERSONAL INJURY JUDGMENT INTEREST**, by Representative J. Dunnigan, with the following amendments and recommends it be placed on the Consent Calendar.

1. Page 1, Lines 9 through 17:

   9 This bill amends the \{-date that a plaintiff may claim\-\} the interest rate on \{-special\-\} personal injury damages \{-and\-\}.
   
   10 defines interest as simple interest and not compounded interest.

   11 Highlighted Provisions:

   12 This bill:

   13 \{-C0034\-\} requires interest accrued on special damages to be simple interest, not compound interest; and

   14 \{-\} changes the \{-date from which\-\} rate of interest \{-is accrued for special damages from the date of\-\}.

   15 \{-\} changes the \{-date from which\-\} rate of interest \{-is accrued for special damages from the date of\-\}.

   16 the occurrence of the act giving rise to the cause of the action to the date that the damage was actually incurred.

   17 on damages for personal injury actions.

2. Page 2, Lines 28 through 44:


   29 (1) In all actions brought to recover damages for personal injuries sustained by any person, [resulting from or occasioned by the tort of any other person, corporation, association, or partnership, whether by] caused by the negligence or willful intent of [that other] another person \{-\} , corporation, association, or partnership \{-\} \{-or entity\-\} , and whether the injury was fatal or otherwise, the plaintiff in the complaint may claim interest on special damages actually
incurred \( \text{(1)} \) from the date of the occurrence of the act giving rise to the cause of action \( \text{(1)} \).

(2) It is the duty of the court, in entering judgment for plaintiff in that action, to add to the amount of special damages actually incurred that are assessed by the verdict of the jury, or found by the court, prejudgment interest on that amount calculated at the legal rate, as defined in Section 15−1−1, 7.5% simple interest per annum, \( \text{(2)} \) from the date of the occurrence of the act giving rise to the cause of action to the date of entering the judgment, \( \text{(2)} \) and to include it in that judgment.

(3) Interest claimed on any special damage shall be computed from the date the damage was actually incurred.

(4) Interest under Subsections (1) and (2) shall be simple and not compounded.

(5) As used in this section, “special damages actually incurred” does not include damages for future medical expenses, loss of future wages, or loss of future earning capacity.; and

The Business and Labor Committee reports a favorable recommendation on H.B. 402, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS, by Representative K. Garn, and recommends it be placed on the Consent Calendar; and

The Business and Labor Committee reports a favorable recommendation on S.B. 139, EMPLOYER ELECTION RETIREMENT AMENDMENTS, by Senator C. Bramble, and recommends it be placed on the Consent Calendar.

James A. Dunnigan, Chair

Reports filed. On motion of Representative Dunnigan, the reports of the Business and Labor committee were adopted.

H.B. 347, as amended, and H.B. 353 read the second time by short title and placed on the Third Reading Calendar.
H.B. 192, as amended, H.B. 402, and S.B. 139 read the second time by short title and placed on the Consent Calendar.

***

Mr. Speaker: February 24, 2009

The Judiciary Committee reports a favorable recommendation on H.B. 355, INDIGENT INMATE TRUST FUND AMENDMENTS, by Representative K. McIlff.

Lorie D. Fowlke, Chair

Report filed. On motion of Representative Fowlke, the report of the Judiciary committee was adopted.

H.B. 355 read the second time by short title and placed on the Third Reading Calendar.

***

Mr. Speaker: February 24, 2009

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on H.B. 163, PROPERTY TRANSACTION AMENDMENTS, by Representative R. Lockhart; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on H.B. 276, CUSTODIAL INTERFERENCE AMENDMENTS, by Representative C. Wimmer, with the following amendments:

1. Page 2, Lines 43 through 44:

   43 individual who is entitled to custody of the child, or otherwise intentionally { or knowingly } 

   44 interferes with the custody to which that individual is entitled, during a period of time when; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on S.J.R. 9, RESOLUTION HONORING THE UTAH LAW ENFORCEMENT MEMORIAL FOUNDATION, by Senator J. Greiner.

Douglas D. Aagard, Chair

Reports filed. On motion of Representative Aagard, the reports of the Law Enforcement and Criminal Justice committee were adopted.
H.B. 163, H.B. 276, as amended, and S.J.R. 9 read the second time by short title and placed on the Third Reading Calendar.

* * *

Mr. Speaker: February 24, 2009

The Natural Resources, Agriculture, and Environment Committee recommends H.B. 143, VEHICLE INSPECTION AND EMISSION TESTING EXEMPTIONS, by Representative K. Sumsion, be replaced and favorably recommends 1st Sub. H.B. 143, VEHICLE TITLE, INSPECTION AND EMISSION TESTING EXEMPTIONS AMENDMENTS; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 412, ENERGY POLICY AMENDMENTS, by Representative R. Barrus; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.C.R. 7, CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO THE CONGRESSIONAL ENACTMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM, by Representative M. Brown, et al, and recommends it be placed on the Consent Calendar; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.J.R. 18, JOINT RESOLUTION FOR LEGISLATIVE APPROPRIATION SUBCOMMITTEE NAME CHANGE, by Representative N. Hendrickson, and recommends it be placed on the Consent Calendar.

Roger E. Barrus, Chair

Reports filed. On motion of Representative Barrus, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.

1st Sub. H.B. 143 read the first and second times by short title and placed on the Third Reading Calendar.

H.B. 412 read the second time by short title and placed on the Third Reading Calendar.

H.C.R. 7 and H.J.R. 18 read the second time by short title and placed on the Consent Calendar.

* * *

Mr. Speaker: February 24, 2009

The Transportation Committee recommends H.B. 337, CHOOSE LIFE SPECIAL GROUP LICENSE PLATE, by Representative C. Herrod, be replaced
and favorably recommends 1st Sub. H.B. 337, CHOOSE LIFE SPECIAL GROUP LICENSE PLATE.

Bradley M. Daw, Chair

Report filed. On motion of Representative Daw, the report of the Transportation committee was adopted.

1st Sub. H.B. 337 read the second time by short title and placed on the Third Reading Calendar.

NOTICE OF BILL TABLED

Mr. Speaker: February 24, 2009

The Transportation Committee has tabled H.B. 158, MOTORCYCLE HELMET LAW AMENDMENTS, by Representative N. Hansen, and has returned it to the Rules Committee.

Bradley M. Daw, Chair

Report filed. On motion of Representative Daw, the report of the Transportation committee was adopted.

H.B. 158 read the second time by short title and returned to the Rules Committee.

THIRD READING CALENDAR

H.B. 209, AMENDMENTS TO CRIMINAL APPEALS, Julie Fisher, read the third time by short title and placed on its final passage.

H.B. 209 passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives
Barrus Dougall Hansen Oda

H.B. 209 transmitted to the Senate for its consideration.

* * *

1st Sub. H.B. 294, SURVIVAL ACTION UPON INJURY OR DEATH, McIff, read the third time by short title and placed on its final passage.

Representative Bird proposed the following amendment:

1. Page 2, Lines 34 through 39

34 (b) If, prior to judgment or settlement, the injured person dies as a result of a cause

35 other than the injury received as a result of the wrongful act or negligence of the wrongdoer,

36 the personal representatives or heirs of the person have a cause of action against the wrongdoer

37 or personal representatives of the wrongdoer [only] for special damages, and general damages not to exceed $100,000,

38 [occurring] prior to death] which resulted from the injury caused by the wrongdoer[. including income

39 loss] and which occurred prior to death of the injured party from the unrelated cause.

Representative King commented. Representative Bird’s motion to amend passed on a voice vote.

1st Sub. H.B. 294, as amended, passed on the following roll call:
Y eas, 40; Nays, 30; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard    Allen    Barrus    Bigelow
Bird      Brown    Chavez–Houck  Cosgrove
Daw       Dunnigan  Edwards    Ferry
Janice Fisher Julie Fisher  Fowlke    Froerer
F Gibson  Grover    Hansen    Hemingway
Herrod    Holdaway  Hunsaker    Hutchings
Johnson  King      Litvack    Mascaro
McIlff   Menlove   Moss       Poulson
Powell   Riesen    Seegmiller  Seelig
Webb     Wheatley  Wiley      Winn

Voting in the negative were: Representatives
Beck      Biskupski  Black      S. Clark
Dee       Dougall   Draxler    S Duckworth
Frank   Garn      K Gibson    Greenwood
Harper    Hendrickson  Ipson  Kiser
Last      Lockhart  Mathis     Morley
Newbold  Oda       Ray        Sandstrom
Sumasion  Vickers   Wallis     Watkins
Wilcox   D. Clark

Absent or not voting were: Representatives
Gowans   Hughes    Noel       Painter
Wimmer

1st Sub. H.B. 294, as amended, transmitted to the Senate for its consideration.

RULES COMMITTEE REPORT

Mr. Speaker: February 24, 2009

The Rules Committee recommends the following bills and resolutions be assigned to standing committees:

BUSINESS AND LABOR

EDUCATION
H.B. 334  Writing Assessment and Instruction (Rep. M. Newbold)
GOVERNMENT OPERATIONS
H.B. 414 Eminent Domain Modifications (Rep. C. Frank)

JUDICIARY
H.B. 401 Custody and Parent−time Amendments for Service Members (Rep. T. Cosgrove)

LAW ENFORCEMENT AND CRIMINAL JUSTICE
S.B. 39 Immigration Amendments (Sen. S. Jenkins)

NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT

POLITICAL SUBDIVISIONS
H.B. 201 Municipal Disincorporation Amendments (Rep. G. Froerer)

RETIREMENT AND INDEPENDENT ENTITIES
H.B. 410 Legislator Salary Amendments (Rep. R. Bigelow)

TRANSPORTATION

Ben C. Ferry, Chair
Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, the House voted to recess until 2:00 p.m.

AFTERNOON SESSION

The House was called to order by Speaker Clark at 2:05 p.m.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker:

The Senate passed, as amended, **S.B. 51, RESTITUTION FUND ACCOUNT**, by Senator D. Liljenquist, and it is transmitted for consideration; and
The Senate passed, as amended, **S.B. 102**, SHARE THE ROAD SPECIAL GROUP LICENSE PLATE, by Senator W. Niederhauser, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 128**, RAINWATER HARVESTING, by Senator S. Jenkins, and it is transmitted for consideration; and

The Senate passed, as substituted, **1st Sub. S.B. 132**, INDIVIDUAL INCOME TAX CONTRIBUTION FOR METHAMPHETAMINE HOUSING RECONSTRUCTION AND REHABILITATION FUND, by Senator K. Mayne, and it is transmitted for consideration; and

The Senate passed, as substituted, **S.B. 134**, TRANSPORTATION FUNDING AMENDMENTS, by Senator S. Urquhart, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 148**, LOW−PROFIT LIMITED LIABILITY COMPANY ACT, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed **1st Sub. S.B. 192**, CORPORATION AND BUSINESS ENTITY RELATED AMENDMENTS, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed **S.C.R. 2**, CONCURRENT RESOLUTION – A CALL TO CIVILITY, by Senator J. Valentine, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate


**INTRODUCTION OF BILLS**

**H.B. 383**, Water Rights Adjudication Amendments (J. Gowans), read the first time by short title and referred to the Rules Committee.

**H.B. 432**, Higher Education Budget Authority Amendments (K. Holdaway), read the first time by short title and referred to the Rules Committee.

**MISCELLANEOUS BUSINESS**

On motion of Representative Garn, the House voted to limit debate to five minutes per speaker per bill (for the remainder of session).
THIRD READING CALENDAR

1st Sub. H.B. 151, MOTOR VEHICLE FORFEITURE AMENDMENTS, Herrod, read the third time by short title and placed on its final passage.

Representative Herrod proposed the following amendment:

1. Page 3, Line 62:
   Refer to the Law Enforcement and Criminal Justice Committee report dated February 13, 2009:
   Delete “29” and insert “12”

Representative Herrod’s motion to amend passed on a voice vote.

1st Sub. H.B. 151, as amended, passed on the following roll call:

Y eas, 69; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Representatives

Aagard       Allen       Barrus       Beck
Bird         Biskupski   Black        Brown
Chavez–Houck S. Clark   Cosgrove    Daw
Dee          Dougall     Draxler      Dunnigan
Edwards      Ferry       Janice Fisher Julie Fisher
Fowlke       Frank       Garn         F Gibson
K Gibson     Gowans      Grover       Hansen
Harper       Hemingway   Hendrickson Herrod
Holdaway     Hughes      Hunsaker    Ipson
Johnson      King        Kiser        Litvack
Lockhart     Mascaro     Mathis       McIff
Menlove      Morley      Moss         Newbold
Noel         Oda         Painter      Poulson
Powell       Ray         Riesen       Sandstrom
Seegmiller   Seelig      Sumasion     Vickers
Wallis       Watkins     Webb         Wheatley
Wilcox       Wiley       Wimmer      Winn
D. Clark

Absent or not voting were: Representatives

Bigelow    S Duckworth   Froerer       Greenwood
Hutchings  Last

1st Sub. H.B. 151, as amended, transmitted to the Senate for its consideration.
H.B. 221, COUNTY CORRECTIONAL FACILITIES FUNDING AMENDMENTS, Noel, read the third time by short title and placed on its final passage. Representatives Fowlke, Brown, Litvack and McIff commented.

H.B. 221 passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives

Bigelow | Last | Seelig |

H.B. 221 transmitted to the Senate for its consideration.

1st Sub. H.B. 299, UNLAWFUL DETAINER AMENDMENTS, Froerer, read the third time by short title and placed on its final passage.

Representative Harper proposed the following amendment:

1. Page 1, Lines 12 through 16

12 This bill:
requires the court, upon the request of either party, to hold an evidentiary hearing for an action involving unlawful detainer; and

adds occupying property after a forced sale to list of what constitutes unlawful detainer; and

requires a 45-day notice, in addition to the 20-day notice required, to tenants of property to be sold at a forced sale.

2. Page 1, Line 22:

AMENDS:

57–1–24, as last amended by Laws of Utah 2001, Chapter 236

3. Page 2, Line 26:

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 57–1–24 is amended to read:


The power of sale conferred upon the trustee who is qualified under Subsection 57–1–21(1)(a)(i) or (iv) may not be exercised until:

(1) (a) the trustee first files for record, in the office of the recorder of each county where the trust property or some part or parcel of the trust property is situated, a notice of default, identifying:

(i) the trust deed by stating the name of the trustor named in the trust deed and giving;

(ii) the book and page, or the recorder’s entry number, where the trust deed is recorded and;

(iii) a legal description of the trust property and containing;

(iv) a statement that a breach of an obligation for which the trust property was conveyed as security has occurred and setting forth;

(v) the nature of that breach and of the trustee’s election to sell or cause to be sold the property to satisfy the obligation;

(b) the trustee has given written notice of the default on all residential properties with fewer than nine individual units:

(i) within 45 days of the date the trustee first files the notice of default for record;

(ii) on the primary door of, if a multi–tenant residence, the primary doors of the property to be sold; and
(iii) in substantially the following form:

“Notice of Default

The following described property is in default and, if not remedied, will be sold at public auction to the highest bidder for the purpose of foreclosing a trust deed originally executed by (and ) as trustors, in favor of , covering real property located at , and more particularly described as: (insert legal description)

A notice of sale of the property will be provided a minimum of 20 days before the public auction.

The current beneficiary of the trust deed is and the record owners of the property as of the recording of the notice of default are and .

Dated

Trustee ”; and

c) including, at the option of the trustee, information on the reverse side of the notice regarding foreclosure mitigation:

(2) not less than three months has elapsed from the time the trustee filed for record under Subsection (1); and
(3) after the lapse of at least three months the trustee shall give notice of sale as provided in Sections 57–1–25 and 57–1–26.

Renumber remaining sections accordingly.

Representatives Webb and Powell commented. Representative Harper’s motion to amend passed on a voice vote.

###

Representative Litvack proposed the following amendment:

1. Page 1, Lines 12 through 16

This bill:

13 → requires the court, upon the request of either party, to hold an evidentiary hearing

14 for an action involving unlawful detainer;

15 → exempts tenants from the treble damages provisions for unlawful detainer after a forced sale unless the tenant was given notice; and

15 → adds occupying property after a forced sale to list of what constitutes unlawful
16 detainer.

2. Page 1, Line 24:

24 78B–6–810, as renumbered and amended by Laws of Utah 2008, Chapter 3

78B–6–811, as renumbered and amended by Laws of Utah 2008, Chapter 3

3. Page 5, Line 130:

130 appropriate and proper.

Section 3. Section 78B–6–811 is amended to read:


(1) (a) A judgment may be entered upon the merits or upon default.

(b) A judgment entered in favor of the plaintiff shall include an order for the restitution of the premises as provided in Section 78B–6–812.

(c) If the proceeding is for unlawful detainer after neglect or failure to perform any condition or covenant of the lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of the lease or agreement.

(d) (i) A forfeiture under Subsection (1)(c) does not release a defendant from any obligation for payments on a lease for the remainder of the lease’s term.

(ii) Subsection (1)(d)(i) does not change any obligation on either party to mitigate damages.

(2) The jury or the court, if the proceeding is tried without a jury or upon the defendant’s default, shall also assess the damages resulting to the plaintiff from any of the following:

(a) forcible entry;
(b) forcible or unlawful detainer;
(c) waste of the premises during the defendant’s tenancy, if waste is alleged in the complaint and proved at trial;
(d) the amounts due under the contract, if the alleged unlawful detainer is after default in the payment of amounts due under the contract; and
(e) the abatement of the nuisance by eviction as provided in Sections 78B–6–1107 through 78B–6–1114.
(3) (a) The judgment shall be entered against the defendant for the rent, for three times the amount of the damages assessed under Subsections (2)(a) through (2)(e), and for reasonable attorney fees.

(b) If the proceeding is for unlawful detainer, damages in Subsection (a) may not be entered against the defendant if the plaintiff acquired the property in a forced sale, unless the defendant was given notice of the sale and notice to quit, and proof of both notices is provided to the court.

(4) (a) If the proceeding is for unlawful detainer, execution upon the judgment shall be issued immediately after the entry of the judgment.

(b) In all cases, the judgment may be issued and enforced immediately.

Representative Wimmer commented. Representative Litvack’s motion to amend passed on a voice vote.

Representative Fowlke commented.

1st Sub. H.B. 299, as amended, passed on the following roll call:

Y eas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives

| Bigelow | Gowans | Hemingway | Last |
1st Sub. H.B. 299, as amended, transmitted to the Senate for its consideration.

* * *

H.B. 317, CAPITAL FELONY AMENDMENTS, Wimmer, read the third time by short title and placed on its final passage.

H.B. 317 passed on the following roll call:

Yeas, 70; Nays, 2; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bird    Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee     Dougall  Draxler  S Duckworth
Dunnigan Edwards  Ferry  Janice Fisher
Julie Fisher  Frank  Froerer  Garn
F Gibson  K Gibson  Greenwood  Grover
Hansen  Harper  Hemingway  Hendrickson
Herrod  Holdaway  Hughes  Hunsaker
Hutchings  Ipson  Johnson  Kiser
Litvack  Lockhart  Mascaro  Mathis
Mclff  Menlove  Morley  Moss
Newbold  Noel  Oda  Painter
Poulson  Powell  Ray  Riesen
Sandstrom  Seegmiller  Seelig  Sumsion
Vickers  Wallis  Watkins  Webb
Wheatley  Wilcox  Wiley  Wimmer
Winn  D. Clark

Voting in the negative were: Representatives

Fowlke  King

Absent or not voting were: Representatives

Bigelow  Gowans  Last

H.B. 317 transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Aagard, the House voted to uncircle H.B. 263.
H.B. 263, INSURANCE FRAUD RELATED ASSESSMENTS, Aagard, was before the House on its final passage.

Representative Aagard proposed the following amendment:

1. Page 1, Lines 13 through 16
   13 This bill:
   14 ▶ increases the assessments paid by insurers on the basis of an insurer’s Utah consideration; {and—}
   15 ▶ imposes a reporting requirement; and
   16 ▶ makes technical changes.

2. Page 3, Lines 73 through 74:
   73 chapter, Section 34A−2−110, and Section 76−6−521 shall be insurance fraud provisions are
   74 nonlapsing.
   (4)(a) By no later than the last interim meeting of the Judiciary Interim Committee each year beginning in 2012 and ending in 2017, the following shall report the information described in Subsection (4)(b) to the Judiciary Interim Committee:
   (i) the Insurance Department; and
   (ii) the Office of the Attorney General.
   (b) The information required to be reported under this Subsection (4) includes:
   (i) the affect, if any, the annual fee assessed under this section has on the number and nature of the prosecutions, convictions, and collection of restitution under insurance fraud provisions; and
   (ii) any other information requested by the Judiciary Interim Committee related to the annual fee assessed under this section.
   (c)(i) The Judiciary Interim Committee may recommend legislative action to the Legislature regarding the annual fee assessed under this section.
   (ii) The Judiciary Interim Committee shall recommend to the Legislature for consideration during the 2018 General Session whether or not the reporting requirements under this Subsection (4) should be extended beyond 2017.

Representative Aagard’s motion to amend passed on a voice vote.
Representative Bird commented.

H.B. 263, as amended, failed to pass on the following roll call:

**Yeas, 32; Nays, 41; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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**Absent or not voting were:** Representatives

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H.B. 263, as amended, was filed.

**THIRD READING CALENDAR**


Representative K. Gibson proposed the following amendment:

1. Page 2, Line 45

   45 to { **prevent trespass** } **exclude intruders** ; or
2. Page 2, Line 53:

(b) reasonable attorney fees not to exceed $250, and court costs but not to exceed $250.

Representative K. Gibson’s motion to amend passed on a voice vote.

Representatives Riesen, Hutchings and Oda commented.

H.B. 153, as amended, passed on the following roll call:

**Yeas, 62; Nays, 11; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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**Absent or not voting were:** Representatives

| Bigelow | Last |

H.B. 153, as amended, transmitted to the Senate for its consideration.

***

H.B. 322, TIRE RECYCLING FEE MODIFICATIONS, Hendrickson, read the third time by short title and placed on its final passage.
H.B. 322, as amended, passed on the following roll call:

Y eas, 43; Nays, 26; Absent or not voting, 6.

Voting in the affirmative were: Representatives
Aagard       Allen       Barrus       Beck
Bird         Biskupski   Black       Brown
Chavez–Houck Cosgrove   Draxler      S Duckworth
Edwards      Janice Fisher Fowlke       Froerer
F Gibson     Gowans      Hansen      Hemingway
Hendrickson Holdaway    Hunsaker     Ipson
Johnson      King        Litvack      Mascaro
McIff        Menlove     Moss        Noel
Painter      Poulson     Powell       Ray
Riesen       Seegmiller  Vickers      Watkins
Webb         Wheatley    Wiley

Voting in the negative were: Representatives
S. Clark     Daw         Dee         Dougall
Dunnigan     Julie Fisher Frank       Garn
K Gibson     Greenwood   Grover      Harper
Herrod       Hughes      Kiser       Lockhart
Mathis       Morley      Newbold     Oda
Sandstrom    Sumsion     Wilcox      Wimmer
Winn         D. Clark

Absent or not voting were: Representatives
Bigelow      Ferry       Hutchings   Last
Seelig       Wallis

H.B. 322, as amended, transmitted to the Senate for its consideration.

* * *


H.B. 202 passed on the following roll call:

Y eas, 47; Nays, 24; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard       Allen       Barrus       Beck
Bird         Biskupski   Black       Brown
Voting in the negative were: Representatives
Dougall Julie Fisher Frank Garn
K Gibson Greenwood Holdaway Hughes
Ipson Kiser Lockhart Mathis
McIff Morley Newbold Noel
Oda Sandstrom Sumston Vickers
Wallis Wimmer Winn D. Clark

Absent or not voting were: Representatives
Bigelow Dee Hemingway Last

H.B. 202 transmitted to the Senate for its consideration.

* * *

1st Sub. H.B. 237, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT, Herrod, read the third time by short title and placed on its final passage.

Representative Herrod proposed the following amendment:

1. Page 1, Lines 14 through 18

14 increases the penalty from a class A misdemeanor to a third degree felony for a person who violates the requirement to stop the vehicle at the scene of an accident and remain at the scene of the accident until the operator has fulfilled certain requirements if the accident resulted in the injury or death of a person and the
person has previously been convicted of certain violations that were committed on or after May 12, 2009; and

2. Page 2, Line 43:

(i) (A) the person has a prior conviction as defined in Subsection 41–6a–501(2) for a violation that was committed on or after May 12, 2009; and

3. Page 2, Line 46:

(ii) the conviction for a violation of this section is at any time after a conviction for a violation that was committed on or after May 12, 2009 of:

Representative Herrod’s motion to amend passed on a voice vote.

1st Sub. H.B. 237, as amended, passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives

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1st Sub. H.B. 237, as amended, transmitted to the Senate for its consideration.

***

H.B. 292, TRAFFIC VIOLATION AND CITATION AMENDMENTS, Ipson, read the third time by short title and placed on its final passage. Representative Hutchings commented.

H.B. 292, as amended, passed on the following roll call:

Y eas, 65; Nays, 6; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Allen Barrus Beck Biskupski
Black Brown Chavez–Houck S. Clark
Cosgrove Daw Dee Dougall
Draxler Dunnigan Edwards Julie Fisher
Fowlke Frank Froerer Garn
F Gibson K Gibson Gowans Greenwood
Grover Harper Hendrickson Herrod
Holdaway Hughes Hunsaker Hutchings
Ipson Johnson King Kiser
Litvack Lockhart Mascaro Mathis
McIff Menlove Morley Moss
Newbold Noel Oda Painter
Poulson Powell Riesen Sandstrom
Seegmiller Seelig Sumasion Vickers
Wallis Watkins Webb Wheatley
Wilcox Wiley Wimmer Winn
D. Clark

Voting in the negative were: Representatives
Aagard Bird S Duckworth Ferry
Janice Fisher Ray

Absent or not voting were: Representatives
Bigelow Hansen Hemingway Last

H.B. 292, as amended, transmitted to the Senate for its consideration.

***

H.B. 327, BUILDING INSPECTOR AMENDMENTS, Aagard, read the third time by short title and placed on its final passage.
On motion of Representative Aagard, the House voted to circle **H.B. 327**.

***

**H.R. 4**, **HOUSE RESOLUTION EXPRESSING OPPOSITION TO THE CREATION OF A NATIONAL IDENTIFICATION CARD**, Sandstrom, read the third time by short title and placed on its final passage. Representative S. Clark commented.

**H.R. 4** passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

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**H.R. 4** was signed by the Speaker and referred to staff for enrolling and transmission to the Lt. Governor.

***

**H.B. 156**, **SUBDIVISION APPROVAL AMENDMENTS**, Webb, read the third time by short title and placed on its final passage.
Representative Webb made a motion to delete H.B. 156 in title and body and insert 1st Sub. H.B. 156 in lieu thereof. Representative Draxler commented. Representative Webb’s motion to substitute passed on a voice vote.

Representatives Vickers, Powell, Noel, Brown, Holdaway and Draxler commented.

1st Sub. H.B. 156 passed on the following roll call:

Y eas, 48; Nays, 24; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Brown
S. Clark  Daw  Dee  Dougall
Dunnigan  Edwards  Ferry  Julie Fisher
Fowke  Frank  Froerer  Garn
F Gibson  K Gibson  Grover  Harper
Hemingway  Hendrickson  Herrod  Holdaway
Hughes  Hutchings  Ipson  Kiser
Lockhart  Mascaro  Mathis  Mclff
Menlove  Morley  Newbold  Noel
Oda  Painter  Ray  Sandstrom
Sumasion  Vickers  Wallis  Webb
Wilcox  Wimmer  Winn  D. Clark

Voting in the negative were: Representatives

Beck  Bird  Biskupski  Black
Chavez−Houck  Cosgrove  Draxler  S Duckworth
Janice Fisher  Greenwood  Hansen  Hunsaker
Johnson  King  Litvack  Moss
Poulsom  Powell  Riesen  Seegmiller
Seelig  Watkins  Wheatley  Wiley

Absent or not voting were: Representatives

Bigelow  Gowans  Last

1st Sub. H.B. 156 transmitted to the Senate for its consideration.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker:  February 24, 2009

The President of the Senate has signed H.B. 24, TRAFFIC ACCIDENT CLEARANCE AMENDMENTS, by Representative E. Hutchings, and it is transmitted for the signature of the Speaker; and
The President of the Senate has signed **H.B. 102**, FALSE VEHICLE TITLE AND REGISTRATION PENALTIES, by Representative P. Ray, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. **H.B. 24** and **H.B. 102** signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

***

Mr. Speaker: February 24, 2009

The Senate refuses to recede from its amendments to **H.B. 51**, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, by Representative C. Johnson, and has appointed a Conference Committee consisting of Senators D. Stowell, J. Valentine, and K. Morgan to meet with a like committee from the House on this bill.

Annette B. Moore
Secretary of the Senate

Communication filed. On motion of Representative Dee, the House voted to authorize the Speaker to appoint a conference committee. The Speaker appointed Representatives Johnson, Hughes, and Oda.

***

Mr. Speaker: February 24, 2009

The Senate passed, as substituted, and amended **2nd Sub. S.B. 131**, LAW ENFORCEMENT SERVICE IN LOCAL DISTRICTS AND INTERLOCAL ENTITIES, by Senator S. Jenkins, and it is transmitted for consideration; and

The Senate passed, as substituted, **1st Sub. S.C.R. 3**, CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE WORK OF THE UTAH COUNCIL ON FINANCIAL AND ECONOMIC EDUCATION, by Senator P. Jones, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communications filed. **2nd Sub. S.B. 131** and **1st Sub. S.C.R. 3** read the first time by short title and referred to the Rules Committee.

**THIRD READING CALENDAR**

On motion of Representative Harper, the House voted to delete H.B. 157 in title and body and insert 1st Sub. H.B. 157 in lieu thereof.

Representatives Hunsaker, Hansen and Mascaro commented.

1st Sub. H.B. 157 passed on the following roll call:

**Yeas, 44; Nays, 25; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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**Absent or not voting were:** Representatives

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1st Sub. H.B. 157 transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Garn, and at 4:00 p.m., the House voted to adjourn until February 25, 2009, at 10:00 a.m.
The House was called to order by Speaker Pro Tem Hughes at 10:05 a.m.

Roll call showed all members present.

Prayer offered by Don Thomason, President of the Mountain View Stake, Church of Jesus Christ of Latter Saints, West Jordan. Pledge of Allegiance led by Representative Steven Mascaro.

COMMUNICATION FROM THE SENATE

Mr. Speaker: February 24, 2009

The Senate passed, as amended, **S.B. 98, MOTOR FUEL THEFT PENALTIES**, by Senator J. Greiner, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. **S.B. 98** read the first time by short title and referred to the Rules Committee.

INTRODUCTION OF BILLS

**H.B. 359, Information for Temporary License Plates** (E. Hutchings), read the first time by short title and referred to the Rules Committee.

**H.B. 389, Applications for a Small Amount of Water** (P. Painter), read the first time by short title and referred to the Rules Committee.

**H.B. 403, Sales and Use Tax and Income Tax Amendments** (K. McIff), read the first time by short title and referred to the Rules Committee.

**H.B. 404, Disclosure of Real Property** (M. Newbold), read the first time by short title and referred to the Rules Committee.

**H.B. 430, Economic Development Incentives for Alternative Energy Projects** (K. Garn), read the first time by short title and referred to the Rules Committee.

**H.B. 437, Obstruction of Natural Resource or Agricultural Production** (M. Noel), read the first time by short title and referred to the Rules Committee.
CONSENT CALENDAR

1st Sub. S.B. 107. COMMUNICATIONS AND MORTGAGE FRAUD PENALTY AMENDMENTS, Seelig, read the third time by short title and placed on its final passage.

1st Sub. S.B. 107 passed on the following roll call:

Yea, 60; Nay, 0; Absent or not voting, 15.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bird    Black  Brown  Chavez–Houck
S. Clark Cosgrove Daw  Dee
Dougall Draxler S Duckworth Dunnigan
Edwards Ferry Janice Fisher Julie Fisher
Fowlke Frank  Froerer  F Gibson
Greenwood Grover Hendrickson Holdaway
Hughes Hunsaker Ipson  Johnson
King   Kiser  Litvack  Lockhart
Mascaro Mathis  McIff  Menlove
Morley Moss  Newbold  Oda
Painter Poulson Powell  Riesen
Sandstrom Seegmiller Seelig  Sumsion
Vickers Wallis  Watkins  Webb
Wheatley Wiley  Wimmer  Winn

Absent or not voting were: Representatives

Bigelow Biskupski Garn  K Gibson
Gowans Hansen Harper  Hemingway
Herrod Hutchings Last  Noel
Ray Wilcox  D. Clark

1st Sub. S.B. 107 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

THIRD READING CALENDAR

1st Sub. S.B. 36, SALES AND USE TAX AMENDMENTS, Harper, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle 1st Sub. S.B. 36.
S.B. 20, LOCAL PUBLIC HEALTH EMERGENCY FUNDING, S. Clark, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle S.B. 20.

S.B. 50, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE, Daw, read the third time by short title and placed on its final passage.

Representative Daw proposed the following amendment:

1. Page 2, Line 55 through Page 3, Line 59
   (c) Signage is not required under Subsection (2)(b) for parking in a location:
   (i) that is prohibited by law;
   (ii) that is prohibited by a declaration of the conditions, covenants, and restrictions or
   by a contract; or
   (iii) if it is reasonably apparent that the location is not open to parking.

Representative Daw’s motion to amend passed on a voice vote.

S.B. 50, as amended, passed on the following roll call:

Yeas, 68; Nays, 1; Absent or not voting, 6.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bird    Black  Brown  Chavez–Houck
S. Clark  Cosgrove  Daw  Dee
Dougall  Draxler  S Duckworth  Dunnigan
Edwards  Ferry  Janice Fisher  Julie Fisher
Fowlke  Frank  Froerer  Garn
F Gibson  K Gibson  Gowans  Greenwood
Grover  Hansen  Hemingway  Hendrickson
Herrod  Holdaway  Hughes  Hunsaker
Hutchings  Ipson  Johnson  King
Voting in the negative was: Representative Wimmer

Absent or not voting were: Representatives
Bigelow Biskupski Harper Kiser
Last Wilcox

S.B. 50, as amended, returned to the Senate for further consideration.

***

S.B. 57, LOCAL OPTION TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS, Dee, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle S.B. 57.

***

S.B. 143, SUNSET ACT AND REPEALERS REAUTHORIZATIONS, Garn, read the third time by short title and placed on its final passage.

S.B. 143 passed on the following roll call:

Yeas, 60; Nays, 10; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bird Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Dee
Draxler S Duckworth Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Froerer Garn K Gibson Gowans
Hansen Hemingway Hendrickson Herrod
Holdaway Hughes Hunsaker Hutchings
Ipson Johnson King Kiser
Voting in the negative were: Representatives

Daw            Dougall        Dunnigan        F Gibson
Greenwood      Grover         Morley          Sandstrom
Sumison        Wimmer

Absent or not voting were: Representatives

Bigelow        Harper         Last            Moss
Wilcox

S.B. 143 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

***

S.B. 111. HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS, Hemingway, read the third time by short title and placed on its final passage.

S.B. 111 passed on the following roll call:

Yeas, 61; Nays, 8; Absent or not voting, 6.

Voting in the affirmative were: Representatives

Aagard          Allen          Barrus          Bird
Biskupski       Black          Brown          Chavez–Houck
S. Clark        Cosgrove       Daw             Dee
Dougall         Draxler        S Duckworth    Dunnigan
Edwards         Ferry          Janice Fisher  Julie Fisher
Fowlke          Froerer        Garn            F Gibson
Gowans          Greenwood      Hansen          Hemingway
Hendrickson     Herrod         Hughes          Hunsaker
Hutchings       Ipson          Johnson        King
Kiser           Litvack        Lockhart       Mascaro
Mathis          McIff          Menlove        Moss
Noel            Painter        Poulson        Powell
Ray             Riesen         Sandstrom      Seegmiller
Voting in the negative were: Representatives
Frank K Gibson Grover Morley
Newbold Oda Sumssion Wimmer

Absent or not voting were: Representatives
Beck Bigelow Harper Holdaway
Last Wilcox

S.B. 111 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

S.J.R. 9, RESOLUTION HONORING THE UTAH LAW ENFORCEMENT MEMORIAL FOUNDATION, Hutchings, read the third time by short title and placed on its final passage.

Representative Edwards commented. S.J.R. 9 passed on the following roll call:

Yeas, 62; Nays, 0; Absent or not voting, 13.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bird Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dougall Draxler S Duckworth Dunnigan
Edwards Janice Fisher Julie Fisher Fowlke
Frank Froerer F Gibson K Gibson
Gowans Greenwood Grover Hansen
Hemingway Hendrickson Herrod Hughes
Hunsaker Hutchings Johnson King
Litvak Lockhart Mascaro McIlff
Menlove Morley Moss Newbold
Noel Oda Painter Poulson
Powell Ray Riesen Seegmiller
Seelig Vickers Wallis Watkins
Webb Wilcox Wiley Wimmer
Winn D. Clark
Absent or not voting were: Representatives
Bigelow      Dee      Ferry      Garn
Harper       Holdaway  Ipson      Kiser
Last         Mathis    Sandstrom  Sumsion
Wheatley

S.J.R. 9 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

UNFINISHED BUSINESS

On motion of Representative S. Clark, the House voted to uncircle S.B. 20.

S.B. 20, LOCAL PUBLIC HEALTH EMERGENCY FUNDING, S. Clark, was before the House on its final passage.

S.B. 20 passed on the following roll call:

Yeas, 62; Nays, 5; Absent or not voting, 8.

Voting in the affirmative were: Representatives
Aagard      Allen      Barrus      Beck
Bird        Biskupski  Black       Brown
S. Clark    Cosgrove   Daw         Dee
Draxler     S Duckworth Dunnigan  Edwards
Ferry       Janice Fisher Julie Fisher Fowlke
Frank       Froerer    Garn        F Gibson
K Gibson    Gowans     Greenwood  Grover
Hansen      Hemingway  Hendrickson Herrod
Hughes      Hunsaker   Hutchings  Johnson
King        Kiser      Litvack     Lockhart
Mascaro     McLlf      Menlove    Moss
Noel        Oda        Painter     Poulson
Powell      Ray        Riesen     Sandstrom
Seegmiller  Seelig     Vickers    Wallis
Watkins     Webb       Wheatley   Wiley
Winn        D. Clark

Voting in the negative were: Representatives
Dougall     Morley     Newbold    Wilcox
Wimmer

Absent or not voting were: Representatives
Bigelow     Chavez–Houck  Harper     Holdaway
Ipson       Last        Mathis     Sumsion
S.B. 20 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

THIRD READING CALENDAR

H.B. 170, INSURANCE AND LIFE SETTLEMENT AMENDMENTS, Dunnigan, read the third time by short title and placed on its final passage.

Representative Dunnigan proposed the following amendment:

1. Page 10, Lines 296 through 304

296 [(d) (iv) { a [viatical] life settlement provider, a [viatical] life settlement purchaser, a

297 financing entity, a related provider trust, or a special purpose entity from executing—] the execution:

298 following with respect to the death benefit or ownership of any portion of a [viaticated] settled

299 policy as provided for in Section 31A–36–109:

300 [(i) (A) } (I) an assignment;

301 [(iii) ] (B) } (II) a sale;

302 [(iii) ] (C) } (III) a transfer;

303 [(iv) ] (D) } (IV) a devise; or

304 [(v) ] (E) } (V) a bequest { —— } ; and

(B) by any of the following:

(I) a life settlement provider;

(II) a life settlement purchaser;

(III) a financing entity;

(IV) a related provider trust;

(V) a special purpose entity; or

(VI) a qualified institutional buyer as defined in Rule 144A, 17 C.F.R. Sec. 230.144A.

2. Page 29, Lines 865 through 866:

865 [(10) “Viaticated” (16) “Settled policy” means a policy that [has been] is acquired by a

866 [viatical—] life settlement provider pursuant to a [viatical] life settlement.
3. Page 33, Lines 992 through 994:

992 authorized representatives to make [contacts] a contact to determine the health status of [the
993 visitor] an { owner } insured ; or
994 (g) required to purchase stop−loss coverage.

Representative Dunnigan’s motion to amend passed on a voice vote.

H.B. 170, as amended, passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard  Allen  Barrus  Beck
Bird    Black  Brown  Chavez−Houck
S. Clark Cosgrove Daw  Dee
Dougall Draxler S Duckworth Dunnigan
Edwards Ferry Janice Fisher Julie Fisher
Fowlke Frank  Froerer  Garn
F Gibson K Gibson Greenwood Grover
Hansen Hemingway Hendrickson Herrod
Holdaway Hughes Hunsaker Hutchings
Ipson Johnson King  Kiser
Litvack Lockhart Mascaro Mathis
McIff Menlove Morley  Moss
Newbold Noel  Oda  Painter
Poulson Powell Ray  Riesen
Sandstrom Seegmiller Seelig  Sumsion
Vickers Wallis Watkins  Webb
Wheatley Wilcox Wiley  Wimmer
Winn D. Clark

**Absent or not voting were:** Representatives

Bigelow Biskupski Gowans Harper
Last

H.B. 170, as amended, transmitted to the Senate for its consideration.

***

H.B. 206, EMPLOYMENT SELECTION PROCEDURES, Harper, read the third time by short title and placed on its final passage.
On motion of Representative Lockhart, the House voted to circle **H.B. 206**.

***

**H.B. 194.** EDUCATION POLICIES FOR MILITARY CHILDREN, *Menlove*, read the third time by short title and placed on its final passage.

**H.B. 194** passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

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**H.B. 194** transmitted to the Senate for its consideration.

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Representative Sumsion proposed the following amendment:
1. Page 7, Lines 187 through 189

187  (13) “Functional hearing loss” means a central nervous system impairment that results in abnormal auditory perception, including an auditory processing disorder or auditory neuropathy/dys–synchrony, or causes the person to appear as a person with deafness or who is hard of hearing, in which parts of the auditory system may be functioning, but the person does not attend to, respond to, localize, utilize, or accurately process auditory information.

Representative Sumsion’s motion to amend passed on a voice vote.

Representative Seelig commented.

1st Sub. H.B. 296, as amended, passed on the following roll call:

Yeas, 68; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bird  Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Dee
Dougall  Draxler  S Duckworth  Dunnigan
Edwards  Ferry  Janice Fisher  Julie Fisher
Fowlke  Frank  Froerer  Garn
F Gibson  K Gibson  Greenwood  Grover
Hansen  Hemingway  Herrod  Holdaway
Hughes  Hunsaker  Hutchings  Ipson
Johnson  King  Kiser  Litvack
Lockhart  Mascaro  Mathis  McIff
Menlove  Morley  Moss  Newbold
Noel  Oda  Painter  Poulson
Powell  Ray  Riesen  Sandstrom
Seegmiller  Seelig  Sumsion  Vickers
Wallis  Watkins  Wheatley  Wilcox
Wiley  Wimmer  Winn  D. Clark

Absent or not voting were: Representatives

Bigelow  Daw  Gowans  Harper
Hendrickson  Last  Webb
1st Sub. H.B. 296, as amended, transmitted to the Senate for its consideration.

* * *

H.B. 328, TEACHER QUALITY AMENDMENTS, Hughes, read the third time by short title and placed on its final passage.

Representative Hughes proposed the following amendment:

1. Page 1, Line 10
   10 performance−based compensation plans for elementary school
   classroom−related staff and modifies

2. Page 1, Line 16:
   16 performance−based compensation plans for elementary school
   classroom−related staff ;

3. Page 5, Line 144:
   144 school teachers classroom−related staff ;

4. Page 5, Line 148:
   148 for elementary school teachers classroom−related staff ;

5. Page 6, Line 152:
   152 school teachers classroom−related staff ; and

6. Page 6, Line 160:
   160 performance measures and compensate educators classroom−related staff based on performance.

7. Page 6, Lines 163 through 164:
   163 performance−based compensation that may be awarded to a teacher an employee ;
   164 (ii) a teacher’s an employee’s instructional quality or performance as measured by classroom observations or other

8. Page 6, Lines 166 through 167:
   166 compensation that may be awarded to a teacher an employee ; and
Representative Hughes’ motion to amend passed on a voice vote.

Representatives Holdaway, Watkins, Mascaro, Black and Allen commented.

H.B. 328, as amended, passed on the following roll call:

**Yeas, 65; Nays, 7; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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**Absent or not voting were:** Representatives

| Dee | Gowans | Hutchings | |
|-----|--------|-----------|

H.B. 328, as amended, transmitted to the Senate for its consideration.

**REPORTS OF STANDING COMMITTEES**

Mr. Speaker: February 25, 2009

The Government Operations Committee recommends H.B. 311, UTAH STATE RAILROAD MUSEUM AUTHORITY, by Representative N. Hansen, be
replaced and reports a favorable recommendation on **1st Sub. H.B. 311**, UTAH STATE RAILROAD MUSEUM AUTHORITY with the following amendments:

1. Page 3, Lines 58 through 59:

   58 (c) the executive director of the [Department of Transportation] Utah Transit Authority or the executive director’s designee; and; and

The Government Operations Committee reports a favorable recommendation on **H.J.R. 17**, JOINT RESOLUTION URGING CONGRESSIONAL AND PRESIDENTIAL OPPOSITION TO FEDERAL BAILOUTS AND PROMOTION OF FISCAL RESPONSIBILITY, by Representative C. Frank.

Craig A. Frank, Chair

Reports filed. On motion of Representative Grover, the reports of the Government Operations committee were adopted.


* * *

Mr. Speaker: February 25, 2009

The Political Subdivisions Committee recommends **H.B. 413**, COUNTY AUTHORITY AMENDMENTS, by Representative R. Menlove, be replaced and reports a favorable recommendation on **1st Sub. H.B. 413**, COUNTY AUTHORITY AMENDMENTS and asks that it be placed on the Consent Calendar.

Fred R. Hunsaker, Chair

Report filed. On motion of Representative Hunsaker, the report of the Political Subdivisions committee was adopted.

**1st Sub. H.B. 413** read the second time by short title and placed on the Consent Calendar.

* * *

Mr. Speaker: February 25, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. S.B. 23**, INCOME TAXATION OF PASS–THROUGH ENTITIES
AND PASS—THROUGH ENTITY TAXPAYERS, by Senator W. Niederhauser, and, due to fiscal impact, recommends it be referred to the Rules Committee for prioritization; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 141, AVIATION FUEL TAX AMENDMENTS, by Senator W. Niederhauser, and recommends it be placed on the Consent Calendar.

Todd E. Kiser, Chair

Reports filed. On motion of Representative Kiser, the reports of the Revenue and Taxation committee were adopted.

1st Sub. S.B. 23 read the second time by short title and returned to the Rules Committee due to fiscal impact.

S.B. 141 read the second time by short title and placed on the Consent Calendar.

THIRD READING CALENDAR

1st Sub. H.B. 204, CONCEALED FIREARMS INSTRUCTORS AMENDMENTS, Oda, read the third time by short title and placed on its final passage.

1st Sub. H.B. 204 passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Fowlke  Frank  Froerer
Garn  F Gibson  K Gibson  Gowans
Greenwood  Grover  Hansen  Harper
Hemingway  Hendrickson  Herrod  Holdaway
Hughes  Hunsaker  Ipson  Johnson
Kiser  Last  Litvack  Lockhart
Mascaro  Mathis  McIff  Menlove
Morley  Newbold  Noel  Oda
Painter  Poulson  Powell  Ray
Riesen  Sandstrom  Seegmiller  Seelig
Sumsion  Vickers  Wallis  Watkins
Webb    Wheatley  Wilcox  Wiley
Wimmer  Winn     D. Clark

Absent or not voting were: Representatives
Julie Fisher  Hutchings  King  Moss

1st Sub. H.B. 204 transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Harper, the House voted to uncircle H.B. 206.

H.B. 206, EMPLOYMENT SELECTION PROCEDURES, Harper, was before the House on its final passage.

H.B. 206, as amended, passed on the following roll call:

Y eas, 68; Nays, 2; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard    Allen     Barrus    Beck
Bigelow   Bird      Biskupski Black
Brown     Chavez-Houck S. Clark Cosgrove
Daw       Dee       Draxler   S Duckworth
Dunnigan  Edwards  Ferry     Janice Fisher
Julie Fisher Fowlke  Frank     Froerer
Garn      K Gibson  Gowans    Greenwood
Grover    Hansen    Harper    Hemingway
Hendrickson Herrod   Holdaway Hughes
Hunsaker  Ipson    Johnson   King
Kiser      Last      Litvack   Lockhart
Mascaro   Mathis    Mclff     Menlove
Newbold   Noel      Oda       Painter
Poulson   Powell    Riesen    Sandstrom
Seegmiller Seeig    Sumson    Vickers
Wallis    Watkins   Wheatley  Wilcox
Wiley     Wimmer    Winn      D. Clark

Voting in the negative were: Representatives
Dougall    F Gibson

Absent or not voting were: Representatives
Hutchings  Morley    Moss    Ray
Webb
**H.B. 206**, as amended, transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**


**H.B. 208** failed to pass on the following roll call:

**Yeas, 34; Nays, 40; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives
- Aagard
- Barrus
- Bigelow
- Bird
- Daw
- Dee
- Dougall
- Julie Fisher
- Frank
- Froerer
- F Gibson
- Greenwood
- Grover
- Harper
- Herrod
- Hughes
- Ipson
- Kiser
- Last
- Lockhart
- Mathis
- Morley
- Newbold
- Noel
- Oda
- Painter
- Powell
- Ray
- Sandstrom
- Sumson
- Vickers
- Wallis
- Webb
- Wimmer

**Voting in the negative were:** Representatives
- Allen
- Beck
- Biskupski
- Black
- Brown
- Chavez-Houck
- S. Clark
- Cosgrove
- Draxler
- S Duckworth
- Dunnigan
- Edwards
- Ferry
- Janice Fisher
- Fowlke
- Garn
- K Gibson
- Gowans
- Hansen
- Hemingway
- Hendrickson
- Holdaway
- Hunsaker
- Johnson
- King
- Litvack
- Mascaro
- McIff
- Menlove
- Moss
- Poulson
- Riesen
- Seegmiller
- Seelig
- Watkins
- Wheatley
- Wilcox
- Wiley
- Winn
- D. Clark

**Absent or not voting was:** Representative
- Hutchings

**H.B. 208** was filed.

**RULES COMMITTEE REPORT**

Mr. Speaker: February 25, 2009

The Rules Committee recommends the following bills and resolutions be assigned to standing committees:
BUSINESS AND LABOR
H.B. 171  Legal Immigrant Children Health Care Amendments  
          (Rep. K. Holdaway)  
S.B. 148  Low-profit Limited Liability Company Act  
          (Sen. L. Hillyard)  
1st Sub. S.B. 192  Corporation and Business Entity Related Amendments  
                 (Sen. L. Hillyard)  

EDUCATION
H.B. 432  Higher Education Budget Authority Amendments  
          (Rep. K. Holdaway)  
1st Sub. S.C.R. 3  Concurrent Resolution Expressing Support for the Work  
                  of the Utah Council on Financial and Economic  
                  Education (Sen. P. Jones)  

GOVERNMENT OPERATIONS
S.C.R. 2  Concurrent Resolution – a Call to Civility  
          (Sen. J. Valentine)  

HEALTH AND HUMAN SERVICES
H.B. 395  Medical Services Amendments (Rep. P. Ray)  

JUDICIARY
S.B. 51  Restitution Fund Account (Sen. D. Liljenquist)  

NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT
H.B. 434  Amendments to Department of Environmental Quality  
          (Rep. R. Edwards)  

POLITICAL SUBDIVISIONS
H.B. 449  Veterans Nursing Home Amendments (Rep. G. Hughes)  

REVENUE AND TAXATION
1st Sub. S.B. 132  Individual Income Tax Contribution for  
                   Methamphetamine Housing Reconstruction and  
                   Rehabilitation Fund (Sen. K. Mayne)  

TRANSPORTATION
S.B. 98  Motor Fuel Theft Penalties (Sen. J. Greiner)  
S.B. 102  Share the Road Special Group License Plate  
          (Sen. W. Niederhauser)
S.B. 134 Transportation Funding Amendments (Sen. S. Urquhart)

Ben C. Ferry, Chair

Report filed. On motion of Representative Hughes, the report of the Rules Committee was adopted.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, the House voted to recess until 2:00 p.m.

AFTERNOON SESSION

The House was called to order by Speaker Clark at 2:05 p.m.

Representative Mascaro was excused.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 25, 2009

The Senate passed, H.B. 223, STATUTE OF LIMITATIONS AMENDMENTS, by Representative C. Wimmer, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communication filed. H.B. 223 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

* * *

Mr. Speaker: February 25, 2009

The Senate passed, as substituted, 1st Sub. S.B. 21, STATE AND LOCAL HEALTH AUTHORITIES AMENDMENTS, by Senator D. Stowell, and it is transmitted for consideration; and

The Senate passed S.B. 58, COLLECTION AND USE OF PRECIPITATION, by Senator S. McCoy, and it is transmitted for consideration; and

The Senate passed, as substituted, 1st Sub. S.B. 116, CRIMINAL PENALTY AMENDMENTS, by Senator D. Liljenquist, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 118, PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS, by Senator J. Greiner, and it is transmitted for consideration; and
The Senate passed, as amended, **S.B. 133**, ABUSE OR NEGLECT OF A DISABLED CHILD, by Senator J. Valentine, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 137**, PHYSICAL THERAPY PRACTICE ACT, by Senator W. Niederhauser, and it is transmitted for consideration; and

The Senate passed **S.B. 142**, DISPOSITION OF A DEAD BODY, by Senator A. Christensen, and it is transmitted for consideration; and

The Senate passed **S.B. 146**, HOME SCHOOLING AMENDMENTS, by Senator M. Madsen, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **1st Sub. S.B. 147**, DRIVER LICENSE REVISIONS, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed **S.B. 150**, STATE ARMORY AMENDMENTS, by Senator S. Jenkins, and it is transmitted for consideration; and

The Senate passed **S.B. 154**, JUVENILE COURT JUDGE – FIFTH DISTRICT, by Senator S. Urquhart, and it is transmitted for consideration; and

The Senate passed, as substituted, **1st Sub. S.B. 159**, MATH EDUCATION INITIATIVE, by Senator H. Stephenson, and it is transmitted for consideration; and

The Senate passed **S.B. 173**, EMOTIONAL SUPPORT ANIMALS AND PSYCHIATRIC THERAPY ANIMALS, by Senator M. Dayton, and it is transmitted for consideration; and

The Senate passed, as amended, **S.J.R. 10**, ALTERNATIVE TRAINING CENTER JOINT RESOLUTION, by Senator D. Stowell, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate


**INTRODUCTION OF BILL**

**H.B. 415, Taxation Amendments** (W. Harper), read the first time by short title and referred to the Rules Committee.
THIRD READING CALENDAR

H.B. 314, DNA SAMPLE FOR CRIMINAL OFFENSES – AMENDMENTS, Greenwood, read the third time by short title and placed on its final passage.

Representative Greenwood proposed the following amendment:

1. Page 1, Line 19a
   House Committee Amendments 2–18–2009

   19a **violence** assault offense $\leftarrow \rightarrow$ $100$ $\leftarrow \rightarrow$ $200$ $\leftarrow \rightarrow$ for the costs of

2. Page 3, Line 77
   House Committee Amendments 2–18–2009:

   77 the responsible agency responsible for obtaining the DNA specimen $\leftarrow \rightarrow$ $100$ $\leftarrow \rightarrow$ $200$ for the

3. Page 3, Line 83a
   House Committee Amendments 2–18–2009:

   83a $\leftarrow \rightarrow$ $100$ $\leftarrow \rightarrow$ $200$ on

4. Page 3, Line 85
   House Committee Amendments 2–18–2009:

   85 the $\leftarrow \rightarrow$ $100$ $\leftarrow \rightarrow$ $200$ is paid in full.

5. Page 3, Line 88
   House Committee Amendments 2–18–2009:

   88 deposit $\leftarrow \rightarrow$ $80$ $\leftarrow \rightarrow$ $180$ of the fee in the DNA Specimen Restricted Account and retain the

Representative Greenwood’s motion to amend passed on a voice vote.

Representatives Harper, Wimmer and Fowlke commented.

H.B. 314, as amended, failed to pass on the following roll call:

Y eas, 33; Nays, 38; Absent or not voting, 4.
Voting in the affirmative were: Representatives
Barrus         Beck         Biskupski     Black
Brown          Chavez–Houck Cosgrove    Daw
Draxler        Dunnigan     Edwards      Ferry
Julie Fisher   Froerer      K Gibson     Greenwood
Holdaway       Hunsaker     Ipson        King
Last           Litvack      McIff        Newbold
Oda            Poulson      Seegmiller  Seelig
Vickers        Wallis       Watkins      Webb
Wilcox

Voting in the negative were: Representatives
Aagard         Allen        Bigelow      Bird
S. Clark       Dee          Dougall     S Duckworth
Janice Fisher  Fowlke       Frank        Garn
F Gibson       Gowans       Grover       Hansen
Harper         Hemingway    Hendrickson Herrod
Hughes         Kiser        Lockhart    Menlove
Morley         Moss         Noel         Painter
Powell         Ray          Riesen       Sandstrom
Sumison        Wheatley     Wiley        Wimmer
Winn           D. Clark

Absent or not voting were: Representatives
Hutchings      Johnson      Mascaro     Mathis

H.B. 314 was filed

* * *

2nd Sub. H.B. 120, SNAKE VALLEY AQUIFER RESEARCH TEAM AND ADVISORY COUNCIL, Winn, read the third time by short title and placed on its final passage.

2nd Sub. H.B. 120, as amended, passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard         Allen        Barrus       Beck
Bigelow        Bird         Biskupski    Black
Brown          Chavez–Houck S. Clark    Cosgrove
Daw            Dee          Dougall     Draxler
Absent or not voting were: Representatives
Hutchings      Johnson      Mascaro      Mathis

2nd Sub. H.B. 120, as amended, transmitted to the Senate for its consideration.

***

1st Sub. H.B. 283, ILLEGAL USE OF MOTOR VEHICLES, Noel, read the third time by short title and placed on its final passage.

Representative Noel proposed the following amendment:

1. Page 1, Lines 17 through 19
   17  ► provides that a person may not operate or give another person permission to operate
   18  a motor vehicle cross-country on any public land that is closed to motor vehicle
   19  cross-country travel with exception ;

2. Page 2, Lines 26 through 29:
   26  • the person has previously been convicted of the restrictions on use of a motor
   27  vehicle cross-country on public land or a motor vehicle on private land
or knowingly, intentionally, or recklessly causes certain damage or
harasses wildlife or livestock;

3. Page 3, Lines 58 through 59:

3. Page 3, Lines 58 through 59:

(3) (a) “All-terrain type II vehicle” means any other motor
vehicle, not defined in

Subsection (2), {−(9)−} (10), or {−(20)−} (21),
designed for or capable of travel over unimproved terrain.

4. Page 5, Lines 122 through 124:

(1) {−A. } (a) Except as provided in Subsection (1)(b), a
person may not operate and an owner of a motor vehicle may not give
another

person permission to operate a motor vehicle cross-country on any
public land that is closed to

motor vehicle cross-country travel.

(b) A person operating a snowmobile on sufficient snow cover
cross-country on public land is not subject to the restriction in
Subsection (1)(a).

Representative Noel’s motion to amend passed on a voice vote.

1st Sub. H.B. 283, as amended, considered read the first, second, and third
time by short title and passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives
Julie Fisher  Hughes  Hutchings  Mascaro
Mathis

1st Sub. H.B. 283, as amended, transmitted to the Senate for its consideration.

* * *

H.B. 312, AMENDED CAMPAIGN FINANCE FILINGS, Allen, read the third time by short title and placed on its final passage.

Representatives Lockhart, Hemingway, Sumasion, Fowlke, Powell and Julie Fisher commented.

H.B. 312 passed on the following roll call:

Yeas, 55; Nays, 15; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  Cosgrove  Daw
Dee  Dougall  S Duckworth  Dunnigan
Edwards  Ferry  Janice Fisher  Frank
F Gibson  Gowans  Grover  Hansen
Harper  Hemingway  Hendrickson  Herrod
Holdaway  Hunsaker  Hutchings  Ipson
King  Kiser  Last  Litvack
Lockhart  McIff  Menlove  Morley
Moss  Newbold  Poulson  Ray
Riesen  Sandstrom  Seegmiller  Seelig
Wallis  Watkins  Wheatley  Wilcox
Wiley  Winn  D. Clark
**Voting in the negative were:** Representatives
S. Clark  Draxler  Julie Fisher  Fowlke
Froerer  K Gibson  Greenwood  Noel
Oda  Painter  Powell  Sumasion
Vickers  Webb  Wimmer

**Absent or not voting were:** Representatives
Garn  Hughes  Johnson  Mascaro
Mathis

**H.B. 312** transmitted to the Senate for its consideration.

* * *

**H.B. 323**, AMENDMENTS REGARDING NOTICE ON UTAH PUBLIC NOTICE WEBSITE, *Winn*, read the third time by short title and placed on its final passage.

Representative Harper proposed the following amendment:

1. Page 1, Line 18
   18 rather than to the state planning coordinator; {—and—}

2. Page 1, Line 21:
   21 state planning coordinator {—} and
   • notice is given to owners of undeveloped land over five acres in size.

3. Page 2, Line 46:
   46 {—} and

4. Page 2, Line 55:
   55 (I)(d)(i) {—} ; and
   (e) to each owner of an undeveloped parcel of property that is:
   (i) located within the boundary of the municipality; and
   (ii) larger than five acres in size.

5. Page 5, Line 132
   House Committee Amendments 2–19–2009:
   132 (VII) sent to the registered agent of the Utah Association of Realtors; {—}
6. Page 5, Line 134

House Committee Amendments 2–19–2009:

134 Contractors of America; and

(IX) sent to each owner of an undeveloped parcel of property that is:

(Aa) located within the boundary of the local political subdivision or within the jurisdiction of the private entity; and

(Bb) larger than five acres in size; and

7. Page 9, Line 263:

263 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a member; {and–}

8. Page 9, Line 265:

265 (d) on the Utah Public Notice Website created under Section 63F–1–701 {; and

(e) to each owner of an undeveloped parcel of property that is:

(i) located within the unincorporated area of the county; and

(ii) larger than five acres in size.

9. Page 11, Line 315:

315 municipality described in Subsection (2)(b)(iii)(A) is a member; {and–}

10. Page 11, Line 324:

324 (2)(b)(iii)(E)(I); and

(F) sent to each owner of an undeveloped parcel of property that is:

(I) located within the boundary of the local district; and

(II) larger than five acres in size;

11. Page 13, Line 394:

394 municipality described in Subsection (2)(b)(iii)(A) is a member; {and–}

12. Page 13, Line 396:

396 (E) placed on the Utah Public Notice Website created under Section 63F–1–701; and

(F) sent to each owner of an undeveloped parcel of property that is:

(I) located within the boundary of the school district; and

(II) larger than five acres in size;
Representative Webb commented. Representative Harper’s motion to amend failed on a voice vote.

**H.B. 323**, as amended, passed on the following roll call:

**YeaS, 71; Nays, 1; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative was:** Representative Harper

**Absent or not voting were:** Representatives

| Johnson | Mascaro | Mathis |

**H.B. 323**, as amended, transmitted to the Senate for its consideration.

***

**H.B. 390, ABSENTEE BALLOT AMENDMENTS, Mathis**, read the third time by short title and placed on its final passage.

On motion of Representative Garn, the House voted to circle **H.B. 390**.

***

**H.B. 309, COUNTY FISCAL PROCEDURES AMENDMENTS, Herrod**, read the third time by short title and placed on its final passage.
H.B. 309, as amended, passed on the following roll call:

Yea's, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez-Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Fowlke  Frank
Froerer  Garn  F Gibson  K Gibson
Gowans  Greenwood  Grover  Hansen
Harper  Hemingway  Hendrickson  Herrod
Holdaway  Hughes  Hunsaker  Hutchings
Ipson  Johnson  King  Kiser
Last  Litvack  Lockhart  McIff
Menlove  Morley  Moss  Newbold
Noel  Oda  Painter  Poulson
Powell  Ray  Riesen  Sandstrom
Seegmiller  Seelig  Sumsion  Vickers
Wallis  Watkins  Webb  Wheatley
Wilcox  Wiley  Wimmer  Winn
D. Clark

Absent or not voting were: Representatives
Mascaro  Mathis

H.B. 309, as amended, transmitted to the Senate for its consideration.

RECONSIDERATION OF 2ND SUB. H.B. 246

On motion of Representative Froerer, the House voted to uncircle 2nd Sub. H.B. 246.

2nd Sub. H.B. 246, PROPERTY TAX – RESIDENTIAL EXEMPTION, was before the House for reconsideration.

Representatives Webb, Bigelow, Powell, Kiser and Brown commented.

2nd Sub. H.B. 246 passed on the following roll call:

Yea's, 45; Nays, 20; Absent or not voting, 10.
Voting in the affirmative were: Representatives

Aagard  Barrus  Bigelow  Bird
Biskupski  Brown  Chavez–Houck  S. Clark
Daw  Dee  Draxler  S Duckworth
Ferry  Julie Fisher  Fowlke  Frank
Fraerer  K Gibson  Gowans  Grover
Hansen  Hemingway  Herrod  Hughes
Hunsaker  Hutchings  Ipson  Kiser
Last  McIff  Moss  Newbold
Noel  Oda  Painter  Ray
Seelig  Sumson  Vickers  Wallis
Watkins  Webb  Wheatley  Wilcox
Wiley

Voting in the negative were: Representatives

Beck  Black  Cosgrove  Dunnigan
Edwards  Janice Fisher  F Gibson  Greenwood
Hendrickson  Holdaway  King  Litvack
Lockhart  Menlove  Morley  Poulsom
Powell  Riesen  Sandstrom  Seegmiller

Absent or not voting were: Representatives

Allen  Dougall  Garn  Harper
Johnson  Mascaro  Mathis  Wimmer
Winn  D. Clark

2nd Sub. H.B. 246 transmitted to the Senate for its consideration.

THIRD READING CALENDAR

H.B. 184, INCOME TAX CREDIT FOR A DISABLED DEPENDENT, Dougall, read the third time by short title and placed on its final passage.

On motion of Representative Dee, the House voted to circle H.B. 184.

***

H.B. 197, REAUTHORIZATION OF ADMINISTRATIVE RULES, Ferry, read the third time by short title and placed on its final passage.

On motion of Representative Dee, the House voted to circle H.B. 197.

***

1st Sub. H.B. 107, ECONOMIC IMPACT OF ILLEGAL ALIENS, S. Clark, read the third time by short title and placed on its final passage.
On motion of Representative S. Clark, the House voted to delete 1st Sub. H.B. 107 in title and body and insert 2nd Sub. H.B. 107 in lieu thereof.

Representatives Noel, Fowlke and Holdaway commented.

2nd Sub. H.B. 107 passed on the following roll call:

Yeas, 56; Nays, 13; Absent or not voting, 6.

Voting in the affirmative were: Representatives
Aagard Barrus Beck Bigelow
Bird Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Draxler S Duckworth Dunnigan
Edwards Ferry Janice Fisher Julie Fisher
Fowlke Frank Fraerer Garn
K Gibson Gowans Hansen Harper
Hendrickson Holdaway Hunsaker Hutchings
Ipson Johnson King Kiser
Last Litvack Lockhart McIff
Menlove Moss Painter Poulson
Powell Ray Riesen Seegmiller
Seelig Vickers Wallis Watkins
Webb Wheatley Wiley Winn

Voting in the negative were: Representatives
F Gibson Greenwood Grover Herrold
Hughes Morley Newbold Noel
Oda Sandstrom Sumsion Wilcox
Wimmer

Absent or not voting were: Representatives
Allen Dougall Hemingway Mascaro
Mathis D. Clark

2nd Sub. H.B. 107 transmitted to the Senate for its consideration.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 25, 2009

The Senate passed, as substituted, 2nd Sub. S.B. 56, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, by Senator S. Killpack, and it is transmitted for consideration; and
The Senate passed, as substituted, 1st Sub. S.B. 81, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, by Senator M. Dayton, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended 1st Sub. S.B. 149, PROHIBITION OF TEXT MESSAGING OR ELECTRONIC MAIL COMMUNICATION WHILE DRIVING, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed S.B. 160, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, by Senator S. Jenkins, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 161, REPEAL OF MAXIMUM CHARGE TO PUBLISH LEGAL NOTICE, by Senator K. Van Tassell, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 167, AMENDMENTS TO UNIFORM DEBT–MANAGEMENT SERVICES ACT, by Senator L. Hillyard, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate


THIRD READING CALENDAR

H.B. 195, UTAH UNIFORM PROBATE CODE – TRUST AMENDMENTS, Lockhart, read the third time by short title and placed on its final passage.

H.B. 195, as amended, passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives
Allen       Hemingway       Mascaro       Mathis
D. Clark

H.B. 195, as amended, transmitted to the Senate for its consideration.

* * *

H.B. 313, SOCIAL HOST LIABILITY ACT, Hutchings, read the third time by short title and placed on its final passage.

On motion of Representative Hutchings, the House voted to delete H.B. 313 in title and body and insert 1st Sub. H.B. 313 in lieu thereof.

Representatives Litvack and Johnson commented.

1st Sub. H.B. 313 passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard       Allen            Barrus    Beck
Bigelow     Bird            Biskupski     Black
Brown       Chavez–Houck    S. Clark    Cosgrove
Daw         Dee             Dougall     Draxler
S Duckworth Dunnigan     Edwards     Ferry
Janice Fisher Juliet Fisher Fowlke    Frank
Froerer      Garn            F Gibson    K Gibson
Greenwood    Grover         Hansen     Harper
Hemingway    Hendrickson    Herrod     Holdaway
Hughes      Hunsaker       Hutchings  Ipson
Johnson     King            Last       Litvack
Absent or not voting were: Representatives
Gowans  Kiser  Mascaro  Mathis
D. Clark

1st Sub. H.B. 313 transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, and at 4:00 p.m., the House voted to adjourn until February 26, 2009, at 10:00 a.m.
THIRTY–FIRST DAY

MORNING SESSION

The House was called to order by Speaker Pro Tem Hughes at 10:00 a.m.

Roll call showed all members present.


COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 25, 2009

The Senate passed, as amended, S.B. 156, GIFTS AND MEAL PROVISIONS FOR PUBLIC OFFICIALS, by Senator G. Bell, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 162, USE OF CAMPAIGN FUNDS AMENDMENTS, by Senator J. Valentine, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communications filed. S.B. 156 and S.B. 162 read the first time by short title and referred to the Rules Committee.

* * *

Mr. Speaker: February 25, 2009

The Senate adopted the Joint Conference Committee Report dated February 25, 2009, and passed H.B. 51, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, by Representative C. Johnson, and it is transmitted for further consideration.

CONFERENCE COMMITTEE REPORT

Mr. Speaker: February 24, 2009

The Joint Conference Committee comprised of Senators D. Stowell, J. Valentine, and K. Morgan, and Representatives C. Johnson, G. Hughes, and C. Oda, recommends H.B. 51, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, by Representative C. Johnson, with the following amendments:
1. Page 4, Line 92 through Page 4a, Line 106s
Senate 3rd Reading Amendments 2–23–2009:

92 (iii) the fermented alcoholic beverage is manufactured and used for Ŝ⇒[
93 (A) Ŝ personal or family use and consumption Ŝ⇒[– or
94 (B) ], including use at Ŝ an organized event where fermented alcoholic beverages are
94a judged as to taste and
95 quality; and
96 (iv) the fermented alcoholic beverage is not for:
97 (A) sale or offering for sale; or
98 (B) consumption on a premise licensed by the commission.
99 (c) An individual may store a fermented alcoholic beverage manufactured as provided
100 in Subsection (6)(b) in the individual’s personal residence.
101 (d) A fermented alcoholic beverage manufactured in accordance with Subsection (6)(b)
102 may be removed from the premises where it is manufactured:
103 (i) for personal or family use, including use at an organized event where fermented
104 alcoholic beverages are judged as to taste and quality;
105 (ii) if the fermented alcoholic beverage is transported in compliance with Section
106 41–6a–526 Ŝ⇒; and
106a (iii) if the fermented alcoholic beverage is removed only in the following quantities:
106b (A) { during a calendar year } for personal and family use
106c that is unrelated to an organized event where
106d fermented alcoholic beverages are judged as to taste and quality,
106e the quantity that may be possessed at one time is:
106f (I) one liter of wine for each individual who is 21 years of age or older residing in the
106e household;

106f (II) 72 ounces of heavy beer for each individual who is 21 years of age or older residing in the household; or

106g household; and

106h (III) 72 ounces of beer for each individual who is 21 years of age or older residing in the household; and

106i (B) for on-premise consumption at an organized event where fermented alcoholic beverages are judged as to taste and quality, for each individual who will act as a judge at the event:

106j (I) one ounce of wine by volume;

106k (II) two ounces of heavy beer; or

106l (III) two ounces of beer.

106m the quantity that may be removed for each organized event is:

(I) one liter of wine for each wine category in which the individual enters, except that the individual may not remove wine for more than three categories for the same organized event;

(II) 72 ounces of heavy beer for each heavy beer category in which the individual enters, except that the individual may not remove heavy beer for more than three categories for the same organized event; or

(III) 72 ounces of beer for each beer category in which the individual enters, except that the individual may not remove beer for more than three categories for the same organized event.

106o (e) A partnership, corporation, or association may not manufacture a fermented alcoholic beverage under this Subsection (6) for personal or family use and consumption without obtaining a license under this chapter, except that an individual who operates a brewery under this chapter as an individual owner or in partnership with others, may remove beer
from the brewery for personal or family use in the amounts described in Subsection (6)(b)(ii).  

Dennis Stowell, Senate Chair  
Christine Johnson, House Chair

Report filed. On motion of Representative Johnson, the House voted to adopt the Conference Committee Report.

H.B. 51, as amended, passed on the following roll call:

**Yeas, 67; Nays, 2; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives  
Aagard Allen Barrus Beck  
Bigelow Bird Biskupski Black  
Brown Chavez–Houck S. Clark Cosgrove  
Daw Dee Dougall Draxler  
S Duckworth Dunnigan Edwards Ferry  
Janice Fisher Julie Fisher Fowlke Frank  
Froerer F Gibson K Gibson Gowans  
Greenwood Grover Hansen Harper  
Hemingway Hendrickson Herrod Hughes  
Hunsaker Hutchings Ipson Johnson  
King Kiser Last Litvack  
Lockhart Mascaro Mathis Morley  
Moss Newbold Noel Oda  
Painter Poulson Riesen Sandstrom  
Seegmiller Seelig Vickers Wallis  
Watkins Webb Wheatley Wilcox  
Wiley Wimmer Winn

**Voting in the negative were:** Representatives  
Menlove Powell

**Absent or not voting were:** Representatives  
Garn Holdaway McIff Ray  
Sumsion D. Clark

H.B. 51 was transmitted to the Senate for signature of the President.

**INTRODUCTION OF BILLS**

H.B. 169, Public Lands Policy Coordination Amendments (M. Noel), read the first time by short title and referred to the Rules Committee.
H.B. 339, Legislator – Benefit Plans (E. Hutchings), read the first time by short title and referred to the Rules Committee.

H.B. 378, Circuit Breaker Amendments (T. Cosgrove), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

1st Sub. H.B. 110, FINANCIAL TRANSACTION CARD OFFENSES, Julie Fisher, read the third time by short title and placed on its final passage.

1st Sub. H.B. 110 passed on the following roll call:

Y eas, 65; Nays, 0; Absent or not voting, 10.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Dougall  Draxler  S Duckworth
Dunnigan  Edwards  Ferry  Janice Fisher
Julie Fisher  Fowlke  Frank  Froerer
F Gibson  K Gibson  Gowans  Greenwood
Grover  Hansen  Harper  Hemingway
Hendrickson  Hughes  Hutchings  Ipson
Johnson  King  Kiser  Last
Litvack  Lockhart  Mascaro  Mathis
Menlove  Moss  Newbold  Noel
Oda  Poulson  Powell  Riesen
Sandstrom  Seegmiller  Seelig  Vickers
Wallis  Watkins  Webb  Wheatley
Wilcox  Wiley  Wimmer  Winn
D. Clark

Absent or not voting were: Representatives

Brown  Garn  Herrod  Holdaway
Hunsaker  McIff  Morley  Painter
Ray  Sumson

1st Sub. H.B. 110 transmitted to the Senate for its consideration.

***

H.B. 387, MOTORCYCLE HELMET AMENDMENTS, Menlove, read the third time by short title and placed on its final passage.
H.B. 387 passed on the following roll call:

Yeas, 67; Nays, 2; Absent or not voting, 6.

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

| Greenwood | Ray |

**Absent or not voting were:** Representatives

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H.B. 387 transmitted to the Senate for its consideration.

***

H.B. 167, COUNTY HOSPITAL RETIREMENT PROVISIONS, *Noel*, read the third time by short title and placed on its final passage.

H.B. 167 passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

**Voting in the affirmative were:** Representatives

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Absent or not voting were: Representatives
Hughes        Sumasion

H.B. 167 transmitted to the Senate for its consideration.

* * *

S.B. 127, RETIREMENT AMENDMENTS, Brown, read the third time by short title and placed on its final passage.

S.B. 127 passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard       Allen       Barrus       Beck
Bigelow      Bird        Biskupski    Black
Brown        Chavez–Houck S. Clark   Cosgrove
Dee          Dougall     Draxler     S Duckworth
Dunnigan     Edwards     Janice Fisher Julie Fisher
Fowlke       Frank       Froerer     F Gibson
K Gibson     Gowans      Greenwood   Grover
Hansen       Harper      Hemingway   Hendrickson
Herrod       Holdaway    Hunsaker    Hutchings
Ipsilon      Johnson     King        Kiser
Absent or not voting were: Representatives
Daw    Ferry    Garn    Hughes
Sumasion

S.B. 127 was signed by the Speaker in open session and returned to the Senate
for signature of the President and enrolling.

* * *

1st Sub. S.B. 135, LOCAL DISTRICT TAXING AUTHORITY, Dougall,
read the third time by short title and placed on its final passage.

1st Sub. S.B. 135 passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard    Allen    Barrus    Beck
Bigelow    Bird    Biskupski    Black
Brown    Chavez–Houck    S. Clark    Cosgrove
Dee    Dougall    Draxler    S. Duckworth
Dunnigan    Edwards    Ferry    Janice Fisher
Fowlke    Frank    Froerer    F. Gibson
K Gibson    Gowans    Greenwood    Grover
Hansen    Harper    Hemingway    Hendrickson
Herrod    Holdaway    Hunsaker    Hutchings
Ipson    Johnson    King    Kiser
Last    Litvak    Lockhart    Mascaro
Mathis    McIff    Menlove    Morley
Moss    Newbold    Noel    Painter
Poulson    Powell    Ray    Riesen
Sandstrom    Seegmiller    Seelig    Sumasion
Vickers    Wallis    Watkins    Webb
Wheatley    Wilcox    Wiley    Wimmer
Winn    D. Clark
Absent or not voting were: Representatives
Daw Julie Fisher Garn Hughes Oda

1st Sub. S.B. 135 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

UNFINISHED BUSINESS

On motion of Representative Last, the House voted to uncircle S.B. 158.

S.B. 158, CHILD SUPPORT – CASH MEDICAL SUPPORT, Last, was before the House on its final passage.

S.B. 158 passed on the following roll call:

Yeas, 74; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Frank Froerer
Garn F Gibson K Gibson Gowans
Greenwood Grover Hansen Harper
Hemingway Hendrickson Herrod Holdaway
Hughes Hunsaker Hutchings Ipson
Johnson King Kiser Last
Litvack Lockhart Mascaro Mathis
McIff Menlove Morley Moss
Newbold Noel Oda Painter
Poulson Powell Ray Riesen
Sandstrom Seegmiller Seelig Sumision
Vickers Wallis Watkins Webb
Wheatley Wilcox Wiley Wimmer
Winn D. Clark

Absent or not voting was: Representative
Daw

S.B. 158 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.
On motion of Representative Harper, the House voted to uncircle 1st Sub. S.B. 36.

1st Sub. S.B. 36, SALES AND USE TAX AMENDMENTS, Harper, was before the House on its final passage.

1st Sub. S.B. 36 passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Dee  Dougall  Draxler  S Duckworth
Dunnigan  Edwards  Ferry  Janice Fisher
Julie Fisher  Fowlke  Frank  Froerer
F Gibson  K Gibson  Gowans  Greenwood
Grover  Hansen  Harper  Hemingway
Hendrickson  Herrod  Holdaway  Hughes
Hunsaker  Hutchings  Ipson  Johnson
King  Kiser  Last  Litvack
Lockhart  Mascaro  Mathis  Menlove
Morley  Moss  Newbold  Noel
Oda  Painter  Poulson  Powell
Ray  Riesen  Sandstrom  Seelig
Sumasion  Vickers  Wallis  Watkins
Webb  Wheatley  Wilcox  Wiley
Wimmer  Winn  D. Clark

Absent or not voting were: Representatives
Daw  Garn  McIff  Seegmiller

1st Sub. S.B. 36 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

MISCELLANEOUS BUSINESS

On motion of Representative Dee, the House voted to uncircle S.B. 57 and lift it from the Third Reading Calendar and returned to the Rules Committee due to fiscal impact.
***

On motion of Representative Ray, the House voted to recall **H.B. 102** from enrolling.

***

On motion of Representative Ray, the House voted to reconsider its action on **H.B. 102**.

**RECONSIDERATION OF H.B. 102**

On motion of Representative Ray, the House voted to concur in the Senate amendments to **H.B. 102**, FALSE VEHICLE TITLE AND REGISTRATION PENALTIES.

**H.B. 102**, as amended by the Senate, passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

| Biskupski | Dee       | Harper |

**H.B. 102**, as amended by the Senate, transmitted to the Senate for signature of President.
UNFINISHED BUSINESS

On motion of Representative Frank, the House voted to uncircle 1st Sub. H.B. 141.

1st Sub. H.B. 141, BILLBOARD AMENDMENTS, Frank, was before the House on its final passage.

On motion of Representative Frank, the House voted to delete 1st Sub. H.B. 141 in title and body and insert 2nd Sub. H.B. 141 in lieu thereof.

2nd Sub. H.B. 141 passed on the following roll call:

Yeas, 67; Nays, 5; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard  Allen  Beck  Bigelow
Bird    Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dougall  S Duckworth  Dunnigan  Ferry
Janice Fisher  Julie Fisher  Fowlke  Frank
Froerer  Garn  F Gibson  K Gibson
Gowans  Grover  Hansen  Hemingway
Hendrickson  Herrod  Holdaway  Hughes
Hunsaker  Hutchings  Ipson  Johnson
King  Kiser  Last  Litvack
Lockhart  Mascaro  Mathis  McIff
Menlove  Moss  Newbold  Noel
Oda  Painter  Poulson  Ray
Riesen  Sandstrom  Seegmiller  Seelig
Sumison  Vickers  Wallis  Watkins
Webb  Wheatley  Wilcox  Wiley
Wimmer  Winn  D. Clark

Voting in the negative were: Representatives
Barrus  Draxler  Edwards  Harper
Powell

Absent or not voting were: Representatives
Dee  Greenwood  Morley

2nd Sub. H.B. 141 transmitted to the Senate for its consideration.

* * *

On motion of Representative Dougall, the House voted to uncircle H.B. 184.
**H.B. 184**, INCOME TAX CREDIT FOR A DISABLED DEPENDENT, *Dougall*, was before the House on its final passage. Representatives Newbold, Mascaro, Harper, Beck and Duckworth commented.

**H.B. 184** passed on the following roll call:

**Yeas, 66; Nays, 4; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

| Hansen | Harper | Sandstrom | Vickers |

**Absent or not voting were:** Representatives

| Dee     | Julie Fisher | K Gibson | Noel |
| Painter |           |         |       |

**H.B. 184** transmitted to the Senate for its consideration.

* * *

On motion of Representative Mathis, the House voted to uncircle **H.B. 390**.

**H.B. 390**, ABSENTEE BALLOT AMENDMENTS, *Mathis*, was before the House on its final passage.

Representative Bird proposed the following amendment:
1. Page 1, Lines 13 through 15

13 requires that applications for absentee ballots be applied for no later than the Friday before the election date, regardless of whether the absentee ballot will be voted by mail or in person, except that, for counties of the first and second class only, absentee ballots may be applied for and cast in person at the office of the election officer on the Monday before the election;

2. Page 1, Lines 16 through 17:

16 requires that in-person absentee ballots be cast no later than the Friday before the election date, except for those absentee ballots cast in person in counties of the first and second class; and

3. Page 2, Line 57 through Page 3, Line 66:

57 (3) (a) [4(4)] Except as provided in Subsections (3)(a)(ii) and (iii), a voter who wishes to vote by absentee ballot shall file the application for an absentee ballot with the appropriate election officer no later than the Friday before election day.

58 Subsections (3)(b) and (3)(c), a voter who wishes to vote by absentee ballot shall file the application for an absentee ballot with the appropriate election officer no later than 20 days before the day of election day.

59 Voters applying for an absentee ballot for the Western States Presidential Primary shall file the application for an absentee ballot with the appropriate election officer not later than the Tuesday before election day.

60 Persons voting an absentee ballot in person at the office of the election officer shall apply for a ballot and cast their ballot no later than the day before the election.
(i) the Monday before election day, for counties of the first or second class; or
(ii) the Friday before election day, for all other counties.

4. Page 4, Lines 96 through 99:

96 (2) An absentee ballot is not valid unless [it is]:
97 (a) [received] in the case of an absentee ballot that is voted in person, it is applied for
98 and cast in person at the office of the appropriate election officer [before the closing of polls
99 on] :
(i) no later than the Monday before election day, for counties of the first and second class; or
(ii) no later than the Friday before election day, for all other counties ; or

Representatives Powell and Hansen commented. Representative Bird’s motion to amend failed on a voice vote.

H.B. 390 passed on the following roll call:

Yeas, 49; Nays, 26; Absent or not voting, 0.

Voting in the affirmative were: Representatives
Aagard Barrus Bigelow Brown
S. Clark Daw Dee Dougall
Draxler Dunnigan Edwards Ferry
Julie Fisher Fowlke Frank Froerer
Garn F Gibson K Gibson Gowans
Grover Harper Herrod Hughes
Hunsaker Hutchings Ipson Last
Lockhart Mascaro Mathis McIff
Menlove Morley Newbold Noel
Oda Painter Powell Ray
Sandstrom Sumsion Vickers Wallis
Webb Wilcox Wimmer Winn
D. Clark

Voting in the negative were: Representatives
Allen Beck Bird Biskupski
Black Chavez–Houck Cosgrove S Duckworth
H.B. 390 transmitted to the Senate for its consideration.

THIRD READING CALENDAR

H.B. 89, PROSTHETIC LIMB HEALTH INSURANCE PARITY, Litvack, read the third time by short title and placed on its final passage.

On motion of Representative Litvack, the House voted to circle H.B. 89.

***

H.B. 142, REPORTING ABUSE OR NEGLECT OF THE ELDERLY OR DISABLED, Hemingway, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle H.B. 142.

***

1st Sub. H.B. 269, ANESTHESIOLOGIST ASSISTANTS, Julie Fisher, read the third time by short title and placed on its final passage.


On motion of Representative Julie Fisher, the House voted to circle 2nd Sub. H.B. 269.

UNFINISHED BUSINESS

On motion of Representative Ferry, the House voted to uncircle H.B. 197.

H.B. 197, REAUTHORIZATION OF ADMINISTRATIVE RULES, Ferry, was before the House on its final passage.

Representative Ferry proposed the following amendment:

1. Page 1, Line 26 through Page 2, Line 29

26 All rules of Utah state agencies are reauthorized, except:
Representative Ferry’s motion to amend passed on a voice vote.

H.B. 197, as amended, passed on the following roll call:

**Yea\'s, 70; Nays, 1; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

- Aagard
- Barrus
- Beck
- Bigelow
- Bird
- Biskupski
- Black
- Brown
- Chavez–Houck
- S. Clark
- Cosgrove
- Daw
- Dee
- Dougall
- Draxler
- Dunnigan
- Edwards
- Ferry
- Janice Fisher
- Julie Fisher
- Fowlke
- Frank
- Froerer
- Garn
- K Gibson
- Gowans
- Greenwood
- Grover
- Harper
- Hemingway
- Hendrickson
- Herrod
- Holdaway
- Hughes
- Hunsaker
- Hutchings
- Ipson
- Johnson
- King
- Kiser
- Last
- Litvack
- Lockhart
- Mascaro
- Mathis
- McIff
- Menlove
- Morley
- Moss
- Newbold
- Oda
- Painter
- Poulson
- Powell
- Ray
- Riesen
- Sandstrom
- Seegmiller
- Seelig
- Sumision
- Vickers
- Wallis
- Watkins
- Webb
- Wheatley
- Wilcox
- Wiley
- Wimmer
- Winn
- D. Clark

**Voting in the negative was:** Representative

- Allen

**Absent or not voting were:** Representatives

- S Duckworth
- F Gibson
- Hansen
- Noel

H.B. 197, as amended, transmitted to the Senate for its consideration.
THIRD READING CALENDAR

H.B. 351, COURT FEES AMENDMENTS, Oda, read the third time by short title and placed on its final passage.

H.B. 351 passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
Edwards Ferry Janice Fisher Julie Fisher
Fowlke Frank Froerer Garn
K Gibson Gowans Greenwood Grover
Hansen Harper Hemingway Hendrickson
Herrod Holdaway Hughes Hunsaker
Hutchings Ipson Johnson King
Kiser Last Litvack Lockhart
Mascaro Mathis McIff Menlove
Morley Moss Newbold Noel
Oda Painter Poulson Powell
Ray Riesen Sandstrom Seegmiller
Seelig Vickers Wallis Watkins
Webb Wheatley Wilcox Wiley
Wimmer Winn D. Clark

Absent or not voting were: Representatives
S Duckworth Dunnigan F Gibson Sumsion

H.B. 351 transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Hemingway, the House voted to uncircle H.B. 142.

H.B. 142, REPORTING ABUSE OR NEGLECT OF THE ELDERLY OR DISABLED, Hemingway, was before the House on its final passage.

H.B. 142, as amended, passed on the following roll call:
Yeas, 70; Nays, 2; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard    Allen   Barrus    Beck
Bigelow   Bird     Biskupski Black
Brown     Chavez–Houck S. Clark Cosgrove
Daw       Dee      Draxler   S Duckworth
Dunnigan  Edwards Ferry    Janice Fisher
Julie Fisher Fowlke Frank    Froerer
Gowans    Greenwood Grover   Hansen
Harper    Hemingway Hendrickson Herrod
Holdaway  Hughes   Hunsaker Hutchings
Ipson     Johnson  King     Kiser
Last      Litvack   Lockhart Mascaro
Mathis    McIlff   Menlove  Moss
Newbold   Noel     Oda      Painter
Poulson   Powell   Ray      Riesen
Sandstrom Seegmiller Seelig  Sumsiion
Vickers   Wallis   Watkins  Webb
Wheatley  Wilcox   Wiley    Wimmer
Winn      D. Clark

Voting in the negative were: Representatives
Dougall   Morley

Absent or not voting were: Representatives
Garn      F Gibson  K Gibson

H.B. 142, as amended, transmitted to the Senate for its consideration.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 25, 2009

The Business and Labor Committee recommends H.B. 145, WORKPLACE DRUG TESTING PROGRAMS, by Representative T. Beck, be replaced and favorably recommends 1st Sub. H.B. 145, WORKPLACE DRUG TESTING PROGRAMS; and

The Business and Labor Committee recommends H.B. 308, WORKERS’ COMPENSATION – MOTOR CARRIERS, by Representative D. Ipson, be replaced and favorably recommends 1st Sub. H.B. 308, WORKERS’ COMPENSATION – MOTOR CARRIERS; and
The Business and Labor Committee reports a favorable recommendation on **H.B. 342, DISPROPORTIONATE RENTAL FEE AMENDMENTS**, by Representative G. Froerer, with the following amendments:

1. Page 1, Line 22:

   `{22→ adds “enforcement of municipal ordinances” to the definition of municipal services.←}

2. Page 4, Lines 99 through 111:

   99 (b) As used in this Subsection (5):
   100 (i) “Municipal services” [include includes:
   101 (A) public utilities; [or] and
   102 (B) services for:
   103 (I) police;
   104 (II) fire;
   105 (III) storm water runoff;
   106 (IV) traffic control;
   107 (V) parking;
   108 (VI) transportation;
   109 (VII) beautification; {← or ←}
   110 (VIII) snow removal {← or ←} {← or
   111 (IX) enforcement of municipal ordinances. } ; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 349, HEAVY BEER AMENDMENTS**, by Representative C. Oda; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 140, FINANCIAL INSTITUTIONS DISCLOSURE OF RECORDS**, by Senator M. Dayton.

James A. Dunnigan, Chair

Reports filed. On motion of Representative Dunnigan, the reports of the Business and Labor committee were adopted.

Mr. Speaker: February 25, 2009

The Education Committee reports a favorable recommendation on H.B. 334, WRITING ASSESSMENT AND INSTRUCTION, by Representative M. Newbold; and

The Education Committee reports a favorable recommendation on H.B. 425, CARSON SMITH SCHOLARSHIP PROGRAM AMENDMENTS, by Representative M. Newbold.

Gregory H. Hughes, Chair

Reports filed. On motion of Representative Lockhart, the reports of the Education committee were adopted.

H.B. 334 and H.B. 425 read the second time by short title and placed on the Third Reading Calendar.

Mr. Speaker: February 25, 2009

The Health and Human Services Committee recommends H.B. 219, TOBACCO TAX INCREASE, by Representative P. Ray, be replaced and favorably recommends 1st Sub. H.B. 219, TOBACCO TAX INCREASE.

Paul Ray, Chair

Report filed. On motion of Representative Ray, the report of the Health and Human Services committee was adopted.

1st Sub. H.B. 219 read the second time by short title and placed on the Third Reading Calendar.

Mr. Speaker: February 26, 2009

The Judiciary Committee recommends H.B. 148, VICTIM RIGHTS AMENDMENTS, by Representative R. C. Webb, be replaced and reports a favorable recommendation on 2nd Sub. H.B. 148, VICTIM RIGHTS AMENDMENTS with the following amendments:

1. Page 6, Line 166:

   166 occurred more than \{ one \ year \} six months before the victim filed an action alleging the violation of the right.
2. Page 6, Lines 177 through 178:

177 (2) This chapter may not be construed as creating a basis for [dismissing] any defendant to dismiss any criminal charge or delinquency petition, vacating any adjudication or conviction,

3. Page 7, Lines 193 through 198:

193 or retained by victims of crimes.

{ 194 Section 5. Effective date.

195 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

197 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 Committee reports a favorable recommendation on H.B. 401, CUSTODY AND PARENT–TIME AMENDMENTS FOR SERVICE MEMBERS, by Representative T. Cosgrove, with the following amendments:

1. Page 2, Lines 52 through 55:

52 (i) If willing and able, the noncustodial parent may elect to provide care for any minor children during the time the service member is away. The noncustodial parent shall notify the custodial parent of their willingness to provide care as soon as practicable, but not less than five days before the service member is required to leave.

(A) The parents shall arrange a time and place for the delivery of the children to the noncustodial parent. Except as provided in Subsection (B), a temporary exchange of physical custody under this Section shall be considered extended parent–time under Section 78B–12–216.

(B) Notwithstanding Section 78B–12–216, if a noncustodial parent elects to provide care for the minor children during the time the service member is away, child support payments to the custodial parent shall be suspended from the date the custodial parent leaves until the date the custodial parent resumes custodial care of the children.
2. Page 2, Line 56 through Page 3, Line 61:

(i) If the noncustodial parent is unwilling or unable to provide care for any minor children during the time the service member is away, the service member may make specific arrangements for the housing and care of the minor children during the time the service member will be away. Notice of arrangements made by the service member shall be provided to the noncustodial parent and may not deprive the noncustodial parent of parent–time during the same time period.

Lorie D. Fowlke, Chair

Reports filed. On motion of Representative Fowlke, the reports of the Judiciary committee were adopted.

2nd Sub. H.B. 148 and H.B. 401, as amended, read the second time by short title and placed on the Third Reading Calendar.

* * *

Mr. Speaker: February 26, 2009

The Law Enforcement and Criminal Justice Committee recommends H.B. 64, DETERRING ILLEGAL IMMIGRATION, by Representative B. Dee, be replaced and reports a favorable recommendation on 1st Sub. H.B. 64, DETERRING ILLEGAL IMMIGRATION with the following amendments:

1. Page 1, Lines 10 through 11:

operation of a multi–agency strike force to combat violent and other major felony crimes

11 within the state associated with illegal immigration and human trafficking.

2. Page 1, Lines 15 through 16:

operations of a multi–agency strike force to deal with major felony crimes committed

16 within the state related to illegal immigration and human trafficking;
3. Page 1, Lines 21 through 22:
21 deterring, and eradicating violent and other major felony criminal activity within the state
22 related to illegal immigration and human trafficking;

4. Page 2, Lines 39 through 40:
39 67–5–22.7. Multi–agency strike force to combat violent and other major felony crimes
40 associated with illegal immigration and human trafficking — Fraudulent Documents

5. Page 2, Line 43:
43 operation of a multi–agency strike force to combat violent and other major felony crimes committed

6. Page 2, Line 50:
50 eradicating violent and other major felony criminal activity related to illegal immigration and human

Douglas C. Aagard, Chair
Reports filed. On motion of Representative Aagard, the report of the Law Enforcement and Criminal Justice committee was adopted.

1st Sub. H.B. 64, as amended, read the second time by short title and placed on the Third Reading Calendar.

* * *

Mr. Speaker: February 26, 2009
The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 183, NATIONAL ANIMAL IDENTIFICATION SYSTEM, by Representative M. Brown, et al, with the following amendments:

1. Page 2, Lines 37 through 39:
37 (a) require a person to participate in \{ i \}
38 \{ (i) \} the national animal identification system \{ i or \}
39 \{ (ii) a system \} that requires livestock premise registration, identification, or tracking:
The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.J.R. 16**, **RESOLUTION AMENDING PROVISION ON MUNICIPAL WATER RIGHTS**, by Representative K. McIff, et al, with the following amendments:

1. Page 1, Line 1:

   1 **JOINT** RESOLUTION AMENDING PROVISION ON ; and


   Roger E. Barrus, Chair

   Reports filed. On motion of Representative Barrus, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.


   **S.J.R. 17** read the second time by short title and placed on the Consent Calendar.

   * * *

Mr. Speaker: February 26, 2009

The Transportation Committee reports a favorable recommendation on **H.B. 333**, **MOTOR VEHICLE IMPOUND AMENDMENTS**, by Representative C. Oda, with the following amendments:

1. Page 1, Lines 21 through 23:

   21 provides that a vehicle is an abandoned vehicle if it is left in an impound yard,
   22 garage, or docking area for more than {—ten—} thirty days after certain notices have been provided;
   23 provided;
   ▶ provides that a lienholder, a leasing company that legally owns
the vehicle, or certain insurance companies are not subject to the penalty for abandoning a vehicle in an impound yard, garage, or docking area;

2. Page 1, Line 25:

25 private property or in an impound yard, garage, or docking area; establishes an affirmative defense to abandoning a vehicle in an impound yard, garage, or docking area;

3. Page 6, Lines 179 through 180:

179 (4) (a) Except as provided in Subsection (4)(b), a person may not abandon a vehicle in an impound yard, garage, or docking area by leaving the vehicle for more than thirty days in an impound yard, garage, or docking area after

180 a lienholder of the vehicle.

(b) A person is not subject to a penalty for a violation described in Subsection (4)(a) if the person is:

   (i) a lienholder;
   (ii) a leasing company that legally owns the vehicle; or
   (iii) an insurance company, if the insurance company is the registered owner of the vehicle as the result of a total loss settlement.

(c) It is an affirmative defense to a violation of Subsection (4)(a) if the person:

   (i) has made a good faith attempt to recover the vehicle or surrender a clear title for the vehicle to the impound yard, garage, or docking area within the thirty day time period described in Subsection (4)(a); and
   (ii) recovers the vehicle or surrenders a clear title for the vehicle to the impound yard, garage, or docking area within 40 days after notice has been provided under Section 41–6a–1406 or 72–9–603 to the registered owner and lienholder of the vehicle.

The Transportation Committee reports a favorable recommendation on 1st Sub. H.B. 370, DISABLED PARKING VIOLATION AMENDMENTS, by Representative S. Mascaro, with the following amendments:

1. Page 1, Line 12:

12 This bill:

   ▶ provides and amends definitions;
2. Page 2, Lines 28 through 29:

AMENDS:

41–1a–414, as last amended by Laws of Utah 2003, Chapter 1
67–19–3, as last amended by Laws of Utah 2006, Chapter 139

3. Page 3, Line 61:

61 for a person with a disability shall be fined not less than $175.

Section 2. Section 67–19–3 is amended to read:


As used in this chapter:

(1) “Agency” means any department or unit of Utah state
government with authority to employ personnel.

(2) “Alternative State Application Program (ASAP)” means a
program that allows hiring officials to appoint a qualified person with a
disability to a career service position after successfully completing an
appropriate on–the–job examination period without going through the
competitive process.

(3) “Career service” means positions under
Schedule B as defined in Section 67–19–15.

(4) “Career service employee” means an
employee who has successfully completed a probationary period of
service in a position covered by the career service.

(5) “Career service status” means status
granted to employees:

(a) who successfully complete probationary periods for
competitive career service positions;

(b) who are appointed to a position through the Alternative State
Application Program (ASAP).

(6) “Classified service” means those
positions subject to the classification and compensation provisions of
Section 67–19–12.

(7) “Controlled substance” means controlled
substance as defined in Section 58–37–2.

(a) “Demotion” means a disciplinary
action resulting in a reduction of an employee’s current actual wage.

(b) “Demotion” does not mean:

(i) a nondisciplinary movement of an employee to another
position without a reduction in the current actual wage; or

(ii) a reclassification of an employee’s position under the
provisions of Subsection 67–19–12(3) and rules made by the department.
“Department” means the Department of Human Resource Management.

“Disability” means a physical or mental disability as defined and protected under the Americans with Disabilities Act, 42 U.S.C. Section 12101 et seq.

“Employee” means any individual in a paid status covered by the career service or classified service provisions of this chapter.

“Examining instruments” means written or other types of proficiency tests.

“Executive director,” except where otherwise specified, means the executive director of the Department of Human Resource Management.

“Human resource function” means those duties and responsibilities specified:
(a) under Section 67–19–6;
(b) under rules of the department; and
(c) under other state or federal statute.

“Market comparability adjustment” means a salary range adjustment determined necessary through a market survey of salary ranges of a reasonable cross section of comparable benchmark positions in private and public employment.

“Probationary employee” means an employee serving a probationary period in a career service position but who does not have career service status.

“Probationary period” means that period of time determined by the department that an employee serves in a career service position as part of the hiring process before career service status is granted to the employee.

“Probationary status” means the status of an employee between the employee’s hiring and the granting of career service status.

“Temporary employee” means career service exempt employees on schedule AJ, AI, or AL under Section 67–19–15.

“Total compensation” means salaries and wages, bonuses, paid leave, group insurance plans, retirement, and all other benefits offered to state employees as inducements to work for the state.
Renumber remaining sections accordingly; and

The Transportation Committee reports a favorable recommendation on **H.B. 371, TRANSPORTATION GOVERNANCE**, by Representative W. Harper, with the following amendments:

1. Page 2, Lines 28 through 29:
   28 transportation { (--)} and the source of revenue for the additional funding allocation { (--) and the number of
   29 projects to fund on the prioritized list } ;

2. Page 2, Lines 30 through 33:
   30 provides that the Department of Transportation may not delay a new transportation
   31 capacity project that was funded by the Legislature in an appropriations act to a different fiscal year than programmed by the Transportation Commission due to
   32 an unavoidable shortfall in revenues unless the project delays are prioritized and
   33 approved by the Transportation Commission;

3. Page 2, Lines 37 through 38:
   37 provides that the Department of Transportation may not delay a Critical Highway
   38 Needs Fund project that was funded by the Legislature in an appropriations act to a different fiscal year than programmed by the Transportation Commission or

4. Page 2, Lines 42 through 44:
   42 provides that the Transportation Commission shall prioritize and approve any
   43 Critical Highway Needs Fund project delays to a different fiscal year than programmed by the Transportation Commission due to an unavoidable shortfall in
   44 revenues for a project:

5. Page 5, Lines 137 through 138:
   137 (2) (a) { (--The } For projects prioritized with funding provided under Section 72–2–124 and 72–2–125, the commission shall annually report to a committee designated by the
Legislative Management Committee:

6. Page 5, Line 146:

   (A) the amount of additional funding to allocate transportation; and

7. Page 5, Lines 148 through 150:

   (2)(b)(ii)(A) {→; and
   (C) the number of projects to fund on the prioritized list presented under Subsection
   (2)(a)(i) }

8. Page 6, Lines 180 through 182:

   (6) (a) The department may not delay a new transportation capacity project that was funded by the Legislature in an appropriations act to a different fiscal year than programmed by the commission due to an unavoidable shortfall in revenues

   unless the project delays are prioritized and approved by the Transportation Commission.

9. Page 9, Lines 264 through 266:

   (7) (a) Unless prioritized and approved by the Transportation Commission, the department may not delay a project prioritized under this section to a different fiscal year than programmed by the commission due to an unavoidable shortfall in revenues if:

10. Page 9, Lines 270 through 271:

    (b) The commission shall prioritize and approve any project delays for projects

       prioritized under this section to a different fiscal year than programmed by the commission due to an unavoidable shortfall in revenues if:

Bradley M. Daw, Chair

Reports filed. On motion of Representative Daw, the reports of the Transportation committee were adopted.
H.B. 333, as amended, 1st Sub. H.B. 370, as amended, and H.B. 371, as amended, read the second time by short title and placed on the Third Reading Calendar.

THIRD READING CALENDAR

1st Sub. H.B. 290, PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE, S. Clark, read the third time by short title and placed on its final passage. Representatives Janice Fisher and Holdaway commented.

Representative Wiley proposed the following amendment:

1. Page 3, Lines 62 through 65

62 (c) when reporting criminal activity or requesting assistance relating to a criminal activity;
63 activity: { or
64 (d) when providing roadside or medical assistance;
(e) when used by law enforcement officers or emergency service personnel acting within the course and scope of their employment:
65 within the course and scope of their employment; or
66 (f) when used by a person acting within the scope of the person’s employment:
67 (i) by a state or local government agency; and
68 (ii) that includes the authority to issue a criminal citation for the violation of a state law or local ordinance.

Representative Wiley’s motion to amend passed on a voice vote.

Representatives Dunnigan and Harper commented.

1st Sub. H.B. 290, as amended, passed on the following roll call:

Yeas, 55; Nays, 20; Absent or not voting, 0.

Voting in the affirmative were: Representatives
Aagard    Allen    Barrus    Beck
Bigelow   Biskupski Black    Brown
Chavez–Houck S. Clark Cosgrove Dee
Draxler   S Duckworth Dunnigan Edwards
Ferry     Janice Fisher Julie Fisher Froerer
Voting in the negative were: Representatives

Bird          Daw    Dougall    Fowlke
Frank         Garn    F Gibson    K Gibson
Hutchings     Last    Morley     Newbold
Oda           Painter Sandstrom Sumsion
Wilcox        Wimmer  Winn       D. Clark

1st Sub. H.B. 290, as amended, transmitted to the Senate for its consideration.

RULES COMMITTEE REPORT

Mr. Speaker: February 26, 2009

The Rules Committee recommends the following bills and resolutions be assigned to standing committees:

BUSINESS AND LABOR

H.B. 416  Seismic Upgrade Requirements for Condominium Conversion Projects (Rep. L. Wiley)
S.B. 137  Physical Therapy Practice Act (Sen. W. Niederhauser)
S.B. 160  Utah Venture Capital Enhancement Act Amendments (Sen. S. Jenkins)
S.B. 167  Amendments to Uniform Debt–management Services Act (Sen. L. Hillyard)

EDUCATION

H.B. 186  School District Division Amendment (Rep. L. Black)
H.B. 381  Public Education Law Revisions – Association Leave (Rep. C. Herrod)
1st Sub. S.B. 81 Concurrent Enrollment Program Amendments (Sen. M. Dayton)
S.B. 146  Home Schooling Amendments (Sen. M. Madsen)
ETHICS
S.B. 156  Gifts and Meal Provisions for Public Officials (Sen. G. Bell)
S.B. 162  Use of Campaign Funds Amendments (Sen. J. Valentine)

GOVERNMENT OPERATIONS
H.B. 436  State Prohibition of Sudan Related Contracts (Rep. D. Litvack)
2nd Sub. S.B. 56  Military Installation Development Authority Amendments (Sen. S. Killpack)
S.B. 150  State Armory Amendments (Sen. S. Jenkins)

HEALTH AND HUMAN SERVICES
1st Sub. S.B. 21  State and Local Health Authorities Amendments (Sen. D. Stowell)
S.B. 133  Abuse or Neglect of a Disabled Child (Sen. J. Valentine)
S.B. 142  Disposition of a Dead Body (Sen. A. Christensen)
S.B. 173  Emotional Support Animals and Psychiatric Therapy Animals (Sen. M. Dayton)

JUDICIARY
S.B. 154  Juvenile Court Judge – Fifth District (Sen. S. Urquhart)

LAW ENFORCEMENT AND CRIMINAL JUSTICE
S.B. 118  Parental Responsibility for Juvenile Criminal Gang Offense Costs (Sen. J. Greiner)

NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT
H.B. 383  Water Rights Adjudication Amendments (Rep. J. Gowans)
H.B. 389  Applications for a Small Amount of Water (Rep. P. Painter)

POLITICAL SUBDIVISIONS
S.J.R. 10  Alternative Training Center Joint Resolution (Sen. D. Stowell)
TRANSPORTATION
1st Sub. S.B. 116  Criminal Penalty Amendments (Sen. D. Liljenquist)
1st Sub. S.B. 147  Driver License Revisions (Sen. L. Hillyard)
1st Sub. S.B. 149  Prohibition of Text Messaging or Electronic Mail Communication While Driving (Sen. L. Hillyard)

WORKFORCE SERVICES AND COMMUNITY AND ECONOMIC DEVELOPMENT
H.B. 174  Licensing of Vocational Rehabilitation Counselors (Rep. R. Menlove)

Ben C. Ferry, Chair
Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

RULES COMMITTEE REPORT
Mr. Speaker: February 26, 2009

Ben C. Ferry, Chair
Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

MISCELLANEOUS BUSINESS
On motion of Representative Garn, the House voted to recess until 2:00 p.m.

AFTERNOON SESSION
The House was called to order by Speaker Clark at 2:00 p.m.

COMMUNICATIONS FROM THE SENATE
Mr. Speaker: February 26, 2009
The Senate passed, H.B. 50, FIREFIGHTER SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative R. Menlove, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, 2nd Sub. H.B. 61, LOCAL GOVERNMENT ENTITY CHANGES, by Representative K. Holdaway, which has been signed by the President and it is transmitted for the signature of the Speaker; and
The Senate passed, H.B. 113, SALVAGE VEHICLE TITLE AMENDMENTS, by Representative T. Kiser, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, 1st Sub. H.B. 240, WANTON DESTRUCTION OF LIVESTOCK, by Representative R. Menlove, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 278, B AND C ROADS FUND AMENDMENTS, by Representative M. Noel, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate


***

Mr. Speaker: February 26, 2009

The Senate passed, as amended, H.B. 26, CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS, by Representative M. Morley, and it is transmitted for further consideration; and

The Senate passed, as amended, 1st Sub. H.B. 68, DEVELOPMENT EXACTIONS, by Representative P. Painter, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate


***

Mr. Speaker: February 26, 2009

The Senate concurred in the House amendments and passed S.B. 50, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE, by Senator B. Goodfellow, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communication filed. S.B. 50 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.
Mr. Speaker: February 26, 2009

The Senate passed, as amended, **S.B. 14**, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed **S.B. 75**, UTILITY AMENDMENTS, by Senator S. Urquhart, and it is transmitted for consideration; and

The Senate passed **S.B. 220**, COHABITANT ABUSE PROCEDURES ACT AMENDMENTS, by Senator B. Goodfellow, and it is transmitted for consideration; and

The Senate passed **S.B. 243**, JUDICIAL PERFORMANCE EVALUATION COMMISSION MODIFICATIONS, by Senator D. C. Buttars, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communications filed. **S.B. 14, S.B. 75, S.B. 220**, and **S.B. 243** read the first time by short title and referred to the Rules Committee.

**INTRODUCTION OF BILLS**

**H.B. 392**, Natural Gas for Vehicles (D. Ipson), read the first time by short title and referred to the Rules Committee.

**H.J.R. 20**, Joint Resolution Expressing Support for a Moratorium on Foreclosures (B. King), read the first time by short title and referred to the Rules Committee.

**THIRD READING CALENDAR**

**H.B. 316**, TIME LIMITATION FOR PROSECUTION OF ENVIRONMENTAL CRIMES, Wimmer, read the third time by short title and placed on its final passage.

On motion of Representative Wimmer, the House voted to circle **H.B. 316**.

**H.B. 325**, OPTING OUT OF THE REAL ID ACT, Sandstrom, read the third time by short title and placed on its final passage.
On motion of Representative Lockhart, the House voted to circle **H.B. 325**.

**UNFINISHED BUSINESS**

On motion of Representative Julie Fisher, the House voted to uncircle **2nd Sub. H.B. 269**.


Representative Menlove proposed the following amendment:

1. Page 5, Lines 123 through 130

   123  (4)  (a)  “Supervision” means a supervising anesthesiologist:
   124        (i)  is present at the operating suite; and
   125        (ii) is immediately available to provide supervision of the anesthesiologist and to
   126        provide anesthesia services to the patient in accordance with:
   127        (A)  acceptable medical practice;
   128        (B)  the American Society of Anesthesiologists’ guidelines for best practice of
   129        anesthesia in a care team model; and
   130        (C)  any other requirements established by the board by administrative rule.

   (b) Supervision as defined in Subsections (4)(a) and (3)(b)(ii)(B) does not limit an anesthesiologist from supervising certified registered nurse anesthetists and anesthesia residents at the same time as supervising an anesthesiologist assistant.

Representatives Powell, Wiley and Edwards commented. Representative Menlove’s motion to amend passed on a voice vote.

Representatives Noel and Dee commented. **2nd Sub. H.B. 269**, as amended, failed to pass on the following roll call:

**Yeas, 32; Nays, 41; Absent or not voting, 2.**

**Voting in the affirmative were**: Representatives

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Voting in the negative were: Representatives

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Absent or not voting were: Representatives

| Bigelow       | Dougall |

2nd Sub. H.B. 269, as amended, was filed.

* * *

On motion of Representative Hughes, the House voted to uncircle S.B. 115.

S.B. 115, PAYMENT OF MOBILE HOME PARK RELOCATION EXPENSES, Hughes, was before the House on its final passage. Representatives Riesen, Hendrickson, Webb, Dunnigan, Froerer and Hemingway commented.

S.B. 115 passed on the following roll call:

Yeas, 47; Nays, 24; Absent or not voting, 4.

Voting in the affirmative were: Representatives

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Representatives voting in the negative were:

Bigelow, Dee, Dougall, Frank
K Gibson, Greenwood, Grover, Harper
Herrod, Kiser, Lockhart, Mathis
Morley, Newbold, Noel, Oda
Sandstrom, Sumsion, Wallis, Webb
Wilcox, Wimmer, Winn, D. Clark

Absent or not voting were:

Julie Fisher, Fowlke, Garn, Wiley

S.B. 115 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

MISCELLANEOUS BUSINESS

On motion of Representative Sandstrom, the House voted to reconsider its action on H.B. 314.

RECONSIDERATION OF H.B. 314

H.B. 314, DNA SAMPLE FOR CRIMINAL OFFENSES – AMENDMENTS, Greenwood, was before the House for reconsideration.

Representatives Wimmer, Harper, and Ray commented. H.B. 314, as amended, passed on the following roll call:

Y eas, 41; Nays, 29; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Barrus, Beck, Biskupski, Black
Brown, Chavez–Houck, Cosgrove, Daw
Dee, Draxler, S Duckworth, Edwards
Ferry, Janice Fisher, Julie Fisher, K Gibson
Greenwood, Grover, Hunsaker, Ipson
Johnson, King, Last, Litvack
Mascaro, Mclff, Moss, Newbold
Voting in the negative were: Representatives
Aagard  Allen  Bigelow  Bird
S. Clark  Dougall  Dunnigan  Frank
Froerer  F Gibson  Gowan
Hansen  Harper  Hemingway  Hendrickson
Holdaway  Hutchings  Kiser  Lockhart
Mathis  Menlove  Morley  Painter
Ray  Riesen  Wheatley  Winn
D. Clark

Absent or not voting were: Representatives
Fowlke  Herrod  Hughes  Noel
Wiley

H.B. 314, as amended, transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Aagard, the House voted to uncircle H.B. 327.

H.B. 327, BUILDING INSPECTOR AMENDMENTS, Aagard, was before the House on its final passage.

Representative Aagard proposed the following amendment:

1. Page 2, Lines 53 through 54
   53 prominently placed in at least 14-point font: “Decisions relative to this application are subject
   54 to review by a chief administrator by the chief executive officer of the municipal or county entity issuing the single-family residential building permit and appeal under the International Residential Code.”

2. Page 3, Lines 59 through 65:
   59 (2) Subject to Subsection (3), a local regulator city or county shall, by ordinance, provide for review
   60 of an inspection conducted by the local regulator’s city’s or county’s building inspector for a single-family
Day 31722 HOUSE JOURNAL

61 residential building permit.
62 (3) Upon request by a person seeking a single-family residential building permit, a
63 chief executive officer of the municipal or county issuing the single-family residential building permit, or the chief executive officer’s designee, shall, with reasonable diligence, review an inspection described in Subsection (2) to determine whether the inspection constitutes a fair administration of the building code.

Representative Aagard’s motion to amend passed on a voice vote.

Representatives Draxler and Dunnigan commented.

H.B. 327, as amended, passed on the following roll call:

**Yeas, 62; Nays, 10; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

| Aagard  | Allen | Bigelow | Biskupski |
| Black   | Brown | Chavez–Houck | S. Clark |
| Daw     | Dee   | Dougall  | S Duckworth |
| Edwards | Ferry  | Janice Fisher | Julie Fisher |
| Fowlke  | Frank | Froerer  | Garn |
| F Gibson | K Gibson | Gowans | Greenwood |
| Grover  | Hansen | Harper | Hemingway |
| Herrod  | Hunsaker | Hutchings | Ipson |
| Johnson | King  | Kiser | Last |
| Litvack | Lockhart | Mascaro | Mathis |
| McIff   | Menlove | Morley | Moss |
| Newbold | Oda   | Painter | Poulson |
| Ray     | Riesen | Sandstrom | Seelig |
| Sumson  | Vickers | Wallis | Watkins |
| Webb    | Wheatley | Wilcox | Wimmer |
| Winn    | D. Clark |

**Voting in the negative were:** Representatives

| Barrus  | Beck   | Bird | Cosgrove |
| Draxler | Dunnigan | Hendrickson | Holdaway |
| Powell  | Seegmiller |
Absent or not voting were: Representatives
Hughes Noel Wiley

H.B. 327, as amended, transmitted to the Senate for its consideration.

***

On motion of Representative Sandstrom, the House voted to uncircle H.B. 325.

H.B. 325, OPTING OUT OF THE REAL ID ACT, Sandstrom, was before the House on its final passage. Representatives Litvack, Dee, Daw and Mascaro commented.

H.B. 325 passed on the following roll call:

Yeas, 68; Nays, 6; Absent or not voting, 1.

Voting in the affirmative were: Representatives
Aagard Barrus Beck Bigelow
Bird Biskupski Black Brown
Chavez-Houck S. Clark Cosgrove Daw
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Frank Froerer
Garn F Gibson K Gibson Gowans
Greenwood Grover Hansen Harper
Hemingway Herrod Holdaway Hughes
Hunsaker Hutchings Ipson Johnson
King Last Lockhart Mascaro
Mathis McIff Menlove Morley
Moss Newbold Noel Oda
Painter Poulson Powell Ray
Sandstrom Seegmiller Seelig Sumsion
Vickers Wallis Watkins Webb
Wheatley Wilcox Wimmer Winn

Voting in the negative were: Representatives
Allen Hendrickson Kiser Litvack
Riesen D. Clark

Absent or not voting was: Representative
Wiley
H.B. 325 transmitted to the Senate for its consideration.

THIRD READING CALENDAR

1st Sub. H.B. 164, MIGRATORY BIRD PRODUCTION AREAS, Oda, read the third time by short title and placed on its final passage. Representatives S. Clark and Hutchings commented.

Representative Ferry declared a conflict of interest because he has multiple wetlands on his private property.

1st Sub. H.B. 164 passed on the following roll call:

Yeas, 71; Nays, 2; Absent or not voting, 2.

Voting in the affirmative were: Representatives

| Aagard   | Allen       | Barrus       | Beck       |
| Bigelow  | Bird        | Biskupski    | Black      |
| Brown    | Chavez–Houck| S. Clark     | Cosgrove   |
| Daw      | Dee         | Draxler      | S Duckworth|
| Dunnigan | Edwards     | Ferry        | Janice Fisher|
| Julie Fisher | Fowlke     | Frank        | Froer       |
| Garn     | F Gibson    | K Gibson     | Gowans     |
| Greenwood| Grover      | Hansen       | Harper     |
| Hemingway| Hendrickson | Herrod       | Holdaway   |
| Hughes   | Hunsaker    | Hutchings    | Ipson      |
| Johnson  | King        | Kiser        | Last       |
| Litvack  | Lockhart    | Mascaro      | Mathis     |
| McIff    | Menlove     | Morley       | Moss       |
| Newbold  | Noel        | Oda          | Painter    |
| Poulson  | Ray         | Riesen       | Sandstrom  |
| Seegmiller| Seelig     | Sumasion     | Vickers    |
| Wallis   | Watkins     | Webb         | Wheatley   |
| Wilcox   | Wimmer      | Winn         |            |

Voting in the negative were: Representatives

| Powell   | D. Clark    |            |

Absent or not voting were: Representatives

| Dougall | Wiley      |

1st Sub. H.B. 164 transmitted to the Senate for its consideration.
COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 26, 2009

The President of the Senate has signed H.B. 51, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, by Representative C. Johnson, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed H.B. 102, FALSE VEHICLE TITLE AND REGISTRATION PENALTIES, by Representative P. Ray, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. H.B. 51 and H.B. 102 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

***

Mr. Speaker: February 26, 2009

The Senate passed, as amended, S.B. 54, UNIFORM LAW – UNIFORM ASSIGNMENT OF RENTS ACT, by Senator R. Romero, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. S.B. 54 read the first time by short title and referred to the Rules Committee.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, and at 4:55 p.m., the House voted to adjourn until February 27, 2009, at 9:00 a.m.
THIRTY-SECOND DAY

* * *

MORNING SESSION

The House was called to order by Speaker Clark at 9:10 a.m.

Roll call showed all members present.

Prayer and Pledge of Allegiance led by Representative Wimmer’s intern, James Williams.

INTRODUCTION OF BILL

H.B. 362, Government Records Amendments (G. Hughes), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 399, CHARITABLE CARE AMENDMENTS, Last, read the third time by short title and placed on its final passage.

H.B. 399, as amended, passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives
S Duckworth Garn Hutchings Ray Seelig

H.B. 399, as amended, transmitted to the Senate for its consideration.

* * *

H.J.R. 22, JOINT RESOLUTION – UTAH’S MEDICAID ASSET TEST, Chavez–Houck, read the third time by short title and placed on its final passage.

H.J.R. 22 passed on the following roll call:

Yeas, 64; Nays, 6; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Fowlke Frank Froerer
F Gibson K Gibson Gowans Greenwood
Grover Hansen Harper Hemingway
Hendrickson Herrod Holdaway Hughes
Hunsaker Ipson Johnson King
Last Litvack Lockhart Mascaro
McIff Menlove Moss Noel
Painter Poulson Powell Riesen
Sandstrom Seegmiller Sumsion Vickers
Wallis Watkins Webb Wheatley
Wilcox Wiley Winn D. Clark

Voting in the negative were: Representatives
Kiser Mathis Morley Newbold
Oda Wimmer

Absent or not voting were: Representatives
Julie Fisher Garn Hutchings Ray Seelig
H.J.R. 22 transmitted to the Senate for its consideration.

* * *

H.B. 245, UTAH STATE 911 COMMITTEE AMENDMENTS, Oda, read the third time by short title and placed on its final passage.

H.B. 245, as amended, passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

| Garn | Hutchings | Ray | Seelig |

H.B. 245, as amended, transmitted to the Senate for its consideration.

* * *

H.B. 192, PERSONAL INJURY JUDGMENT INTEREST, Dunnigan, read the third time by short title and placed on its final passage.

H.B. 192, as amended, passed on the following roll call:

Yeas, 69; Nays, 0; Absent or not voting, 6.
Voting in the affirmative were: Representatives

Aagard      Allen      Barrus      Beck
Bigelow     Bird       Biskupski   Black
Brown       Chavez–Houck S. Clark   Cosgrove
Daw         Dee        Dougall    Draxler
Dunnigan    Edwards    Ferry      Janice Fisher
Julie Fisher Fowlke     Frank      Froerer
F Gibson    Gowans     Greenwood  Grover
Hansen      Harper     Hemingway  Hendrickson
Herrod      Holdaway   Hughes     Hunsaker
Ipson       Johnson    King       Kiser
Last        Litvack    Lockhart   Mascaro
Mathis      McIff      Menlove    Morley
Moss        Newbold    Noel       Oda
Painter     Poulson    Powell     Riesen
Sandstrom   Seegmiller Sumson     Vickers
Wallis      Watkins    Webb       Wheatley
Wilcox      Wiley      Wimmer     Winn
D. Clark

Absent or not voting were: Representatives

S Duckworth Garn       K Gibson   Hutchings
Ray         Seelig

H.B. 192, as amended, transmitted to the Senate for its consideration.

***

H.B. 402, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS, Garn, read the third time by short title and placed on its final passage.

On motion of Representative Dee, the House voted to circle H.B. 402.

***

S.B. 139, EMPLOYER ELECTION RETIREMENT AMENDMENTS, Dougall, read the third time by short title and placed on its final passage.

S.B. 139 passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives

Aagard      Allen      Barrus      Beck
Bigelow     Bird       Biskupski   Black
Brown Chavez Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Frerer Garn F Gibson Gowans
Greenwood Grover Hansen Harper
Hemingway Hendrickson Herrod Holdaway
Hunsaker Ipson Johnson King
Kiser Last Litvack Lockhart
Mascaro Mathis McIff Menlove
Morley Moss Newbold Noel
Oda Painter Poulson Powell
Riesen Sandstrom Seegmiller Seelig
Sumsion Vickers Wallis Watkins
Webb Wheatley Wilcox Wiley
Wimmer Winn D. Clark

Absent or not voting were: Representatives
K Gibson Hughes Hutchings Ray

S.B. 139 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

UNFINISHED BUSINESS ON CONSENT CALENDAR

On motion of Representative Garn, the House voted to uncircle H.B. 402.

H.B. 402, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS, Garn, was before the House on its final passage.

H.B. 402 passed on the following roll call:

Yeas, 64; Nays, 7; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Black Brown
Chavez Houck S. Clark Cosgrove Daw
Dougall Draxler Dunnigan Edwards
Ferry Janice Fisher Julie Fisher Fowlke
Frank Frerer Garn F Gibson
Gowans Greenwood Grover Hansen
Harper Hemingway Hendrickson Herrod
Voting in the negative were: Representatives
Biskupski Dee S Duckworth Johnson
Powell Wheatley Wiley

Absent or not voting were: Representatives
K Gibson Hutchings Ray Wilcox

H.B. 402 transmitted to the Senate for its consideration.

CONSENT CALENDAR

H.C.R. 7, CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO THE CONGRESSIONAL ENACTMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM, Brown, read the third time by short title and placed on its final passage.

H.C.R. 7 passed on the following roll call:

Yeas, 69; Nays, 3; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Black Brown
S. Clark Cosgrove Daw Dee
Dougall Draxler S Duckworth Dunnigan
Edwards Ferry Janice Fisher Julie Fisher
Fowlke Frank Froerer Garn
F Gibson Gowans Greenwood Grover
Hansen Harper Hemingway Hendrickson
Herrod Holdaway Hughes Hunsaker Ipson
Ipson King Kiser Last
Litvack Lockhart Mascaro Mathis
McIff Menlove Morley Moss
Newbold Noel Oda Painter

Hunsaker Last Litvack
Mascaro Mathis McIff
Morley Moss Newbold
Oda Painter Poulson
Riesen Sandstrom Seegmiller Seelig
Vickers Wallis Watkins
Wimmer Winn D. Clark

Absent or not voting were: Representatives
K Gibson Hutchings Ray Wilcox

H.C.R. 7 passed on the following roll call:

Yeas, 69; Nays, 3; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Black Brown
S. Clark Cosgrove Daw Dee
Dougall Draxler S Duckworth Dunnigan
Edwards Ferry Janice Fisher Julie Fisher
Fowlke Frank Froerer Garn
F Gibson Gowans Greenwood Grover
Hansen Harper Hemingway Hendrickson
Herrod Holdaway Hughes Hunsaker Ipson
Ipson King Kiser Last
Litvack Lockhart Mascaro Mathis
McIff Menlove Morley Moss
Newbold Noel Oda Painter
Voting in the negative were: Representatives
Biskupski Chavez Houck Johnson

Absent or not voting were: Representatives
K Gibson Hutchings D. Clark

H.C.R. 7 transmitted to the Senate for its consideration.

* * *

H.J.R. 18, JOINT RESOLUTION FOR LEGISLATIVE APPROPRIATION SUBCOMMITTEE NAME CHANGE, Hendrickson, read the third time by short title and placed on its final passage.

H.J.R. 18 passed on the following roll call:

Yeas, 67; Nays, 6; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bird Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Draxler S Duckworth Dunnigan Edwards
Ferry Janice Fisher Julie Fisher Fowlke
Frank Froerer Garn F Gibson
Gowans Greenwood Grover Hansen
Harper Hemingway Hendrickson Herrod
Holdaway Hughes Hunsaker Ipson
Johnson King Kiser Litvack
Mascaro Mathis McIff Menlove
Morley Moss Newbold Noel
Painter Poulson Powell Ray
Riesen Sandstrom Seegmiller Seelig
Sumssion Vickers Wallis Watkins
Webb Wheatley Wilcox Wiley
Wimmer Winn D. Clark
Voting in the negative were: Representatives
Bigelow       Dee          Dougall       Last
Lockhart       Oda

Absent or not voting were: Representatives
K Gibson       Hutchings

H.J.R. 18 transmitted to the Senate for its consideration.

CONCURRENCE CALENDAR

On motion of Representative Morley, the House voted to concur in the Senate amendments to H.B. 26, CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS.

H.B. 26, as amended by the Senate, passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard      Barrus      Beck          Bigelow
Bird        Biskupski   Black         Brown
Chavez-Houck Cosgrove   Daw          Dee
Dougall     Draxler     Dunnigan      Edwards
Ferry       Janice Fisher Julie Fisher Fowlke
Frank       Froerer     Garn          F Gibson
Gowans      Greenwood   Grover        Hansen
Harper      Hemingway   Hendrickson  Herrod
Holdaway    Hughes      Hunsaker      Ipson
Johnson     King        Kiser         Last
Litvack     Lockhart    Mascaro       Mathis
McIff       Menlove     Morley        Moss
Newbold     Noel        Oda           Painter
Poulson     Powell      Ray           Riesen
Sandstrom   Seegmiller  Seelig        Sumursion
Vickers     Wallis      Watkins       Webb
Wheatley    Wilcox      Wiley         Wimmer
Winn        D. Clark

Absent or not voting were: Representatives
Allen       S. Clark    S Duckworth  K Gibson
Hutchings

H.B. 26, as amended by the Senate, transmitted to the Senate for signature of President.
On motion of Representative Painter, the House voted to concur in the Senate amendments to 1st Sub. H.B. 68, DEVELOPMENT EXACTIONS.

1st Sub. H.B. 68, as amended by the Senate, passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard  Allen  Barrus  Beck  
Bigelow  Bird  Biskupski  Black  
Brown  Chavez–Houck  Cosgrove  Daw  
Dee  Dougall  Draxler  Dunnigan  
Edwards  Ferry  Janice Fisher  Julie Fisher  
Fowlke  Frank  Froerer  Garn  
F Gibson  Gowans  Greenwood  Grover  
Harper  Hemingway  Hendrickson  Herrod  
Holdaway  Hughes  Hunsaker  Ipson  
Johnson  King  Kiser  Last  
Litvack  Lockhart  Mascaro  Mathis  
Mclff  Menlove  Morley  Moss  
Newbold  Noel  Oda  Painter  
Poulson  Powell  Ray  Riesen  
Sandstrom  Seegmiller  Seelig  Sumision  
Vickers  Wallis  Watkins  Webb  
Wheatley  Wilcox  Wiley  Wimmer  
Winn  D. Clark  

**Absent or not voting were:** Representatives

S. Clark  S Duckworth  K Gibson  Hansen  Hutchings  

1st Sub. H.B. 68, as amended by the Senate, transmitted to the Senate for signature of President.

**THIRD READING CALENDAR**

1st Sub. H.B. 187. RECREATIONAL USE OF PUBLIC WATERS ON PRIVATE PROPERTY, Ferry, read the third time by short title and placed on its final passage.

Representative Ferry proposed the following amendment:
1. Page 4, Line 106
   (3) “Indian land” means land that is:
   (a) held in trust by the United States for an Indian tribe or a member of an Indian tribe; or
   (b) owned by an Indian or Indian tribe and is subject to restrictions against alienation.
   (4) “Indian tribe” means any Indian tribe, band, nation, pueblo, or other organized group or community that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

2. Page 4, Line 109:
   (4) “Navigable water body” means a natural watercourse that is useful for commerce in

3. Page 4, Lines 114 through 116:
   (5) “Ordinary high water mark” means the line that a water body impresses on the soil:

4. Page 4, Line 119:
   (8) “Private bed” means the bed of a water body that is not a navigable water body.

5. Page 5, Line 119:
   (10) “Property to which access is restricted” means real property:

6. Page 5, Lines 123 through 125:
   (ii) posted as described in Subsection 76–6–206(2)(b)(iii);
   (c) that is fenced or enclosed as described in Subsection 76–6–206(2)(b)(ii); or

7. Page 5, Lines 129 through 130:
(a) “Public water” means water:

7. Page 5, Line 136:
   “Recreational activity” means an activity that is:

8. Page 5, Line 141:
   engaging in an activity listed in Subsection (c) for a recreational purpose; and

9. Page 5, Line 146:
   “Single family dwelling” means a structure constructed and customarily

10. Page 6, Line 157:
    (ix) structure with a purpose similar to the structures listed in Subsections (b)(i)

11. Page 6, Line 159:
    “Vessel” means a watercraft capable of floating and transporting a person on the

12. Page 6, Line 171:
    (b) Section 76–6–206; and

13. Page 7, Line 199a
    House Committee Amendments 2–23–2009:
    (b) Notwithstanding Subsection (5)(a), a person may walk or float within the bed of a public

14. Page 7, Line 199c
    House Committee Amendments 2–23–2009:
    a segment of the public water in which a recreational activity is allowed by this part.

15. Page 8, Line 218:
    or in the following public waters, except where the public water flows over Indian land.
16. Page 8, Lines 228 through 229:

(6) Duchesne River from the Highway 40 bridge in Myton upstream to the confluence with United States Forest Service boundary line on the North Fork and West Fork of the Duchesne River;

17. Page 9, Lines 250b through 250c

House Committee Amendments 2–23–2009:

250b Lions Hollow; (and)

250c (19) Logan River from the Red Banks Campground to the Idaho state line.

(20) Current Creek from the confluence with the Strawberry River upstream to United States Forest Service boundary line;

(21) Lake Fork River upstream from the Highway 87 bridge to United States Forest Service boundary line; and

(22) Diamond Fork from the confluence with Spanish Fork River upstream to United States Forest Service boundary line.

18. Page 11, Lines 327 through 328:

(b) (i) has historically provided and continues to provide significant opportunity for a recreational activity for the public; or

(ii) (A) was closed to public access after May 12, 1989, by the owner of the property on which the public water is located; and

(B) (I) was open to public access for at least 20 years prior to the closure described in Subsection (1)(b)(ii)(A); and

(II) was freely, notoriously, and continuously used by the public: (Aa) without permission of the owner of the property on which the public water is located; and

(Bb) to an extent and under circumstances that the owner of the property on which the public water is located would reasonably recognize the need to protect vulnerable property rights;

19. Page 13, Line 393 through Page 14, Line 407:


If this H.B. 187 and H.B. 153, Trespass Law Amendments, both pass, it is the intent of
the Legislature that, in preparing the Utah Code database for publication, the Office of Legislative Research and General Counsel shall replace the references in:

1. Subsection 73−6a−102 (8) (10) (b) (ii) from “Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass” to “(A) Subsection 76−6−206(2)(b)(iii); or (B) Subsection 76−6−206.3(2)(c);”

2. Subsection 73−6a−102 (8) (10) (c) from “Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass” to “(A) Subsection 76−6−206(2)(b)(ii); or (B) Subsection 76−6−206.3(2)(b);”

3. Subsection 73−6a−102 (8) (10) (d) (ii) from “Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass” to “(A) Subsection 76−6−206(2)(b)(i); or (B) Subsection 76−6−206.3(2)(a);”

4. Subsection 73−6a−201(1) (b) from “Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass” to “Section 76−6−206 or Section 76−6−206.3;”
“(1) Except as provided by Subsection (2), a person who touches a private bed is subject to liability for trespass under:
(a) Section 23–20–14;
(b) Section 76–6–206;
(c) Section 76–6–206.3; and
(d) a civil action for a claim arising out of touching the private bed.”

Representatives Powell, Allen and McIff commented. Representative Ferry’s motion to amend passed on a voice vote.

On motion of Representative Ferry, the House voted to circle 1st Sub. H.B. 187.

UNFINISHED BUSINESS

On motion of Representative Newbold, the House voted to uncircle 4th Sub. H.B. 66 on the following roll call:

Yeas, 38; Nays, 32; Absent or not voting, 5.

Voting in the affirmative were: Representatives

Aagard    Allen    Barrus    Bigelow
Bird      Daw      Dee      Dougall
Ferry     Julie Fisher Fowlke Frank
Froerer   Garn      F Gibson Greenwood
Grover    Harper    Herrod   Hunsaker
Ipson     Kiser     Last     Litvack
Lockhart  Mascaro  Mathis   Morley
Newbold   Noel      Oda      Painter
Ray       Sandstrom Summion Wallis
Wimmer    D. Clark

Voting in the negative were: Representatives

Beck      Biskupski Black    Brown
Chavez–Houck Cosgrove Draxler S. Duckworth
Dunnigan  Edwards  Gowans Hansen
Hemingway Holdaway Hughes Johnson
King      McLiff    Menlove Moss
Poulson   Powell    Riesen   Seegmiller
Seelig    Vickers   Watkins Webb
Wheatley  Wilcox   Wiley    Winn

Absent or not voting were: Representatives

S. Clark  Janice Fisher  K Gibson Hendrickson
Hutchings
Representative Hughes proposed to substitute the bill with 5th Sub. H.B. 66.

Representative Last proposed the following substitute motion to amend the bill as follows:

1. Page 30, Line 920 through Page 31, Line 932

   (1) (a) [In order to qualify for receipt of] Except as provided in Subsection (1)(b), in order to qualify for receipt of the state contribution toward the basic program and as its contribution toward its costs of the basic program, each school district shall impose a minimum basic tax rate \( \text{of .00200} \) per dollar of taxable value that is equal to the tax rate that, in calendar year 2010, generates an amount of revenue equal to the certified revenue levy that generates $260,731,750 in revenues statewide.

   (b) The preliminary estimate for the 2008–09 minimum basic tax rate is .00125.

   (c) The State Tax Commission shall certify on or before June 22 the rate that generates $260,731,750 in revenues statewide.

   (d) If the minimum basic tax rate exceeds the certified revenue levy as defined in Section 53A–17a–103, the state is subject to the notice requirements of Section 59–2–926.

   (b) Notwithstanding Subsection (1)(a), for a calendar year beginning on or after January 1, 2011, the minimum basic tax rate per dollar of taxable value shall be the greater of:

   (i) \( \text{of .00200 per dollar of taxable value} \) the tax rate described in Subsection (1)(a); or

   (ii) the certified revenue levy for that calendar year as defined in Section 53A–17a–103.

2. Page 31, Lines 945 through 950:

   (4) For fiscal year 2010–11, the Legislature shall increase the dollar amount described
in Subsection 53A–17A–103(1) by an amount equal to the difference between:

(a) the amount of revenue generated statewide from the imposition of the minimum basic tax rate \(0.00200\) per dollar of taxable value during calendar year 2010; and

(b) the amount of revenue that would have been generated from the imposition of the certified revenue levy statewide for the same calendar year.

3. Page 38, Lines 1157 through 1171:

(3) For a fiscal year beginning on or after fiscal year 2010–11, a school district is exempt from the public notice and hearing requirements of Sections 59–2–918 and 59–2–919 for the school district’s board local discretionary levy if the school district budgets an amount of ad valorem property tax revenue equal to or less than the school district’s board property tax revenue.

(4) (a) For a fiscal year beginning on or after fiscal year 2011–12, a receiving school district is exempt from the public notice and hearing requirements of Sections 59–2–918 and 59–2–919 for the receiving school district’s board local discretionary levy if the receiving school district budgets an amount of ad valorem property tax revenue equal to or less than the receiving school district’s board property tax revenue.

(b) For a fiscal year beginning on or after fiscal year 2011–12, a contributing school district is exempt from the public notice and hearing requirements of Sections 59–2–918 and 59–2–919 for the contributing school district’s board local discretionary levy if the contributing
school district budgets an amount of ad valorem property tax revenue equal to or less than:

(i) the school district’s board property tax revenue; minus

(ii) the school district’s basic levy increment.

Representative Harper commented and requested the amendment be divided.

All items of Representative Last’s substitute motion to amend passed on a voice vote.

Representatives Ferry, Black and Brown commented.

Representative Brown proposed to circle the bill. Representatives Mascaro, Gowans, Dougall, Powell and McIff commented. The motion to circle 4th Sub. H.B. 66 passed on the following roll call:

**Yeas, 46; Nays, 27; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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**Absent or not voting were:** Representatives

K Gibson Hansen
UNFINISHED BUSINESS

On motion of Representative Herrod, the House voted to uncircle H.B. 272.

H.B. 272, UTAH SCENIC BYWAY DESIGNATION AMENDMENTS, Herrod, was before the House on its final passage.

On motion of Representative Herrod, the House voted to delete H.B. 272 in title and body and insert 2nd Sub. H.B. 272 in lieu thereof.

Representative Herrod proposed the following amendment:

1. Page 4, Line 115 through Page 5, Line 120

115 (6) (a) (i) Members who are not state government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member’s official duties at the rates established by the Division of Finance under Sections 63A−3−106 and 63A−3−107.]

119 [(ii) Members may decline to receive per diem and expenses for their service.]

120 [(b) (6)(a) (i) State government officer and employee members who do not receive

2. Page 5, Line 126:

126 (c) (6)(a) (i) Local government members who do not receive salary, per diem, or

3. Page 5, Line 132:

132 (d) Legislators on the committee receive compensation and expenses as provided by

4. Page 6, Lines 170 through 171:

170 (ii) the nominated highway conforms with federal requirements for designation as a scenic byway or All−American Road.

Representative Herrod’s motion to amend passed on a voice vote.
Representatives Fowlke, Litvack, Aagard, Chavez–Houck and Powell commented.

2nd Sub. H.B. 272, as amended, passed on the following roll call:

Yeas, 53; Nays, 19; Absent or not voting, 3.

Voting in the affirmative were: Representatives

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Voting in the negative were: Representatives

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Absent or not voting were: Representatives

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2nd Sub. H.B. 272, as amended, transmitted to the Senate for its consideration.

SPECIAL CITATION

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 27, 2009

The Senate passed, **H.B. 41**, SEX OFFENDER REGISTRATION AMENDMENTS, by Representative K. Sumption, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 63**, AMENDMENTS TO CHILD WELFARE, by Representative W. Harper, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 114**, ABORTION LITIGATION TRUST ACCOUNT AMENDMENTS, by Representative K. Sumption, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 116**, UNIFORM FEES ON CANOES, by Representative M. Wheatley, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 119**, POWERSPORT VEHICLE FRANCHISE ACT REVISIONS, by Representative J. Gowans, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 123**, RETAIL AND LIBRARY THEFT AMENDMENTS, by Representative F. Gibson, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 127**, PERSONAL INJURY PROTECTION COVERAGE AMENDMENTS, by Representative T. Kiser, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 228**, ASSAULT ON SERVICE MEMBER IN UNIFORM, by Representative E. Hutchings, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 239**, UTAH MEDICAL EXAMINER ACT – INVESTIGATION AND AUTOPSIES AMENDMENTS, by Representative C. Oda, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **1st Sub. H.B. 264**, EDUCATOR EVALUATION AMENDMENTS, by Representative R. Menlove, which has been signed by the President and it is transmitted for the signature of the Speaker; and
The Senate passed, **H.B. 289**, BACKGROUND CHECKS FOR QUALIFYING ENTITIES, by Representative S. Sandstrom, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 291**, COUNTY PERSONNEL AMENDMENTS, by Representative B. King, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 295**, MONEY LAUNDERING AMENDMENTS, by Representative R. Wilcox, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 319**, DISASTER RECOVERY FUNDING AMENDMENTS, by Representative C. Oda, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.C.R. 6**, CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO CONGRESSIONAL EFFORTS TO EXPAND THE JURISDICTION OF THE CLEAN WATER ACT, by Representative M. Brown, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate


***

Mr. Speaker: February 27, 2009

The Senate passed, as amended, **H.B. 69**, GUARDIAN AD LITEM AMENDMENTS, by Representative W. Harper, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 271**, WORKERS’ COMPENSATION – UNINSURED EMPLOYERS’ FUND, by Representative M. Morley, and it is transmitted for further consideration; and

The Senate substituted and passed, **Senate 3rd Sub. H.B. 243**, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES, by Representative G. Froerer, and it is transmitted for further consideration; and
The Senate passed, as amended, **2nd Sub. H.B. 59**, SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS, by Representative B. Daw, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 241**, PRIORITY OF WATER RIGHTS, by Representative K. Gibson, and it is transmitted for further consideration; and

The Senate substituted and passed, **Senate 1st Sub. H.C.R. 5**, CONCURRENT RESOLUTION URGING THE REALIGNMENT OF AIR QUALITY NON−ATTAINMENT DESIGNATIONS BY THE EPA, by Representative R. Menlove, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate


* * *

Mr. Speaker: February 27, 2009

The Senate passed **S.B. 77**, GRANTS FOR LICENSED TEACHERS AMENDMENTS, by Senator M. Madsen, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 185**, FEDERAL EDUCATION AGREEMENT REQUIREMENTS AMENDMENTS, by Senator M. Dayton, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 77** and **S.B. 185** read the first time by short title and referred to the Rules Committee.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 27, 2009

The Political Subdivisions Committee reports a favorable recommendation on **H.B. 201**, MUNICIPAL DISINCORPORATION AMENDMENTS, by Representative G. Froerer, with the following amendments:

1. Page 1, Line 16:

   16 provides an exception to that provision if the municipality was incorporated on or after January 1, 2009 without
2. Page 2, Line 43:

43  (a) the municipality was incorporated on or after January 1, 2009 without an election to approve the incorporation; and

The Political Subdivisions Committee recommends H.B. 274, LOCAL GOVERNMENT FEES AND CHARGES TO STATE AGENCIES, by Representative C. B. Wallis, be replaced and reports a favorable recommendation on 1st Sub. H.B. 274, LOCAL GOVERNMENT FEES AND CHARGES with the following amendments:

1. Page 18, Line 549:

549  (a) a land use application fee that exceeds the reasonable cost of processing the application; or

2. Page 31, Line 926:

926 development activity

3. Page 35, Line 1062:

1062 in mediation of any applicable fee.

4. Page 52, Line 1576:

1576 (a) a land use application fee that exceeds the reasonable cost of processing the application; or; and

The Political Subdivisions Committee reports a favorable recommendation on H.B. 449, VETERANS NURSING HOME AMENDMENTS, by Representative G. Hughes, and recommends it be placed on the Consent Calendar.

Fred R. Hunsaker, Chair

Reports filed. On motion of Representative Hunsaker, the reports of the Political Subdivisions committee were adopted.

H.B. 201 read the second time by short title and placed on the Third Reading Calendar.

1st Sub. H.B. 274 read the first and second times by short title and placed on the Third Reading Calendar.

H.B. 449 read the second time by short title and placed on the Consent Calendar.

UNFINISHED BUSINESS

On motion of Representative Sandstrom, the House voted to uncircle H.B. 259.
H.B. 259, IMPACT FEES ON SCHOOL DISTRICTS AND CHARTER SCHOOLS, Sandstrom, was before the House on its final passage.

On motion of Representative Sandstrom, the House voted to delete H.B. 259, PROHIBITION OF IMPACT FEES ON SCHOOL DISTRICTS AND CHARTER SCHOOLS, in title and body and insert 1st Sub. H.B. 259, IMPACT FEES ON SCHOOL DISTRICTS AND CHARTER SCHOOLS, in lieu thereof.

Representative Sandstrom proposed the following amendment:

1. Page 1, Lines 1–2:
   In the short title insert “CHANGES TO” before “IMPACT FEES” and delete “ON SCHOOL DISTRICTS AND CHARTER SCHOOLS”

Representative Sandstrom’s motion to amend passed on a voice vote.

Representative Powell commented.

1st Sub. H.B. 259, as amended, passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

| Dee | Garn | K Gibson | Gowans |
| Hughes | Ray | Wallis | Wheatley |
**1st Sub. H.B. 259**, as amended, transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative Bigelow, the House voted to uncircle **H.B. 249**.

**H.B. 249, CONTINUING EDUCATION FOR CONTRACTORS AMENDMENTS, Bigelow,** was before the House on its final passage.

Representative Dunnigan proposed to delete **H.B. 249** in title and body and insert **1st Sub. H.B. 249** in lieu thereof.

Representatives Morley, Biskupski, F. Gibson, Mascaro, King, Webb, Bigelow and Fowlke commented.

Representative Dunnigan’s motion to substitute passed on a voice vote.

###

Representative Dunnigan proposed the following amendment:

1. Page 2, Lines 50 through 54
   
   50 \( b \) A construction trade association described in Subsection (6)(a) shall:
   
   51 (i) be {either a national association or} a statewide association with a presence in Utah
   
   52 for more than 20 years;
   
   53 (ii) have at least \( 750 \) Utah members; and
   
   54 (iii) have or provide for membership for all of the constructor licensees in Utah.

Representative Wiley proposed the following substitute amendment:

1. Page 2, Lines 50 through 54
   
   50 \( b \) A construction trade association described in Subsection (6)(a) shall:
   
   51 (i) be {either a national association or} a statewide association with a presence in Utah
   
   52 for more than 20 years;
Representative Mascaro commented. Representative Wiley’s motion to substitute motion to amend passed on a voice vote.

1st Sub. H.B. 249, as amended, passed on the following roll call:

**Yeas, 39; Nays, 31; Absent or not voting, 5.**

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1st Sub. H.B. 249, as amended, transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Garn, the House voted to recess until 2:00 p.m.
**AFTERNOON SESSION**

The House was called to order by Speaker Clark at 2:10 p.m.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: February 27, 2009

The Senate passed, as amended, **H.B. 154**, STATE CONSTRUCTION REGISTRY AMENDMENTS, by Representative M. Morley, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 261**, AVIATION AMENDMENTS, by Representative W. Harper, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate

Communications filed. **H.B. 154** and **H.B. 261** placed on the Concurrence Calendar.

* * *

Mr. Speaker: February 27, 2009

The Senate passed, as substituted, **2nd Sub. S.B. 52**, NEW MOTOR VEHICLE FRANCHISE AMENDMENTS, by Senator S. Killpack, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 59**, ALLOCATION AND APPORTIONMENT OF INCOME AND DEDUCTION OF A NET LOSS, by Senator H. Stephenson, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 152**, LEGISLATIVE MANAGEMENT POWERS, by Senator M. Waddoups, and it is transmitted for consideration; and

The Senate passed **S.B. 153**, COUNTY AND MUNICIPAL LAND USE AMENDMENTS, by Senator M. Madsen, and it is transmitted for consideration; and

The Senate passed **S.B. 172**, UNDERINSURED MOTORIST COVERAGE AMENDMENTS, by Senator S. Urquhart, and it is transmitted for consideration; and

The Senate passed, as amended, **S.J.R. 6**, LEGISLATOR COMMUNICATIONS WITH JUDICIARY AND EXECUTIVE BRANCH JOINT RULES RESOLUTION, by Senator J. Valentine, and it is transmitted for consideration; and
The Senate passed, as amended, S.J.R. 8, JOINT RESOLUTION REGARDING ELIGIBILITY FOR LEGISLATIVE OFFICE, by Senator S. McCoy, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate


INTRODUCTION OF BILLS

H.B. 185, Transportation Amendments (W. Harper), read the first time by short title and referred to the Rules Committee.

H.B. 302, Distribution of Tobacco Settlement Monies Amendments (R. Bigelow), read the first time by short title and referred to the Rules Committee.

H.B. 376, Revisions to Alcoholic Beverage Control Act (G. Hughes), read the first time by short title and referred to the Rules Committee.

H.B. 444, Budget Implementation Adjustments – Tobacco Settlement Funds (R. Bigelow), read the first time by short title and referred to the Rules Committee.

H.B. 457, Truth in Music (G. Hughes), read the first time by short title and referred to the Rules Committee.

UNFINISHED BUSINESS

On motion of Representative Litvack, the House voted to uncircle H.B. 89.

H.B. 89, PROSTHETIC LIMB HEALTH INSURANCE PARITY, Litvack, was before the House on its final passage. Representatives Mascaro, Daw, Lockhart, Fowlke, Seelig and F. Gibson commented.

H.B. 89, as amended, passed on the following roll call:

Yeas, 46; Nays, 27; Absent or not voting, 2.

Voting in the affirmative were: Representatives

<table>
<thead>
<tr>
<th>Allen</th>
<th>Barrus</th>
<th>Beck</th>
<th>Bigelow</th>
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<tr>
<td>Biskupski</td>
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<td>S. Clark</td>
<td>Cosgrove</td>
<td>Dee</td>
<td>Draxler</td>
</tr>
</tbody>
</table>
Voting in the negative were: Representatives

Aagard Bird Daw Dougall
Dunigan Julie Fisher Frank Greenwood
Grover Harper Herrod Hughes
Hutchings Kiser Last Lockhart
Morley Newbold Oda Painter
Ray Sumson Wallis Webb
Wimmer Winn D. Clark

Absent or not voting were: Representatives
S Duckworth Garn

H.B. 89, as amended, transmitted to the Senate for its consideration.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 27, 2009

The Retirement and Independent Entities Committee reports a favorable recommendation on H.B. 96, STATE RETIREMENT SYSTEM PARTICIPATION FOR CHARTER SCHOOLS, by Representative C. Watkins; and

The Retirement and Independent Entities Committee reports a favorable recommendation on H.B. 410, LEGISLATOR SALARY AMENDMENTS, by Representative R. Bigelow.

Melvin R. Brown, Chair

Reports filed. On motion of Representative Brown, the reports of the Retirement and Independent Entities committee were adopted.

H.B. 96 and H.B. 410 read the second time by short title and placed on the Third Reading Calendar.
Mr. Speaker:

The Ethics Committee reports a favorable recommendation on **H.B. 213**, BAN ON GIFTS TO LEGISLATORS, by Representative C. Johnson, with the following amendments

1. Page 6, Lines 180 through 181:

   180 A lobbyist, principal, or government officer may not offer or give, and a public official may not accept or receive, a gift valued at more than $5 to any public official or member of the public official’s immediate family; and

The Ethics Committee reports a favorable recommendation on **H.J.R. 14**, JOINT RULES RESOLUTION – ETHICS TRAINING COURSE PROVISIONS, by Representative L. Fowlke; and

The Ethics Committee reports a favorable recommendation on **S.B. 156**, GIFTS AND MEAL PROVISIONS FOR PUBLIC OFFICIALS, by Senator G. Bell; and

The Ethics Committee reports a favorable recommendation on **S.B. 162**, USE OF CAMPAIGN FUNDS AMENDMENTS, by Senator J. Valentine.

John Dougall, Chair

Reports filed. On motion of Representative Dougall, the reports of the Ethics committee were adopted.

**H.B. 213**, as amended, **H.J.R. 14, S.B. 156**, and **S.B. 162** read the second time by short title and placed on the Third Reading Calendar.

**UNFINISHED BUSINESS**

On motion of Representative Noel, the House voted touncircle **H.B. 273**.

**H.B. 273**, CONTRACTING FOR INTER–FACILITY MEDICAL TRANSPORTS, **Noel**, was before the House on its final passage.

On motion of Representative Noel, the House voted to delete **H.B. 273** in title and body and insert **2nd Sub. H.B. 273** in lieu thereof.

Representative Noel proposed the following amendment:
1. Page 2, Lines 40 through 41:
   Delete Lines 40 and 41.

2. Page 17, Line 507:
   507 (b) A sending health care facility and the inter–facility transport provider shall implement the policies and procedures

3. Page 21, Lines 624 through 625:
   624 person to use a number other than 911 to:
   (a) obtain emergency 911 ambulance or paramedic services;
   (b) to obtain inter–facility transport services if the use of a number other than 911 is prohibited under the provisions of Subsection 26–8a–405.4(3)(b).

4. Page 21, Lines 628 through 639:
   Delete Lines 628 through 639.

Representative Noel’s motion to amend passed on a voice vote.

Representatives Wallis, Julie Fisher, Hemingway and Lockhart commented.

# # #

Representative Lockhart proposed the following amendment:

1. Page 16, Line 477–480:
   Delete lines 477 through 480.

Representative Allen commented. Representative Lockhart’s motion to amend failed on the following roll call:

Yeas, 27; Nays, 46; Absent or not voting, 2.

Voting in the affirmative were: Representatives

<table>
<thead>
<tr>
<th>Bird</th>
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<th>S. Clark</th>
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<td>Julie Fisher</td>
<td>Fowlke</td>
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<td>Holdaway</td>
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<td>King</td>
<td>Kiser</td>
<td>Lockhart</td>
<td>Mascaro</td>
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<td>McIff</td>
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<td>Oda</td>
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<tr>
<td>Sumssion</td>
<td>Watkins</td>
<td>Winn</td>
<td></td>
</tr>
</tbody>
</table>
Voting in the negative were: Representatives

Aagard  Allen  Barrus  Beck  
Bigelow  Black  Brown  Cosgrove  
Dee  Edwards  Ferry  Janice Fisher  
Frank  Froerer  Garn  F Gibson  
K Gibson  Gowan  Greenwood  Hansen  
Harper  Hendrickson  Hughes  Hunsaker  
Hutchings  Ipson  Last  Litvack  
Mathis  Menlove  Moss  Noel  
Powell  Ray  Riesen  Sandstrom  
Seegmiller  Seelig  Vickers  Wallis  
Webb  Wheatley  Wilcox  Wiley  
Wimmer  D. Clark

Absent or not voting were: Representatives

Newbold  Painter

Representatives Wimmer and Mascaro commented.

2nd Sub. H.B. 273, as amended, failed to pass on the following roll call:

Yeas, 31; Nays, 41; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard  Biskupski  Brown  Daw  
Dee  Dougall  Ferry  Garn  
F Gibson  Grover  Herrod  Hughes  
Hutchings  Ipson  Last  Litvack  
Mascaro  Morley  Newbold  Noel  
Powell  Ray  Riesen  Sandstrom  
Seegmiller  Seelig  Sumption  Vickers  
Wiley  Winn  D. Clark

Voting in the negative were: Representatives

Allen  Barrus  Beck  Bigelow  
Bird  Black  Chavez–Houck  S. Clark  
Cosgrove  Draxler  S Duckworth  Dunnigan  
Edwards  Janice Fisher  Julie Fisher  Fowlke  
Frank  Froerer  K Gibson  Gowans  
Greenwood  Hansen  Harper  Hemingway  
Hendrickson  Holdaway  Hunsaker  Johnson  
King  Kiser  Lockhart  Mathis
Absent or not voting were: Representatives
McIff Painter Wheatley

2nd Sub. H.B. 273, as amended, was filed.

THIRD READING CALENDAR

1st Sub. H.B. 211, RETIREMENT INVESTMENT REPORTS, Julie Fisher, read the third time by short title and placed on its final passage.

On motion of Representative Dee, the House voted to circle 1st Sub. H.B. 211.

* * *

1st Sub. H.B. 400, PETE SUAZO UTAH ATHLETIC COMMISSION AMENDMENTS, Oda, read the third time by short title and placed on its final passage. Representative Allen commented.

Representative Hughes declared a conflict of interest because he is a boxing manager.

On motion of Representative Hughes, the House voted to delete 1st Sub. H.B. 400 in title and body and insert 2nd Sub. H.B. 400 in lieu thereof.

2nd Sub. H.B. 400 passed on the following roll call:

Yeas, 68; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bird Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Dougall Draxler S Duckworth
Edwards Ferry Janice Fisher Julie Fisher
Fowlke Frank Froerer Garn
F Gibson K Gibson Gowans Greenwood
Grover Hansen Harper Hemingway
Herrod Holdaway Hughes Hunsaker
Ipson Johnson King Kiser
Absent or not voting were: Representatives
Bigelow  Dunnigan  Hendrickson  Hutchings
Menlove  Noel  Hendrickson  Hutchings

2nd Sub. H.B. 400 transmitted to the Senate for its consideration.

* * *

H.J.R. 25, JOINT RESOLUTION URGING EMPLOYERS TO HIRE ONLY INDIVIDUALS WHO ARE AUTHORIZED TO WORK IN THE UNITED STATES, Herrod, read the third time by short title and placed on its final passage.

Representative Herrod proposed the following amendment:

1. Page 2, Lines 44 through 46
   House Committee Amendments 2–23–2009

   WHEREAS, 13% of all identity theft in Utah is employment related, and 1,626 Utah companies were found to be paying salaries to individuals with Social Security numbers of Utah children under age 13; and

2. Page 2, Lines 47 through 48
   House Committee Amendments 2–23–2009:

   WHEREAS, Utah employers have expressed their desire to have a legal workforce and their willingness to confirm worker status:

Representative Herrod’s motion to amend passed on a voice vote.
H.J.R. 25, as amended, passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives

Aagard
Allen
Barrus
Beck

Bird
Biskupski
Black
Brown

Chavez-Houck
S. Clark
Cosgrove
Daw

Dee
Dougall
Draxler
Dunnigan

Edwards
Ferry
Janice Fisher
Julie Fisher

Fowlke
Frank
Fraerer
Garn

F Giberson
K Gibson
Gowans
Greenwood

Grover
Hansen
Harper
Hemingway

Herrod
Holdaway
Hughes
Hunsaker

Hutchings
Ipson
Johnson
King

Kiser
Last
Litvack
Lockhart

Mascaro
Mathis
Mclff
Menlove

Morley
Moss
Newbold
Noel

Oda
Painter
Poulsom
Powell

Ray
Riesen
Sandstrom
Seegmiller

Seelig
Sumasion
Vickers
Wallis

Webb
Wheatley
Wilcox
Wimmer

Winn
D. Clark

Absent or not voting were: Representatives

Bigelow
S Duckworth
Hendrickson
Watkins

Wiley

H.J.R. 25, as amended, transmitted to the Senate for its consideration.

* * *

H.B. 439, AMENDMENTS TO CITY OR TOWN SALES AND USE TAX FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES, Holdaway, read the third time by short title and placed on its final passage.

On motion of Representative Holdaway, the House voted to delete H.B. 439 in title and body and insert 1st Sub. H.B. 439 in lieu thereof.

Representatives Harper and Hutchings commented.

1st Sub. H.B. 439 passed on the following roll call:
Yeas, 38; Nays, 33; Absent or not voting, 4.

**Voting in the affirmative were:** Representatives

<table>
<thead>
<tr>
<th>Allen</th>
<th>Barrus</th>
<th>Beck</th>
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<tbody>
<tr>
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<tr>
<td>Winn</td>
<td>D. Clark</td>
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</tbody>
</table>

**Voting in the negative were:** Representatives

| Aagard   | Daw | Dougall | Dunnigan |
| Julie Fisher | Fowlke | Frank | Froerer |
| Garn     | F Gibson | Greenwood | Grover |
| Harper   | Herrod | Hughes | Ipson |
| Kiser    | Lockhart | Mascaro | Mathis |
| Morley   | Newbold | Noel | Oda |
| Painter  | Ray | Sandstrom | Sumzion |
| Vickers  | Wallis | Webb | Wilcox |
| Wimmer   |      |      |      |

**Absent or not voting were:** Representatives

| Bigelow | Ferry | Hendrickson | Wiley |

1st Sub. H.B. 439 transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative Julie Fisher, the House voted to uncircle 1st Sub. H.B. 211.

1st Sub. H.B. 211, RETIREMENT INVESTMENT REPORTS, Julie Fisher, was before the House on its final passage.

1st Sub. H.B. 211 passed on the following roll call:

Yeas, 62; Nays, 2; Absent or not voting, 11.

**Voting in the affirmative were:** Representatives

| Aagard | Allen | Barrus | Beck |
| Bird   | Black | Brown  | Chavez–Houck |
Voting in the negative were: Representatives
Moss Watkins

Absent or not voting were: Representatives
Bigelow Biskupski Ferry Holdaway
Hughes Lockhart Menlove Noel
Painter Wiley Wimmer

1st Sub. H.B. 211 transmitted to the Senate for its consideration.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 27, 2009

The Senate passed, as amended, H.B. 26, CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS, by Representative M. Morley, and it is transmitted for further consideration; and

The President of the Senate has signed 1st Sub. H.B. 68, DEVELOPMENT EXACTIONS, by Representative P. Painter, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. H.B. 26 and 1st Sub. H.B. 68 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.
Mr. Speaker: February 27, 2009

The Senate passed, as substituted, 1st Sub. S.B. 199, EQUAL RECOGNITION OF SCHOOL PARENT GROUPS, by Senator C. Bramble, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. 1st Sub. S.B. 199 read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

H.B. 418, DELINQUENT PROPERTY TAX AMENDMENTS, Froerer, read the third time by short title and placed on its final passage.

Representative Froerer proposed the following amendment:

1. Page 1, Lines 14 through 15
   House Committee Amendments 2–23–2009
   14    provides that the penalty is only 2.5% if the delinquent property taxes and the
   15    penalty are paid within $\frac{1}{2}$ days of the delinquency;

2. Page 1, Lines 22 through 23
   House Committee Amendments 2–23–2009:
   22   Other Special Clauses:
   23   {This bill has retrospective operation for a taxable year beginning on January 1, 2009.} None

3. Page 3, Lines 75 through 76
   House Committee Amendments 2–23–2009:
   75   Section 2. Retrospective operation.
   76   This bill has retrospective operation for a taxable year beginning on January 1, 2009.

Representative Froerer’s motion to amend passed on a voice vote.

H.B. 418, as amended, passed on the following roll call:
Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard       Allen       Barrus       Beck
Bird         Biskupski  Black       Brown
Chavez–Houck S. Clark  Cosgrove     Daw
Dee          Dougall    Draxler     S Duckworth
Dunnigan     Edwards     Ferry       Janice Fisher
Julie Fisher  Fowlke     Frank       Froerer
Garn         F Gibson    K Gibson    Gowans
Greenwood    Grover      Hansen      Harper
Hemingway    Hendrickson Herrod      Holdaway
Hughes       Hunsaker    Hutchings   Ipson
Johnson      King        Kiser       Last
Litvack      Lockhart    Mascaro     Mathis
McIff        Menlove     Morley      Moss
Newbold      Noel        Oda         Painter
Poulson      Powell      Ray         Riesen
Sandstrom    Seegmiller  Sumasion    Vickers
Wallis       Watkins     Webb        Wheatley
Wilcox       Wimmer      Winn        D. Clark

Absent or not voting were: Representatives

Bigelow       Seelig      Wiley

H.B. 418, as amended, transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, the House voted that all House Bills on the House Third Reading Calendar and Senate Bills on the Senate Third Reading Calendar be returned to the Rules Committee for prioritization. Further, as bills are reported out of Standing Committees they are to be considered read the second time by short title and referred to the Rules Committee for prioritization.


RULES COMMITTEE REPORT

Mr. Speaker: February 27, 2009

The Rules Committee recommends the following bills and resolutions be assigned to standing committees:

BUSINESS AND LABOR

H.B. 454 Small Employer Group Reinsurance Pool
  (Rep. J. Biskupski)

EDUCATION

S.B. 77 Grants for Licensed Teachers Amendments
  (Sen. M. Madsen)
1st Sub. S.B. 159 Math Education Initiative (Sen. H. Stephenson)
S.B. 185 Federal Education Agreement Requirements
  Amendments (Sen. M. Dayton)

GOVERNMENT OPERATIONS

S.B. 152 Legislative Management Powers (Sen. M. Waddoups)
S.B. 161 Repeal of Maximum Charge to Publish Legal Notice
  (Sen. K. Van Tassell)
S.J.R. 8 Joint Resolution Regarding Eligibility for Legislative
  Office (Sen. S. McCoy)

JUDICIARY

H.B. 455 Court Security Restricted Account (Rep. E. Hutchings)
2nd Sub. S.B. 131 Law Enforcement Service in Local Districts and
  Interlocal Entities (Sen. S. Jenkins)
S.B. 220 Cohabitant Abuse Procedures Act Amendments
  (Sen. B. Goodfellow)
S.B. 243 Judicial Performance Evaluation Commission
  Modifications (Sen. D. Buttars)
S.J.R. 6 Legislator Communications with Judiciary and Executive
  Branch Joint Rules Resolution (Sen. J. Valentine)

NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT

H.B. 169 Public Lands Policy Coordination Amendments
  (Rep. M. Noel)
H.B. 379 Environmental Litigation Bond (Rep. M. Noel)
H.B. 437  Obstruction of Natural Resource or Agricultural Production (Rep. M. Noel)
S.B. 128  Rainwater Harvesting (Sen. S. Jenkins)

POLITICAL SUBDIVISIONS
S.B. 153  County and Municipal Land Use Amendments (Sen. M. Madsen)

PUBLIC UTILITIES AND TECHNOLOGY
H.B. 392  Natural Gas for Vehicles (Rep. D. Ipson)
H.B. 411  Utah Technology Governance Act Amendments (Rep. S. Clark)
S.B. 75   Utility Amendments (Sen. S. Urquhart)

REVENUE AND TAXATION
H.B. 403  Sales and Use Tax and Income Tax Amendments (Rep. K. McIff)
S.B. 59   Allocation and Apportionment of Income and Deduction of a Net Loss (Sen. H. Stephenson)

TRANSPORTATION
H.B. 185  Transportation Amendments (Rep. W. Harper)
H.B. 359  Information for Temporary License Plates (Rep. E. Hutchings)
2nd Sub. S.B. 52 New Motor Vehicle Franchise Amendments (Sen. S. Killpack)
S.B. 172  Underinsured Motorist Coverage Amendments (Sen. S. Urquhart)

    Ben C. Ferry, Chair
Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

RULES COMMITTEE REPORTS

Mr. Speaker: February 27, 2009
The House Rules Committee recommends, with written request of the sponsor, that H.B. 326, Forcible Entry and Detainer Amendments (Rep. L. Fowlke) be replaced with 1st Substitute H.B. 326, Forcible Entry and Detainer Amendments, and further recommends it be assigned to the House Judiciary Standing Committee; and
The Rules Committee recommends that the following resolution, under suspension of the rules, be considered read for the second time and placed on the Time Certain Calendar with a time certain of March 3, 2009 at 11:30 a.m.:

**H.C.R. 9**  
Concurrent Resolution Honoring Don Peay (Rep. B. Dee)  
Ben C. Ferry, Chair

Reports filed. On motion of Representative Ferry, the reports of the Rules Committee were adopted.

**RULES COMMITTEE REPORT**

Mr. Speaker:  
February 27, 2009

The Rules Committee recommends that the following bills and resolutions be placed on the Third Reading Calendar:

<table>
<thead>
<tr>
<th>Bill Type</th>
<th>Bill Number</th>
<th>Title</th>
<th>Sponsor</th>
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<tbody>
<tr>
<td>1st Sub. H.B.</td>
<td>64</td>
<td>Deterring Illegal Immigration</td>
<td>Rep. B. Dee</td>
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<tr>
<td>H.B.</td>
<td>410</td>
<td>Legislator Salary Amendments</td>
<td>Rep. R. Bigelow</td>
</tr>
<tr>
<td>H.B.</td>
<td>456</td>
<td>Tobacco Access Restrictions</td>
<td>Rep. B. Last</td>
</tr>
<tr>
<td>H.B.</td>
<td>163</td>
<td>Property Transaction Amendments</td>
<td>Rep. R. Lockhart</td>
</tr>
<tr>
<td>H.B.</td>
<td>364</td>
<td>Border and Nonresident Student Amendments</td>
<td>Rep. D. Ipson</td>
</tr>
</tbody>
</table>

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.
MISCELLANEOUS BUSINESS

On motion of Representative Garn, and at 4:25 p.m., the House voted to adjourn until March 2, 2009, at 9:30 a.m.
MORNING SESSION

The House was called to order by Speaker Clark at 9:30 a.m.

Roll call showed all members present except Representative Janice Fisher, excused.

Prayer offered by Representative Mathis’ father, Dayne Mathis. Pledge of Allegiance led by Representative Mathis’ mother, Muriel Mathis.

COMMUNICATION FROM THE SENATE

The Senate passed, as amended, S.B. 43, INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS – CLAY’S LAW, by Senator H. Stephenson, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. S.B. 43 read the first time by short title and referred to the Rules Committee.

INTRODUCTION OF BILL

H.B. 391, Budgetary Procedures Act Revisions (R. Bigelow), read the first time by short title and referred to the Rules Committee.

CONCURRENCE CALENDAR

On motion of Representative Harper, the House voted to concur in the Senate amendments to H.B. 69, GUARDIAN AD LITEM AMENDMENTS.

H.B. 69, as amended by the Senate, passed on the following roll call:

Yeas, 65; Nays, 0; Absent or not voting, 10.

Voting in the affirmative were: Representatives
Allen  Barrus  Beck  Bigelow
Bird  Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Dougall  Draxler  S Duckworth
Edwards        Ferry        Frank        Froerer
Garn          F Gibson     K Gibson     Gowans
Greenwood     Grover       Hansen      Harper
Hemingway     Hendrickson Holdaway    Hunsaker
Hutchings     Ipson        Johnson     King
Kiser         Last         Lockhart    Mathis
McIff         Menlove      Morley      Moss
Newbold       Noel         Oda         Painter
Poulson       Powell       Ray         Riesen
Seegmiller    Seeig        Sumasion    Vickers
Wallis        Watkins      Webb        Wheatley
Wilcox        Wiley        Wimmer     Winn
D. Clark

Absent or not voting were: Representatives
Aagard         Dunnigan     Janice Fisher Julie Fisher
Fowlke         Herrod       Hughes      Litvack
Mascaro        Sandstrom

H.B. 69, as amended by the Senate, transmitted to the Senate for signature of President.

***

On motion of Representative Daw, the House voted to concur in the Senate amendments to 2nd Sub. H.B. 59, SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS.

2nd Sub. H.B. 59, as amended by the Senate, passed on the following roll call:

Y eas, 68; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Representatives
Aagard         Allen        Barrus      Beck
Bigelow        Bird         Biskupski  Black
Brown          Chavez–Houck S. Clark   Cosgrove
Daw            Dee          Dougall    Draxler
S Duckworth    Edwards      Ferry      Julie Fisher
Frank          Froerer      Garn       F Gibson
K Gibson       Gowans      Greenwood  Grover
Hansen         Harper       Hemingway  Hendrickson
Herrod         Holdaway    Hunsaker   Hutchings
Absent or not voting were: Representatives
Dunnigan  Janice Fisher  Fowlke  Hughes
Litvack  Mascaro  Sandstrom

2nd Sub. H.B. 59, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative Morley, the House voted to concur in the Senate amendments to H.B. 271, WORKERS’ COMPENSATION – UNINSURED EMPLOYERS’ FUND.

H.B. 271, as amended by the Senate, passed on the following roll call:

Yeas, 69; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Edwards  Ferry  Julie Fisher
Fowlke  Frank  Garn  F Gibson
K Gibson  Gowans  Greenwood  Grover
Hansen  Harper  Hemingway  Hendrickson
Herrod  Holdaway  Hunsaker  Hutchings
Ipson  Johnson  King  Kiser
Last  Litvack  Lockhart  Mathis
McIff  Menlove  Morley  Moss
Newbold  Noel  Oda  Painter
Poulson  Powell  Ray  Riesen
Seegmiller  Seelig  Sumson  Vickers
Wiley  Wimmer  Winn  D. Clark
Absent or not voting were: Representatives
Dunnigan  Janice Fisher  Froerer  Hughes
Mascaro  Sandstrom

H.B. 271, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative Menlove, the House voted to concur in the Senate amendments to 1st Sub. H.C.R. 5, CONCURRENT RESOLUTION URGING THE REALIGNMENT OF AIR QUALITY NON-ATTAINMENT DESIGNATIONS BY THE EPA.

1st Sub. H.C.R. 5, as amended by the Senate, passed on the following roll call:

Yeas, 68; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Dougall  Draxler  S Duckworth
Edwards  Ferry  Julie Fisher  Fowlke
Frank  Froerer  Garn  F Gibson
K Gibson  Gowans  Greenwood  Grover
Hansen  Harper  Hemingway  Hendrickson
Herrod  Holdaway  Hunsaker  Hutchings
Ipson  King  Kiser  Last
Litvack  Lockhart  Mathis  McIlff
Menlove  Morley  Moss  Newbold
Noel  Oda  Painter  Poulsom
Powell  Ray  Riesen  Seegmiller
Seelig  Sumsion  Vickers  Wallis
Watkins  Webb  Wheatley  Wilcox
Wiley  Wimmer  Winn  D. Clark

Absent or not voting were: Representatives
Brown  Dunnigan  Janice Fisher  Hughes
Johnson  Mascaro  Sandstrom
1st Sub. H.C.R. 5, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative K. Gibson, the House voted to concur in the Senate amendments to H.B. 241, PRIORITY OF WATER RIGHTS.

H.B. 241, as amended by the Senate, passed on the following roll call:

**Yeas, 56; Nays, 15; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard  
Biskupski  
S. Clark  
Dougall  
Ferry  
Froerer  
Greenwood  
Herrod  
King  
McIff  
Noel  
Powell  
Wallis  
Wiley

Barrus  
Black  
Cosgrove  
Draxler  
Julie Fisher  
Garn  
Grover  
Hunsaker  
Last  
Menlove  
Oda  
Ray  
Webb  
Wimmer

Bigelow  
Brown  
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F Gibson  
Harper  
Hutchings  
Lockhart  
Morley  
Painter  
Sumson  
Wheatley  
Winn

Bird  
Chavez–Houck  
Dee  
Edwards  
Frank  
K Gibson  
Hemingway  
Ipson  
Mathis  
Newbold  
Poulson  
Vickers  
Wilcox  
D. Clark

**Voting in the negative were:** Representatives

Allen  
Hansen  
Kiser  
Seegmiller  
Janice Fisher

Beck  
Hendrickson  
Litvack  
Seelig  
Hughes

S Duckworth  
Holdaway  
Moss  
Watkins  
Mascaro

Gowans  
Johnson  
Riesen  
Sandstrom

**Absent or not voting were:** Representatives

Hughes  
Mascaro  
Sandstrom

H.B. 241, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative Morley, the House voted to concur in the Senate amendments to H.B. 154, STATE CONSTRUCTION REGISTRY AMENDMENTS.
H.B. 154, as amended by the Senate, passed on the following roll call:

**Yeas, 69; Nays, 1; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative was:** Representative

Kiser

**Absent or not voting were:** Representatives

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<th>Janice Fisher</th>
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H.B. 154, as amended by the Senate, transmitted to the Senate for signature of President.

***

On motion of Representative Harper, the House voted to concur in the Senate amendments to **H.B. 261, AVIATION AMENDMENTS.**

H.B. 261, as amended by the Senate, passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

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Brown Chavez−Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Julie Fisher Fowlke Frank Froerer
Garn F Gibson K Gibson Gowans
Greenwood Grover Hansen Harper
Hemingway Hendrickson Herrod Holdaway
Hunsaker Hutchings Ipson Johnson
King Kiser Last Litvack
Lockhart Mascaro Mathis McIff
Menlove Morley Moss Newbold
Noel Oda Painter Poulson
Powell Ray Riesen Seegmiller
Seelig Sumson Vickers Wallis
Watkins Webb Wheatley Wilcox
Wiley Wimmer Winn

Absent or not voting were: Representatives
Janice Fisher Hughes Sandstrom D. Clark

H.B. 261, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative Froerer, the House voted to concur in the Senate amendments to 3rd Sub. H.B. 243, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES.

3rd Sub. H.B. 243, as amended by the Senate, passed on the following roll call:

Yeas, 69; Nays, 3; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bird Biskupski Black Brown
Chavez−Houck S. Clark Cosgrove Daw
Dougall Draxler S Duckworth Dunnigan
Edwards Fowlke Julie Fisher Fowlke
Frank Froerer Garn F Gibson
K Gibson Gowans Greenwood Grover
Hansen Harper Hemingway Hendrickson
Voting in the negative were: Representatives
Bigelow Deed Powell

Absent or not voting were: Representatives
Janice Fisher Hughes Seegmiller

3rd Sub. H.B. 243, as amended by the Senate, transmitted to the Senate for signature of President.

CONSENT CALENDAR

1st Sub. H.B. 413, COUNTY AUTHORITY AMENDMENTS, Menlove, read the third time by short title and placed on its final passage.

1st Sub. H.B. 413 passed on the following roll call:

Yeas, 68; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Representatives
Allen Barrus Beck Bigelow
Bird Biskupski Black Brown
Chavez–Houck Cosgrove Daw Dee
Dougall Draxler S Duckworth Dunnigan
Edwards Ferry Julie Fisher Fowlke
Frank Froerer Garn F Gibson
K Gibson Gowans Greenwood Grover
Hansen Harper Hemingway Hendrickson
Herrod Holdaway Hunsaker Hutchings
Ipson Johnson King Kiser
Last Lockhart Mascaro Mathis
McIff Menlove Morley Moss
Newbold Noel Oda Painter
Wiley Wimmer Winn
1st Sub. H.B. 413 transmitted to the Senate for its consideration.

* * *

S.B. 141, AVIATION FUEL TAX AMENDMENTS, Dougall, read the third time by short title and placed on its final passage.

S.B. 141 passed on the following roll call:

Y eas, 69; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Representatives

Allen Barrus Beck Bigelow
Bird Biskupski Black Brown
Chavez–Houck Cosgrove Daw Dee
Dougall Draxler S Duckworth Dunnigan
Edwards Ferry Julie Fisher Fowlke
Frank Froerer Garn F Gibson
K Gibson Gowan Greenwood Grover
Hansen Harper Hemingway Hendrickson
Herrod Holdaway Hunsaker Hutchings
Ipson Johnson King Kiser
Last Lockhart Mascaro Mathis
Mclff Menlove Morley Moss
Newbold Oda Painter Poulson
Powell Ray Riesen Sandstrom
Seegmiller Seelig Sumslion Vickers
Wallis Watkins Webb Wheatley
Wilcox Wiley Wimmer Winn
D. Clark

Absent or not voting were: Representatives

Aagard S. Clark Janice Fisher Hughes
Litvack Noel
S.B. 141 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

**THIRD READING CALENDAR**

1st Sub. H.B. 64, DETERRING ILLEGAL IMMIGRATION, *Dee*, read the third time by short title and placed on its final passage. Representatives Holdaway, S. Clark, Litvack, Mascaro and Fowlke commented.

1st Sub. H.B. 64, as amended, passed on the following roll call:

### Yeas, 69; Nays, 5; Absent or not voting, 1.

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Absent or not voting was: Representative
Janice Fisher

1st Sub. H.B. 64, as amended, transmitted to the Senate for its consideration.
H.B. 410, LEGISLATOR SALARY AMENDMENTS, Bigelow, read the third time by short title and placed on its final passage. Representatives Hansen and Mascaro commented.

H.B. 410 passed on the following roll call:

Yeas, 72; Nays, 1; Absent or not voting, 2.

Voting in the affirmative were: Representatives

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Voting in the negative was: Representative Hansen

Absent or not voting were: Representatives

| Janice Fisher | Mascaro |

H.B. 410 transmitted to the Senate for its consideration.

H.J.R. 14, JOINT RULES RESOLUTION – ETHICS TRAINING COURSE PROVISIONS, Fowlke, read the third time by short title and placed on its final passage.
H.J.R. 14 passed on the following roll call:

**Yeas, 67; Nays, 2; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

Hansen Sandstrom

**Absent or not voting were:** Representatives

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H.J.R. 14 transmitted to the Senate for its consideration.

***

H.B. 456, TOBACCO ACCESS RESTRICTIONS, Last, read the third time by short title and placed on its final passage.

On motion of Representative Last, the House voted to circle H.B. 456.

***

H.B. 163, PROPERTY TRANSACTION AMENDMENTS, Lockhart, read the third time by short title and placed on its final passage.
H.B. 163 passed on the following roll call:

Yea, 69; Nay, 0; Absent or not voting, 6.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives

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H.B. 163 transmitted to the Senate for its consideration.

***

1st Sub. H.J.R. 8, JOINT RESOLUTION REGARDING SECRET BALLOT, Wimmer, read the third time by short title and placed on its final passage.

On motion of Representative Wimmer, the House voted to circle 1st Sub. H.J.R. 8.

***

1st Sub. H.B. 187, RECREATIONAL USE OF PUBLIC WATERS ON PRIVATE PROPERTY, Ferry, read the third time by short title and placed on its final passage.
On motion of Representative Ferry, the House voted to circle 1st Sub. H.B. 187.

***


H.B. 412 passed on the following roll call:

Yeas, 55; Nays, 16; Absent or not voting, 4.

**Voting in the affirmative were:** Representatives

Aagard
Brown
Dougall
Edwards
Frank
Gowans
Herrod
Ipson
Mascaro
Morley
Painter
Sumison
Webb
Wimmer

Allen
S. Clark
Draxler
Ferry
Froerer
Greenwood
Hughes
Kiser
Mathis
Newbold
Ray
Vickers
Wheatley
Winn

Barrus
Daw
S Duckworth
Julie Fisher
F Gibson
Grover
Hunsaker
Last
McIff
Noel
Riesen
Wallis
Wilcox

Bird
Dee
Dunnigan
Fowlke
K Gibson
Hendrickson
Hutchings
Lockhart
Menlove
Oda
Sandstrom
Watkins
Wiley

**Voting in the negative were:** Representatives

Beck
Cosgrove
Johnson
Poulson

Biskupski
Hansen
King
Powell
Black
Hemingway
Litvack
Seegmiller

Chavez–Houck
Holdaway
Moss
Seelig

**Absent or not voting were:** Representatives

Bigelow
Janice Fisher
Garn

Harper

H.B. 412 transmitted to the Senate for its consideration.

***

H.B. 364, BORDER AND NONRESIDENT STUDENT AMENDMENTS, Ipson, read the third time by short title and placed on its final passage.
On motion of Representative Ipson, the House voted to circle **H.B. 364**.

***

**1st Sub. H.B. 132, SEXUAL ASSAULT VICTIM PROTOCOLS, Biskupski,** read the third time by short title and placed on its final passage.

Representative Lockhart proposed the following amendment:

1. Page 1, Line 23
   
   23  requires a { physician } practitioner who is not at a designated facility to:

2. Page 2, Lines 52 through 54:
   
   52   (1) “Designated facility” means:
   53   (a) a freestanding urgent care center, as defined in Section 59-12-801; { or }
   54   (b) a general acute hospital, as defined in Section 26-21-2 { or }
   55   (c) a critical access hospital that meets the criteria of 42 U.S.C. 1395i-4(c)(2) (1998).

3. Page 2, Lines 55 through 56:
   
   55   (2) “Emergency contraception” means the use of a substance { or device } approved by the
   56   United States Food and Drug Administration, to prevent pregnancy after sexual intercourse.

4. Page 3, Lines 61 through 63
   
   House Committee Amendments 2-24-2009:
   
   (4) “Practitioner” means:
   (a) a physician; or
   (b) any other person who is permitted by law to prescribe emergency contraception.
   
   61   { (4) } (5) “Sexual assault” means any criminal conduct described in Title 76, Chapter 5, Part 4, Sexual Offenses, that may result in a pregnancy.
   
   62   { (5) } (6) “Victim of sexual assault” means any person who presents to receive, or receives,
5. Page 3, Line 85 through Page 4, Line 88
   House Committee Amendments 2–24–2009:

   85 (2) A {physician} practitioner shall comply with
   Subsection (3) with regard to a person who is a
   victim of sexual assault, if the person presents to receive medical
   care, or receives medical
   care, from the {physician} practitioner at a location
   that is not a designated facility.

   88 (3) A {physician} practitioner described in
   Subsection (2) shall:

6. Page 4, Line 93:

   93 emergency contraception at the facility where the {physician}
   practitioner is located; and

Representative Lockhart’s motion to amend passed on a voice vote.

Representative King commented.

1st Sub. H.B. 132, as amended, passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives
Bigelow Janice Fisher Garn Harper

1st Sub. H.B. 132, as amended, transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Ipson, the House voted to uncircle H.B. 364.

H.B. 364, BORDER AND NONRESIDENT STUDENT AMENDMENTS, Ipson, was before the House on its final passage. Representatives Holdaway, McIff, Watkins, Vickers and Hunsaker commented.

H.B. 364 passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bird Biskupski Black Brown
Chavez-Houck S. Clark Cosgrove Daw
Dee Dougall Draxler S. Duckworth
Dunnigan Edwards Ferry Julie Fisher
Fowlke Frank Froerer F. Gibson
K Gibson Gowans Greenwood Grover
Hansen Harper Hemingway Hendrickson
Herrod Holdaway Hughes Hunsaker
Hutchings Ipson Johnson King
Kiser Last Litvack Lockhart
Mascaro Mathis McIff Menlove
Morley Moss Newbold Noel
Oda Painter Poulson Powell
Ray Riesen Sandstrom Seegmiller
Seelig Sumson Vickers Wallis
Watkins Webb Wheatley Wilcox
Wiley Wimmer Winn

Absent or not voting were: Representatives
Bigelow Janice Fisher Garn D. Clark

H.B. 364 transmitted to the Senate for its consideration.
REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 27, 2009

The Business and Labor Committee recommends H.B. 356, BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS, by Representative M. Newbold, be replaced and favorably recommends 1st Sub. H.B. 356, BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS; and

The Business and Labor Committee reports a favorable recommendation on H.B. 450, TRADEMARK AMENDMENTS, by Representative B. Last; and

The Business and Labor Committee reports a favorable recommendation on S.B. 120, WORKERS’ COMPENSATION ACT – MEDICAL REPORTS, by Senator K. Mayne; and

The Business and Labor Committee reports a favorable recommendation on S.B. 121, WORKERS’ COMPENSATION – ATTORNEY FEES, by Senator K. Mayne; and

The Business and Labor Committee reports a favorable recommendation on S.B. 160, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, by Senator S. Jenkins.

James A. Dunnigan, Chair

Reports filed. On motion of Representative Dunnigan, the reports of the Business and Labor committee were adopted.


***

Mr. Speaker: February 27, 2009

The Education Committee reports a favorable recommendation on H.B. 432, HIGHER EDUCATION BUDGET AUTHORITY AMENDMENTS, by Representative K. Holdaway; and

The Education Committee reports a favorable recommendation on 1st Sub. S.B. 81, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, by Senator M. Dayton.

Gregory H. Hughes, Chair

Reports filed. On motion of Representative Sumsion, the reports of the Education committee were adopted.
H.B. 432 and 1st Sub. S.B. 81 read the second time by short title and referred to the Rules Committee for prioritization.

* * *

Mr. Speaker: February 27, 2009

The Health and Human Services Committee reports a favorable recommendation on H.B. 101, ASSERTIVE COMMUNITY MENTAL HEALTH TREATMENT PILOT PROGRAM, by Representative C. Moss; and

The Health and Human Services Committee has returned H.B. 395, MEDICAL SERVICES AMENDMENTS, by Representative P. Ray, to the Rules Committee and recommends that it be referred to interim study; and

The Health and Human Services Committee reports a favorable recommendation on 1st Sub. S.B. 21, STATE AND LOCAL HEALTH AUTHORITIES AMENDMENTS, by Senator D. Stowell; and

The Health and Human Services Committee reports a favorable recommendation on S.B. 133, ABUSE OR NEGLECT OF A DISABLED CHILD, by Senator J. Valentine; and

The Health and Human Services Committee reports a favorable recommendation on S.B. 142, DISPOSITION OF A DEAD BODY, by Senator A. Christensen, and, due to fiscal impact, recommends it be referred to the Rules Committee for prioritization; and

The Health and Human Services Committee reports a favorable recommendation on S.B. 173, EMOTIONAL SUPPORT ANIMALS AND PSYCHIATRIC THERAPY ANIMALS, by Senator M. Dayton.

Paul Ray, Chair

Reports filed. On motion of Representative Ray, the reports of the Health and Human Services committee were adopted.


H.B. 395 read the second time by short title and returned to the Rules Committee.

S.B. 142 read the second time by short title and referred to the Rules Committee due to fiscal impact.
Mr. Speaker:

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 95, RESTRICTIONS ON USE OF WIRELESS COMMUNICATION DEVICES IN VEHICLES**, by Representative P. Riesen, with the following amendments:

1. Page 2, Lines 36 through 41:
   
   (ii) “Wireless communication device” includes:
   
   (A) wireless telephone;
   
   (B) two-way radio;
   
   (C) personal digital assistant;
   
   (D) pager; or
   
   (E) text messaging device.

2. Page 2, Lines 44 through 45:
   
   (b) Use of a wireless communication device under Subsection (2)(a) includes use of the wireless communication device for text messaging or electronic mail communication.; and

The Law Enforcement and Criminal Justice Committee recommends **H.B. 357, FIREARMS AMENDMENTS**, by Representative S. Sandstrom, be replaced and favorably recommends **1st Sub. H.B. 357, FIREARMS AMENDMENTS**; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 372, INSURANCE PROVISIONS REGARDING OFFENDERS**, by Representative P. Ray; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 384, PUBLIC LEWDNESS AMENDMENTS**, by Representative D. Ipson; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **S.B. 39, IMMIGRATION AMENDMENTS**, by Senator S. Jenkins, with the following amendments:

1. Page 5, Lines 144 through 145
   
   (5) An agency or political subdivision shall verify a certification required under
145 Subsection (4) (b) through the Systematic Alien Verification for Entitlements Program, hereafter; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on S.B. 118, PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS, by Senator J. Greiner.

Douglas C. Aagard, Chair

Reports filed. On motion of Representative Aagard, the reports of the Law Enforcement and Criminal Justice committee were adopted.


***

Mr. Speaker: March 2, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 169, PUBLIC LANDS POLICY COORDINATION AMENDMENTS, by Representative M. Noel, et al; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on 1st Sub. H.B. 256, LIVESTOCK WATERING RIGHTS AMENDMENTS, by Representative M. Noel, with the following amendments:

1. Page 3, Lines 75 through 77:

   75 (ii) “Public land” does not mean land owned by:

   76 (A) the Division of Wildlife Resources; { or

   77 (B) the School and Institutional Trust Lands Administration { or

   (C) the Division of Parks and Recreation; } and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 379, ENVIRONMENTAL LITIGATION BOND, by Representative M. Noel, et al; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 383, WATER RIGHTS ADJUDICATION AMENDMENTS, by Representative J. Gowans, et al, with the following amendments:
1. Page 3, Lines 71 through 72:
   (b) hold a public meeting in the survey area to inform a
   person diverting water from the water source a water right claimant of the survey.

2. Page 4, Lines 105 through 107:
   (b) mail or deliver a copy of the report and proposed determination to
   each claimant with notice that any claimant dissatisfied with the report and
   proposed determination may within 90 days from the date of mailing or delivery file with the clerk; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 389, APPLICATIONS FOR A SMALL AMOUNT OF WATER, by Representative P. Painter, et al, with the following amendments:

1. Page 2, Line 37:
   (b) “Livestock water right” means a right for:
   (i) livestock to consume water:
   (A) directly from the water source; or
   (B) from an impoundment into which the water is diverted; and
   (ii) associated uses of water related to the raising and care of livestock; and

The Natural Resources, Agriculture, and Environment Committee recommends S.B. 38, SEVERANCE TAX AMENDMENTS, by Senator J. Valentine, et al, be replaced, favorably recommends 2nd Sub. S.B. 38, SEVERANCE TAX AMENDMENTS, and, due to unknown fiscal impact, recommends the substitute be referred to the Rules Committee pending completion of a fiscal note.

Roger E. Barrus, Chair

Reports filed. On motion of Representative Barrus, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.

**2nd Sub. S.B. 38** read the second time by short title and referred to the Rules Committee due to fiscal impact.

* * *

Mr. Speaker: March 2, 2009

The Transportation Committee reports a favorable recommendation on **H.B. 185**, TRANSPORTATION AMENDMENTS, by Representative W. Harper, with the following amendments:

1. Page 1, Lines 15 through 16:

   15 • to Cottonwood Heights shall be provided to Murray City for improvements
   16 between Cottonwood Street and 4500 South; and

2. Page 3, Lines 84 through 87:

   84 (viii) $1,000,000 to Murray City for highway improvements between Cottonwood Street and 4500 South;
   85 (ix) $1,000,000 to Cottonwood Heights for Fort Union Boulevard between 1300 East and Highland Drive; and
   86 Murray City for improvements between Cottonwood Street and 4500 South; and

The Transportation Committee reports a favorable recommendation on **S.B. 98**, MOTOR FUEL THEFT PENALTIES, by Senator J. Greiner; and

The Transportation Committee reports a favorable recommendation on **S.B. 102**, SHARE THE ROAD SPECIAL GROUP LICENSE PLATE, by Senator W. Niederhauser, and, due to fiscal impact, recommends it be referred to the Rules Committee for prioritization; and

The Transportation Committee reports a favorable recommendation on **1st Sub. S.B. 116**, CRIMINAL PENALTY AMENDMENTS, by Senator D. Liljenquist; and

The Transportation Committee reports a favorable recommendation on **S.B. 134**, TRANSPORTATION FUNDING AMENDMENTS, by Senator S. Urquhart.

Bradley M. Daw, Chair

Reports filed. On motion of Representative Daw, the reports of the Transportation committee were adopted.

S.B. 102 read the second time by short title and referred to the Rules Committee due to fiscal impact.

**MISCELLANEOUS BUSINESS**

On motion of Representative Garn, the House voted to recess until 2:00 p.m.

**AFTERNOON SESSION**

The House was called to order by Speaker Clark at 2:40 p.m.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker:

March 2, 2009

The Senate passed, as substituted, and amended 1st Sub. S.B. 53, AWARDING OF ATTORNEY FEES, by Senator S. Urquhart, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 64, ADMINISTRATIVE RULES REVIEW COMMITTEE, by Senator H. Stephenson, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended 1st Sub. S.B. 165, STATUTE OF LIMITATION REVISIONS, by Senator M. Madsen, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 170, JUDICIARY AMENDMENTS, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed S.B. 179, SAFETY BELT ENFORCEMENT AMENDMENTS, by Senator C. Bramble, and it is transmitted for consideration; and

The Senate passed S.B. 182, CRIMINAL RESTITUTION AMENDMENTS, by Senator C. Bramble, and it is transmitted for consideration; and

The Senate passed S.J.R. 12, JOINT RESOLUTION SUPPORTING EXPANSION OF CORRECTIONAL FACILITIES IN SAN JUAN COUNTY, by Senator D. Hinkins, and it is transmitted for consideration; and
The Senate passed, as amended, **S.J.R. 14, JOINT RESOLUTION – CHALLENGING THE LEGALITY OF A CONVICTION OR SENTENCE**, by Senator C. Bramble, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate  


**RULES COMMITTEE REPORT**

Mr. Speaker: March 2, 2009  
The Rules Committee recommends the following bills and resolutions be assigned to standing committees:

**GOVERNMENT OPERATIONS**  
**S.B. 54** Uniform Law – Uniform Assignment of Rents Act  
(Sen. R. Romero)

**HEALTH AND HUMAN SERVICES**  
**H.B. 407** Regulation of Private Instruction Swimming Pools  
(Rep. G. Hughes)

**LAW ENFORCEMENT AND CRIMINAL JUSTICE**  
**H.B. 376** Revisions to Alcoholic Beverage Control Act  
(Rep. G. Hughes)

**REVENUE AND TAXATION**  
**H.B. 378** Circuit Breaker Amendments (Rep. T. Cosgrove)  
**S.B. 14** Financial Incentives for Motion Picture Productions  
(Sen. L. Hillyard)

**WORKFORCE SERVICES AND COMMUNITY AND ECONOMIC DEVELOPMENT**  
H.B. 457  Truth in Music (Rep. G. Hughes)

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

RULES COMMITTEE REPORT

Mr. Speaker: March 2, 2009

The Rules Committee recommends that the following bills and resolutions be placed on the Third Reading Calendar:

H.B. 347  Alcoholic Beverage Control Act Modifications (Rep. G. Hughes)
H.B. 342  Disproportionate Rental Fee Amendments (Rep. G. Froerer)
H.B. 349  Heavy Beer Amendments (Rep. C. Oda)
H.B. 334  Writing Assessment and Instruction (Rep. M. Newbold)
H.B. 432  Higher Education Budget Authority Amendments (Rep. K. Holdaway)

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

INTRODUCTION OF BILLS

H.B. 368, Underground Storage Tank Amendments (K. McIff), read the first time by short title and referred to the Rules Committee.

H.B. 377, Judicial Code Amendments (D. Aagard), read the first time by short title and referred to the Rules Committee.

H.B. 423, Economic Development Incentives for Employers (E. Hutchings), read the first time by short title and referred to the Rules Committee.
CONCURRENCE CALENDAR

On motion of Representative Janice Fisher, the House voted to concur in the Senate amendments to H.B. 218, FAMILY EMPLOYMENT PROGRAM AMENDMENTS.

H.B. 218, as amended by the Senate, passed on the following roll call:

Y eas, 70; Nays, 4; Absent or not voting, 1.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird   Biskupski  Black
Brown   Chavez–Houck  S. Clark  Cosgrove
Daw    Dee    Dougall  Draxler
S Duckworth  Edwards  Ferry  Janice Fisher
Julie Fisher  Fowlke  Frank  Froerer
Garn    F Gibson  K Gibson  Gowans
Greenwood  Grover  Hansen  Harper
Hemingway  Hendrickson  Herrod  Holdaway
Hughes  Hunsaker  Hutchings  Ipson
Johnson  King    Last  Litvack
Lockhart  Mascaro  Mathis  McIff
Menlove  Moss  Newbold  Noel
Oda     Painter  Poulson  Powell
Ray     Riesen  Sandstrom  Seegmiller
Seelig  Sumsion  Vickers  Wallis
Watkins  Webb  Wheatley  Wilcox
Wiley    Winn

Voting in the negative were: Representatives
Kiser     Morley  Wimmer  D. Clark

Absent or not voting was: Representative
Dunnigan

H.B. 218, as amended by the Senate, transmitted to the Senate for signature of President.

THIRD READING CALENDAR

4th Sub. H.B. 66, PROPERTY TAX AMENDMENTS, Newbold, read the third time by short title and placed on its final passage.


Representatives Harper, Last, Menlove and McIff commented.

Representative Allen’s substitute motion to substitute passed on the following roll call:

**Yeas, 38; Nays, 37; Absent or not voting, 0.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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Representatives Brown, Poulson, Allen, Bird, Powell, Cosgrove and Dougall commented.

9th Sub. H.B. 66 failed to pass on the following roll call:

**Yeas, 33; Nays, 42; Absent or not voting, 0.**
Voting in the affirmative were: Representatives
Aagard        Allen          Barrus          Bird
Daw           Dee            Dougall         Dunnigan
Edwards       Julie Fisher    Fowlke          Frank
Froerer       Garn           F Gibson        Grover
Harper        Herod          Holdaway        Hutchings
Lockhart      Mascaro        Morley          Newbold
Painter       Ray            Sandstrom       Sumson
Wallis        Webb           Wilcox          Wimmer

Voting in the negative were: Representatives
Beck          Bigelow        Biskupski        Black
Brown         Chavez–Houck   S. Clark        Cosgrove
Draxler       S Duckworth   Ferry           Janice Fisher
K Gibson      Gowans        Greenwood       Hansen
Hemingway     Hendrickson   Hughes          Hunsaker
Ipson         Johnson        King            Kiser
Last          Litvack        Mathis          McIlff
Menlove       Moss           Noel            Oda
Poulson       Powell         Riesen          Seegmiller
Seelig        Vickers        Watkins         Wheatley
Wiley         D. Clark

9th Sub. H.B. 66 was filed.

* * *

H.B. 96, STATE RETIREMENT SYSTEM PARTICIPATION FOR CHARTER SCHOOLS, Watkins, read the third time by short title and placed on its final passage.

H.B. 96 passed on the following roll call:

Yeas, 70; Nays, 4; Absent or not voting, 1.

Voting in the affirmative were: Representatives
Aagard        Allen          Barrus          Beck
Bigelow       Bird           Biskupski       Black
Brown         Chavez–Houck   S. Clark        Cosgrove
Daw           Dee            Draxler         S Duckworth
Dunnigan      Edwards        Ferry           Janice Fisher
Julie Fisher  Fowlke         Frank           Froerer
Voting in the negative were: Representatives
Dougall  Last  Lockhart  D. Clark

Absent or not voting was: Representative
Gowans

H.B. 96 transmitted to the Senate for its consideration.

* * *

H.B. 401, CUSTODY AND PARENT–TIME AMENDMENTS FOR SERVICE MEMBERS, Cosgrove, read the third time by short title and placed on its final passage.

On motion of Representative Cosgrove, the House voted to delete H.B. 401 in title and body and insert 1st Sub. H.B. 401 in lieu thereof.

Representatives Hutchings, Allen and Fowlke commented.

1st Sub. H.B. 401 passed on the following roll call:

Y eas, 74; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
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Absent or not voting was: Representative Winn

1st Sub. H.B. 401 transmitted to the Senate for its consideration.

**INTRODUCTION OF BILL**

H.B. 438, Foreclosure Clarifications (G. Hughes), read the first time by short title and referred to the Rules Committee.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: March 2, 2009

The President of the Senate has signed 2nd Sub. H.B. 59, SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS, by Representative B. Daw, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed H.B. 69, GUARDIAN AD LITEM AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed H.B. 154, STATE CONSTRUCTION REGISTRY AMENDMENTS, by Representative M. Morley, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed H.B. 241, PRIORITY OF WATER RIGHTS, by Representative K. Gibson, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed 3rd Sub. H.B. 243, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST
COMMUNITIES, by Representative G. Froerer, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 261**, AVIATION AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 271**, WORKERS’ COMPENSATION – UNINSURED EMPLOYERS’ FUND, by Representative M. Morley, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **1st Sub. H.C.R. 5**, CONCURRENT RESOLUTION URGING THE REALIGNMENT OF AIR QUALITY NON-ATTAINMENT DESIGNATIONS BY THE EPA, by Representative R. Menlove, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate


**THIRD READING CALENDAR**


**H.B. 355** passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

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Painter  Poulson  Powell  Ray
Riesen   Sandstrom  Seegmiller  Seelig
Sumision  Vickers  Wallis  Watkins
Webb     Wheatley  Wilcox  Wiley
Wimmer  Winn     D. Clark

Absent or not voting were: Representatives
Bigelow  S. Clark  Dougall  Hughes

H.B. 355 transmitted to the Senate for its consideration.

* * *

H.B. 183, NATIONAL ANIMAL IDENTIFICATION SYSTEM, Brown, read the third time by short title and placed on its final passage.

H.B. 183 passed on the following roll call:

Yeas, 74; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown    Chavez–Houck  S. Clark  Cosgrove
Daw      Dee  Draxler  S Duckworth
Dunnigan  Edwards  Ferry  Janice Fisher
Julie Fisher  Fowlke  Frank  Froerer
Garn  F Gibson  K Gibson  Gowans
Greenwood  Grover  Hansen  Harper
Hemingway  Hendrickson  Herrod  Holdaway
Hughes  Hunsaker  Hutchings  Ipson
Johnson  King  Kiser  Last
Litvack  Lockhart  Mascaro  Mathis
McIlff  Menlove  Morley  Moss
Newbold  Noel  Oda  Painter
Poulson  Powell  Ray  Riesen
Sandstrom  Seegmiller  Seelig  Sumision
Vickers  Wallis  Watkins  Webb
Wheatley  Wilcox  Wiley  Wimmer
Winn  D. Clark

Absent or not voting was: Representative
Dougall
H.B. 183 transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Lockhart, and at 4:05 p.m., the House voted to adjourn until March 3, 2009, at 9:00 a.m.
THIRTY–SIXTH DAY

MORNING SESSION

The House was called to order by Speaker Clark at 9:00 a.m.

Roll call showed all members present.

Prayer offered by Megan Kennard, Representative Winn’s intern. Pledge of Allegiance led by Representative Winn’s daughter, Emma Winn.

COMMUNICATION FROM THE SENATE

Mr. Speaker: March 3, 2009

The Senate passed, as amended, H.B. 32, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, by Representative B. Ferry, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. H.B. 32 placed on the Concurrence Calendar.

CONSENT CALENDAR

S.J.R. 17, HYDRAULIC FRACTURING JOINT RESOLUTION, Noel, read the third time by short title and placed on its final passage.

S.J.R. 17 passed on the following roll call:

Yeas, 49; Nays, 0; Absent or not voting, 26.

Voting in the affirmative were: Representatives

Aagard    Allen    Barrus    Beck
Bird      Black    Brown     Chavez–Houck
Daw       Dee      Dougall  Draxler
Edwards   Ferry    Janice Fisher  Julie Fisher
Fowlke    Frank    Gowans    Greenwood
Grover    Harper   Hendrickson  Herrod
Hunsaker  Hutchings  Ipson    Litvack
Lockhart  Mathis    McIff    Menlove
Newbold   Noel      Poulson  Powell
Ray Riesen Sandstrom Seegmiller
Sumasion Vickers Watkins Wheatley
Wilcox Wiley Wimmer Winn
D. Clark

Absent or not voting were: Representatives
Bigelow Biskupski S. Clark Cosgrove
S Duckworth Dunnigan Froerer Garn
F Gibson K Gibson Hansen Hemingway
Holdaway Hughes Johnson King
Kiser Last Mascaro Morley
Moss Oda Painter Seelig
Wallis Webb

S.J.R. 17 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

THIRD READING CALENDAR


On motion of Representative Ipson, the House voted to circle 1st Sub. H.B. 308.

MISCELLANEOUS BUSINESS

On motion of Representative Lockhart, the House voted to saunter.

On motion of Representative Dee, the House voted to cease to saunter.

UNFINISHED BUSINESS

On motion of Representative Ipson, the House voted to uncircle 1st Sub. H.B. 308.

1st Sub. H.B. 308, WORKERS’ COMPENSATION – MOTOR CARRIERS, Ipson, was before the House on its final passage.

1st Sub. H.B. 308 passed on the following roll call:

Y eas, 66; Nays, 0; Absent or not voting, 9.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Absent or not voting were: Representatives

Dunnigan Ferry Garn Gowans
Johnson Kiser Last Newbold
Oda

1st Sub. H.B. 308 transmitted to the Senate for its consideration.

THIRD READING CALENDAR


Representative King proposed the following amendment:

1. Page 6, Line 163:
   Delete “six months” and insert “90 days”

Representative King’s motion to amend passed on a voice vote.

Representative Fowlke commented.

4th Sub. H.B. 148, as amended, passed on the following roll call:

Yeas, 54; Nays, 20; Absent or not voting, 1.
Voting in the affirmative were: Representatives
Aagard     Allen     Barrus    Beck
Bigelow    Bird      Biskupski Black
Brown      Chavez–Houck S. Clark Cosgrove
Daw        Dee       Draxler   S Duckworth
Dunnigan   Edwards   Ferry     Julie Fisher
Froerer    K Gibson  Gowans    Greenwood
Hansen      Harper    Hemingway Herrod
Holdaway   Hunsaker  Hutchings Ipson
Johnson    King      Last      Litvack
Mascaro    McIff     Menlove   Moss
Noel       Painter   Poulson   Ray
Riesen     Seegmiller Seelig   Vickers
Wallis     Watkins   Webb      Wheatley
Wiley      Winn

Voting in the negative were: Representatives
Dougall    Janice Fisher Fowlke  Frank
F Gibson    Grover     Hendrickson Hughes
Kiser      Lockhart   Mathis    Morley
Newbold    Oda        Powell    Sandstrom
Sumson     Wilcox     Wimmer    D. Clark

Absent or not voting was: Representative Garn

4th Sub. H.B. 148, as amended, transmitted to the Senate for its consideration.

***

1st Sub. H.B. 274, LOCAL GOVERNMENT FEES AND CHARGES, Wallis, under suspension of the rules, the House voted to consider the substitute bill read the first, second, and third times by short title and placed on its final passage.

Representative Wallis proposed the following amendment:

1. Page 4, Line 93
   93 { (6) “Connection fee” has the same meaning as hookup fee. }

2. Page 18, Line 545
   House Committee Amendments 2–27–2009:
545  (3) A municipality may not impose or collect a hookup fee
or connection fee that

3. Page 22, Lines 652 through 653:
652  (1) (a) (i) Each local political subdivision and private entity
shall comply with the
653  requirements of this chapter before establishing or modifying any
impact fee.
   (ii) A fee that meets the definition of impact fee under Section
11–36–102 is an impact fee subject to this chapter, regardless of what
term the local political subdivision or private entity uses to refer to the
fee.
   (iii) A local political subdivision or private entity may not avoid
application of this chapter to a fee that meets the definition of an impact
fee under Section 11–36–102 by referring to the fee by another name.

4. Page 36, Line 1104:
1104  { (7) “Connection fee” has the same meaning as hookup
fee. }

5. Page 51, Line 1572:
1572  (3) A county may not impose or collect a hookup fee or
connection fee that exceeds the

6. Page 52, Lines 1590 through 1591
   House Committee Amendments 2–27–2009:
1590  { (a) “Connection fee” has the same meaning as hookup
fee. }
1591  { (b) } (a) “Hookup fee” means a fee for the
installation and inspection of any pipe, line,

7. Page 52, Line 1593
   House Committee Amendments 2–27–2009:
1593 utility system.
   (b) “Impact fee” has the same meaning as defined in Section

8. Page 52, Line 1599
   House Committee Amendments 2–27–2009:
(2) A local district may not impose or collect a hookup fee or connection fee that

9. Page 53, Line 1610:

(B) the amount of any hookup fee or connection fee:

10. Page 53, Lines 1619 through 1620:

public agency vests in the local district’s hookup fees and impact fees, and other applicable development fees in effect on the date of submission.

Representative Wallis’ motion to amend passed on a voice vote.

###

Representative Wallis proposed the following amendment:

11. Page 53, Line 1610:

After “hookup” delete “fee” and insert “fees” and after “impact” delete “fee” and insert “fees or substantive equivalent”

Representative Wallis’ motion to amend passed on a voice vote.

Representative Powell commented.

1st Sub. H.B. 274, as amended, passed on the following roll call:

Yeas, 75; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Representatives

Aagard
Allen
Barrus
Beck

Bigelow
Bird
Biskupski
Black

Brown
Chavez–Houck
S. Clark
Cosgrove

Daw
Dee
Dougall
Draxler

S Duckworth
Dunnigan
Edwards
Ferry

Janice Fisher
Julie Fisher
Fowlke
Frank

Froerer
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F Gibson
K Gibson

Gowans
Greenwood
Grover
Hansen

Harper
Hemingway
Hendrickson
Herrod

Holdaway
Hughes
Hunsaker
Hutchings

Ipson
Johnson
King
Kiser
1st Sub. H.B. 274, as amended, transmitted to the Senate for its consideration.

***

H.B. 347, ALCOHOLIC BEVERAGE CONTROL ACT MODIFICATIONS, Hughes, read the third time by short title and placed on its final passage.

On motion of Representative Hughes, the House voted to circle H.B. 347.

***

H.B. 353, TRUTH IN ADVERTISING ACT AMENDMENTS, Morley, read the third time by short title and placed on its final passage.

Representative Morley proposed the following amendment:

1. Page 1, Line 18

   18 { None } This bill takes effect January 1, 2010.

2. Page 3, Lines 83 through 85:

   83 (u) (i) advertises that the person will not
   sell a good or service labeled with an age

   84 restriction or recommendation to a buyer
   subject to the age restriction or recommendation; and

   85 (ii) except as provided under Subsection (2)(g), provides
   sells that good or service to a buyer
   subject to the age restriction or recommendation.

3. Page 4, Line 114:

   114 prices of brand name goods and generic goods are compared.

   (g)(i) A person does not commit deceptive trade practices under
   Subsection (1)(u) if:
(A) at the time a good or service labeled with an age restriction or recommendation was provided to a buyer subject to the age restriction or recommendation:

(I) the person has a documented program to train an employee on the person’s policies against providing the good or service labeled with an age restriction or recommendation to a buyer subject to the age restriction or recommendation;

(II) the employee who provided the good or service attended the training program described in Subsection (2)(g)(i)(A)(I) within 30 days of commencing duties of selling the good or service; and

(III) the person took appropriate remedial action, including retraining the employee; or

(B) the buyer intentionally misrepresented the buyer’s age to the person at the time good or service was provided.

(ii) Notwithstanding Subsection (2)(g)(i)(A), a person shall commit deceptive trade practices under Subsection (1)(u) if the employee described in Subsection (2)(g)(i)(A) provides a good or service a third or subsequent time to a buyer subject to an age restriction or recommendation.

4. Page 5, Lines 127 through 128:

127 (7) This chapter does not affect unfair trade practices otherwise actionable at common law or under other statutes of this state.

128

Section 2. Effective date.

This bill takes effect on January 1, 2010.

Representative Morley’s motion to amend passed on a voice vote.

Representatives King, Allen, Powell, Mascaro and Duckworth commented.

H.B. 353, as amended, passed on the following roll call:

**Yeas, 70; Nays, 2; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

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...
Voting in the negative were: Representatives
Chavez−Houck    Johnson

Absent or not voting were: Representatives
Bigelow    Frank    McIff

H.B. 353, as amended, transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Last, the House voted to uncircle H.B. 456.

H.B. 456, TOBACCO ACCESS RESTRICTIONS, Last, was before the House on its final passage.

On motion of Representative Last, the House voted to delete H.B. 456 in title and body and insert 1st Sub. H.B. 456 in lieu thereof.

Representatives Watkins and Hemingway commented.

1st Sub. H.B. 456 passed on the following roll call:

Yeas, 60; Nays, 12;Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Chavez−Houck  Daw  Dee  Dougall
Draxler  Dunnigan  Edwards  Ferry
Julie Fisher  Fowlke  Frank  Froerer
F Gibson  K Gibson  Grover  Harper
Hemingway  Herrod  Holdaway  Hughes
Hunsaker  Hutchings  Ipson  Johnson
King  Kiser  Last  Litvack
Lockhart  Mascaro  Mathis  Menlove
Morley  Moss  Newbold  Noel
Oda  Painter  Poulson  Powell
Ray  Riesen  Sandstrom  Seegmiller
Sumasion  Vickers  Wallis  Watkins
Webb  Wilcox  Winn  D. Clark

**Voting in the negative were:** Representatives
Brown  Cosgrove  S Duckworth  Janice Fisher
Gowans  Greenwood  Hansen  Hendrickson
Seelig  Wheatley  Wiley  Wimmer

**Absent or not voting were:** Representatives
S. Clark  Garn  McIff

*1st Sub. H.B. 456* transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Painter, the House voted to recall *1st Sub. H.B. 68*.

**RECONSIDERATION OF 1ST SUB. H.B. 68**

On motion of Representative Painter, the House voted to reconsider its action on *1st Sub. H.B. 68*.

On motion of Representative Painter, the House voted to concur in the Senate amendments to *1st Sub. H.B. 68*, DEVELOPMENT EXACTIONS.

*1st Sub. H.B. 68*, as amended by the Senate, passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Fowlke  Froerer  Garn
Absent or not voting were: Representatives
Julie Fisher  Frank  McIff

1st Sub. H.B. 68, as amended by the Senate, transmitted to the Senate for signature of President.

THIRD READING CALENDAR

1st Sub. H.B. 145, WORKPLACE DRUG TESTING PROGRAMS, Beck, read the third time by short title and placed on its final passage. Representatives Hutchings, Barrus, Fowlke, Dee and Ipson commented.

Representative Hutchings proposed the following amendment:

1. Page 2, Line 50:
   After “action” insert “to terminate employment”

Representative Herrod commented. Representative Hutchings’ motion to amend passed on a voice vote.

1st Sub. H.B. 145, as amended, failed to pass on the following roll call:

Y eas, 36; Nays, 39; Absent or not voting, 0.

Voting in the affirmative were: Representatives
Allen  Barrus  Beck  Biskupski
Black  Brown  Chavez–Houck  S. Clark
Cosgrove  S Duckworth  Dunnigan  Edwards
Janice Fisher  Julie Fisher  F Gibson  Gowan
Hansen  Hemingway  Hendrickson  Holdaway
Hutchings  Johnson  King  Litvack
Mascaro McIff Menlove Moss
Poulson Powell Riesen Seegmiller
Seelig Watkins Wheatley Wiley

**Voting in the negative were:** Representatives
Aagard Bigelow Bird Daw
Dee Dougall Draxler Ferry
Fowlke Frank Froerer Garn
K Gibson Greenwood Grover Harper
Herrod Hughes Hunsaker Ipson
Kiser Last Lockhart Mathis
Morley Newbold Noel Oda
Painter Ray Sandstrom Sumsion
Vickers Wallis Webb Wilcox
Wimmer Winn D. Clark

**1st Sub. H.B. 145**, as amended, was filed.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: March 3, 2009

The Senate passed, **H.B. 37**, VIOLENT OFFENSES AMENDMENTS, by Representative J. Seelig, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 130**, ASSET PRESERVATION AMENDMENTS, by Representative G. Hughes, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 138**, EXPUNGEMENT OF RECORDS AMENDMENTS, by Representative Julie Fisher, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **1st Sub. H.B. 210**, POSTING OF COLLECTIVE BARGAINING AGREEMENTS BY SCHOOL DISTRICTS AND CHARTER SCHOOLS, by Representative K. Sumsion, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 218**, FAMILY EMPLOYMENT PROGRAM AMENDMENTS, by Representative Janice Fisher, and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 286**, REGULATION OF LENDING BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS, by Representative K. Garn,
which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 297, BUDGETARY PROCEDURES ACT RECODIFICATION, by Representative R. Bigelow, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 320, COLLECTION AGENCY AMENDMENTS, by Representative R. C. Webb, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 324, MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS, by Representative F. Gibson, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.J.R. 11, JOINT RESOLUTION EXPRESSING SUPPORT FOR AND RECOGNIZING THE VALUE OF LOCALLY ELECTED OFFICIALS, by Representative M. Brown, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate


* * *

Mr. Speaker: March 3, 2009

The Senate passed, as amended, H.B. 112, VEHICLE TOWING AMENDMENTS, by Representative T. Kiser, and it is transmitted for further consideration; and

The Senate substituted and passed, Senate 1st Sub. H.B. 329, WRONGFUL DEATH CLAIMS, by Representative L. Fowlke, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate

Mr. Speaker: March 3, 2009

The Senate passed, as amended, S.B. 90, METAL THEFT AMENDMENTS AND PENALTIES, by Senator J. Greiner, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 210, AMENDMENTS TO PROPERTY TAX, by Senator C. Bramble, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communications filed. S.B. 90 and S.B. 210 read the first time by short title and referred to the Rules Committee.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: March 2, 2009

The Government Operations Committee reports a favorable recommendation on H.B. 198, MARRIAGE LICENSE FEE AMENDMENTS, by Representative C. Johnson, with the following amendments:

1. Page 1, Lines 13 through 14:

13 transmit that amount to the Division of Finance for distribution to the Division of Child and Family Services for use in the operation of shelters for victims of domestic violence; and

14 allows a marriage license applicant to choose not to pay the additional fee.

2. Page 2, Line 46:

46 (d) (i) As long as the Division of Child and Family Services, created in Section

3. Page 2, Lines 49 through 51:

49 { (ii) } (A) assess $10 in addition to whatever fee for a marriage license is established under authority of this section, in addition to the amounts described in Subsections (2)(b) and (c), unless an applicant chooses, as provided in Subsection (2)(d)(ii), not to pay the additional $10; and

51 { (ii) } to the extent actually paid, transmit $10 from each marriage license fee to the Division of Finance for distribution to the Division of Child and Family Services.
4. Page 2, Line 52:

52 Services for the operation of shelters for victims of domestic violence.

(ii)(A) The county clerk shall provide a method for an applicant for a marriage license to choose not to pay the additional $10 assessed under Subsection (2)(d)(i).

(B) An applicant for a marriage license may choose not to pay the additional $10 assessed under Subsection (2)(d)(i) without affecting the applicant’s ability to be issued a marriage license.

The Government Operations Committee reports a favorable recommendation on **H.B. 436**, STATE PROHIBITION OF SUDAN RELATED CONTRACTS, by Representative D. Litvack; and

The Government Operations Committee has returned 2nd Sub. **S.B. 56**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, by Senator S. Killpack, to the Rules Committee; and

The Government Operations Committee reports a favorable recommendation on **S.B. 150**, STATE ARMORY AMENDMENTS, by Senator S. Jenkins; and

The Government Operations Committee reports a favorable recommendation on **S.B. 152**, LEGISLATIVE MANAGEMENT POWERS, by Senator M. Waddoups; and


Craig A. Frank, Chair
Reports filed. On motion of Representative Frank, the reports of the Government Operations committee were adopted.


2nd Sub. **S.B. 56** read the second time by short title and returned to the Rules Committee.

* * *

Mr. Speaker: March 3, 2009

The Political Subdivisions Committee reports a favorable recommendation on **H.B. 179**, STATE–OWNED LAND AMENDMENTS, by Representative K. Gibson, with the following amendments:
1. Page 1, Line 16:

{donate} authorizes the Division of Facilities Construction and Management to exchange certain

2. Page 5, Line 124:

The division may transfer title to a parcel of land it owns in a county of the first class to a public

3. Page 5, Lines 126 through 127:

and associated transit oriented development if:

(1) the parcel is within one mile of the proposed commuter rail transit station and associated transit oriented development:

(2) the division receives in return fair and adequate consideration;

The Political Subdivisions Committee reports a favorable recommendation on S.B. 153, COUNTY AND MUNICIPAL LAND USE AMENDMENTS, by Senator M. Madsen; and

The Political Subdivisions Committee reports a favorable recommendation on S.J.R. 10, ALTERNATIVE TRAINING CENTER JOINT RESOLUTION, by Senator D. Stowell, and recommends it be placed on the Consent Calendar.

Fred R Hunsaker, Chair

Reports filed. On motion of Representative Hunsaker, the reports of the Political Subdivisions committee were adopted.


* * *

Mr. Speaker: March 2, 2009

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 59, ALLOCATION AND APPORTIONMENT OF INCOME AND DEDUCTION OF A NET LOSS, by Senator H. Stephenson, and, due to fiscal impact, recommends it be referred to the Rules Committee for prioritization; and

The Revenue and Taxation Committee reports a favorable recommendation on 1st Sub. S.B. 132, INDIVIDUAL INCOME TAX CONTRIBUTION FOR METHAMPHETAMINE HOUSING RECONSTRUCTION AND
REHABILITATION FUND, by Senator K. Mayne, with the following amendments and, due to fiscal impact, recommends it be referred to the Rules Committee for prioritization.

1. Page 1, Line 22:  
   After “for” delete “the” and insert “a”

2. Page 1, Line 23:  
   Delete “2009” and insert “2010”

3. Page 7, Line 187:  
   After “for” delete “the” and insert “a”

4. Page 7, Line 188:  
   Delete “2009” and insert “2010”

Todd E. Kiser, Chair
Reports filed. On motion of Representative Kiser, the reports of the committee were adopted.

S.B. 59 and 1st Sub. S.B. 132, as amended, read the second time by short title and referred to the Rules Committee for prioritization.

* * *

Mr. Speaker: March 2, 2009

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on H.B. 174, LICENSING OF VOCATIONAL REHABILITATION COUNSELORS, by Representative R. Menlove, with the following amendments:

1. Page 2, Line 59 through Page 3, Line 61:

   59    (a) in public or private practice;
   60    (b) for compensation; and
   61    (c) involving the application of principles, methods, or procedures of the vocation

2. Page 4, Lines 96 through 97:

   96    (1) Except as provided in Subsection (2), an applicant for licensure as a vocational rehabilitation counselor under this chapter shall:

   97
3. Page 4, Lines 102 through 106:

(1) Counseling or a related field; and

(e) provide satisfactory evidence of having 4,000 hours of work experience under the supervision of a licensed vocational rehabilitation counselor, except as otherwise provided in Subsection (2); and

(f) after January 1, 2011, meet the examination requirement established by rule by the division in collaboration with the board.

(2) Beginning January 1, 2010, and ending December 31, 2011, an applicant is not required to verify that the 4,000 hours of work experience required under Subsection (1)(e) was done under the supervision of a vocational rehabilitation counselor licensed under this chapter.

(3) An applicant may satisfy the requirement of Subsection (1)(d) if, prior to January 1, 2011, the applicant provides satisfactory evidence of:

(a) having earned a bachelor’s degree from an accredited institution;
(b) at least ten years experience in vocational rehabilitation counseling or a related field;
(c) currently practicing vocational rehabilitation counseling in Utah; and
(d) holding a national certification as a:
   (i) Certified Rehabilitation Counselor;
   (ii) Certified Vocational Evaluator; or
   (iii) Certified Disability Management Specialist.

(4) The division may issue a license under this chapter to an individual who is licensed

4. Page 4, Lines 116 through 117:

(3) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58–1–308.

(4) Each person holding a license under this chapter as a vocational rehabilitation counselor shall complete in each two-year period of
licensure a program of qualifying continuing professional education in accordance with standards defined by rule.

Steven R. Mascaro, Chair

Report filed. On motion of Representative Mascaro, the report of the Workforce Services and Community and Economic Development committee was adopted.

H.B. 174, as amended, read the second time by short title and referred to the Rules Committee for prioritization.

* * *

Mr. Speaker: March 3, 2009

The Business and Labor Committee reports a favorable recommendation on H.B. 124, INSURANCE COVERAGE FOR EOSINOPHILIC GASTROINTESTINAL DISORDERS AND SHORT BOWEL SYNDROME, by Representative C. Johnson; and

The Business and Labor Committee reports a favorable recommendation on H.B. 171, LEGAL IMMIGRANT CHILDREN HEALTH CARE AMENDMENTS, by Representative K. Holdaway, with the following amendments:

1. Page 1, Lines 18 through 20:
   18 directs the Department of Health to amend the state Medicaid plan to provide Medicaid coverage, and
   19 Medicaid coverage, and —} and the Utah Children’s Health insurance Program to provide coverage { under the Utah Children’s Health Insurance Program to provide coverage } to an eligible legal immigrant child, regardless of the length of time that

2. Page 2, Line 36:
   36 federal law and rule, the department shall { amend the state Medicaid plan to } provide coverage

3. Page 2, Line 45:
   45 federal law and rule, the department shall } amend the state Medicaid plan to } provide coverage; and

The Business and Labor Committee has returned H.B. 318, CONSTRUCTION TRADES LICENSING AMENDMENTS, by Representative B. King, to the Rules Committee; and
The Business and Labor Committee recommends **H.B. 404**, DISCLOSURE OF REAL PROPERTY, by Representative M. Newbold, be replaced and favorably recommends **1st Sub. H.B. 404**, DISCLOSURE OF REAL PROPERTY; and

The Business and Labor Committee has returned **H.B. 454**, SMALL EMPLOYER GROUP REINSURANCE POOL, by Representative J. Biskupski, to the Rules Committee.

James A. Dunnigan, Chair

Reports filed. On motion of Representative Dunnigan, the reports of the Business and Labor committee were adopted.


**H.B. 318** and **H.B. 454** read the second time by short title and returned to the Rules Committee.

***

Mr. Speaker: March 3, 2009

The Education Committee has returned **H.B. 186**, SCHOOL DISTRICT DIVISION AMENDMENT, by Representative L. Black, to the Rules Committee and recommends the bill be referred to interim study; and


Gregory H. Hughes, Chair

Reports filed. On motion of Representative Hughes, the reports of the Education committee were adopted.

**H.B. 186** read the second time by short title and returned to the Rules Committee.

**1st Sub. S.C.R. 3** read the second time by short title and referred to the Rules Committee for prioritization.

***

Mr. Speaker: March 3, 2009

The Health and Human Services Committee has returned **H.B. 419**, TANNING FACILITIES TAX AND MELANOMA CANCER RESEARCH
FUND, by Representative M. Brown, to the Rules Committee with the following amendments and recommends that it be placed on the Master Study Resolution for interim study:

1. Page 1, Lines 1 through 2:
   1. TANNING FACILITIES TAX AND MELANOMA CANCER RESEARCH AND EDUCATION FUND

2. Page 1, Lines 10 through 11:
   10. This bill amends the Revenue and Taxation portion of the Utah Code to provide for a tax on tanning facilities and the creation of a Melanoma Cancer Research and Education Fund.

3. Page 1, Lines 18 through 20:
   18. creates the Melanoma Cancer Research and Education Fund and provides that the Department of Health shall use the fund to award grants to organizations for research and education related to melanoma cancer; and

4. Page 1, Lines 25 through 26:
   25. Other Special Clauses:
   26. { None } This bill takes effect on July 1, 2009.

5. Page 3, Lines 84 through 86:
   85. (1) There is created a restricted special revenue fund called the “Melanoma Cancer Research and Education Fund.”

6. Page 4, Lines 98 through 99:
   98. (b) The Department of Health shall use the monies in the fund to award grants to organizations for research and education related to melanoma cancer.
7. Page 6, Line 162:

(2) interest provided in Section 59–1–402.

Section 9. Effective Date.
This bill takes effect on July 1, 2009.

Paul Ray, Chair
Report filed. On motion of Representative Ray, the report of the Health and Human Services committee was adopted.

H.B. 419, as amended, read the second time by short title and returned to the Rules Committee for interim study.

* * *

Mr. Speaker: March 3, 2009
The Public Utilities and Technology Committee reports a favorable recommendation on H.B. 392, NATURAL GAS FOR VEHICLES, by Representative D. Ipson; and

The Public Utilities and Technology Committee reports a favorable recommendation on H.B. 411, UTAH TECHNOLOGY GOVERNANCE ACT AMENDMENTS, by Representative S. Clark.

Michael E. Noel, Chair
Reports filed. On motion of Representative Noel, the reports of the Public Utilities and Technology committee were adopted.

H.B. 392 and H.B. 411 read the second time by short title and placed on the Third Reading Calendar.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 3, 2009
The Senate passed, as substituted, and amended 1st Sub. S.B. 29, SAFE DRINKING WATER ACT AMENDMENTS, by Senator D. Stowell, and it is transmitted for consideration; and

The Senate passed, as substituted, 2nd Sub. S.B. 124, INDEMNIFICATION FOR DESIGN PROFESSIONAL SERVICES, by Senator G. Bell, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 163, CONSTRUCTION TRADE EXEMPTION, by Senator S. Urquhart, and it is transmitted for consideration; and
The Senate passed, as amended, **S.B. 169**, GAMBLING AMENDMENTS, by Senator D. Liljenquist, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **1st Sub. S.B. 171**, MUNICIPAL ANNEXATION AMENDMENTS, by Senator S. Jenkins, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 183**, VIOLATION OF PROTECTIVE ORDER, by Senator S. McCoy, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 193**, SALVAGE VEHICLES AMENDMENTS, by Senator S. Urquhart, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate


**THIRD READING CALENDAR**

**H.B. 342**, DISPROPORTIONATE RENTAL FEE AMENDMENTS, *Froerer*, read the third time by short title and placed on its final passage.

Representative Froerer declared a conflict of interest because he owns and manages rental properties and his spouse is involved in this profession.

Representatives Biskupski and S. Clark commented.

**H.B. 342**, as amended, passed on the following roll call:

*Yeas, 72; Nays, 0; Absent or not voting, 3.*

**Voting in the affirmative were:** Representatives

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Absent or not voting were: Representatives
Hughes  Moss  Watkins

H.B. 342, as amended, transmitted to the Senate for its consideration.

* * *

H.B. 349, HEAVY BEER AMENDMENTS, Oda, read the third time by short
title and placed on its final passage.

Representative Oda proposed the following amendment:

1. Page 2, Lines 29 through 30
29 Other Special Clauses:
30  { None } This bill coordinates with H.B. 347, Alcoholic
Beverage Control Act Modifications, S.B. 106, Alcoholic Beverage
Control Act Restrictions, and S.B. 187, Alcohol Amendments, to merge
substantive amendments.

2. Page 120, Lines 3691 through 3692:
3691  (5) The advertising or use of any means or media to offer an
alcoholic beverage to the general public without charge is prohibited.
Section 40. Coordinating H.B. 349 with H.B. 347 — Merging
substantive amendments.
If this H.B. 349 and H.B. 347, Alcoholic Beverage Control Act
Modifications, 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:
(1) modify Subsection 32A−4−506(2)(a) enacted in H.B. 347 to read:
“(2)(a) Except as provided in Chapter 11, Part 2, Heavy Beer
Wholesaling Act, a social on−premise liquor licensee may not purchase
liquor except from a state store or package agency.”;

(2) modify Subsection 32A–4–506(5) enacted in H.B. 347 to read:
“(5)(a) A social on–premise liquor licensee may serve heavy beer:
(i) at a price fixed by the commission; and
(ii) (A) in an original container not exceeding one liter; or
(B) subject to Subsection (5)(c):
(I) in an open container; and
(II) on draft.
(b) A flavored malt beverage may be served in an original container not exceeding one liter at a price fixed by the commission.
(c) A social on–premise liquor licensee shall sell heavy beer sold pursuant to Subsection (5)(a)(ii)(B) in a size of container that does not exceed two liters, except that heavy beer may not be sold to an individual patron in a size of container that exceeds one liter.
(d) A service charge may be assessed by the social on–premise liquor licensee for heavy beer or a flavored malt beverage purchased at the social on–premise liquor licensee’s premises.”;

(3) not make the changes to Subsection 32A–5–107(19)(a) in this bill, delete Subsection 32A–5–107(12)(a) as amended in H.B. 347, and replace that Subsection (12)(a) with the following:
“(12)(a) Except as provided in Chapter 11, Part 2, Heavy Beer Wholesaling Act, a private club licensee may not purchase liquor except from a state store or package agency.”;

(4) insert into Section 32A–11–202, enacted in this bill, a Subsection (1)(e) to read “(e) a social on–premise liquor licensee;” and renumber the remaining subsections of Subsection (1) accordingly;

(5) insert into Subsection 32A–12–201(1)(e), as amended in this bill, a Subsection (1)(e)(v) to read “(v) a social on–premise liquor licensee;” and renumber the remaining subsections of Subsection (1)(e) accordingly; and

(6) insert into Subsection 32A–12–201(3)(a)(v), as amended in this bill, a Subsection (3)(a)(v)(E) to read “(E) a social on–premise liquor licensee;” and renumber the remaining subsections of Subsection (3)(a)(v) accordingly.

Section 41. Coordinating H.B. 349 with S.B. 106 — Merging substantive amendments.

If this H.B. 349, and S.B. 106, Alcoholic Beverage Control Act Restrictions, 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:
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(1) modify 32A–11–203, enacted in this bill as follows:
(a) insert “and” after Subsection (2);
(b) delete Subsection (3); and
(c) renumber Subsection (4) to Subsection (3); and
(2) provide that the repeal of Section 32A–12–218 in S.B. 106 supersedes the amendments to that section in this bill.

If this H.B. 349 and S.B. 187, Alcohol 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:
(1) modify Subsection 32A–4a–305(9)(a) enacted in S.B. 187 to read: “(9)(a) Except as provided in Chapter 11, Part 2, Heavy Beer Wholesaling Act, a resort amenity sublicensee may not purchase liquor except from a state store or package agency.”;
(2) modify Subsection 32A–4a–305(12) enacted in S.B. 187 to read: “(12)(a) A resort amenity sublicensee may serve heavy beer:
(i) at a price fixed by the commission; and
(ii) (A) in an original container not exceeding one liter; or
(B) subject to Subsection (12)(c):
(I) in an open container; and
(II) on draft.
(b) A flavored malt beverage may be served in an original container not exceeding one liter at a price fixed by the commission.
(c) A resort amenity sublicensee shall sell heavy beer sold pursuant to Subsection (12)(a)(ii)(B) in a size of container that does not exceed two liters, except that heavy beer may not be sold to an individual patron in a size of container that exceeds one liter.
(d) A service charge may be assessed by the resort amenity sublicensee for heavy beer or a flavored malt beverage purchased at the resort amenity sublicense premises.”;
(3) modify Subsection 32A–4a–401(4)(a) enacted in S.B. 187 to read: “(4)(a) Except as provided in Chapter 11, Part 2, Heavy Beer Wholesaling Act, a resort licensee may not purchase liquor except from a state store or package agency.”;
(4) insert into Section 32A–11–202, enacted in this bill, a Subsection (1)(e) to read “(e) a resort licensee;” and renumber the remaining subsections of Subsection (1) accordingly;
(5) insert into Subsection 32A–12–201(1)(e), as amended in this bill, a Subsection (1)(e)(v) to read “(v) a resort licensee;” and renumber the
remaining subsections of Subsection (1)(e) accordingly; and
(6) insert in Subsection 32A−12−201(3)(a)(v), as amended in this bill, a
Subsection (3)(a)(v)(E) to read “(E) a resort licensee;” and renumber the
remaining subsections of Subsection (3)(a)(v) accordingly.

Representative Oda's motion to amend passed on a voice vote.

**H.B. 349**, as amended, passed on the following roll call:

**Yeas, 58; Nays, 2; Absent or not voting, 15.**

**Voting in the affirmative were:** Representatives

Aagard  Allen  Barrus  Beck
Bird  Black  Brown  Chavez–Houck
S. Clark  Cosgrove  Daw  Dee
S Duckworth  Dunnigan  Edwards  Janice Fisher
Julie Fisher  Fowlke  Frank  Froerer
Garn  F Gibson  K Gibson  Gowans
Greenwood  Grover  Hansen  Harper
Hemingway  Herrod  Hughes  Hunsaker
Hutchings  Ipson  Johnson  King
Kiser  Last  Litvack  Lockhart
Mascaro  Mathis  McIff  Moss
Oda  Poulson  Powell  Ray
Riesen  Sandstrom  Seegmiller  Seelig
Vickers  Wallis  Watkins  Wheatley
Wilcox  Winn

**Voting in the negative were:** Representatives

Draxler  Webb

**Absent or not voting were:** Representatives

Bigelow  Biskupski  Dougall  Ferry
Hendrickson  Holdaway  Menlove  Morley
Newbold  Noel  Painter  Sumsion
Wiley  Wimmer  D. Clark

**H.B. 349**, as amended, transmitted to the Senate for its consideration.

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**H.B. 371**, TRANSPORTATION GOVERNANCE, Harper, read the third
time by short title and placed on its final passage. Representatives Hansen and
Watkins commented.
H.B. 371, as amended, passed on the following roll call:

Yeas, 60; Nays, 0; Absent or not voting, 15.

Voting in the affirmative were: Representatives
Aagard       Allen       Barrus       Beck
Bird         Black       Brown       Chavez–Houck
S. Clark     Cosgrove    Daw         Dee
Draxler      S Duckworth Dunnigan    Edwards
Janice Fisher Julie Fisher Fowlke    Frank
Froerer      Garn        F Gibson     K Gibson
Gowans       Greenwood   Grover      Hansen
Harper       Hemingway   Herrod      Hughes
Hunsaker     Hutchings   Ipson       Johnson
King         Kiser       Last        Litvack
Lockhart     Mascaro     Mathis      McIff
Moss         Oda         Poulson     Powell
Ray          Riesen      Sandstrom   Seegmiller
Seelig       Vickers     Wallis      Watkins
Webb         Wheatley    Wilcox      Winn

Absent or not voting were: Representatives
Bigelow      Biskupski   Dougall     Ferry
Hendrickson  Holdaway    Menlove     Morley
Newbold      Noel        Painter     Sumsion
Wiley        Wimmer      D. Clark    

H.B. 371, as amended, transmitted to the Senate for its consideration.

* * *

H.B. 334, WRITING ASSESSMENT AND INSTRUCTION, Newbold, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle H.B. 334.

TIME CERTAIN CALENDAR

H.C.R. 9, CONCURRENT RESOLUTION HONORING DON PEAY, Dee, read the third time by short title and placed on its final passage. Representatives Sandstrom, Noel, S. Clark, Allen and Oda commented.

H.C.R. 9 passed on the following roll call:
Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Draxler  S Duckworth
Dunnigan  Edwards  Ferry  Janice Fisher
Julie Fisher  Fowlke  Froerer  Garn
F Gibson  K Gibson  Gowans  Greenwood
Grover  Hansen  Harper  Hemingway
Hendrickson  Herrod  Holdaway  Hughes
Hunsaker  Hutchings  Ipson  Johnson
King  Kiser  Last  Litvack
Lockhart  Mascaro  Mathis  McIff
Menlove  Morley  Moss  Newbold
Noel  Oda  Painter  Poulson
Powell  Ray  Riesen  Sandstrom
Seegmiller  Seelig  Vickers  Wallis
Watkins  Webb  Wheatley  Wilcox
Wiley  Wimmer  Winn  D. Clark

Absent or not voting were: Representatives

Dougall  Frank  Sumision

H.C.R. 9 transmitted to the Senate for its consideration.

RULES COMMITTEE REPORT

Mr. Speaker: March 3, 2009

The Rules Committee recommends that the following bills and resolutions, under suspension of the rules, be considered read for the second time and placed on the Third Reading Calendar:

H.B. 302  Distribution of Tobacco Settlement Monies Amendments
(Rep. R. Bigelow)

H.B. 444  Budget Implementation Adjustments – Tobacco Settlement Funds (Rep. R. Bigelow)

H.B. 169  Public Lands Policy Coordination Amendments
(Rep. M. Noel)

H.B. 185  Transportation Amendments (Rep. W. Harper)

1st Sub. H.B. 357  Firearms Amendments (Rep. S. Sandstrom)

H.B. 383  Water Rights Adjudication Amendments
(Rep. J. Gowans)
H.B. 389 Applications for a Small Amount of Water  
(Rep. P. Painter)
1st Sub. H.B. 337 Choose Life Special Group License Plate  
(Rep. C. Herrod)
H.B. 174 Licensing of Vocational Rehabilitation Counselors (Rep. R. Menlove)
H.B. 179 State-owned Land Amendments (Rep. K. Gibson)
1st Sub. H.B. 356 Barber, Cosmetologist/barber, Esthetician, Electrologist, and Nail Technician Licensing Act Amendments  
(Rep. M. Newbold)
H.B. 384 Public Lewdness Amendments (Rep. D. Ipson)
H.B. 101 Assertive Community Mental Health Treatment Pilot Program (Rep. C. Moss)
H.B. 450 Trademark Amendments (Rep. B. Last)
1st Sub. H.B. 311 Utah State Railroad Museum Authority (Rep. N. Hansen)
H.B. 276 Custodial Interference Amendments (Rep. C. Wimmer)

Ben C. Ferry, Chair
Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

RULES COMMITTEE REPORT

Mr. Speaker: March 3, 2009
The Rules Committee recommends that the following bills and resolutions, under suspension of the rules, be considered read for the second time and placed on the Third Reading Calendar for Senate bills:

S.B. 156 Gifts and Meal Provisions for Public Officials  
(Sen. G. Bell)
S.B. 162 Use of Campaign Funds Amendments (Sen. J. Valentine)
S.B. 152 Legislative Management Powers (Sen. M. Waddoups)
S.B. 64 Administrative Rules Review Committee  
(Sen. H. Stephenson)
S.B. 39 Immigration Amendments (Sen. S. Jenkins)
1st Sub. S.B. 116 Criminal Penalty Amendments (Sen. D. Liljenquist)
1st Sub. S.B. 165 Statute of Limitation Revisions (Sen. M. Madsen)
1st Sub. S.B. 21 State and Local Health Authorities Amendments  
(Sen. D. Stowell)
S.B. 120 Workers’ Compensation Act – Medical Reports
(Sen. K. Mayne)
S.B. 133 Abuse or Neglect of a Disabled Child (Sen. J. Valentine)
S.B. 160 Utah Venture Capital Enhancement Act Amendments
(Sen. S. Jenkins)
S.B. 173 Emotional Support Animals and Psychiatric Therapy
Animals (Sen. M. Dayton)
S.B. 98 Motor Fuel Theft Penalties (Sen. J. Greiner)
1st Sub. S.C.R. 3 Concurrent Resolution Expressing Support for the Work
of the Utah Council on Financial and Economic
Education (Sen. P. Jones)
S.B. 102 Share the Road Special Group License Plate
(Sen. W. Niederhauser)

Ben C. Ferry, Chair
Report filed. On motion of Representative Ferry, the report of the Rules
Committee was adopted.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, the House voted to recess until 2:00 p.m.

AFTERNOON SESSION

The House was called to order by Speaker Clark at 2:00 p.m.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 3, 2009
The Senate substituted and passed, Senate 1st Sub. H.J.R. 1, RESOLUTION
URGING THE WITHDRAWAL OF UNITED STATES’ WORLD TRADE
ORGANIZATION COMMITMENT ON GAMBLING, by Representative
S. Allen, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. 1st Sub. H.J.R. 1 placed on the Concurrence
Calendar.

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Mr. Speaker: March 3, 2009
The Senate passed, as amended, S.B. 67, MINERS’ SAFETY AND
TRAINING, by Senator L. Robles, and it is transmitted for consideration; and
The Senate passed, as substituted, and amended 1st Sub. S.B. 78, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, by Senator M. Madsen, and it is transmitted for consideration; and

The Senate passed, as substituted, 1st Sub. S.B. 180, EXPUNGEMENT OF DIVISION OF CHILD AND FAMILY SERVICES RECORDS, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 186, AMENDMENTS TO STATE TAX COMMISSION PENALTY PROVISIONS, by Senator H. Stephenson, and it is transmitted for consideration; and

The Senate passed, as substituted, 1st Sub. S.C.R. 4, RESOLUTION SUPPORTING OBESITY AWARENESS, by Senator D. C. Buttars, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate


THIRD READING CALENDAR

H.B. 432, HIGHER EDUCATION BUDGET AUTHORITY AMENDMENTS, Holdaway, read the third time by short title and placed on its final passage.

H.B. 432 passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives

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<td>Johnson</td>
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Absent or not voting were: Representatives
Bigelow    Dee    Hughes    Painter
Sumison

H.B. 432 transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Newbold, the House voted to uncircle H.B. 334.

H.B. 334, WRITING ASSESSMENT AND INSTRUCTION, Newbold, was before the House on its final passage. Representatives Moss and Daw commented.

H.B. 334 passed on the following roll call:

Yeas, 69; Nays, 4; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Aagard   Allen    Barrus   Beck
Bigelow   Bird    Biskupski    Black
Brown   Chavez–Houck    S. Clark    Cosgrove
Dee   Dougall    Draxler    S Duckworth
Dunnigan   Edwards    Ferry    Janice Fisher
Julie Fisher   Fowlke    Frank    Froerer
Garn   F Gibson    Gowans    Greenwood
Grover   Hansen    Harper    Hemingway
Hendrickson   Herrod    Holdaway    Hunsaker
Hutchings   Ipson    King    Kiser
Last   Litvack    Lockhart    Mascaro
McIff   Menlove    Morley    Moss
Newbold   Noel    Oda    Painter
Poulson   Powell    Ray    Riesen
Sandstrom   Seegmiller    Seelig    Vickers
Wallis   Watkins    Webb    Wheatley
Wilcox    Wiley    Wimmer    Winn
D. Clark
Voting in the negative were: Representatives
Daw  K Gibson  Johnson  Mathis

Absent or not voting were: Representatives
Hughes  Sumsion

H.B. 334 transmitted to the Senate for its consideration.

* * *

On motion of Representative Ferry, the House voted to uncircle 1st Sub. H.B. 187.

1st Sub. H.B. 187, RECREATIONAL USE OF PUBLIC WATERS ON PRIVATE PROPERTY, Ferry, was before the House on its final passage.

On motion of Representative Ferry, the House voted to delete 1st Sub. H.B. 187 in title and body and insert 2nd Sub. H.B. 187 in lieu thereof.

Representative Draxler proposed the following amendment:

1. Page 12, Lines 353 through 354

   353  (b) (i) has historically provided and continues to provide or is anticipated to provide in the future significant opportunity for a

   354  recreational activity for the public; or

2. Page 2, Line 26

   26  establishes membership and duties for the Recreational Access Board; and

   26  authorizes the Recreational Access Board to make a rule listing public waters in which a person may engage in a recreational activity; and

3. Page 7, Line 183:

   183  (i) listed in : (A) Section 73–6a–202; or (B) a rule made by the board under Section 73–6a–302; and

4. Page 12, Lines 342 through 345:

   342  (1) The board shall determine if an application submitted under Section 73–6a–304
satisfies the criteria listed in Section 73–6a–303.

(2) Based on the determination under Subsection (1), the board may recommend the
Legislature include or exclude a public water in the list provided in Section 73–6a–202.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and this part, the board may make a rule that creates a list of public waters on or within which a person may engage in a recreational activity as authorized by Section 73–6a–201.

(2) By rule, the board may add a public water segment to the list created under Subsection (1) if:
(a) a person submits an application under Section 73–6a–304; and
(b) the board:
(i) meets the notice and meeting requirements of Section 73–6a–304; and
(ii) determines that the public water segment meets the criteria established in Subsection 73–6a–303(1).

(3) By rule, the board may remove a public water segment from the list created under Subsection (1) if:
(a) a person submits an application under Section 73–6a–304; and
(b) the board:
(i) meets the notice and meeting requirements of Section 73–6a–304; and
(ii) determines that the public water segment meets the criteria established in Subsection 73–6a–303(2).

5. Page 12, Lines 347 through 350:

73–6a–303. Criteria for a recommendation by the Recreational Access Board.

(1) { Upon application, the board may recommend the Legislature include a public water in the list provided in Section 73–6a–202 } The board may add a public water segment to the list created by rule under Section 73–6a–302 if the public water:

6. Page 13, Line 368:

(2) { Upon application, the board may } The board may remove a public water segment from the list created by rule under
Section 73–6a–302 or recommend the Legislature remove a public water

7. Page 13, Lines 384 through 386:

384 (1) (a) A person may submit to the board:
   (i) a recreational access application fee; and
   (ii) a written, signed application requesting that the board:

385 application fee to the board petitioning to either include or exclude
one requesting that the board:
   (i) add a public water segment to the list created by rule under
Section 73–6a–302;

386 (ii) remove a public water segment from the list created by rule
under Section 73–6a–302; or

(iii) recommend the Legislature remove a public water segment

Representatives McIff, K. Gibson and Johnson commented. The motion was divided. Amendment #1 failed on the following roll call:

Yeas, 36; Nays, 39; Absent or not voting, 0.

Voting in the affirmative were: Representatives
Allen        Beck        Bird        Biskupski
Black        Chavez–Houck Cosgrove  Daw
Dee          Dougall     Draxler     S Duckworth
Dunnigan     Edwards     Janice Fisher Julie Fisher
Garn         F Gibson     Hansen     Hemingway
Hunsaker     Johnson     King        Litvack
Moss         Poulson     Powell      Riesen
Sandstrom    Seegmiller Seelig      Vickers
Watkins      Wheatley    Wilcox     Wiley

Voting in the negative were: Representatives
Aagard       Barrus      Bigelow     Brown
S. Clark     Ferry       Fowlke     Frank
Froerer      K Gibson    Gowans     Greenwood
Grover       Harper      Hendrickson Herrod
Holdaway     Hughes      Hutchings  Ipson
Kiser        Last        Lockhart   Mascaro
Mathis       McIff      Menlove    Morley
Amendment numbers 2–7 failed on the following roll call:

**Yeas, 30; Nays, 43; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

- Allen
- Black
- S. Duckworth
- Harper
- King
- Powell
- Seelig
- Wilcox
- Beck
- Chavez–Houck
- Edwards
- Hemingway
- Litvack
- Riesen
- Vickers
- Wiley
- Bird
- Cosgrove
- Janice Fisher
- Hunsaker
- Moss
- Sandstrom
- Watkins
- Biskupski
- Draxler
- Julie Fisher
- Johnson
- Poulson
- Seegmiller
- Wheatley

**Voting in the negative were:** Representatives

- Aagard
- S. Clark
- Dunnigan
- Garn
- Greenwood
- Herrod
- Kiser
- Mathis
- Newbold
- Ray
- Wimmer
- Barrus
- Daw
- Ferry
- F Gibson
- Grover
- Holdaway
- Last
- McIff
- Noel
- Sumasion
- Winn
- Bigelow
- Dee
- Fowlke
- K Gibson
- Hansen
- Hutchings
- Lockhart
- Menlove
- Oda
- Wallis
- D. Clark
- Brown
- Dougall
- Frank
- Gowans
- Hendrickson
- Ipson
- Mascaro
- Morley
- Painter
- Webb

**Absent or not voting were:** Representatives

- Froerer
- Hughes

###

Representative Brown proposed the following amendment:

1. Page 4, Line 103:
   - Delete “;” and insert “covered with water and”

2. Page 4, Line 104:
   - Delete line 104
3. Page 4, Line 105:
   Delete “(b) beneath” and insert “up to”

Representative Fowlke proposed the following substitute motion to amend:

1. Page 1, Lines 19 through 20
   19   authorizes a person to engage in certain recreational activities in { specified } public
   20   waters; and

2. Page 1, Line 22 through Page 2, Line 27:
   22   { specified } public waters { ; } { specifies the public waters on certain private property in which a person may engage
   23   in a recreational activity;
   24   creates a Recreational Access Board;
   25   establishes membership and duties for the Recreational Access Board; and
   26   establishes procedures for applications to the Recreational Access Board. }

3. Page 2, Lines 36 through 37:
   36   { 63–34–3, as last amended by Laws of Utah 1996, Chapter 159
   37   63I–1–273, as last amended by Laws of Utah 2008, Chapters 148, 311 and renumbered }

4. Page 2, Line 43:
   43   { 73–6a–202, Utah Code Annotated 1953 }

5. Page 2, Lines 47 through 50:
   47   { 73–6a–303, Utah Code Annotated 1953
   48   73–6a–304, Utah Code Annotated 1953
   49   73–6a–401, Utah Code Annotated 1953
   50   73–6a–402, Utah Code Annotated 1953 }
6. Page 3, Line 66 through Page 4, Line 95:

{ Section 2. Section 63–34–3 is amended to read:

63–34–3. Department of Natural Resources created — Boards, councils, and divisions within department.

(1) There is created within state government the Department of Natural Resources.

(2) The Department of Natural Resources comprises the following boards, councils, and divisions:

(a) Board of Water Resources;
(b) Forestry, Fire and State Lands Advisory Council;
(c) Board of Oil, Gas and Mining;
(d) Board of Parks and Recreation;
(e) Wildlife Board;
(f) Riverway Enhancement Advisory Council;
(g) Board of the Utah Geological Survey;
(h) Water Development Coordinating Council;
(i) Division of Water Rights;
(j) Division of Water Resources;
(k) Division of Forestry, Fire and State Lands;
(l) Division of Oil, Gas and Mining;
(m) Division of Parks and Recreation;
(n) Division of Wildlife Resources; [and]
(o) Utah Geological Survey[.]; and
(p) Recreational Access Board, created in Section 73–6a–301.

Section 3. Section 63I–1–273 is amended to read:

63I–1–273. Repeal dates, Title 73.

(1) Title 73, Chapter 27, State Water Development Commission, is repealed December
(2) The instream flow water right for trout habitat established in Subsection 73–3–30(3) is repealed December 31, 2018.

(3) Title 73, Chapter 6a, Part 3, Recreational Access Board, is repealed July 1, 2015.

Section 73–6a–101 is enacted to read:

7. Page 4, Line 100:

Section 73–6a–102 is enacted to read:

8. Page 4, Lines 103 through 117:

(1) “Bed” means an area that is (a) adjacent within five feet of a water body; and (b) beneath the ordinary high water mark.

(2) “Board” means the Recreational Access Board created in Section 73–6a–301.

(3) “Indian land” means land that is:

(a) held in trust by the United States for an Indian tribe or a member of an Indian tribe;

or

(b) owned by an Indian or Indian tribe and is subject to restrictions against alienation.

(4) “Indian tribe” means any Indian tribe, band, nation, pueblo, or other organized group or community that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(5) “Navigable water body” means a natural watercourse that is useful for commerce in the water body’s ordinary condition in the customary modes of trade and travel as of January 4.
“Ordinary high water mark” means the line that a water body impresses on the soil.

“Permission” is as defined in Section 23–20–14.

“Private bed” means the bed of a water body that is not a navigable water body.

“Private water” means water that a person, with a valid right to use the water, has

“Property to which access is restricted” means real property.

“Public water” means water:

“Recreational activity” means an activity that is:

engaging in an activity listed in Subsection

“Single family dwelling” means a structure constructed and customarily occupied by one or more persons for the principle use as a single unit of residential housing.

“Single family dwelling” does not include a:

(i) mobile home;

(ii) trailer;

(iii) duplex;
(iv) multi-unit apartment building;
(v) commercial structure;
(vi) outbuilding;
(vii) barn;
(viii) shed; or
(ix) structure with a purpose similar to the structures listed in Subsections (13)(b)(i) through (viii), regardless of human occupancy.

"Vessel" means a watercraft capable of floating and transporting a person on the

15. Page 6, Line 172:
Section 6. Section 73-6a-201 is enacted to read:

16. Page 7, Lines 182 through 184:
(a) on or within a public water:
(i) listed in Section 73-6a-202; and
(ii) located on or adjacent to property to which access is restricted; and

17. Page 8, Line 214 through Page 9, Line 273:
Section 7. Section 73-6a-202 is enacted to read:
73-6a-202. Public waters available for recreational use.
As authorized by Section 73-6a-201, a person may engage in a recreational activity on
or in the following public waters, except where the public water flows over Indian land:
(1) Bear River from the Idaho state line in Cache County to the Great Salt Lake in Box Elder County;
(2) Little Bear River from the outlet of Porcupine Reservoir downstream to Highway 30.
(3) Logan River from Highway 30 upstream to the United States Forest Service boundary line in Logan Canyon;

(4) Price River from the confluence with the White River and Lower Fish Creek downstream to the State Road 10 bridge;

(5) Jordan River from Utah Lake to the Great Salt Lake;

(6) Duchesne River from the Highway 40 bridge in Myton upstream to the United States Forest Service boundary line the North Fork and West Fork of the Duchesne River;

(7) Strawberry River from the confluence with the Duchesne River upstream to the Strawberry Reservoir dam;

(8) Sevier River from the confluence with Asay Creek south of the Highway 89 bridge downstream to Yuba Reservoir;

(9) Weber River from the confluence with the Gardners Fork in Summit County near the United States National Forest Service Road 138 downstream to the confluence with the Ogden River;

(10) Bear River from the Wyoming state line east of Woodruff downstream to the Wyoming state line northeast of Sage Creek Junction;

(11) Bear River from the Wyoming state line upstream to the confluence with the East Fork of the Bear River;

(12) Provo River from Utah Lake upstream to the Soapstone Guard Station off State Road 150 in Wasatch County;

(13) Ogden River from the Pineview Reservoir dam to the Great Salt Lake;
(14) South Fork of the Ogden River from Pineview Reservoir upstream to the Causey Reservoir dam;

(15) Lower Sevier River from the Yuba dam downstream to Sevier Lake;

(16) White River from the Colorado state line in Uintah County downstream to the confluence with the Green River;

(17) Blacksmith Fork River from the State Road 165 bridge upstream to Lions Hollow;

(18) Logan River from the Red Banks Campground to the Idaho state line;

(19) Currant Creek from the confluence with the Strawberry River upstream to United States Forest Service boundary line;

(20) Lake Fork River upstream from the Highway 87 bridge to United States Forest Service boundary line;

(21) Diamond Fork from the confluence with Spanish Fork River upstream to United States Forest Service boundary line;

(22) East Fork of the Sevier River from the Garfield County and Kane County line to the confluence with the Sevier River;

(23) East Canyon Creek from the confluence with the Weber River upstream to the Interstate 80 bridge;

(24) Lost Creek from the Lost Creek Reservoir dam downstream to the confluence with the Weber River;

(25) Thistle Creek from the confluence with Spanish Fork River upstream to the confluence with Nebo Creek;
(26) Beaver River from Minersville Reservoir downstream to the State Road 130 bridge in Minersville;
(27) Spanish Fork River from Utah Lake to the confluence with Thistle Creek at the Thistle mudslide dam;
(28) Fremont River from the State Road 24 bridge East of Loa to Capitol Reef National Park;
(29) Huntington Creek from the United States Forest Service boundary line in Huntington Canyon downstream to the State Road 10 bridge; and
(30) Lower Fish Creek from Scofield Dam to the confluence with the White River.

Section 8. Section 73–6a–203 is enacted to read:

Part 3. Recreational Access Board

(1) There is created within the Department of Natural Resources the Recreational Access Board — Creation — Membership.

(2) The board shall consist of:

(a) one member of the general public; and
(b) members nominated by the following interests:

(i) one individual from among nominees of the Department of Agriculture and Food;
(ii) one individual from among nominees of an organization that promotes the
agricultural industry;

(iii) one individual from among nominees of an organization that promotes private real property interests;

(iv) one individual from among nominees of the Division of Wildlife Resources;

(v) one individual who promotes floating on a vessel from among nominees of the Division of Parks and Recreation;

(vi) one individual from among nominees of an organization that promotes sport fishing;

(vii) one individual from among nominees of an organization that promotes conservation districts; and

(viii) one individual from among nominees of an organization that promotes the industry of outfitting a person to fish or float on a vessel.

(3) (a) Each nominating entity shall nominate at least two, but no more than four, individuals to the governor for the applicable position or vacancy that occurs on the board.

(b) The candidates nominated under Subsection (2) and the members appointed by the governor may not be:

(i) an employee of the nominating entity; or

(ii) a member of the Legislature.

(4) (a) Except as required by Subsection (4)(b), the governor shall appoint a member to a three-year term.

(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
time of appointment, adjust the length of terms to ensure that the terms of board members are staggered so at least three members are appointed each year.

(c) If a vacancy occurs, the nominating entity shall submit a list of nominees as provided in Subsection (3) to the governor and the governor shall appoint a replacement for the unexpired term.

(d) A board member may serve two terms unless the governor determines an additional term is necessary due to exceptional circumstances.

(5) (a) The board shall elect a chair and vice chair from its membership.

(b) Five members of the board shall constitute a quorum.

(c) A vote of the majority of the quorum at a meeting is necessary to take action on behalf of the board.

(d) The executive director of the Department of Natural Resources or the executive director’s designee shall act as secretary to the board but is not a voting member of the board.

(6) (a) The board shall hold a sufficient number of meetings each year to expeditiously conduct its business.

(b) A meeting may be called by the chair upon five days notice to the board members.

(c) A meeting may be held at the Salt Lake City office of the Department of Natural Resources or elsewhere in the state as determined by the board.

(7) (a) (i) A member who is not a government employee may not receive compensation or benefits for the member’s service, but may receive per diem and expenses incurred in the
performance of the member’s official duties at the rates established by the Division of Finance under Sections 63A–3–106 and 63A–3–107.

(ii) A member may decline to receive per diem and expenses for the member’s service.

(b) (i) A state government officer and employee member who does not receive salary, per diem, or expenses from the agency the member represents for the member’s service may receive per diem and expenses incurred in the performance of the member’s official duties at the rates established by the Division of Finance under Sections 63A–3–106 and 63A–3–107.

(ii) A state government officer and employee member may decline to receive per diem and expenses for the member’s service.

(8) The governor may remove at any time a member for:

(a) official misconduct; or

(b) habitual or willful neglect of duty.

Section 10. Section 73–6a–302 is enacted to read:


(1) The board shall determine if an application submitted under Section 73–6a–304 satisfies the criteria listed in Section 73–6a–303.

(2) Based on the determination under Subsection (1), the board may recommend the Legislature include or exclude a public water in the list provided in Section 73–6a–202.

Section 11. Section 73–6a–303 is enacted to read:

73–6a–303. Criteria for a recommendation by the Recreational Access Board.
(1) Upon application, the board may recommend the Legislature include a public water in the list provided in Section 73–6a–202 if the public water:

(a) has a year-round water depth and flow capable of providing an opportunity to engage in a recreational activity;

(b) (i) has historically provided and continues to provide a recreational activity for the public; or

(ii) (A) was closed to public access after May 12, 1989, by the owner of the property on which the public water is located; and

(B) (I) was open to public access for at least 20 years prior to the closure described in Subsection (1)(b)(ii)(A); and

(II) was freely, notoriously, and continuously used by the public:

(Aa) without permission of the owner of the property on which the public water is located; and

(Bb) to an extent and under circumstances that the owner of the property on which the public water is located would reasonably recognize the need to protect vulnerable property rights;

(c) is of a nature that extending the authorization provided by this chapter will not unreasonably impair the bed owner’s property rights; and

(d) does not meet the description in Subsection (2)(b).

(2) Upon application, the board may recommend the Legislature remove a public water or a segment of a public water from the list provided in Section 73–6a–202 if:
(a) the public water does not meet the criteria described in Subsection (1); or

(b) as of May 12, 2009:

(i) the public water is within the incorporated limits of a municipality;

(ii) legal public access, other than provided by this chapter, is not available on:

(A) the public water’s surface;

(B) the public water’s bed; or

(C) between the public water’s bed and the single family dwellings described in this Subsection (2);

(iii) four or more single family dwellings are located within a 150–yard segment of the public water; and

(iv) each of the single family dwellings in Subsection (2)(b)(iii) is located 100 feet or less from the bed.

{ Section 12. Section 73–6a–304 is enacted to read:

73–6a–304. Application and procedures.

(1) (a) A person may submit a written, signed application with the recreational access application fee to the board petitioning to either include or exclude one public water segment on or from the list provided in Section 73–6a–202.

(b) The application shall contain the following information:

(i) the applicant’s name, address, and phone number;

(ii) a detailed description of the one public water segment that is the subject of the application, including the sections, township, and range where the public water is located;

(iii) a clear and concise statement identifying the relief sought;
(iv) an explanation of the facts and circumstances justifying the relief sought based on the criteria provided in Section 73–6a–303; and
(v) the name and current address of each person or entity owning real property abutting or underlying the segment of the public water that is the subject of the application.

(2) The recreational access application fee shall consist of:
(a) the fee set by the Department of Natural Resources under Section 63–34–5; and
(b) the actual cost of notification required by Subsection (3)(a).

(3) (a) Upon receipt of an application, the board shall notify by certified mail:
(i) each county or municipality in which the segment of the public water is located; and
(ii) each person owning real property abutting or underlying the segment of the public water that is the subject of the application.

(b) The notice required by Subsection (3)(a) shall state that:
(i) the board has received an application; and
(ii) the recipient may file with the board a written response within 30 days of receipt of the notice.

(c) The board shall schedule a meeting no sooner than 45 days following mailing of the last notice required by this section where the board:
(i) shall allow the applicant to orally present facts and arguments to the board in support of the application;
(ii) may accept and consider public comment at the meeting in support or opposition to the application;
(iii) shall discuss and consider the responses submitted by a person described in
Subsection (3)(a); and
(iv) shall enter a decision consistent with the requirements of this chapter either to
grant, deny, or grant in part the relief requested in the application.

Section 13 (6).
Section 73–6a–401 is enacted to read:
Part 4 Miscellaneous

Section 14 (7).
Section 73–6a–402 is enacted to read:

Landowner liability.

Representatives McIff and Powell commented. Representative Fowlke’s motion to amend failed on a voice vote.

Representative Brown’s motion to amend failed on the following roll call:

Yeas, 29; Nays, 45; Absent or not voting, 1.

Voting in the affirmative were: Representatives
Beck Bigelow Biskupski Black
Brown Chavez–Houck Cosgrove S Duckworth
Janice Fisher Froerer K Gibson Gowans
Hansen Harper Hemingway Hendrickson
Holdaway Johnson King Litvack
Moss Poulson Riesen Seelig
Vickers Watkins Wheatley Wiley
Winn

Voting in the negative were: Representatives
Aagard Allen Barrus Bird
S. Clark Daw Dee Dougall
Absent or not voting was: Representative Hughes

Representatives Noel, King, Vickers, Froerer, Allen, Mathis and McIff commented.

Representative Vickers declared a conflict of interest because he owns private property with a stream.

Representative Froerer declared a conflict of interest because he owns private property with a river.

2nd Sub. H.B. 187 failed to pass on the following roll call:

Yeas, 34; Nays, 41; Absent or not voting, 0.

Voting in the affirmative were: Representatives

Voting in the negative were: Representatives
2nd Sub. H.B. 187 was filed.

**MISCELLANEOUS BUSINESS**

On motion of Representative Garn, and at 4:10 p.m., the House voted to adjourn until March 4, 2009, at 9:00 a.m.
THIRTY−SEVENTH DAY

* * *

MORNING SESSION

The House was called to order by Speaker Clark at 9:00 a.m.

Roll call showed all members present.

Prayer offered by Reverend Handi Jo Dolloff–Holt, Trinity United Methodist. Pledge of Allegiance led by Jessi Zeidner, a guest of Representative Jen Seelig.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, the House voted that all bills which have not been reported out of House Standing Committees after the conclusion of their last scheduled meeting be reported back to the Rules Committee. Committee reports should indicate what, if any, action was taken by the committee.

COMMUNICATION FROM THE SENATE

Mr. Speaker:

March 3, 2009

The President of the Senate has signed 1st Sub. H.B. 68, DEVELOPMENT EXACTIONS, by Representative P. Painter, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communication filed. 1st Sub. H.B. 68 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

CONCURRENCE CALENDAR

On motion of Representative Ferry, the House voted to concur in the Senate amendments to H.B. 32, AMENDMENTS TO RULEMAKING REGARDING CRIMINAL PENALTIES.

H.B. 32, as amended by the Senate, passed on the following roll call:

Yeas, 69; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives
K Gibson Johnson McLff Moss
Oda Ray

H.B. 32, as amended by the Senate, transmitted to the Senate for signature of President.

***

On motion of Representative Kiser, the House voted to concur in the Senate amendments to H.B. 112, VEHICLE TOWING AMENDMENTS.

H.B. 112, as amended by the Senate, passed on the following roll call:

Y eas, 70; Nays, 1; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard Allen Beck Bigelow
Bird Biskupski Black Brown
Chavez–Houck Cosgrove Daw Dee
Dougall Draxler S Duckworth Dunnigan
Edwards Ferry Janice Fisher Julie Fisher
Fowlke Frank Froerer Garn
F Gibson K Gibson Gowans Greenwood
Grover Hansen Harper Hemingway
Hendrickson Herrod Holdaway Hughes

D. Clark
Voting in the negative was: Representative
Barrus

Absent or not voting were: Representatives
S. Clark McIff Moss Oda

H.B. 112, as amended by the Senate, transmitted to the Senate for signature of President.

***

On motion of Representative Fowlke, the House voted to concur in the Senate
amendments to 1st Sub. H.B. 329, WRONGFUL DEATH CLAIMS.

1st Sub. H.B. 329, as amended by the Senate, passed on the following roll
call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez−Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Froerer Garn F Gibson K Gibson
Gowans Greenwood Grover Hansen
Harper Hemingway Hendrickson Herrod
Holdaway Hughes Hunsaker Hutchings
Ipson Johnson King Kiser
Last Litvack Lockhart Mascaro
Mathis Menlove Morley Newbold
Wheatley Wilcox Wiley Wimmer
Winn D. Clark
Absent or not voting were: Representatives
McIff    Moss    Oda

1st Sub. H.B. 329, as amended by the Senate, transmitted to the Senate for signature of President.

***

On motion of Representative Allen, the House voted to concur in the Senate amendments to 1st Sub. H.J.R. 1, RESOLUTION URGING THE WITHDRAWAL OF UNITED STATES’ WORLD TRADE ORGANIZATION COMMITMENT ON GAMBLING.

1st Sub. H.J.R. 1, as amended by the Senate, passed on the following roll call:

Yeas, 71; Nays, 2; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Aagard    Allen    Barrus    Beck
Bigelow    Bird    Biskupski    Black
Brown    Chavez–Houck    S. Clark    Cosgrove
Daw    Dee    Dougall    Draxler
S Duckworth    Dunnigan    Edwards    Ferry
Janice Fisher    Julie Fisher    Fowlke    Frank
Froerer    Garn    K Gibson    Gowans
Greenwood    Grover    Hansen    Harper
Hemingway    Hendrickson    Herrod    Holdaway
Hughes    Hunsaker    Hutchings    Ipson
Johnson    King    Kiser    Last
Litvack    Lockhart    Mascaro    Mathis
McIff    Menlove    Morley    Moss
Newbold    Noel    Oda    Painter
Poulson    Powell    Ray    Riesen
Sandstrom    Seegmiller    Seelig    Sumsion
Vickers    Wallis    Watkins    Webb
Wheatley    Wimmer    D. Clark
Voting in the negative were: Representatives
F Gibson Wilcox

Absent or not voting were: Representatives
Wiley Winn

1st Sub. H.J.R. 1, as amended by the Senate, transmitted to the Senate for signature of President.

CORRECTED COMMITTEE REPORT

Mr. Speaker: March 2, 2009

The Revenue and Taxation Committee reports a favorable recommendation on 1st Sub. S.B. 132, INDIVIDUAL INCOME TAX CONTRIBUTION FOR METHAMPHETAMINE HOUSING RECONSTRUCTION AND REHABILITATION FUND, by Senator K. Mayne, with the following amendments and, due to fiscal impact, recommends it be referred to the Rules Committee for prioritization.

1. Page 1, Line 22:
   After “for” delete “the” and insert “a”

2. Page 1, Line 23:
   Delete “2009” and insert “2010”

3. Page 7, Line 187:
   After “for” delete “the” and insert “a”

4. Page 7, Line 188:
   Delete “2009” and insert “2010”

   Todd E. Kiser, Chair

Report filed. On motion of Representative Kiser, the report of the Revenue and Taxation committee was adopted.

1st Sub. S.B. 132, as amended, read the second time by short title and referred to the Rules Committee due to fiscal impact.

CONSENT CALENDAR

H.B. 449, VETERANS NURSING HOME AMENDMENTS, Hughes, read the third time by short title and placed on its final passage.

H.B. 449 passed on the following roll call:
Yeas, 73; Nays, 0; Absent or not voting, 2.

**Voting in the affirmative were:** Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Fowlke  Frank
Froerer  F Gibson  K Gibson  Gowans
Greenwood  Grover  Hansen  Harper
Hemingway  Hendrickson  Herrod  Holdaway
Hughes  Hunsaker  Hutchings  Ipson
Johnson  King  Kiser  Last
Litvack  Lockhart  Mascaro  Mathis
McIff  Menlove  Morley  Moss
Newbold  Noel  Oda  Painter
Poulson  Powell  Ray  Riesen
Sandstrom  Seegmiller  Seelig  Sumision
Vickers  Wallis  Watkins  Webb
Wheatley  Wilcox  Wiley  Wimmer
D. Clark

**Absent or not voting were:** Representatives

Garn  Winn

H.B. 449 transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

S.B. 156, GIFTS AND MEAL PROVISIONS FOR PUBLIC OFFICIALS, Dee, read the third time by short title and placed on its final passage.

Representative Litvack commented.

Representative Holdaway proposed the following amendment:

   Before “party” insert “political”

   Before “party” insert “political”

Representative Dunnigan commented. Representative Holdaway’s motion to amend failed on a voice vote.
Representatives Hansen and Powell commented.

**S.B. 156** passed on the following roll call:

**Yeas, 74; Nays, 1; Absent or not voting, 0.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative was:** Representative Hansen

**S.B. 156** was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

**MISCELLANEOUS BUSINESS**

On motion of Representative Garn, the House voted to reconsider its action on **1st Sub. H.B. 145** and it was placed at the top of the House Third Reading Calendar.

**THIRD READING CALENDAR**

**S.B. 162, USE OF CAMPAIGN FUNDS AMENDMENTS, Dougall**, read the third time by short title and placed on its final passage.
S.B. 162 passed on the following roll call:

**Yeas, 74; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

- Aagard
- Allen
- Barrus
- Beck
- Bigelow
- Bird
- Biskupski
- Black
- Brown
- Chavez–Houck
- S. Clark
- Cosgrove
- Daw
- Dee
- Dougall
- Draxler
- S Duckworth
- Dunnigan
- Edwards
- Janice Fisher
- Julie Fisher
- Fowlke
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- Powell
- Ray
- Riesen
- Sandstrom
- Seegmiller
- Seelig
- Sumasion
- Vickers
- Wallis
- Watkins
- Webb
- Wheatley
- Wilcox
- Wiley
- Wimmer
- Winn
- D. Clark

**Absent or not voting was:** Representative

- Ferry

S.B. 162 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

**S.B. 152, LEGISLATIVE MANAGEMENT POWERS, D. Clark,** read the third time by short title and placed on its final passage.

Representative Hendrickson proposed the following amendment:

1. Page 3, Lines 68 through 71a
   Senate 3rd Reading Amendments 2–27–2009
   68 (4) The (a) During each annual general session of the Legislature, the Legislature may direct the legislative general counsel in matters involving the Legislature’s participation in litigation
by means of a joint resolution.

(b) During all other times, the Legislature may delegate to the Legislative Management Committee the authority to initiate, respond to, intervene in, or otherwise participate in any judicial, administrative, or other proceeding on behalf of and in the name of the Legislature as a whole, in order to assert or defend an interest of the Legislature.

71a legislative general counsel in matters involving the Legislature’s participation in litigation, which direction shall be authorized by a majority vote of the committee.

Representatives Brown, Dunnigan, King, Hansen, Fowlke, Holdaway and Julie Fisher commented. Representative Hendrickson’s motion to amend failed on a voice vote.

Representatives F. Gibson, Hendrickson and Litvack commented.

S.B. 152 passed on the following roll call:

Yeas, 70; Nays, 5; Absent or not voting, 0.

Voting in the affirmative were: Representatives

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Voters in the negative were:

Representatives
Allen  Brown  S Duckworth  Hansen
Hendrickson

S.B. 152 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

S.B. 64, ADMINISTRATIVE RULES REVIEW COMMITTEE, Ferry, read the third time by short title and placed on its final passage.

Representative Holdaway commented.

On motion of Representative Bigelow, the House voted to circle S.B. 64.

* * *

S.B. 39, IMMIGRATION AMENDMENTS, Dee, read the third time by short title and placed on its final passage.

S.B. 39, as amended, passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voters in the affirmative were:

Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Dougall  Draxler  S Duckworth
Dunnigan  Edwards  Ferry  Janice Fisher
Julie Fisher  Fowlke  Frank  Froerer
F Gibson  Gowans  Greenwood  Grover
Hansen  Harper  Hemingway  Hendrickson
Herrod  Holdaway  Hughes  Hunsaker
Hutchings  Ipson  Johnson  King
Kiser  Last  Litvack  Lockhart
Mascaro  Mathis  McIff  Menlove
Morley  Moss  Newbold  Noel
Oda  Painter  Poulson  Powell
Absent or not voting were: Representatives
Brown Garn K Gibson Wimmer

S.B. 39, as amended, returned to the Senate for further consideration.

* * *

1st Sub. S.B. 116, CRIMINAL PENALTY AND PROSECUTION AMENDMENTS, Oda, read the third time by short title and placed on its final passage.

1st Sub. S.B. 116 passed on the following roll call:

Yeas, 69; Nays, 1; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Bigelow
Biskupski Black Chavez–Houck S. Clark
Cosgrove Daw Dee Dougall
Draxler S Duckworth Dunnigan Edwards
Ferry Janice Fisher Julie Fisher Frank
Froerer F Gibson Gowans Greenwood
Grover Hansen Harper Hemingway
Hendrickson Herrod Holdaway Hughes
Hunsaker Hutchings Ipson Johnson
King Kiser Last Litvack
Lockhart Mascaro Mathis McIff
Menlove Morley Moss Newbold
Noel Oda Painter Poulson
Powell Ray Riesen Sandstrom
Seegmiller Seelig Sumasion Vickers
Wallis Watkins Webb Wheatley
Wilcox Wiley Wimmer Winn
D. Clark

Voting in the negative was: Representative
Fowlke
Absent or not voting were: Representatives
Beck Bird Brown Garn
K Gibson

1st Sub. S.B. 116 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

1st Sub. S.B. 165, STATUTE OF LIMITATION REVISIONS, Wimmer, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

Representatives Fowlke and Powell commented. 1st Sub. S.B. 165 passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Froerer Garn
F Gibson K Gibson Gowans Greenwood
Grover Hansen Harper Hemingway
Hendrickson Herrod Holdaway Hughes
Hunsaker Hutchings Ipson Johnson
King Kiser Last Litvack
Lockhart Mascaro Mathis McIff
Menlove Morley Moss Newbold
Noel Oda Painter Poulson
Powell Ray Riesen Sandstrom
Seegmiller Seeig Sumasion Vickers
Wallis Watkins Webb Wheatley
Wilcox Wiley Wimmer Winn
D. Clark

Absent or not voting were: Representatives
Bird Frank

1st Sub. S.B. 165 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.
1st Sub. S.B. 21, STATE AND LOCAL HEALTH AUTHORITIES AMENDMENTS, S. Clark, read the third time by short title and placed on its final passage.

1st Sub. S.B. 21 passed on the following roll call:

Yeas, 60; Nays, 12; Absent or not voting, 3.

Voting in the affirmative were: Representatives

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Voting in the negative were: Representatives

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Absent or not voting were: Representatives

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1st Sub. S.B. 21 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

S.B. 120, WORKERS’ COMPENSATION ACT – MEDICAL REPORTS, Morley, read the third time by short title and placed on its final passage.

S.B. 120 passed on the following roll call:
Yeas, 73; Nays, 0; Absent or not voting, 2.

**Voting in the affirmative were:** Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Dougall  Draxler  S Duckworth
Dunnigan  Edwards  Ferry  Janice Fisher
Julie Fisher  Fowlke  Frank  Froerer
Garn  F Gibson  K Gibson  Gowans
Greenwood  Grover  Hansen  Harper
Hemingway  Hendrickson  Herrod  Holdaway
Hunsaker  Hutchings  Ipson  Johnson
King  Kiser  Last  Litvack
Lockhart  Mascaro  Mathis  McIff
Menlove  Morley  Moss  Newbold
Noel  Oda  Painter  Poulsen
Powell  Ray  Riesen  Sandstrom
Seegmiller  Seelig  Sumson  Vickers
Wallis  Watkins  Webb  Wheatley
Wilcox  Wiley  Wimmer  Winn
D. Clark

**Absent or not voting were:** Representatives

Bird  Hughes

S.B. 120 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

S.B. 133, ABUSE OR NEGLECT OF A DISABLED CHILD, Sandstrom, read the third time by short title and placed on its final passage.

S.B. 133 passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

**Voting in the affirmative were:** Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Chavez–Houck  S. Clark  Cosgrove  Daw
Dougall  Draxler  S Duckworth  Dunnigan
Absent or not voting were: Representatives
Brown Dee Julie Fisher Greenwood
Hughes

S.B. 133 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

***

S.B. 160, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, Garn, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle S.B. 160.

***

S.B. 173, EMOTIONAL SUPPORT ANIMALS AND PSYCHIATRIC THERAPY ANIMALS, Grover, read the third time by short title and placed on its final passage.

Representatives Sandstrom and Seegmiller commented. S.B. 173 passed on the following roll call:

Yeas, 62; Nays, 9; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Brown S. Clark
Voting in the negative were: Representatives
Biskupski Black Chavez–Houck S Duckworth
Janice Fisher Johnson King Moss
Seelig

Absent or not voting were: Representatives
Draxler Hughes Sumsion D. Clark

S.B. 173 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

***

S.B. 98, MOTOR FUEL THEFT PENALTIES, Noel, read the third time by short title and placed on its final passage.

Representative Harper commented. S.B. 98 passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Chavez–Houck S. Clark Cosgrove Dow
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Frank Froerer
F Gibson K Gibson Gowan Greenwood

Voting in the negative were: Representatives
Biskupski Black Chavez
Houck S Duckworth
Janice Fisher Johnson King Moss
Seelig

Absent or not voting were: Representatives
Draxler Hughes Sumsion D. Clark
S.B. 98 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

**UNFINISHED BUSINESS**

On motion of Representative Dee, the House voted to uncircle S.B. 160.

**S.B. 160. UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, Dee, was before the House on its final passage.**

S.B. 160 passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

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Absent or not voting were: Representatives

Brown       Garn       Hughes
Absent or not voting were: Representatives
Ferry Janice Fisher Hughes Litvack

S.B. 160 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

THIRD READING CALENDAR

1st Sub. S.C.R. 3. CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE WORK OF THE UTAH COUNCIL ON FINANCIAL AND ECONOMIC EDUCATION, Hughes, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle 1st Sub. S.C.R. 3.

* * *

S.B. 102, SHARE THE ROAD SPECIAL GROUP LICENSE PLATE, Kiser, read the third time by short title and placed on its final passage.

S.B. 102 passed on the following roll call:

Yeas, 47; Nays, 23; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bird Biskupski Black Chavez–Houck
Cosgrove Daw Draxler Edwards
Janice Fisher Julie Fisher Fowlke Froerer
Greenwood Grover Hemingway Herrod
Holdaway Hunsaker Ipson Johnson
King Kiser Last Litvack
Mascaro Menlove Moss Noel
Painter Poulsen Powell Ray
Riesen Sandstrom Seegmiller Seelig
Vickers Watkins Webb Wheatley
Wiley Winn D. Clark
Voting in the negative were: Representatives
Bigelow
S Duckworth
K Gibson
Hendrickson
McIff
Sumasion
Brown
Dunnigan
Gowans
Hutchings
Morley
Wilcox
Dee
Frank
Hansen
Lockhart
Newbold
Wimmer
Dougall
Garn
Harper
Mathis
Oda

Absent or not voting were: Representatives
S. Clark
Ferry
S.B. 102 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 4, 2009

The Senate passed, as amended, S.B. 11, INCEST AMENDMENTS, by Senator D. Stowell, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 82, LOCAL HEALTH AUTHORITY FUNDING AMENDMENTS, by Senator D. Stowell, and it is transmitted for consideration; and

The Senate passed, as substituted, 4th Sub. S.B. 83, CONDEMNATION AMENDMENTS, by Senator D. Stowell, and it is transmitted for consideration; and

The Senate passed, as substituted, 1st Sub. S.B. 155, ADOPTION EXCEPTION TO CUSTODY AND VISITATION FOR PERSONS OTHER THAN PARENTS, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 157, PROPERTY TAXATION AND REGISTRATION OF AIRCRAFT, by Senator M. Madsen, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended 2nd Sub. S.B. 176, CIVIL FEES IN SMALL CLAIMS COURTS AMENDMENTS, by Senator J. Greiner, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 205, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS, by Senator C. Bramble, and it is transmitted for consideration; and
The Senate passed **S.B. 213**, RESTAURANT NUTRITION LABELING, by Senator H. Stephenson, and it is transmitted for consideration; and

The Senate passed, as substituted, **1st Sub. S.J.R. 16**, JOINT RESOLUTION SUPPORTING NUCLEAR POWER, by Senator D. Hinkins, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate


**REPORTS OF STANDING COMMITTEES**

Mr. Speaker: March 3, 2009

The Judiciary Committee reports a favorable recommendation on **1st Sub. H.B. 326**, FORCIBLE ENTRY AND DETAINER AMENDMENTS, by Representative L. Fowlke; and

The Judiciary Committee reports a favorable recommendation on **H.B. 455**, COURT SECURITY RESTRICTED ACCOUNT, by Representative E. Hutchings; and

The Judiciary Committee reports a favorable recommendation on **S.B. 154**, JUVENILE COURT JUDGE – FIFTH DISTRICT, by Senator S. Urquhart, and, due to fiscal impact, recommends it be referred to the Rules Committee for prioritization; and

The Judiciary Committee reports a favorable recommendation on **S.B. 243**, JUDICIAL PERFORMANCE EVALUATION COMMISSION MODIFICATIONS, by Senator D. C. Buttars.

Lorie D. Fowlke, Chair

Reports filed. On motion of Representative Fowlke, the reports of the Judiciary committee were adopted.


**S.B. 154** read the second time by short title and referred to the Rules Committee due to fiscal impact.
Mr. Speaker: March 3, 2009

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 376**, REVISIONS TO ALCOHOLIC BEVERAGE CONTROL ACT, by Representative G. Hughes, with the following amendments:

1. Page 7, Lines 193 through 195:

   193 [(d) (iv) a combination of Subsections (26)(a)(i) through [(c)]
   (iii): (or ) and
   194 (b) exhibits plain and easily observed outward manifestations of behavior or physical
   195 signs produced by the over consumption of an alcoholic beverage.

Douglas C. Aagard, Chair

Reports filed. On motion of Representative Aagard, the report of the Law Enforcement and Criminal Justice committee was adopted.

**H.B. 376**, as amended, read the second time by short title and referred to the Rules Committee for prioritization.

***

Mr. Speaker: March 3, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 173**, OUTDOOR GUIDES AND OUTFITTERS LICENSING ACT, by Representative E. Vickers, et al, with the following amendments:

1. Page 3, Lines 71 through 72:

   71 (b) “Wildlife related activity” does not include ;
   (i) fishing, angling, seining, or
   72 photographing ; or
   (ii) activities undertaken by the Division of Wildlife Resources or its employees, associates, volunteers, contractors, or agents under authority granted in Title 23, Wildlife Resources Code of Utah

2. Page 3, Lines 76 through 79:

   76 (1) There is created the Outdoor Guides and Outfitters Licensing Board consisting of
seven four persons licensed in accordance with this chapter and one member of the Wildlife Board

selected by the Wildlife Board or { an employee of the Division of Wildlife Resources } a person appointed

by the Wildlife Board; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 437, OBSTRUCTION OF NATURAL RESOURCE OR AGRICULTURAL PRODUCTION, by Representative M. Noel; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 128, RAINWATER HARVESTING, by Senator S. Jenkins.

Roger E. Barrus, Chair

Reports filed. On motion of Representative Barrus, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.


***

Mr. Speaker: March 3, 2009

The Transportation Committee reports a favorable recommendation on H.B. 284, SMOKING BAN IN MOTOR VEHICLE, by Representative F.J. Seegmiller; and

The Transportation Committee has returned H.B. 359, INFORMATION FOR TEMPORARY LICENSE PLATES, by Representative E. Hutchings, to the Rules Committee for interim study; and

The Transportation Committee reports a favorable recommendation on 1st Sub. S.B. 147, DRIVER LICENSE REVISIONS, by Senator L. Hillyard, et al, with the following amendments:

1. Page 5, Lines 142a through 142b

Senate 2nd Reading Amendments 2–24–2009:

142a §⇒(II) the physician is not aware of any physical, emotional, or mental impairment that

142b would affect the person’s ability to operate a motor vehicle safely { z } ; and ⇐§; and
The Transportation Committee reports a favorable recommendation on **1st Sub. S.B. 149**, PROHIBITION OF TEXT MESSAGING OR ELECTRONIC MAIL COMMUNICATION WHILE DRIVING, by Senator L. Hillyard, and, due to fiscal impact, recommends it be referred to the Rules Committee for prioritization; and

The Transportation Committee reports a favorable recommendation on **S.B. 172**, UNDERINSURED MOTORIST COVERAGE AMENDMENTS, by Senator S. Urquhart.

Bradley M. Daw, Chair

Reports filed. On motion of Representative Daw, the reports of the Transportation committee were adopted.

**H.B. 284, 1st Sub. S.B. 147**, as amended, and **S.B. 172** read the second time by short title and referred to the Rules Committee for prioritization.

**H.B. 359** read the second time by short title and returned to the Rules Committee.

**1st Sub. S.B. 149** read the second time by short title and referred to the Rules Committee due to fiscal impact.

* * *

Mr. Speaker: March 4, 2009

The Government Operations Committee reports a favorable recommendation on **H.B. 362**, GOVERNMENT RECORDS AMENDMENTS, by Representative G. Hughes; and

The Government Operations Committee has returned **H.B. 414**, EMINENT DOMAIN MODIFICATIONS, by Representative C. Frank, to the Rules Committee; and

The Government Operations Committee reports a favorable recommendation on **S.B. 54**, UNIFORM LAW – UNIFORM ASSIGNMENT OF RENTS ACT, by Senator R. Romero; and

The Government Operations Committee reports a favorable recommendation on **S.B. 161**, REPEAL OF MAXIMUM CHARGE TO PUBLISH LEGAL NOTICE, by Senator K. Van Tassell; and

The Government Operations Committee reports a favorable recommendation on **S.J.R. 8**, JOINT RESOLUTION REGARDING
ELIGIBILITY FOR LEGISLATIVE OFFICE, by Senator S. McCoy, and, due to fiscal impact, recommends it be referred to the Rules Committee for prioritization.

Craig A. Frank, Chair
Reports filed. On motion of Representative Frank, the reports of the Government Operations committee were adopted.


H.B. 414 read the second time by short title and returned to the Rules Committee.

* * *

Mr. Speaker: March 4, 2009

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 378, CIRCUIT BREAKER AMENDMENTS, by Representative T. Cosgrove; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 14, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, by Senator L. Hillyard, with the following amendments and, due to fiscal impact, recommends it be referred to the Rules Committee for prioritization.

1. Page 9, Lines 262a through 263
   Senate 2nd Reading Amendments 2–24–2009:
   262a § (3) (a) The office may issue up to:
   262b { (a) } (i) $7,793,700 in tax credit certificates in a fiscal year under this part; and
   262c { (b) } (ii) $2,206,300 in motion picture cash rebates in a fiscal year under this part.
   (b)(i) The tax credit amount under Subsection (3)(a) is available for fiscal years 2010 and 2011.
   (ii) Issuance of a tax credit certificate in subsequent years is subject to authorization by the Legislature.
   (c) If the total amount of tax credit certificates issued in a fiscal year is less than the amount authorized under this Subsection (3), the remaining amount is nonlapsing and may be issued in a subsequent fiscal year.
Section 6. Section 63M–1–1804 is repealed and reenacted to read:

Todd E. Kiser, Chair

Reports filed. On motion of Representative Kiser, the reports of the Revenue and Taxation committee were adopted.

**H.B. 378** and **S.B. 14**, as amended, read the second time by short title and referred to the Rules Committee for prioritization.

***

Mr. Speaker: March 4, 2009

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 430**, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS, by Representative K. Garn; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 457**, TRUTH IN MUSIC, by Representative G. Hughes.

Steven R. Mascaro, Chair

Reports filed. On motion of Representative Mascaro, the reports of the Workforce Services and Community and Economic Development committee were adopted.

**H.B. 430** and **H.B. 457** read the second time by short title and referred to the Rules Committee for prioritization.

**RECONSIDERATION OF 1ST SUB. H.B. 145**

**1st Sub. H.B. 145**, WORKPLACE DRUG TESTING PROGRAMS, was before the House for reconsideration.

On motion of Representative Beck, the House voted to circle **1st Sub. H.B. 145**.

**THIRD READING CALENDAR**

**H.B. 302**, DISTRIBUTION OF TOBACCO SETTLEMENT MONIES AMENDMENTS, Bigelow, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing. Representatives King, Duckworth, Ray and Vickers commented.
H.B. 302 passed on the following roll call:

**Yea**, 66; **Nay**, 7; **Absent or not voting**, 2.

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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**Absent or not voting were:** Representatives

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H.B. 302 transmitted to the Senate for its consideration.

* * *

H.B. 444, BUDGET IMPLEMENTATION ADJUSTMENTS – TOBACCO SETTLEMENT FUNDS, Bigelow, read the third time by short title and placed on its final passage.

Representative Bigelow proposed the following amendment:

1. Page 2, Line 58 through Page 3, Line 75

58 (4) To the extent that funds will be available for appropriation in a given fiscal year,
those funds shall be appropriated from the account in the following order:

* * * Some lines not shown * * *

(b) $4,000,000 to the Department of Health for alcohol, tobacco, and other drug prevention, reduction, cessation, and control programs that promote unified messages and make use of media outlets, including radio, newspaper, billboards, and television, and with a preference in funding given to tobacco–related programs; the Gold Medal Schools Program;

(b) $193,700 $352,800 to the Administrative Office of the Courts and $1,296,300 $1,647,200 to the Department of Human Services for the statewide expansion of the drug court program;

* * * Some lines not shown * * *

(c) $4,000,000 to the State Board of Regents for the University of Utah Health Sciences Center to benefit the health and well–being of Utah citizens through in–state research, treatment, and educational activities;

d) $500,000 to the Department of Health for the Gold Medal Schools Program;

e) as funds are available, to the Department of Health for alcohol, tobacco and other drug prevention, reduction, cessation and control programs with a preference in funding given to tobacco–related programs; and

(e) any remaining funds as directed by the Legislature through appropriation.

2. Page 3, Lines 78 through 82:

(b) The amount appropriated from the Tobacco Settlement Restricted Account to the Department of Health for alcohol, tobacco, and other drug programs described in Subsection
(4) {−(b)−} (e), including the funding preference for tobacco-related programs, shall be increased by up to $2,000,000 in a given fiscal year to the extent that funds in dispute for attorney fees are available to the state for appropriation from the account.

Representative Bigelow's motion to amend passed on a voice vote.

Representative Litvack commented. H.B. 444, as amended, passed on the following roll call:

**Yeas, 64; Nays, 7; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

| Beck | S Duckworth | Hansen | Hendrickson |
| King | Poulson | Seelig |

**Absent or not voting were:** Representatives

| Froerer | Harper | Seegmiller | Wilcox |

H.B. 444, as amended, transmitted to the Senate for its consideration.
RULES COMMITTEE REPORT

Mr. Speaker: March 4, 2009

The Rules Committee recommends that the following bills and resolutions, under suspension of the rules, be considered read for the second time and placed on the Third Reading Calendar:

2nd Sub. S.B. 124  Indemnification for Design Professional Services (Sen. G. Bell)
S.B. 121  Workers’ Compensation – Attorney Fees (Sen. K. Mayne)
1st Sub. S.B. 29  Safe Drinking Water Act Amendments (Sen. D. Stowell)
S.B. 170  Judiciary Amendments (Sen. L. Hillyard)
S.B. 35  Sales and Use Tax Definitions Relating to Property (Sen. W. Niederhauser)
1st Sub. S.B. 53  Awarding of Attorney Fees (Sen. S. Urquhart)
2nd Sub. S.B. 56  Military Installation Development Authority Amendments (Sen. S. Killpack)
S.B. 90  Metal Theft Amendments and Penalties (Sen. J. Greiner)
S.B. 118  Parental Responsibility for Juvenile Criminal Gang Offense Costs (Sen. J. Greiner)
S.B. 54  Uniform Law – Uniform Assignment of Rents Act (Sen. R. Romero)
S.B. 150  State Armory Amendments (Sen. S. Jenkins)
S.J.R. 10  Alternative Training Center Joint Resolution (Sen. D. Stowell)
1st Sub. S.B. 81  Concurrent Enrollment Program Amendments (Sen. M. Dayton)
1st Sub. S.B. 15  Workers’ Compensation Premium Assessment and Related Funding (Sen. K. Mayne)

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, the House voted to recess until 2:00 p.m.

AFTERNOON SESSION

The House was called to order by Speaker Clark at 2:05 p.m.
MISCELLANEOUS BUSINESS

On motion of Representative Garn, the House voted to move to the Senate Third Reading Calendar.

On motion of Representative Garn, the House voted to suspend the 24-hour rule for the Senate Bills on the Senate Third Reading Calendar.

THIRD READING CALENDAR

2nd Sub. S.B. 124, INDEMNIFICATION FOR DESIGN PROFESSIONAL SERVICES, Fowlke, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

2nd Sub. S.B. 124 passed on the following roll call:

Yeas, 66; Nays, 1; Absent or not voting, 8.

Voting in the affirmative were: Representatives
Aagard   Allen    Barrus    Beck
Bird     Biskupski Black    Chavez–Houck
S. Clark Cosgrove Daw       Dee
Dougall Draxler S Duckworth Dunnigan
Edwards Ferry Janice Fisher Julie Fisher
Fowlke Frank    Froerer   Garn
F Gibson K Gibson Gowans    Greenwood
Grover Hansen    Hemingway Hendrickson
Herrod Holdaway Hunsaker   Ipson
Johnson Kiser    Last     Lockhart
Mascaro Mathis Mclff    Menlove
Morley Moss    Newbold   Noel
Oda Painter Poulson   Powell
Ray Riesen Sandstrom Seegmiller
Sumasion Vickers Wallis   Watkins
Webb Wheatley Wiley    Wimmer
Winn D. Clark

Voting in the negative was: Representative
Harper

Absent or not voting were: Representatives
Bigelow Brown Hughes Hutchings
King Litvack Seelig Wilcox
2nd Sub. S.B. 124 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

***

S.B. 121, WORKERS’ COMPENSATION – ATTORNEY FEES, Morley, read the third time by short title and placed on its final passage.

S.B. 121 passed on the following roll call:

Yeas, 68; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives

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S.B. 121 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

***

1st Sub. S.B. 29, SAFE DRINKING WATER ACT AMENDMENTS, Painter, read the third time by short title and placed on its final passage.

Representatives Powell, Moss, Lockhart, Mascaro, Barrus, Gowans, Cosgrove and Dunnigan commented.
Representative Moss declared a conflict of interest because she owns shares in a water company.

1st Sub. S.B. 29 passed on the following roll call:

**Yeas, 60; Nays, 11; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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**Absent or not voting were:** Representatives

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1st Sub. S.B. 29 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

**MISCELLANEOUS BUSINESS**

On motion of Representative Garn, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

**UNFINISHED BUSINESS**

On motion of Representative Wimmer, the House voted to uncircle 1st Sub. H.J.R. 8.
1st Sub. H.J.R. 8, JOINT RESOLUTION REGARDING SECRET BALLOT, Wimmer, was before the House on its final passage. Representatives Grover, Lockhart, Ray and King commented.

Representative Seegmiller proposed the following amendment:

1. Page 1, Lines 14 through 15

   include elections under state or federal law for public office { , or } on an initiative or referendum { , or to designate or authorize employee representation } among the

2. Page 2, Lines 29 through 30:

   (1) All elections, including elections under state or federal law for public office { , } or on an initiative or referendum { , or to designate or authorize employee representation } shall be by

   Representatives Edwards and Julie Fisher commented. Representative Seegmiller’s motion to amend failed on a voice vote.

   # # #

   Representatives Garn and Brown commented. Representative Brown proposed the following amendment:

1. Page 1, Line 15:

   Delete “employee” and insert “individual”

2. Page 2, Line 30:

   Delete “employee” and insert “individual”

   Representative Holdaway commented. Representative Sumsion proposed the following substitute motion to amend:

1. Page 1, Line 15:

   After “employee representation” insert “or individual representation”

2. Page 2, Line 30:

   After “employee representation” insert “or individual representation”

   Representative Hutchings, Dougall and Allen commented. Representative Sumsion’s substitute motion to amend passed on the following roll call:
Yeas, 50; Nays, 24; Absent or not voting, 1.

Voting in the affirmative were: Representatives
Aagard        Barrus        Bigelow       Bird
Brown         S. Clark       Daw           Dee
Dougall       Draxler       Dunnigan      Edwards
Ferry         Julie Fisher   Fowlke        Frank
Froerer       Garn          F Gibson      K Gibson
Greenwood     Grover        Harper        Herrod
Holdaway      Hughes        Hunsaker      Hutchings
Ipson         Kiser         Last          Lockhart
Mascaro       Mathis        McIlff        Morley
Newbold       Oda           Painter       Powell
Ray           Sandstrom     Sumption      Vickers
Wallis        Webb          Wilcox        Wimmer
Winn          D. Clark

Voting in the negative were: Representatives
Allen         Beck          Biskupski     Black
Chavez−Houck  Cosgrove     S Duckworth  Janice Fisher
Gowans        Hansen       Hemingway    Hendrickson
Johnson       King          Litvack       Menlove
Moss          Poulson      Riesen        Seegmiller
Seelig        Watkins       Wheatley     Wiley

Absent or not voting was: Representative
Noel

###

Representatives Wilcox, Mascaro, Ipson and Hughes commented.

1st Sub. H.J.R. 8 passed on the following roll call:

Yeas, 53; Nays, 22; Absent or not voting, 0.

Voting in the affirmative were: Representatives
Aagard        Allen        Barrus        Bigelow
Bird          Brown        S. Clark      Daw
Dee           Dougall      Draxler       Dunnigan
Edwards       Ferry        Julie Fisher  Fowlke
Frank         Froerer      Garn          F Gibson
K Gibson      Greenwood    Grover       Harper
Herrod        Holdaway    Hughes        Hunsaker
Voting in the negative were: Representatives

Beck Biskupski Black Chavez−Houck
Cosgrove S Duckworth Janice Fisher Gowans
Hansen Hemingway Hendrickson Johnson
King Litvack Moss Poulson
Riesen Seegmiller Seelig Watkins
Wheatley Wiley

1st Sub. H.J.R. 8 transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

Representative Draxler moved to reconsider House action on 2nd Sub. H.B. 187. Representative Ferry commented. The motion to reconsider passed on the following roll call:

Yeas, 40; Nays, 35; Absent or not voting, 0.

Voting in the affirmative were: Representatives

Barrus Bird Brown S. Clark
Daw Dougall Draxler Ferry
Frank Froerer Garn F Gibson
K Gibson Gowans Grover Hendrickson
Herrod Hughes Hunsaker Hutchings
Ipson Last Lockhart Mascaro
Mathis McIff Menlove Morley
Newbold Noel Oda Painter
Ray Sandstrom Sumasion Webb
Wilcox Wimmer Winn D. Clark

Voting in the negative were: Representatives

Aagard Allen Beck Bigelow
Biskupski Black Chavez−Houck Cosgrove
Dee S Duckworth Dunnigan Edwards
Janice Fisher Julie Fisher Fowlke Greenwood
RECONSIDERATION OF 2ND SUB. H.B. 187

2nd Sub. H.B. 187, Recreational Use of Public Waters on Private Property, was before the House for reconsideration.

On motion of Representative Ferry, the House voted to circle 2nd Sub. H.B. 187.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, the House voted to move to the Senate Third Reading Calendar.

THIRD READING CALENDAR

S.B. 170, JUDICIARY AMENDMENTS, McIff, read the third time by short title and placed on its final passage.

S.B. 170 passed on the following roll call:

Yeas, 62; Nays, 1; Absent or not voting, 12.

Voting in the affirmative were: Representatives

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Voting in the negative was: Representative
Watkins

Absent or not voting were: Representatives
Biskupski    Ferry    F Gibson    Hendrickson
Holdaway    Hughes    Morley    Noel
Painter     Sandstrom    Wiley    D. Clark

S.B. 170 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

S.B. 35, SALES AND USE TAX DEFINITIONS RELATING TO PROPERTY, Dougall, read the third time by short title and placed on its final passage.

S.B. 35, as amended, passed on the following roll call:

Yeas, 68; Nays, 1; Absent or not voting, 6.

Voting in the affirmative were: Representatives
Aagard    Allen    Barrus    Beck
Bird    Biskupski    Black    Brown
Chavez–Houck    S. Clark    Cosgrove    Daw
Dee    Dougall    Draxler    S Duckworth
Dunnigan    Edwards    Ferry    Julie Fisher
Frank    Froerer    Garn    K Gibson
Gowans    Greenwood    Grover    Hansen
Harper    Hemingway    Hendrickson    Herrod
Holdaway    Hughes    Hunsaker    Hutchings
Ipson    Johnson    King    Kiser
Litvack    Lockhart    Mascaro    Mathis
McIff    Menlove    Morley    Moss
Newbold    Noel    Oda    Painter
Poulson    Powell    Ray    Riesen
Sandstrom    Seegmiller    Seelig    Sumision
Vickers    Wallis    Watkins    Webb
Wheatley    Wilcox    Wiley    Winn

Voting in the negative was: Representative
Janice Fisher
Absent or not voting were: Representatives

Bigelow                  Fowlke                  F Gibson      Last
Wimmer                   D. Clark

S.B. 35, as amended, returned to the Senate for further consideration.

* * *

1st Sub. S.B. 53, AWARDING OF ATTORNEY FEES, Dee, read the third time by short title and placed on its final passage.

1st Sub. S.B. 53 passed on the following roll call:

Yeas, 42; Nays, 23; Absent or not voting, 10.

Voting in the affirmative were: Representatives

Aagard   Barrus   Bird   Daw
Dee      Dougall  Draxler Dunnigan
Ferry    Julie Fisher Frank   Froerer
Garn     K Gibson  Greenwood Grover
Herrod   Holdaway Hughes Hunsaker
Ipson    King      Kiser   Lockhart
Mascaro  Mathis   Menlove Morley
Newbold  Noel     Oda     Painter
Powell   Ray      Sandstrom Seelig
Sumasion Vickers  Wallis  Webb
Wilcox   Winn

Voting in the negative were: Representatives

Allen     Beck     Biskupski Black
Brown     Chavez–Houck Cosgrove S Duckworth
Edwards   Janice Fisher Gowans Harper
Hemingway Hendrickson Johnson McIff
Moss      Poulson  Riesen  Seegmiller
Watkins   Wheatley Wiley

Absent or not voting were: Representatives

Bigelow                  S. Clark     Fowlke      F Gibson
Hansen                   Hutchings  Last       Litvack
Wimmer                   D. Clark

1st Sub. S.B. 53 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.
SPECIAL COMMENDATION

Representative Sandstrom introduced the 2009 Utah Mother of the Year, Dixie R. Clifford (Orem). Representative S. Clark introduced Danielle Kennington (Provo), 2009 Utah Young Mother of the Year. Utah Merit Mothers Arlene Kennington (Farr West) and Sharon Allred (Ogden) were also recognized by the House.

MISCELLANEOUS BUSINESS

On motion of Representative Julie Fisher, the House authorized a bill file to be opened concerning the Battleship USS Utah.

INTRODUCTION OF BILL

H.J.R. 28. Joint Resolution Honoring the Battleship USS Utah on its 100th Anniversary (Julie Fisher), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

2nd Sub. S.B. 56, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, Dee, read the third time by short title and placed on its final passage.

Representative Dee proposed the following amendment:

1. Page 28, Lines 845 through 846

   845 land or facility, that is part of a base, camp, post, station, yard, center, or installation (or other

   846 facility) under the jurisdiction of the U.S. Department of Defense or the state Utah National Guard.

2. Page 33, Lines 1014 through 1015:

   1014 (b) three members shall be appointed, each of whom is a mayor or member of the legislative body of a municipality that is

   1015 adjacent or in close proximity to a (or) adjacent to a (military) installation (or) project area or

3. Page 35, Line 1052:

   1052 or appropriate.

   (d) The authority board may not adopt a project area plan unless at
least one of the board members appointed under Subsection 63I–1–302(2)(b) is a mayor or member of the legislative body of a municipality that is adjacent or in close proximity to the project area described in the project area plan proposed to be adopted.

Representative Dee’s motion to amend passed on a voice vote.

Representatives Powell and Barrus commented.

2nd Sub. S.B. 56, as amended, passed on the following roll call:

**Y eas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives


Bird  Chavez–Houck  Dee  Edwards  Fowlke  Hansen  Herrod  Hutchings  Kiser  Mathis  Moss  Painter  Riesen  Sumision  Webb  Wimmer

**Absent or not voting were:** Representatives

Allen  Bigelow  S Duckworth  D. Clark  F Gibson  Last
COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 4, 2009

The President of the Senate has signed H.B. 32, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, by Representative B. Ferry, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed H.B. 112, VEHICLE TOWING AMENDMENTS, by Representative T. Kiser, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed 1st Sub. H.B. 329, WRONGFUL DEATH CLAIMS, by Representative L. Fowlke, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed 1st Sub. H.J.R. 1, RESOLUTION URGING THE WITHDRAWAL OF UNITED STATES’ WORLD TRADE ORGANIZATION COMMITMENT ON GAMBLING, by Representative S. Allen, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate


RULES COMMITTEE REPORT

Mr. Speaker: March 4, 2009

The Rules Committee recommends that the following bills and resolutions, under suspension of the rules, be considered read for the second time and placed on the Third Reading Calendar:

H.B. 392 Natural Gas for Vehicles (Rep. D. Ipson)
H.B. 201 Municipal Disincorporation Amendments (Rep. G. Froerer)
1st Sub. H.B. 370  Disabled Parking Violation Amendments
(Rep. S. Mascaro)
H.B. 171  Legal Immigrant Children Health Care Amendments
(Rep. K. Holdaway)
H.B. 198  Marriage License Fee Amendments (Rep. C. Johnson)
H.B. 316  Time Limitation for Prosecution of Environmental
Crimes (Rep. C. Wimmer)
H.B. 411  Utah Technology Governance Act Amendments
(Rep. S. Clark)
1st Sub. H.B. 326  Forcible Entry and Detainer Amendments
(Rep. L. Fowlke)
H.J.R. 17  Joint Resolution Urging Congressional and Presidential
Opposition to Federal Bailouts and Promotion of Fiscal
Responsibility (Rep. C. Frank)
H.B. 376  Revisions to Alcoholic Beverage Control Act
(Rep. G. Hughes)
H.B. 437  Obstruction of Natural Resource or Agricultural
Production (Rep. M. Noel)
H.B. 455  Court Security Restricted Account (Rep. E. Hutchings)
H.B. 457  Truth in Music (Rep. G. Hughes)
H.B. 378  Circuit Breaker Amendments (Rep. T. Cosgrove)

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules
Committee was adopted.

THIRD READING CALENDAR

S.B. 90, METAL THEFT AMENDMENTS AND PENALTIES, Dee, read the
third time by short title and placed on its final passage.

S.B. 90 passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard  Barrus  Beck  Bird
Biskupski  Black  Brown  Chavez–Houck
S. Clark  Cosgrove  Daw  Dee
Dougall  Draxler  S Duckworth  Dunnigan
Edwards  Ferry  Janice Fisher  Julie Fisher
Fowlke  Frank  Froerer  Garn
F Gibson  K Gibson  Gowans  Greenwood
Grover  Hansen  Harper  Hemingway
Hendrickson  Herrod  Holdaway  Hughes
Hunsaker  Hutchings  Ipson  Johnson
King  Kiser  Litvack  Lockhart
Mascaro  Mathis  McIff  Menlove
Morley  Moss  Newbold  Noel
Oda  Painter  Poulson  Powell
Ray  Riesen  Sandstrom  Seegmiller
Seelig  Sumasion  Vickers  Wallis
Watkins  Webb  Wheatley  Wilcox
Wiley  Wimmer  Winn

Absent or not voting were: Representatives
Allen  Bigelow  Last  D. Clark

S.B. 90 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

***

S.B. 118. PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS, Greenwood, read the third time by short title and placed on its final passage.

Representative Harper proposed the following amendment:

1. Page 1, Lines 22 through 22b
   Senate 3rd Reading Amendments 2–25–2009
   22  street gang § \( \rightarrow \) \{ and
   22a  \( \rightarrow \) exempts state agencies from liability if the minor is in the custody of the state at the
   22b  time of the offense \( \leftarrow \) § \}.

2. Page 3, Lines 74a through 74c
   Senate 3rd Reading Amendments 2–25–2009:
   74a  § \( \rightarrow \) \{ (8) The state and its agencies are not liable under Subsection (1) or (2) if a state agency

Representative Harper’s motion to amend passed on a voice vote.

S.B. 118, as amended, passed on the following roll call:

Yeas, 62; Nays, 8; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bird    Biskupski  Black  Brown
S. Clark Cosgrove  Daw  Dee
Dougall Draxler  S Duckworth  Dunnigan
Edwards Ferry  Janice Fisher  Julie Fisher
Fowlke Frank  Froerer  Garn
F Gibson K Gibson  Greenwood  Grover
Harper Herrod  Holdaway  Hughes
Hunsaker Hutchings  Ipson  Kiser
Lockhart Mascaro  Mathis  McIff
Menlove Moss  Newbold  Noel
Oda  Painter  Poulson  Powell
Ray Sandstrom  Seegmiller  Seelig
Sumsion Vickers  Wallis  Watkins
Webb  Wilcox  Wiley  Wimmer
Winn  D. Clark

Voting in the negative were: Representatives
Chavez–Houck  Gowans  Hansen  Hendrickson
Johnson  King  Litvack  Wheatley

Absent or not voting were: Representatives
Bigelow  Hemingway  Last  Morley
Riesen

S.B. 118, as amended, returned to the Senate for further consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, and at 5:00 p.m., the House voted to adjourn until March 5, 2009, at 8:00 a.m.
THIRTY-EIGHTH DAY

MORNING SESSION

The House was called to order by Speaker Pro Tem Hughes at 8:25 a.m.

Roll call showed all members present.

Prayer offered by Representative Kay McIff. Pledge of Allegiance led by Representative McIff’s daughter, Julie McIff Barney and grandson, Luke Barney.

MISCELLANEOUS BUSINESS

On motion of Representative S. Clark, the House voted to saunter for 20 minutes.

On motion of Representative Garn, the House voted to cease to saunter.

THIRD READING CALENDAR

S.B. 54, UNIFORM LAW – UNIFORM ASSIGNMENT OF RENTS ACT, King, read the third time by short title and placed on its final passage.

S.B. 54 passed on the following roll call:

Yeas, 69; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bird    Biskupski  Black  Chavez–Houck
S. Clark Cosgrove  Daw  Dee
Dougall Draxler  Edwards  Ferry
Janice Fisher Julie Fisher  Fowlke  Frank
Froerer Garn  F Gibson  K Gibson
Greenwood Grover  Hansen  Harper
Hemingway Hendrickson  Herrod  Holdaway
Hughes Hunsaker  Hutchings  Ipson
Johnson King  Kiser  Litvack
Lockhart Mascaro  Mathis  McIff
Menlove Morley  Moss  Newbold
Noel Oda  Painter  Poulson
Absent or not voting were: Representatives
Bigelow Brown S Duckworth Dunnigan
Gowans Last

S.B. 54 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

***

S.B. 150, STATE ARMORY AMENDMENTS, Garn, read the third time by short title and placed on its final passage.

S.B. 150 passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bird Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Dougall Draxler Dunnigan
Edwards Ferry Janice Fisher Julie Fisher
Fowlke Frank Froerer Garn
F Gibson K Gibson Greenwood Grover
Hansen Harper Hemingway Hendrickson
Herrod Holdaway Hughes Hunsaker
Hutchings Ipson Johnson King
Kiser Litvack Lockhart Mascaro
Mathis McClff Menlove Morley
Moss Newbold Noel Oda
Painter Poulson Powell Ray
Riesen Sandstrom Seegmiller Seelig
Sumsion Vickers Wallis Watkins
Webb Wheatley Wilcox Wiley
Wimmer Winn D. Clark

Absent or not voting were: Representatives
Bigelow S Duckworth Gowans Last
S.B. 150 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

***

S.J.R. 10, ALTERNATIVE TRAINING CENTER JOINT RESOLUTION, Noel, read the third time by short title and placed on its final passage.

S.J.R. 10 passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard       Allen       Barrus       Beck
Bird         Biskupski   Black       Brown
Chavez–Houck S. Clark   Cosgrove   Daw
Dee          Dougall     Draxler     S Duckworth
Dunnigan     Edwards     Ferry       Janice Fisher
Julie Fisher Fowlke     Frank       Froerer
Garn         F Gibson    K Gibson    Gowans
Greenwood    Grover      Harper      Hemingway
Hendrickson Herrod     Holdaway    Hughes
Hunsaker     Hutchings   Ipson       Johnson
King         Kiser       Litvack     Lockhart
Mascaro      Mathis      McIff       Menlove
Morley       Moss        Newbold     Noel
Oda          Painter     Poulson     Powell
Ray          Riesen      Sandstrom   Seegmiller
Seelig       Sumasion    Vickers     Wallis
Watkins      Webb        Wheatley    Wilcox
Wiley        Wimmer      Winn        D. Clark

**Absent or not voting were:** Representatives

Bigelow      Hansen      Last

S.J.R. 10 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

***

1st Sub. S.B. 81, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, Daw, read the third time by short title and placed on its final passage.
Representative Daw proposed the following amendment:

1. Page 3, Line 60

60 (B) in meeting prerequisites previously established for
{ a } the same campus–based course by the sponsoring

Representative Allen commented. Representative Daw’s motion to amend passed on a voice vote.

Representatives Holdaway, Mascaro and Cosgrove commented.

1st Sub. S.B. 81, as amended, passed on the following roll call:

Y eas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Aagard    Allen    Barrus    Beck
Bird      Biskupski Black    Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee       Dougall   Draxler   S Duckworth
Dunnigan  Edwards   Ferry     Janice Fisher
Julie Fisher Fowlke Frank    Froerer
Garn      F Gibson   K Gibson  Gowans
Greenwood Grover    Hansen   Harper
Hemingway Hendrickson Herrod   Holdaway
Hughes    Hunsaker  Hutchings Ipson
Johnson   King      Kiser     Litvack
Lockhart  Mascaro  Mathis    McIff
Menlove   Morley    Moss      Newbold
Noel      Oda       Painter   Poulson
Powell    Ray       Riesen   Sandstrom
Seegmiller Seelig    Sumasion Vickers
Wallis    Watkins   Webb     Wheatley
Wilcox    Wiley     Wimmer   Winn
D. Clark

Absent or not voting were: Representatives
Bigelow    Last

1st Sub. S.B. 81, as amended, returned to the Senate for further consideration.

* * *

1st Sub. S.B. 15, WORKERS’ COMPENSATION PREMIUM ASSESSMENT AND RELATED FUNDING, Morley, read the third time by short title and placed on its final passage.
**1st Sub. S.B. 15** passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

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<th>Aagard</th>
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<td>Wiley</td>
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<td>D. Clark</td>
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**Absent or not voting were:** Representatives

| Bigelow | Dougall | Last |

**1st Sub. S.B. 15** was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

**THIRD READING CALENDAR**

**H.B. 169,** PUBLIC LANDS POLICY COORDINATION AMENDMENTS, *Noel,* read the third time by short title and placed on its final passage.

On motion of Representative Noel, the House voted to delete **H.B. 169** in title and body and insert **1st Sub. H.B. 169** in lieu thereof.

Representative Harper proposed the following amendment:

1. Page 3, Lines 71 through 75

71 (ix) the executive director of the Department of Natural Resources, who may not vote;
(x) the commissioner of the Department of Agriculture and Food, who may not vote;
(xi) the director of the Governor’s Office of Economic Development, who may not vote; and
(xii) two {members} elected county commissioners, county council members, or county executives from different counties appointed by the Utah Association of Counties, who may not vote.

2. Page 7, Line 186:
186 documents under Subsection { (7) } (8) (a).

3. Page 18, Lines 548 through 549:
548 (57) records provided or received by the Public Lands Policy Coordinating Office in
549 furtherance of any contract or other agreement made in accordance with Section 63J–4–603.

4. Page 37, Lines 1121 through 1122:
1121 (3) The office may enter into a contract or other agreement with another state agency to provide
1122 information and services related to:

Representative Harper’s motion to amend passed on a voice vote.

1st Sub. H.B. 169, as amended, passed on the following roll call:

Yeas, 73; Nays, 1; Absent or not voting, 1.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird   Biskupski  Black
Brown   S. Clark  Cosgrove  Daw
Dee     Dougall  Draxler  S Duckworth
Dunnigan Edwards  Ferry  Janice Fisher
Julie Fisher Fowlke  Frank  Froerer
Garn    F Gibson  K Gibson  Gowans
Greenwood Grover  Hansen  Harper
Hemingway Herrod  Holdaway  Hughes
Hunsaker Hutchings Ipson Johnson
King Kiser Last Litvack
Lockhart Mascaro Mathis McIff
Menlove Morley Moss Newbold
Noel Oda Painter Poulson
Powell Ray Riesen Sandstrom
Seegmiller Seelig Sumsion Vickers
Wallis Watkins Webb Wheatley
Wilcox Wiley Wimmer Winn
D. Clark

Voting in the negative was: Representative Chavez–Houck

Absent or not voting was: Representative Hendrickson

1st Sub. H.B. 169, as amended, transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, the House voted to recess until 10:05 a.m.

Speaker Pro Tem Hughes called the House to order at 10:30 a.m.

INTRODUCTION OF BILL

H.B. 373, Amendments to Department of Corrections’ Operations (P. Ray), read the first time by short title and referred to the Rules Committee.

RULES COMMITTEE REPORT

Mr. Speaker: March 5, 2009

The Rules Committee recommends that the following bills and resolutions, under suspension of the rules, be considered read for the second time and placed on the Third Reading Calendar:

1st Sub. S.B. 180 Expungement of Division of Child and Family Services Records (Sen. L. Hillyard)
S.B. 153 County and Municipal Land Use Amendments (Sen. M. Madsen)
S.B. 134 Transportation Funding Amendments (Sen. S. Urquhart)
1st Sub. S.B. 147 Driver License Revisions (Sen. L. Hillyard)
1st Sub. S.J.R. 16  Joint Resolution Supporting Nuclear Power  
(Sen. D. Hinkins)
S.B. 161  Repeal of Maximum Charge to Publish Legal Notice  
(Sen. K. Van Tassell)
S.B. 182  Criminal Restitution Amendments (Sen. C. Bramble)
S.B. 210  Amendments to Property Tax (Sen. C. Bramble)
S.C.R. 2  Concurrent Resolution – a Call to Civility  
(Sen. J. Valentine)
1st Sub. S.C.R. 4  Resolution Supporting Obesity Awareness  
(Sen. D. C. Buttars)
4th Sub. S.B. 83  Condemnation Amendments (Sen. D. Stowell)

Ben C. Ferry, Chair
Report filed. On motion of Representative Garn, the report of the Rules Committee was adopted.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: March 4, 2009
Without committee review, the Business and Labor Committee has returned H.B. 99, PROFESSIONAL LICENSURE EXEMPTIONS, by Representative L. Wiley, to the Rules Committee; and

The Business and Labor Committee has returned H.B. 111, DEFERRED DEPOSIT LENDING AMENDMENTS, by Representative L. Black, to the Rules Committee without recommendation with the following amendments:

1. Page 2, Line 58 through Page 3, Line 66:

58 (9) “Interest or fees” means the cost elements associated with the extension of credit,

including:

60 (a) a fee;

61 (b) a charge, such as:

62 (i) a service charge; or

63 (ii) a renewal charge;

64 (c) a credit insurance premium;

65 (d) an ancillary product sold with any extension of credit; and

66 (e) any other charge or premium with respect to the extension of credit.

} has the same meaning as “finance charge” is defined in 15
U.S.C. 1605, and as implemented by regulations of the Board of Governors of the Federal Reserve System.; and

With committee review, the Business and Labor Committee has returned **H.B. 134**, RECALL OF UNSAFE OR DEFECTIVE PRODUCTS, by Representative C. Watkins, to the Rules Committee without recommendation; and

The Business and Labor Committee has returned **H.B. 135**, LIEN REVISIONS, by Representative B. King, to the Rules Committee without recommendation with the following amendments:

1. Page 3, Lines 70 through 79

    70 (2) Except as provided in Subsection (5)(a), if a patient is injured in an accident that is not covered by workers’ compensation, a hospital may file a lien in accordance with Subsection 31A−26−301.5(2)(b):

    72 (a) (i) upon damages recovered by the patient from a judgment or settlement; and

    73 (ii) to recover usual, reasonable, and customary hospital charges not paid in accordance with Subsection 31A−22−307 arising out of the accident for treatment, care, and maintenance of the patient up to the date of payment of the damages; or

    76 (b) (i) upon damages arising out of the accident recovered by the patient’s family or personal representative from a judgment or settlement; and

    78 (ii) to recover usual, reasonable, and customary hospital charges not paid in accordance with Subsection 31A−22−307 for treatment, care, and maintenance of the patient up to the date of payment of the damages.

2. Page 3, Line 84 through Page 4, Line 96:

    84 patient for the balance of the charges.
{ (5) Notwithstanding Subsection (2), a hospital that is a Medicare provider may not file a lien if at the time that the hospital submits a patient’s claim with Medicare on behalf of the patient:

(a) the patient is covered by Medicare; and

(b) the hospital has not established the probable existence of third-party liability and payment through a judgment or settlement.

(6) Notwithstanding Subsection (2), a hospital that is a Medicaid provider may not file a lien if at the time that the hospital submits a patient’s claim with Medicaid on behalf of the patient:

(a) the patient is covered by Medicaid; and

(b) the hospital has not established the probable existence of third-party liability and payment through a judgment or settlement.

(5)(a) Subject to Subsection (5)(b), a hospital shall timely bill Medicare or Medicaid before asserting a hospital lien if the hospital:

(i) is a Medicare or Medicaid provider; and

(ii) provides services to a Medicare or Medicaid eligible individual.

(b) A hospital is not subject to the provisions of Subsection (5)(a) if the hospital, within a Medicare or Medicaid billing time frame, is able to establish:

(i) the probable existence of third party liability; and

(ii) prospective or actual payment from a third party that constitutes whole or partial payment for the hospital’s usual, reasonable, and customary charges.

(6) A hospital may assert a lien in an amount of up to 90% of the difference between the hospital’s usual, reasonable, and customary charges and the amount previously paid by health insurance, Medicare, or Medicaid if:

(i) a hospital has billed and accepted payment from a payer described in Subsection (4) or (5); and
(ii) the patient obtains a recovery from a third party that constitutes whole or partial payment of medical expenses caused by the third party; and

With committee review, the Business and Labor Committee has returned 1st Sub. H.B. 262, LICENSING ELIGIBILITY, by Representative S. Sandstrom, to the Rules Committee without recommendation; and

The Business and Labor Committee has returned 1st Sub. H.B. 267, ANTIDISCRIMINATION AMENDMENTS, by Representative C. Johnson, to the Rules Committee without recommendation with the following amendments:

1. Page 19, Line 575:

   575 (b) (i) [State] A state government officer [and] or employee [members who do] member

2. Page 20, Lines 606 through 609:

   606 (a) (i) An employer may not refuse to hire, promote, discharge, demote, or terminate

   607 any person, or to retaliate against, harass, or discriminate in { { } } matters { { } } } of compensation

   608 or in [terms, privileges, and conditions] a term, privilege, or condition of employment against

   609 [any] a person otherwise qualified, because of: ; and

Without committee review, the Business and Labor Committee has returned H.B. 354, CAPITAL PROJECT AMENDMENTS, by Representative S. Clark, to the Rules Committee; and

Without committee review the Business and Labor Committee has returned H.B. 394, UNIFORM BUILDING CODE COMMISSION AMENDMENTS, by Representative C. Wimmer, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned H.B. 409, EDUCATION BUILDING PROJECTS ZONING EXEMPTION AMENDMENTS, by Representative C. Wimmer, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned H.B. 416, SEISMIC UPGRADE REQUIREMENTS FOR CONDOMINIUM CONVERSION PROJECTS, by Representative L. Wiley, to the Rules Committee; and
Without committee review, the Business and Labor Committee has returned **S.B. 49**, SMALL BUSINESS ACCESS TO JUSTICE ACT, by Senator R. Romero, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **S.B. 137**, PHYSICAL THERAPY PRACTICE ACT, by Senator W. Niederhauser, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **S.B. 148**, LOW−PROFIT LIMITED LIABILITY COMPANY ACT, by Senator L. Hillyard, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **S.B. 167**, AMENDMENTS TO UNIFORM DEBT−MANAGEMENT SERVICES ACT, by Senator L. Hillyard, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **1st Sub. S.B. 192**, CORPORATION AND BUSINESS ENTITY RELATED AMENDMENTS, by Senator L. Hillyard, to the Rules Committee.

James A. Dunnigan, Chair

Reports filed. On motion of Representative Lockhart, the reports of the Business and Labor committee were adopted.


* * *

Mr. Speaker: March 5, 2009

With committee review, the Education Committee has returned **H.B. 82**, TEACHER MORTGAGE LOAN PROGRAM, by Representative L. Hemingway, to the Rules Committee without recommendation; and

With committee review, the Education Committee has returned **H.B. 131**, SCHOOL FEE AMENDMENTS, by Representative C. Frank, to the Rules Committee without recommendation; and

The Education Committee has returned **H.B. 146**, EXPENDITURES OF SCHOOL AND INSTITUTIONAL TRUST LAND MONEY BY SCHOOL DISTRICTS, by Representative T. Cosgrove, to the Rules Committee without recommendation with the following amendments:
1. Page 1, Lines 13 through 19:

13 This bill:
14 allows School LAND Trust Program monies to be used to purchase wind, solar, or geothermal systems for installation on school property if:
16 • approved by a school community council, local school board, or charter school governing board, where applicable; and
18 • the wind, solar, or geothermal systems meet certain cost criteria; and
19 makes technical changes.

2. Page 6, Line 155:

155 improvement plan or to install wind, solar, or geothermal systems on a school property.

3. Page 7, Lines 197 through 201:

197 (ii) purchase wind, solar, or geothermal systems if:
198 (A) the school community council develops a plan that demonstrates its ability to recover the cost of the wind, solar, or geothermal systems and installation within ten years with money saved from school energy bills and credit earned from selling excess school generated electricity back to the school’s energy provider; and

4. Page 7, Lines 204 through 207:

204 (b) [The] A school may develop a multiyear program, but the program shall be presented and approved by the school community council and the local school board of the district in which the school is located annually and as a prerequisite to receiving program funds allocated under this section.

207 (c) If a school installs a wind, solar, or geothermal system in
accordance with Subsection (5)(a)(ii), any profit realized by selling excess school generated electricity back to the school’s energy provider after the school has recovered the installation and infrastructure costs of the wind, solar, or geothermal system, shall be used by the school to improve academic achievement as approved by the school community council.

The Education Committee has returned H.B. 229, PUBLIC SCHOOL FUNDING, by Representative W. Harper, to the Rules Committee without recommendation with the following amendments:

1. Page 1, Lines 12 through 23:

   12 Highlighted Provisions:

   13 This bill:

   14 ▶ repeals the authority of school districts to levy certain property taxes;

   15 { ▶ increases the statewide minimum basic tax rate; }

   16 { ▶ creates the Homeowner Protection Program; }

   17 ▶ requires a school district to use the increased revenue received from the { Homeowner Protection Program } Uniform School Fund due to the 1.45% increase in the sales and use tax to pay for bond interest, principal, and redemption premiums

   18 first;

   19 ▶ requires a school district to use the remaining money received from the { Homeowner Protection Program } Uniform School Fund due to the 1.45% increase in the sales and use tax to offset the loss of certain property tax revenue;

   20 ▶ prohibits a taxing entity from imposing a property tax rate higher than the taxing entity’s certified tax rate for three years;

2. Page 38, Lines 1155 through 1161:

   1155 Section 22. Section 53A–17a–164 is enacted to read:

   1156 53A–17a–164. { Homeowner Protection Program }
Increase in the Uniform School Fund — Use of funds received by a school district — Property tax offset.

(1) The revenue deposited into the Uniform School Fund under Subsection 59-12-103(13) as part of the Homeowner Protection Program shall be allocated to school districts based on a school district's total weighted pupil units compared to the total weighted pupil units for all districts in the state.

3. Page 39, Lines 1191 through 1194:

(2) Of the monies appropriated in Subsection (1), the State Board of Education shall distribute: (a) $24,358,000 in accordance with the Capital Outlay Foundation Program; and (b) $2,930,900 in accordance with the Capital Outlay Enrollment Growth Program pursuant to Section 53A-21-302.

The Education Committee has returned H.B. 230, CREDIT REQUIRED IN TEACHER TRANSFERS, by Representative L. Fowlke, to the Rules Committee without recommendation with the following amendments:

1. Page 2, Lines 32 through 34:

(b) the documented teaching experience earned outside of the state’s public schools; and

(c) partial credit for less than a full school year of teaching that is documented by the teacher; and

The Education Committee has returned H.B. 242, KINDERGARTEN AMENDMENTS, by Representative L. Black, to the Rules Committee without recommendation with the following amendments:

1. Page 1, Line 12:

modifies the minimum age for kindergarten enrollment, at a local school board’s discretion; and
2. Page 2, Line 58 through Page 3, Line 59:

58  (6) A board may enroll children in school who are at least five
years of age before

59  { { } } September 2 { { } } { July 1 } or an earlier

date of the year in which admission is sought.; and

Without committee review, the Education Committee has returned H.B. 293,
STATE SCHOOL BOARD ELECTION AMENDMENTS, by Representative
R. Menlove, to the Rules Committee; and

With committee review, the Education Committee has returned H.B. 381,
PUBLIC EDUCATION LAW REVISIONS – ASSOCIATION LEAVE, by
Representative C. Herrod, to the Rules Committee without recommendation; and

Without committee review, the Education Committee has returned S.B. 77,
GRANTS FOR LICENSED TEACHERS AMENDMENTS, by Senator
M. Madsen, to the Rules Committee; and

Without committee review, the Education Committee has returned 1st Sub.
S.B. 159, MATH EDUCATION INITIATIVE, by Senator H. Stephenson, to the
Rules Committee; and

Without committee review, the Education Committee has returned S.B. 185,
FEDERAL EDUCATION AGREEMENT REQUIREMENTS AMENDMENTS,
by Senator M. Dayton, to the Rules Committee.

Gregory H. Hughes, Chair
Reports filed. On motion of Representative Painter, the reports of the
Education committee were adopted.

H.B. 82, H.B. 131, H.B. 146, as amended, H.B. 229, as amended, H.B. 230,
S.B. 159, and S.B. 185 read the second time by short title and returned to the Rules
Committee.

***

Mr. Speaker: March 5, 2009
The Health and Human Services Committee has returned H.B. 189,
INSTRUCTION IN HEALTH AMENDMENTS, by Representative
L. Hemingway, to the Rules Committee without recommendation with the
following amendments:
1. Page 2, Line 58 through Page 3, Line 60:

58 (II) the advocacy of homosexuality; { or }
59 { } (III) the advocacy or encouragement of the use of contraceptive methods or devices;
60 or { }

2. Page 3, Lines 79 through 84:

79 (iv) provides information about the health benefits, and side effects of all contraceptives and barrier methods as a means to prevent pregnancy, including accurate information about effectiveness;
80 (v) provides information about the health benefits, and side effects, and proper use of all contraceptives and barrier methods as a means to reduce the risk of contracting sexually transmitted diseases, HIV/AIDS, and other diseases;

3. Page 3, Lines 88 through 89:

88 (viii) promotes self-esteem and positive interpersonal skills focusing on relationship skills, including platonic, romantic, intimate, and family relationships and interaction; and; and

Without committee review, the Health and Human Services Committee has returned H.B. 217, UTAH INDOOR CLEAN AIR ACT AMENDMENTS, by Representative N. Hansen, to the Rules Committee; and

With committee review, the Health and Human Services Committee has returned H.B. 224, HEALTH CARE PROVIDER ABUSIVE WORK ENVIRONMENT PROHIBITION ACT, by Representative S. Sandstrom, to the Rules Committee and recommends that it be referred to interim study; and

Without committee review, the Health and Human Services Committee has returned H.B. 407, REGULATION OF PRIVATE INSTRUCTION SWIMMING POOLS, by Representative G. Hughes, to the Rules Committee; and
Without committee review, the Health and Human Services Committee has returned S.B. 87, PREFERRED DRUG LIST REVISIONS, by Senator A. Christensen, to the Rules Committee.

Paul Ray, Chair

Reports filed. On motion of Representative Menlove, the reports of the Health and Human Services committee were adopted.


* * *

Mr. Speaker: March 5, 2009

Without committee review, the Public Utilities and Technology Committee has returned S.B. 75, UTILITY AMENDMENTS, by Senator S. Urquhart, to the Rules Committee.

Michael E. Noel, Chair

Report filed. On motion of Representative Dougall, the report of the Public Utilities and Technology committee was adopted.

S.B. 75 read the second time by short title and returned to the Rules Committee.

THIRD READING CALENDAR

H.B. 185, TRANSPORTATION AMENDMENTS, Harper, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle H.B. 185.

* * *


1st Sub. H.B. 357 passed on the following roll call:

Yeas, 65; Nays, 8; Absent or not voting, 2.

Voting in the affirmative were: Representatives

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Voting in the negative were: Representatives

Biskupski Chavez−Houck Janice Fisher Hemingway
Johnson Litvack Riesen Wiley

Absent or not voting were: Representatives

K Gibson Noel

1st Sub. H.B. 357 transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Harper, the House voted to uncircle H.B. 185.

H.B. 185, TRANSPORTATION AMENDMENTS, Harper, was before the House on its final passage.

Representative Harper proposed the following amendment:

1. Page 1, Lines 19 through 21
   House Committee Amendments 3–2–2009
   19 station at the south end of Salt Lake County;
   ▶ provides that for the fiscal year 2009–10 only, the executive
director shall use a portion of the funds in the County of the First Class
State Highway Projects Fund to pay for certain highway projects;
   20 ▶ provides that for a fiscal year beginning on or after
July 1, 2010, the executive director shall use at least a certain portion of
the fund
21 monies in the County of the First Class State Highway Projects Fund to pay for:

2. Page 5, Lines 125 through 136:

125 (5) { (a) For fiscal years beginning with fiscal year 2009–10 and ending with fiscal year 2011–12 } (a)(i) For the fiscal year 2009–10 only, the executive director shall use an amount not to exceed $14,000,000 of the fund monies available that are not required to pay principal, interest, and issuance costs of bonds issued under Section 63B–16–102 to pay for the projects in the following order of priority:

(A) to pay for interchange improvements at 5400 South and Bangerter Highway;

(B) to pay for interchange improvements at 4700 South and Bangerter Highway; and

(C) to pay for reversible lanes on 5400 South from Bangerter Highway going east, terminating at either Redwood Road or Interstate 15.

(iii) The executive director shall use the remaining amount described in Subsection (5)(a)(i) not required for the projects described in Subsections (5)(a)(i)(A), (B), and (C) to pay for intersection and congestion mitigation projects identified by the department in the east–west transportation route improvement study.

(b) For fiscal years beginning with fiscal year 2010–11 and ending with fiscal year 2012–13, the executive director shall use at least 20% of fund monies available that are not required to pay principal, interest, and issuance costs of bonds issued under Section 63B–16–102 to pay for:

(i) east–west transportation route improvements in a county of the first class; and

(ii) state highway capacity improvement and congestion mitigation projects in a county of the first class.

(c) For a fiscal year beginning on or after July 1, 2012, the executive director shall use
133 at least {20%} 25% of fund monies that are not required to pay principal, interest, and issuance costs of bonds issued under Section 63B−16−102 to pay for:

134 (i) east−west transportation route improvements in a county of the first class; and

135 (ii) state highway capacity improvement and congestion mitigation projects in a county of the first class.

Representative Harper’s motion to amend passed on a voice vote.

H.B. 185, as amended, passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives

| S Duckworth | K Gibson | Noel | Vickers |

H.B. 185, as amended, transmitted to the Senate for its consideration.

THIRD READING CALENDAR

H.B. 383, WATER RIGHTS ADJUDICATION AMENDMENTS, Gowans, read the third time by short title and placed on its final passage.
H.B. 383, as amended, passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck  
Bird  Biskupski  Black  Brown  
Chavez–Houck  S. Clark  Cosgrove  Daw  
Dee  Dougall  Draxler  S. Duckworth  
Dunnigan  Edwards  Ferry  Janice Fisher  
Julie Fisher  Fowlke  Frank  Froerer  
Garn  F Gibson  Gowans  Greenwood  
Grover  Hansen  Harper  Hemingway  
Hendrickson  Herrod  Holdaway  Hughes  
Hunsaker  Hutchings  Ipson  Johnson  
King  Kiser  Last  Litvack  
Lockhart  Mascaro  Mathis  McIff  
Menlove  Morley  Moss  Newbold  
Oda  Painter  Poulson  Powell  
Ray  Riesen  Sandstrom  Seegmiller  
Seelig  Sumson  Vickers  Wallis  
Watkins  Webb  Wheatley  Wilcox  
Wiley  Wimmer  Winn  D. Clark  

Absent or not voting were: Representatives

Bigelow  K Gibson  Noel  

H.B. 383, as amended, transmitted to the Senate for its consideration.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: March 5, 2009

Without committee review, the Judiciary Committee has returned H.B. 10, CONDOMINIUM AND COMMUNITY ASSOCIATION PROVISIONS, by Representative R. C. Webb, to the Rules Committee; and

With committee review, the Judiciary Committee has returned H.B. 160, ADULT JOINT SUPPORT DECLARATION, by Representative J. Seelig, to the Rules Committee without recommendation; and

With committee review, the Judiciary Committee has returned H.J.R. 27, CRIMINAL PROCEDURE REVISIONS RESOLUTION, by Representative W. Harper, to the Rules Committee without recommendation with the following amendments:
1. Page 1, Lines 13 through 15:

13  This resolution:
14  requires that a prosecuting attorney may not, with the exception of traffic offenses, reduce a misdemeanor charge to an infraction once a demand for a jury trial is made.

2. Page 2, Lines 38 through 41:

38  (c) In criminal prosecutions filed before a magistrate charging the commission of a misdemeanor, the prosecuting attorney may not reduce the charge to an infraction if the defendant has requested a trial by jury in accordance with Rule 17 of the Utah Rules of Criminal Procedure. This paragraph does not apply to offenses charged under Title 41, Chapter 6a, Traffic Code; and

Without committee review, the Judiciary Committee has returned S.B. 51, RESTITUTION FUND ACCOUNT, by Senator D. Liljenquist, to the Rules Committee; and

Without committee review, the Judiciary Committee has returned 2nd Sub. S.B. 131, LAW ENFORCEMENT SERVICE IN LOCAL DISTRICTS AND INTERLOCAL ENTITIES, by Senator S. Jenkins, to the Rules Committee; and

Without committee review, the Judiciary Committee has returned S.B. 220, COHABITANT ABUSE PROCEDURES ACT AMENDMENTS, by Senator B. Goodfellow, to the Rules Committee; and

Without committee review, the Judiciary Committee has returned S.J.R. 6, LEGISLATOR COMMUNICATIONS WITH JUDICIARY AND EXECUTIVE BRANCH JOINT RULES RESOLUTION, by Senator J. Valentine, to the Rules Committee.

Lorie D. Fowlke, Chair

Reports filed. On motion of Representative Fowlke, the reports of the Judiciary committee were adopted.

Mr. Speaker: March 5, 2009

The Law Enforcement and Criminal Justice Committee has returned H.B. 36, CRIMINAL OFFENSE ELEMENTS AND PENALTIES, by Representative C. Wimmer, to the Rules Committee without recommendation with the following amendments:

1. Page 11, Line 314:

   314 (vii) Section { 76–10–508 } 76–10–508.1, discharge of a firearm from a vehicle; ; and

With committee review, the Law Enforcement and Criminal Justice Committee has returned H.B. 227, PROHIBITION ON CITATION QUOTAS, by Representative N. Hansen, to the Rules Committee without recommendation; and

With committee review, the Law Enforcement and Criminal Justice Committee recommends H.B. 248, REGULATING THE USE OF A WIRELESS COMMUNICATION DEVICE WHILE OPERATING A MOTOR VEHICLE, by Representative C. Moss, be replaced with 1st Sub. H.B. 248, REGULATING THE USE OF A WIRELESS COMMUNICATION DEVICE WHILE OPERATING A MOTOR VEHICLE, and has returned it to the Rules Committee without recommendation; and

The Law Enforcement and Criminal Justice Committee has returned H.B. 281, WIRELESS COMMUNICATION DEVICE USE LIMITATIONS WHILE OPERATING A MOTOR VEHICLE, by Representative P. Ray, to the Rules Committee without recommendation with the following amendments:

1. Page 1, Line 16:

   16 or electronic mail communication while operating a moving motor vehicle on a highway in

2. Page 1, Line 19:

   19 moving motor vehicle in a reduced speed school zone or a public parking lot unless the

3. Page 1, Line 23:

   23 communication device while operating a moving motor vehicle on a highway in this state;

4. Page 2, Line 40:

   40 operating a moving motor vehicle — Exceptions — Penalty.
5. Page 2, Line 52:

52 moving motor vehicle on a highway in this state.

6. Page 2, Line 54:

54 communication device while operating a moving motor vehicle within a reduced speed school zone as

7. Page 3, Line 80:

80 while operating a moving motor vehicle upon a highway of this state.

Douglas C. Aagard, Chair

Reports filed. On motion of Representative Garn, the reports of the Law Enforcement and Criminal Justice committee were adopted.


***

Mr. Speaker: March 5, 2009

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned H.B. 388, HIGHWAY ACCESS TO STATE PARKS OR SOVEREIGN LANDS, by Representative R. Barrus, to the Rules Committee; and

With committee review, the Natural Resources, Agriculture, and Environment Committee has returned H.B. 393, AIR QUALITY AMENDMENTS, by Representative R. Barrus, to the Rules Committee without recommendation; and

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned H.B. 405, GEOTHERMAL POOL AMENDMENTS, by Representative K. Sumsion, to the Rules Committee; and

With committee review, the Natural Resources, Agriculture, and Environment Committee has returned H.B. 420, CARBON EMISSION REDUCTION PROVISIONS AMENDMENTS, by Representative C. Watkins, to the Rules Committee and recommends it be referred to interim study; and

With committee review, the Natural Resources, Agriculture, and Environment Committee has returned H.B. 434, AMENDMENTS TO
DEPARTMENT OF ENVIRONMENTAL QUALITY, by Representative R. Edwards, to the Rules Committee without recommendation.

Roger E. Barrus, Chair

Reports filed. On motion of Representative Barrus, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.


* * *

Mr. Speaker: March 5, 2009

The Transportation Committee recommends H.B. 73, VEHICLE OPERATOR TURN OFF REQUIREMENTS, by Representative F. Hunsaker, be replaced with 1st Sub. H.B. 73, VEHICLE OPERATOR TURN OFF REQUIREMENTS, and has returned it to the Rules Committee without recommendation with the following amendments:

1. Page 3, Lines 57 through 61:

57 (b) An operator of a motor vehicle is exempt from the requirement under Subsection 58 (3)(a) to turn off the roadway and permit the vehicles following behind the operator’s vehicle to 59 pass if the operator is operating:

60 (i) a commercial vehicle as defined in Section 72−9−102; { or } 61 (ii) any vehicle used in the routine maintenance and operations of a roadway ; or 62 (iii) a public transit vehicle used for public transportation purposes ; and

The Transportation Committee has returned H.B. 161, MOTOR VEHICLE INSURANCE FEE, by Representative L. Wiley, to the Rules Committee without recommendation with the following amendments:

1. Page 1, Lines 21 through 22:

21 provides that a portion of the revenues from the fee shall be deposited into the Automated 22 License Plate Recognition System Restricted Account; { and }
provides that a portion of the revenues from the fee shall be deposited into the Transportation Fund; and

2. Page 2, Lines 37 through 39:

37 (1) As used in this section, “automated license plate recognition system” means a computerized camera system mounted on a vehicle or permanently mounted over a highway that recognizes license plates to alert law enforcement of violations, including:

3. Page 3, Lines 70 through 74:

70 (2) All monies (a) An amount not to exceed $800,000 of the revenues received by the state under this section shall be deposited into the Automated License Plate Recognition System Restricted Account created by Section 41–1a–1223 for the purpose of providing funds to pay for any costs and expenses incurred by the Motor Vehicle Enforcement Division to administer an automated license plate recognition system program in accordance with Section 41–1a–1223. (b) Revenues received by the state under this section in excess of the amount described in Subsection (2)(a) shall be deposited into the Transportation Fund; and

Without committee review, the Transportation Committee has returned H.B. 225, DRIVER LICENSE AMENDMENTS, by Representative C. Wimmer, to the Rules Committee; and

With committee review, the Transportation Committee recommends H.B. 344, AUTOMOBILE REGISTRATION AMENDMENT, by Representative S. Sandstrom, be replaced with 1st Sub. H.B. 344, AUTOMOBILE REGISTRATION AMENDMENT, and has returned it to the Rules Committee without recommendation; and
Without committee review, the Transportation Committee has returned 2nd Sub. S.B. 52, NEW MOTOR VEHICLE FRANCHISE AMENDMENTS, by Senator S. Killpack, to the Rules Committee.

Bradley M. Daw, Chair

Reports filed. On motion of Representative Julie Fisher, the reports of the Transportation committee were adopted.


***

Mr. Speaker: March 5, 2009

The Government Operations Committee has returned 1st Sub. H.B. 260, SCHOOL EMPLOYEE TERMINATION AMENDMENTS, by Representative C. Wimmer, to the Rules Committee without recommendation with the following amendments:

1. Page 3, Lines 60 through 61:
   60 [(4)-A] (c) If a district intends to not renew or discontinue the contract of employment
   61 of a {professional} provisional employee at the end of the then−current school year, the district shall notify [a]

2. Page 4, Lines 98 through 99:
   98 (1) A provisional employee must work for a school district on at least a half−time basis
   99 for [three] at least {five} three consecutive years to obtain career employee status.

Craig A. Frank, Chair

Report filed. On motion of Representative Frank, the report of the Government Operations committee was adopted.

1st Sub. H.B. 260, as amended, read the second time by short title and returned to the Rules Committee.

***

Mr. Speaker: March 5, 2009

Without committee review, the Political Subdivisions Committee has returned H.B. 74, TOWNSHIP AMENDMENTS, by Representative P. Riesen, to the Rules Committee; and
With committee review, the Political Subdivisions Committee has returned H.B. 147, RESOURCE RECOVERY BY GOVERNMENTAL ENTITIES, by Representative T. Cosgrove, to the Rules Committee without recommendation; and

Without committee review, the Political Subdivisions Committee has returned H.B. 214, SUNSET DATE ON TOWNSHIP STATUS, by Representative E. Hutchings, to the Rules Committee.

Fred R Hunsaker, Chair

Reports filed. On motion of Representative Webb, the reports of the Political Subdivisions committee were adopted.

H.B. 74, H.B. 147, and H.B. 214 read the second time by short title and returned to the Rules Committee.

* * *

Mr. Speaker: March 5, 2009

The Revenue and Taxation Committee has returned H.B. 193, PROPERTY TAX − GREENBELT ROLLBACK, by Representative R. Menlove, to the Rules Committee and recommends that it be referred to interim study with the following amendments:

1. Page 4, Lines 109 through 116:

109 (1) Notwithstanding Section 59–2–506 and subject to the requirements of this section,

110 land is not subject to the rollback tax under Section 59–2–506 if:

111 (a) the land is withdrawn from this part;

112 (b) the land is donated to a nonprofit entity that is exempt as a charitable organization under Utah Constitution Article XIII, Section 3; and

113 (c) after the land is donated as described in Subsection (1)(b), the land does not meet

114 the requirements of Section 59–2–503; and

115 (d) the land becomes exempt from taxation under Utah Constitution Article XIII,

116 { Section 3; } ; and

The Revenue and Taxation Committee has returned H.B. 199, STATEWIDE EQUALIZATION OF SCHOOL FUNDING, by Representative W. Harper, to the Rules Committee without recommendation with the following amendments:
1. Page 4, Lines 103 through 104:

103 Part 6.  { Capitol } Capital Outlay Equalization Program

2. Page 5, Lines 126 through 127:

126 (e) “Contributing district” or “contributing school district” means a participating school district that
127 in a fiscal year receives less revenue from the allocations made under Section 53A–21–602 than

3. Page 5, Line 130:

130 (f) “Neutral school district” means a participating school district that in a fiscal year receives the

4. Page 5, Lines 133 through 134:

133 53A–21–603.
134 (g) “Participating school district” or “participating district” means a school district that:
   (i) is located in a county of the first, second, or third class; or
   (ii) is located in a county of the fourth, fifth, or sixth class and notifies the State Board of Education of its intent to participate in the Capital Outlay Equalization Program.
(h) “Rate reduction limitation increment” means, for a receiving district whose

5. Page 5, Line 142:

142 { (h) } (i) “Receiving district” or “receiving school district” means a participating school district that in a

6. Page 5, Lines 149 through 151:

149 2010–11, the State Board of Education shall allocate funding from the Capital Outlay
150 Equalization Fund to a participating school district in an amount equal to the product of:
151 (i) the adjusted allocation amount per student; and
7. Page 6, Lines 168 through 169:

168 (2) The State Board of Education shall allocate to a participating school district the greater of an amount equal to 
169 the participating school district’s allocation pursuant to Subsection (1) or an amount equal to

8. Page 6, Lines 170 through 177:

170 the revenue generated within the participating school district by the imposition of the basic capital outlay 
171 levy required under Section 53A–21–603 if 
172 (a) the school district is in a county of the fourth through sixth class; or 
173 (b) the participating school district: 
174 (i) has a school district property tax base per enrolled student less than 70% of the statewide average property tax base per enrolled student; and 
175 (ii) a combined capital levy rate greater than 70% of the highest combined capital levy rate.

9. Page 6, Line 180 through Page 7, Line 184:

180 shall reduce each district’s allocation by an equal percentage. 
181 (4) A participating school district shall remit to the State Board of Education an amount equal to the revenue generated from the basic capital outlay tax rate imposed under Section 53A–21–603 on or before the June 30 immediately following the end of the taxable year in which the participating school
184 district imposes the basic capital outlay tax rate.

10. Page 7, Line 199:

199 decrease other allocations that would otherwise be made to a participating school district, if the accounting

11. Page 7, Lines 205 through 207:

205 For taxable years beginning on or after January 1, 2010, in order to qualify for receipt of
Day 38932 HOUSE JOURNAL

206 state funds pursuant to Title 53A, Chapter 17a, Minimum School Program Act, a participating school district

207 shall impose a basic capital outlay tax rate of

208 \{ 0.00727 \} \quad 0.00584 \quad \text{per dollar of taxable value.}

12. Page 7, Line 212 through Page 8, Line 215:

212 (b) “Combined capital outlay certified tax rate” means a combined capital levy tax rate

213 that will provide the same ad valorem property tax revenues for a participating school district as were

214 budgeted by that participating school district for the prior year for the participating school district’s combined capital levy rate.

13. Page 8, Lines 219 through 224:

219 (3) The calculation of a participating school district’s combined capital outlay certified tax rate shall

220 be used:

221 (a) by the State Board of Education to determine the allocation of funds from the

222 Capital Outlay Equalization Fund in accordance with Section 53A–21–602; and

223 (b) to offset \{ a \} the participating school district’s aggregate certified tax rate as provided in Section 59–2–924.5; and

Without committee review the Revenue and Taxation Committee has returned H.B. 255, REPEAL OF SALES AND USE TAX EXEMPTION RELATING TO MINING, by Representative C. Watkins, to the Rules Committee; and

The Revenue and Taxation Committee has returned H.B. 380, TOURISM, RECREATION, CULTURAL, CONVENTION, AND AIRPORT FACILITIES TAX AMENDMENTS, by Representative C. Frank, to the Rules Committee without recommendation; and

Without committee review the Revenue and Taxation Committee has returned H.B. 403, SALES AND USE TAX AND INCOME TAX AMENDMENTS, by Representative K. McIff, to the Rules Committee; and
Without committee review the Revenue and Taxation Committee has returned **H.B. 415**, TAXATION AMENDMENTS, by Representative W. Harper, to the Rules Committee; and

The Revenue and Taxation Committee has returned **H.J.R. 6**, JOINT RESOLUTION REVISING PROPERTY TAX EXEMPTION, by Representative P. Painter, to the Rules Committee and recommends that it be referred to interim study; and

Without committee review, the Retirement and Independent Entities Committee has returned **H.B. 212**, ENHANCED PUBLIC SAFETY RETIREMENT SYSTEMS COST–OF–LIVING ADJUSTMENT OPTION AMENDMENTS, by Representative C. Wimmer, to the Rules Committee.

Todd E. Kiser, Chair
Reports filed. On motion of Representative Kiser, the reports of the Revenue and Taxation committee were adopted.


***

Mr. Speaker: March 5, 2009

Without committee review, the Retirement and Independent Entities Committee has returned **H.B. 212**, ENHANCED PUBLIC SAFETY RETIREMENT SYSTEMS COST–OF–LIVING ADJUSTMENT OPTION AMENDMENTS, by Representative C. Wimmer, to the Rules Committee.

Melvin R. Brown, Chair
Report filed. On motion of Representative Brown, the report of the Retirement and Independent Entities committee was adopted.

**H.B. 212** read the second time by short title and returned to the Rules Committee.

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Mr. Speaker: March 5, 2009

Without committee review, The Ethics Committee has returned **H.B. 84**, CAMPAIGN FINANCING AND GIFT REGULATION, by Representative S. Mascaro, to the Rules Committee; and
Without committee review, The Ethics Committee has returned **H.B. 93**, ESTABLISHMENT OF STATE ETHICS COMMISSION, by Representative P. Riesen, to the Rules Committee with a recommendation it be referred to interim study; and

Without committee review, The Ethics Committee has returned **H.B. 103**, REVOLVING DOOR LIMITATIONS FOR PUBLIC OFFICIALS TO BECOME LOBBYISTS, by Representative C. Moss, to the Rules Committee; and

Without committee review, The Ethics Committee has returned **H.B. 109**, MODIFICATIONS TO CAMPAIGN FINANCE PROVISIONS, by Representative K. Powell, to the Rules Committee; and

Without committee review, The Ethics Committee has returned **H.B. 139**, LEGISLATOR GIFT REPORTING ACT, by Representative S. Clark, to the Rules Committee; and

Without committee review, The Ethics Committee has returned **H.B. 159**, ETHICS PROVISIONS, by Representative S. Allen, to the Rules Committee with a recommendation it be referred to interim study; and

Without committee review, The Ethics Committee has returned **H.B. 268**, LEGISLATOR REPORTING OF GIFTS AND OTHER ITEMS, by Representative S. Allen, to the Rules Committee with a recommendation it be referred to interim study; and

Without committee review, The Ethics Committee has returned **H.J.R. 26**, JOINT RULES RESOLUTION ON THE SELECTION OF ETHICS COMMITTEE MEMBERS, by Representative N. Hansen, to the Rules Committee.

John Dougall, Chair

Reports filed. On motion of Representative Dougall, the reports of the Ethics committee were adopted.


**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: March 5, 2009

The Senate passed, **H.B. 42**, ADOPTION REVISIONS, by Representative S. Allen, which has been signed by the President and it is transmitted for the signature of the Speaker; and
The Senate passed, **H.B. 108**, HORMONE RESTORATION AMENDMENTS, by Representative D. Aagard, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 118**, ARCHIVES AND GRAMA REVISIONS, by Representative D. Aagard, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 144**, MEDICAL LANGUAGE INTERPRETER ACT, by Representative R. Chavez–Houck, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 205**, WATER SOURCE PROTECTION AMENDMENTS, by Representative M. Noel, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 254**, HEALTH PROFESSIONAL AUTHORITY – DEATH CERTIFICATES, by Representative B. Last, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 275**, DOMESTIC VIOLENCE IN PRESENCE OF A CHILD AMENDMENTS, by Representative K. Gibson, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 287**, UTAH EDUCATION NETWORK AMENDMENTS, by Representative K. Holdaway, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 292**, TRAFFIC VIOLATION AND CITATION AMENDMENTS, by Representative D. Ipson, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **2nd Sub. H.B. 331**, HEALTH REFORM – HEALTH INSURANCE COVERAGE IN STATE CONTRACTS, by Representative J. Dunnigan, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 375**, LOCAL GOVERNMENT RECORDS AMENDMENTS, by Representative R. Wilcox, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.J.R. 3**, JOINT RESOLUTION SUPPORTING EFFORTS TO INCREASE AND IMPROVE CANCER TREATMENT, SCREENING, AND RESEARCH PROGRAMS, by Representative
S. Duckworth, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, 1st Sub. H.J.R. 5, JOINT RESOLUTION SUPPORTING NEEDED IMPROVEMENTS IN THE NAVAJO NATION’S ABILITY TO COLLECT AND TRACK CHILD SUPPORT PAYMENTS, by Representative C. Watkins, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, 1st Sub. H.J.R. 12, JOINT RESOLUTION SUPPORTING HYDROGEN POWER FROM ADVANCED COAL AND CARBON CAPTURE AND SEQUESTRATION TECHNOLOGY, by Representative P. Painter, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed.

Mr. Speaker:


***

Mr. Speaker: March 5, 2009

The Senate passed, as amended, H.B. 244, DISRUPTION OF SCHOOL ACTIVITIES, by Representative C. Moss, and it is transmitted for further consideration; and

The Senate passed, as amended, H.B. 222, UNBORN CHILD PAIN PREVENTION ACT, by Representative C. Wimmer, and it is transmitted for further consideration; and

The Senate substituted and passed, Senate 3rd Sub. H.B. 165, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, by Representative M. Newbold, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate

Mr. Speaker: March 5, 2009

The Senate passed S.B. 215, JUSTICE FOR ALL SPECIAL GROUP LICENSE PLATE, by Senator G. Bell, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 218, COMMUNITY ANIMAL SHELTER AND ADOPTION SUPPORT SPECIAL GROUP LICENSE PLATE, by Senator P. Knudson, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communications filed. S.B. 215 and S.B. 218 read the first time by short title and referred to the Rules Committee.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, the House voted to move to the Senate Third Reading Calendar.

On motion of Representative Garn, the House voted to suspend the 24−hour rule and consider Senate Bills.

THIRD READING CALENDAR

1st Sub. S.B. 180, EXPUNGE MEENT OF DIVISION OF CHILD AND FAMILY SERVICES RECORDS, Fowlke, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

1st Sub. S.B. 180 passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives

Aagard    Allen    Barrus    Beck
Bigelow    Bird     Biskupski   Black
Brown      Chavez−Houck S. Clark  Cosgrove
Daw        Dee      Dougall    Draxler
S Duckworth Edwards  Ferry     Janice Fisher
Julie Fisher Fowlke  Frank     Froerer
Garn       F Gibson  Gowans    Greenwood
Grover     Hansen   Harper     Hemingway
Hendrickson Herrod  Holdaway  Hughes
Hunsaker  
King  
Lockhart  
Menlove  
Oda  
Ray  
Sumision  
Webb  
Wimmer

Hutchings  
Kiser  
Mascaro  
Morley  
Painter  
Riesen  
Vickers  
Wheatley  
Winn

Ipson  
Last  
Mathis  
Moss  
Poulson  
Sandstrom  
Wallis  
Wilcox  

Johnson  
Litvack  
McIff  
Newbold  
Powell  
Seegmiller  
Watkins  
Wiley

Absent or not voting were: Representatives
Dunnigan  
K Gibson  
Noel  
Seelig  
D. Clark

1st Sub. S.B. 180 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

S.B. 153, COUNTY AND MUNICIPAL LAND USE AMENDMENTS, Morley, read the third time by short title and placed on its final passage.

Representatives Powell, Holdaway, Fowlke, Allen, Mascaro, Froerer, Webb, Newbold and Garn commented.

S.B. 153 passed on the following roll call:

Yeas, 42; Nays, 29; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard  
S. Clark  
Ferry  
Froerer  
Grover  
Hunsaker  
Kiser  
Mathis  
Oda  
Vickers  
Winn

Barrus  
Daw  
Julie Fisher  
Garn  
Harper  
Hutchings  
Last  
McIff  
Ray  
Wallis  
D. Clark

Bigelow  
Dee  
Fowlke  
F Gibson  
Herrod  
Ipson  
Lockhart  
Morley  
Sandstrom  
Webb

Brown  
Dougall  
Frank  
Greenwood  
Hughes  
King  
Mascaro  
Newbold  
Sumision  
Wiley

Voting in the negative were: Representatives
Allen  
Black  
Beck  
Chavez-Houck  
Bird  
Cosgrove  
Biskupsuki  
Draxler

Winn
Absent or not voting were: Representatives
K Gibson Noel Painter Wimmer

S.B. 153 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, the House voted to recess until 2:00 p.m.

AFTERNOON SESSION

The House was called to order by Speaker Clark at 2:20 p.m.

MISCELLANEOUS BUSINESS

On motion of Representative Dee, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

RECONSIDERATION OF 1ST SUB. H.B. 145

On motion of Representative Beck, the House voted to uncircle 1st Sub. H.B. 145.

1st Sub. H.B. 145, WORKPLACE DRUG TESTING PROGRAMS, Beck, was before the House on its final passage.

Representative Hutchings proposed the following amendment:

1. Page 2, Line 50:
   After “action” delete “to terminate employment”

Representative Hutchings’ motion to amend passed on a voice vote.

1st Sub. H.B. 145 passed on the following roll call:

Yeas, 50; Nays, 19; Absent or not voting, 6.
Voting in the affirmative were: Representatives

Aagard      Allen      Barrus      Beck
Biskupski    Black      Brown      Chavez–Houck
S. Clark     Cosgrove   Daw        Dee
Draxler      S Duckworth Dunnigan   Edwards
Julie Fisher Fowlke    Froerer   F Gibson
Gowans       Hansen     Hemingway Hendrickson
Herrod       Holdaway   Hunsaker  Hutchings
Johnson      King       Lockhart  Mascaro
McIff        Menlove    Moss      Oda
Painter      Poulson    Powell    Ray
Riesen       Sandstrom  Seegmiller Seaig
Vickers      Wallis     Watkins   Wheatley
Wiley        Winn

Voting in the negative were: Representatives

Dougall      Ferry      Frank      Garn
K Gibson     Greenwood  Grover     Harper
Hughes       Ipson      Last       Mathis
Newbold      Noel       Sumasion  Webb
Wilcox       Wimmer     D. Clark

Absent or not voting were: Representatives

Bigelow      Bird       Janice Fisher Kiser
Litvack      Morley

1st Sub. H.B. 145 transmitted to the Senate for its consideration.

THIRD READING CALENDAR

H.B. 389, APPLICATIONS FOR A SMALL AMOUNT OF WATER, Painter, read the third time by short title and placed on its final passage.

H.B. 389, as amended, passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard      Allen      Barrus      Beck
Bird        Biskupski  Black      Brown
Chavez–Houck S. Clark  Cosgrove   Daw
Dee         Dougall    Draxler    S Duckworth
Dunnigan    Edwards    Ferry      Janice Fisher
Absent or not voting were: Representatives
   Absent or not voting were: Representatives
   Bigelow Kiser Webb

H.B. 389, as amended, transmitted to the Senate for its consideration.

***

1st Sub. H.B. 143. VEHICLE TITLE, INSPECTION AND EMISSION TESTING EXEMPTIONS AMENDMENTS, Sumsion, read the third time by short title and placed on its final passage. Representatives Hendrickson and Hemingway commented.

1st Sub. H.B. 143 passed on the following roll call:

Yeas, 67; Nays, 4; Absent or not voting, 4.

Voting in the affirmative were: Representatives

Aagard Allen Barrus Biskupski
Black Brown Chavez−Houck S. Clark
Cosgrove Daw Dee Dougall
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Froerer F Gibson K Gibson Gowans
Grover Hansen Harper Hemingway
Hendrickson Herrod Holdaway Hunsaker
Hutchings Ipson Johnson King
Kiser Last Litvack Lockhart
Mascaro Mathis McIff Menlove
Morley Moss Newbold Noel
Wiley Wimmer Winn D. Clark
Voting in the negative were: Representatives
Bird Draxler Greenwood Ray

Absent or not voting were: Representatives
Beck Bigelow Garn Hughes

1st Sub. H.B. 143 transmitted to the Senate for its consideration.

* * *

1st Sub. H.B. 337, CHOOSE LIFE SPECIAL GROUP LICENSE PLATE, Herrod, read the third time by short title and placed on its final passage.

Representative Johnson declared a conflict of interest because her mother was adopted.

Representative Johnson proposed the following amendment:

1. Page 1, Line 1

   1 CHOOSE { LIFE } ADOPTION SUPPORT SPECIAL GROUP LICENSE

2. Page 1, Line 10:

   10 This bill authorizes a Choose { Life } Adoption { Support } support special group license plate.

3. Page 1, Line 13:

   13 Creates a Choose { Life } Adoption { Support } support special group license plate for adoption

4. Page 1, Lines 15 through 16:

   15 Requires applicants for a new plate to make a $25 annual donation to the Choose { Life } Adoption Support Restricted Account for adoption support programs;
5. Page 1, Line 17:
   17  creates the Choose { Life } Adoption Support Restricted Account;

6. Page 1, Line 20:
   20  Choose { Life } Adoption Support Restricted Account; and

7. Page 5, Lines 130 through 131:
   130  (N) the Choose { Life } Adoption Support Restricted Account created in Section
   131  62A–4a–608 to support programs that promote adoption.

8. Page 7, Lines 184 through 186:
   185  (1) There is created in the General Fund the “Choose { Life } Adoption Support Restricted
   186  Account.”

9. Page 7, Lines 188 through 189:
   188  (a) contributions deposited into the Choose { Life } Adoption Support Restricted Account
   189  in accordance with Section 41–1a–422;

10. Page 7, Lines 200 through 201:
    200  (c) are licensed { or registered } to do business within the state in accordance with state
    201  law; and

11. Page 7, Line 203:
    203  providing a Choose { Life } Adoption { Support } support special group license plate in accordance with

Representative Chavez–Houck and Morley commented. Representative Johnson’s motion to amend failed on a voice vote.

Representative McIff commented. 1st Sub. H.B. 337 passed on the following roll call:
Yeas, 44; Nays, 27; Absent or not voting, 4.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bird  Brown  S. Clark  Cosgrove
Daw  Dee  Draxler  Dunnigan
Edwards  Ferry  Fowlke  Froerer
F Gibson  K Gibson  Greenwood  Grover
Herrod  Holdaway  Hughes  Hunsaker
Hutchings  Ipson  Kiser  Last
Morley  Newbold  Noel  Oda
Painter  Powell  Ray  Sandstrom
Sumson  Vickers  Wallis  Webb
Wilcox  Wimmer  Winn  D. Clark

Voting in the negative were: Representatives

Biskupski  Black  Chavez–Houck  Dougall
S Duckworth  Janice Fisher  Julie Fisher  Frank
Garn  Gowans  Hansen  Harper
Hemingway  Hendrickson  Johnson  King
Litvack  Mascaro  McIff  Menlove
Moss  Poulson  Riesen  Seelig
Watkins  Wheatley  Wiley

Absent or not voting were: Representatives

Bigelow  Lockhart  Mathis  Seegmiller

1st Sub. H.B. 337 transmitted to the Senate for its consideration.

***

H.B. 174, LICENSING OF VOCATIONAL REHABILITATION COUNSELORS, Menlove, read the third time by short title and placed on its final passage.

H.B. 174, as amended, passed on the following roll call:

Yeas, 63; Nays, 4; Absent or not voting, 8.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bird  Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Draxler  S Duckworth  Dunnigan
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**Voting in the negative were:** Representatives
Dougall    Lockhart    Wilcox    Wimmer

**Absent or not voting were:** Representatives
Bigelow    Herrod      Mascaro    Morley
Newbold    Ray         Sumson     D. Clark

**H.B. 174,** as amended, transmitted to the Senate for its consideration.

* * *

**H.B. 179,** STATE-OWNED LAND AMENDMENTS, *K. Gibson,* read the third time by short title and placed on its final passage.

Representative Hughes declared a conflict of interest because he is a trustee on the board of trustees for UTA.


**H.B. 179,** as amended, passed on the following roll call:

**Yeas:** 52; **Nays:** 21; **Absent or not voting:** 2.

**Voting in the affirmative were:** Representatives
Aagard    Allen       Barrus    Bigelow
Brown     S. Clark    Cosgrove  Daw
Dee       Dougall     Draxler   Julie Fisher
Fowlke    Frank       Froerer   Garn
K Gibson  Gowans      Greenwood Grover
Hemingway Hendrickson Herrod   Holdaway
Hughes  Hunsaker  Hutchings  Ipson
Kiser  Last  Lockhart  Mascaro
McIlff  Menlove  Morley  Newbold
Noel  Oda  Painter  Poulson
Powell  Ray  Riesen  Sandstrom
Sumasion  Vickers  Wallis  Webb
Wilcox  Wimmer  Winn  D. Clark

Voting in the negative were: Representatives
Beck  Bird  Biskupski  Black
Chavez–Houck  S Duckworth  Dunnigan  Edwards
Janice Fisher  F Gibson  Hansen  Johnson
King  Litvack  Mathis  Moss
Seegmiller  Seelig  Watkins  Wheatley
Wiley

Absent or not voting were: Representatives
Ferry  Harper

H.B. 179, as amended, transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, and at 3:50 p.m., the House voted to adjourn until March 6, 2009, at 9:00 a.m.
THIRTY–NINTH DAY

MORNING SESSION

The House was called to order by Speaker Clark at 9:00 a.m.

Roll call showed all members present.

Prayer offered by William Murdoch, Representative King’s father–in–law. Pledge of Allegiance led by Representative Brian King’s daughter, Sophia King.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 5, 2009

The Senate passed, 1st Sub. H.B. 151, MOTOR VEHICLE FORFEITURE AMENDMENTS, by Representative C. Herrod, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communication filed. 1st Sub. H.B. 151 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

* * *

Mr. Speaker: March 5, 2009

The Senate substituted and passed, Senate 1st Sub. H.B. 136, SEX OFFENDER DEFINITION AMENDMENTS, by Representative P. Ray, and it is transmitted for further consideration; and

The Senate substituted, amended, and passed, Senate 2nd Sub. H.B. 188, HEALTH SYSTEM REFORM – INSURANCE MARKET, by Representative D. Clark, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate


* * *

Mr. Speaker: March 5, 2009

The Senate passed, as substituted, and amended 1st Sub. S.B. 184, CIVIL FILING FEES, by Senator G. Bell, and it is transmitted for consideration; and
The Senate passed, as amended, **S.B. 245**, UNIFORM FEES ON MOTORCYCLES, by Senator B. Goodfellow, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **1st Sub. S.B. 184** and **S.B. 245** read the first time by short title and referred to the Rules Committee.

**Mr. Speaker:**  
March 6, 2009

The Senate concurred in the House amendments and passed **S.B. 35**, SALES AND USE TAX DEFINITIONS RELATING TO PROPERTY, by Senator W. Niederhauser, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **S.B. 39**, IMMIGRATION AMENDMENTS, by Senator S. Jenkins, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **2nd Sub. S.B. 56**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, by Senator S. Killpack, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **1st Sub. S.B. 81**, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, by Senator M. Dayton, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **S.B. 118**, PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS, by Senator J. Greiner, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 35, S.B. 39, 2nd Sub. S.B. 56, 1st Sub. S.B. 81**, and **S.B. 118** signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

**CONCURRENCE CALENDAR**

On motion of Representative Newbold, the House voted to concur in the Senate amendments to **3rd Sub. H.B. 165**, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION.
3rd Sub. H.B. 165, as amended by the Senate, passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard  Allen  Barrus  Beck  
Bigelow  Bird  Biskupski  Black  
Chavez–Houck  S. Clark  Cosgrove  Daw  
Dee  Dougall  S Duckworth  Dunnigan  
Edwards  Ferry  Janice Fisher  Julie Fisher  
Fowke  Frank  Froerer  Garn  
F Gibson  K Gibson  Gowans  Greenwood  
Grover  Hansen  Harper  Hemingway  
Hendrickson  Herrod  Holdaway  Hunsaker  
Hutchings  Ipson  Johnson  King  
Kiser  Last  Litvack  Lockhart  
Mathis  Menlove  Moss  Newbold  
Noel  Oda  Painter  Poulson  
Powell  Ray  Riesen  Sandstrom  
Seegmiller  Seelig  Sumson  Vickers  
Wallis  Watkins  Webb  Wheatley  
Wilcox  Wimmer  Winn  D. Clark

**Absent or not voting were:** Representatives

Brown  Draxler  Hughes  Mascaro  
Mclff  Morley  Wiley

3rd Sub. H.B. 165, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative Wimmer, the House voted to concur in the Senate amendments to H.B. 222, UNBORN CHILD PAIN PREVENTION ACT.

H.B. 222, as amended by the Senate, passed on the following roll call:

**Yeas, 57; Nays, 12; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard  Allen  Barrus  Beck  
Bigelow  Bird  S Clark  Cosgrove  
Daw  Dee  Dougall  Draxler
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Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Frank Froerer Garn
F Gibson K Gibson Gowans Greenwood
Grover Harper Herrod Holdaway
Hughes Hunsaker Ipson Kiser
Last Lockhart Mascaro Mathis
McIlff Menlove Morley Moss
Newbold Noel Oda Painter
Poulson Powell Ray Sandstrom
Seegmiller Sumson Vickers Wallis
Webb Wilcox Wimmer Winn
D. Clark

Voting in the negative were: Representatives
Biskupski Black Chavez–Houck S Duckworth
Hemingway Johnson Litvack Riesen
Seelig Watkins Wheatley Wiley

Absent or not voting were: Representatives
Brown Fowlke Hansen Hendrickson
Hutchings King

H.B. 222, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative Moss, the House voted to refuse to concur with the Senate amendments to H.B. 244, DISRUPTION OF SCHOOL ACTIVITIES, and to request that the Senate recede from its amendments. H.B. 244 was returned to the Senate for further consideration.

THIRD READING CALENDAR

1st Sub. H.B. 356, BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS, Newbold, read the third time by short title and placed on its final passage.

1st Sub. H.B. 356 passed on the following roll call:

Yea, 68; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Representatives
Allen Barrus Beck Bigelow
Bird Biskupski Black Chavez–Houck
Absent or not voting were: Representatives
Aagard Brown Daw Dougall
Litvack McIff Wallis

1st Sub. H.B. 356 transmitted to the Senate for its consideration.

* * *

H.B. 372, INSURANCE PROVISIONS REGARDING OFFENDERS, Ray, read the third time by short title and placed on its final passage. Representatives Dunnigan, King, Noel, Kiser and Barrus commented.

On motion of Representative Hutchings, the House voted to circle H.B. 372. Representatives Dunnigan and Duckworth commented.

* * *

H.B. 384, PUBLIC LEWDNESS AMENDMENTS, Ipson, read the third time by short title and placed on its final passage.

H.B. 384 passed on the following roll call:

Yeas, 69; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bird Biskupski Black Chavez–Houck
S. Clark Cosgrove Daw Dee
Dougall  Draxler  Dunnigan  Edwards
Ferry    Janice Fisher  Julie Fisher  Fowlke
Frank    Froerer      F Gibson     K Gibson
Gowans   Greenwood   Grover      Hansen
Harper   Hemingway   Hendrickson  Herrod
Holdaway Hughes     Hunsaker     Hutchings
Ipson    Johnson     King        Kiser
Litvack   Lockhart   Mascaro     Mathis
Mclff    Menlove    Morley      Moss
Newbold  Noel       Oda         Painter
Poulson  Powell     Ray         Riesen
Sandstrom Seegmiller Seelig     Sumasion
Vickers  Wallis     Watkins     Webb
Wheatley Wilcox     Wiley       Wimmer
D. Clark

Absent or not voting were: Representatives
Bigelow    Brown       S Duckworth  Garn
Last       Winn

H.B. 384 transmitted to the Senate for its consideration.

* * *


H.B. 101 passed on the following roll call:

Yeas, 40; Nays, 34; Absent or not voting, 1.

Voting in the affirmative were: Representatives
Allen    Beck         Biskupski   Black
Brown    Chavez–Houck S. Clark   Cosgrove
Draxler  S Duckworth Dunnigan   Edwards
Janice Fisher Julie Fisher  Gowans  Hansen
Hemingway Hendrickson  Holdaway Hunsaker
Hutchings Ipson        Johnson    King
Last     Litvack      Mclff      Menlove
Moss     Noel         Poulson    Powell
Ray      Riesen       Seegmiller Seelig
Vickers  Watkins     Wheatley   Wiley
Voting in the negative were: Representatives

Aagard     Barrus     Bigelow     Bird
Daw        Dee        Dougall     Ferry
Fowlke     Frank      Froerer     Garn
F Gibson    K Gibson   Greenwood   Grover
Harper     Herrod     Hughes      Kiser
Lockhart   Mascaro    Mathis      Morley
Newbold    Oda        Painter     Sandstrom
Sumssion   Wallis     Webb        Wilcox
Wimmer     D. Clark

Absent or not voting was: Representative
Winn

H.B. 101 transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Hughes, the House voted to calendar H.B. 457 for Time Certain on March 9, 2009 at 2:15 p.m.

THIRD READING CALENDAR

H.B. 450, TRADEMARK AMENDMENTS, Last, read the third time by short title and placed on its final passage.

On motion of Representative Last, the House voted to circle H.B. 450.

* * *

1st Sub. H.B. 311, UTAH STATE RAILROAD MUSEUM AUTHORITY, Hansen, read the third time by short title and placed on its final passage.

Representative Hansen proposed the following amendment:

1. Page 3, Lines 64 through 70
   House Committee Amendments 2–25–2009
   64 (iii) four persons representing railroad historic and heritage preservation organizations
   65 active in Weber and Box Elder Counties, as follows:
   66 (A) one person representing the Railroad and Locomotive Historical Society Golden
Representative Hansen’s motion to amend passed on a voice vote.

Representative Ferry declared a conflict of interest because he owns private property in this area.

1st Sub. H.B. 311, as amended, passed on the following roll call:

**Yeas, 67; Nays, 8; Absent or not voting, 0.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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1st Sub. H.B. 311, as amended, transmitted to the Senate for its consideration.
H.B. 276, CUSTODIAL INTERFERENCE AMENDMENTS, Wimmer, read the third time by short title and placed on its final passage.

On motion of Representative Wimmer, the House voted to circle H.B. 276.

H.B. 430, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS, Garn, read the third time by short title and placed on its final passage.

Representative Garn proposed the following amendment:

1. Page 5, Lines 132 through 135

132  (1) The Legislature finds that:
133 (a) to foster and develop the renewable energy industry in Utah, including generation
134 and manufacturing, {—is a public purpose necessary to assure the health and welfare of Utah’s
135 citizens and } will promote the interest of Utah’s citizens in encouraging the growth of the state’s economy;

Representative Garn’s motion to amend passed on a voice vote.

H.B. 430, as amended, passed on the following roll call:

Y eas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Frank Froerer
Garn F Gibson K Gibson Gowans
Greenwood Grover Hansen Harper
Hemingway Hendrickson Herrod Holdaway
Hughes Hunsaker Hutchings Ipson
Johnson King Kiser Last
Absent or not voting were: Representatives

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H.B. 430, as amended, transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, under suspension of the rules, the House voted to lift 1st Sub. S.B. 192 and S.B. 87 from the Rules Committee, consider them read the second time by short title, place them at top of the Senate Third Reading Calendar and set them for time certain at 11:30 a.m. today.

THIRD READING CALENDAR

H.B. 392, NATURAL GAS FOR VEHICLES, Ipson, read the third time by short title and placed on its final passage.

H.B. 392 passed on the following roll call:

Yeas, 66; Nays, 4; Absent or not voting, 5.

Voting in the affirmative were: Representatives

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Voting in the negative were: Representatives
Dougall     Frank       Morley      Newbold
Absent or not voting were: Representatives
Bird        Hemingway   Painter     Seegmiller
Wimmer

**H.B. 392** transmitted to the Senate for its consideration.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: March 6, 2009

The Senate passed, **H.B. 142**, REPORTING ABUSE OR NEGLECT OF THE ELDERLY OR DISABLED, by Representative L. Hemingway, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 202**, SCHOOL DISTRICT TRAFFIC VIOLATION COMPLAINT PROCEDURES, by Representative W. Harper, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **1st Sub. H.B. 157**, PROPERTY TAX ASSESSMENT AMENDMENTS, by Representative W. Harper, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. **H.B. 142, H.B. 202**, and **1st Sub. H.B. 157** signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

***

Mr. Speaker: March 6, 2009

The Senate passed, as amended, **2nd Sub. H.B. 100**, DEPARTMENT OF CORRECTIONS – TRACKING AND REIMBURSEMENT OF INDIVIDUAL PRISONER COSTS, by Representative C. Wimmer, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 170**, INSURANCE AND LIFE SETTLEMENT AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for further consideration; and
The Senate passed, as amended, **H.B. 152**, APPRAISAL MANAGEMENT COMPANY REGULATION, by Representative M. Morley, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 128**, ELECTRONIC PRESCRIBING ACT, by Representative R. Menlove, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 317**, CAPITAL FELONY AMENDMENTS, by Representative C. Wimmer, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate


***

Mr. Speaker: March 6, 2009

The Senate requests the return of **1st Sub. H.B. 136**, SEX OFFENDER DEFINITION AMENDMENTS, by Representative P. Ray, for reconsideration.

Annette B. Moore
Secretary of the Senate

Communication filed. On motion of Representative Dee, the House voted to return **1st Sub. H.B. 136** to the Senate.

***

Mr. Speaker: March 6, 2009

The Senate passed **S.J.R. 18**, JOINT RESOLUTION ON FISCAL NOTE PROCESS, by Senator W. Niederhauser, and it is transmitted for consideration; and

The Senate passed, as substituted, **1st Sub. S.B. 271**, JUDICIAL CONDUCT COMMISSION AMENDMENTS, by Senator G. Davis, and it is transmitted for consideration; and

The Senate passed **S.B. 70**, DEPARTMENT OF ENVIRONMENTAL QUALITY AMENDMENTS, by Senator M. Dayton, and it is transmitted for consideration; and
The Senate passed, as substituted, and amended 1st Sub. S.B. 228, PROHIBITION ON INTERNET OR MAIL−ORDER SALES OF TOBACCO PRODUCTS, by Senator M. Dayton, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate


RULES COMMITTEE REPORTS

Mr. Speaker: March 6, 2009

The Rules Committee recommends that the following bills, under suspension of the rules, be considered read for the second time and placed on the Third Reading Calendar.

H.B. 173 Outdoor Guides and Outfitters Licensing Act
(Rep. E. Vickers)


H.B. 379 Environmental Litigation Bond (Rep. M. Noel)

H.B. 436 State Prohibition of Sudan Related Contracts
(Rep. D. Litvack)

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

* * *

Mr. Speaker: March 6, 2009

The Rules Committee recommends that H.J.R. 28, Joint Resolution Honoring the Battleship USS Utah on its 100th Anniversary (Rep. Julie Fisher) under suspension of the rules, be considered read for the second time and placed on the Time Certain Calendar for Monday, March 9, 2009 at 2:50 p.m.

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

THIRD READING CALENDAR

H.B. 391. BUDGETARY PROCEDURES ACT REVISIONS, Bigelow; read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

On motion of Representative Dee, the House voted to circle H.B. 391.
H.B. 201, MUNICIPAL DISINCORPORATION AMENDMENTS, Froerer, read the third time by short title and placed on its final passage.

Representative Froerer proposed the following amendment:

1. Page 1, Line 23
   House Committee Amendments 2–27–2009
   23  {–None–}  This bill provides an immediate effective date.

2. Page 2, Line 47:
   47  that the incorporation petition proposed to be incorporated.
   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.

Representative Froerer’s motion to amend passed on a voice vote.

Representative Hughes commented.

H.B. 201, as amended, passed on the following roll call:

Yeas, 52; Nays, 17; Absent or not voting, 6.

Voting in the affirmative were: Representatives

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Voting in the negative were: Representatives
Allen Bird Chavez–Houck S. Clark
Daw Holdaway Hughes Johnson
Kiser Mascaro Mathis Morley
Newbold Noel Poulson Riesen
D. Clark

Absent or not voting were: Representatives
Bigelow Ferry Garn Painter
Seelig Wimmer

H.B. 201, as amended, transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Last, the House voted to uncircle H.B. 450.

H.B. 450, TRADEMARK AMENDMENTS, Last, was before the House on its final passage.

Representative Seelig declared a conflict of interest because she is employed by 1–800–Contacts.

Representative Last proposed the following amendment:

1. Page 8, Lines 224 through 231
   224 (3) A court of competent jurisdiction:
   225 (a) may grant an injunction to restrain the delivery or display of an advertisement in
   226 Utah prohibited by Section 70–3a–406;
   227 (b) may award reasonable attorney fees if the delivery or display of an advertisement in
   228 Utah persists after an action is properly filed after the ten–day notice period described in
   229 Subsection (2)(b); { and }
   230 (c) may award reasonable attorney fees to the defendant upon finding:
   (i) that the delivery or display of a challenged advertisement is not prohibited by Section 70–3a–406; and
   (ii) that the action was brought in bad faith; and
(d) may not award reasonable attorney fees if the delivery or display of an
231 advertisement in Utah stops within the ten–day notice period described in Subsection (2)(b).

Representative Daw commented. Representative Last’s motion to amend passed on a voice vote.

Representatives Barrus, Allen, S. Clark, Biskupski, Mascaro and Hughes commented.

**H.B. 450**, as amended, passed on the following roll call:

**Yeas, 38; Nays, 36; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Aagard          Beck          Biskupski      Black
Chavez–Houck    Dee           Draxler       S Duckworth
Dunnigan        Janice Fisher  Frank         K Gibson
Gowans          Greenwood     Hughes        Hutchings
Ipson           King          Kiser         Last
Litvack         Mathis        Menlove       Moss
Painter         Poulson       Powell        Ray
Riesen          Seegmiller    Seelig        Vickers
Wallis          Watkins       Webb          Wilcox
Wiley           D. Clark

**Voting in the negative were:** Representatives

Allen           Barrus        Bigelow       Bird
Brown           S. Clark      Cosgrove     Daw
Dougall         Edwards       Ferry         Julie Fisher
Fowlke          Froerer       Garn          F Gibson
Grover          Hansen       Harper        Hemingway
Hendrickson     Herrod       Holdaway     Hunsaker
Johnson         Lockhart     Mascaro       McIff
Morley          Newbold      Noel          Oda
Sandstrom       Sumsion      Wheatley     Wimmer

**Absent or not voting was:** Representative

Winn

**H.B. 450**, as amended, transmitted to the Senate for its consideration.
TIME CERTAIN CALENDAR

1st Sub. S.B. 192, CORPORATION AND BUSINESS ENTITY RELATED AMENDMENTS, Hunsaker, read the third time by short title and placed on its final passage.

Representative Hunsaker proposed the following amendment:

1. Page 2, Lines 29 through 30
   29 Other Special Clauses:
   30 {None} This bill has an immediate effective date.

2. Page 39, Lines 1195 through 1196:
   1195 (ii) the member or manager of the foreign company that is mailed the notice, if the
   1196 notice is required to be mailed to a member or manager of the foreign company.

Section 24. 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.

Representative Hunsaker’s motion to amend passed on a voice vote.

1st Sub. S.B. 192, as amended, passed on the following roll call:

Yeas, 67; Nays, 0; Absent or not voting, 8.

Voting in the affirmative were: Representatives
Aagard Barrus Beck Bigelow
Bird Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Frank Froerer
Garn F Gibson K Gibson Greenwood
Grover Hansen Harper Hemingway
Hendrickson Herrod Holdaway Hunsaker
Hutchings Ipson Johnson King
Absent or not voting were: Representatives
Allen Gowans Hughes Mathis
Morley Moss Wimmer Winn

1st Sub. S.B. 192, as amended, returned to the Senate for further consideration.

* * *

S.B. 87, PREFERRED DRUG LIST REVISIONS, Dunnigan, read the third time by short title and placed on its final passage.

Representatives Ray, King, Vickers and Bigelow commented. S.B. 87 passed on the following roll call:

Yeas, 63; Nays, 9; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Chavez−Houck S. Clark Cosgrove Daw
Dee Draxler S Duckworth Dunnigan
Edwards Janice Fisher Julie Fisher Fowlke
Frank Froerer Garn F Gibson
K Gibson Gowans Grover Hemingway
Herrod Holdaway Hughes Hunsaker
Hutchings Ipson Johnson King
Kiser Last Litvack Mascaro
Mathis McIff Menlove Moss
Newbold Noel Oda Painter
Poulson Powell Riesen Seegmiller
Seelig Sumsion Vickers Wallis
Watkins Webb Wheatley Wilcox
Wiley Winn D. Clark
Voting in the negative were: Representatives
Brown Ferry Greenwood Hansen
Harper Hendrickson Lockhart Ray
Sandstrom

Absent or not voting were: Representatives
Dougall Morley Wimmer

S.B. 87 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

MISCELLANEOUS BUSINESS

On motion of Representative Dee, the House voted to recall H.B. 185 from the Senate for a technical correction.

***

On motion of Representative Garn, the House voted to recess until 2:00 p.m.

AFTERNOON SESSION

The House was called to order by Speaker Clark at 2:00 p.m.

COMMUNICATION FROM THE SENATE

Mr. Speaker: March 6, 2009
The Senate passed, as substituted, 1st Sub. S.B. 73, UNINCORPORATED AREAS AMENDMENTS, by Senator K. Mayne, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. 1st Sub. S.B. 73 read the first time by short title and referred to the Rules Committee.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, the House voted to recess until 3:00 p.m.

Speaker Clark called the House to order at 3:30 p.m.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 6, 2009
The Senate transmits H.B. 185, TRANSPORTATION AMENDMENTS, by Representative W. Harper, for technical correction.

Annette B. Moore
Secretary of the Senate
Communication filed. **H.B. 185** referred to staff for technical correction.

* * *

Mr. Speaker: March 6, 2009

The President of the Senate has signed **3rd Sub. H.B. 165**, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, by Representative M. Newbold, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 222**, UNBORN CHILD PAIN PREVENTION ACT, by Representative C. Wimmer, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. **3rd Sub. H.B. 165** and **H.B. 222** signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

* * *

Mr. Speaker: March 6, 2009

The Senate refuses to recede from its amendments to **H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, by Representative C. Moss, and has appointed a Conference Committee consisting of Senators J. Greiner, B. Goodfellow, and K. Morgan to meet with a like committee from the House on this bill.

Annette B. Moore
Secretary of the Senate

Communication filed. On motion of Representative Dee, the Speaker was authorized to appoint a conference committee to meet with a like committee from the Senate. Speaker Clark appointed Representatives Moss, Hughes, and Holdaway.

**THIRD READING CALENDAR**


**H.B. 425** passed on the following roll call:

**Yeas**, 63; **Nays**, 0; **Absent or not voting**, 12.
Voting in the affirmative were: Representatives

Allen Barrus Beck Bird
Biskupski Black Chavez—Houck S. Clark
Cosgrove Daw Dee Dougall
Draxler S Duckworth Dunnigan Edwards
Ferry Julie Fisher Fowlke Frank
Frroer F Gibson K Gibson Gowans
Greenwood Grover Hemingway Hendrickson
Herrod Hunsaker Hutchings Ipson
Johnson King Kiser Litvack
Lockhart Mascaro Mathis McIff
Menlove Morley Moss Newbold
Noel Oda Poulson Powell
Ray Riesen Sandstrom Seegmiller
Seelig Sumsion Vickers Wallis
Watkins Webb Wheatley Wilcox
Wiley Winn D. Clark

Absent or not voting were: Representatives

Aagard Bigelow Brown Janice Fisher
Garn Hansen Harper Holdaway
Hughes Last Painter Wimmer

H.B. 425 transmitted to the Senate for its consideration.

RECONSIDERATION OF 2ND SUB. H.B. 187

On motion of Representative Ferry, the House voted to uncircle 2nd Sub. H.B. 187.

2nd Sub. H.B. 187, RECREATIONAL USE OF PUBLIC WATERS ON PRIVATE PROPERTY, was before the House for reconsideration.


Representative Ferry proposed the following amendment:

1. Page 10, Lines 276 through 277

276 Huntington Canyon downstream to the State Road 10 bridge;
{ and }

277 (30) Lower Fish Creek from Scofield Dam to the confluence with the White River { z } ;
(31) Beaver Creek from the confluence with the Weber River upstream to the United States Forest Service boundary line;
(32) Mill Creek from the Wyoming state line upstream to the United States Forest Service Road 058;
(33) West Fork of the Bear River from the confluence with the Bear River upstream to the United States Forest Service boundary line;
(34) Beaver Creek from Minersville Reservoir upstream to the United States Forest Service boundary line;
(35) Smith and Morehouse Creek from the confluence with the Weber River upstream to the United States Forest Service boundary line;
(36) Ashley Creek from the Thornburg Diversion near Steinaker Reservoir upstream to the United States Bureau of Land Management boundary line;
(37) Cottonwood Creek from the confluence with Straight Canyon Creek downstream to the State Highway 10 bridge;
(38) San Pitch River from Highway 116 upstream to the confluence with Dry Creek;
(39) Big Creek from the confluence with the Bear River upstream to the United States Forest Service boundary;
(40) Panguitch Creek from the Panguitch Lake dam downstream to the confluence with the Sevier River; and
(41) Lower South Fork of the Provo River from the confluence with the Provo River upstream to United States National Forest Service Trail 58.

Representative Ferry’s motion to amend passed on a voice vote.

###

Representative Draxler proposed the following amendment:

1. Page 13, Line 387:
   Delete “and” and insert “or”

Representatives Webb, McIff and Powell commented.

Representative Draxler’s motion to amend failed on the following roll call:

**Yeas, 32; Nays, 41; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

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<td>Black</td>
<td>Chavez–Houck</td>
<td>Cosgrove</td>
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Voting in the negative were: Representatives

Barrus Bigelow Brown S. Clark
Dee Dougall Dunnigan Ferry
Frank Froerer Garn F Gibson
K Gibson Gowans Greenwood Grover
Hansen Harper Hendrickson Herrod
Holdaway Hutchings Last Lockhart
Mascaro Mathis McIff Menlove
Morley Newbold Noel Painter
Sandstrom Seegmiller Seelig Sumsion
Wallis Watkins Webb Winn
D. Clark

Absent or not voting were: Representatives
Hughes Wimmer

On motion of Representative Garn, the House voted to circle 3rd Sub. H.B. 187.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, and at 4:10 p.m., the House voted to adjourn until March 9, 2009, at 9:00 a.m.
FORTY–SECOND DAY

* * *

MORNING SESSION

The House was called to order by Speaker Clark at 9:00 a.m.

Roll call showed all members present.

Prayer offered by Reverend Jeff Silliman, Salt Lake Theological Seminary. Pledge of Allegiance led by Representative Phil Riesen.

COMMUNICATION FROM THE SENATE

Mr. Speaker: March 6, 2009

The Senate passed, H.J.R. 8, JOINT RESOLUTION REGARDING SECRET BALLOT, by Representative C. Wimmer, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communication filed. H.J.R. 8 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

CONCURRENCE CALENDAR

On motion of Representative D. Clark, the House voted to concur in the Senate amendments to 2nd Sub. H.B. 188, HEALTH SYSTEM REFORM – INSURANCE MARKET.

2nd Sub. H.B. 188, as amended by the Senate, passed on the following roll call:

Yeas, 60; Nays, 5; Absent or not voting, 10.

Voting in the affirmative were: Representatives

Aagard    Barrus    Beck    Bigelow
Bird      Biskupski  Black  Brown
Chavez–Houck S. Clark  Cosgrove Daw
Dee       Dougall   Draxler Edwards
Ferry     Janice Fisher  Julie Fisher Fowlke
Frank     Froerer   Garn    F Gibson
Voting in the negative were: Representatives
S Duckworth Hansen Oda Sumsion
Wimmer

Absent or not voting were: Representatives
Allen Dunnigan Holdaway Hutchings
Johnson Morley Painter Ray
Seelig Winn

2nd Sub. H.B. 188, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative Wimmer, the House voted to concur in the Senate amendments to 2nd Sub. H.B. 100, DEPARTMENT OF CORRECTIONS – TRACKING AND REIMBURSEMENT OF INDIVIDUAL PRISONER COSTS.

2nd Sub. H.B. 100, as amended by the Senate, passed on the following roll call:

Yeas, 66; Nays, 4; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard Barrus Beck Bigelow
Bird Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Dougall Draxler Dunnigan
Edwards Ferry Janice Fisher Julie Fisher
Fowlke Frank Froerer Garn
F Gibson K Gibson Gowans Greenwood
Grover Harper Hemingway Herrod
Voting in the negative were: Representatives
S Duckworth Hansen Hendrickson Wheatley

Absent or not voting were: Representatives
Allen Hutchings Morley Painter Vickers

2nd Sub. H.B. 100, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative Menlove, the House voted to concur in the Senate amendments to H.B. 128, ELECTRONIC PRESCRIBING ACT.

H.B. 128, as amended by the Senate, passed on the following roll call:

Yeas, 72; Nays, 0;Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard Barrus Beck Bigelow
Bird Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Frank Froerer
Garn F Gibson K Gibson Gowans
Greenwood Grover Hansen Harper
Hemingway Hendrickson Herrod Holdaway
Hughes Hunsaker Hutchings Ipson
Johnson King Kiser Last
Litvack Lockhart Mascaro Mathis
Menlove Morley Moss Newbold
Winn D. Clark
Noel  Oda  Poulson  Powell  
Ray  Riesen  Sandstrom  Seegmiller  
Seelig  Sumption  Vickers  Wallis  
Watkins  Webb  Wheatley  Wilcox  
Wiley  Wimmer  Winn  D. Clark

Absent or not voting were: Representatives
Allen  McIff  Painter

H.B. 128, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative Morley, the House voted to concur in the Senate amendments to H.B. 152, APPRAISAL MANAGEMENT COMPANY REGULATION.

H.B. 152, as amended by the Senate, passed on the following roll call:

Yeas, 71; Nays, 1; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck  
Bigelow  Bird  Biskupski  Black  
Brown  Chavez–Houck  S. Clark  Cosgrove  
Daw  Dee  Draxler  S Duckworth  
Dunnigan  Edwards  Ferry  Janice Fisher  
Julie Fisher  Fowlke  Frank  Froerer  
Garn  F Gibson  K Gibson  Gowans  
Greenwood  Grover  Hansen  Hemingway  
Hendrickson  Herrod  Holdaway  Hughes  
Hunsaker  Hutchings  Ipson  Johnson  
King  Last  Litvack  Lockhart  
Mascaro  Mathis  McIff  Menlove  
Morley  Moss  Newbold  Noel  
Oda  Poulson  Powell  Ray  
Riesen  Sandstrom  Seegmiller  Seelig  
Sumption  Vickers  Wallis  Watkins  
Webb  Wheatley  Wilcox  Wiley  
Wimmer  Winn  D. Clark

Voting in the negative was: Representative
Dougall
Absent or not voting were: Representatives
Harper  Kiser  Painter

H.B. 152, as amended by the Senate, transmitted to the Senate for signature of President.

***

On motion of Representative Dunnigan, the House voted to concur in the Senate amendments to H.B. 170, INSURANCE AND LIFE SETTLEMENT AMENDMENTS.

H.B. 170, as amended by the Senate, passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Fowlke  Frank
Froerer  Garn  F Gibson  K Gibson
Gowans  Greenwood  Grover  Hansen
Harper  Hemingway  Hendrickson  Herrod
Hughes  Hunsaker  Hutchings  Ipson
Johnson  King  Kiser  Last
Litvack  Lockhart  Mascaro  Mathis
McIff  Menlove  Morley  Moss
Newbold  Noel  Oda  Poulson
Powell  Ray  Riesen  Sandstrom
Seegmiller  Seelig  Sumasion  Vickers
Wallis  Watkins  Webb  Wheatley
Wilcox  Wiley  Wimmer  Winn
D. Clark

Absent or not voting were: Representatives
Holdaway  Painter

H.B. 170, as amended by the Senate, transmitted to the Senate for signature of President.
On motion of Representative Wimmer, the House voted to concur in the Senate amendments to H.B. 317, CAPITAL FELONY AMENDMENTS.

H.B. 317, as amended by the Senate, passed on the following roll call:

**Yeas, 68; Nays, 6; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

- Aagard
- Allen
- Barrus
- Beck
- Bigelow
- Bird
- Biskupski
- Brown
- S. Clark
- Cosgrove
- Daw
- Dee
- Dougall
- Draxler
- S Duckworth
- Dunnigan
- Edwards
- Ferry
- Julie Fisher
- Fowlke
- Frank
- Froerer
- Garn
- F Gibson
- K Gibson
- Gowans
- Greenwood
- Grover
- Hansen
- Harper
- Hemingway
- Hendrickson
- Herrod
- Holdaway
- Hughes
- Hunsaker
- Hutchings
- Ipson
- Kiser
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- Litvack
- Lockhart
- Mascaro
- Mathis
- McIff
- Menlove
- Morley
- Moss
- Newbold
- Noel
- Oda
- Poulson
- Powell
- Ray
- Riesen
- Sandstrom
- Seelig
- Sumasion
- Vickers
- Wallis
- Watkins
- Webb
- Wheatley
- Wilcox
- Wiley
- Wimmer
- Winn
- D. Clark

**Voting in the negative were:** Representatives

- Black
- Chavez–Houck
- Janice Fisher
- Johnson
- King
- Seegmiller

**Absent or not voting was:** Representative

Painter

H.B. 317, as amended by the Senate, transmitted to the Senate for signature of President.

**THIRD READING CALENDAR**

1st Sub. H.J.R. 9, JOINT RESOLUTION ON COST–EFFECTIVE ENERGY EFFICIENCY AND UTILITY DEMAND–SIDE MANAGEMENT, Barrus, read the third time by short title and placed on its final passage.
1st Sub. H.J.R. 9 passed on the following roll call:

Yea,s 74; Nay,s 0; Absent or not voting, 1.

Voting in the affirmative were: Representatives

Aagard    Allen    Barrus    Beck
Bigelow    Bird     Biskupski Black
Brown      Chavez–Houck  S. Clark Cosgrove
Daw        Dee      Dougall   Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Fraerer    F Gibson  K Gibson Gowans
Greenwood  Grover   Hansen   Harper
Hemingway  Hendrickson Herrod Holdaway
Hughes     Hunsaker Hutings Ipson
Johnson    King     Kiser     Last
Litvack    Lockhart Mascaro Mathis
Mclff      Menlove  Morley    Moss
Newbold    Noel     Oda       Painter
Poulson    Powell   Ray       Riesen
Sandstrom  Seegmiller Seelig Sumssion
Vickers    Wallis   Watkins   Webb
Wheatley   Wilcox   Wiley     Wimmer
Winn       D. Clark

Absent or not voting was: Representative Garn

1st Sub. H.J.R. 9 transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Wimmer, the House voted to uncircle H.B. 276.

H.B. 276, CUSTODIAL INTERFERENCE AMENDMENTS, Wimmer, was before the House on its final passage.

Representative Wimmer proposed the following amendment:

1. Page 2, Lines 39 through 46
   House Committee Amendments 2–24–2009

    39 (b) “Custody” means court–ordered physical custody,
    {parent–time, or visitation, if the order is }
(c) “Visitation” means court-ordered parent-time or visitation, entered by a court of competent jurisdiction.

(2) A person, whether a parent or other, is guilty of custodial interference if the person intentionally or knowingly takes, entices, conceals, detains, or withholds a child from an

individual who is entitled to custody of the child, or otherwise

interferes with the custody to which that individual is entitled, during a period of time when:

(a) the person is not entitled to custody of the child; and

(b) the individual is entitled to custody of the child.

(2) (a) A person who is entitled to custody of a child is guilty of custodial interference if, during a period of time when another person is entitled to visitation of the child, the person takes, entices, conceals, detains, or withholds the child from the person entitled to visitation of the child, with the intent to interfere with the visitation of the child.

(b) A person who is entitled to visitation of a child is guilty of custodial interference if, during a period of time when the person is not entitled to visitation of the child, the person takes, entices, conceals, detains, or withholds the child from a person who is entitled to custody of the child, with the intent to interfere with the custody of the child.

2. Page 2, Lines 50 through 51

House Committee Amendments 2–24–2009:

misdemeanor, if the actor described in Subsection (2) commits custodial interference within

three years after the day on which the actor was previously convicted of custodial

3. Page 3, Line 54:

custodial interference, the actor described in Subsection (2) removes, causes the removal, or

4. Page 3, Line 58:

the actor whose custody or visitation of the child was interfered with.
Representative Wimmer’s motion to amend passed on a voice vote.

Representative Fowlke commented. H.B. 276, as amended, passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

Allen Dee

H.B. 276, as amended, transmitted to the Senate for its consideration.

**RECONSIDERATION OF 3RD SUB. H.B. 187**

On motion of Representative Ferry, the House voted to uncircle 3rd Sub. H.B. 187.

3rd Sub. H.B. 187, RECREATIONAL USE OF PUBLIC WATERS ON PRIVATE PROPERTY, Ferry, was before the House on its final passage.

Representative Vickers proposed the following amendment:

1. Page 3, Line 66

   66   (3) A person who performs an act described { is } in this section is also liable { in } for damage for
2. Page 9, Lines 269 through 270:

269  (26) Beaver River from west of Minersville Reservoir, beginning at the fence line directly south of the Questar Natural Gas enclosure at mile post 94.7 on State Road 21 downstream to the State Road 130 bridge in Minersville;

270  Representative Vickers’ motion to amend passed on a voice vote.

Representatives Fowlke, Biskupski, Webb, King and McIff commented.

3rd Sub. H.B. 187 failed to pass on the following roll call:

Yeas, 31; Nays, 43; Absent or not voting, 1.

Voting in the affirmative were: Representatives
Barrus  Brown  S. Clark  Ferry
Frank  F Gibson  K Gibson  Gowans
Grover  Hendrickson  Herrod  Hughes
Hutchings  Ipson  Last  Lockhart
Mathis  McIff  Menlove  Morley
Noel  Oda  Painter  Sandstrom
Sumison  Watkins  Webb  Wilcox
Wimmer  Winn  D. Clark

Voting in the negative were: Representatives
Aagard  Allen  Beck  Bigelow
Bird  Biskupski  Black  Chavez–Houck
Cosgrove  Daw  Dee  Dougall
Draxler  S Duckworth  Dunnigan  Edwards
Janice Fisher  Julie Fisher  Fowlke  Froerer
Greenwood  Hansen  Harper  Hemingway
Holdaway  Hunsaker  Johnson  King
Kiser  Litvack  Mascaro  Moss
Newbold  Poulson  Powell  Ray
Riesen  Seegmiller  Seelig  Vickers
Wallis  Wheatley  Wiley

Absent or not voting was: Representative Garn

3rd Sub. H.B.187 was filed.
On motion of Representative Garn, the House voted to saunter until 10:30 a.m.

Speaker Clark called the House to order at 10:50 a.m.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 9, 2009

The Senate passed, **H.B. 97**, SEXUAL EXPLOITATION OF A MINOR, by Representative R. Bigelow, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 265**, POSTMORTEM PROCEDURES AMENDMENTS, by Representative B. Daw, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. **H.B. 97** and **H.B. 265** signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

* * *

Mr. Speaker: March 9, 2009

The Senate passed, as amended, **H.B. 29**, SEX OFFENDERS’ CONTACT WITH CHILDREN, by Representative R. Greenwood, and it is transmitted for further consideration; and

The Senate passed, upon reconsideration, as substituted and amended, **1st Sub. H.B. 136**, SEX OFFENDER DEFINITION AMENDMENTS, by Representative P. Ray, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate


* * *

Mr. Speaker: March 9, 2009

The Senate concurred in the House amendments and passed **1st Sub. S.B. 192**, CORPORATION AND BUSINESS ENTITY RELATED
AMENDMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communication filed. 1st Sub. S.B. 192 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

* * *

Mr. Speaker: March 9, 2009

The Senate passed, as substituted, 1st Sub. S.B. 63, MODIFICATIONS TO RECORDING REQUIREMENTS, by Senator R. Okerlund, and it is transmitted for consideration; and

The Senate passed, as substituted, 3rd Sub. S.B. 79, HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, by Senator P. Knudson, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended 1st Sub. S.B. 84, IMPACT FEES REVISIONS, by Senator G. Bell, and it is transmitted for consideration; and

The Senate passed, upon reconsideration, S.B. 90, METAL THEFT AMENDMENTS AND PENALTIES, by Senator J. Greiner, and it is transmitted for consideration; and

The Senate passed, as substituted, 1st Sub. S.B. 106, ALCOHOLIC BEVERAGE CONTROL ACT RESTRICTIONS, by Senator S. McCoy, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 189, AMENDMENTS TO SALES AND USE TAX, by Senator W. Niederhauser, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 209, LAND USE, DEVELOPMENT, AND MANAGEMENT ACT AMENDMENTS, by Senator G. Bell, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 211, BUILDING CODE AMENDMENTS, by Senator C. Bramble, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

INTRODUCTION OF BILL

H.B. 446, Medicaid Restricted Account Amendments (R. Edwards), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR


1st Sub. H.B. 340 passed on the following roll call:

Yeas, 70; Nays, 2; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird    Biskupski  Black
Brown   Chavez−Houck S. Clark  Cosgrove
Daw     Dee      Dougall  Draxler
Dunnigan Edwards  Ferry    Janice Fisher
Julie Fisher Fowlke  Frank    Froerer
Garn    F Gibson Gowans  Greenwood
Grover  Harper  Hemingway  Herrod
Holdaway Hughes  Hunsaker  Hutchings
Johnson King    Kiser     Last
Litvack  Lockhart Mascaro  Mathis
McIff   Menlove  Morley    Moss
Newbold  Noel    Oda      Painter
Poulson  Powell  Ray      Riesen
Sandstrom Seegmiller Seelig  Sumision
Vickers  Wallis  Watkins  Webb
Wheatley Wilcox  Wiley    Wimmer
Winn   D. Clark

Voting in the negative were: Representatives
K Gibson  Hendrickson

Absent or not voting were: Representatives
S Duckworth Hansen  Ipson

1st Sub. H.B. 340 transmitted to the Senate for its consideration.

* * *

H.B. 362, GOVERNMENT RECORDS AMENDMENTS, Hughes, read the third time by short title and placed on its final passage.
H.B. 362 passed on the following roll call:

Yeas, 71; Nays, 2; Absent or not voting, 2.

Voting in the affirmative were: Representatives

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Voting in the negative were: Representatives

| Hendrickson | Seegmiller |

Absent or not voting were: Representatives

| Hansen | Moss |

H.B. 362 transmitted to the Senate for its consideration.

***

1st Sub. H.B. 370. DISABLED PARKING VIOLATION AMENDMENTS, Mascaro, read the third time by short title and placed on its final passage.

Representative Mascaro proposed the following amendment:

1. Page 2, Line 29

   House Committee Amendments 2–26–2009

   29 41–1a–414, as last amended by Laws of Utah 2003, Chapter 1

   41–1a–1306, as last amended by Laws of Utah 2003, Chapter 41
2. Page 3, Lines 59 through 61

House Committee Amendments 2–26–2009:

59 used by a person with a disability.

60 (6) A person who violates the provisions of Subsections (3) and (4) of this section related to parking

61 for a person with a disability shall pay a minimum fee of not less than $175.

Section 2. Section 41–1a–1306 is amended to read:

41–1a–1306. Abuse of persons with disabilities parking privileges — Revocation of special plate or transferable ID card.

(1) A person with a disability who abuses the rights and privileges conferred under Section 41–1a–414 or allows an individual who is not a person with a disability to use those parking privileges may have his person with a disability special group license plate, temporary removable windshield placard, or removable windshield placard revoked by the division.

(2) A person who violates Section 41–1a–414 shall pay a minimum fine of $125.

Renumber remaining sections accordingly.

Representative Mascaro’s motion to amend passed on a voice vote.

Representatives Dunnigan commented.

1st Sub. H.B. 370, as amended, passed on the following roll call:

Yeas, 39; Nays, 36; Absent or not voting, 0.

Voting in the affirmative were: 

Voting in the negative were: Representatives

Aagard  Allen  Barrus  Bird
Daw     Draxler  Dunnigan  Julie Fisher
Fowlke  Frank  Froerer  F Gibson
K Gibson Grover  Harper  Herrod
Hughes  Ipson  Kiser  Last
Lockhart Mathis  McIff  Morley
Newbold Noel  Oda  Powell
Sandstrom Sumison  Vickers  Webb
Wilcox  Wimmer  Winn  D. Clark

1st Sub. H.B. 370, as amended, transmitted to the Senate for its consideration.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 9, 2009

The President of the Senate has signed 2nd Sub. H.B. 100, DEPARTMENT OF CORRECTIONS – TRACKING AND REIMBURSEMENT OF INDIVIDUAL PRISONER COSTS, by Representative C. Wimmer, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed H.B. 128, ELECTRONIC PRESCRIBING ACT, by Representative R. Menlove, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed H.B. 152, APPRAISAL MANAGEMENT COMPANY REGULATION, by Representative M. Morley, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed H.B. 170, INSURANCE AND LIFE SETTLEMENT AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed 2nd Sub. H.B. 188, HEALTH SYSTEM REFORM – INSURANCE MARKET, by Representative D. Clark, and it is transmitted for the signature of the Speaker; and
The President of the Senate has signed **H.B. 317, CAPITAL FELONY AMENDMENTS**, by Representative C. Wimmer, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate


***

Mr. Speaker: March 9, 2009

The Senate substituted and passed, **Senate 2nd Sub. H.B. 126, VOTER IDENTIFICATION FOR ELECTIONS**, by Representative B. Daw, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **2nd Sub. H.B. 126** placed on the Concurrence Calendar.

***

Mr. Speaker: March 9, 2009

The Senate passed, as substituted, **1st Sub. S.B. 65, AMENDMENTS TO PROPERTY TAX NOTICE, PUBLIC HEARING, AND RESOLUTION PROVISIONS**, by Senator D. Stowell, and it is transmitted for consideration; and

The Senate passed, as substituted, **4th Sub. S.B. 80, FIRE LIABILITY MODIFICATIONS**, by Senator M. Dayton, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 214, OFFICE OF CONSUMER SERVICES ACT**, by Senator J. Valentine, and it is transmitted for consideration; and

The Senate passed, as substituted, **1st Sub. S.B. 224, REUSE OF INDUSTRIAL BYPRODUCT**, by Senator C. Bramble, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **1st Sub. S.B. 235, REDISTRIBUTION OF SALES AND USE TAX REVENUES**, by Senator J. Valentine, and it is transmitted for consideration; and
The Senate passed **S.B. 244**, LONG ARM JURISDICTION AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate


**INTRODUCTION OF BILL**

**H.B. 451**, Public Employees’ Benefit and Insurance Program Amendments (B. Dee), read the first time by short title and referred to the Rules Committee.

**THIRD READING CALENDAR**


**H.B. 171** passed on the following roll call:

**Yeas, 50; Nays, 23; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Dee
Draxler  S Duckworth  Edwards  Ferry
Janice Fisher  Julie Fisher  Froerer  F Gibson
Gowans  Hansen  Hemingway  Hendrickson
Holdaway  Hunsaker  Hutchings  Ipson
Johnson  King  Last  Litvack
Mascaro  McIff  Menlove  Moss
Newbold  Painter  Poulson  Ray
Riesen  Seegmiller  Seelig  Vickers
Wallis  Watkins  Webb  Wheatley
Wiley  Winn

**Voting in the negative were:** Representatives
Bird  Daw  Dougall  Dunnigan
Fowlke  Frank  Garn  K Gibson
Greenwood  Grover  Herrod  Kiser
Lockhart  Mathis  Morley  Noel
Oda  Powell  Sandstrom  Sumsion
Wilcox  Wimmer  D. Clark

Absent or not voting were: Representatives
Harper  Hughes

H.B. 171 transmitted to the Senate for its consideration.

***

H.B. 198, MARRIAGE LICENSE FEE AMENDMENTS, Johnson, read the third time by short title and placed on its final passage.

Representative Daw proposed the following amendment:

1. Page 1, Lines 14 through 14a
   House Committee Amendments 3–3–2009
   14 operation of shelters for victims of domestic violence, if the applicant chooses to pay the fee \[\hat{H} \rightarrow [-] ; \text{and}\]
   14a \[\hat{H} \rightarrow [(i)] (A) \hat{H} \rightarrow \{ \text{assess} \} \text{collect $10 in addition to whatever fee for a marriage license is} \]

2. Page 2, Line 49
   House Committee Amendments 3–3–2009:
   49 \[\hat{H} \rightarrow [(i)] (A) \hat{H} \rightarrow \{ \text{assess} \} \text{collect $10 in addition to whatever fee for a marriage license is} \]

3. Page 2, Line 50a
   House Committee Amendments 3–3–2009:
   50a \{ \text{unless} \} \text{if an applicant chooses, as provided in Subsection (2)(d)(ii), } \{ \text{not} \} \text{to pay the additional} \]

4. Page 2, Line 52b
   House Committee Amendments 3–3–2009:
   52b \{ \text{not} \} \text{to pay the additional $10} \{ \text{assessed under} \} \text{referred to in Subsection (2)(d)(i).} \]

5. Page 2, Line 52d through Page 2a, Line 52e
   House Committee Amendments 3–3–2009:
Representative Frank commented. Representative Daw’s motion to amend passed on a voice vote.

**H.B. 198**, as amended, passed on the following roll call:

**Yeas, 47; Nays, 24; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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<td>Wimmer</td>
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**Absent or not voting were:** Representatives

| Allen     | Harper | Herrod | McIff |

**H.B. 198**, as amended, transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Garn, the House voted to recess until 2:00 p.m.

**AFTERNOON SESSION**

The House was called to order by Speaker Pro Tem Dee at 2:10 p.m.
COMMUNICATION FROM THE SENATE

Mr. Speaker: March 9, 2009

The Senate passed, as amended, S.B. 190, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN, by Senator W. Niederhauser, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. S.B. 190 read the first time by short title and referred to the Rules Committee.

TIME CERTAIN CALENDAR

H.B. 457, TRUTH IN MUSIC, Hughes, read the third time by short title and placed on its final passage. Representatives Watkins and Allen commented.

Representative McIff proposed the following amendment:

1. Page 8, Lines 218 through 219

218 (3) (a) This section may be enforced by bringing an action in the district court for any county in which the live musical performance is advertised or conducted.

219 through (4) by a party injured by a violation of this section may obtain an injunction and recover actual damages.

(c) The prevailing party in an action under Subsection (3)(a) may be awarded costs and attorney fees.

Representative McIff’s motion to amend passed on a voice vote.

Representatives Janice Fisher and Dunnigan commented. H.B. 457, as amended, passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives
Wheatley D. Clark

H.B. 457, as amended, transmitted to the Senate for its consideration.

COMMITTEE OF THE WHOLE

On motion of Representative Garn, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing from Jon “Bowzer” Bouman from the musical group Sha Na Na.

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

THIRD READING CALENDAR

H.B. 316, TIME LIMITATION FOR PROSECUTION OF ENVIRONMENTAL CRIMES, Wimmer, read the third time by short title and placed on its final passage.

Representative Wimmer proposed the following amendment:

1. Page 1, Line 14:
   Before “violation” insert “felony”

2. Page 2, Line 29:
   Before “violation” insert “felony”

Representative Wimmer’s motion to amend passed on a voice vote.
H.B. 316, as amended, passed on the following roll call:

Yeas, 72; Nays, 1; Absent or not voting, 2.

Voting in the affirmative were: Representatives
- Aagard
- Allen
- Barrus
- Beck
- Bigelow
- Bird
- Biskupski
- Black
- Brown
- Chavez–Houck
- S. Clark
- Cosgrove
- Daw
- Dee
- Dougall
- Draxler
- S Duckworth
- Dunnigan
- Edwards
- Ferry
- Janice Fisher
- Julie Fisher
- Fowlke
- Frank
- Froerer
- Garn
- F Gibson
- K Gibson
- Gowans
- Greenwood
- Grover
- Hansen
- Harper
- Hemingway
- Hendrickson
- Herrod
- Holdaway
- Hughes
- Hunsaker
- Hutchings
- Ipson
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- Kiser
- Last
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- Lockhart
- Mascaro
- Mathis
- McEff
- Menlove
- Morley
- Moss
- Newbold
- Noel
- Oda
- Painter
- Poulson
- Powell
- Ray
- Riesen
- Sandstrom
- Seegmiller
- Seelig
- Sumsion
- Vickers
- Wallis
- Webb
- Wilcox
- Wiley
- Wimmer
- Winn

Voting in the negative was: Representative
- Watkins

Absent or not voting were: Representatives
- Wheatley
- D. Clark

H.B. 316, as amended, transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Ray, the House voted to uncircle H.B. 372.

H.B. 372, INSURANCE PROVISIONS REGARDING OFFENDERS, Ray, was before the House on its final passage.

Representative Ray proposed the following amendment:

1. Page 1, Line 22

    22 • an offender in the custody of the Department of Corrections; {–and–}
2. Page 1, Line 26:

26 Corrections and provides specified exemptions regarding coverage by an inmate’s health or dental insurance policy, including injuries caused by physical violence.

3. Page 4, Line 114:

114 (4) (a) An inmate who, upon entering into the department’s custody, has medical insurance

4. Page 4, Line 116:

116 dental costs incurred while in the custody of the department except as limited under Subsection (4)(b),

(b) Any insurance policy held by an inmate for medical or dental care is not required under Subsection (4)(a) to provide coverage for:

(i) incidents involving the self harm of the inmate;

(ii) injuries sustained by the inmate as a result of an act of physical violence committed either upon or by the inmate; or

(iii) situations where the department has reason to believe, based on a medical evaluation of the inmate, that the inmate sought the medical or dental care knowing that an underlying medical or dental need did not exist.

Representative Ray’s motion to amend passed on a voice vote.

Representatives Kiser, Hutchings, McIff, Biskupski, Bird, Dunnigan and Hemingway commented.

H.B. 372, as amended, failed to pass on the following roll call:

**Yeas, 25; Nays, 47; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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Absent or not voting were: Representatives
Dee  Moss  Sumson

H.B. 372, as amended, was filed.

SPECIAL ORDER OF BUSINESS

H.J.R. 28, JOINT RESOLUTION HONORING THE BATTLESHIP USS UTAH ON ITS 100TH ANNIVERSARY, Julie Fisher, read the third time by short title and placed on its final passage.

H.J.R. 28 passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Draxler  S Duckworth
Dunnigan  Edwards  Ferry  Janice Fisher
Julie Fisher  Fowlke  Frank  Froerer
Garn  F Gibson  Gowans  Greenwood
Grover  Hansen  Harper  Hemingway
Hendrickson  Herrod  Holdaway  Hughes
Hunsaker  Hutchings  Ipson  Johnson
King  Kiser  Last  Litvack
Lockhart  Mascaro  Mathis  McIff
Menlove  Morley  Newbold  Noel
Oda  Painter  Poulson  Powell
Ray  Riesen  Sandstrom  Seegmiller
Absent or not voting were: Representatives
Dougall K Gibson Moss Wheatley Wilcox

H.J.R. 28 transmitted to the Senate for its consideration.

THIRD READING CALENDAR

H.B. 333, MOTOR VEHICLE IMPOUND AMENDMENTS, Oda, read the third time by short title and placed on its final passage.

Representative Oda proposed the following amendment:

1. Page 4, Lines 114 through 115

114 (iv) if the impoundment was made for a violation of { Title 41, Motor Vehicles, } Section 41–1a–1101, 41–6a–527, 41–6a–1405, or 41–6a–1408 pays an

115 administrative impound fee of $25;

Representative Oda’s motion to amend passed on a voice vote.

Representative Fowlke commented. H.B. 333, as amended, passed on the following roll call:

Y eas, 59; Nays, 13; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Bigelow
Bird Brown Chavez–Houck S. Clark
Daw Dee Dougall Draxler
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Frank Froerer Garn
F Gibson Gowans Greenwood Grover
Herrod Holdaway Hughes Hunsaker
Hutchings Ipson King Last
Litvack Lockhart Mathis Menlove
Morley Moss Newbold Noel
Oda Painter Poulson Powell
Ray Riesen Sandstrom Seelig
Voting in the negative were: Representatives
Beck  Black  Cosgrove  S Duckworth
Fowlke  Hansen  Harper  Hemingway
Hendrickson  Kiser  Mascaro  McIff
Seegmiller

Absent or not voting were: Representatives
Biskupski  K Gibson  Johnson

H.B. 333, as amended, transmitted to the Senate for its consideration.

* * *

H.B. 411, UTAH TECHNOLOGY GOVERNANCE ACT AMENDMENTS, S. Clark, read the first, second, and third times by short title, under suspension of the rules, and placed on its final passage.

H.B. 411 passed on the following roll call:

Yeas, 66; Nays, 0; Absent or not voting, 9.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Fowlke  Frank
Froerer  Garn  F Gibson  K Gibson
Gowans  Greenwood  Grover  Hansen
Hemingway  Herrod  Holdaway  Hunsaker
Hutchings  Ipson  Johnson  King
Kiser  Last  Litvack  Lockhart
Mascaro  Mathis  McIff  Menlove
Moss  Newbold  Oda  Poulsom
Powell  Ray  Riesen  Sandstrom
Seegmiller  Sumsion  Vickers  Wallis
Watkins  Webb  Wheatley  Wilcox
Winn  D. Clark
Absent or not voting were: Representatives
Harper Hendrickson Hughes Morley
Noel Painter Seelig Wiley
Wimmer

H.B. 411 transmitted to the Senate for its consideration.

* * *

1st Sub. H.B. 404, DISCLOSURE OF REAL PROPERTY, Newbold, read the third time by short title and placed on its final passage.

1st Sub. H.B. 404 passed on the following roll call:

Yeas, 59; Nays, 0; Absent or not voting, 16.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Janice Fisher Fowlke
Frank Froerer Garn F Gibson
K Gibson Gowans Greenwood Grover
Hansen Hemingway Hunsaker Hutchings
Ipson King Kiser Last
Litvack Lockhart Mascaro Mathis
McIff Moss Newbold Oda
Poulson Powell Ray Riesen
Sandstrom Seegmiller Seelig Sumsion
Vickers Wallis Watkins Webb
Wheatley Wilcox Winn

Absent or not voting were: Representatives
Biskupski Ferry Julie Fisher Harper
Hendrickson Herrod Holdaway Hughes
Johnson Menlove Morley Noel
Painter Wiley Wimmer D. Clark

1st Sub. H.B. 404 transmitted to the Senate for its consideration.

* * *

1st Sub. H.B. 326, FORCIBLE ENTRY AND DETAINER AMENDMENTS, Fowlke, read the third time by short title and placed on its final passage.
**1st Sub. H.B. 326** passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

- Aagard
- Allen
- Barrus
- Beck
- Bigelow
- Bird
- Biskupski
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- Brown
- Chavez–Houck
- S. Clark
- Cosgrove
- Daw
- Dee
- Dougall
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- S Duckworth
- Dunnigan
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- Ferry
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- Julie Fisher
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- Menlove
- Morley
- Moss
- Newbold
- Noel
- Oda
- Painter
- Poulsom
- Powell
- Ray
- Riesen
- Sandstrom
- Seegmiller
- Seelig
- Sumison
- Vickers
- Wallis
- Watkins
- Webb
- Wheatley
- Wilcox
- Wiley
- Wimmer
- Winn

**Absent or not voting were:** Representatives

- Harper
- Herrod
- Holdaway
- Hughes
- Mascaro
- D. Clark

**1st Sub. H.B. 326** transmitted to the Senate for its consideration.

* * *

**1st Sub. H.B. 256, LIVESTOCK WATERING RIGHTS AMENDMENTS, Noel,** read the third time by short title and placed on its final passage.

Representative Noel proposed the following amendment:

1. Page 3, Lines 79 through 82
   House Committee Amendments 3–2–2009
   
   79 (2) On or after [May 5, 2008, only a beneficial user may acquire] May 12, 2009, a
   
   80 livestock watering right[.] may only be acquired by:
Representative Noel’s motion to amend passed on a voice vote.

1st Sub. H.B. 256, as amended, passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

### Voting in the affirmative were: Representatives

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<td>Wilcox</td>
<td>Wiley</td>
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### Absent or not voting were: Representatives

| Harper | Oda | D. Clark |

1st Sub. H.B. 256, as amended, transmitted to the Senate for its consideration.

***

H.J.R. 17, JOINT RESOLUTION URGING CONGRESSIONAL AND PRESIDENTIAL OPPOSITION TO FEDERAL BAILOUTS AND PROMOTION OF FISCAL RESPONSIBILITY, Frank, read the third time by short title and placed on its final passage.

On motion of Representative Frank, the House voted to circle H.J.R. 17.
H.B. 376, REVISIONS TO ALCOHOLIC BEVERAGE CONTROL ACT, Hughes, read the third time by short title and placed on its final passage.

Representative Hughes proposed the following amendment:

1. Page 1, Lines 16 through 18
   16   makes procedural clarifications;
   17   requires training of law enforcement officers in certain circumstances;
   18   clarifies the application of criminal procedures, principles, and penalties; and
   19   makes technical changes.

2. Page 1, Line 27 through Page 2, Line 28:
   27  32A–12–101, as renumbered and amended by Laws of Utah 1990, Chapter 23
   28  32A–12–102, as last amended by Laws of Utah 2004, Chapter 268

3. Page 22, Lines 670 through 671:
   670 Utah Administrative Rulemaking Act, to provide a procedure to implement this Subsection
   671 [(10)] (11).
   (12) Notwithstanding the other provisions of this title, the commission may not order a disciplinary action or fine in accordance with this section if the disciplinary action or fine is ordered on the basis of a violation:
   (a) of a provision in this title related to intoxication or becoming intoxicated; and
   (b) if the violation is first investigated by a law enforcement officer, as defined in Section 53–13–103, who has not received training regarding the requirements of this title related to responsible alcoholic beverage sale or service.

4. Page 23, Line 679:
   679 this chapter or expressly identified as a criminal offense in this title.
   Section 4. Section 32A–12–102 is amended to read:
32A–12–102. Special burdens of proof — Inferences and presumptions.

(1) In any prosecution of an offense defined in this title or in any proceeding brought to enforce this title:

(a) it is not necessary that the state or commission establish the precise description or quantity of the alcoholic beverages or products or the precise consideration, if any, given or received for the alcoholic beverages or products;

(b) there is an inference, absent proof to the contrary, that the alcoholic beverage or product in question is an alcoholic beverage or product if the witness describes it:

(i) as an alcoholic beverage or product;

(ii) by a name that is commonly applied to an alcoholic beverage or product; or

(iii) as intoxicating;

(c) if it is alleged that an association or corporation has violated this title, the fact of the incorporation of the association or corporation is presumed absent proof to the contrary;

(d) a certificate or report signed or purporting to be signed by any state chemist, assistant state chemist, or state crime laboratory chemist, as to the analysis or ingredients of any alcoholic beverage or product is:

(i) prima facie evidence:

(A) of the facts stated in that certificate or report; and

(B) of the authority of the person giving or making the report; and

(ii) admissible in evidence without any proof of appointment or signature absent proof to the contrary; and

(e) a copy of entries made in the records of the United States internal revenue collector, certified by the collector or a qualified notary public, showing the payment of the United States internal revenue special tax for the manufacture or sale of alcoholic beverages or products is prima facie evidence of the manufacture or sale by the party named in the entry within the period set forth in the record.

(2) (a) In proving the unlawful sale, disposal, gift, or purchase, gratuitous or otherwise, or consumption of alcoholic beverages or products, it is not necessary that the state or commission establish that any money or other consideration actually passed or that an alcoholic beverage or product was actually consumed if the court or trier of fact is satisfied that:
(i) a transaction in the nature of a sale, disposal, gift, or purchase actually occurred; or

(ii) any consumption of alcoholic beverages or products was about to occur.

(b) Proof of consumption or intended consumption of an alcoholic beverage or product on premises on which consumption is prohibited, by some person not authorized to consume alcoholic beverages or products on those premises, is evidence that an alcoholic beverage or product was sold or given to or purchased by the person consuming, about to consume, or carrying away the alcoholic beverage or product as against the occupant of the premises.

(3) Notwithstanding the other provisions of this chapter, a criminal offense identified in this title as a criminal offense may not be enforced under this chapter if the criminal offense relates to a violation:

(a) of a provision in this title related to intoxication or becoming intoxicated; and

(b) if the violation is first investigated by a law enforcement officer, as defined in Section 53–13–103, who has not received training regarding the requirements of this title related to responsible alcoholic beverage sale or service.

Renumber remaining sections accordingly.

Representative Hughes’ motion to amend passed on a voice vote.

**H.B. 376**, as amended, passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

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H.B. 376, as amended, transmitted to the Senate for its consideration.

* * *

H.B. 437, OBSTRUCTION OF NATURAL RESOURCE OR AGRICULTURE PRODUCTION, Noel, read the third time by short title and placed on its final passage.

On motion of Representative Dee, the House voted to circle H.B. 437.

* * *

H.B. 455, COURT SECURITY RESTRICTED ACCOUNT, Hutchings, read the third time by short title and placed on its final passage.

H.B. 455 passed on the following roll call:

Yeas, 69; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Representatives

Aagard       Allen        Barrus        Beck
Bigelow      Bird         Biskupski     Black
Brown        Chavez–Houck S. Clark      Cosgrove
Daw          Dee          Dougall      Draxler
Dunnigan     Edwards      Janice Fisher Julie Fisher
Frank        Froerer     F Gibson      K Gibson
Gowans       Greenwood    Grover       Hansen
Hemingway    Hendrickson Herrod       Holdaway
Hughes       Hunsaker    Hutchings    Ipson
Johnson      King         Kiser        Last
Litvack      Lockhart    Mascaro      Mathis
McIff        Menlove     Morley       Moss
Newbold      Noel        Oda          Painter

Absent or not voting were: Representatives

Dunnigan      Ferry        Garn         Harper
Mascaro       D. Clark
Absent or not voting were: Representatives

S. Duckworth  Ferry  Fowlke  Garn
Harper  D. Clark

H.B. 455 transmitted to the Senate for its consideration.

* * *

H.B. 378, CIRCUIT BREAKER AMENDMENTS, Cosgrove, read the third time by short title and placed on its final passage.

H.B. 378 passed on the following roll call:

Yeas, 69; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Representatives

Aagard  Allen  Beck  Bigelow
Bird  Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Dougall  Draxler  S. Duckworth
Dunnigan  Ferry  Janice Fisher  Julie Fisher
Fowlke  Frank  Froerer  F. Gibson
K Gibson  Gowans  Greenwood  Grover
Hansen  Harper  Hemingway  Hendrickson
Herrod  Holdaway  Hughes  Hunsaker
Hutchings  Ipson  Johnson  King
Kiser  Last  Litvack  Lockhart
Mascaro  Mathis  McIff  Menlove
Moss  Newbold  Noel  Oda
Painter  Poulson  Powell  Ray
Riesen  Sandstrom  Seegmiller  Seelig
Vickers  Wallis  Watkins  Webb
Wheatley  Wilcox  Wiley  Wimmer
Winn

Absent or not voting were: Representatives

Barrus  Edwards  Garn  Morley
Sumssion  D. Clark
H.B. 378 transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Noel, the House voted to uncircle H.B. 437.

H.B. 437, OBSTRUCTION OF NATURAL RESOURCE OR AGRICULTURAL PRODUCTION, Noel, was before the House on its final passage.

Representative Noel proposed the following amendment:

1. Page 1, Line 15
   
   15 establishes a criminal penalty and { mandatory }
   fine for obstructing a competitive

2. Page 2, Lines 47 through 49:
   
   47 (b) subject to a minimum { mandatory } fine of not less
   than $7,500 { , which:
   48 (i) may not be altered by the court; and
   49 (ii) is in addition to any term of imprisonment the court may
   impose }.

Representative Noel’s motion to amend passed on a voice vote.

H.B. 437, as amended, passed on the following roll call:

Yeas, 69; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Representatives

Aagard   Allen   Beck   Bigelow
Bird     Biskupski   Black   Brown
Chavez–Houck   S. Clark   Cosgrove   Daw
Dee      Dougall   Draxler   S Duckworth
Dunnigan   Ferry   Janice Fisher   Julie Fisher
Frank   Froerer   F Gibson   K Gibson
Gowans   Greenwood   Grover   Hansen
Harper   Hemingway   Hendrickson   Herrod
Holdaway   Hughes   Hunsaker   Hutchings
Ipson     Johnson   King   Kiser
Last     Litvack   Lockhart   Mascaro
Mathis   McIff   Menlove   Morley
Absent or not voting were: Representatives
Barrus Edwards Fowlke Garn
Poulson Wimmer

H.B. 437, as amended, transmitted to the Senate for its consideration.

THIRD READING CALENDAR

H.B. 173, OUTDOOR GUIDES AND OUTFITTERS LICENSING ACT, Vickers, read the third time by short title and placed on its final passage. Representatives Hutchings and Noel commented.

H.B. 173, as amended, passed on the following roll call:

Yeas, 55; Nays, 18; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Allen Barrus Beck Bigelow
Biskupski Black Brown Chavez−Houck
S. Clark Cosgrove Daw Dee
Draxler S Duckworth Dunnigan Edwards
Ferry Janice Fisher Julie Fisher Froerer
Garn F Gibson Gowans Hansen
Harper Hemingway Hendrickson Herrod
Hunsaker Ipson Johnson King
Last Litvack Mclff Menlove
Moss Noel Oda Painter
Poulson Powell Riesen Sandstrom
Seegmiller Seelig Vickers Wallis
Watkins Webb Wheatley Wilcox
Wiley Winn D. Clark

Voting in the negative were: Representatives
Aagard Bird Dougall Fowlke
Frank Greenwood Grover Hughes
Hutchings Kiser Lockhart Mascaro
Mathis Morley Newbold Ray
Sumasion Wimmer
Absent or not voting were: Representatives
K Gibson Holdaway

H.B. 173, as amended, transmitted to the Senate for its consideration.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 9, 2009

The Senate passed, as substituted, 2nd Sub. S.B. 208, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, by Senator S. Urquhart, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. 2nd Sub. S.B. 208 read the first time by short title and referred to the Rules Committee.

***

Mr. Speaker: March 9, 2009

The Senate passed, as amended, H.B. 122, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, by Representative D. Aagard, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. H.B. 122 placed on the Concurrence Calendar.

***

Mr. Speaker: March 9, 2009

The Senate adopted the Joint Conference Committee Report dated March 9, 2009, and passed 1st Sub. H.B. 244, DISRUPTION OF SCHOOL ACTIVITIES, by Representative C. Moss, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate

Communication filed.

CONFERENCE COMMITTEE REPORT

The Joint Conference Committee comprised of Senators J. Greiner, B. Goodfellow, and K. Morgan, and Representatives C. Moss, G. Hughes, and K. Holdaway, recommends H.B. 244, DISRUPTION OF SCHOOL
ACTIVITIES, by Representative C. Moss, be replaced and favorably recommends **1st Sub. H.B. 244, DISRUPTION OF SCHOOL ACTIVITIES.**

Jon Greiner, Senate Chair  
Carol Moss, House Chair

Report filed. On motion of Representative Moss, the House voted to adopt the Conference Committee Report.

**1st Sub. H.B. 244** passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard  
Bird  
Chavez–Houck  
Dee  
Dunnigan  
Julie Fisher  
Garn  
Greenwood  
Hemingway  
Hughes  
Johnson  
Litvack  
McIff  
Newbold  
Powell  
Seegmiller  
Wallis  
Wilcox  
D. Clark

**Absent or not voting were:** Representatives

Allen  
Oda

**1st Sub. H.B. 244** was transmitted to the Senate for signature of the President.

**RULES COMMITTEE REPORTS**

Mr. Speaker:  
March 9, 2009

The Rules Committee recommends that **H.B. 451, Public Employees’ Benefit and Insurance Program Amendments (Rep. B. Dee)**, under suspension of
the rules, be considered read for the second time and placed on the top of the Third Reading Calendar; and

The Rules Committee recommends that, under suspension of the rules, **H.B. 373**, Amendments to Department of Corrections’ Operations (Rep. P. Ray), be considered read for the second time and placed on the Third Reading Calendar; and

The Rules Committee recommends that **3rd Sub. S.B. 79**, Health Reform – Medical Malpractice Amendments (Sen. P. Knudson), under suspension of the rules, be considered read for the second time and placed at the top of the Third Reading Calendar for Senate bills.

Ben C. Ferry, Chair

Reports filed. On motion of Representative Ferry, the reports of the Rules Committee were adopted.

**RULES COMMITTEE REPORT**

Mr. Speaker: March 9, 2009

The Rules Committee recommends that the following bills and resolutions, under suspension of the rules, be considered read for the second time and placed on the Third Reading Calendar for Senate bills:

**2nd Sub. S.B. 52**  New Motor Vehicle Franchise Amendments  
(Sen. S. Killpack)

**S.B. 146**  Home Schooling Amendments (Sen. M. Madsen)

**S.B. 148**  Low-profit Limited Liability Company Act  
(Sen. L. Hillyard)

**S.B. 185**  Federal Education Agreement Requirements Amendments (Sen. M. Dayton)

**S.B. 220**  Cohabitant Abuse Procedures Act Amendments  
(Sen. B. Goodfellow)

**S.B. 11**  Incest Amendments (Sen. D. Stowell)

**1st Sub. S.B. 155**  Adoption Exception to Custody and Visitation for Persons Other than Parents (Sen. L. Hillyard)

**1st Sub. S.B. 171**  Municipal Annexation Amendments (Sen. S. Jenkins)

**S.B. 167**  Amendments to Uniform Debt-management Services Act  
(Sen. L. Hillyard)

**1st Sub. S.B. 78**  Protection of Constitutionally Guaranteed Activities in Certain Private Venues (Sen. M. Madsen)
S.B. 163  Construction Trade Exemption (Sen. S. Urquhart)

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

INTRODUCTION OF BILL

H.B. 2, Minimum School Program Budget Amendments (M. Newbold), read the first time by short title and referred to the Rules Committee.

UNFINISHED BUSINESS

On motion of Representative Hughes, the House voted to uncircle H.B. 347.

H.B. 347, ALCOHOLIC BEVERAGE CONTROL ACT MODIFICATIONS, Hughes, was before the House on its final passage.

On motion of Representative Hughes, the House voted to delete H.B. 347 in title and body and insert 1st Sub. H.B. 347 in lieu thereof. Representative Allen commented.

Representative Hughes proposed the following amendment:

1. Page 131, Line 4052 through Page 132, Line 4067
   4052 (1) This bill takes effect on May 12, 2009 except:
   4053 (a) the amendments in this bill to the following take effect on July 1, 2009:
   4054 (i) Section 32A–5–101;
   4056 (iii) Section 32A–5–103 (Effective 07/01/09);
   4057 (iv) Section 32A–5–104;
   4058 (v) Section 32A–5–106; { and }
   4059 (vi) Section 32A–5–107;
   (vii) Section 11–10–1;
   (viii) Section 26–38–2;
   (ix) Section 26–38–3;
   (x) Subsections 32A–1–105(12), (23), (35), and the existing (64) that defines a “visitor”;
(xi) Section 32A–1–304.5;  
(xii) Section 32A–1–603;  
(xiii) Section 32A–12–209.5; and  
(xiv) Section 53–10–305;  
4060 (b) the amendments in this bill to the following take effect on January 1, 2010:  
4061 (i) Section 32A–4–102;  
4062 (ii) Section 32A–4–202;  
4063 (iii) Section 32A–4–303;  
4064 (iv) Section 32A–4–402;  
4065 (v) Section 32A–10–202; and  
4066 (vi) Section 32A–14a–102 and  
4067 (c) Subsection 32A–5–102(1)(j) takes effect on July 1, 2010.

Representative Hughes’s motion to amend passed on a voice vote.


1st Sub. H.B. 347, as amended, passed on the following roll call:

Yeas, 66; Nays, 8; Absent or not voting, 1.

Voting in the affirmative were: Representatives

Aagard    Allen     Barrus     Beck  
Bigelow   Bird      Biskupski  Black  
Brown     Chavez–Houck S. Clark  Cosgrove  
Daw       Dee       Dougall  S Duckworth  
Dunnigan  Edwards  Janice Fisher  Julie Fisher  
Fowlke    Frank     Froerer  F Gibson  
K Gibson  Gowans   Greenwood  Grover  
Hansen    Harper    Hemingway  Hendrickson  
Herrod    Hughes    Hunsaker  Hutchings  
Ipson     Johnson  King    Kiser  
Last      Litvack  Lockhart  Mascaro  
McIff     Morley  Moss     Newbold  
Noel      Oda      Painter  Poulson  
Powell    Ray      Riesen   Sandstrom  
Seegmiller Seelig  Sumasion  Vickers  
Wallis    Watkins  Wheatley  Wilcox  
Wimmer    D. Clark
Voting in the negative were: Representatives
Draxler     Ferry     Holdaway     Mathis
Menlove     Webb     Wiley      Winn

Absent or not voting was: Representative Garn

1st Sub. H.B. 347, as amended, transmitted to the Senate for its consideration.

INTRODUCTION OF BILL

H.B. 307, Tourism Marketing Performance Account Amendments (R. Bigelow), read the first time by short title and referred to the Rules Committee.

MISCELLANEOUS BUSINESS

On motion of Representative Bigelow, under suspension of the rules, the House voted to lift H.B. 307 from the Rules Committee, consider it read the second time by short title and placed at the top of the Third Reading Calendar.

THIRD READING CALENDAR

H.B. 307, TOURISM MARKETING PERFORMANCE ACCOUNT AMENDMENTS, Bigelow, read the third time by short title and placed on its final passage.

Representative Allen commented.

H.B. 307 passed on the following roll call:

Yeas, 75; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Representatives
Aagard    Allen    Barrus    Beck
Bigelow   Bird     Biskupski Black
Brown     Chavez–Houck S. Clark Cosgrove
Daw       Dee      Dougall    Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Froerer    Garn     F Gibson   K Gibson
Gowans     Greenwood Grover    Hansen
Harper     Hemingway Hendrickson Herrod
Holdaway  Hughes    Hunsaker  Hutchings
H.B. 307 transmitted to the Senate for its consideration.

INTRODUCTION OF BILL

H.B. 445, Health Program Revisions (R. Bigelow), read the first time by short title and referred to the Rules Committee.

MISCELLANEOUS BUSINESS

On motion of Representative Bigelow, under suspension of the rules, the House voted to lift H.B. 445 from the Rules Committee, consider it read the second time by short title and placed at the top of the Third Reading Calendar.

THIRD READING CALENDAR

H.B. 445, HEALTH PROGRAM REVISIONS, Bigelow, read the third time by short title and placed on its final passage.

H.B. 445 passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives

| Aagard | Allen | Barrus | Beck |
| Bigelow | Bird | Biskupski | Black |
| Brown | Chavez–Houck | S. Clark | Cosgrove |
| Daw | Dee | Dougall | Draxler |
| S Duckworth | Dunnigan | Edwards | Ferry |
| Janice Fisher | Julie Fisher | Frank | Froerer |
| Garn | F Gibson | K Gibson | Gowans |
| Greenwood | Grover | Hansen | Harper |
| Hemingway | Hendrickson | Herrod | Holdaway |
| Hughes | Hunsaker | Hutchings | Ipson |
| Johnson | King | Kiser | Last |
Absent or not voting were: Representatives
Fowlke Seelig

H.B. 445 transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Johnson, under suspension of the rules, the House voted to lift H.B. 124 from the Rules Committee, consider it read the second time by short title and placed it on the Third Reading Calendar.

THIRD READING CALENDAR

H.B. 451, PUBLIC EMPLOYEES’ BENEFIT AND INSURANCE PROGRAM AMENDMENTS, Dee, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

H.B. 451 passed on the following roll call:

Yeas, 51; Nays, 22; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Bigelow
Bird S. Clark Daw Dee
Dougall Draxler Dunnigan Edwards
Ferry Julie Fisher Frank Froerer
Garn K Gibson Gowans Grover
Harper Herrod Hughes Hunsaker
Hutchings Ipson King Kiser
Last Litvack Lockhart Mascaro
Mathis McIff Morley Newbold
Noel Oda Painter Powell
Ray Sandstrom Sumasion Vickers
Wallis Webb Wheatley Wilcox
Wiley Wimmer D. Clark

Absent or not voting were:
Representatives
Fowlke Seelig
Voting in the negative were: Representatives
Beck      Biskupski  Black      Brown
Chavez–Houck Cosgrove  S Duckworth Janice Fisher
Fowlke    Greenwood  Hansen     Hemingway
Hendrickson Holdaway  Johnson   Menlove
Moss      Poulson    Riesen    Seegmiller
Seelig    Watkins

Absent or not voting were: Representatives
F Gibson    Winn

H.B. 451 transmitted to the Senate for its consideration.

* * *

H.B. 377, JUDICIAL CODE AMENDMENTS, Aagard, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

H.B. 377 passed on the following roll call:

Yeas, 74; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Representatives
Aagard    Allen      Barrus     Beck
Bigelow   Bird       Biskupski  Black
Brown     Chavez–Houck S. Clark  Cosgrove
Daw       Dee        Dougall    Draxler
S Duckworth Dunnigan  Edwards    Ferry
Janice Fisher Julie Fisher Fowlke    Frank
Froerer   Garn       F Gibson    K Gibson
Gowans    Greenwood  Grover     Hansen
Harper    Hemingway  Hendrickson Holdaway
Hughes    Hunsaker   Hutchings  Ipson
Johnson   King       Kiser      Last
Litvack   Lockhart   Mascaro    Mathis
McIff     Menlove    Morley     Moss
Newbold   Noel       Oda        Painter
Poulson   Powell     Ray        Riesen
Sandstrom Seegmiller Seelig     Sumption
Vickers   Wallis     Watkins    Webb
Wheatley  Wilcox     Wiley      Wimmer
Winn      D. Clark
Absent or not voting was: Representative Herrod

H.B. 377 transmitted to the Senate for its consideration.

* * *

H.B. 379, ENVIRONMENTAL LITIGATION BOND, Noel, read the third time by short title and placed on its final passage.

Representative Noel proposed the following amendment:

1. Page 2, Line 45

45  (b) was harmed by the preliminary injunction or administrative stay.

Representative Noel’s motion to amend passed on a voice vote.

# # #

Representative Biskupski proposed the following amendment:

1. Page 1, Lines 13 through 14

13  {requires} authorizes a court or agency to require a plaintiff to post a bond before receiving a preliminary injunction or administrative stay;

2. Page 2, Lines 46 through 47:

46  (3) { A court may not issue a preliminary injunction and an agency may not grant an administrative stay in an environmental action until the plaintiff posts. }

47  { Before granting an administrative stay or preliminary injunction in an environmental action, a court or agency may require the plaintiff post with the court or the

Representatives King, Holdaway, McIff and Morley commented. Representative Biskupski’s motion to amend failed on the following roll call:

Yeas, 22; Nays, 52; Absent or not voting, 1.

Voting in the affirmative were: Representatives

Allen  Beck  Biskupski  Black
Chavez–Houck  Cosgrove  S Duckworth  Edwards
Janice Fisher  Hansen  Hemingway  Holdaway
Hutchings  Johnson  King  Litvack
Poulson  Riesen  Seegmiller  Seelig
Wheatley  Wiley

**Voting in the negative were:** Representatives
Aagard  Barrus  Bigelow  Bird
Brown  S. Clark  Daw  Dee
Dougall  Draxler  Dunnigan  Ferry
Julie Fisher  Fowlke  Frank  Froerer
Garn  F Gibson  K Gibson  Gowans
Greenwood  Grover  Harper  Hendrickson
Herrod  Hughes  Hunsaker  Ipson
Kiser  Last  Lockhart  Mascaro
Mathis  McIff  Menlove  Morley
Moss  Newbold  Noel  Oda
Painter  Powell  Ray  Sandstrom
Sumson  Vickers  Wallis  Watkins
Webb  Wilcox  Wimmer  D. Clark

**Absent or not voting was:** Representative
Winn

Representatives Seelig and McIff commented. *H.B. 379*, as amended, passed on the following roll call:

**Yea**, 52; **Nay**, 22; **Absent or not voting**, 1.

**Voting in the affirmative were:** Representatives
Aagard  Barrus  Bigelow  Bird
Brown  S. Clark  Daw  Dee
Dougall  Draxler  S Duckworth  Dunnigan
Ferry  Julie Fisher  Fowlke  Frank
Froerer  Garn  F Gibson  K Gibson
Gowans  Greenwood  Grover  Harper
Hendrickson  Herrod  Holdaway  Hughes
Hunsaker  Hutchings  Ipson  Last
Lockhart  Mascaro  Mathis  Menlove
Morley  Newbold  Noel  Oda
Painter  Powell  Ray  Sandstrom
Sumson  Vickers  Wallis  Watkins
Webb  Wilcox  Wimmer  D. Clark
Voting in the negative were: Representatives
Allen Beck Biskupski Black
Chavez−Houck Cosgrove Edwards Janice Fisher
Hansen Hemingway Johnson King
Kiser Litvack Mclff Moss
Poulson Riesen Seegmiller Seelig
Wheatley Wiley

Absent or not voting was: Representative
Winn

H.B. 379, as amended, transmitted to the Senate for its consideration.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 9, 2009

The Senate passed, H.J.R. 28, JOINT RESOLUTION HONORING THE BATTLESHIP USS UTAH ON ITS 100TH ANNIVERSARY, by Representative Julie Fisher, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communication filed. H.J.R. 28 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

***

Mr. Speaker: March 9, 2009

The Senate passed, as amended, S.B. 2, NEW FISCAL YEAR APPROPRIATIONS ACT, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed S.B. 166, ALCOHOLIC BEVERAGE CONTROL ACT – DAYS OF SALE, by Senator S. McCoy, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended 1st Sub. S.B. 187, ALCOHOL AMENDMENTS, by Senator J. Valentine, and it is transmitted for consideration; and

The Senate passed S.B. 272, DRIVER LICENSE SANCTIONS AMENDMENTS, by Senator S. Jenkins, and it is transmitted for consideration; and
The Senate passed **S.B. 201**, GENERAL OBLIGATION BOND AUTHORIZATION AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for consideration; and

The Senate passed **S.B. 257**, DISASTER RECOVERY FUND FUNDING MODIFICATIONS, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed **S.B. 258**, MEDICAID DRUG PROGRAM AMENDMENTS, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed **S.B. 259**, PUBLIC SAFETY RESTRICTED ACCOUNT AMENDMENTS, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed **S.B. 260**, HOUSING RELIEF RESTRICTED SPECIAL REVENUE FUND, by Senator S. Jenkins, and it is transmitted for consideration; and

The Senate passed **S.J.R. 22**, RESOLUTION APPROVING CONTRACT FOR CONSTRUCTION OF UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE CENTERS, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed **S.J.R. 23**, JOINT RULES RESOLUTION DATE CHANGES, by Senator M. Dayton, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate


**INTRODUCTION OF BILL**

**H.B. 447**, Utah Emergency Medical Services System Act Amendments (R. Bigelow), read the first time by short title and referred to the Rules Committee.

**MISCELLANEOUS BUSINESS**

On motion of Representative Bigelow, under suspension of the rules, the House voted to lift **H.B. 2**, **H.B. 447**, and **S.B. 2** from the Rules Committee, consider them read the second time by short title and placed at the top of their respective calendars for third reading.
On motion of Representative Garn, and at 5:50 p.m., the House voted to adjourn until March 10, 2009, at 8:00 a.m.
MORNING SESSION

The House was called to order by Speaker Clark at 8:00 a.m.

Roll call showed all members present.

Prayer offered by Representative Roger Barrus. Pledge of Allegiance led by Representative Barrus' grandchildren, Alex, Allison, and Cody Barrus.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 9, 2009

The President of the Senate has signed 1st Sub. H.B. 244, DISRUPTION OF SCHOOL ACTIVITIES, by Representative C. Moss, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communication filed. 1st Sub. H.B. 244 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

* * *

Mr. Speaker: March 9, 2009

The Senate passed S.B. 5, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, by Senator W. Niederhauser, and it is transmitted for consideration; and

The Senate passed, as substituted, 3rd Sub. S.B. 41, SITING OF HIGH VOLTAGE POWER LINE ACT, by Senator P. Knudson, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended 1st Sub. S.B. 68, MINING PROTECTION AMENDMENTS, by Senator S. Killpack, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended 1st Sub. S.B. 69, PROOF OF CITIZENSHIP REQUIRED TO VOTE, by Senator M. Madsen, and it is transmitted for consideration; and
The Senate passed **S.B. 188, IMPROVEMENT DISTRICT – PROVIDING ELECTRIC SERVICE**, by Senator D. Stowell, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 216, REVISIONS TO MILITARY INSTALLATION DEVELOPMENT AUTHORITY ACT**, by Senator M. Madsen, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 225, HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN**, by Senator L. Robles, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 269, PUBLIC UTILITY EASEMENT AMENDMENTS**, by Senator G. Bell, and it is transmitted for consideration; and

The Senate passed, as amended, **1st Sub. S.B. 270, GIFT CARD AMENDMENTS**, by Senator W. Niederhauser, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate


**CONCURRENCE CALENDAR**

On motion of Representative Greenwood, the House voted to concur in the Senate amendments to **H.B. 29, SEX OFFENDERS’ CONTACT WITH CHILDREN**.

**H.B. 29**, as amended by the Senate, passed on the following roll call:

**Yeas, 63; Nays, 0; Absent or not voting, 12.**

**Voting in the affirmative were:** Representatives

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H.B. 29, as amended by the Senate, transmitted to the Senate for signature of President.

** ***

On motion of Representative Ray, the House voted to concur in the Senate amendments to **1st Sub. H.B. 136, SEX OFFENDER DEFINITION AMENDMENTS.**

**1st Sub. H.B. 136,** as amended by the Senate, passed on the following roll call:

**Yeas, 64; Nays, 0; Absent or not voting, 11.**

**Voting in the affirmative were:** Representatives

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Absent or not voting were: Representatives

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Seegmiller  Seelig  Sumsion  Vickers
Wallis  Watkins  Webb  Wheatley
Wiley  Wimmer  Winn  D. Clark

Absent or not voting were: Representatives
Bigelow  S. Clark  Garn  Hughes
Kiser  Lockhart  Mascaro  McClff
Morley  Painter  Wilcox

1st Sub. H.B. 136, as amended by the Senate, transmitted to the Senate for signature of President.

***

On motion of Representative Daw, the House voted to concur in the Senate amendments to 2nd Sub. H.B. 126, VOTER IDENTIFICATION FOR ELECTIONS.

2nd Sub. H.B. 126, as amended by the Senate, passed on the following roll call:

Yeas, 46; Nays, 22; Absent or not voting, 7.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Bigelow
Bird  Brown  Daw  Dee
Dougall  Draxler  Dunnigan  Edwards
Ferry  Julie Fisher  Fowlke  Frank
Froerer  F Gibson  K Gibson  Greenwood
Grover  Harper  Herrod  Holdaway
Hughes  Hunsaker  Hutchings  Ipson
Kiser  Last  Lockhart  Mathis
McClff  Menlove  Moss  Newbold
Noel  Oda  Ray  Sandstrom
Sumsion  Vickers  Wallis  Wimmer
Winn  D. Clark

Voting in the negative were: Representatives
Beck  Biskupski  Black  Chavez–Houck
Cosgrove  S Duckworth  Janice Fisher  Gowans
Hansen  Hemingway  Hendrickson  Johnson
King  Litvack  Poulson  Powell
Riesen  Seegmiller  Seelig  Watkins
Wheatley  Wiley
Absent or not voting were: Representatives

S. Clark Garn Mascaro Morley
Painter Webb Wilcox

2nd Sub. H.B. 126, as amended by the Senate, transmitted to the Senate for signature of President.

MISCELLANEOUS BUSINESS

On motion of Representative Lockhart, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

THIRD READING CALENDAR

H.B. 2, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, Newbold, read the third time by short title and placed on its final passage. Representatives Black, Menlove, Hutchings, F. Gibson, Holdaway and Frank commented.

Representative Frank proposed the following amendment:

1. Page 1, Line 17:
   Delete “2010–11” and insert “2011–12”

2. Page 3, Line 67:
   Delete “2010–11” and insert “2011–12”

3. Page 6, Line 162:
   Delete “2010–11” and insert “2011–12”

Representatives Bigelow, Hughes, Herrod, Dougall, Mascaro, Holdaway and Last commented.

Representative Frank’s motion to amend failed on the following roll call:

Yeas, 32; Nays, 41; Absent or not voting, 2.

Voting in the affirmative were: Representatives

Aagard Barrus S. Clark Dav
Dee Dougall Draxler Dunnigan
Fowlke Frank Froerer F. Gibson
Greenwood Grover Harper Herrod
Hughes Kiser Lockhart Mascaro
Mathis Morley Noel Oda
Painter Sandstrom Sumison Webb
Wilcox Wimmer Winn D. Clark
Voting in the negative were: Representatives

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Absent or not voting were: Representatives

| Garn  | Vickers       |

H.B. 2 passed on the following roll call:

Yeas, 52; Nays, 22; Absent or not voting, 1.

Voting in the affirmative were: Representatives

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Voting in the negative were: Representatives

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Absent or not voting was: Representative
Vickers

H.B. 2 transmitted to the Senate for its consideration.

INTRODUCTION OF BILL


THIRD READING CALENDAR

H.B. 447, UTAH EMERGENCY MEDICAL SERVICES SYSTEM ACT AMENDMENTS, Bigelow, read the third time by short title and placed on its final passage.

H.B. 447 passed on the following roll call:

Yeas, 74; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Fowlke  Frank
Froerer  Garn  F Gibson  K Gibson
Gowans  Greenwood  Grover  Hansen
Harper  Hemingway  Hendrickson  Herrod
Holdaway  Hughes  Hunsaker  Hutchings
Ipson  Johnson  King  Kiser
Last  Litvack  Lockhart  Mascaro
Mathis  McIff  Menlove  Morley
Moss  Newbold  Noel  Oda
Painter  Poulson  Powell  Ray
Riesen  Sandstrom  Seegmiller  Seelig
Sumssion  Wallis  Watkins  Webb
Wheatley  Wilcox  Wiley  Wimmer
Winn  D. Clark

Absent or not voting was: Representative
Vickers
H.B. 447 transmitted to the Senate for its consideration.

***

H.B. 436, STATE PROHIBITION OF SUDAN RELATED CONTRACTS, Litvack, read the third time by short title and placed on its final passage.

Representative Hughes commented.

H.B. 436 passed on the following roll call:

** Yeas, 71; Nays, 0; Absent or not voting, 4. **

** Voting in the affirmative were: ** Representatives

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** Absent or not voting were: ** Representatives

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H.B. 436 transmitted to the Senate for its consideration.

** UNFINISHED BUSINESS **

On motion of Representative Frank, the House voted to uncircle H.J.R. 17.

** H.J.R. 17, JOINT RESOLUTION URGING CONGRESSIONAL AND PRESIDENTIAL OPPOSITION TO FEDERAL BAILOUTS AND **
PROMOTION OF FISCAL RESPONSIBILITY, Frank, was before the House on its final passage.

On motion of Representative Frank, the House voted to delete H.J.R. 17 in title and body and insert 1st Sub. H.J.R. 17 in lieu thereof.

Representatives King, Litvack and Holdaway commented.

Representative Holdaway proposed the following amendment:

1. Page 3, Lines 82–84: Delete lines 82 through 84.

Representatives Hansen and Allen commented. Representative Holdaway’s motion to amend passed on a voice vote.

Representatives Wimmer and Herrod commented.

1st Sub. H.J.R. 17, as amended, passed on the following roll call:

Yeas, 47; Nays, 22; Absent or not voting, 6.

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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Absent or not voting were: Representatives
Dee Ferry Garn Kiser
McIff Vickers

1st Sub. H.J.R. 17, as amended, transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Bigelow, under suspension of the rules, the House voted to lift H.B. 306 from the Rules Committee, consider it read the second time by short title and placed at the top of the Third Reading Calendar.

UNFINISHED BUSINESS

On motion of Representative Bigelow, the House voted to uncircle H.B. 391.

H.B. 391, BUDGETARY PROCEDURES ACT REVISIONS, Bigelow, was before the House on its final passage. This bill did not have a House standing committee hearing.

Representative Ferry proposed the following amendment:

1. Page 10, Lines 298 through 300
   298 (f) (i) The commission may not make a grant {or loan} from the [fund] program that
   299 exceeds $1,000,000 until after making a report to the Legislative Management Committee
   300 about the grant {or loan}.

2. Page 32, Line 986 through Page 33, Line 992:
   986 (8) { (a) } The Division of Finance shall, through statistical sampling methods or other
   987 means, audit all claims against the state for which an appropriation has been made.
   988 [(c)] { (b) } Notwithstanding the requirements of Subsection (8)(a), the [director] Division
   989 of Finance need only certify the availability of funds when the requisitions or proposed
   990 expenditures are:
991 (i) for the judicial branch or
992 (ii) to pay the salaries or compensation of officers fixed by law.

3. Page 35, Lines 1054 through 1059:
1054 (b) If an Education Fund budget deficit or a General Fund budget deficit exists and the adopted estimated revenues were prepared in consensus with the Governor’s Office of Planning and Budget, the governor shall:
1055 (i) direct state agencies to reduce commitments and expenditures by an amount proportionate to the amount of the deficiency; and
1056 (ii) direct the Division of Finance to reduce allotments to institutions of higher education by an amount proportionate to the amount of the deficiency.

4. Page 36, Lines 1087 through 1102:
1087 (2) Each fee agency shall:
1088 (a) adopt a schedule of fees assessed for services provided by the fee agency that are:
1089 (i) reasonable, fair, and reflect the cost of services provided; and
1090 (ii) established according to a cost formula determined by the director of the Governor’s Office of Planning and Budget and the director of the Division of Finance in conjunction with the agency seeking to establish the regulatory fee;
1092 [(b) conduct a public hearing on any proposed regulatory fee and]
1094 (b) (i) present each proposed fee at a public hearing, subject to the requirements of Title 52, Chapter 4, Open and Public Meetings Act; and
1096 (ii) increase [or], decrease [the], or affirm each proposed regulatory fee based [upon]
on the results of the public hearing;

(c) except as provided in Subsection (6), submit the fee schedule to the Legislature as part of the agency’s annual appropriations request; and

(d) where necessary, modify the fee schedule to implement the Legislature’s actions;

(e) deposit all regulatory fees collected under the fee schedule into the General Fund.

5. Page 39, Lines 1198 through 1199:

(1) The following revenue collections, appropriations from a fund or account, and appropriations to a program are nonlapsing:

6. Page 46, Lines 1403 through 1404:

(2) No revenue collection, appropriation from a fund or account, or appropriation to a program may be treated as nonlapsing unless:

Representative Ferry’s motion to amend passed on a voice vote.

Representatives Dunnigan, Holdaway, Hunsaker, commented.

H.B. 391, as amended, passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:**

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Absent or not voting were: Representatives
Biskupski   Dougall   Froerer   Lockhart
Sandstrom   Vickers

H.B. 391 transmitted to the Senate for its consideration.

THIRD READING CALENDAR

H.B. 306, HEALTH AND HUMAN SERVICES–RELATED COMMISSION, COMMITTEE, AND COUNCIL AMENDMENTS, Bigelow, read the third time by short title and placed on its final passage.

H.B. 306 passed on the following roll call:

Yeas, 70; Nays, 1; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard   Allen   Barrus   Beck
Bigelow   Bird   Biskupski   Black
Brown   Chavez–Houck   S. Clark   Cosgrove
Daw   Dee   Dougall   Draxler
S Duckworth   Dunnigan   Edwards   Ferry
Janice Fisher   Julie Fisher   Fowlke   Frank
Garn   F Gibson   K Gibson   Gowans
Greenwood   Grover   Harper   Hemingway
Hendrickson   Holdaway   Hughes   Hunsaker
Ipson   Johnson   King   Kiser
Last   Litvack   Lockhart   Mascaro
Mathis   McIff   Menlove   Morley
Moss   Newbold   Noel   Oda
Painter   Poulson   Powell   Ray
Riesen   Sandstrom   Seegmiller   Seelig
Sumasion   Wallis   Watkins   Webb
Wheatley   Wilcox   Wiley   Wimmer
Winn   D. Clark
Voting in the negative was: Representative Hutchings

Absent or not voting were: Representatives
Froerer Hansen Herrod Vickers

H.B. 306 transmitted to the Senate for its consideration.

* * *

H.B. 373, AMENDMENTS TO DEPARTMENT OF CORRECTIONS’ OPERATIONS, Ray, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

Representatives Kiser and Bigelow commented. H.B. 373 passed on the following roll call:

Y eas, 60; Nays, 11; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Bigelow
Bird Biskupski Black Brown
S. Clark Daw Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Froerer Garn F Gibson K Gibson
Greenwood Grover Harper Herrod
Holdaway Hughes Hunsaker Hutchings
Ipson Last Litvack Lockhart
Mascaro Mathis Mclff Menlove
Morley Newbold Noel Oda
Painter Poulson Powell Ray
Sandstrom Seelig Sumson Wallis
Watkins Webb Wheatley Wilcox
Wiley Wimmer Winn D. Clark

Voting in the negative were: Representatives
Beck Chavez–Houck Cosgrove Hemingway
Hendrickson Johnson King Kiser
Moss Riesen Seegmiller

Absent or not voting were: Representatives
Dee Gowans Hansen Vickers
H.B. 373 transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Bigelow, under suspension of the rules, the House voted to lift H.B. 4 from the Rules Committee, consider it read the second time by short title and place it at the top of the Third Reading Calendar.

THIRD READING CALENDAR

H.B. 4, GENERAL OBLIGATION BONDS AUTHORIZATIONS, S. Clark, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

H.B. 4 passed on the following roll call:

Yeas, 65; Nays, 7; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard    Allen    Barrus     Beck
Bigelow   Biskupski Black      Brown
Chavez−Houck S. Clark Cosgrove  Daw
Dee       Draxler   S Duckworth Dunnigan
Edwards   Ferry     Janice Fisher Julie Fisher
Fowlke    Frank     Froerer     Garn
F Gibson K Gibson  Gowans     Greenwood
Harper    Hemingway Herrod    Holdaway
Hughes    Hunsaker  Hutchings  Ipson
Johnson   King      Last       Litvack
Lockhart  Mascaro  Mathis     McIff
Menlove   Moss      Newbold    Noel
Oda       Painter   Poulson    Powell
Ray       Riesen    Sandstrom  Seegmiller
Seelig    Wallis    Watkins    Webb
Wheatley  Wilcox    Wiley      Winn
D. Clark

Voting in the negative were: Representatives
Bird      Dougall  Grover     Kiser
Morley    Sumsion  Wimmer

Absent or not voting were: Representatives
Hansen    Hendrickson  Vickers
**H.B. 4** transmitted to the Senate for its consideration.

***

**H.B. 124. INSURANCE COVERAGE FOR EOSINOPHILIC GASTROINTESTINAL DISORDERS AND SHORT BOWEL SYNDROME, Johnson**, read the third time by short title and placed on its final passage.

Representative Johnson proposed the following amendment:

1. **Page 1, Lines 11 through 12**
   
   This bill amends the Accident and Health Insurance part of the Insurance Code to
   
   require an offer of coverage for eosinophilic gastrointestinal disorders and short bowel syndrome.

2. **Page 1, Lines 16 through 20:**
   
   requires that an insurer that provides a health benefit plan shall offer at least one plan that provides coverage for the use of an amino acid-based elemental formula, regardless of the delivery method of the formula, for the diagnoses or treatment of an eosinophilic gastrointestinal disorder or short bowel syndrome if a licensed physician issues a written order stating that the formula is medically necessary;

3. **Page 2, Lines 54 through 58:**
   
   (a) An insurer, other than an insurer described in Subsection (2)(b), that provides a health benefit plan shall offer at least one plan that provides coverage for the use of an amino acid–based elemental formula, regardless of the delivery method of the formula, for the diagnoses or treatment of an eosinophilic gastrointestinal disorder or short bowel syndrome if a licensed physician issues a written order stating that the use of an amino acid–based elemental formula
is medically necessary.

(b) An insurer that is subject to Title 49, Chapter 20, Public Employees’ Benefit and Insurance Program Act, shall offer to a covered employer at least one plan that provides coverage for the use of an amino acid–based elemental formula, regardless of the delivery method of the formula, for the diagnosis or treatment of an eosinophilic gastrointestinal disorder or short bowel syndrome if a licensed physician issues a written order stating that the use of an amino acid–based elemental formula is medically necessary.

Representative Johnson’s motion to amend passed on a voice vote.

Representative King commented. **H.B. 124**, as amended, passed on the following roll call:

**Yeas, 51; Nays, 22; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard    Allen    Barrus    Beck
Bigelow   Biskupski Black    Brown
Chavez–Houck S. Clark Cosgrove Dee
Draxler   S. Duckworth Edwards Janice Fisher
Froerer   Garn     F. Gibson Gowans
Grover    Hansen  Harper    Hemingway
Hendrickson Herrod  Holdaway Hughes
Hunsaker  Hutchings Ipson    Johnson
King      Litvack  Mascaro  Mathis
McIlff    Menlove  Moss     Painter
Poulson   Powell   Ray     Riesen
Seegmiller Seelig  Wallis  Watkins
Webb      Wheatley Wiley

**Voting in the negative were:** Representatives

Bird      Daw     Dougall Dunnigan
Ferry     Julie Fisher Fowlke Frank
K Gibson  Greenwood Kiser  Last
Lockhart  Morley  Newbold Noel
Oda       Sumasion Wilcox Wimmer
Winn      D. Clark

**Absent or not voting were:** Representatives

Sandstrom Vickers
H.B. 124, as amended, transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Bigelow, under suspension of the rules, the House voted to lift H.B. 446 from the Rules Committee, consider it read the second time by short title and place it at the top of the Third Reading Calendar.

THIRD READING CALENDAR

H.B. 446, MEDICAID RESTRICTED ACCOUNT, Edwards, read the third time by short title and placed on its final passage.

H.B. 446 passed on the following roll call:

Yeas, 63; Nays, 0; Absent or not voting, 12.

Voting in the affirmative were: Representatives
Aagard     Allen       Barrus       Beck
Bigelow    Bird        Black       Brown
Chavez–Houck S. Clark  Cosgrove    Daw
Dee        Dougall     Draxler     S Duckworth
Dunnigan   Edwards     Janice Fisher Julie Fisher
Fowlke     Frank       Froerer     Garn
F Gibson    K Gibson    Gowans     Greenwood
Grover     Hansen      Harper      Hemingway
Herrod     Hunsaker    Hutchings  Ipson
Johnson    King        Kiser       Last
Litvack    Lockhart    Mascaro     Mathis
McIff      Moss        Newbold    Oda
Painter    Poulson     Powell      Ray
Riesen     Sandstrom   Seegmiller Sumsion
Wallis     Watkins     Webb       Wheatley
Wilcox     Winn        D. Clark

Absent or not voting were: Representatives
Biskupski   Ferry       Hendrickson Holdaway
Hughes      Menlove    Morley       Noel
Seelig      Vickers     Wiley       Wimmer

H.B. 446 transmitted to the Senate for its consideration.
COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 10, 2009

The Senate passed, **H.B. 72**, CHILDREN’S JUSTICE CENTER AMENDMENTS, by Representative L. Fowlke, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 167**, COUNTY HOSPITAL RETIREMENT PROVISIONS, by Representative M. Noel, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 192**, PERSONAL INJURY JUDGMENT INTEREST, by Representative J. Dunnigan, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 194**, EDUCATION POLICIES FOR MILITARY CHILDREN, by Representative R. Menlove, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **1st Sub. H.B. 211**, RETIREMENT INVESTMENT REPORTS, by Representative Julie Fisher, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 245**, UTAH STATE 911 COMMITTEE AMENDMENTS, by Representative C. Oda, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 310**, AUTHORITY OF LIEUTENANT GOVERNOR TO PERFORM MARRIAGE, by Representative C. Wimmer, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 323**, AMENDMENTS REGARDING NOTICE ON UTAH PUBLIC NOTICE WEBSITE, by Representative B. Winn, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 364**, BORDER AND NONRESIDENT STUDENT AMENDMENTS, by Representative D. Ipson, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **1st Sub. H.B. 413**, COUNTY AUTHORITY AMENDMENTS, by Representative R. Menlove, which has been signed by the President and it is transmitted for the signature of the Speaker; and
The Senate passed, **H.J.R. 18**, JOINT RESOLUTION FOR LEGISLATIVE APPROPRIATION SUBCOMMITTEE NAME CHANGE, by Representative N. Hendrickson, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate


* * *

Mr. Speaker: March 10, 2009

The Senate passed, as amended, **H.B. 129**, ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS, by Representative C. Oda, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 129** placed on the Concurrence Calendar.

* * *

Mr. Speaker: March 10, 2009

The Senate passed, as amended, **S.B. 74**, AT–RISK STUDENT PROVISIONS, by Senator L. Robles, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended 3rd Sub. **S.B. 76**, ENERGY AMENDMENTS, by Senator C. Bramble, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 230**, CONSTRUCTION PAYMENT AMENDMENTS, by Senator C. Bramble, and it is transmitted for consideration; and

The Senate passed, as amended, **S.J.R. 21**, JOINT RESOLUTION ON COMBATING AND REDUCING GANG ACTIVITY, by Senator L. Robles, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

THIRD READING CALENDAR

S.B. 2, NEW FISCAL YEAR APPROPRIATIONS ACT, Bigelow, read the third time by short title and placed on its final passage.

Representative Litvack proposed the following amendment:

1. Page 17, Line 609:
   After Line 609 insert “From General Fund, One-time 383,300”

2. Page 17, Line 620:
   Delete “45,242,200” and insert “45,557,700”

3. Page 17, Line 622:
   Delete “2,501,800” and insert “2,569,600”

4. Page 23, Line 830:
   After Line 830 insert “From General Fund, One-time 145,000”

5. Page 23, Line 836:
   Delete “1,948,300” and insert “2,093,300”

6. Page 27, Line 987:
   After Line 987 insert “From General Fund, One-time 425,800”

7. Page 27, Line 989:
   After Line 989 insert “Schedule of Programs:
   Workforce Financial Assistance 425,800”

8. Page 27, Line 1010:
   Delete “1,000,000” and insert “1,145,900”

9. Page 28, Line 1024:
   Delete “28,911,700” and insert “29,057,600”

10. Page 30, Line 1100:
    Delete “496,538,500” and insert “502,605,200”

11. Page 30, Line 1103:
    After Line 1103 insert “From General Fund Restricted –
    Medicaid Restricted Account 2,425,600”

12. Page 30, Line 1111:
    Delete “33,912,800” and insert “40,915,000”
13. Page 30, Line 1113:
   Delete “1,858,400” and insert “2,513,500”

14. Page 30, Line 1114:
   Delete “241,477,200” and insert “242,312,200”

15. Page 54, Line 2012:
   After Line 2012 insert “From General Fund, One−time 80,500”

16. Page 54, Line 2018:
   Delete “156,800” and insert “237,300”

17. Page 60, Line 2260:
   Delete “858,500” and insert “933,100”

18. Page 60, Line 2265:
   Delete “1,447,000” and insert “1,521,600”

19. Page 61, Line 2275:
   Delete “382,400” and insert “434,800”

20. Page 61, Line 2278:
   Delete “611,700” and insert “664,100”

Representatives Bigelow, Harper and King commented. Representative Litvack’s motion to amend failed on the following roll call:

**Yeas, 27; Nays, 47; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Beck  Biskupski  Black  Chavez–Houck
Cosgrove  S Duckworth  Janice Fisher  Gowans
Greenwood  Hansen  Hemingway  Hendrickson
Hughes  Hutchings  Johnson  King
Litvack  Mascaro  Moss  Poulson
Riesen  Seegmiller  Seelig  Watkins
Wheatley  Wilcox  Wiley

**Voting in the negative were:** Representatives

Aagard  Allen  Barrus  Bigelow
Bird  Brown  S. Clark  Daw
Dee  Dougall  Draxler  Dunnigan
Edwards  Ferry  Julie Fisher  Fowlke
Frank  Froerer  Garn  F Gibson
Absent or not voting was: Representative Ray

Representatives King and Litvack commented.

S.B. 2 passed on the following roll call:

**Yeas, 57; Nays, 17; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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**Absent or not voting was:** Representative

Hughes
S.B. 2 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

* * *

3rd Sub. S.B. 79, HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, Barrus, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

Representative King declared a conflict of interest because he has represented emergency room doctors and he is the past Vice President of the Utah Association for Justice, formerly the Utah Trial Lawyers Association.

Representatives King, Allen, Mascaro and Fowlke commented.

3rd Sub. S.B. 79 passed on the following roll call:

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<th>Yeas, 53; Nays, 18; Absent or not voting, 4.</th>
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**Voting in the negative were:** Representatives

| Biskupski                                  |
| Black                                      |
| Chavez–Houck                               |
| S Duckworth                                |
| Janice Fisher                              |
| Fowlke                                     |
| Gowans                                     |
| Hansen                                     |
| Hemingway                                  |
| Hendrickson                                |
| Johnson                                    |
| King                                       |
| Moss                                       |
| Riesen                                     |
| Seegmiller                                 |
| Seelig                                     |
| Wheatley                                   |
| Wiley                                      |

**Absent or not voting were:** Representatives

| Bigelow                                    |
| Brown                                      |
| Last                                       |
| Noel                                       |
**3rd Sub. S.B. 79** was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

**MISCELLANEOUS BUSINESS**

On motion of Representative Dee, the House voted to allow a bill file to be opened concerning health benefits for state employees.

***

On motion of Representative Garn, the House voted to recess until 2:00 p.m.

**AFTERNOON SESSION**

The House was called to order by Speaker Pro Tem Hughes at 2:20 p.m.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: March 10, 2009

The President of the Senate has signed **H.B. 29**, SEX OFFENDERS’ CONTACT WITH CHILDREN, by Representative R. Greenwood, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **2nd Sub. H.B. 126**, VOTER IDENTIFICATION FOR ELECTIONS, by Representative B. Daw, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **1st Sub. H.B. 136**, SEX OFFENDER DEFINITION AMENDMENTS, by Representative P. Ray, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. **H.B. 29, 2nd Sub. H.B. 126, and 1st Sub. H.B. 136** signed by the Speaker and referred to staff for enrolling and transmission to the Governor.
Mr. Speaker: March 9, 2009

The Senate passed, upon reconsideration, S.B. 90, METAL THEFT AMENDMENTS AND PENALTIES, by Senator J. Greiner, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. Due to a technical problem the bill needs to be re−voted. S.B. 90 was placed at the top of the Third Reading Calendar for final passage.

S.B. 90 passed on the following roll call:

Yeas, 67; Nays, 0; Absent or not voting, 8.

Voting in the affirmative were: Representatives
Aagard        Allen        Beck        Bigelow
Bird          Biskupski    Black       Brown
Chavez−Houck  S. Clark     Cosgrove    Daw
Dee           Dougall      Draxler     S Duckworth
Dunnigan      Edwards      Ferry       Julie Fisher
Fowlke        Frank        Froerer     Garn
F Gibson      K Gibson     Gowans      Greenwood
Grover        Hansen       Harper      Hemingway
Herrod        Hughes       Hunsaker    Hutchings
Ipson         Johnson      King        Kiser
Last          Litvack      Lockhart    Mascaro
McIff         Menlove      Morley      Moss
Newbold       Noel         Oda         Painter
Poulson       Powell       Ray         Riesen
Seegmiller    Sumson       Vickers     Wallis
Watkins       Webb         Wheatley    Wilcox
Wiley         Wimmer       Winn

Absent or not voting were: Representatives
Barrus        Janice Fisher Hendrickson Holdaway
Mathis        Sandstrom    Seelig      D. Clark

S.B. 90 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.
THIRD READING CALENDAR

S.B. 134, TRANSPORTATION FUNDING AMENDMENTS, Dougall, read the third time by short title and placed on its final passage.

S.B. 134 passed on the following roll call:

Yeas, 64; Nays, 0; Absent or not voting, 11.

Voting in the affirmative were: Representatives
Aagard Allen Beck Bird
Biskupski Black Brown Chavez–Houck
S. Clark Cosgrove Daw Dougall
Draxler S Duckworth Dunnigan Edwards
Ferry Julie Fisher Frank Froerer
F Gibson K Gibson Gowans Greenwood
Grover Hansen Harper Hemingway
Herrod Hughes Hunsaker Hutchings
Ipson Johnson King Kiser
Last Litvack Lockhart Mascaro
McIff Menlove Morley Moss
Newbold Noel Oda Painter
Poulsom Powell Ray Riesen
Seegmiller Sumson Vickers Wallis
Watkins Webb Wheatley Wilcox
Wiley Wimmer Winn D. Clark

Absent or not voting were: Representatives
Barrus Bigelow Dee Janice Fisher
Fowlke Garn Hendrickson Holdaway
Mathis Sandstrom Seelig

S.B. 134 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

1st Sub. S.B. 147, DRIVER LICENSE REVISIONS, McIff, read the third time by short title and placed on its final passage.

1st Sub. S.B. 147, as amended, passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.
Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives

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1st Sub. S.B. 147, as amended, returned to the Senate for further consideration.

***

1st Sub. S.J.R. 16, JOINT RESOLUTION SUPPORTING NUCLEAR POWER, Watkins, read the third time by short title and placed on its final passage.

Representative Biskupski proposed the following amendment:

1. Page 1, Lines 17–20:
   Delete lines 17 through 20.

2. Page 3, Line 80:
   At the end of the line insert “and”

3. Page 3, Lines 81–86:
   Delete lines 81 through 86.

4. Page 4, Line 91:
   Delete the period at the end of the line.
5. Page 4, Lines 92–97:
Delete lines 92 through 97.

6. Page 4, Line 98:
Delete “been” and insert “if” and after “option” insert a period and delete the rest of line 98.

7. Page 4, Lines 99–100:
Delete lines 99 through 100.

8. Page 4, Lines 105–107:
Delete lines 105 through 107.

Representative Noel commented. Representative Allen proposed the following substitute motion to amend:

1. Page 4, Lines 90 through 92

90 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah

91 urges that new nuclear power development be pursued within the boundaries of the state , taking into consideration the need for and adequacy of water resources required for the development .

92 BE IT FURTHER RESOLVED that the Legislature urges that commercial development

Representatives Ferry and K. Gibson commented. Representative Allen’s substitute motion to amend failed on a voice vote.

Representative Biskupski’s motion to amend failed on a voice vote.

###

Representatives Daw and Gowans commented.

Representative Riesen proposed the following amendment:

1. Page 4, Line 91:

After “state” insert “only after a safe disposal site for nuclear waste has been developed”

Representatives Frank and Daw commented. Representative Riesen’s motion to amend failed on a voice vote.
Representative Hemingway commented.

**1st Sub. S.J.R. 16** passed on the following roll call:

**Yeas, 56; Nays, 17; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard

Bird

Dee

Edwards

Frank

K Gibson

Hansen

Holdaway

Ipson

Mascaro

Morley

Painter

Sumasion

Webb

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Allen

Brown

Dougall

Ferry

Froerer

Gowans

Harper

Hughes

Kiser

Mathis

Newbold

Powell

Vickers

Wimmer

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Barrus

S. Clark

Draxler

Julie Fisher

Garn

Greenwood

Hendrickson

Hunsaker

Last

McIff

Noel

Ray

Wallis

Winn

---

Bigelow

Daw

S Duckworth

Fowlke

F Gibson

Grover

Herrod

Hutchings

Lockhart

Menlove

Oda

Sandstrom

Watkins

D. Clark

**Voting in the negative were:** Representatives

Beck

Cosgrove

Johnson

Poulson

Wiley

---

Biskupski

Dunnigan

King

Riesen

Black

Janice Fisher

Litvack

Seegmiller

Chavez–Houck

Hemingway

Moss

Wheatley

**Absent or not voting were:** Representatives

Seelig

Wilcox

---

**1st Sub. S.J.R. 16** was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

**UNFINISHED BUSINESS**

On motion of Representative Hughes, the House voted to uncircle **1st Sub. S.C.R. 3.**

**1st Sub. S.C.R. 3,** **CONCURRENT RESOLUTION URGING THE CREATION OF A UTAH COUNCIL ON FINANCIAL EDUCATION,** Hughes, was before the House on its final passage.
1st Sub. S.C.R. 3 passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard    Allen    Beck    Bird
Biskupski Black    Brown    Chavez–Houck
S. Clark  Cosgrove Daw      Dee
Dougall   Draxler   S Duckworth Dunnigan
Edwards   Ferry     Janice Fisher Julie Fisher
Fowlke    Frank     Garn     F Gibson
K Gibson  Gowans    Greenwood Grover
Hansen    Harper    Hemingway Hendrickson
Herrod    Holdaway  Hughes   Hunsaker
Hutchings Ipson     Johnson  King
Kiser     Last      Litvack  Lockhart
Mascaro   Mathis    Newbold  Noel
Oda       Painter   Poulson  Powell
Ray       Riesen    Sandstrom Seegmiller
Seelig    Sumsion   Vickers  Wallis
Watkins   Webb      Wheatley Wilcox
Wiley     Wimmer    Winn     D. Clark

Absent or not voting were: Representatives
Barrus    Bigelow   Froerer

1st Sub. S.C.R. 3 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

THIRD READING CALENDAR

S.B. 161, REPEAL OF MAXIMUM CHARGE TO PUBLISH LEGAL NOTICE, Mathis, read the third time by short title and placed on its final passage.

Representative Mathis proposed the following amendment:

1. Page 2, Line 29
   Senate Committee Amendments 2–10–2009
   29 wide, is hereby established] { The } On the basis of a
   minimum of an eight–point type, a rate charged in each city of the
   fourth and fifth class and each
Representative Mathis’ motion to amend passed on a voice vote.

**S.B. 161**, as amended, passed on the following roll call:

**Y eas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

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**S.B. 161**, as amended, returned to the Senate for further consideration.

* * *

**S.B. 182**, CRIMINAL RESTITUTION AMENDMENTS, *Lockhart*, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

**S.B. 182** passed on the following roll call:

**Y eas, 74; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting was:** Representative Barrus

* S.B. 182 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

**RULES COMMITTEE REPORT**

Mr. Speaker: March 10, 2009

The Rules Committee recommends that the following bill, under suspension of the rules, be considered read for the second time and placed on the top of the Third Reading Calendar for Senate bills:

1st Sub. S.B. 271 Judicial Conduct Commission Amendments  
(Sen. G. Davis)

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules Committee was adopted.

**RULES COMMITTEE REPORT**

Mr. Speaker: March 10, 2009

The Rules Committee recommends that the following bills, under suspension of the rules, be considered read for the second time and placed on the Third Reading Calendar for Senate bills:
S.B. 28  Prohibited Activities of Gang Offenders (Sen. J. Greiner)
S.B. 51  Restitution Fund Account (Sen. D. Liljenquist)
1st Sub. S.B. 73  Unincorporated Areas Amendments (Sen. K. Mayne)
S.B. 75  Utility Amendments (Sen. S. Urquhart)
1st Sub. S.B. 84  Impact Fees Revisions (Sen. G. Bell)
1st Sub. S.B. 106  Alcoholic Beverage Control Act Restrictions
(Sen. S. McCoy)
S.B. 137  Physical Therapy Practice Act (Sen. W. Niederhauser)
S.B. 140  Financial Institutions Disclosure of Records
(Sen. M. Dayton)
S.B. 157  Property Taxation and Registration of Aircraft
(Sen. M. Madsen)
1st Sub. S.B. 184  Civil Filing Fees (Sen. G. Bell)
S.B. 190  Acquisition of a Billboard by Eminent Domain
(Sen. W. Niederhauser)
1st Sub. S.B. 199  Equal Recognition of School Parent Groups
(Sen. C. Bramble)
S.B. 205  Community Development and Renewal Agency
Amendments (Sen. C. Bramble)
S.B. 209  Land Use, Development, and Management Act
Amendments (Sen. G. Bell)
S.B. 211  Building Code Amendments (Sen. C. Bramble)
1st Sub. S.B. 228  Prohibition on Internet or Mail−order Sales of Tobacco
Products (Sen. M. Dayton)
S.J.R. 21  Joint Resolution on Combating and Reducing Gang
Activity (Sen. L. Robles)
S.B. 128  Rainwater Harvesting (Sen. S. Jenkins)
1st Sub. S.B. 187  Alcohol Amendments (Sen. J. Valentine)

Ben C. Ferry, Chair

Report filed. On motion of Representative Ferry, the report of the Rules
Committee was adopted.

COMMUNICATION FROM THE SENATE

Mr. Speaker:

March 10, 2009

The Senate passed, upon reconsideration, 1st Sub. S.B. 53, AWARDING OF
ATTORNEY FEES, by Senator S. Urquhart, and it is transmitted for further
consideration.

Annette B. Moore
Secretary of the Senate
Communication filed. Due to a technical problem the bill needs to be re-voted. **1st Sub. S.B. 53** was placed at the top of the Third Reading Calendar for final passage.

**1st Sub. S.B. 53** passed on the following roll call:

**Yeas, 42; Nays, 30; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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**Absent or not voting were:** Representatives

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<th>McIff</th>
<th>Ray</th>
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**1st Sub. S.B. 53** was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

**THIRD READING CALENDAR**

**1st Sub. S.B. 271, JUDICIAL CONDUCT COMMISSION AMENDMENTS, Hendrickson**, read the third time by short title and placed on its final passage.

**1st Sub. S.B. 271** passed on the following roll call:
Yeas, 69; Nays, 0; Absent or not voting, 6.

**Voting in the affirmative were:** Representatives

Aagard  Allen  Beck  Bigelow
Bird  Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Dougall  Draxler  S Duckworth
Dunnigan  Edwards  Janice Fisher  Julie Fisher
Froerer  Garn  F Gibson  K Gibson
Gowans  Greenwood  Grover  Hansen
Hemingway  Hendrickson  Herrod  Holdaway
Hughes  Hunsaker  Hutchings  Ipson
King  Kiser  Last  Litvack
Lockhart  Mascaro  Mathis  Mclff
Menlove  Morley  Moss  Newbold
Noel  Oda  Painter  Poulson
Powell  Ray  Riesen  Sandstrom
Seegmiller  Seelig  Sumision  Vickers
Wallis  Watkins  Webb  Wheatley
Wilcox  Wiley  Wimmer  Winn
D. Clark

**Absent or not voting were:** Representatives

Barrus  Ferry  Fowlke  Frank
Harper  Johnson

1st Sub. S.B. 271 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

***

S.B. 210, AMENDMENTS TO PROPERTY TAX, Dougall, read the third time by short title and placed on its final passage.

S.B. 210 passed on the following roll call:

Yeas, 74; Nays, 0; Absent or not voting, 1.

**Voting in the affirmative were:** Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
Absent or not voting was: Representative Harper

S.B. 210 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

S.C.R. 2, CONCURRENT RESOLUTION – A CALL TO CIVILITY, Garn, read the third time by short title and placed on its final passage.

Representatives Johnson, Hendrickson and Hutchings commented. S.C.R. 2 passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives

Aagard Allen Barrus Beck
Bigelow Bird Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Froerer Garn
F Gibson K Gibson Gowans Greenwood
Grover Hansen Harper Hemingway
Hendrickson Herrod Holdaway Hughes
Hunsaker Hutchings Ipson Johnson
Winn D. Clark

Wimmer
Absent or not voting were: Representatives
Biskupski  Frank

S.C.R. 2 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

1st Sub. S.C.R. 4, RESOLUTION SUPPORTING OBESITY AWARENESS, Dougall, read the third time by short title and placed on its final passage.

Representatives Mascaro and Holdaway commented. 1st Sub. S.C.R. 4 passed on the following roll call:

Yeas, 64; Nays, 5; Absent or not voting, 6.

Voting in the affirmative were: Representatives
Aagard  Allen  Beck  Bigelow
Bird  Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Dougall  Draxler  S Duckworth
Edwards  Ferry  Janice Fisher  Julie Fisher
Frank  Froerer  Garn  F Gibson
K Gibson  Gowans  Greenwood  Grover
Harper  Hemingway  Hendrickson  Herrod
Holdaway  Hughes  Hunsaker  Hutchings
Ipson  Johnson  Kiser  Last
Litvack  Lockhart  Mascaro  McIff
Menlove  Moss  Newbold  Noel
Painter  Poulson  Powell  Ray
Riesen  Sandstrom  Seelig  Sumasion
Vickers  Wallis  Watkins  Webb
Wheatley  Wilcox  Wiley  D. Clark
Wilcox  Wiley  Wimmer  Winn

D. Clark
Voting in the negative were: Representatives
Dunnigan  Fowlke  Hansen  Mathis  Morley

Absent or not voting were: Representatives
Barrus  King  Oda  Seegmiller  Wimmer  Winn

1st Sub. S.C.R. 4 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

4th Sub. S.B. 83, CONDEMNATION AMENDMENTS, Stowell, read the third time by short title and placed on its final passage.

4th Sub. S.B. 83 passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Aagard  Allen  Beck  Bigelow
Bird  Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Dougall  Draxler  S Duckworth
Dunnigan  Edwards  Ferry  Janice Fisher
Julie Fisher  Fowlke  Frank  Froerer
Garn  F Gibson  K Gibson  Gowans
Greenwood  Grover  Hansen  Harper
Hemingway  Herrod  Holdaway  Hughes
Hunsaker  Hutchings  Ipson  Johnson
King  Kiser  Last  Litvack
Lockhart  Mascaro  Mathis  Mclff
Menlove  Morley  Moss  Newbold
Noel  Oda  Painter  Poulson
Powell  Ray  Riesen  Sandstrom
Seegmiller  Seelig  Sumision  Vickers
Wallis  Watkins  Webb  Wheatley
Wilcox  Wiley  Wimmer  Winn
D. Clark

Absent or not voting were: Representatives
Barrus  Hendrickson
4th Sub. S.B. 83 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

2nd Sub. S.B. 52, NEW MOTOR VEHICLE FRANCHISE AMENDMENTS, Lockhart, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

2nd Sub. S.B. 52 passed on the following roll call:

Yea's, 72; Nay's, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard          Allen          Beck          Bigelow
Bird            Biskupski      Black         Brown
Chavez–Houck    S. Clark       Cosgrove      Daw
Dee             Draxler        S. Duckworth  Dunnigan
Edwards         Ferry          Janice Fisher  Julie Fisher
Fowlke          Frank          Froerer        Garn
F Gibson         K Gibson       Gowans        Greenwood
Grover          Hansen         Harper         Hemingway
Hendrickson     Herrod         Holdaway      Hughes
Hunsaker         Hutchings     Ipson          King
Kiser            Last           Litvack        Lockhart
Mascaro         Mathis         McClff        Menlove
Morley           Moss           Newbold       Noel
Oda              Painter        Poulsom        Powell
Ray              Riesen         Sandstrom     Seegmiller
Seelig          Sumson         Vickers        Wallis
Watkins          Webb           Wheatley      Wilcox
Wiley            Wimmer         Winn           D. Clark

Absent or not voting were: Representatives

Barrus          Dougall        Johnson

2nd Sub. S.B. 52 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, the House voted to lift 1st Sub. S.B. 106 from the Third Reading Calendar and return it to the Senate.
THIRD READING CALENDAR

S.B. 146, HOME SCHOOLING AMENDMENTS, Wimmer, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

Representatives Mascaro and Ferry commented.

Representative Ferry declared a conflict of interest because his children have been home schooled.

S.B. 146 passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

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S.B. 146 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

***

S.B. 148, LOW–PROFIT LIMITED LIABILITY COMPANY ACT, Powell, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.
Representative Draxler proposed the following amendment:

1. Page 1, Lines 25 through 26
   25 Other Special Clauses:
   26 { None } This bill has an immediate effective date.

2. Page 11, Lines 329 through 330
   Senate Committee Amendments 2–9–2009:
   329 (2) convert from another subject entity; or
   330 (3) participate in a merger.
   Section 7. 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.

Representative Draxler’s motion to amend passed on a voice vote.

S.B. 148, as amended, passed on the following roll call:

Yeas, 68; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Fowlke  Garn
F Gibson  K Gibson  Greenwood  Grover
Hansen  Harper  Hemingway  Herrod
Holdaway  Hughes  Hunsaker  Hutchings
Ipson  Johnson  King  Kiser
Last  Litvack  Lockhart  Mascaro
Mathis  McIff  Menlove  Morley
Moss  Noel  Oda  Painter
Poulson  Powell  Ray  Sandstrom
Seegmiller  Seelig  Sumssion  Vickers
Wallis  Watkins  Webb  Wilcox
Wiley  Wimmer  Winn  D. Clark
Absent or not voting were: Representatives
Frank               Froerer               Gowans               Hendrickson
Newbold             Riesen               Wheatley

S.B. 148, as amended, returned to the Senate for further consideration.

***

S.B. 185, FEDERAL EDUCATION AGREEMENT REQUIREMENTS AMENDMENTS, Hughes, read the third time by short title and placed on its final passage.

Representative Holdaway commented. S.B. 185 passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard               Allen                 Barrus                Beck
Bigelow              Bird                  Biskupski             Black
Brown                Chavez–Houck       S. Clark              Cosgrove
Daw                  Dougall              Draxler               S Duckworth
Dunnigan             Edwards              Ferry                 Janice Fisher
Julie Fisher          Fowlke               Frank                Garn
F Gibson              K Gibson             Gowan                 Greenwood
Grover               Hansen               Harper                Hemingway
Hendrickson          Herrod               Holdaway             Hughes
Hunsaker             Hutchings            Ipson                Johnson
King                  Kiser                Litvack               Lockhart
Mascaro              Mathis               McIff                 Menlove
Morley               Moss                 Newbold              Noel
Oda                  Painter              Poulson               Powell
Ray                  Riesen               Sandstrom             Seegmiller
Seelig               Sumasion             Vickers               Wallis
Watkins              Webb                 Wheatley              Wilcox
Wiley                Wimmer               Winn                  D. Clark

Absent or not voting were: Representatives
Dee                  Froerer               Last

S.B. 185 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.
S.B. 220, COHABITANT ABUSE PROCEDURES ACT AMENDMENTS, McIff, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

S.B. 220 passed on the following roll call:

**Y eas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives
Allen Barrus Beck Bird
Biskupski Black Brown Chavez–Houck
S. Clark Cosgrove Brown Daw Dee
Draxler S. Duckworth Dunnigan Edwards
Ferry Janice Fisher Julie Fisher Fowlke
Frank Froerer Garn F Gibson
K Gibson Gowans Greenwood Grover
Hansen Harper Hemingway Hendrickson
Herrod Holdaway Hughes Hunsaker
Hutchings Ipson Johnson King
Kiser Last Litvack Lockhart
Mascaro Mathis McIff Menlove
Morley Moss Newbold Noel
Oda Painter Poulson Powell
Ray Riesen Sandstrom Seegmiller
Seelig Sumson Wallis Watkins
Webb Wheatley Wilcox Wiley
Wimmer Winn D. Clark

**Absent or not voting were:** Representatives
Aagard Bigelow Dougall Vickers

S.B. 220 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

S.B. 11, INCEST AMENDMENTS, Harper, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

S.B. 11 passed on the following roll call:
Yeas, 69; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Representatives
Allen Barrus Beck Bigelow
Bird Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Frank Froerer
Garn F Gibson K Gibson Gowans
Greenwood Grover Hansen Harper
Hemingway Hendrickson Herrod Holdaway
Hunsaker Hutchings Ipson Johnson
King Kiser Last Litvack
Lockhart Mascaro Mathis McIff
Menlove Morley Moss Newbold
Noel Painter Poulson Powell
Riesen Seegmiller Seelig Sumsion
Vickers Wallis Watkins Webb
Wheatley Wiley Wimmer Winn
D. Clark

Absent or not voting were: Representatives
Aagard Hughes Oda Ray
Sandstrom Wilcox

S.B. 11 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

***

1st Sub. S.B. 155, ADOPTION EXCEPTIONS TO CUSTODY AND VISITATION FOR PERSONS OTHER THAN PARENTS, Fowlke, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

1st Sub. S.B. 155 passed on the following roll call:

Yeas, 62; Nays, 10; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Black Brown
Voting in the negative were: Representatives
Biskupski Chavez−Houck Janice Fisher Hansen
Johnson Litvack Riesen Seelig
Watkins Wiley

Absent or not voting were: Representatives
Frank Hughes Sandstrom

1st Sub. S.B. 155 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

1st Sub. S.B. 171, MUNICIPAL ANNEXATION AMENDMENTS, Garn, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

1st Sub. S.B. 171 passed on the following roll call:

Yeas, 50; Nays, 23; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Bigelow
Bird Brown S. Clark Daw
Dee Dougall S Duckworth Dunnigan
Ferry Julie Fisher Fowlke Frank
Froerer Garn F Gibson K Gibson
Gowans Greenwood Grover Harper
Webb Wheatley Wilcox Wimmer
Voting in the negative were: Representatives
Beck Biskupski Black Chavez−Houck
Cosgrove Draxler Edwards Janice Fisher
Hansen Hemingway Hendrickson Holdaway
Johnson King Mathis McIff
Menlove Poulson Powell Seegmiller
Watkins Wheatley Wiley

Absent or not voting were: Representatives
Hughes Wilcox

1st Sub. S.B. 171 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

S.B. 167, AMENDMENTS TO UNIFORM DEBT−MANAGEMENT SERVICES ACT, Draxler, read the third time by short title and placed on its final passage.

Representative Draxler proposed the following amendment:

1. Page 12, Lines 340 through 341
   Senate 2nd Reading Amendments 2−24−2009
   340 (5) An agreement may confer on a provider a power of attorney to settle the
   341 individual’s debt for no more than 50% of the
   Ş⇒ {−−} principal {−−} { outstanding } ⇐Ş amount of
   the debt.

2. Page 16, Lines 469 through 472
   Senate 2nd Reading Amendments 2−24−2009:
   469 (i) subject to Subsection 13−42−119(4), a fee for consultation, obtaining a credit report,
setting up an account, and the like, in an amount not exceeding the lesser of $400 and 4% of
the debt in the plan at the inception of the plan; and
(ii) a monthly service fee, not to exceed $10 times the number of creditors accounts remaining in

3. Page 16, Lines 483 through 485a
Senate 2nd Reading Amendments 2–24–2009:

483 (6) Except as otherwise provided in Subsections (3) and (4), if a plan contemplates that creditors will settle an individual’s debts for less than the principal amount of
the debt, compensation for services in connection with settling a debt may not exceed exceed debt

4. Page 16, Lines 490c through 490d
Senate 2nd Reading Amendments 2–24–2009:

490c (b)(i) With respect to agreements where a flat settlement fee is charged based on the
overall amount of included debt, total aggregate fees charged may not exceed 45% 17% of the

5. Page 16a, Lines 490j through 490l
Senate 2nd Reading Amendments 2–24–2009:

490j (A) accelerated by the individual; or
490k (B) until offers of settlement by creditors are obtained on at least half of the outstanding
debt included in the agreement, payment is voluntarily accelerated by the individual in a separate record; and
(B) at least half of the principal amount of overall debt included in the agreement at its inception has been settled.

6. Page 16a, Lines 490q through 490u
Senate 2nd Reading Amendments 2–24–2009:

490q (ii) Settlement fees authorized under this Subsection (6)(c):
(A) { shall become billable } may be collected only as debts are settled; and

(B) the total aggregate amount of fees charged to any individual under this chapter, including fees charged under Subsections (4)(b)(i) and (ii), may not exceed { 18% } 20% of the principal amount of debt included in the agreement at the agreement’s inception.

7. Page 18, Lines 529a through 530b
Senate 2nd Reading Amendments 2–24–2009:

(a) receives a certification by the creditor that the payment is in full settlement of the debt; or

(ii) is part of a payment plan, the terms of which are included in the certification, which upon completion will result in full settlement of the debt.

Representative Draxler’s motion to amend passed on a voice vote.

S.B. 167, as amended, passed on the following roll call:

**Voting in the affirmative were:** Representatives

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Absent or not voting were: Representatives
Barrus             Dunnigan               Greenwood        Hughes

S.B. 167, as amended, returned to the Senate for further consideration.

***

1st Sub. S.B. 78, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, Oda, read the third time by short title and placed on its final passage.

Representative Oda proposed the following amendment:

1. Page 6, Lines 154 through 156
   Senate 3rd Reading Amendments 3–3–2009
   154 (5) A person who is subject to federal law that specifically forbids the presence of a
   155 firearm from property designated for motor vehicle parking, or a person who is subject to Section 550 of the United States Department of Homeland Security Appropriations Act of 2007, Pub. L. No. 109–295 or regulations enacted in accordance with that section, is exempt from Section 34–45–103
   156 if:

2. Page 6, Lines 161 through 161c
   Senate 3rd Reading Amendments 3–3–2009:
   161 a storage location poses and undue burden.
   161a §6 (6) A person who is subject to Section 550 of the United States Department of Homeland Security Appropriations Act of 2007, Pub. L. No. 109–295, or regulations enacted in accordance with that
   161c section, is not subject to this chapter. §

Representative Oda’s motion to amend passed on a voice vote.
Representative Watkins proposed the following amendment:

1. Page 6, Line 161:
   Delete “and” and insert “an”

Representative Watkins’ motion to amend passed on a voice vote.

Representatives Litvack, McIff and Cosgrove commented. **1st Sub. S.B. 78**, as amended, passed on the following roll call:

**Yeas, 61; Nays, 11; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard  Allen  Barrus  Beck  
Bird  Black  Brown  S. Clark  
Cosgrove  Daw  Dee  Dougall  
Draxler  S Duckworth  Dunnigan  Edwards  
Janice Fisher  Julie Fisher  Fowlke  Frank  
Froerer  Garn  F Gibson  K Gibson  
Gowans  Grover  Hansen  Harper  
Hendrickson  Herrod  Holdaway  Hughes  
Hunsaker  Hutchings  Ipson  Kiser  
Last  Lockhart  Mascaro  Mathis  
Menlove  Morley  Newbold  Noel  
Oda  Painter  Poulson  Powell  
Sandstrom  Seegmiller  Sumasion  Vickers  
Wallis  Watkins  Webb  Wheatley  
Wilcox  Wiley  Wimmer  Winn  
D. Clark

**Voting in the negative were:** Representatives

Biskupski  Chavez–Houck  Ferry  Hemingway  
Johnson  King  Litvack  McIff  
Moss  Riesen  Seelig

**Absent or not voting were:** Representatives

Bigelow  Greenwood  Ray

**1st Sub. S.B. 78**, as amended, returned to the Senate for further consideration.

***

**S.B. 163, CONSTRUCTION TRADE EXEMPTION,** Grover, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.
On motion of Representative Grover, the House voted to circle S.B. 163.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 10, 2009

The Senate passed, H.B. 197, REAUTHORIZATION OF ADMINISTRATIVE RULES, by Representative B. Ferry, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 449, VETERANS NURSING HOME AMENDMENTS, by Representative G. Hughes, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. H.B. 197 and H.B. 449 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

***

Mr. Speaker: March 10, 2009

The Senate substituted and passed, Senate 3rd Sub. H.B. 346, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS AMENDMENTS, by Representative B. Dee, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. 3rd Sub. H.B. 346 placed on the Concurrence Calendar.

***

Mr. Speaker: March 10, 2009

The Senate passed S.B. 202, DRUG OFFENDER REFORM ACT AMENDMENTS, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed, as amended, S.B. 239, TRANSPORTATION REVISIONS, by Senator S. Killpack, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communications filed. S.B. 202 and S.B. 239 read the first time by short title and referred to the Rules Committee.
INTRODUCTION OF BILL

H.J.R. 29, Legislative Direction to the Public Employees’ Benefit and Insurance Program (B. Dee), read the first time by short title and referred to the Rules Committee.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, and at 5:30 p.m., the House voted to adjourn until March 11, 2009, at 8:00 a.m.
FORTY-FOURTH DAY

* * *

MORNING SESSION

The House was called to order by Speaker Clark at 8:00 a.m.

Roll call showed all members present.

Prayer offered by Representative Kory Holdaway. Pledge of Allegiance led by Representative Holdaway’s intern, Blair Myrick.

INTRODUCTION OF BILL

H.J.R. 21, Master Study Resolution (K. Garn), read the first time by short title and referred to the Rules Committee.

CONCURRENCE CALENDAR

On motion of Representative Oda, the House voted to concur in the Senate amendments to H.B. 129, ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS.

H.B. 129, as amended by the Senate, passed on the following roll call:

Yeas, 62; Nays, 0; Absent or not voting, 13.

Voting in the affirmative were: Representatives

Aagard  Beck  Bigelow  Bird
Biskupski  Black  Brown  Chavez–Houck
Cosgrove  Daw  Dee  Dougall
Draxler  Dunnigan  Edwards  Ferry
Julie Fisher  Fowlke  Frank  Froerer
Garn  F Gibson  K Gibson  Gowans
Greenwood  Grover  Hansen  Hemingway
Hendrickson  Herrod  Holdaway  Hughes
Hunsaker  Hutchings  Ipson  King
Kiser  Last  Lockhart  Mascaro
Mathis  McIff  Menlove  Moss
Newbold  Noel  Oda  Poulsom
Powell  Ray  Riesen  Seegmiller
Sumsion  Vickers  Wallis  Watkins
Webb  Wilcox  Wiley  Wimmer
Winn  D. Clark
Absent or not voting were: Representatives
Allen Barrus S. Clark S. Duckworth
Janice Fisher Harper Johnson Litvack
Morley Painter Sandstrom Seelig
Wheatley

H.B. 129, as amended by the Senate, transmitted to the Senate for signature of President.

***

On motion of Representative Dee, the House voted to concur in the Senate amendments to 3rd Sub. H.B. 346, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS AMENDMENTS.

3rd Sub. H.B. 346, as amended by the Senate, passed on the following roll call:

Yeas, 64; Nays, 4; Absent or not voting, 7.

Voting in the affirmative were: Representatives
Aagard Barrus Beck Bigelow
Bird Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Dougall Draxler Dunnigan
Edwards Ferry Janice Fisher Julie Fisher
Fowlke Frank Froerer Garn
F Gibson K Gibson Gowans Greenwood
Grover Hemingway Herrod Holdaway
Hughes Hunsaker Hutchings Ipson
King Kiser Last Litvack
Lockhart Mascaro Mathis McIff
Menlove Morley Moss Newbold
Noel Oda Poulson Ray
Riesen Sandstrom Sumson Vickers
Wallis Watkins Webb Wilcox
Wiley Wimmer Winn D. Clark

Voting in the negative were: Representatives
Hansen Hendrickson Powell Seegmiller

Absent or not voting were: Representatives
Allen S. Duckworth Harper Johnson
Painter Seelig Wheatley
3rd Sub. H.B. 346, as amended by the Senate, transmitted to the Senate for signature of President.

COMMUNICATION FROM THE SENATE

Mr. Speaker: March 10, 2009

The Senate passed, as amended, 1st Sub. H.B. 357, FIREARMS AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. 1st Sub. H.B. 357 placed on the Concurrence Calendar.

MISCELLANEOUS BUSINESS

On motion of Representative Bigelow, under suspension of the rules, the House voted to lift the following bills from the Rules Committee, consider them read the second time by short title and placed at the top of the Third Reading Calendar: S.B. 201, S.B. 5, S.B. 202, S.B. 239, S.B. 257, S.B. 259, and S.J.R. 22.

THIRD READING CALENDAR

S.B. 201, GENERAL OBLIGATION BOND AUTHORIZATION AMENDMENTS, S. Clark, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

S.B. 201 passed on the following roll call:

Yeas, 69; Nays, 4; Absent or not voting, 2.

Voting in the affirmative were: Representatives

Aagard Allen Barrus Beck
Bigelow Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Draxler S Duckworth Dunnigan
Edwards Ferry Janice Fisher Julie Fisher
Fowlke Frank Froerer Garn
F Gibson K Gibson Gowans Greenwood
Grover Hansen Hemingway Hendrickson
Herrod Holdaway Hughes Hunsaker
Hutchings Ipson Johnson King
Last Litvack Lockhart Mascaro
Voting in the negative were: Representatives
Bird        Dougall       Kiser        Morley

Absent or not voting were: Representatives
Harper       Painter

S.B. 201 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

MISCELLANEOUS BUSINESS

On motion of Representative Bigelow, under suspension of the rules, the House voted to lift S.B. 239 to the top of the Third Reading Calendar.

THIRD READING CALENDAR

S.B. 239, TRANSPORTATION REVISIONS, Garn, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

S.B. 239 failed to pass on the following roll call:

Yeas, 11; Nays, 63; Absent or not voting, 1.

Voting in the affirmative were: Representatives
S. Clark    Daw    Dougall    Ferry
Fowlke      F Gibson  Grover    Herrod
Lockhart    Painter  Sandstrom

Voting in the negative were: Representatives
Aagard      Allen    Barrus    Beck
Bigelow     Bird     Biskupski Black
Brown       Chavez–Houck Cosgrove Dee
Draxler     S Duckworth Dunnigan Edwards
Janice Fisher Julie Fisher Frank    Froerer
Garn        K Gibson  Gowans    Greenwood
Absent or not voting was: Representative Harper

S.B. 239 held for possible reconsideration.

***

On motion of Representative Garn, the House voted to saunter.

On motion of Representative Garn, the House voted to cease to saunter.

THIRD READING CALENDAR

S.B. 5, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, S. Clark, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

Representative Holdaway commented. S.B. 5 passed on the following roll call:

Yeas, 65; Nays, 7; Absent or not voting, 3.

Voting in the affirmative were: Representatives

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Absent or not voting was: Representative Harper.
Voting in the negative were: Representatives
Dougall          Ferry          Kiser          Morley
Newbold          Oda            Wilcox

Absent or not voting were: Representatives
Biskupski        Hunsaker       McIff

S.B. 5 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

S.B. 202, DRUG OFFENDER REFORM ACT AMENDMENTS, Bigelow, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

S.B. 202 passed on the following roll call:

Yeas, 71; Nays, 1; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard          Allen          Barrus         Beck
Bigelow         Bird           Black          Brown
Chavez–Houck    S. Clark       Cosgrove       Daw
Dee             Draxler        S Duckworth    Dunnigan
Edwards         Ferry          Janice Fisher  Julie Fisher
Fowlke          Frank          Froerer        Garn
F Gibson         K Gibson       Gowans         Greenwood
Grover          Hansen         Harper         Hemingway
Hendrickson     Herrod         Holdaway       Hughes
Hutchings       Ipson          Johnson        King
Kiser           Last           Litvack        Lockhart
Mascaro         Mathis         Mclff          Menlove
Morley          Moss           Newbold        Noel
Oda             Painter        Poulson        Powell
Ray  Riesen  Seegmiller  Seelig
Sumption  Vickers  Wallis  Watkins
Webb  Wheatley  Wilcox  Wiley
Wimmer  Winn  D. Clark

Voting in the negative was: Representative Dougall

Absent or not voting were: Representatives
Biskupski  Hunsaker  Sandstrom

S.B. 202 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

***

S.B. 257, DISASTER RECOVERY FUND FUNDING MODIFICATIONS, Bigelow, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

S.B. 257 passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Fowlke  Frank
Froerer  Garn  F Gibson  K Gibson
Gowans  Greenwood  Grover  Hansen
Harper  Hemingway  Hendrickson  Herrod
Holdaway  Hughes  Hutchings  Ipson
Johnson  King  Kiser  Last
Litvack  Mascaro  Mathis  McIlff
Menlove  Morley  Moss  Newbold
Noel  Oda  Painter  Poulson
Powell  Ray  Riesen  Seegmiller
Seelig  Sumption  Vickers  Wallis
Watkins  Webb  Wheatley  Wilcox
Wiley  Wimmer  Winn  D. Clark
Absent or not voting were: Representatives
Hunsaker    Lockhart    Sandstrom

S.B. 257 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

S.B. 259, PUBLIC SAFETY RESTRICTED ACCOUNT AMENDMENTS, Bigelow, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

S.B. 259 passed on the following roll call:

Yeas, 71; Nays, 1; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard     Allen     Barrus     Beck
Bigelow    Bird      Biskupski  Black
Brown      Chavez–Houck  S. Clark  Cosgrove
Daw        Dee      Dougall    Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Froerer    Garn      F Gibson   K Gibson
Gowans     Greenwood Grover  Hansen
Harper     Hemingway Hendrickson Herrod
Holdaway   Hutchings Ipson    Johnson
King       Kiser     Last      Litvack
Lockhart   Mascaro  Mathis    Mclff
Menlove    Morley   Moss      Newbold
Noel       Oda       Painter   Poulson
Powell     Riesen    Seegmiller Seelig
Sumison    Vickers   Wallis    Watkins
Webb       Wheatley Wilcox   Wiley
Wimmer     Winn      D. Clark

Voting in the negative was: Representative
Ray

Absent or not voting were: Representatives
Hughes    Hunsaker    Sandstrom

S.B. 259 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.
**S.J.R. 22**, RESOLUTION APPROVING CONTRACT FOR CONSTRUCTION OF UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE CENTERS, Bigelow, read the third time by short title and placed on its final passage.

**S.J.R. 22** passed on the following roll call:

*Yeas, 71; Nays, 3; Absent or not voting, 1.*

**Voting in the affirmative were:** Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Draxler  S Duckworth
Dunnigan  Edwards  Ferry  Janice Fisher
Julie Fisher  Fowlke  Frank  Froerer
Garn  F Gibson  K Gibson  Gowans
Greenwood  Grover  Hansen  Harper
Hemingway  Hendrickson  Herrod  Holdaway
Hughes  Hunsaker  Hutchings  Ipson
Johnson  King  Kiser  Last
Litvack  Lockhart  Mascaro  Mathis
McIff  Menlove  Moss  Newbold
Noel  Oda  Painter  Poulson
Powell  Ray  Riesen  Sandstrom
Seegmiller  Seelig  Vickers  Wallis
Watkins  Webb  Wheatley  Wilcox
Wiley  Winn  D. Clark

**Voting in the negative were:** Representatives

Dougall  Morley  Sumision

**Absent or not voting was:** Representative

Wimmer

**S.J.R. 22** was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

**MISCELLANEOUS BUSINESS**

On motion of Representative Garn, under suspension of the rules, the House voted to lift **H.J.R. 21** from the Rules Committee, consider it read the second time by short title and place it at the top of the Third Reading Calendar.
On motion of Representative Garn, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

**THIRD READING CALENDAR**

**H.J.R. 21, MASTER STUDY RESOLUTION, Garn, read the third time by short title and placed on its final passage.**

Representative Garn proposed the following amendment:

1. Page 16, Lines 462 through 463
   462 196. Priority of Water Rights – to study whether to repeal certain water rights priorities
   463 in times of scarcity (H.B. 241).
   
   197. Drinking Water Quality – to study issues related to drinking water chemicals, including those added for treatment or for other purposes, the safety and efficacy of chemical feed systems, the safety of the chemical supply chain, the occurrence of contaminants in drinking water chemicals, and the need for legislative and regulatory fixes.

Representative Garn’s motion to amend passed on a voice vote.

###

Representative Allen proposed the following amendment:

1. Page 16, Lines 462 through 463
   462 196. Priority of Water Rights – to study whether to repeal certain water rights priorities
   463 in times of scarcity (H.B. 241).
   
   197. Electronic Communication Policies – to study policies governing electronic communication between teachers and students.

Representative Allen’s motion to amend passed on a voice vote.

###

Representative Ferry proposed the following amendment:

1. Page 11, Line 313:
   Delete “Use of Public Waters” and insert “Recreational Use of Public Water on Private Property”
2. Page 11, Line 314:
Delete “(S.B. 187)” and insert “(H.B. 187)”

Representative Ferry’s motion to amend passed on a voice vote.

###

Representative Julie Fisher proposed the following amendment:

3. Page 2, Line 37:
Delete “and” and insert a period.

4. Page 2, Line 38:
Delete line 38 and insert “197. Study of Expungement Laws”

Representative Julie Fisher’s motion to amend passed on a voice vote.

###

Representative Hunsaker proposed the following amendment:

1. Page 9, Line 269:
Delete “(H.B. 73)”

Representative Hunsaker’s motion to amend passed on a voice vote.

**H.J.R. 21**, as amended, passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

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Absent or not voting were: Representatives
Mathis Painter Sumsion

H.J.R. 21, as amended, transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Bigelow, the House voted to move to the Senate Third Reading Calendar.

UNFINISHED BUSINESS

On motion of Representative Grover, the House voted to uncircle S.B. 163.

S.B. 163, CONSTRUCTION TRADE EXEMPTION, Grover, was before the House on its final passage.

Representative Grover proposed the following amendment:

1. Page 3, Lines 85 through 87
   Senate 3rd Reading Amendments 3–3–2009
   85 ¬§ [(I)] ¬§ a licensed electrical or plumbing contractor, if the project involves an electrical
   85a or
   86 plumbing system ¬§ ¬§ the installation of a radon mitigation system or a soil depressurization
   86a system ¬§ } ; and
   87 (II) ¬§ ¬§ may be performed by ¬§ ¬§ a licensed journeyman electrician or plumber, if the

2. Page 4, Lines 102 through 105:
   102 (F) installation, repair, or replacement of a heating, ventilation, or air conditioning
   103 system (HVAC) on a Subsection (1)(h)(i) project must be performed by an HVAC contractor
(G) installation, repair, or replacement of a radon mitigation system or a soil depressurization system must be performed by a licensed contractor; and

(H) if the total value of the project is greater than $1,000, the person shall file with the

Representative Grover’s motion to amend passed on a voice vote.

# # #

Representative Wiley proposed the following amendment:

1. Page 3, Lines 87 through 89

   Senate 3rd Reading Amendments 3–3–2009

   87 (II) § may must be performed by a licensed journeyman electrician or plumber or an individual referred to in Subsection (1)(h)(ii)(A)(I), if the

   87a project involves a [single item] component of the system, such as a faucet, toilet, fixture, plug device, outlet, or electrical switch;

   88 (B) installation, repair, or replacement of a residential or commercial gas appliance or a

   Representative Wiley’s motion to amend passed on a voice vote.

S.B. 163, as amended, passed on the following roll call:

Yeas, 69; Nays, 4; Absent or not voting, 2.

Voting in the affirmative were: Representatives

| Allen       | Barrus     | Beck      | Bigelow   |
| Bird       | Biskupski  | Black     | Brown    |
| Chavez–Houck| S. Clark  | Cosgrove  | Daw      |
| Dee       | Dougall    | Draxler   | S Duckworth |
| Dunnigan  | Edwards    | Ferry     | Janice Fisher |
| Julie Fisher | Fowlke  | Frank     | Froerer  |
| Garn     | F Gibson  | K Gibson  | Gowans  |
| Grover   | Hansen    | Harper    | Hemingway |
| Hendrickson | Herrod | Holdaway  | Hughes  |
Voting in the negative were: Representatives
Aagard Greenwood Hutchings Ray

Absent or not voting were: Representatives
Mathis Sumson

S.B. 163, as amended, returned to the Senate for further consideration.

THIRD READING CALENDAR

S.B. 28, PROHIBITED ACTIVITIES OF GANG OFFENDERS, Wimmer, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

On motion of Representative Garn, the House voted to circle S.B. 28.

* * *

S.B. 51, RESTITUTION FUND ACCOUNT, Ray, read the third time by short title and placed on its final passage.

S.B. 51 passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S. Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Froerer Garn F Gibson K Gibson
Gowans Greenwood Grover Hansen
Absent or not voting were: Representatives
Hughes       Kiser       Lockhart       Wimmer

S.B. 51 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

1st Sub. S.B. 73, UNINCORPORATED AREAS AMENDMENTS, Hughes, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

On motion of Representative Dee, the House voted to circle 1st Sub. S.B. 73.

* * *

S.B. 75, UTILITY AMENDMENTS, Garn, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

Representative Garn proposed the following amendment:

1. Page 3, Line 87

87 (ii) The commission shall within 180 days after the effective date of this section create a

2. Page 11, Line 307:

307 to the projected costs specified in the commission’s previous significant energy resource order or resource decision order.

Representative Garn’s motion to amend passed on a voice vote.
S.B. 75, as amended, passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

| Bird         | Dougall | Wimmer |

S.B. 75, as amended, returned to the Senate for further consideration.

***

1st Sub. S.B. 84, IMPACT FEES REVISIONS, Powell, read the third time by short title and placed on its final passage.

Representative Powell proposed the following amendment:

1. Page 16, Line 472:
   Delete “on” and insert “in” and delete “form” and insert “format”

Representative Powell’s motion to amend passed on a voice vote.

1st Sub. S.B. 84 passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**
Voting in the affirmative were: Representatives
Aagard     Allen     Barrus     Beck
Bigelow     Bird      Biskupski  Black
Brown       Chavez–Houck S. Clark  Cosgrove
Daw         Dee       Dougall    Draxler
S Duckworth Dunnigan  Edwards    Ferry
Janice Fisher Julie Fisher Fowlke    Frank
Froerer     Garn      F Gibson    K Gibson
Gowans      Greenwood Grover     Hansen
Harper      Hemingway Hendrickson Herrod
Holdaway    Hughes    Hunsaker   Hutchings
Ipson       Johnson   King       Kiser
Last        Litvack   Lockhart   Mascaro
Mathis      McIff     Menlove    Morley
Moss        Newbold   Noel       Oda
Poulson     Powell    Ray        Riesen
Sandstrom   Seegmiller Seelig     Vickers
Wallis      Watkins   Webb       Wheatley
Wilcox      Wiley     Winn       D. Clark

Absent or not voting were: Representatives
Painter     Sumson     Wimmer

1st Sub. S.B. 84, as amended, returned to the Senate for further consideration.

***

S.B. 137, PHYSICAL THERAPY PRACTICE ACT, Hughes, read the third
time by short title and placed on its final passage.

Representative Hughes proposed the following amendment:

1. Page 15, Lines 441 through 446
   441 (xvii) activities of daily living related to physical movement and mobility
   and
   442 (xviii) functioning in the physical environment at home or work, as it relates to physical movement and mobility.
   443 (14) “Therapeutic intervention” includes:
   444 (a) therapeutic exercise, with or without the use of a device;
   445 (b) functional training in self–care, as it relates to physical movement and mobility.
(c) community or work integration, as it relates to physical movement and mobility:

2. Page 16, Lines 471a through 471d
Senate 2nd Reading Amendments 2-24-2009:
471a § (15) "Wound debridement" means:
471b (i) cleaning a wound; or
471c (ii) removing dead tissue from a wound.
471d (b) "Wound debridement" does not include surgery of any kind.

3. Page 30, Lines 906 through 922:
906 (c) physical therapists [or physical therapist assistants] licensed under Title 58, Chapter 24a, Physical Therapist Practice Act;
907 (d) physical therapist assistants licensed under Title 58, Chapter 24b, Physical Therapy Practice Act, while under the general supervision of a physical therapist;
908 (e) osteopathic physicians and surgeons licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
909 (f) chiropractic physicians licensed under Title 58, Chapter 73, Chiropractic Physician Practice Act;
910 (g) hospital staff members employed by a hospital who practice massage as part of their responsibilities;
911 (h) athletic trainers who practice massage as part of their responsibilities while employed by an educational institution or an athletic team that participates in organized sports;
912 (i) students in training enrolled in a massage therapy school approved by the division;
nauropathic physicians licensed under
Title 58, Chapter 71, Naturopathic Physician

occupational therapist licensed under Title
58, Chapter 42a, Occupational Therapy

persons performing gratuitous massage.

Representative Hughes’ motion to amend passed on a voice vote.

Representative Ray proposed the following amendment:

1. Page 26, Lines 786 through 788
   Senate 2nd Reading Amendments 2–24–2009
   786 (4) It is unlawful for a person who is not a licensed physical
   therapist to:
   787 (a) except as provided in Subsection (6), use, in connection
   with the person’s name or business, any of the following words
   788 or abbreviations:

2. Page 27, Line 815
   Senate Committee Amendments 2–9–2009:
   815 person is a licensed physical therapist or a licensed physical
   therapist assistant.
   (6) Subsection (4)(a) does not prohibit a person from using a word
   or abbreviation described in Subsection (4)(a) in connection with the
   person’s business, if the person employs a physical therapist at the
   person’s business.

Representative Ray’s motion to amend passed on a voice vote.

S.B. 137, as amended, passed on the following roll call:

Yeas, 70; Nays, 2; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard       Allen       Barrus       Beck
Bigelow      Bird        Biskupski    Black
Voting in the negative were: Representatives
Dougall Fowlke

Absent or not voting were: Representatives
Frank Lockhart Painter

S.B. 137, as amended, returned to the Senate for further consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Dee, under suspension of the rules, the House voted to lift H.J.R. 29 from the Rules Committee, consider it read the second time by short title and place it at the top of the Third Reading Calendar.

THIRD READING CALENDAR

S.B. 140, FINANCIAL INSTITUTIONS DISCLOSURE OF RECORDS, Daw, read the third time by short title and placed on its final passage.

S.B. 140 passed on the following roll call:

Yeas, 67; Nays, 0; Absent or not voting, 8.

Voting in the affirmative were: Representatives
Aagard Allen Beck Bigelow Bigelow
Bird Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Absent or not voting were: Representatives
Barrus  S Duckworth  Frank  Morley
Painter  Seelig  Sumasions  Webb

S.B. 140 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

S.B. 157, PROPERTY TAXATION OF AIRCRAFT, Harper, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

S.B. 157 passed on the following roll call:

Yeas, 69; Nays, 2; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez−Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Fowlke  Froerer
Garn  F Gibson  K Gibson  Gowans
Greenwood  Grover  Harper  Hemingway
Herrod  Hughes  Hunsaker  Hutchings
Ipson  Johnson  King  Kiser
Voting in the negative were: Representatives
Hansen Hendrickson

Absent or not voting were: Representatives
Frank Holdaway Painter Webb

S.B. 157 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

1st Sub. S.B. 184, CIVIL FILING FEES, Fowlke, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing. Representative Sandstrom commented.

1st Sub. S.B. 184 passed on the following roll call:

Yeas, 42; Nays, 27; Absent or not voting, 6.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Black Brown Chavez–Houck
S. Clark Draxler Edwards Janice Fisher
Fowlke Froerer Gowans Hemingway
Holdaway Hunsaker Hutchings Ipson
Johnson King Last Litvack
Lockhart Mascaro McIff Moss
Newbold Noel Poulson Powell
Ray Riesen Seelig Vickers
Watkins Webb Wheatley Wiley
Winn D. Clark

Voting in the negative were: Representatives
Bird Cosgrove Daw Dougall
S Duckworth Dunnigan Ferry Julie Fisher
Absent or not voting were: Representatives
Biskupski    Dee          Frank       Harper
Hughes      Painter

1st Sub. S.B. 184 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker:            March 11, 2009

The Senate passed, 2nd Sub. H.B. 120, SNAKE VALLEY AQUIFER RESEARCH TEAM AND ADVISORY COUNCIL, by Representative B. Winn, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, 1st Sub. H.B. 132, SEXUAL ASSAULT VICTIM PROTOCOLS, by Representative J. Biskupski, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, 1st Sub. H.B. 274, LOCAL GOVERNMENT FEES AND CHARGES, by Representative C. B. Wallis, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 302, DISTRIBUTION OF TOBACCO SETTLEMENT MONIES AMENDMENTS, by Representative R. Bigelow, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 345, ELECTED OFFICIALS – RESTRICTIONS ON LOBBYING, by Representative B. Dee, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 390, ABSENTEE BALLOT AMENDMENTS, by Representative J. Mathis, which has been signed by the President and it is transmitted for the signature of the Speaker; and
The Senate passed, **H.B. 410**, LEGISLATOR SALARY AMENDMENTS, by Representative R. Bigelow, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate


***

**Mr. Speaker:** March 11, 2009

The Senate passed, as amended, **H.B. 153**, TRESPASS LAW AMENDMENTS, by Representative J. Mathis, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 399**, CHARITABLE CARE AMENDMENTS, by Representative B. Last, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 402**, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS, by Representative K. Garn, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.J.R. 14**, JOINT RULES RESOLUTION – ETHICS TRAINING COURSE PROVISIONS, by Representative L. Fowlke, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate


***

**Mr. Speaker:** March 11, 2009

The Senate concurred in the House amendments and passed **1st Sub. S.B. 147**, DRIVER LICENSE REVISIONS, by Senator L. Hillyard, and it is transmitted for the signature of the Speaker; and
The Senate concurred in the House amendments and passed S.B. 161, REPEAL OF MAXIMUM CHARGE TO PUBLISH LEGAL NOTICE, by Senator K. Van Tassell, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. 1st Sub. S.B. 147 and S.B. 161 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

THIRD READING CALENDAR

S.B. 190, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN, Lockhart, read the third time by short title and placed on its final passage.

On motion of Representative Garn, the House voted to circle S.B. 190.

* * *

1st Sub. S.B. 199, EQUAL RECOGNITION OF SCHOOL PARENT GROUPS, Lockhart, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle 1st Sub. S.B. 199.

MISCELLANEOUS BUSINESS


THIRD READING CALENDAR

1st Sub. S.B. 68, MINING PROTECTION AMENDMENTS, Bigelow, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle 1st Sub. S.B. 68.
S.B. 216, REVISIONS TO MILITARY INSTALLATION DEVELOPMENT AUTHORITY ACT, Dee, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

On motion of Representative Dee, the House voted to circle S.B. 216.

S.B. 172, UNDERINSURED MOTORIST COVERAGE AMENDMENTS, Fowlke, read the third time by short title and placed on its final passage.

On motion of Representative Dee, the House voted to circle S.B. 172.

1st Sub. S.B. 18, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS, Sumsion, read the third time by short title and placed on its final passage.

On motion of Representative Sumsion, the House voted to circle 1st Sub. S.B. 18.

1st Sub. S.B. 23, INCOME TAXATION OF PASS-THROUGH ENTITIES AND PASS-THROUGH ENTITY TAXPAYERS, Dougall, read the third time by short title and placed on its final passage.

On motion of Representative Dee, the House voted to circle 1st Sub. S.B. 23.

3rd Sub. S.B. 41, SITING OF HIGH VOLTAGE POWER LINE ACT, Ferry, read the third time by short title and placed on its final passage.

On motion of Representative Dee, the House voted to circle 3rd Sub. S.B. 41.

UNFINISHED BUSINESS

On motion of Representative Dougall, the House voted to uncircle 1st Sub. S.B. 23.

1st Sub. S.B. 23, INCOME TAXATION OF PASS-THROUGH ENTITIES AND PASS-THROUGH ENTITY TAXPAYERS, Dougall, was before the House on its final passage. Representatives Cosgrove and Menlove commented.
1st Sub. S.B. 23 passed on the following roll call:

**Yeas, 60; Nays, 15;Absent or not voting, 0.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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1st Sub. S.B. 23 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

* * *

On motion of Representative Fowlke, the House voted to uncircle S.B. 172.

S.B. 172, UNDERINSURED MOTORIST COVERAGE AMENDMENTS, *Fowlke*, was before the House on its final passage. Representatives Kiser, King, Biskupski and Dunnigan commented.

S.B. 172 failed to pass on the following roll call:

**Yeas, 34; Nays, 38;Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

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Voting in the negative were: Representatives

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Absent or not voting were: Representatives

| Garn       | Gowans | D. Clark |

S.B. 172 held for possible reconsideration.

***

On motion of Representative Dee, the House voted to uncircle S.B. 216.

S.B. 216, REVISIONS TO MILITARY INSTALLATION DEVELOPMENT AUTHORITY ACT, Dee, was before the House on its final passage. Representatives McIff and Johnson commented.

Representative Powell proposed the following amendment:

1. Page 6, Line 155:
   Before “third” insert “first, second.”

Representatives Allen and McIff commented. Representative Powell’s motion to amend failed on a voice vote.

Representatives Harper and Oda commented.

S.B. 216 passed on the following roll call:
Yeas, 49; Nays, 23; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Barrus  Bigelow  Bird  S. Clark
Daw  Dee  Dougall  Draxler
Dunnigan  Edwards  Ferry  Julie Fisher
Fowlke  Frank  Froerer  Garn
F Gibson  K Gibson  Greenwood  Grover
Harper  Hemingway  Herrod  Holdaway
Hughes  Hunsaker  Hutchings  Ipson
Kiser  Last  Lockhart  Mascaro
Mathis  Menlove  Morley  Newbold
Noel  Oda  Painter  Ray
Riesen  Sandstrom  Sumsion  Vickers
Wallis  Webb  Wilcox  Wimmer
Winn

Voting in the negative were: Representatives
Beck  Biskupski  Black  Brown
Chavez–Houck  Cosgrove  S Duckworth  Janice Fisher
Gowans  Hansen  Hendrickson  Johnson
King  Litvack  McIff  Moss
Poulson  Powell  Seegmiller  Seelig
Watkins  Wheatley  Wiley

Absent or not voting were: Representatives
Aagard  Allen  D. Clark

S.B. 216 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, the House voted to recess until 2:00 p.m.

AFTERNOON SESSION

The House was called to order by Speaker Clark at 2:10 p.m.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker:

March 11, 2009

The Senate passed, H.B. 14, MATERIAL HARMFUL TO MINORS AMENDMENTS, by Representative S. Allen, which has been signed by the President and it is transmitted for the signature of the Speaker; and
The President of the Senate has signed H.B. 129, ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS, by Representative C. Oda, and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 163, PROPERTY TRANSACTION AMENDMENTS, by Representative R. Lockhart, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 342, DISPROPORTIONATE RENTAL FEE AMENDMENTS, by Representative G. Froerer, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed 3rd Sub. H.B. 346, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS AMENDMENTS, by Representative B. Dee, and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 383, WATER RIGHTS ADJUDICATION AMENDMENTS, by Representative J. Gowans, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate


* * *

Mr. Speaker: March 11, 2009

The Senate passed, as amended, 2nd Sub. H.B. 220, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, by Representative M. Noel, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. 2nd Sub. H.B. 220 placed on the Concurrence Calendar.

CONCURRENCE CALENDAR

On motion of Representative Mathis, the House voted to concur in the Senate amendments to H.B. 153, TRESPASS LAW AMENDMENTS.

H.B. 153, as amended by the Senate, passed on the following roll call:
Yeas, 64; Nays, 7; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Edwards Ferry Julie Fisher
Fowlke Frank Froerer Garn
F Gibson K Gibson Gowans Greenwood
Grover Hansen Hendrickson Herrod
Holdaway Hughes Hunsaker Hutchings
Ipson Johnson King Kiser
Last Lockhart Mascaro Mathis
McIff Menlove Moss Newbold
Noel Oda Painter Poulson
Powell Ray Sandstrom Sumison
Vickers Wallis Watkins Webb
Wilcox Wimmer Winn D. Clark

Voting in the negative were: Representatives
Janice Fisher Hemingway Litvack Riesen
Seegmiller Seelig Wheatley

Absent or not voting were: Representatives
Dunnigan Harper Morley Wiley

H.B. 153, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative Sandstrom, the House voted to concur in the Senate amendments to 1st Sub. H.B. 357, FIREARMS AMENDMENTS.

1st Sub. H.B. 357, as amended by the Senate, passed on the following roll call:

Yeas, 63; Nays, 8; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Black Brown
S. Clark Cosgrove Daw Dee
Voting in the negative were: Representatives
Biskupski Chavez Houck
Johnson Litvack Janice Fisher Hemingway

Absent or not voting were: Representatives
Dougall Frank Harper McIff

1st Sub. H.B. 357, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative Last, the House voted to concur in the Senate amendments to H.B. 399, CHARITABLE CARE AMENDMENTS.

H.B. 399, as amended by the Senate, passed on the following roll call:

Y eas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Draxler S Duckworth
Dunnigan Edwards Ferry Janice Fisher
Dunnigan Fowlke Frank Froerer
Garn F Gibson K Gibson Gowans
Greenwood Grover Hansen Harper
Hemingway Hendrickson Herrod Hughes
Day 44

Absent or not voting were: Representatives
Dougall Holdaway Kiser McIff

H.B. 399, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative Garn, the House voted to concur in the Senate amendments to H.B. 402, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS.

H.B. 402, as amended by the Senate, passed on the following roll call:

Yeas, 60; Nays, 13; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Bigelow
Bird Brown S. Clark Cosgrove
Daw Draxler Dunnigan Edwards
Ferry Julie Fisher Fowlke Frank
Froerer Garn F Gibson K Gibson
Gowans Greenwood Grover Hansen
Harper Hemingway Hendrickson Herrod
Holdaway Hughes Hunsaker Hutchings
Ipson King Kiser Last
Litvack Lockhart Mascaro Mathis
Menlove Morley Moss Newbold
Noel Oda Painter Poulson
Powell Ray Riesen Sandstrom
Sumssion Vickers Wallis Webb
Wilcox Wimmer Winn D. Clark
Voting in the negative were: Representatives
Beck Biskupski Black Chavez–Houck
Dee S Duckworth Janice Fisher Johnson
Seegmiller Seelig Watkins Wheatley
Wiley

Absent or not voting were: Representatives
Dougall McIff

H.B. 402, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative Fowlke, the House voted to concur in the Senate amendments to H.J.R. 14, JOINT RULES RESOLUTION – ETHICS TRAINING COURSE PROVISIONS.

H.J.R. 14, as amended by the Senate, passed on the following roll call:

Y e a s, 63; N a y s, 8; A b s e n t or n o t voting, 4.

Voting in the affirmative were: Representatives
Aagard Allen Beck Bigelow
Bird Biskupski Black Chavez–Houck
S. Clark Cosgrove Daw Dee
Draxler S Duckworth Dunnigan Edwards
Ferry Janice Fisher Julie Fisher Fowlke
Froerer Garn F Gibson Gowans
Greenwood Grover Harper Hemingway
Herrod Hughes Hunsaker Hutchings
Ipson Johnson King Kiser
Last Litvack Lockhart Mascaro
Mathis McIff Menlove Moss
Newbold Painter Poulson Powell
Ray Riesen Seegmiller Seelig
Sumison Vickers Wallis Watkins
Webb Wheatley Wilcox Wiley
Wimmer Winn D. Clark

Voting in the negative were: Representatives
Brown Frank Hansen Hendrickson
Holdaway Noel Oda Sandstrom
Absent or not voting were: Representatives
Barrus        Dougall        K Gibson       Morley

H.J.R. 14, as amended by the Senate, transmitted to the Senate for signature of President.

***

On motion of Representative Noel, the House voted to concur in the Senate amendments to 2nd Sub. H.B. 220, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES.

Representative McIff and Draxler commented. 2nd Sub. H.B. 220, as amended by the Senate, passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard        Allen           Barrus          Beck
Bigelow       Bird            Biskupski       Black
Brown         Chavez–Houck    S. Clark        Cosgrove
Daw           Dee             Dougall        Draxler
S Duckworth   Edwards         Ferry           Janice Fisher
Julie Fisher  Fowlke          Froerer         Garn
F Gibson       Gowans          Greenwood      Grover
Hansen        Harper          Hemingway      Hendrickson
Herrod        Holdaway        Hughes         Hunsaker
Hutchings     Ipson           Johnson        King
Kiser         Last            Litvack        Mascaro
Mathis        McIff           Menlove        Morley
Moss          Noel            Oda            Painter
Poulson       Powell          Ray            Riesen
Sandstrom     Seegmiller      Seelig         Sumsion
Vickers       Wallis          Watkins        Webb
Wheatley      Wilcox          Wiley          Wimmer
Winn          D. Clark

Absent or not voting were: Representatives
Dunnigan       Frank           K Gibson       Lockhart
Newbold

2nd Sub. H.B. 220, as amended by the Senate, transmitted to the Senate for signature of President.
UNFINISHED BUSINESS

On motion of Representative Ferry, the House voted to uncircle 3rd Sub. S.B. 41.

3rd Sub. S.B. 41, SITING OF HIGH VOLTAGE POWER LINE ACT, Ferry, was before the House on its final passage. Representatives Watkins commented.

3rd Sub. S.B. 41 passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

| Aagard | Fowlke | Frank | K Gibson |

3rd Sub. S.B. 41 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

***

On motion of Representative Bigelow, the House voted to uncircle 1st Sub. S.B. 68.

1st Sub. S.B. 68, MINING PROTECTION AMENDMENTS, Bigelow, was before the House on its final passage.
Representative Bigelow proposed the following amendment:

1. Page 9, Line 251:
   After “subdivision” insert “including a drinking water protection zone as defined and limited to Section 19–4–113(4) (a) and (b)”

Representative Bigelow’s motion to amend passed on a voice vote.

Representatives Holdaway and Mathis commented.

###

Representative Mathis proposed the following amendment:

1. Page 12, Lines 361 through 363
   Senate 2nd Reading Amendments 3–9–2009
   361 (d) (i) An applicable legislative body shall hold a public meeting or hearing at its next regularly scheduled available meeting that is more than five days after receiving the notice under Subsection (2)(c) ; and
   362 (B) provide reasonable, advance, written notice:
   (I) of:
   (Aa) the intended expansion of the vested mining use; and
   (Bb) the public meeting or hearing; and
   (II) to each owner of the surface estate of the new land.

Representative Ferry commented. Representative Mathis’ motion to amend passed on a voice vote.

###

Representative Watkins proposed the following amendment:

1. Page 5, Lines 147 through 148
   147 industrial protection area, respectively.
   (20) “Residential subdivision” means a lawful division of land into separate fee simple interests:
   (a) by:
   (i) a subdivision plat that is:
   (A) authorized by a county, city, or town; and
(B) recorded; or
(ii) a lawful conveyance that creates a division of land into ten or more lots with an average size of ten acres or less; and
(b) if the authorized use of the subdivided parcels under applicable zoning and subdivision ordinances includes the development of dwellings for residential occupancy.

“State agency” means each department, commission, board, council,

2. Page 6, Lines 151 through 153:

“Unincorporated” means not within a city or town.

“Vested mining use” means a mining use:

(a) by a mine operator; and

3. Page 6, Line 155:

prohibits, restricts, or otherwise limits a mining use; and
(c) that is at least one mile away from a residential subdivision.

4. Page 9, Line 250:

mining use to comply with the generally applicable, reasonable health and safety regulations, setback ordinances, residential zoning ordinances.

5. Page 9, Line 269:

law and regulations and all applicable ordinances and regulations enacted by a political subdivision is presumed to be operating within sound mining practices.

6. Page 10, Line 275:

land within the vicinity of the vested mining use, if the vested mining use does not result in off-site contamination or an off-site release of pollutants.

7. Page 11, Line 310

Senate 2nd Reading Amendments 3–9–2009:

use lawfully operated:
(i) within a permit area authorized by the division but at least one
mile away from a residential subdivision; and
(ii) before a political subdivision prohibits.

8. Page 11, Line 313
Senate 2nd Reading Amendments 3–9–2009:

313 of proof to show by { clear and convincing } a
preponderance of the evidence that the vested mining use has not been

9. Page 12, Line 356
Senate 2nd Reading Amendments 3–9–2009:

356 vested mining use to new land , if the expansion conforms with all
applicable:
(i) federal or state laws and regulations; and
(ii) ordinances enacted by a political subdivision .

Representative Watkins’ motion to amend failed on a voice vote.

Representative McIff commented. 1st Sub. S.B. 68, as amended, passed on
the following roll call:

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Brown S. Clark Daw
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Frank Froerer
Garn F Gibson K Gibson Gowans
Greenwood Grover Hansen Harper
Hemingway Hendrickson Herrod Holdaway
Hughes Hunsaker Hutchings Ipson
King Kiser Last Litvack
Lockhart Mascaro Mathis McIff
Menlove Morley Moss Newbold
Noel Oda Painter Poulson
Ray Riesen Sandstrom Sumsion
Vickers Wallis Watkins Webb
Wheatley Wilcox Winn D. Clark

Yeas, 64; Nays, 11; Absent or not voting, 0.
**Voting in the negative were:** Representatives

Bird  Biskupski  Black  Chavez–Houck
Cosgrove  Johnson  Powell  Seegmiller
Seelig  Wiley  Wimmer

1st Sub. S.B. 68, as amended, returned to the Senate for further consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Dougall, the House voted to recall 1st Sub. S.B. 23 from the Senate.

**UNFINISHED BUSINESS**

On motion of Representative Hughes, the House voted to uncircle 1st Sub. S.B. 73.

1st Sub. S.B. 73, UNINCORPORATED AREAS AMENDMENTS, Hughes, was before the House on its final passage. Representatives Hutchings, Beck, Duckworth, Hemingway and Riesen commented.

1st Sub. S.B. 73 passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

**Voting in the affirmative were:** Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Edwards  Ferry  Janice Fisher
Julie Fisher  Fowlke  Frank  Froerer
Garn  F Gibson  K Gibson  Gowans
Greenwood  Grover  Hansen  Harper
Hemmingway  Hendrickson  Herrod  Holdaway
Hughes  Hunsaker  Hutchings  Ipson
Johnson  King  Kiser  Last
Litvack  Lockhart  Mascaro  Mathis
McIff  Menlove  Morley  Moss
Noel  Oda  Painter  Poulson
Powell  Ray  Riesen  Sandstrom
Seegmiller  Seelig  Sumption  Vickers
Wallis  Watkins  Webb  Wheatley
Wilcox  Wiley  Wimmer  D. Clark
Absent or not voting were: Representatives
Dunnigan     Newbold     Winn

1st Sub. S.B. 73 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

THIRD READING CALENDAR

S.B. 48, TEACHER LICENSING BY COMPETENCY AMENDMENTS, Oda, read the third time by short title and placed on its final passage.

Representatives Holdaway, Black, Menlove, Moss and Hutchings commented. S.B. 48 failed to pass on the following roll call:

Yeas, 17; Nays, 49; Absent or not voting, 9.

Voting in the affirmative were: Representatives
Barrus       S. Clark     Daw         Dougall
Frank        F Gibson     Grover      Herrod
Hutchings    Lockhart    Morley      Noel
Oda          Painter     Sumption    Wimmer
D. Clark

Voting in the negative were: Representatives
Aagard       Allen       Beck        Bird
Biskupski    Black       Brown       Chavez–Houck
Cosgrove     Draxler     S Duckworth Dunnigan
Edwards      Janice Fisher Julie Fisher Froerer
K Gibson     Gowans      Greenwood  Hansen
Harper       Hemingway   Hendrickson Holdaway
Hunsaker     Ipson       Johnson     King
Kiser        Last        Mascaro     McIff
Menlove      Moss        Poulson     Powell
Ray          Riesen      Sandstrom  Seegmiller
Seelig       Vickers     Wallis      Watkins
Webb         Wheatley    Wilcox      Wiley
Winn

Absent or not voting were: Representatives
Bigelow      Dee         Ferry       Fowlke
Garn         Hughes      Litvack    Mathis
Newbold

S.B. 48 returned to the Senate for filing.
UNFINISHED BUSINESS

On motion of Representative Sumsion, the House voted to uncircle 1st Sub. S.B. 18.

1st Sub. S.B. 18, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS, Sumsion, was before the House on its final passage.

Representative Sumsion proposed the following amendment:

1. Page 4, Lines 96 through 98
   96 (4) (a) A participating state entity shall permit the public to view the participating [state] entity’s public financial information via the website, beginning with information that is generated not later than the fiscal year that begins July 1, 2008 except that public financial information for an institution of higher education shall be provided beginning with information generated for the fiscal year beginning July 1, 2009 .

2. Page 4, Lines 99 through 101:
   99 (b) Not later than May 15, 2009, the website shall:
   100 (i) be operational; and
   101 (ii) permit public access to participating state entities’ public financial information except as provided in Subsection (4)(c) .
   (c) An institution of higher education that is a participating state entity shall submit the entity’s public financial information at a time allowing for inclusion on the website no later May 15, 2010.

3. Page 5, Lines 123 through 128:
   123 (g) one member designated by the director of the Department of Technology
   124 Services[,];  { and } (h) one member appointed by the governor from a state institution of higher education, who shall serve for one year beginning on July 1, 2009 and ending on June 30, 2010; and
   125 { (h) } (i) three additional members { designated by a majority of the board members appointed


Representative Sumsion’s motion to amend passed on a voice vote.

1st Sub. S.B. 18, as amended, passed on the following roll call:

Yea, 59; Nays, 11; Absent or not voting, 5.

Voting in the affirmative were: Representatives

Aagard    Allen    Barrus    Beck
Bird      Brown    S. Clark  Cosgrove
Daw       Dougall  Draxler  S Duckworth
Ferry     Janice Fisher  Julie Fisher  Frank
Froerer   Garn      F Gibson  K Gibson
Greenwood Grover    Harper    Hemingway
Herrod    Holdaway  Hughes   Hunsaker
Hutchings Ipson     King      Kiser
Last      Litvack   Lockhart  Mascaro
Mathis    McIff     Menlove  Morley
Moss      Newbold   Noel      Oda
Painter   Powell    Riesen   Sandstrom
Seegmiller Seelig   Sumsion  Vickers
Wallis    Webb      Wilcox   Wiley
Wimmer    Winn      D. Clark

Voting in the negative were: Representatives

Biskupski  Black    Chavez–Houck  Edwards
Gowans     Hansen   Hendrickson  Johnson
Poulson    Watkins  Wheatley

Absent or not voting were: Representatives

Bigelow    Dee    Dunnigan  Fowlke
Ray

1st Sub. S.B. 18, as amended, returned to the Senate for further consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, under suspension of the rules, the House voted to reconsider its action on S.B. 239.
RECONSIDERATION OF S.B. 239

S.B. 239, TRANSPORTATION REVISIONS, was before the House for reconsideration. Representative Dougall commented.

S.B. 239 passed on the following roll call:

**Yeas, 65; Nays, 6; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

| S Duckworth | Hansen | Hendrickson | Oda       |
| Ray         | Seegmiller |

**Absent or not voting were:** Representatives

| Hutchings | Kiser | Morley | Wimmer |

S.B. 239 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: March 11, 2009

The Senate passed, **H.B. 179, STATE-OWNED LAND AMENDMENTS**, by Representative K. Gibson, which has been signed by the President and it is transmitted for the signature of the Speaker; and
The Senate passed, **H.B. 195**, *UTAH UNIFORM PROBATE CODE – TRUST AMENDMENTS*, by Representative R. Lockhart, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 198**, *MARRIAGE LICENSE FEE AMENDMENTS*, by Representative C. Johnson, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **1st Sub. H.B. 296**, *SCHOOLS FOR THE DEAF AND BLIND AMENDMENTS*, by Representative K. Sumsion, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 389**, *APPLICATIONS FOR A SMALL AMOUNT OF WATER*, by Representative P. Painter, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.J.R. 21**, *MASTER STUDY RESOLUTION*, by Representative K. Garn, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate


* ***

Mr. Speaker:  
March 11, 2009

The Senate passed, as amended, **1st Sub. H.B. 64**, *DETERRING ILLEGAL IMMIGRATION*, by Representative B. Dee, and it is transmitted for further consideration; and

The Senate passed, as amended, **1st Sub. H.B. 308**, *WORKERS’ COMPENSATION – MOTOR CARRIERS*, by Representative D. Ipson, and it is transmitted for further consideration; and

The Senate substituted, amended, and passed, **Senate 1st Sub. H.B. 371**, *TRANSPORTATION GOVERNANCE*, by Representative W. Harper, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Mr. Speaker: March 11, 2009

The Senate concurred in the House amendments and passed S.B. 75, UTILITY AMENDMENTS, by Senator S. Urquhart, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed 1st Sub. S.B. 84, IMPACT FEES REVISIONS, by Senator G. Bell, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed S.B. 137, PHYSICAL THERAPY PRACTICE ACT, by Senator W. Niederhauser, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed S.B. 148, LOW−PROFIT LIMITED LIABILITY COMPANY ACT, by Senator L. Hillyard, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed S.B. 167, AMENDMENTS TO UNIFORM DEBT−MANAGEMENT SERVICES ACT, by Senator L. Hillyard, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. S.B. 75, 1st Sub. S.B. 84, S.B. 137, S.B. 148, and S.B. 167 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

MISCELLANEOUS BUSINESS

On motion of Representative Lockhart, under suspension of the rules, the House voted to lift S.B. 14 from the Rules Committee, consider it read the second time by short title and placed at the top of the Third Reading Calendar.

THIRD READING CALENDAR

S.B. 14, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, Garn, read the third time by short title and placed on its final passage.

On motion of Representative Garn, the House voted to circle S.B. 14.

S.B. 57, LOCAL OPTION TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS, Dee, read the third time by short title and placed on its final passage.
S.B. 57, as amended, passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

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S.B. 57, as amended, returned to the Senate for further consideration.

**UNFINISHED BUSINESS**

On motion of Representative Garn, the House voted to uncircle S.B. 14.

S.B. 14, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, Garn, was before the House on its final passage. Representatives Hutchings, Riesen, Mascaro and Allen commented.

S.B. 14, as amended, passed on the following roll call:

**Yeas, 69; Nays, 2; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

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Brown  Chavez–Houck  S. Clark  Cosgrove  
Daw  Dee  Dougall  Draxler  
S Duckworth  Dunnigan  Edwards  Ferry  
Janice Fisher  Julie Fisher  Fowlke  Frank  
Freroer  Garn  F Gibson  K Gibson  
Gowans  Greenwood  Grover  Harper  
Hemingway  Hendrickson  Herrod  Holdaway  
Hughes  Hunsaker  Ipson  Johnson  
King  Kiser  Last  Litvack  
Lockhart  Mascaro  Mathis  McIff  
Menlove  Moss  Newbold  Noel  
Oda  Painter  Poulson  Powell  
Ray  Riesen  Sandstrom  Seegmiller  
Seelig  Vickers  Wallis  Watkins  
Webb  Wheatley  Wilcox  Wiley  
Winn  

**Voting in the negative were:** Representatives  
Sumsion  Wimmer  

**Absent or not voting were:** Representatives  
Hansen  Hutchings  Morley  D. Clark  

**S.B. 14**, as amended, held for possible reconsideration.  

**MISCELLANEOUS BUSINESS**  

On motion of Representative Bigelow, the House voted to lift **S.B. 183** to the top of the Third Reading Calendar.  

**THIRD READING CALENDAR**  

**S.B. 183**, VIOLATION OF PROTECTIVE ORDER, *Fowlke*, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.  

Representative Litvack commented. **S.B. 183** passed on the following roll call:  

**Yeas, 70; Nays, 2; Absent or not voting, 3.**  

**Voting in the affirmative were:** Representatives  
Aagard  Allen  Barrus  Beck  
Bigelow  Bird  Biskupski  Black  

Voting in the negative were: Representatives
Chavez Houck Seelig

Absent or not voting were: Representatives
Dougall Hunsaker D. Clark

S.B. 183 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

S.B. 91, ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT, Ray, read the third time by short title and placed on its final passage.

S.B. 91 passed on the following roll call:

Yeas, 65; Nays, 1; Absent or not voting, 9.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Chavez Houck S. Clark Cosgrove Daw
Dee Draxler S Duckworth Dunnigan
Edwards Ferry Janice Fisher Julie Fisher
Fowlke Frank Froerer Garn
F Gibson K Gibson Gowans Greenwood
Grover Hansen Harper Hemingway
Hendrickson Herrod Holdaway Hughes
Hutchings Ipson Johnson King
Kiser Last Litvack Lockhart
Mascaro Mathis McIff Menlove
Morley Moss Newbold Noel
Oda Painter Poulson Powell
Ray Riesen Sandstrom Seegmiller
Sumsion Vickers Wallis Watkins
Webb Wheatley Wilcox Wiley
Wimmer Winn

S.B. 91: ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT, Ray, read the third time by short title and placed on its final passage.

S.B. 91 passed on the following roll call:

Yeas, 65; Nays, 1; Absent or not voting, 9.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Chavez Houck S. Clark Cosgrove Daw
Dee Draxler S Duckworth Dunnigan
Edwards Ferry Janice Fisher Julie Fisher
Frank Froerer Garn K Gibson
Gowans  Greenwood  Grover  Hansen
Harper  Hemingway  Hendrickson  Herrod
Holdaway  Hughes  Ipson  Johnson
King  Kiser  Litvack  Lockhart
Mascaro  Mathis  McIff  Menlove
Moss  Newbold  Noel  Oda
Painter  Poulson  Powell  Ray
Riesen  Sandstrom  Seegmiller  Seelig
Sumsion  Vickers  Wallis  Watkins
Webb  Wheatley  Wilcox  Wiley

**Voting in the negative was:** Representative Hutchings

**Absent or not voting were:** Representatives

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**S.B. 91** was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

***

**S.B. 142, DISPOSITION OF A DEAD BODY, Daw,** read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

Representatives Holdaway and Hendrickson commented. **S.B. 142** passed on the following roll call:

**Yeas, 56; Nays, 14; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

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Voting in the negative were: Representatives
Allen Bird Dee Draxler
S Duckworth Gowans Hansen Hendrickson
Holdaway Menlove Newbold Wheatley
Wiley Winn

Absent or not voting were: Representatives
Aagard Dougall Garn Painter
D. Clark

S.B. 142 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

MISCELLANEOUS BUSINESS

On motion of Representative Dee, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

H.J.R. 29, LEGISLATIVE DIRECTION TO THE PUBLIC EMPLOYEES BENEFIT AND INSURANCE PROGRAM, Dee, read the third time by short title and placed on its final passage.

Representative Dee proposed the following amendment:

1. Page 1, Lines 15 through 17
   15 directs PEHP and the Department of Human Resource Management to change the
   16 current employer premium share for HMO medical coverage to 95% employer and
   17 5% employee and adjust the high deductible plans proportionately; and

2. Page 2, Lines 45 through 49:
   45 NOW, THEREFORE, BE IT RESOLVED that the Legislature directs the program and
the executive director of the Department of Human Resource Management to change the state’s

collection for health maintenance organization medical coverage to be based on a 95%

employer and 5% employee premium share and that the state’s contribution for other high deductible medical coverage plans be adjusted proportionately.

Representative Dee’s motion to amend passed on a voice vote.

Representatives Draxler, Brown, Dunnigan, Biskupski and King commented.

H.J.R. 29, as amended, passed on the following roll call:

**Yeas, 57; Nays, 14; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

| Aagard | Allen | Barrus | Beck |
| Bigelow | Bird | Biskupski | Black |
| Brown | Chavez–Houck | Daw | Dee |
| Dougall | Draxler | Edwards | Ferry |
| Julie Fisher | Fowlke | Frank | Garn |
| F Gibson | K Gibson | Grover | Hemingway |
| Herrod | Hughes | Hunsaker | Hutchings |
| Ipson | Johnson | King | Kiser |
| Last | Litvack | Lockhart | Mathis |
| McIff | Menlove | Morley | Moss |
| Newbold | Noel | Oda | Powell |
| Ray | Riesen | Sandstrom | Seegmiller |
| Seelig | Sumption | Vickers | Wallis |
| Watkins | Webb | Wilcox | Wimmer |
| Winn |

**Voting in the negative were:** Representatives

| Cosgrove | S Duckworth | Dunnigan | Janice Fisher |
| Gowans | Greenwood | Hansen | Harper |
| Hendrickson | Holdaway | Mascaro | Poulson |
| Wheatley | Wiley |

**Absent or not voting were:** Representatives

| S. Clark | Froerer | Painter | D. Clark |
H.J.R. 29, as amended, transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, the House voted to recess until 6:15 p.m.

EVENING SESSION

The House was called to order by Speaker Clark at 6:15 p.m.

Representative Painter was excused.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 11, 2009

The Senate refuses to concur with the House Amendments to 1st Sub. S.B. 78, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, by Senator M. Madsen, and requests the House recede from its amendments.

Annette B. Moore
Secretary of the Senate

On motion of Representative Oda, the House voted to refuse to recede from its amendments to 1st Sub. S.B. 78 and to authorize the Speaker to appoint a conference committee. Speaker Clark appointed Representatives Oda, Wimmer, and Watkins.

* * *

Mr. Speaker: March 11, 2009

The Senate passed, H.B. 4, GENERAL OBLIGATION BONDS AUTHORIZATIONS, by Representative S. Clark, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed H.B. 153, TRESPASS LAW AMENDMENTS, by Representative J. Mathis, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed 2nd Sub. H.B. 220, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, by Representative M. Noel, and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 306, HEALTH AND HUMAN SERVICES–RELATED COMMISSION, COMMITTEE, AND COUNCIL
AMENDMENTS, by Representative R. Bigelow, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 307**, TOURISM MARKETING PERFORMANCE ACCOUNT AMENDMENTS, by Representative R. Bigelow, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **1st Sub. H.B. 357**, FIREARMS AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 373**, AMENDMENTS TO DEPARTMENT OF CORRECTIONS' OPERATIONS, by Representative P. Ray, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 399**, CHARITABLE CARE AMENDMENTS, by Representative B. Last, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 402**, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS, by Representative K. Garn, and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 445**, HEALTH PROGRAM REVISIONS, by Representative R. Bigelow, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.J.R. 14**, JOINT RULES RESOLUTION – ETHICS TRAINING COURSE PROVISIONS, by Representative L. Fowlke, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate


***

Mr. Speaker: March 11, 2009

The Senate substituted, amended, and passed, **Senate 1st Sub. H.B. 2**, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, by Representative M. Newbold, and it is transmitted for further consideration; and
The Senate passed, as amended, **H.B. 412, ENERGY POLICY AMENDMENTS**, by Representative R. Barrus, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate


***

Mr. Speaker: March 11, 2009

The Senate transmits **1st Sub. S.B. 23, INCOME TAXATION OF PASS-THROUGH ENTITIES AND PASS-THROUGH ENTITY TAXPAYERS**, by Senator W. Niederhauser, for further consideration; and

The Senate passed, upon reconsideration, **1st Sub. S.B. 171, MUNICIPAL ANNEXATION AMENDMENTS**, by Senator S. Jenkins, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate


***

Mr. Speaker: March 11, 2009

The Senate refuses to concur with the House Amendments to **S.B. 163, CONSTRUCTION TRADE EXEMPTION**, by Senator S. Urquhart, and requests the House recede from its amendments.

Annette B. Moore
Secretary of the Senate

On motion of Representative Grover, the House voted to refuse to recede from its amendments to **S.B. 163** and to authorize the Speaker to appoint a conference committee. Speaker Clark appointed Representatives Grover, Herrod, and Gowans.

**INTRODUCTION OF BILL**

**H.C.R. 10, Concurrent Resolution Honoring the Life and Contributions of Larry H. Miller** (C. Wimmer), read the first time by short title and referred to the Rules Committee.
THIRD READING CALENDAR


On motion of Representative Dougall, the House voted to circle 1st Sub. S.B. 23.

* * *

1st Sub. S.B. 171, MUNICIPAL ANNEXATION AMENDMENTS, Garn, read the third time by short title and placed on its final passage.

1st Sub. S.B. 171 passed on the following roll call:

Yeas, 51; Nays, 17; Absent or not voting, 7.

Voting in the affirmative were: Representatives
Aagard          Allen          Barrus          Beck
Bigelow         Bird           Daw            Dee
Dougall         Draxler        Dunnigan       Ferry
Julie Fisher    Fowlke         Frank          Froerer
Garn           F Gibson       K Gibson        Gowans
Greenwood      Grover         Herrod       Holdaway
Hughes         Hunsaker       Hutchings     Ipson
Kiser         Last           Litvack        Lockhart
Mascaro       Mathis         McIff         Menlove
Morley         Moss           Noel          Oda
Ray           Riesen         Seelig         Sumison
Vickers       Wallis         Webb          Wilcox
Wimmer        Winn           D. Clark

Voting in the negative were: Representatives
Biskupski     Black          Chavez–Houck     Cosgrove
Edwards       Janice Fisher  Hansen         Hemingway
Hendrickson  Johnson        King           Poulson
Powell        Seegmiller     Watkins        Wheatley
Wiley

Absent or not voting were: Representatives
Brown        S. Clark       S Duckworth     Harper
Newbold      Painter        Sandstrom
**1st Sub. S.B. 171** was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

**COMMUNICATION FROM THE SENATE**

Mr. Speaker: March 11, 2009

The Senate passed, as substituted, **1st Sub. S.B. 248**, TAX AMENDMENTS, by Senator G. Bell, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. **1st Sub. S.B. 248** read the first time by short title and referred to the Rules Committee.

**MISCELLANEOUS BUSINESS**

On motion of Representative Garn, under suspension of the rules, the House voted to lift the following bills from the Rules Committee, consider them read the second time by short title and place them at the top of the Third Reading Calendar: **S.B. 70, 1st Sub. S.B. 248, 2nd Sub. S.B. 208, 4th Sub. S.B. 80, S.B. 193, 1st Sub. S.B. 187, S.B. 66.**

**THIRD READING CALENDAR**

**S.B. 70**, DEPARTMENT OF ENVIRONMENTAL QUALITY AMENDMENTS, *Brown*, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

**S.B. 70** passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard   Allen   Barrus   Beck  
Bigelow  Bird    Biskupski Black  
Brown    Chavez–Houck S. Clark Cosgrove  
Daw      Dee      Dougall Draxler  
S Duckworth Dunnigan Edwards Ferry  
Janice Fisher Julie Fisher Fowlke Frank  
Froerer  Garn    F Gibson K Gibson  
Gowans   Greenwood Grover Hansen  
Harper   Hemingway Hendrickson Herrod  
Holdaway Hughes Hunsaker Hutchings  
Ipson    Johnson King Kiser
Last    Litvack    Lockhart    Mascaro
Mathis   McIff     Menlove   Morley
Moss     Newbold   Noel      Poulson
Powell   Riesen    Sandstrom Seegmiller
Seelig   Sumsion   Vickers   Wallis
Wheatley Wilcox    Wiley     Wimmer
Winn     D. Clark  

Absent or not voting were: Representatives
Oda      Painter   Ray       Watkins
Webb

S.B. 70 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

***

S.B. 248, TAX AMENDMENTS, Last, read the third time by short title and placed on its final passage.

On motion of Representative Last, the House voted to circle S.B. 248.

CONCURRENCE CALENDAR

On motion of Representative Dee, the House voted to concur in the Senate amendments to 1st Sub. H.B. 64, DETERRING ILLEGAL IMMIGRATION.

1st Sub. H.B. 64, as amended by the Senate, passed on the following roll call:

Y eas, 63; Nays, 5; Absent or not voting, 7.

Voting in the affirmative were: Representatives
Aagard  Allen    Barrus     Beck
Bird    Black     Brown     S. Clark
Cosgrove Daw     Dee       Dougall
Draxler Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Froerer Garn     F Gibson  K Gibson
Gowans Greenwood Grover Harper
Hemingway Hendrickson Herrod Holdaway
Hughes  Hunsaker  Ipson     King
Kiser    Last      Litvack   Lockhart
Mascaro Mathis   McIff     Menlove
Morley  Moss      Noel      Poulson
Powell Ray Riesen Sandstrom
Seegmiller Seelig Sumsion Vickers
Wallis Webb Wheatley Wilcox
Wiley Winn D. Clark

**Voting in the negative were:** Representatives
Biskupski Chavez−Houck S Duckworth Hansen
Johnson

**Absent or not voting were:** Representatives
Bigelow Hutchings Newbold Oda
Painter Watkins Wimmer

1st Sub. H.B. 64, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative Ipson, the House voted to concur in the Senate amendments to 1st Sub. H.B. 308, WORKERS’ COMPENSATION − MOTOR CARRIERS.

1st Sub. H.B. 308, as amended by the Senate, passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez−Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Froerer Garn F Gibson K Gibson
Gowans Greenwood Grover Hansen
Harper Hemingway Hendrickson Herrod
Holdaway Hughes Hunsaker Ipson
Johnson King Kiser Last
Litvack Lockhart Mascaro Mathis
McIff Menlove Moss Newbold
Noel Poulson Powell Ray
Riesen Sandstrom Seegmiller Seelig
Absent or not voting were: Representatives
Hutchings    Morley    Oda    Painter
Watkins    Wimmer

1st Sub. H.B. 308, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative Harper, the House voted to refuse to concur in the Senate amendments to 1st Sub. H.B. 371, TRANSPORTATION GOVERNANCE, and ask the Senate to recede from its amendments. 1st Sub. H.B. 371 was returned to the Senate for further consideration.

THIRD READING CALENDAR

2nd Sub. S.B. 208, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, Dougall, read the third time by short title and placed on its final passage.

On motion of Representative Dougall, the House voted to circle 2nd Sub. S.B. 208.

* * *

4th Sub. S.B. 80, FIRE LIABILITY MODIFICATIONS, Noel, read the third time by short title and placed on its final passage.

Representative Hutchings commented. 4th Sub. S.B. 80 passed on the following roll call:

Yeas, 71; Nays, 1; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard    Allen    Barrus    Beck
Bigelow    Bird    Biskupski    Black
Brown    Chavez–Houck    S. Clark    Cosgrove
Daw    Dee    Dougall    Draxler
S Duckworth    Dunnigan    Edwards    Ferry
Janice Fisher    Julie Fisher    Fowlke    Frank
Froerer    F Gibson    K Gibson    Gowans
Greenwood    Grover    Hansen    Harper
Voting in the negative was: Representative
Seegmiller

Absent or not voting were: Representatives
Garn Painter Wimmer

4th Sub. S.B. 80 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 11, 2009

The President of the Senate has appointed a Conference Committee consisting of Senators M. Madsen, M. Dayton, and K. Mayne to meet with a like committee from the House of Representatives to consider or amend 1st Sub. S.B. 78, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, by Senator M. Madsen.

Annette B. Moore
Secretary of the Senate

Communication filed. The committee may now meet.

***

Mr. Speaker: March 11, 2009

The Senate passed, 1st Sub. H.B. 356, BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS, by Representative
M. Newbold, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communication filed. **1st Sub. H.B. 356** signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

**THIRD READING CALENDAR**

**S.B. 193**, SALVAGE VEHICLES AMENDMENTS, *Dee*, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

On motion of Representative Dee, the House voted to circle **S.B. 193**.

* * *

**1st Sub. S.B. 187**, ALCOHOL AMENDMENTS, *Dee*, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

On motion of Representative Dee, the House voted to circle **1st Sub. S.B. 187**.

* * *


On motion of Representative Dee, the House voted to circle **S.B. 66**.

* * *

On motion of Representative Dee, the House voted to saunter.

On motion of Representative Dee, the House voted to cease to saunter.

**INTRODUCTION OF BILL**


**UNFINISHED BUSINESS**

On motion of Representative Dee, the House voted to uncircle **S.B. 193**.
S.B. 193, SALVAGE VEHICLES AMENDMENTS, Dee, was before the House on its final passage.

Representative Dee proposed the following amendment:

1. Page 1, Line 22
   Senate Committee Amendments 2–26–2009
   22 purchaser that does not have a salvage vehicle buyer license;
   authorizes the Tax Commission to impose an administrative entrance fee not to exceed $10 on certain persons that enter a motor vehicle auction for certain purposes;

2. Page 4, Line 97
   Senate Committee Amendments 2–26–2009:
   97 vehicles with a salvage certificate as required under Subsection (3)(e)(i).
   (f) The commission may impose an administrative entrance fee established in accordance with the procedures and requirements of 63J–1–303 not to exceed $10 on a person not holding a license described in Subsection (3)(e)(i) that enters the physical premises of a motor vehicle auction for the purpose of viewing available salvage vehicles prior to an auction.

Representative Dee’s motion to amend passed on a voice vote.

S.B. 193, as amended, passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives

Aagard Allen Barrus Beck
Bird Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Frank Froerer
F Gibson K Gibson Gowans Greenwood
Grover Hansen Harper Hemingway
Hendrickson Herrod Hunsaker Hutchings
Ipson Johnson King Kiser
Last Litvack Lockhart Mascaro
Mathis McIff Menlove Morley
**Absent or not voting were:** Representatives

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*S.B. 193*, as amended, returned to the Senate for further consideration.

* * *

On motion of Representative Last, the House voted to uncircle **1st Sub. S.B. 248**.

**1st Sub. S.B. 248**, TAX AMENDMENTS, *Last*, was before the House on its final passage.

**1st Sub. S.B. 248** passed on the following roll call:

**Y eas, 63; N ays, 8; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

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Voting in the negative were: Representatives
Daw-Julie Fisher-F Gibson-Hansen
Hendrickson-Oda-Sumson-Wimmer

Absent or not voting were: Representatives
S Duckworth-Dunnigan-Hutchings-Painter

1st Sub. S.B. 248 signed by the Speaker and returned to the Senate for
signature of the President, enrolling, and transmission to the Governor.

CONFERENCE COMMITTEE REPORT

Mr. Speaker:

The Joint Conference Committee comprised of Senators Mark B. Madsen,
Margaret Dayton, and Karen Mayne, and Representatives Curtis Oda, Carl
Wimmer, and Christine Watkins, recommends 1st Sub. S.B. 78, PROTECTION
OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN
PRIVATE VENUES, by Senator M. Madsen, et al, be replaced and favorably
recommends 2nd Sub. S.B. 78, PROTECTION OF CONSTITUTIONALLY
GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES.

Mark B. Madsen, Senate Chair
Curtis Oda, House Chair

Report filed. On motion of Representative Oda, the House voted to adopt the
Conference Committee Report.

2nd Sub. S.B. 78 passed on the following roll call:

Yeas, 60; Nays, 11; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard-Allen-Barrus-Beck
Bird-Black-Brown-S. Clark
Cosgrove-Daw-Dee-Dougall
Draxler-S Duckworth-Dunnigan-Edwards
Ferry-Janice Fisher-Julie Fisher-Fowlke
Frank-Froerer-F Gibson-K Gibson
Greenwood-Grover-Hansen-Harper
Hendrickson-Herrod-Holdaway-Hughes
Hunsaker-Hutchings-Ipson-Kiser
Last-Lockhart-Mascaro-Mathis
Menlove-Morley-Newbold-Noel
Oda-Poulson-Powell-Ray
Sandstrom  Seegmiller  Sumasion  Vickers
Wallis  Watkins  Webb  Wheatley
Wilcox  Wiley  Wimmer  Winn

**Voting in the negative were:** Representatives
Biskupski  Chavez–Houck  Gowans  Hemingway
Johnson  King  Litvack  McIff
Moss  Riesen  Seelig

**Absent or not voting were:** Representatives
Bigelow  Garn  Painter  D. Clark

2nd Sub. S.B. 78 was transmitted to the Senate for further action.

**UNFINISHED BUSINESS**

On motion of Representative Hughes, the House voted to uncircle 1st Sub. S.B. 187.

1st Sub. S.B. 187, ALCOHOL AMENDMENTS, Hughes, was before the House on its final passage.

Representative Hughes proposed the following amendment:


   1991 (E) the department authorizes the credit, including the amount of the credit under

   1992 Subsection (7)(f)(ii), on the basis that:

   1993 (I) the restaurant liquor licensee complied with this Subsection (7); and

   1994 (II) the aggregate of \{ all \} credits authorized under this Subsection (7)(f) and Subsection 32A–4–307(7)(f) before the

   1995 current authorization does not exceed \{ $1,090,000 \} the amount described in Subsection (7)(f)(v)(A)

   1996 (ii) The amount of the credit described in this Subsection (7)(f) is the lesser of:

   1997 (A) the actual costs of the remodel as evidenced by receipts, copies of which are

   1998 provided to the department as part of the request for the credit; or
1999  (B) $30,000.

2000  (iii) For a restaurant liquor licensee, a credit under this Subsection (7)(f):

2001  (A) begins on the day on which the department authorizes the credit under Subsection

2002  (7)(f)(i); and

2003  (B) ends the day on which the restaurant liquor licensee uses all of the credit.

2004  (iv) The department shall by contract provide for how a package agency accounts for a

2005 credit purchase made at the package agency by a restaurant liquor licensee under this

2006 Subsection (7)(f).

2007  (v) (A) Notwithstanding the other provisions of this Subsection (7)(f), the department

2008 may not authorize a credit if the aggregate of all credits authorized under this Subsection (7)(f)

2009 ( before the authorization ) and Subsection 32A–4–307(7)(f) before the department authorizes the credit

2010 exceeds (I) $1,000,000, for the aggregate of credits under this Subsection (7)(f) and Subsection 32A–4–307(7)(f), if the credit could be used on or before June 30, 2010; and

2011 (II) subject to Subsection (7)(v)(A)(I), $1,090,000 for the aggregate of all credits that can be authorized under this Subsection (7)(f) and


2010  (B) The department shall authorize credits in the order that the department receives a

2011 request described in Subsection (7)(f)(i)(C) from a restaurant liquor licensee requesting a credit

2012 under this Subsection (7)(f).

2.  Page 84, Line 2591 through Page 85, Line 2612:

2591  (E) the department authorizes the credit, including the amount of the credit under
Subsection (7)(f)(ii), on the basis that:

(I) the limited restaurant licensee complied with this Subsection (7); and

(II) the aggregate of all credits authorized under this Subsection (7)(f) and Subsection 32A–4–106(7)(f) before the current authorization does not exceed $1,090,000.

(ii) The amount of the credit described in this Subsection (7)(f) is the lesser of:

(A) the actual costs of the remodel as evidenced by receipts, copies of which are provided to the department as part of the request for the credit; or

(B) $30,000.

(iii) For a limited restaurant licensee, a credit under this Subsection (7)(f):

(A) begins on the day on which the department authorizes the credit under Subsection (7)(f)(i); and

(B) ends the day on which the limited restaurant licensee uses all of the credit.

(iv) The department shall by contract provide for how a package agency accounts for a credit purchase made at the package agency by a limited restaurant licensee under this Subsection (7)(f).

(v) (A) Notwithstanding the other provisions of this Subsection (7)(f), the department may not authorize a credit if the aggregate of all credits authorized under this Subsection (7)(f) before the department authorizes the credit exceeds $1,000,000, for the aggregate of credits under this Subsection (7)(f)
and Subsection 32A−4−106(7)(f), if the credit could be used on or before June 30, 2010; and
(II) subject to Subsection (7)(v)(A)(I), $1,090,000 for the aggregate of all credits that can be authorized under this Subsection (7)(f) and Subsection 32A−4−106(7)(f).

2610 (B) The department shall authorize credits in the order that the department receives a request described in Subsection (7)(f)(i)(C) from a limited restaurant licensee requesting a credit under this Subsection (7)(f).

2611

2612

3. Page 152, Lines 4693 through 4699:

4693 (2) (a) A minor may not be admitted into, use, or be on:

4694 (i) a lounge or bar area, as defined by commission rule, of the premises of:

4695 (A) an equity club licensee;

4696 (B) a fraternal club licensee; or

4697 (C) a dining club licensee; or

4698 (ii) the premises of:

4699 (A) a dining club licensee unless accompanied by an individual who is 21 years of age or older; or

(B) a social club licensee, except to the extent provided for under Subsection (2)(d).

Representative Hughes’ motion to amend passed on a voice vote.

Representatives Allen, Litvack, Bird, Ferry, S. Clark, Seelig and Hutchings commented.

1st Sub. S.B. 187, as amended, passed on the following roll call:

Yeas, 65; Nays, 5; Absent or not voting, 5.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bird  Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Dougall  S Duckworth  Dunnigan
Voting in the negative were: Representatives
Draxler Mathis Menlove Webb
Winn

Absent or not voting were: Representatives
Bigelow Garn Painter Ray
D. Clark

1st Sub. S.B. 187, as amended, returned to the Senate for further consideration.

* * *

On motion of Representative Dougall, the House voted to uncircle 2nd Sub. S.B. 208.

2nd Sub. S.B. 208, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, Dougall, was before the House on its final passage.

On motion of Representative Dougall, the House voted to delete 2nd Sub. S.B. 208 in title and body and insert 3rd Sub. S.B. 208 in lieu thereof.

Representative Dougall proposed the following amendment:

1. Page 318, Lines 9846 through 9848
   
   9846 (2) (a) If a court or judge orders a document or notice published electronically in accordance with
   
   9847 Section 45–1–101, evidence of the publication shall be made by affidavit of the state archivist
Representative Dougall’s motion to amend passed on a voice vote.

Representatives Ferry, King, Allen and S. Clark commented.

3rd Sub. S.B. 208, as amended, passed on the following roll call:

**Voting in the affirmative were:** Representatives

- Aagard
- Barrus
- Brown
- Chavez–Houck
- S. Clark
- Daw
- Dee
- Dougall
- Draxler
- Ferry
- Julie Fisher
- Fowlke
- Frank
- Froerer
- Greenwood
- Grover
- Harper
- Hendrickson
- Herrold
- Holdaway
- Hughes
- Hunsaker
- Hutchings
- Ipson
- Kiser
- Last
- Lockhart
- Mascaro
- Morley
- Newbold
- Noel
- Oda
- Sumsion
- Vickers
- Wallis
- Webb
- Wilcox
- Wimmer

**Voting in the negative were:** Representatives

- Allen
- Beck
- Bird
- Biskupsiki
- Black
- Cosgrove
- S. Duckworth
- Dunnigan
Absent or not voting were: Representatives
Bigelow Garn Painter Ray
D. Clark

3rd Sub. S.B. 208, as amended, returned to the Senate for further consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Wimmer, the House voted to lift H.C.R. 10 from the Rules Committee, consider it read for the second time by short title and set for Time Certain on March 12, 2009 at 9:00 a.m.

***

On motion of Representative Kiser, the House voted to reconsider its action on S.B. 172.

RECONSIDERATION OF S.B. 172

S.B. 172, UNDERINSURED MOTORIST COVERAGE AMENDMENTS, was before the House for reconsideration.

On motion of Representative Kiser, the House voted to circle S.B. 172.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 11, 2009

The Senate passed, H.B. 355, INDIGENT INMATE TRUST FUND AMENDMENTS, by Representative K. McIff, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, 2nd Sub. H.B. 400, PETE SUAZO UTAH ATHLETIC COMMISSION AMENDMENTS, by Representative C. Oda, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 445, HEALTH PROGRAM REVISIONS, by Representative R. Bigelow, which has been signed by the President and it is transmitted for the signature of the Speaker; and
The Senate passed, **H.B. 446**, MEDICAID RESTRICTED ACCOUNT AMENDMENTS, by Representative R. Edwards, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 455**, COURT SECURITY RESTRICTED ACCOUNT, by Representative E. Hutchings, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 447**, UTAH EMERGENCY MEDICAL SERVICES SYSTEM ACT AMENDMENTS, by Representative R. Bigelow, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **1st Sub. H.B. 456**, TOBACCO ACCESS RESTRICTIONS, by Representative B. Last, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate


* * *

Mr. Speaker: March 11, 2009

The Senate passed, as amended, **H.B. 17**, EXPEDITED PARTNER THERAPY TREATMENT, by Representative J. Seelig, and it is transmitted for further consideration; and

The Senate passed, as amended, **1st Sub. H.B. 156**, SUBDIVISION APPROVAL AMENDMENTS, by Representative R. C. Webb, and it is transmitted for further consideration; and

The Senate substituted and passed, **Senate 1st Sub. H.B. 185**, TRANSPORTATION AMENDMENTS, by Representative W. Harper, and it is transmitted for further consideration; and

The Senate substituted and passed, **Senate 3rd Sub. H.B. 299**, UNLAWFUL DETAINER AMENDMENTS, by Representative G. Froerer, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 378**, CIRCUIT BREAKER AMENDMENTS, by Representative T. Cosgrove, and it is transmitted for further consideration; and
The Senate substituted, amended, and passed, Senate 1st Sub. H.B. 444, BUDGET IMPLEMENTATION ADJUSTMENTS – TOBACCO SETTLEMENT FUNDS, by Representative R. Bigelow, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate


* * *

Mr. Speaker: March 11, 2009

The Senate passed, as substituted, and amended 1st Sub. S.B. 240, UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE AMENDMENTS, by Senator S. Killpack, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. 1st Sub. S.B. 240 read the first time by short title and referred to the Rules Committee.

MISCELLANEOUS BUSINESS

On motion of Representative Lockhart, under suspension of the rules, the House voted to lift H.J.R. 23 from the Rules Committee, consider it read the second time by short title and place it at the top of the Third Reading Calendar.

* * *

On motion of Representative Garn, and at 8:30 p.m., the House voted to adjourn until March 12, 2009, at 8:00 a.m.
FORTY–FIFTH DAY

MORNING SESSION

The House was called to order by Speaker Clark at 8:10 a.m.

Roll call showed all members present.

Prayer offered by Chayce Clark, Speaker Clark’s son. Pledge of Allegiance led by Ella and Sophia Bleak, daughters of Chris Bleak, Chief of Staff.

CONCURRENCE CALENDAR

On motion of Representative Newbold, the House voted to concur in the Senate amendments to 1st Sub. H.B. 2, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS.

Representatives Bigelow, Litvack, Black, Allen, Moss, Wallis, Hughes, Bird, Holdaway, Last, Mascaro and Edwards commented. 1st Sub. H.B. 2, as amended by the Senate, passed on the following roll call:

Yeas, 47; Nays, 27; Absent or not voting, 1.

Voting in the affirmative were: Representatives

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Voting in the negative were: Representatives

| Allen | Beck | Bird | Biskupski |
| Black | Chavez–Houck | S Duckworth | Gowans |
| Greenwood | Hansen | Harper | Hemingway |
Absent or not voting was: Representative Painter

1st Sub. H.B. 2, as amended by the Senate, transmitted to the Senate for signature of President.

THIRD READING CALENDAR

2nd Sub. S.B. 176, CIVIL FEES IN SMALL CLAIMS COURTS AMENDMENTS, Dee, read the third time by short title and placed on its final passage.

Representative Fowlke proposed the following amendment:

1. Page 1, Line 12 through Page 2, Line 31 Senate 3rd Reading Amendments 3–4–2009

12 This bill:

13   ▶ increases the jurisdictional amount for small claims court to { $12,500 − } $10,000 ;

14   ▶ increases the filing fee for a small claims affidavit from $45 to { $90 } $75 if the claim,

14a exclusive of court costs, interest, and attorney fees is $2,000 or less;

16   ▶ increases the filing fee for a small claims affidavit from $70 to { $140 } $110 if the claim,

16a exclusive of court costs, interest, and attorney fees is between $2,000 and $7,500;

18   ▶ establishes the filing fee for a small claims affidavit at $185 if the claim is between

19   $7,500 and $10,000;

20   { $300 } establishes the filing fee for a small claims affidavit at $300 if the claim is between
21 $10,000 and $12,500;} 
22 increases the filling fee for a small claims counter affidavit from $35 to {−$65} $65 if the claim, exclusive of court costs, interest, and attorney fees is $2,000 or less; 
24 increases the filing fee for a small claims counter affidavit from $50 to {−$90} $90 if the claim, exclusive of court costs, interest, and attorney fees is between $2,000 and $7,500; and 
27 establishes the filing fee for a small claims counter affidavit at {$120} $120 if the claim, exclusive of court costs, interest, and attorney fees is between $7,500 and $10,000; and 
30 establishes the filing fee for a small claims counter affidavit at $250 if the claim, exclusive of court costs, interest, and attorney fees is between $10,000 and $12,500.} .

2. Page 2, Line 55 through Page 3, Line 63
Senate 3rd Reading Amendments 3–4–2009:
55 (c) The fee for filing a small claims affidavit is:
56 (i) [$45] {−$55} $55 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is $2,000 or less; [and]
58 (ii) [$70] {−$90} $90 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is greater than $2,000, but less than $7,500; and
60 (iii) $185 if the claim for damages or amount in interpleader exclusive of court costs,

61 interest, and attorney fees is $7,500 or more \( \text{but less than } $10,000 \); and

62 (iv) $300 if the claim for damages or amount in interpleader exclusive of court costs;

63 interest, and attorney fees is $10,000 or more but less than $12,501.

3. Page 3, Lines 75 through 83
   Senate 3rd Reading Amendments 3–4–2009:
   (e) The fee for filing a small claims counter affidavit is:
   76 (i) \( [\$35 \text{ or } $45 \text{ or } $65] \) \( \text{but less than } $50 \) if the claim for relief exclusive of court costs, interest, and attorney fees
   76a attorney fees
   77 is $2,000 or less; \[and\]
   78 (ii) \( [\$50 \text{ or } $70 \text{ or } $90] \) \( $70 \) if the claim for relief exclusive of court costs, interest, and attorney fees
   78a attorney fees
   79 is greater than $2,000\[,\text{ but less than } $7,500\];
   80 (iii) \( [\$150] \) \( $120 \) if the claim for relief exclusive of court costs, interest, and attorney fees is
   81 $7,500 or more \( \text{but less than } $10,000 \); and
   82 (iv) $250 if the claim for relief exclusive of court costs, interest, and attorney fees is
   83 $10,000 or more but less than $12,501.

4. Page 8, Lines 217 through 227:
   (1) A small claims action is a civil action:
   (a) for the recovery of money where:
   (i) the amount claimed does not exceed \( [$7,500 \) \( \text{but less than } $12,500 \) \( $10,000 \) including attorney fees but
   220 exclusive of court costs and interest; and
(ii) the defendant resides or the action of indebtedness was incurred within the jurisdiction of the court in which the action is to be maintained; or

(b) involving interpleader under Rule 22 of the Utah Rules of Civil Procedure, in which the amount claimed does not exceed [$7,500] [{ $12,500 } $10,000 including attorney fees but exclusive of court costs and interest.

(2) The judgment in a small claims action may not exceed [$7,500] { $12,500 } $10,000 including attorney fees but exclusive of court costs and interest.

Representative Fowlke’s motion to amend passed on a voice vote.

2nd Sub. S.B. 176, as amended, passed on the following roll call:

Yeas, 69; Nays, 5; Absent or not voting, 1.

Voting in the affirmative were: Representatives
Aagard           Allen           Barrus           Beck
Bigelow          Bird            Biskupski        Black
Brown            Chavez–Houck    S. Clark         Cosgrove
Daw              Dee             Draxler          S Duckworth
Dunnigan         Edwards         Janice Fisher     Julie Fisher
Fowlke           Frank           Froerer          Garn
F Gibson          K Gibson       Gowans           Greenwood
Grover           Harper          Hemingway        Herrod
Holdaway         Hughes          Hunsaker         Hutchings
Ipson            Johnson         King             Kiser
Last             Litvack         Lockhart         Mascaro
Mathis           McIff           Menlove          Morley
Moss             Newbold         Noel             Oda
Painter          Poulson         Powell           Ray
Riesen           Seegmiller      Seelig           Sumsion
Vickers          Wallis          Watkins          Webb
Wheatley         Wiley           Wimmer          Winn
D. Clark

Voting in the negative were: Representatives
Ferry            Hansen          Hendrickson      Sandstrom
Wilcox
Absent or not voting was: Representative Dougall

2nd Sub. S.B. 176, as amended, returned to the Senate for further consideration.

TIME CERTAIN CALENDAR

H.C.R. 10, CONCURRENT RESOLUTION HONORING THE LIFE AND CONTRIBUTIONS OF LARRY H. MILLER, Wimmer, read the third time by short title and placed on its final passage.

Representatives Kiser, Holdaway, Allen, Julie Fisher, Painter, Watkins, Hunsaker and Garn commented. H.C.R. 10 passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives

| Black | Johnson |

H.C.R. 10 transmitted to the Senate for its consideration.
COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 12, 2009

The President of the Senate has signed 1st Sub. H.B. 64, DETERRING ILLEGAL IMMIGRATION, by Representative B. Dee, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed 1st Sub. H.B. 308, WORKERS’ COMPENSATION – MOTOR CARRIERS, by Representative D. Ipson, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. 1st Sub. H.B. 64 and 1st Sub. H.B. 308 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

* * *

Mr. Speaker: March 12, 2009

The President of the Senate has appointed a Conference Committee consisting of Senators S. Urquhart, D. Liljenquist, and G. Davis to meet with a like committee from the House of Representatives to consider or amend S.B. 163, CONSTRUCTION TRADE EXEMPTION, by Senator S. Urquhart.

Annette B. Moore
Secretary of the Senate

Communication filed. The committee may now meet.

* * *

Mr. Speaker: March 12, 2009

The President of the Senate has appointed a Conference Committee consisting of Senators S. Killpack, W. Niederhauser, and K. Mayne to meet with a like committee from the House of Representatives to consider or amend 1st Sub. H.B. 371, TRANSPORTATION GOVERNANCE, by Representative W. Harper.

Annette B. Moore
Secretary of the Senate

Communication filed. On motion of Representative Harper, the Speaker was authorized to appoint a Conference Committee. Speaker Clark appointed Representatives Harper, Dougall, and Hendrickson.

MISCELLANEOUS BUSINESS

On motion of Representative Lockhart, under suspension of the rules, the House voted to lift the following bills from the Rules Committee, consider them
read the second time by short title and placed at the top of the Third Reading Calendar: 1st Sub. S.B. 240, S.B. 260, and S.B. 269.

***


THIRD READING CALENDAR

1st Sub. S.B. 240, UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE AMENDMENTS, Garn, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

Representatives Biskupski, Dougall, King, Allen and Winn commented. 1st Sub. S.B. 240 passed on the following roll call:

Yeas, 62; Nays, 6; Absent or not voting, 7.

Voting in the affirmative were: Representatives

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Voting in the negative were: Representatives

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Absent or not voting were: Representatives
Gowans  Grover  Harper  Herrod
Hunsaker  Painter  Vickers

1st Sub. S.B. 240 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

***

S.B. 260, HOUSING RELIEF RESTRICTED SPECIAL REVENUE FUND, Dee, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

On motion of Representative Dee, the House voted to delete S.B. 260 in title and body and insert 2nd Sub. S.B. 260 in lieu thereof.

Representative Dee proposed the following amendment:

1. Page 2, Line 46–47:
   After “days” insert a period and delete the rest of line 46 and all of line 47.

Representatives Mascaro, Julie Fisher and Froerer commented. Representative Dee’s motion to amend passed on a voice vote.

###

Representatives Hemingway, Mascaro and Aagard commented.

Representative Harper proposed the following amendment:

1. Page 2, Line 37:
   Delete “of”

Representative Harper’s motion to amend passed on a voice vote.

Representative Webb commented S.B. 260, as amended, passed on the following roll call:

Yeas, 59; Nays, 13; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Dee  Draxler  S Duckworth  Dunnigan
Voting in the negative were: Representatives
Daw         Dougall         Frank                 F Gibson
Greenwood   Grover         Hughes                Morley
Noel        Oda             Sandstrom            Sumson
Wimmer

Absent or not voting were: Representatives
Ferry       Hunsaker       Lockhart

S.B. 260, as amended, returned to the Senate for further consideration.

* * *

S.B. 269, PUBLIC UTILITY EASEMENT AMENDMENTS, Harper, read the third time by short title and placed on its final passage.

Representative Harper proposed the following amendment:

1. Page 1, Line 16
   Senate Committee Amendments 2–26–2009
   16 provides that a gas corporation’s or electric corporation’s, or telephone corporation’s failure to possess,  
2. Page 1, Line 17
   Senate Committee Amendments 2–26–2009:
   17 easement does not diminish or extinguish the gas or electric corporation’s
3. Page 2, Line 33
Senate Committee Amendments 2–26–2009:

33 (ii) the ownership of which a gas corporation or electric corporation, or telephone corporation acquires and

4. Page 3, Line 64
Senate 2nd Reading Amendments 3–9–2009:

64 (7) A gas corporation’s or electric corporation’s, or telephone corporation’s failure to possess, occupy, or use

5. Page 3, Line 65
Senate 2nd Reading Amendments 3–9–2009:

65 does not diminish or extinguish any right that the gas corporation or electric corporation, or telephone corporation

Representative Harper’s motion to amend passed on a voice vote.

S.B. 269, as amended, passed on the following roll call:

Voting in the affirmative were: Representatives

Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Froerer
F Gibson K Gibson Gowans Greenwood
Grover Hansen Harper Hemingway
Hendrickson Herrod Holdaway Hunsaker
Hutchings Ipson Johnson King
Kiser Last Litvack Mascaro
Mathis McIlff Menlove Morley
Moss Newbold Oda Painter
Poulson Powell Ray Riesen
Sandstrom Seegmiller Seelig Sumsion

Yeas, 70; Nays, 0; Absent or not voting, 5.
S.B. 269, as amended, returned to the Senate for further consideration.

* * *

S.B. 218, COMMUNITY ANIMAL SHELTER AND ADOPTION SUPPORT SPECIAL GROUP LICENSE PLATE, Draxler, read the third time by short title and placed on its final passage.

Representative Draxler proposed the following amendment:

1. Page 1, Lines 26 through 27

   26 Other Special Clauses:
   27 This bill takes effect on October 1, 2009.

   This bill coordinates with H.B. 391, Budgetary Procedure Act Revisions, by providing substantive and technical amendments.

2. Page 8, Lines 226 through 227:

   226 Section 5. Effective date.
   227 This bill takes effect on October 1, 2009.


   If this S.B. 218 and H.B. 391, Budgetary Procedures Act Revisions, 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, do the following:

   (1) insert a new Subsection 63J–1–602(1)(v) to read:

       “(v) the Community Animal Shelter and Adoption Support Restricted Account created in Section 26–48–103;”;

   (2) renumber the existing Subsection 63J–1–602(1)(v) as 63J–1–602(1)(w); and

   (3) renumber the remaining subsections of Subsection 63J–1–602(1) accordingly.
Representative Draxler’s motion to amend passed on a voice vote.

Representatives Allen and Janice Fisher commented. S.B. 218, as amended, passed on the following roll call:

**Yeas, 49; Nays, 22; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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**Absent or not voting were:** Representatives

| Julie Fisher | Hendrickson | Holdaway | Mathis |

S.B. 218 held for possible reconsideration.

* * *

**S.B. 230, CONSTRUCTION PAYMENT AMENDMENTS, Garn,** read the third time by short title and placed on its final passage.

On motion of Representative Garn, the House voted to circle S.B. 230.

* * *

**S.J.R. 8, JOINT RESOLUTION REGARDING ELIGIBILITY FOR LEGISLATIVE OFFICE, Fowlke,** read the third time by short title and placed on its final passage.
On motion of Representative Fowlke, the House voted to circle S.J.R. 8.

***

S.B. 186, AMENDMENTS TO STATE TAX COMMISSION PENALTY PROVISIONS, Harper, read the third time by short title and placed on its final passage.

Representative Harper proposed the following amendment:

1. Page 1, Lines 20 through 21
   
   20 { reduces a penalty from 2% to .5% for failure to pay certain income taxes with respect to which an extension of time is allowed for filing a return; }

2. Page 11, Lines 324 through 330:
   
   324 (b) For purposes of Subsection (5)(a), the penalty per month during the period of the extension of time for filing the return is  
   325 { (i) beginning on or after April 30, 2007, and ending on the last day of the taxable year beginning on or after January 1, 2008, but beginning on or before December 31, 2008; } an amount equal to 2% of the unpaid tax due on the return  
   326 (ii) for a taxable year beginning on or after January 1, 2009, an amount equal to .5% of the unpaid tax due on the return. }

3. Page 20d, Line 602fg through Page 20e, Line 602fp
   Senate 2nd Reading Amendments 3–2–2009:
   602fg (2) modify Subsection 59–1–401(5)(b) as amended in this bill to read:
   602fh "(b) For purposes of Subsection (5)(a), the penalty per month during the period of the extension of time for filing the return is  

   §
§ \( \rightarrow \) \( (i) \) beginning on or after April 30, 2007, and ending on the last day of the taxable year

beginning on or after January 1, 2008, but beginning on or before December 31, 2008, \( \) an

amount equal to 2\% of the unpaid tax due on the return, unpaid as of the day on which the return is due as provided by law.

and

(ii) for a taxable year beginning on or after January 1, 2009, an amount equal to .5\% of the unpaid tax due on the return, unpaid as of the day on which the return is due as provided by law.

Representative Harper’s motion to amend passed on a voice vote.

S.B. 186, as amended, passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives

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Absent or not voting were: Representatives
Dee Herrod Oda

S.B. 186, as amended, returned to the Senate for further consideration.

UNFINISHED BUSINESS

On motion of Representative McIff, the House voted to uncircle S.J.R. 8.

S.J.R. 8, JOINT RESOLUTION REGARDING ELIGIBILITY FOR LEGISLATIVE OFFICE, McIff, was before the House on its final passage.

S.J.R. 8 passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Chavez–Houck S. Clark Cosgrove Daw
Dougall Draxler S Duckworth Dunnigan
Edwards Ferry Janice Fisher Julie Fisher
Fowlke Frank Froerer Garn
F Gibson K Gibson Gowans Greenwood
Grover Hansen Harper Hemingway
Hendrickson Herrod Holdaway Hughes
Hunsaker Hutchings Ipson Johnson
King Kiser Last Litvack
Lockhart Mascaro Mathis McIff
Menlove Morley Moss Newbold
Noel Oda Painter Poulson
Powell Ray Riesen Seegmiller
Seelig Sumson Vickers Wallis
Watkins Webb Wheatley Wilcox
Wiley Wimmer Winn D. Clark

Absent or not voting were: Representatives
Brown Dee Sandstrom

S.J.R. 8 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

RECONSIDERATION OF S.B. 172

On motion of Representative Fowlke, the House voted to uncircle S.B. 172.
S.B. 172, UNDERINSURED MOTORIST COVERAGE AMENDMENTS, *Fowlke*, was before the House on its final passage.

Representative Biskupski proposed the following amendment:

1. Page 1, Lines 14 through 17

   14 { provides that for an insurance policy or combination of policies providing
   15 underinsured motorist coverage issued or renewed on or after July 1, 2009, an
   16 underinsured motorist coverage carrier has no subrogation claim
   17 liable for the injuries caused in the accident } repeals the
   requirement that the Insurance Department specify the manner of
   notification for a notification to the underinsured motorist coverage
   carrier that all liability insurers have tendered their liability policy limits
   ; and

2. Page 6, Lines 161 through 162:

   161 (5) (a) { [ ] Within [ ] Except as provided in Subsection (5)(c), within } five business days after
   162 notification { in a manner specified by the department } that
   all liability insurers have tendered

3. Page 6, Lines 168 through 171:

   168 considered to be waived by the underinsured carrier.
   169 (c) For an insurance policy or combination of policies providing
   underinsured motorist
   170 coverage issued or renewed on or after July 1, 2009, the
   underinsured motorist coverage carrier
   171 has no subrogation claim against the person liable for the injuries
   caused in the accident.

Representative Biskupski’s motion to amend passed on a voice vote.

Representative Kiser commented. S.B. 172, as amended, passed on the following roll call:
Yeas, 70; Nays, 1; Absent or not voting, 4.

Voting in the affirmative were: Representatives

Aagard    Allen    Barrus    Beck
Bigelow   Bird     Biskupski Black
Chavez−Houck S. Clark Cosgrove Daw
Dee       Dougall Draxler S Duckworth
Dunnigan  Edwards Ferry Julie Fisher
Fowlke    Frank    Froerer Garn
F Gibson  K Gibson Greenwood Grover
Hansen    Harper   Hemingway Hendrickson
Holdaway Hughes Hunsaker Hutchings
Ipson     Johnson King Kiser
Last      Litvack  Lockhart Mascaro
Mathis    McIff    Menlove Morley
Moss      Newbold Noel Oda
Painter   Poulson Ray Riesen
Sandstrom Seegmiller Seelig Sumesion
Vickers   Wallis  Watkins Webb
Wheatley  Wilcox  Wiley Wimmer
Winn      D. Clark

Voting in the negative was: Representative Powell

Absent or not voting were: Representatives

Brown    Janice Fisher Gowans Herrod

S.B. 172, as amended, returned to the Senate for further consideration.

UNFINISHED BUSINESS

On motion of Representative Dougall, the House voted to uncircle 1st Sub. S.B. 23.

1st Sub. S.B. 23, INCOME TAXATION OF PASS−THROUGH ENTITIES AND PASS−THROUGH ENTITY TAXPAYERS, Dougall, was before the House on its final passage.

Representative Menlove proposed the following amendment:

1. Page 1, Lines 17 through 20

17    ► provides that corporate franchise and income taxes are imposed on an S corporation
through the taxable year beginning on or after January 1, 2012, but
beginning on or before December 31, 2012;
requires the Revenue and Taxation Interim Committee
to conduct a study and prescribes the scope of the study;
repeals provisions governing the taxation of a limited
liability company;

2. Page 2, Lines 41 through 44:
Other Special Clauses:
This bill provides an immediate effective date.
This bill has retrospective operation for a taxable year
beginning on or after January 1, 2009.
This bill provides revisor instructions.

3. Page 15, Line 457:
59−7−701. Taxation of S corporations — Revenue and
Taxation Interim Committee study.

4. Page 16, Line 484:
(d) a record required for an S corporation.
(9) (a) During the 2011 interim, the Revenue and Taxation
Interim Committee shall study the fiscal impacts of:
(i) the enactment of this bill; and
(ii) the taxation of S corporations under this part.
(b) On or before November 30, 2011, the Revenue and Taxation
Interim Committee shall report its findings and recommendations on the
study to the Executive Appropriations Committee.

5. Page 40, Line 1224:
(2) has retrospective operation for a taxable year beginning on
or after January 1, 2009.
Section 24. Revisor instructions.
It is the intent of the Legislature that, in preparing the Utah Code
database for publication, the Office of Legislative Research and General
Counsel shall replace the reference in Subsection 59−7−701(9) from
“this bill” to the bill’s designated chapter and section number in the Laws
of Utah.
Representative Menlove’s motion to amend passed on a voice vote.

Representative Cosgrove commented. **1st Sub. S.B. 23**, as amended, passed on the following roll call:

**Y eas, 63; Nays, 8; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Dougall  Draxler  Dunnigan
Edwards  Julie Fisher  Fowlke  Frank
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Moss  Newbold  Noel  Oda
Poulson  Powell  Riesen  Sandstrom
Seelig  Sumsion  Vickers  Wallis
Webb  Wheatley  Wilcox  Wiley
Wimmer  Winn  D. Clark

**Voting in the negative were:** Representatives

S Duckworth  Ferry  Hansen  Hendrickson
Mathis  Painter  Seegmiller  Watkins

**Absent or not voting were:** Representatives

Brown  Janice Fisher  Gowans  Ray

**1st Sub. S.B. 23**, as amended, returned to the Senate for further consideration.

***

On motion of Representative Morley, the House voted to uncircle **S.B. 66**.

**S.B. 66, HIGHWAY DESIGNATION AMENDMENTS, Morley**, was before the House on its final passage. Representatives Watkins, Hendrickson, Hansen, Painter, Noel, Mclff, F. Gibson, Wallis, Cosgrove, Hemingway and Duckworth commented.

**S.B. 66** passed on the following roll call:
Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard       Allen       Barrus       Beck
Bigelow      Bird        Biskupski    Black
Brown        Chavez–Houck S. Clark    Cosgrove
Daw          Dee         Draxler      S Duckworth
Dunnigan     Edwards     Janice Fisher Fowlke
Frank        Froerer     Garn         F Gibson
K Gibson     Gowans      Greenwood   Grover
Hansen       Harper      Hemingway   Hendrickson
Herrod       Holdaway    Hughes      Hunsaker
Ipson        Johnson     King         Kiser
Last         Litvack     Lockhart     Mascaro
Mathis       McIff       Menlove     Morley
Moss         Newbold     Noel         Oda
Painter      Poulson     Powell       Ray
Riesen       Sandstrom   Seegmiller  Seelig
Sumption     Vickers     Wallis       Watkins
Webb         Wheatley    Wilcox       Wiley
Wimmer       Winn        D. Clark

Absent or not voting were: Representatives
Dougall      Ferry       Julie Fisher Hutchings

S.B. 66 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

***

On motion of Representative Wimmer, the House voted to uncircle S.B. 28.

S.B. 28, PROHIBITED ACTIVITIES OF GANG OFFENDERS, Wimmer, was before the House on its final passage.

S.B. 28 passed on the following roll call:

Yeas, 63; Nays, 7; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard       Allen       Barrus       Beck
Bird         Biskupski   Black        Brown
S. Clark     Cosgrove    Daw          Dee
Dougall      Draxler     S Duckworth Dunnigan
Day 45  Thursday, March 12, 2009  1169

Edwards  Janice Fisher  Fowlke  Frank
Froerer  Garn  F Gibson  Gowans
Greenwood  Grover  Hansen  Harper
Hemingway  Hendrickson  Herrod  Holdaway
Hunsaker  Hutchings  Ipson  Last
Litvack  Lockhart  Mascaro  Mathis
Menlove  Moss  Newbold  Noel
Oda  Painter  Poulson  Powell
Ray  Riesen  Sandstrom  Seegmiller
Seelig  Sumsion  Vickers  Wallis
Watkins  Webb  Wilcox  Wiley
Wimmer  Winn  D. Clark

Voting in the negative were: Representatives
Chavez–Houck  Johnson  King  Kiser
McIff  Morley  Wheatley

Absent or not voting were: Representatives
Bigelow  Ferry  Julie Fisher  K Gibson
Hughes

S.B. 28 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker:  March 12, 2009

The President of the Senate has signed 1st Sub. H.B. 2, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, by Representative M. Newbold, and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 20, REPEAL OF CERTAIN INCOME TAX CREDITS AND CONTRIBUTIONS, by Representative Julie Fisher, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, 2nd Sub. H.B. 141, BILLBOARD AMENDMENTS, by Representative C. Frank, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 392, NATURAL GAS FOR VEHICLES, by Representative D. Ipson, which has been signed by the President and it is transmitted for the signature of the Speaker; and
The Senate passed, **H.B. 425**, CARSON SMITH SCHOLARSHIP PROGRAM AMENDMENTS, by Representative M. Newbold, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.C.R. 10**, CONCURRENT RESOLUTION HONORING THE LIFE AND CONTRIBUTIONS OF LARRY H. MILLER, by Representative C. Wimmer, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate


***

Mr. Speaker:  
March 12, 2009

The Senate passed, as amended, **H.B. 174**, LICENSING OF VOCATIONAL REHABILITATION COUNSELORS, by Representative R. Menlove, and it is transmitted for further consideration; and

The Senate substituted and passed, **Senate 2nd Sub. H.B. 283**, ILLEGAL USE OF MOTOR VEHICLES, by Representative M. Noel, and it is transmitted for further consideration; and

The Senate substituted and passed, **Senate 3rd Sub. H.B. 290**, PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE, by Representative S. Clark, and it is transmitted for further consideration; and

The Senate passed, as amended, **1st Sub. H.B. 352**, ALCOHOLIC BEVERAGE RELATED AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 430**, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS, by Representative K. Garn, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Mr. Speaker:

The Senate concurred in the House amendments and passed 1st Sub. S.B. 18, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed S.B. 57, LOCAL OPTION TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS, by Senator R. Okerlund, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed 1st Sub. S.B. 68, MINING PROTECTION AMENDMENTS, by Senator S. Killpack, and it is transmitted for the signature of the Speaker; and

The Senate adopted the Joint Conference Committee Report dated March 12, 2009, and passed 1st Sub. S.B. 78, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, by Senator M. Madsen, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. 1st Sub. S.B. 18, S.B. 57, 1st Sub. S.B. 68, and 1st Sub. S.B. 78 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, under suspension of the rules, the House voted to lift S.J.R. 14 to the top of the Third Reading Calendar.

THIRD READING CALENDAR

S.J.R. 14, JOINT RESOLUTION – CHALLENGING THE LEGALITY OF A CONVICTION OR SENTENCE, Garn, read the third time by short title and placed on its final passage.

Representatives King, Allen, Fowlke, Powell, Mascaro, Wimmer and McIff commented. S.J.R. 14 failed to pass on the following roll call (required 2/3 vote to pass):

Yeas, 38; Nays, 35; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Aagard    Beck    Bigelow    S. Clark
Daw       Dougall Dunnigan Julie Fisher
Voting in the negative were: Representatives
Allen Barrus Bird Biskupski
Black Brown Chavez Houck Cosgrove
Dee Draxler S Duckworth Edwards
Ferry Janice Fisher K Gibson Gowans
Hansen Holdaway Hunsaker Johnson
King Last Litvack Mascaro
McIlff Menlove Poulson Riesen
Seegmiller Watkins Webb Wheatley
Wiley Winn D. Clark

Absent or not voting were: Representatives
Hendrickson Vickers

S.J.R. 14 returned to the Senate for filing.

S.B. 205, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS, Dee, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

Representative Biskupski commented. S.B. 205 passed on the following roll call:

Yeas, 69; Nays, 2; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bird Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Draxler S Duckworth Dunnigan
Edwards Ferry Janice Fisher Julie Fisher
Frank Froerer Garn F Gibson
Voting in the negative were: Representatives
Dougall Seegmiller

Absent or not voting were: Representatives
Bigelow Fowlke Hughes Moss

S.B. 205 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

***

S.B. 190, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN, Frank, read the third time by short title and placed on its final passage.

Representative Frank proposed the following amendment:

1. Page 3, Line 77
   Senate 2nd Reading Amendments 3–6–2009
   77 (d) { (i) } If a municipality is considered to have initiated the acquisition of a billboard

2. Page 3, Line 80 through Page 4, Line 91
   Senate 2nd Reading Amendments 3–6–2009:
   80 rights pertaining to the outdoor advertising] to the billboard owner in an amount that is { the
   80a greater of } :
   81 { (A) } (i) the value of the existing billboard
   { in its present location; and}
(B) the value that the billboard owner projects the billboard to have in the proposed location for which the owner made application.

(ii) The just compensation that a municipality is required to pay under Subsection (i)(d)(i) includes:

(A) the present value, at a fair market capitalization rate, of the greater of:

(I) based on past actual annual revenue, less any annual rent expense;

(II) projected future annual revenue, less annual rent expense;

(B) (ii) the value of any property right associated with the billboard structure that is acquired;

(iii) the cost of the sign structure; and

(iv) damage to the economic unit consisting of:

3. Page 6, Line 173
Senate 2nd Reading Amendments 3–6–2009:

(d) If a county is considered to have initiated the acquisition of a billboard structure

4. Page 6, Line 176 through Page 7, Line 185
Senate 2nd Reading Amendments 3–6–2009:

to the outdoor advertising] to the billboard owner in an amount that is the greater of:

(A) the value of the existing billboard in its present location; and

(B) the value that the billboard owner projects the billboard to have in the proposed location for which the owner made application.
180 (ii) The just compensation that a county is required to pay under Subsection (1)(d)(i) includes:

181 (A) the consideration of the present value, at a fair market capitalization rate, of

182a the greater of:

183 (I) based on past actual annual revenue, less any annual rent expense; and

184 (II) projected future annual revenue, less annual rent expense;

185 (B) (ii) the value of any property other right associated with the billboard structure that is

5. Page 7, Lines 186 through 187

Senate 2nd Reading Amendments 3–11–2009:

186 (C) (iii) the cost of the sign structure; and

187 (D) (iv) damage to the economic unit consisting of:

Representative Frank’s motion to amend passed on a voice vote.

S.B. 190, as amended, passed on the following roll call:

Yeas, 63; Nays, 8; Absent or not voting, 4.

Voting in the affirmative were: Representatives

Aagard    Allen    Barrus    Beck
Bird      Biskupski  Black    Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee       Dougall    S Duckworth Edwards
Ferry     Janice Fisher  Julie Fisher Fowlke
Frank     Froerer    Garn    K Gibson
Grover    Hendrickson  Herrod   Holdaway
Hughes    Hunsaker    Hutchings  Ipson
Johnson   King       Kiser    Last
Litvack   Lockhart    Mascaro  Mathis
Menlove   Morley     Moss     Newbold
Noel      Oda       Painter  Poulson
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Voting in the negative were: Representatives
Draxler Dunnigan F Gibson Greenwood
Harper McIff Powell Wallis

Absent or not voting were: Representatives
Bigelow Gowans Hansen Hemingway

S.B. 190, as amended, returned to the Senate for further consideration.

***

S.B. 209, LAND USE, DEVELOPMENT, AND MANAGEMENT ACT AMENDMENTS, Morley, read the third time by short title and placed on its final passage.

S.B. 209 passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bird Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Dougall Draxler S Duckworth
Dunnigan Edwards Ferry Janice Fisher
Fowlke Frank Froerer Garn
F Gibson K Gibson Gowans Greenwood
Grover Hansen Harper Hemingway
Hendrickson Herrod Holdaway Hughes
Hunsaker Hutchings Ipson Johnson
King Kiser Last Litvack
Lockhart Mascaro Mathis Mclff
Menlove Morley Moss Newbold
Noel Oda Painter Poulson
Powell Ray Riesen Sandstrom
Seegmiller Seelig Sumson Vickers
Wallis Watkins Webb Wheatley
Wilcox Wiley Wimmer Winn
D. Clark
Absent or not voting were: Representatives
Bigelow Julie Fisher

S.B. 209 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 12, 2009

The Senate passed, H.B. 209, AMENDMENTS TO CRIMINAL APPEALS, by Representative Julie Fisher, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 251, JOINT CUSTODY AMENDMENTS, by Representative L. Fowlke, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, 1st Sub. H.B. 294, SURVIVAL ACTION UPON INJURY OR DEATH, by Representative K. McIff, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 327, BUILDING INSPECTOR AMENDMENTS, by Representative D. Aagard, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, 1st Sub. H.B. 401, CUSTODY AND PARENT−TIME AMENDMENTS FOR SERVICE MEMBERS, by Representative T. Cosgrove, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.C.R. 9, CONCURRENT RESOLUTION HONORING DON PEAY, by Representative B. Dee, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, 1st Sub. H.J.R. 9, JOINT RESOLUTION ON COST−EFFECTIVE ENERGY EFFICIENCY AND UTILITY DEMAND−SIDE MANAGEMENT, by Representative R. Barrus, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Mr. Speaker:  March 12, 2009

The Senate substituted and passed, **Senate 1st Sub. H.B. 173**, HUNTING GUIDES AND OUTFITTERS LICENSING ACT, by Representative E. Vickers, and it is transmitted for further consideration; and

The Senate passed, as amended, **1st Sub. H.B. 313**, SOCIAL HOST LIABILITY ACT, by Representative E. Hutchings, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate


**CONFERENCE COMMITTEE REPORT**

Mr. Speaker:  March 12, 2009

The Joint Conference Committee comprised of Senators Urquhart, Liljenquist, and Davis, and Representatives Grover, Herrod, and Gowans, recommends **S.B. 163**, CONSTRUCTION TRADE EXEMPTION, by Senator S. Urquhart, with the following amendments:

1. Page 1, Lines 13 through 19
   Senate Committee Amendments 2–13–2009:
   
   13 This bill:
   
   14 ▶ provides that electrical and plumbing work done within a six month period on
   
   14a a building project with a value
   
   15 of less than $3,000 must be done by a licensed electrical or plumbing contractor if
   
   16 the project involves an electrical or plumbing system; and
   
   17 ▶ provides that the electrical or plumbing work may be done by a licensed
   
   18 journeyman electrician or plumber if the project involves a [single item] component of an
   
   18a electrical or plumbing system such as a
19 faucet, toilet, fixture, device, outlet, or electrical switch.

2. Page 3, Lines 82 through 88
   House Floor Amendments 3–11–2009:
   82 (A) work in the plumbing and electrical trades on a Subsection (1)(h)(i) project within
   82a any six month period of time:
   82b (I) must
   83 be performed by a licensed journeyman electrician or journeyman plumber except as
   84 otherwise provided in this section;
   85 a licensed electrical or plumbing contractor, if the project involves an electrical
   85a or
   86 plumbing system or the installation of a radon mitigation system or a soil depressurization
   86a system; and
   87 (II) may or must be performed by a licensed journeyman electrician or
   87a1 plumber or an individual referred to in Subsection (1)(h)(ii)(A)(I), if the
   87a project involves a single item component of the system, such as a faucet, toilet, fixture, device, outlet, or electrical switch;

4. Page 4, Lines 104 through 105b
   House Floor Amendments 3–11–2009:
   104 licensed by the division; and
   105 (G) installation, repair, or replacement of a radon mitigation system or a soil depressurization system must be performed by a licensed contractor; and
if the total value of the project is greater than $1,000, the person shall file with the

Steven Urquhart, Senate Chair
Keith Grover, House Chair

Report filed. On motion of Representative Grover, the House voted to adopt the Conference Committee Report.

S.B. 163 passed on the following roll call:

**Yeas, 51; Nays, 23; Absent or not voting, 1.**

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Black  Brown
S. Clark  Daw  Dee  Dougall
Edwards  Julie Fisher  Fowlke  Frank
Froerer  Garn  F Gibson  K Gibson
Greenwood  Grover  Harper  Herrod
Holdaway  Hughes  Hunsaker  Ipson
Kiser  Last  Lockhart  Mascaro
Mathis  McIff  Morley  Moss
Newbold  Noel  Oda  Painter
Powell  Ray  Sandstrom  Sumsion
Vickers  Wallis  Webb  Wilcox
Wimmer  Winn  D. Clark

Voting in the negative were: Representatives

Biskupski  Chavez–Houck  Cosgrove  S Duckworth
Dunnigan  Ferry  Janice Fisher  Gowans
Hansen  Hemingway  Hendrickson  Hutchings
Johnson  King  Litvack  Menlove
Poulson  Riesen  Seegmiller  Seelig
Watkins  Wheatley  Wiley

Absent or not voting was: Representative

Draxler

S.B. 163, as amended, was returned to the Senate for further consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Lockhart, under suspension of the rules, the House voted to lift S.B. 244 and 1st Sub S.B. 224 from the Rules Committee,
consider them read the second time by short title and placed at the top of the Third Reading Calendar. Representative Lockhart further moved that 3rd Sub. S.B. 76 and 1st Sub. S.B. 235 be moved from their current position and placed under 1st Sub. S.B. 224.

***

On motion of Representative Garn, the House voted to recess until 2:00 p.m.

AFTERNOON SESSION

The House was called to order by Speaker Clark at 2:35 p.m.

MISCELLANEOUS BUSINESS

On motion of Representative Lockhart, under suspension of the rules, the House voted to reconsider its action on S.B. 218. Representative Wilcox commented. The bill is placed at the top of the Third Reading Calendar.

CONCURRENCE CALENDAR

On motion of Representative Barrus, the House voted to concur in the Senate amendments to H.B. 412, ENERGY POLICY AMENDMENTS.

Representative Powell commented. H.B. 412, as amended by the Senate, passed on the following roll call:

**Yeas, 54; Nays, 17; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

| Aagard | Allen | Barrus | Bird |
| Brown  | S. Clark | Daw | Dee |
| Dougall | Draxler | S Duckworth | Edwards |
| Ferry | Julie Fisher | Fowlke | Frank |
| Froerer | Garn | F Gibson | K Gibson |
| Gowans | Greenwood | Grover | Harper |
| Hendrickson | Herrold | Holdaway | Hughes |
| Hutchings | Ipson | Kiser | Last |
| Lockhart | Mascaro | McIff | Menlove |
| Morley | Newbold | Noel | Oda |
| Painter | Powell | Ray | Sandstrom |
| Sumption | Vickers | Wallis | Watkins |
| Webb | Wheatley | Wilcox | Wiley |
| Wimmer | Winn | | |
Voting in the negative were: Representatives
Beck  Biskupski  Black  Chavez–Houck
Cosgrove  Dunnigan  Janice Fisher  Hansen
Hemingway  Johnson  King  Litvack
Moss  Poulson  Riesen  Seegmiller
Seelig

Absent or not voting were: Representatives
Bigelow  Hunsaker  Mathis  D. Clark

H.B. 412, as amended by the Senate, transmitted to the Senate for signature of President.

***

On motion of Representative Aagard, the House voted to not concur in the Senate amendments to H.B. 122, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS and to ask the Senate to recede from its amendments. H.B. 122 returned to the Senate for further consideration.

***

On motion of Representative Seelig, the House voted to concur in the Senate amendments to H.B. 17, EXPEDITED PARTNER THERAPY TREATMENT.

H.B. 17, as amended by the Senate, passed on the following roll call:

Yeas, 71; Nays, 2; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Fowlke  Frank
Froerer  Garn  F Gibson  K Gibson
Gowans  Greenwood  Grover  Hansen
Harper  Hemingway  Hendrickson  Herrod
Holdaway  Hughes  Ipson  Johnson
King  Kiser  Last  Litvack
Lockhart  Mascaro  Mathis  McIff
Menlove  Moss  Newbold  Oda
Painter  Poulson  Powell  Ray
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Riesen  Sandstrom  Seegmiller  Seelig
Sumson  Vickers  Wallis  Watkins
Webb  Wheatley  Wilcox  Wiley
Wimmer  Winn  D. Clark

**Voting in the negative were:** Representatives
Morley  Noel

**Absent or not voting were:** Representatives
Hunsaker  Hutchings

_H.B. 17_, as amended by the Senate, transmitted to the Senate for signature of President.

***

On motion of Representative Webb, the House voted to concur in the Senate amendments to **1st Sub. H.B. 156**, SUBDIVISION APPROVAL AMENDMENTS.

1st Sub. H.B. 156, as amended by the Senate, passed on the following roll call:

_Yeas, 55; Nays, 19; Absent or not voting, 1._

**Voting in the affirmative were:** Representatives


**Voting in the negative were:** Representatives
Bird  Biskupski  Black  Cosgrove  S Duckworth  Janice Fisher  Gowans  Greenwood
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**Absent or not voting was:** Representative Hunsaker

**1st Sub. H.B. 156**, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

Representative Harper moved that the House concur in the Senate amendments to **1st Sub. H.B. 185**, TRANSPORTATION AMENDMENTS.

Representatives Bigelow, Ferry and Dougall commented. The motion to concur failed on the following roll call:

**Yeas, 33; Nays, 42; Absent or not voting, 0.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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On motion of Representative Harper, the House voted to refuse to concur with the Senate amendments to 1st Sub. H.B. 185 and to request that the Senate recede from its amendments. 1st Sub. H.B. 185 returned to the Senate for further consideration.

* * *

On motion of Representative Froerer, the House voted to concur in the Senate amendments to 3rd Sub. H.B. 299, UNLAWFUL DETAINER AMENDMENTS.

3rd Sub. H.B. 299, as amended by the Senate, passed on the following roll call:

**Yeas, 73; Nays, 1; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Draxler  S Duckworth
Dunnigan  Edwards  Ferry  Janice Fisher
Julie Fisher  Fowlke  Frank  Froerer
Garn  F Gibson  K Gibson  Gowans
Greenwood  Grover  Hansen  Harper
Hemingway  Hendrickson  Herrod  Holdaway
Hughes  Hunsaker  Hutchings  Ipson
Johnson  King  Kiser  Last
Lockhart  Mascaro  Mathis  McIff
Menlove  Morley  Moss  Newbold
Noel  Oda  Painter  Poulson
Powell  Ray  Riesen  Sandstrom
Seegmiller  Seelig  Sumasion  Vickers
Wallis  Watkins  Webb  Wheatley
Wilcox  Wiley  Wimmer  Winn
D. Clark

**Voting in the negative was:** Representative Litvack

**Absent or not voting was:** Representative Dougall

3rd Sub. H.B. 299, as amended by the Senate, transmitted to the Senate for signature of President.
On motion of Representative Cosgrove, the House voted to refuse to concur with the Senate amendments to H.B. 378 and to request that the Senate recede from its amendments. H.B. 378 returned to the Senate for further consideration.

On motion of Representative Menlove, the House voted to concur in the Senate amendments to H.B. 174, LICENSING OF VOCATIONAL REHABILITATION COUNSELORS.

H.B. 174, as amended by the Senate, passed on the following roll call:

**Yeas, 63; Nays, 11; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

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<td>Wiley</td>
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**Voting in the negative were:** Representatives

<table>
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<tr>
<th>Dougall</th>
<th>Frank</th>
<th>Grover</th>
<th>Lockhart</th>
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**Absent or not voting was:** Representative

Noel

**H.B. 174**, as amended by the Senate, transmitted to the Senate for signature of President.
On motion of Representative Noel, the House voted to concur in the Senate amendments to 2nd Sub. H.B. 283, ILLEGAL USE OF MOTOR VEHICLES.

2nd Sub. H.B. 283, as amended by the Senate, passed on the following roll call:

**Yeas, 75; Nays, 0; Absent or not voting, 0.**

**Voting in the affirmative were:** Representatives

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<tr>
<th>Aagard</th>
<th>Allen</th>
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<th>Beck</th>
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<td>Bigelow</td>
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<td>Wimmer</td>
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2nd Sub. H.B. 283, as amended by the Senate, transmitted to the Senate for signature of President.

On motion of Representative S. Clark, the House voted to concur in the Senate amendments to 3rd Sub. H.B. 290, PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE.

3rd Sub. H.B. 290, as amended by the Senate, passed on the following roll call:

**Yeas, 45; Nays, 29; Absent or not voting, 1.**
Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Dee
Draxler  S Duckworth  Dunnigan  Edwards
Janice Fisher  Julie Fisher  Greenwood  Hansen
Harper  Hemingway  Herrod  Holdaway
Hughes  Hunsaker  Hutchings  Ipson
Johnson  King  Litvack  Mascaro
McIff  Menlove  Moss  Noel
Poulson  Powell  Ray  Riesen
Seegmiller  Seelig  Vickers  Wallis
Webb

Voting in the negative were: Representatives

Bird  Daw  Dougall  Ferry
Fowlke  Frank  Froerer  Garn
F Gibson  K Gibson  Gowans  Grover
Hendrickson  Last  Lockhart  Mathis
Morley  Newbold  Oda  Painter
Sandstrom  Sumsion  Watkins  Wheatley
Wilcox  Wiley  Wimmer  Winn
D. Clark

Absent or not voting was: Representative
Kiser

3rd Sub. H.B. 290, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative Dunnigan, the House voted to concur in the Senate amendments to 1st Sub. H.B. 352, ALCOHOLIC BEVERAGE RELATED AMENDMENTS.

1st Sub. H.B. 352, as amended by the Senate, passed on the following roll call:

Yeas, 74; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Absent or not voting was: Representative
Ipson

1st Sub. H.B. 352, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative Garn, the House voted to concur in the Senate amendments to H.B. 430, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS.

Representatives Janice Fisher, Johnson, Allen and Noel commented.

H.B. 430, as amended by the Senate, passed on the following roll call:

Yeas, 59; Nays, 15; Absent or not voting, 1.

Voting in the affirmative were: Representatives

<table>
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<th>Aagard</th>
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<th>Bigelow</th>
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<td>Brown</td>
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Brown Chavez-Houck  S. Clark  Cosgrove
Daw Dee  Dougall  Draxler
S Duckworth Dunnigan  Edwards  Ferry
Janice Fisher Julie Fisher  Fowlke  Frank
Froerer Garn  F Gibson  K Gibson
Gowans Greenwood  Grover  Hansen
Harper Hemingway  Hendrickson  Herrod
Holdaway Hughes  Hunsaker  Hutchings
Johnson King  Kiser  Last
Litvack Lockhart  Mascaro  Mathis
McIff Menlove  Morley  Moss
Newbold Noel  Oda  Painter
Poulson Powell  Ray  Riesen
Sandstrom Seegmiller  Seelig  Sumsion
Vickers Wallis  Watkins  Webb
Wheatley Wilcox  Wiley  Wimmer
Winn D. Clark
Hansen  Hansen  Harper  Harper  Hendrickson  Hendrickson  Herrod  Herrod
Holdaway  Holdaway  Hughes  Hughes  Hunsaker  Hunsaker  Hutchings  Hutchings
Ipson  Ipson  Kiser  Kiser  Last  Last  Litvack  Litvack
Lockhart  Lockhart  Mascaro  Mascaro  Mathis  Mathis  McIff  McIff
Menlove  Menlove  Morley  Morley  Newbold  Newbold  Noel  Noel
Oda  Oda  Painter  Painter  Powell  Powell  Ray  Ray
Sandstrom  Sandstrom  Seelig  Seelig  Sumision  Sumision  Vickers  Vickers
Wallis  Wallis  Watkins  Watkins  Webb  Webb  Wheatley  Wheatley
Wilcox  Wilcox  Winn  Winn  D. Clark  D. Clark

**Voting in the negative were:** Representatives

- Allen
- Beck
- Biskupski
- Black
- Chavez–Houck
- Edwards
- Janice Fisher
- Hemingway
- Johnson
- King
- Moss
- Poulson
- Riesen
- Seegmiller
- Wiley

**Absent or not voting was:** Representative

- Wimmer

**H.B. 430**, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative Vickers, the House voted to concur in the Senate amendments to **1st Sub. H.B. 173**, HUNTING GUIDES AND OUTFITTERS LICENSING ACT.

Representative Brown commented. **1st Sub. H.B. 173**, as amended by the Senate, passed on the following roll call:

**Yea; 59; Nay; 13; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

- Aagard
- Allen
- Barrus
- Beck
- Bigelow
- Biskupski
- Black
- Brown
- Chavez–Houck
- S. Clark
- Cosgrove
- Daw
- Dee
- Draxler
- S Duckworth
- Dunnigan
- Edwards
- Ferry
- Julie Fisher
- Frank
- Froerer
- F Gibson
- Gowans
- Hansen
- Harper
- Hemingway
- Hendrickson
- Holdaway
- Hughes
- Hunsaker
- Hutchings
- Ipson
- Johnson
- King
- Kiser
- Last
Voting in the negative were: Representatives
Bird
Dougall
Fowlke
Garn
K Gibson
Grover
Herrod
Lockhart
Morley
Newbold
Ray
Sumasion
Wimmer

Absent or not voting were: Representatives
Janice Fisher
Greenwood
Sandstrom

1st Sub. H.B. 173, as amended by the Senate, transmitted to the Senate for signature of President.

MISCELLANEOUS BUSINESS

On motion of Representative Lockhart, under suspension of the rules, the House voted to lift 1st Sub. S.B. 270 from its current position on the Third Reading Calendar and place it under 1st Sub. S.B. 235.

* * *

On motion of Representative Lockhart, under suspension of the rules, the House voted to lift the following bills from the Rules Committee, consider them read the second time by short title and placed on the Third Reading Calendar after 1st Sub. S.B. 270: S.B. 243, S.B. 189, and S.J.R. 23.

CONCURRENCE CALENDAR

On motion of Representative Hutchings, the House voted to concur in the Senate amendments to 1st Sub. H.B. 313, SOCIAL HOST LIABILITY ACT.

1st Sub. H.B. 313, as amended by the Senate, passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Aagard
Allen
Barrus
Beck
Bird
Biskupski
Black
Brown
Absent or not voting were: Representatives
Bigelow Painter

1st Sub. H.B. 313, as amended by the Senate, transmitted to the Senate for signature of President.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 12, 2009

The Senate concurred in the House amendments and passed 1st Sub. S.B. 23, INCOME TAXATION OF PASS-THROUGH ENTITIES AND PASS-THROUGH ENTITY TAXPAYERS, by Senator W. Niederhauser, and it is transmitted for the signature of the Speaker; and

The Senate adopted the Joint Conference Committee Report dated March 12, 2009, and passed S.B. 163, CONSTRUCTION TRADE EXEMPTION, by Senator S. Urquhart, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed S.B. 172, UNDERINSURED MOTORIST COVERAGE AMENDMENTS, by Senator S. Urquhart, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed 2nd Sub. S.B. 176, CIVIL FEES IN SMALL CLAIMS COURTS AMENDMENTS, by Senator J. Greiner, and it is transmitted for the signature of the Speaker; and
The Senate concurred in the House amendments and passed 1st Sub. S.B. 187, ALCOHOL AMENDMENTS, by Senator J. Valentine, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed S.B. 193, SALVAGE VEHICLES AMENDMENTS, by Senator S. Urquhart, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed 3rd Sub. S.B. 208, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, by Senator S. Urquhart, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed 2nd Sub. S.B. 260, HOUSING RELIEF RESTRICTED SPECIAL REVENUE FUND, by Senator S. Jenkins, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed S.B. 269, PUBLIC UTILITY EASEMENT AMENDMENTS, by Senator G. Bell, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate


MISCELLANEOUS BUSINESS

On motion of Representative Garn, the House voted to reconsider its action on S.B. 14.

RECONSIDERATION OF S.B. 14

S.B. 14, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, was before the House for reconsideration.

On motion of Representative Garn, the House voted to delete S.B. 14 in title and body and insert 1st Sub. S.B. 14 in lieu thereof.

1st Sub. S.B. 14 passed on the following roll call:

Yeas, 70; Nays, 5; Absent or not voting, 0.
Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Froerer Garn F Gibson K Gibson
Gowans Greenwood Grover Hansen
Harper Hemingway Hendrickson Herrod
Holdaway Hughes Hunsaker Hutchings
Ipson Johnson King Kiser
Last Litvack Lockhart Mascaro
McIff Menlove Moss Newbold
Noel Painter Poulson Powell
Ray Riesen Sandstrom Seegmiller
Seelig Vickers Wallis Watkins
Webb Wheatley Wilcox Wiley
Winn D. Clark

Voting in the negative were: Representatives
Mathis Morley Oda Sumsion
Wimmer

1st Sub. S.B. 14, as substituted by the House, returned to the Senate for further consideration.

RECONSIDERATION OF S.B. 218

S.B. 218, COMMUNITY ANIMAL SHELTER AND ADOPTION SUPPORT SPECIAL GROUP LICENSE PLATE, was before the House for reconsideration.

Representatives K. Gibson, Harper, Litvack and Bigelow commented.

S.B. 218 failed to pass on the following roll call:

Yeas, 31; Nays, 40; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Allen Beck Bigelow Biskupski
Black Brown Chavez–Houck S. Clark
Cosgrove Draxler S Duckworth Edwards
Janice Fisher Hemingway Herrod Holdaway
Johnson  King  Kiser  Litvack
Moss  Poulson  Ray  Riesen
Seegmiller  Seelig  Sumision  Watkins
Wheatley  Wiley  D. Clark

**Voting in the negative were:** Representatives

Aagard  Barrus  Bird  Daw
Dee  Dougall  Dunnigan  Ferry
Julie Fisher  Frank  Froerer  Garn
F Gibson  K Gibson  Gowans  Greenwood
Grover  Hansen  Harper  Hughes
Hunsaker  Hutchings  Ipson  Last
Lockhart  Mathis  McIff  Menlove
Morley  Noel  Oda  Painter
Powell  Sandstrom  Vickers  Wallis
Webb  Wilcox  Wimmer  Winn

**Absent or not voting were:** Representatives

Fowlke  Hendrickson  Mascaro  Newbold

**S.B. 218** returned to the Senate for filing.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker:

March 12, 2009

The President of the Senate has signed **H.B. 17**, EXPEDITED PARTNER THERAPY TREATMENT, by Representative J. Seelig, and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 328**, TEACHER QUALITY AMENDMENTS, by Representative G. Hughes, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 412**, ENERGY POLICY AMENDMENTS, by Representative R. Barrus, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. **H.B. 17**, **H.B. 328**, and **H.B. 412** signed by the Speaker and referred to staff for enrolling and transmission to the Governor.
Mr. Speaker: March 12, 2009

The Senate concurred in the House amendments and passed S.B. 186, AMENDMENTS TO STATE TAX COMMISSION PENALTY PROVISIONS, by Senator H. Stephenson, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communication filed. S.B. 186 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

Mr. Speaker: March 12, 2009

The Senate refuses to recede from its amendments to H.B. 122, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, by Representative D. Aagard, and has appointed a Conference Committee consisting of Senators C. Bramble, G. Bell, and S. McCoy to meet with a like committee from the House on this bill.

Annette B. Moore
Secretary of the Senate

Communication filed. On motion of Representative Aagard, the House authorized the speaker to appoint a committee to meet with a like committee from the Senate. Speaker Clark appointed Representatives Aagard, Dougal, and Hendrickson.

THIRD READING CALENDAR

S.B. 244, LONG ARM JURISDICTION AMENDMENTS, Hughes, read the third time by short title and placed on its final passage.

S.B. 244 passed on the following roll call:

Yeas, 68; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Representatives

Aagard          Allen          Barrus          Beck
Bigelow         Bird           Biskupski       Black
Brown           Chavez–Houck  S. Clark        Cosgrove
Dee             Dougall        S Duckworth     Dunnigan
Edwards         Ferry          Janice Fisher   Julie Fisher
Fowlke          Frank          Froerer         Garn
F Gibson  K Gibson  Gowans  Greenwood
Grover  Hansen  Harper  Hemingway
Hendrickson  Holdaway  Hughes  Hunsaker
Johnson  King  Kiser  Last
Litvack  Lockhart  Mascaro  Mathis
Mclff  Menlove  Morley  Moss
Newbold  Oda  Painter  Poulson
Powell  Ray  Riesen  Sandstrom
Seegmiller  Seelig  Sumsion  Vickers
Wallis  Watkins  Wheatley  Wilcox
Wiley  Wimmer  Winn  D. Clark

Absent or not voting were: Representatives
Daw  Draxler  Herrod  Hutchings
Ipson  Noel  Webb

S.B. 244 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

***

1st Sub. S.B. 224, REUSE OF INDUSTRIAL BYPRODUCT, Hughes, read the third time by short title and placed on its final passage.

Representative Hughes proposed the following amendment:

1. Page 3, Line 76:
   Before the period insert “from an inactive industrial site as defined in Section 17–C–102”

Representative Hughes’ motion to amend passed on a voice vote.

1st Sub. S.B. 224, as amended, passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bird  Biskupski  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Dougall  Draxler  S Duckworth
Dunnigan  Edwards  Ferry  Janice Fisher
Julie Fisher  Fowlke  Frank  Froerer
Garn  F Gibson  K Gibson  Gowans
Absent or not voting were: Representatives
Bigelow Hutchings Mascaro Noel

1st Sub. S.B. 224, as amended, returned to the Senate for further consideration.

* * *

3rd Sub. S.B. 76, ENERGY AMENDMENTS, Barrus, read the third time by short title and placed on its final passage.

Representatives Ferry and Brown commented. 3rd Sub. S.B. 76 passed on the following roll call:

Yeas, 68; Nays, 2; Absent or not voting, 5.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dougall Draxler S Duckworth
Dunnigan Edwards Ferry Julie Fisher
Fowlke Frank Froerer Garn
F Gibson K Gibson Gowans Greenwood
Grover Hansen Harper Hemingway
Hendrickson Herrod Hughes Hunsaker
Hutchings Ipson Johnson King
Kiser Last Litvack Lockhart
Mathis Menlove Morley Moss
Newbold Noel Oda Painter
Poulson Powell Ray Riesen
Wimmer Winn D. Clark
Voting in the negative were: Representatives
Janice Fisher Wiley

Absent or not voting were: Representatives
Dee Holdaway Mascaro McIff Seelig

3rd Sub. S.B. 76 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker:

March 12, 2009

The President of the Senate has signed 1st Sub. H.B. 156, SUBDIVISION APPROVAL AMENDMENTS, by Representative R. C. Webb, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed H.B. 174, LICENSING OF VOCATIONAL REHABILITATION COUNSELORS, by Representative R. Menlove, and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 183, NATIONAL ANIMAL IDENTIFICATION SYSTEM, by Representative M. Brown, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed 2nd Sub. H.B. 283, ILLEGAL USE OF MOTOR VEHICLES, by Representative M. Noel, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed 3rd Sub. H.B. 290, PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE, by Representative S. Clark, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed 3rd Sub. H.B. 299, UNLAWFUL DETAINER AMENDMENTS, by Representative G. Froerer, and it is transmitted for the signature of the Speaker; and
The Senate passed, **1st Sub. H.B. 340**, RESPITE CARE ASSISTANCE FUND, by Representative J. Draxler, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate


* * *

Mr. Speaker: March 12, 2009

The Senate substituted and passed, **Senate 3rd Sub. H.B. 35**, HIGHER EDUCATION CONTRIBUTION, by Representative J. Dougall, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate


* * *

Mr. Speaker: March 12, 2009

The Senate refuses to recede from its amendments to **1st Sub. H.B. 185**, TRANSPORTATION AMENDMENTS, by Representative W. Harper, and has appointed a Conference Committee consisting of Senators S. Killpack, W. Niederhauser, and S. McCoy to meet with a like committee from the House on this bill.

Annette B. Moore  
Secretary of the Senate

Communication filed. On motion of Representative Harper, the House authorized the speaker to appoint a conference committee to meet with a like committee from the Senate. Speaker Clark appointed Representatives Harper, Garn, and Litvack.

* * *

Mr. Speaker: March 12, 2009

The Senate refuses to recede from its amendments to **H.B. 378**, CIRCUIT BREAKER AMENDMENTS, by Representative T. Cosgrove, and has appointed
a Conference Committee consisting of Senators L. Hillyard, P. Knudson, and B. Goodfellow to meet with a like committee from the House on this bill.

Annette B. Moore
Secretary of the Senate

Communication filed. On motion of Representative Cosgrove, the House authorized the speaker to appoint a conference committee to meet with a like committee from the Senate. Speaker Clark appointed Representatives Cosgrove, Froerer, and Newbold.

THIRD READING CALENDAR

1st Sub. S.B. 235, REDISTRIBUTION OF SALES AND USE TAX REVENUES, Dougall, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

1st Sub. S.B. 235 passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Fowlke  Frank
Froerer  Garn  F Gibson  K Gibson
Gowans  Greenwood  Grover  Hansen
Harper  Hemingway  Hendrickson  Herrod
Holdaway  Hughes  Hunsaker  Hutchings
Ipson  Johnson  King  Kiser
Last  Litvack  Lockhart  Mathis
McIlff  Menlove  Morley  Moss
Newbold  Noel  Oda  Painter
Poulson  Powell  Riesen  Sandstrom
Seegmiller  Seelig  Sumsion  Vickers
Wallis  Watkins  Webb  Wheatley
Wilcox  Wiley  Winn  D. Clark

Absent or not voting were: Representatives
Mascaro  Ray  Wimmer
1st Sub. S.B. 235 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

1st Sub. S.B. 270, GIFT CARD AMENDMENTS, Lockhart, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

On motion of Representative Lockhart, the House voted to delete 1st Sub. S.B. 270 in title and body and insert 3rd Sub. S.B. 270 in lieu thereof.

Representative Garn proposed the following amendment:

1. Page 1, Line 1
   1 GIFT CARD OR DOCUMENT AMENDMENTS

2. Page 5, Lines 121 through 123:
   121 (ii) a credit [balances] balance, a customer [overpayments] payment, {a gift [certificates]
   122 certificate over $25, } a security [deposits] deposit, [refunds] a refund, { a credit [memos] memo, }
   123 unpaid wages, an unused airline [tickets] ticket, and an unidentified [remittances] remittance;

3. Page 7, Line 191 through Page 8, Line 229:
   191 { (1) As used in this section;
   192 (a) “Purchaser” means a person who purchases:
   193 (i) a gift certificate; or
   194 (ii) a gift card that is not excluded from this chapter under Subsection (5);
   195 (b) “Recipient” means a person who receives a credit memo.
   196 } A gift certificate greater than $25 or a credit memo] { The ] Notwithstanding that one or more of the following {—that
   197 remains—} remain unreconsidered {—for more than five years after issuance is—} , it may not be considered abandoned for purposes of this chapter [—]:
(a) a gift certificate { greater than $25 } ;

(b) a gift card { that:

(i) has attached to it more than $25; and

(ii) is not excluded from this chapter under Subsection (5) } ; or

(c) a credit memo.

[(2) (3) (a) In the case of a gift certificate, the amount considered abandoned under this section is the price paid for the gift certificate itself.

(b) In the case of a gift card described in Subsection (2)(b), the amount considered abandoned under this section is the amount of money attached to the gift card at the time the gift card is considered abandoned.

(c) In the case of a credit memo, the amount considered abandoned under this section is the amount credited as shown on the credit memo itself.

[(4a) (c) In the case of a credit memo, the amount considered abandoned under this section is the amount credited as shown on the credit memo itself.

(4) The amount of a gift certificate, gift card described in Subsection (2)(b), or credit memo considered abandoned is subject to the custody of this state when the records of the issuer:

(a) show that the last−known address of the purchaser or recipient is in Utah;

(b) do not show the address of the purchaser or recipient, but do show that the gift certificate or credit memo was issued in Utah;

(c) do not show the address of the purchaser or of the recipient and do not show the state where the gift certificate, gift card, or credit memo was

Day 45 Thursday, March 12, 2009 1203
issued, but the issuer is domiciled in Utah; or

(d) [the records of the issuer] show that the state contained in the address of the purchaser or recipient, or if none, the state where the gift certificate, gift card, or credit memo was issued, is a state whose escheat or unclaimed property law does not provide for the escheat or custodial taking of a gift certificate, gift card, or a credit memo, and the issuer is domiciled in Utah.

(5) This chapter does not apply to a gift card if the monies attached to the gift card:

(a) do not expire; and

(b) are not subject to a monthly post sale:

(i) maintenance fee or charge; or

(ii) dormancy fee or charge.

Representative Garn’s motion to amend passed on a voice vote.

On motion of Representative Lockhart, the House voted to consider 3rd Sub. S.B. 270, Gift Card or Document Amendments, read the first, second, and third times by short title due to a title change.

3rd Sub. S.B. 270, as amended, passed on the following roll call:

Yeas, 67; Nays, 5; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard Allen Barrus Beck
Bigelow Bird Biskupsaki Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
Dunnigan Edwards Ferry Janice Fisher
Julie Fisher Fowlke Frank Froerer
Garn F Gibson K Gibson Gowan
Greenwood Grover Harper Hemingway
Herrod Holdaway Hughes Hutchings
Ipson Johnson King Kiser
Litvack Lockhart Mathis McIff
Voting in the negative were: Representatives
S Duckworth Hansen Hendrickson Hunsaker

Absent or not voting were: Representatives
Mascaro Sandstrom Webb

3rd Sub. S.B. 270, as amended, returned to the Senate for further consideration.

* * *

S.B. 243, JUDICIAL PERFORMANCE EVALUATION COMMISSION MODIFICATIONS, Oda, read the third time by short title and placed on its final passage.

S.B. 243 passed on the following roll call:

Yeas, 68; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Froerer F Gibson K Gibson Gowans
Grover Hansen Hemingway Hendrickson
Herrod Holdaway Hughes Hunsaker
Hutchings Johnson King Kiser
Last Lockhart Mathis McIff
Menlove Morley Moss Newbold
Noel Oda Painter Poulson
Powell Ray Riesen Sandstrom
Seeliger Seelig Sumsion Vickers
Wallis Watkins Wheatley Wilcox
Wiley Wimmer Winn D. Clark
Absent or not voting were: Representatives
Garn Greenwood Harper Ipson
Litvack Mascaro Webb

S.B. 243 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

S.B. 189, AMENDMENTS TO SALES AND USE TAX, Dougall, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

On motion of Representative Dougall, the House voted to delete S.B. 189 in title and body and insert 1st Sub. S.B. 189 in lieu thereof.

1st Sub. S.B. 189 passed on the following roll call:

Yeas, 69; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Froerer F Gibson K Gibson Gowans
Greenwood Grover Hansen Hemingway
Hendrickson Herrod Holdaway Hughes
Hunsaker Hutchings Johnson King
Kiser Last Lockhart Mathis
McIff Menlove Morley Moss
Newbold Noel Oda Painter
Poulson Powell Ray Riesen
Sandstrom Seegmiller Seelig Sumsion
Vickers Wallis Watkins Wheatley
Wilcox Wiley Wimmer Winn
D. Clark

Absent or not voting were: Representatives
Garn Harper Ipson Litvack
Mascaro Webb
Ist Sub. S.B. 189, as substituted by the House, returned to the Senate for further consideration.

INTRODUCTION OF BILL

H.B. 178, Health Insurance and Program Amendments (J. Dunnigan), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.J.R. 23, JOINT RULES RESOLUTION DATE CHANGES, Ferry, read the third time by short title and placed on its final passage.

S.J.R. 23 passed on the following roll call:

Yeas, 68; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Representatives

- Aagard
- Allen
- Barrus
- Beck
- Bird
- Biskupski
- Black
- Brown
- Chavez–Houck
- S. Clark
- Cosgrove
- Daw
- Draxler
- S Duckworth
- Dunnigan
- Edwards
- Ferry
- Janice Fisher
- Julie Fisher
- Fowlke
- Frank
- Froerer
- Garn
- F Gibson
- K Gibson
- Gowans
- Greenwood
- Grover
- Hansen
- Harper
- Hemingway
- Hendrickson
- Herrod
- Holdaway
- Hughes
- Hunsaker
- Hutchings
- Johnson
- King
- Kiser
- Last
- Lockhart
- Mathis
- McIff
- Menlove
- Morley
- Moss
- Newbold
- Noel
- Oda
- Painter
- Poulsom
- Powell
- Ray
- Riesen
- Sandstrom
- Seegmiller
- Seelig
- Sumsion
- Vickers
- Wallis
- Watkins
- Wheatley
- Wilcox
- Wiley
- Wimmer
- Winn
- D. Clark

Absent or not voting were: Representatives

- Bigelow
- Dee
- Dougall
- Ipson
- Litvack
- Mascaro
- Webb

S.J.R. 23 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *

S.B. 211, BUILDING CODE AMENDMENTS, Kiser, read the third time by short title and placed on its final passage.
Representative Wiley proposed the following amendment:

1. Page 12, Lines 359 through 360

   359 (B) { the National Electrical Code promulgated by the National Fire Protection
   360 Association } an electrical code ;

2. Page 19, Lines 560 through 574:

   560 (3) The commission shall consist of eleven members who shall be appointed in accordance with the following:

   562 (a) one member two members shall be from among candidates nominated by the Utah League of Cities and Towns and the Utah Association of Counties;

   564 (b) one member shall be a licensed building inspector employed by a political subdivision of the state;

   566 (c) one member shall be a licensed professional engineer;

   567 (d) one member shall be a licensed architect;

   568 (e) one member shall be a fire official;

   569 (f) three members shall be contractors licensed by the state, of which one shall be a general contractor, one an electrical contractor, and one a plumbing contractor; 

   571 (g) two members shall be from the general public and have no affiliation with the construction industry or real estate development industry ;

   573 (h) one member shall be from the Division of Facilities Construction Management;

   574 Department of Administrative Services. } ;

   (g) one member from the House of Representatives nominated by the speaker of the House of Representatives; and

   (h) one member from the Senate nominated by the president of the Senate.
Representatives Kiser and Dee commented. Representative Wiley requested the motion to be divided. The motion to amend with Item #1 failed on the following roll call:

**Yeas, 28; Nays, 40; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

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<thead>
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<th>Beck</th>
<th>Bird</th>
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<tr>
<td>Watkins</td>
<td>Webb</td>
<td>Wheatley</td>
<td>Wiley</td>
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**Voting in the negative were:** Representatives

<table>
<thead>
<tr>
<th>Aagard</th>
<th>Allen</th>
<th>Barrus</th>
<th>S. Clark</th>
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<td>Last</td>
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<td>Newbold</td>
<td>Noel</td>
<td>Oda</td>
<td>Painter</td>
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<tr>
<td>Sandstrom</td>
<td>Sumison</td>
<td>Vickers</td>
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<tr>
<td>Wilcox</td>
<td>Wimmer</td>
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<td>D. Clark</td>
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**Absent or not voting were:** Representatives

<table>
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<th>Bigelow</th>
<th>Hansen</th>
<th>Herrod</th>
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<td>Mascaro</td>
<td>Morley</td>
<td>Ray</td>
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Representative Wiley’s motion to amend with Item #2 failed on a voice vote.

###

Representatives Powell, Sandstrom and Allen commented.

**S.B. 211** passed on the following roll call:

**Yeas, 46; Nays, 23; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

<table>
<thead>
<tr>
<th>Aagard</th>
<th>Allen</th>
<th>Barrus</th>
<th>Beck</th>
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</thead>
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<tr>
<td>Bird</td>
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<tr>
<td>Julie Fisher</td>
<td>Fowlke</td>
<td>Frank</td>
<td>Froerer</td>
</tr>
</tbody>
</table>
Voting in the negative were: Representatives

Biskupski Black Chavez–Houck Cosgrove
Draxler S Duckworth Edwards Janice Fisher
Gowans Hansen Hemingway Hendrickson
Johnson King Moss Poulson
Powell Riesen Seegmiller Seelig
Watkins Wheatley Wiley

Absent or not voting were: Representatives
Bigelow Garn Litvack Mascaro
Morley Noel

S.B. 211 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

UNFINISHED BUSINESS

On motion of Representative Lockhart, the House voted to uncircle 1st Sub. S.B. 199.

1st Sub. S.B. 199, EQUAL RECOGNITION OF SCHOOL PARENT GROUPS, Lockhart, was before the House on its final passage.

On motion of Representative Lockhart, the House voted to delete 1st Sub. S.B. 199 in title and body and insert 3rd Sub. S.B. 199 in lieu thereof.

Representative Powell proposed the following amendment:

1. Page 1, Lines 14 through 16

   14 requires local school boards to develop policies that
   \{ prohibit the favor or
   15 preferential treatment of one parent group over another parent group \} promote involvement by all parent groups that wish to participate within the
16 school district and its schools; and

2. Page 2, Lines 46 through 47:

46 (g) develop policies that provide that favor or preferential treatment may not be given

47 to one parent group over another parent group } promote involvement by all parent groups that wish to participate within the school district and its schools.

Representatives Allen and Holdaway commented. Representative Powell’s motion to amend passed on the following roll call:

**Yeas, 43; Nays, 29; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard Allen Beck Bigelow
Bird Biskupski Black Brown
Chavez–Houck Cosgrove Draxler S Duckworth
Dunnigan Edwards Janice Fisher Julie Fisher
Gowans Hansen Hemingway Hendrickson
Holdaway Hunsaker Ipson Johnson
King Litvack Mascaro Menlove
Moss Oda Poulson Powell
Ray Riesen Sandstrom Seegmiller
Seelig Vickers Watkins Wheatley
Wilcox Wiley Winn

**Voting in the negative were:** Representatives

Barrus S. Clark Daw Dee
Dougall Ferry Fowlke Frank
Froerer Garn F Gibson K Gibson
Greenwood Grover Harper Herrod
Hughes Hutchings Kiser Last
Lockhart Mathis Newbold Noel
Sumption Wallis Webb Wimmer
D. Clark

**Absent or not voting were:** Representatives

McIff Morley Painter

Representatives Herrod, Julie Fisher, S. Clark and Moss commented.
3rd Sub. S.B. 199, as substituted and amended, failed to pass on the following roll call:

**Yeas, 30; Nays, 43; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

- Aagard
- Allen
- Barrus
- Brown
- S. Clark
- Daw
- Dee
- Dougall
- Edwards
- Fowlke
- Frank
- Garn
- K Gibson
- Grover
- Harper
- Herrod
- Hughes
- Last
- Lockhart
- Mathis
- Newbold
- Noel
- Painter
- Powell
- Ray
- Sumson
- Wilcox
- Wimmer
- Winn
- D. Clark

**Voting in the negative were:** Representatives

- Beck
- Bigelow
- Bird
- Biskupski
- Black
- Chavez–Houck
- Cosgrove
- Draxler
- S Duckworth
- Dunnigan
- Ferry
- Janice Fisher
- Julie Fisher
- Froerer
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- Hemingway
- Hendrickson
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- Hunsaker
- Hutchings
- Ipson
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- King
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- Litvack
- Mascaro
- Mclff
- Menlove
- Moss
- Poulson
- Riesen
- Sandstrom
- Seegmiller
- Seelig
- Vickers
- Wallis
- Watkins
- Webb
- Wheatley
- Wiley

**Absent or not voting were:** Representatives

- Morley
- Oda

3rd Sub. S.B. 199, as substituted and amended, returned to the Senate for filing.

**COMMUNICATION FROM THE SENATE**

Mr. Speaker: March 12, 2009

The Senate adopted the Joint Conference Committee Report dated March 12, 2009, and passed 2nd Sub. H.B. 371, TRANSPORTATION GOVERNANCE, by Representative W. Harper, and it is transmitted for further consideration

Annette B. Moore
Secretary of the Senate

Communication filed.
CONFERENCE COMMITTEE REPORT

Mr. Speaker: March 12, 2009


Sheldon Killpack, Senate Chair
Wayne A. Harper, House Chair

Report filed. On motion of Representative Harper, the House voted to adopt the Conference Committee Report.

2nd Sub. H.B. 371 passed on the following roll call:

Yeas, 68; Nays, 5; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Aagard  Barrus  Bigelow  Bird
Biskupski  Black  Brown  Chavez–Houck
S. Clark  Cosgrove  Daw  Deed
Dougall  Draxler  S Duckworth  Dunnigan
Edwards  Ferry  Janice Fisher  Julie Fisher
Fowlke  Frank  Froerer  Garn
F Gibson  K Gibson  Gowans  Greenwood
Grover  Hansen  Harper  Hemingway
Hendrickson  Herrod  Holdaway  Hughes
Hunsaker  Hutlings  Ipson  Johnson
King  Last  Litvack  Lockhart
Mascaro  Mathis  Mclff  Menlove
Moss  Newbold  Noel  Oda
Painter  Poulson  Powell  Ray
Riesen  Sandstrom  Seegmiller  Seelig
Vickers  Wallis  Watkins  Wheatley
Wilcox  Wimmer  Winn  D. Clark

Voting in the negative were: Representatives
Allen  Beck  Kiser  Sumssion
Wiley

Absent or not voting were: Representatives
Morley  Webb
2nd Sub. H.B. 371 was transmitted to the Senate for signature of the President.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, under suspension of the rules, the House voted to lift S.B. 169 from the Rules Committee, consider it read the second time by short title and placed at the top of the Third Reading Calendar.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 12, 2009

The Senate substituted and passed, Senate 2nd Sub. H.B. 259, LOCAL GOVERNMENT AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for further consideration; and

The Senate passed, as amended, H.B. 384, PUBLIC LEWDNESS AMENDMENTS, by Representative D. Ipson, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate

Communications filed. 2nd Sub. H.B. 259 and H.B. 384 placed on the Concurrence Calendar.

* * *

Mr. Speaker: March 12, 2009

The President of the Senate has signed 1st Sub. H.B. 173, HUNTING GUIDES AND OUTFITTERS LICENSING ACT, by Representative E. Vickers, and it is transmitted for the signature of the Speaker; and

The Senate passed, 1st Sub. H.B. 256, LIVESTOCK WATERING RIGHTS AMENDMENTS, by Representative M. Noel, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed 1st Sub. H.B. 313, SOCIAL HOST LIABILITY ACT, by Representative E. Hutchings, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed 1st Sub. H.B. 352, ALCOHOLIC BEVERAGE RELATED AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the Speaker; and
The President of the Senate has signed **H.B. 430, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS**, by Representative K. Garn, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate


**MISCELLANEOUS BUSINESS**

On motion of Representative Dunnigan, the House voted to lift **H.B. 178** from the Rules Committee, consider it read the second time by short title and placed at the top of the Third Reading Calendar.

**CONCURRENCE CALENDAR**

On motion of Representative Dougall, the House voted to concur in the Senate amendments to **3rd Sub. H.B. 35, HIGHER EDUCATION CONTRIBUTION**.

**3rd Sub. H.B. 35**, as amended by the Senate, passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

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<th>Allen</th>
<th>Barrus</th>
<th>Beck</th>
<th>Bird</th>
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Absent or not voting were: Representatives
Bigelow Garn Hansen Hughes
Ipson Morley

3rd Sub. H.B. 35, as amended by the Senate, transmitted to the Senate for signature of President.

MISCELLANEOUS BUSINESS


***

On motion of Representative Garn, the House voted to recess until 7:15 p.m.

EVENING SESSION

The House was called to order by Speaker Clark at 7:45 p.m.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 12, 2009

The Senate substituted, amended, and passed, Senate 3rd Sub. H.B. 272, UTAH SCENIC BYWAY DESIGNATION AMENDMENTS, by Representative C. Herrod, and it is transmitted for further consideration; and

The Senate passed, as amended, H.B. 353, TRUTH IN ADVERTISING ACT AMENDMENTS, by Representative M. Morley, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate

Communications filed. 3rd Sub. H.B. 272 and H.B. 353 placed on the Concurrence Calendar.

***

Mr. Speaker: March 12, 2009

The Senate concurred in the House amendments and passed S.B. 190, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN, by Senator W. Niederhauser, and it is transmitted for the signature of the Speaker; and
The Senate concurred in the House amendments and passed 3rd Sub. S.B. 270, GIFT CARD OR DOCUMENT AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. S.B. 190 and 3rd Sub. S.B. 270 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

MISCELLANEOUS BUSINESS

On motion of Representative Dee, under suspension of the rules, the House voted to recall S.B. 90 from the Senate.

***

On motion of Representative Dee, the House voted to reconsider its action on S.B. 90.

RECONSIDERATION OF S.B. 90

S.B. 90, METAL THEFT AMENDMENTS AND PENALTIES, was before the House for reconsideration.

S.B. 90 passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Fowlke  Frank
Froerer  Garn  F Gibson  K Gibson
Gowans  Greenwood  Grover  Hansen
Harper  Hemingway  Herrod  Holdaway
Hughes  Hunsaker  Hutchings  Ipson
Johnson  King  Kiser  Last
Litvack  Mascaro  Mathis  McIff
Menlove  Morley  Moss  Noel
Oda  Painter  Poulson  Powell
Absent or not voting were: Representatives
Hendrickson    Lockhart    Newbold    Webb

S.B. 90 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

COMMUNICATION FROM THE SENATE

Mr. Speaker: March 12, 2009
The Senate passed, as amended, S.B. 3, APPROPRIATIONS ADJUSTMENTS, by Senator L. Hillyard, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. S.B. 3 read the first time by short title and referred to the Rules Committee.

CONCURRENCE CALENDAR

On motion of Representative Sandstrom, the House voted to concur in the Senate amendments to 2nd Sub. H.B. 259, LOCAL GOVERNMENT AMENDMENTS.

On motion of Representative Sandstrom, under suspension of the rules, the House voted to consider the bill read the first, second, and third times by short title due to a title change.

2nd Sub. H.B. 259, as amended by the Senate, passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives
Aagard    Allen    Barrus    Beck
Bigelow    Bird    Biskupski    Black
Brown    Chavez−Houck    S. Clark    Cosgrove
Daw    Dee    Dougall    Draxler
S Duckworth    Dunnigan    Edwards    Ferry
Janice Fisher    Julie Fisher    Fowlke    Frank
Absent or not voting were: Representatives
Hendrickson  Webb

2nd Sub. H.B. 259, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative Ipson, the House voted to concur in the Senate amendments to H.B. 384, PUBLIC LEWDNESS AMENDMENTS.

H.B. 384, as amended by the Senate, passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard    Allen    Barrus    Beck
Bigelow   Bird     Biskupski Black
Chavez–Houck S. Clark Cosgrove Daw
Dee       Dougall  Draxler   S Duckworth
Dunnigan  Edwards  Ferry     Janice Fisher
Julie Fisher Fowlke  Frank    Froerer
Garn      F Gibson  K Gibson Gowans
Greenwood Grover   Hansen   Harper
Hemingway Hendrickson Herrod   Holdaway
Hunsaker  Hutchings Ipson    Johnson
King      Kiser     Last     Litvack
Lockhart  Mascaro  Mathis   McIff
Menlove  Morley   Moss     Newbold
Absent or not voting were: Representatives

Brown Hughes Webb

H.B. 384, as amended by the Senate, transmitted to the Senate for signature of President.

***

On motion of Representative Morley, the House voted to concur in the Senate amendments to H.B. 353, TRUTH IN ADVERTISING ACT AMENDMENTS.

H.B. 353, as amended by the Senate, passed on the following roll call:

Yeas, 67; Nays, 3; Absent or not voting, 5.

Voting in the affirmative were: Representatives

Allen Barrus Beck Bigelow
Bird Biskupski Black Brown
S. Clark Cosgrove Daw Dee
Dougall Draxler S. Duckworth Dunnigan
Edwards Ferry Julie Fisher Fowlke
Frank Froerer Garn F Gibson
K. Gibson Gowans Greenwood Grover
Hansen Harper Hemingway Herrod
Holdaway Hunsaker Hutchings Ipson
King Kiser Last Lockhart
Mascaro Mathis McIff Menlove
Morley Moss Newbold Noel
Oda Painter Poulson Powell
Ray Riesen Sandstrom Seegmiller
Seelig Sumson Vickers Wallis
Watkins Wheatley Wilcox Wiley
Wimmer Winn D. Clark

Voting in the negative were: Representatives

Chavez−Houck Janice Fisher Johnson
Absent or not voting were: Representatives
Aagard       Hendrickson       Hughes       Litvack
Webb

H.B. 353, as amended by the Senate, transmitted to the Senate for signature of President.

* * *

On motion of Representative Herrod, the House voted to concur in the Senate amendments to 3rd Sub. H.B. 272, UTAH SCENIC BYWAY DESIGNATION AMENDMENTS.

3rd Sub. H.B. 272, as amended by the Senate, passed on the following roll call:

Yeas, 48; Nays, 20; Absent or not voting, 7.

Voting in the affirmative were: Representatives
Bigelow       Bird             Brown             S. Clark
Cosgrove      Daw              Dee               Dougall
S Duckworth   Ferry            Janice Fisher     Frank
Fraerer       Garn             F Gibson          K Gibson
Gowans        Greenwood        Grover            Hansen
Hemingway     Herrod           Holdaway         Hunsaker
Hutchings     Ipson            King              Kiser
Last          Lockhart         Mascaro          Mathis
McIff         Morley           Moss              Newbold
Oda           Painter          Powell            Riesen
Seelig        Sumson           Vickers           Wallis
Wilcox        Wimmer           Winn              D. Clark

Voting in the negative were: Representatives
Allen         Barrus           Beck              Biskupsiki
Black         Chavez–Houck     Draxler           Dunnigan
Edwards       Julie Fisher     Fowlke            Harper
Johnson       Menlove          Poulson           Ray
Seegmiller    Watkins          Wheatley         Wiley

Absent or not voting were: Representatives
Aagard       Hendrickson       Hughes       Litvack
Noel         Sandstrom         Webb

3rd Sub. H.B. 272, as amended by the Senate, transmitted to the Senate for signature of President.
THIRD READING CALENDAR

S.B. 169, GAMBLING AMENDMENTS, Garn, read the third time by short title and placed on its final passage.

On motion of Representative Garn, the House voted to circle S.B. 169.

UNFINISHED BUSINESS

On motion of Representative Garn, the House voted to uncircle S.B. 230.

S.B. 230, CONSTRUCTION PAYMENT AMENDMENTS, Garn, was before the House on its final passage.

On motion of Representative Garn, the House voted to delete S.B. 230 in title and body and insert 2nd Sub. S.B. 230 in lieu thereof.

Representatives Morley, Biskupski and King commented. 2nd Sub. S.B. 230 passed on the following roll call:

Yeas, 68; Nays, 1; Absent or not voting, 6.

Voting in the affirmative were: Representatives

Allen Barrus Beck Bigelow
Bird Biskupski Black Brown
Chavez–Houck S. Clark Cosgrove Daw
Dee Draxler S Duckworth Dunnigan
Edwards Ferry Janice Fisher Julie Fisher
Fowlke Frank Froerer K Gibson
Gowans Greenwood Grover Hansen
Harper Hemingway Herrod Holdaway
Hunsaker Hutchings Ipson Johnson
King Kiser Last Litvack
Lockhart Mascaro Mathis McIff
Menlove Morley Moss Newbold
Noel Oda Painter Poulson
Powell Ray Riesen Sandstrom
Seegmiller Seelig Sumsion Vickers
Wallis Watkins Wheatley Wilcox
Wiley Wimmer Winn D. Clark

Voting in the negative was: Representative

F Gibson
Absent or not voting were: Representatives
Aagard  Dougall  Garn  Hendrickson
Hughes  Webb

2nd Sub. S.B. 230, as amended, returned to the Senate for further consideration.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker:  March 12, 2009

The President of the Senate has signed 2nd Sub. H.B. 371, TRANSPORTATION GOVERNANCE, by Representative W. Harper, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communication filed. 2nd Sub. H.B. 371 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

* * *

Mr. Speaker:  March 12, 2009

The Senate concurred in the House amendments and passed 1st Sub. S.B. 14, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, by Senator L. Hillyard, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed 1st Sub. S.B. 189, AMENDMENTS TO SALES AND USE TAX, by Senator W. Niederhauser, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. 1st Sub. S.B. 14 and 1st Sub. S.B. 189 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

* * *

Mr. Speaker:  March 12, 2009

The Senate adopted the Joint Conference Committee Report dated March 12, 2009, and passed 1st Sub. H.B. 378, CIRCUIT BREAKER AMENDMENTS, by Representative T. Cosgrove, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate

Communication filed.
CONFERENCE COMMITTEE REPORT

Mr. Speaker: March 12, 2009

The Joint Conference Committee comprised of Senators Hillyard, Knudson, and Goodfellow, and Representatives Cosgrove, Froerer, and Newbold, recommends **H.B. 378, CIRCUIT BREAKER AMENDMENTS**, by Representative T. Cosgrove, be replaced and favorably recommends **1st Sub. H.B. 378, CIRCUIT BREAKER AMENDMENTS**.

Lyle Hillyard, Senate Chair
Tim Cosgrove, House Chair

Report filed. On motion of Representative Cosgrove, the House voted to adopt the Conference Committee Report.

**1st Sub. H.B. 378** passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

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**Absent or not voting were:** Representatives

| Aagard | Hendrickson |

**1st Sub. H.B. 378** was transmitted to the Senate for signature of the President.
MISCELLANEOUS BUSINESS

On motion of Representative Lockhart, under suspension of the rules, the House voted to lift S.B. 214 from its place on the calendar and place it at the top of the Third Reading Calendar.

***

On motion of Representative Lockhart, under suspension of the rules, the House voted to lift the following bills from the Rules Committee, consider them read the second time by short title and placed on the Third Reading Calendar: 2nd Sub. S.B. 38, S.B. 49, S.B. 77, S.B. 82, S.B. 43, S.B. 179.

***

On motion of Representative Bigelow, under suspension of the rules, the House voted to lift S.B. 3 from the Rules Committee, consider it read the second time by short title and place it on the Third Reading Calendar:

THIRD READING CALENDAR

S.B. 3, APPROPRIATIONS ADJUSTMENTS, Bigelow; read the third time by short title and placed on its final passage.

Representatives Noel and S. Clark commented.

Representative Holdaway proposed the following amendment:

1. Page 57, Line 2132:
   Delete “(265,000,000)” and insert “(264,951,200)”

2. Page 57, Line 2134:
   After Line 2134 insert:
   “From General Fund Restricted – Tobacco Settlement Account 26,500”

3. Page 57, Line 2142:
   Delete “1,602,000” and insert “1,677,300”

4. Page 65, Line 2461:
   Delete “28,100” and insert “754,300”

5. Page 65, Line 2462:
   After Line 2462 insert:
   “From General Fund Restricted – Tobacco Settlement Account 205,200”
6. Page 66, Line 2465:
After Line 2465 insert:
“Other Optional Services 931,400”

7. Page 66, Line 2468:
After Line 2468 insert:
“From General Fund Restricted – Tobacco Settlement Account 158,300”

8. Page 66, Line 2468:
After Line 2468 insert:
“From Federal Funds 633,700”

9. Page 66, Line 2468:
After Line 2468 insert:
“Schedule of Programs:
Children’s Health Insurance Program 792,000”

Representative Dougall and Chavez–Houck commented. Representative Holdaway’s motion to amend failed on the following roll call:

**Yeas, 33; Nays, 42; Absent or not voting, 0.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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Ray Sandstrom Sumsion Vickers
Wallis Webb Wilcox Wimmer
Winn D. Clark

**S.B. 3** passed on the following roll call:

**Yeas, 65; Nays, 10; Absent or not voting, 0.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

| Chavez−Houck | S Duckworth | Dunnigan | Hansen |
| Hendrickson | Johnson | King | Seegmiller |
| Wheatley | Wiley | | |

**S.B. 3** was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

**UNFINISHED BUSINESS**

On motion of Representative Aagard, the House voted to uncircle **S.B. 169**.

**S.B. 169, GAMBLING AMENDMENTS, Aagard,** was before the House on its final passage.

Representative Aagard proposed the following amendment:
1. Page 1, Line 17
   Senate 2nd Reading Amendments 3–2–2009
   17 { None } This bill takes effect on January 1, 2010.

2. Page 3, Line 74
   Senate 2nd Reading Amendments 3–2–2009:
   74 fringe gambling. §
   Section 2. Effective date.
   This bill takes effect on January 1, 2010.

Representative Aagard’s motion to amend passed on a voice vote.

###

Representative Aagard proposed the following amendment:

1. Page 3, Line 74:
   Delete “January 1, 2010” and insert “April 1, 2010

2. Page 1, Line 17:
   Delete “January 1, 2010” and insert “April 1, 2010

Representative Aagard’s motion to amend passed on a voice vote.

Representatives Hemingway and McIff commented.

S.B. 169, as amended, passed on the following roll call:

**Voting in the affirmative were:** Representatives

- Aagard
- Allen
- Barrus
- Beck
- Bigelow
- Bird
- Biskupski
- Black
- Brown
- Chavez–Houck
- Cosgrove
- Daw
- Dee
- Dougall
- Draxler
- S Duckworth
- Dunnigan
- Edwards
- Ferry
- Janice Fisher
- Julie Fisher
- Fowlke
- Frank
- Froerer
- Garn
- K Gibson
- Greenwood
- Grover
- Harper
- Hemingway
- Hendrickson
- Herrod
- Holdaway
- Hughes
- Hunsaker
- Hutchings
- Ipson
- Johnson
- King
- Kiser
- Last
- Litvack
- Lockhart
- Mascaro
- Mathis
- McIff
- Menlove
- Morley

**Y eas, 70; Nays, 2; Absent or not voting, 3.**
Voting in the negative were: Representatives
F Gibson Hansen

Absent or not voting were: Representatives
S. Clark Gowans Sumsion

S.B. 169, as amended, returned to the Senate for further consideration.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 12, 2009

The President of the Senate has signed 3rd Sub. H.B. 35, HIGHER EDUCATION CONTRIBUTION, by Representative J. Dougall, and it is transmitted for the signature of the Speaker; and

The Senate passed, 4th Sub. H.B. 148, VICTIM RIGHTS AMENDMENTS, by Representative R. C. Webb, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, 1st Sub. H.B. 169, PUBLIC LANDS POLICY COORDINATION AMENDMENTS, by Representative M. Noel, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed 2nd Sub. H.B. 259, LOCAL GOVERNMENT AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed 3rd Sub. H.B. 272, UTAH SCENIC BYWAY DESIGNATION AMENDMENTS, by Representative C. Herrod, and it is transmitted for the signature of the Speaker; and

The Senate passed, 1st Sub. H.B. 280, INSURANCE CODE − CONTINUING EDUCATION, by Representative J. Bird, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, 1st Sub. H.B. 326, FORCIBLE ENTRY AND DETAINER AMENDMENTS, by Representative L. Fowlke, which has been signed by the President and it is transmitted for the signature of the Speaker; and
The President of the Senate has signed H.B. 353, TRUTH IN ADVERTISING ACT AMENDMENTS, by Representative M. Morley, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed H.B. 384, PUBLIC LEWDNESS AMENDMENTS, by Representative D. Ipson, and it is transmitted for the signature of the Speaker; and

The Senate passed, 1st Sub. H.B. 404, DISCLOSURE OF REAL PROPERTY, by Representative M. Newbold, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 457, TRUTH IN MUSIC, by Representative G. Hughes, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.J.R. 29, LEGISLATIVE DIRECTION TO THE PUBLIC EMPLOYEES’ BENEFIT AND INSURANCE PROGRAM, by Representative B. Dee, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate


* * *

Mr. Speaker: March 12, 2009

The Senate concurred in the House amendments and passed 1st Sub. S.B. 224, REUSE OF INDUSTRIAL BYPRODUCT, by Senator C. Bramble, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communication filed. 1st Sub. S.B. 224 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

MISCELLANEOUS BUSINESS

On motion of Representative Bigelow, under suspension of the rules, the House voted to lift 1st Sub. S.B. 159 from its place on the calendar and place it at the top of the Third Reading Calendar.
THIRD READING CALENDAR

1st Sub. S.B. 159, MATH EDUCATION INITIATIVE, Newbold, read the third time by short title and placed on its final passage.

Representative Newbold proposed the following amendment:

1. Page 2, Lines 34 through 36
   34 This bill appropriates:
   35  { as an ongoing appropriation subject to future budget constraints, $500,000 } $250,000 from the Uniform School Fund for fiscal year 2009–10 only to the State Board of Education.

2. Page 7, Lines 185 through 187:
   185  { As an ongoing appropriation subject to future budget constraints, there } There is appropriated
   186  { $500,000 } $250,000 from the Uniform School Fund for fiscal year 2009–10 only to the State Board of Education for:

3. Page 2, Line 4
   40 AMENDS: 53A−17a−148, as last amended by Laws of Utah 2008, Chapter 289

4. Page 6, Lines 153 through 156:
   153  (1) Subject to funding for the programs, { beginning on July 1, 2010 } the board may
   154 award grants to institutions of higher education or nonprofit educational organizations for
   155 programs that provide training leading to a secondary education license with an endorsement in
   156 mathematics for an individual who:

5. Page 6, Lines 165 through 166:
   165  (b) In awarding grants, the board shall consider the amount or percent of matching
funds provided by the grant recipient.

Section 8. Section 53A–17A–148 is amended to read:


(1) As used in this section:
(a) “Education entity” means a school district, charter school, or the Utah Schools for the Deaf and the Blind.
(b) (i) “New educator” means a person who:
(A) is an educator as defined in Section 53A–17a–153;
(B) is hired by an education entity to begin teaching during the 2008–09 school year;
(C) did not work in this state as an educator for an education entity during the 2007–08 school year; and
(D) has never received a signing bonus in this state.
(ii) A new educator may include a person who is returning to education after one or more years of interrupted service.
(2) The State Board of Education may use Minimum School Program nonlapsing balances to restore special education funding as follows:
(a) up to $902,538 is authorized in fiscal year 2005–06; and
(b) up to $902,538 is authorized in fiscal year 2006–07.
(3) The State Board of Education shall use Minimum School Program nonlapsing balances in fiscal year 2008–09 as follows:
(a) $5,000,000 shall be allocated to education entities to provide one-time signing bonuses for new educators as provided under Subsection (4), including money for the following employer-paid benefits:
(i) retirement;
(ii) workers’ compensation;
(iii) Social Security; and
(iv) Medicare; and
(b) $20,000,000 shall be allocated to education entities to provide one-time performance-based compensation as provided under Subsection (5).
(4) (a) Subject to the availability of funding, education entities shall provide a one-time signing bonus of $1,000 to a new educator.
(b) If the total cost of bonuses and employer-paid benefits under Subsection (4)(a) for all education entities exceeds $5,000,000, all bonuses shall be reduced pro rata so that the total cost does not exceed $5,000,000.
(c) To qualify for a bonus, a new educator shall:
(i) be hired prior to October 1, 2008; and
(ii) work for at least 90 days for the education entity.

(5) (a) The $20,000,000 for performance–based compensation shall be allocated to qualifying education entities on a per pupil basis.

(b) (i) To receive an allocation under Subsection (5)(a), an education entity shall:

   (A) submit, prior to July 1, 2008, a written performance–based compensation plan to the State Board of Education that conforms to guidelines established by the State Board of Education in rule; and

   (B) receive approval of the plan by the State Board of Education.

   (ii) The performance–based compensation plan shall provide specific information about how the education entity intends to spend its allocation, including:

      (A) who is eligible for the performance–based compensation;

      (B) criteria for awarding performance–based compensation;

      (C) the instruments or assessments that may be used to measure or evaluate performance;

      (D) the amount of performance–based compensation that may be awarded; and

      (E) whether the performance–based compensation will be based on individual, team, or school–based performance, or a combination of those.

   (iii) The State Board of Education shall send the approved plans to the Executive Appropriations Committee and the Education Interim Committee by August 1, 2008 for review and comment.

(c) (i) An education entity shall award performance–based compensation from monies distributed under this section for employee performance during the 2008–09 school year.

   (ii) Performance–based compensation monies may only be used in accordance with an education entity’s performance–based compensation plan.

   (iii) If an education entity uses performance–based compensation monies for purposes other than those stated in this Subsection (5) and its performance–based compensation plan, the education entity shall reimburse the monies that were improperly used.

(d) An education entity that awards performance–based compensation from monies distributed under this section shall report the following information to the Executive Appropriations Committee by June 30, 2009:
(i) the number of employees who received performance–based compensation;
(ii) the total number of employees;
(iii) the average performance–based compensation awarded to employees; and
(iv) the maximum performance–based compensation awarded to an employee.

(6) The State Board of Education may make rules as necessary to administer this section, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(7) In fiscal year 2009–10, the State Board of Education shall redirect the use of $250,000 of Minimum School Program nonlapsing balances from the program created in Section 53A–17a–152 to improve mathematics achievement test scores of students in grades four through six to math teacher training programs as provided in Section 53A–13–409.

Renumber remaining sections accordingly.

Representative Newbold’s motion to amend passed on a voice vote.

# # #

Representative Menlove proposed the following amendment:

1. Page 1, Lines 16 through 17
   16 • school districts and charter schools to help pay for costs to adopt Singapore math or other research–validated math program; and
   17 space

2. Page 1, Line 22:
   22 • offer Singapore math or other research–validated math program in grades kindergarten through six and certain courses at

3. Page 1, Line 24:
   24 • provide professional development to teachers in Singapore math or other research–validated math program;

4. Page 2, Lines 30 through 32:
   30 • contract with an independent, qualified evaluator, selected through a request for
proposals process, to evaluate the effect of instruction in Singapore math or other research–validated math program on student achievement.

5. Page 3, Lines 78 through 79:
   (b) increase appropriations for the Math Education Initiative as the state’s capacity to provide professional development to teachers in Singapore math or other research–validated math program expands.

6. Page 3, Lines 83 through 84:
   (i) school districts and charter schools to help pay for a school district’s or charter school’s costs of adopting Singapore math or other research–validated math program as provided by Section 53A–13–404; and

7. Page 3, Line 87 through Page 4, Line 89:
   (b) contract with an independent, qualified evaluator, selected through a request for proposals process, to evaluate the effect of instruction in Singapore math or other research–validated math program on student achievement.

8. Page 4, Lines 97 through 98:
   (3) A school district or charter school may use the grant monies to pay for Singapore math or other research–validated math program instructional materials or professional development in teaching Singapore math or other research–validated math program.

9. Page 4, Line 103:
   (a) (i) shall adopt Singapore math or other research–validated math program for grades kindergarten through six, except as

10. Page 4, Line 105:
    (ii) may adopt Singapore math or other research–validated math program for grades seven and eight;
11. Page 4, Line 116:
   (d) shall provide professional development to teachers in Singapore math or other research–validated math program.

12. Page 4, Line 117:
   (2) (a) A school district or charter school may phase in the adoption of Singapore math or other research–validated math program.

13. Page 5, Line 119:
   (b) A school district may phase in the adoption of Singapore math or other research–validated math program throughout schools.

14. Page 5, Lines 128 through 129:
   (a) evaluate Singapore math or other research–validated math program instructional materials and make recommendations to school districts and charter schools for the adoption of Singapore math or other research–validated math program instructional materials;

15. Page 5, Lines 130 through 137:
   (b) make recommendations to school districts and charter schools that participate in the Math Education Initiative on professional development in math, including:
   (i) the qualifications of individuals who provide professional development in Singapore math or other research–validated math program;
   and
   (ii) the extent and content of initial and continuing professional development in Singapore math or other research–validated math program;
   and
   (c) review grant proposals submitted by school districts and charter schools to adopt Singapore math or other research–validated math program and make recommendations to the board on awarding grants.
16. Page 5, Lines 138 through 140:
   (2) In reviewing and making recommendations to the board on grant proposals, the advisory council shall consider:
   (a) the extent and content of professional development for teachers of Singapore math or other research–validated math program

17. Page 6, Lines 169 through 172:
   (1) Through 2012, the State Board of Education shall make a report to the Education Interim Committee after each year of instruction in Singapore math or other research–validated math program in Utah schools.
   (2) The report shall include an evaluation of the effect of instruction in Singapore math or other research–validated math program on student achievement.

18. Page 7, Lines 185 through 190:
   As an ongoing appropriation subject to future budget constraints, there is appropriated $500,000 from the Uniform School Fund for fiscal year 2009–10 to the State Board of Education for:
   (1) grants to school districts and charter schools to adopt Singapore math or other research–validated math program as provided in Title 53A, Chapter 13, Part 4, Math Education Initiative; and
   (2) an evaluation of the effect of instruction in Singapore math or other research–validated math program on student achievement.

Representatives Black, Holdaway and Sumson commented. Representative Menlove’s motion to amend passed on a voice vote.

###

Representative Bird moved to delete 1st Sub. S.B. 159 in title and body and insert 2nd Sub. S.B. 159 in lieu thereof. Representative Bird’s motion to substitute failed to pass on the following roll call:
Yeas, 37; Nays, 38; Absent or not voting, 0.

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

| Aagard | Barrus | Bigelow | S. Clark |
| Daw | Dee | Dougall | Draxler |
| Ferry | Julie Fisher | Fowlke | Frank |
| Froerer | Garn | K Gibson | Greenwood |
| Grover | Harper | Herrod | Hughes |
| Hutchings | Johnson | Kiser | Last |
| Lockhart | Mathis | Morley | Newbold |
| Noel | Oda | Painter | Ray |
| Sandstrom | Sumasion | Wilcox | Wimmer |
| Winn | D. Clark | | |

###

Representatives Fowlke, Holdaway, Dougall and Watkins commented.

**1st Sub. S.B. 159, as amended, failed to pass on the following roll call:**

Yeas, 30; Nays, 43; Absent or not voting, 2.

**Voting in the affirmative were:** Representatives

| Aagard | Barrus | S. Clark | Daw |
| Dougall | Draxler | Fowlke | Frank |
| Froerer | Garn | F Gibson | Grover |
| Harper | Herrod | Hughes | Hutchings |
| Last | Lockhart | Mathis | Morley |
| Newbold | Noel | Painter | Powell |
| Ray | Sandstrom | Sumasion | Wilcox |
| Wimmer | Winn | | |

**Voting in the negative were:** Representatives

| Allen | Beck  | Bird  | Biskupski |
| Black | Brown | Chavez–Houck | Cosgrove |
Absent or not voting were: Representatives
Bigelow Oda

1st Sub. S.B. 159, as amended, returned to the Senate for filing.

MISCELLANEOUS BUSINESS

On motion of Representative Dunnigan, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

THIRD READING CALENDAR

H.B. 178, HEALTH INSURANCE AND PROGRAM AMENDMENTS, Dunnigan, read the third time by short title and placed on its final passage.

On motion of Representative Garn, the House voted to delete H.B. 178 in title and body and insert 1st Sub. H.B. 178 in lieu thereof.

Representative Biskupski commented. 1st Sub. H.B. 178 passed on the following roll call:

Yeas, 62; Nays, 6; Absent or not voting, 7.

Voting in the affirmative were: Representatives
Allen Barrus Beck Bird
Biskupski Black Brown Chavez–Houck
S. Clark Cosgrove Dee Dougall
Draxler S Duckworth Dunnigan Edwards
Ferry Janice Fisher Fowlke Frank
Froerer Garn K Gibson Gowans
Greenwood Grover Hansen Harper
Hemingway Hendrickson Herrod Holdaway
Hughes Hunsaker Ipson King
Kiser Last Litvack Lockhart
### Voting in the negative were: Representatives
- Daw
- F Gibson
- Morley
- Sandstrom
- Sumson
- Wimmer

### Absent or not voting were: Representatives
- Aagard
- Bigelow
- Julie Fisher
- Hutchings
- Johnson
- Moss
- Oda

**1st Sub. H.B. 178** transmitted to the Senate for its consideration.

### H.J.R. 23, JOINT RULES RESOLUTION – EXECUTIVE APPROPRIATIONS COMMITTEE AMENDMENTS, Ferry, read the third time by short title and placed on its final passage.

**H.J.R. 23** passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

### Voting in the affirmative were: Representatives
- Allen
- Barrus
- Beck
- Bigelow
- Bird
- Biskupski
- Black
- Brown
- Chavez–Houck
- S. Clark
- Cosgrove
- Daw
- Dee
- Dougall
- Draxler
- S Duckworth
- Edwards
- Ferry
- Janice Fisher
- Fowlke
- Frank
- Froerer
- Garn
- F Gibson
- K Gibson
- Gowans
- Greenwood
- Grover
- Hansen
- Harper
- Hemingway
- Hendrickson
- Herrod
- Holdaway
- Hughes
- Hunsaker
- Ipson
- King
- Kiser
- Last
- Lockhart
- Mascaro
- Mathis
- McIlff
- Menlove
- Morley
- Newbold
- Noel
- Painter
- Poulson
- Powell
- Ray
- Riesen
- Sandstrom
- Seegmiller
- Seelig
- Sumson
- Vickers
- Wallis
- Watkins
- Webb
- Wheatley
- Wilcox
- Wiley
- Wimmer
- Winn
- D. Clark
Absent or not voting were: Representatives
Aagard Dunnigan Julie Fisher Hutchings
Johnson Litvack Moss Oda

H.J.R. 23 transmitted to the Senate for its consideration.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 12, 2009

The Senate passed, 1st Sub. H.B. 143, VEHICLE TITLE, INSPECTION AND EMISSION TESTING EXEMPTIONS, by Representative K. Sumsion, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 309, COUNTY FISCAL PROCEDURES AMENDMENTS, by Representative C. Herrod, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 334, WRITING ASSESSMENT AND INSTRUCTION, by Representative M. Newbold, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 377, JUDICIAL CODE AMENDMENTS, by Representative D. Aagard, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed 1st Sub. H.B. 378, CIRCUIT BREAKER AMENDMENTS, by Representative T. Cosgrove, and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 437, OBSTRUCTION OF NATURAL RESOURCE OR AGRICULTURAL PRODUCTION, by Representative M. Noel, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Mr. Speaker: March 12, 2009

The Senate substituted and passed, Senate 3rd Sub. H.B. 164, MIGRATORY BIRD PRODUCTION AREAS, by Representative C. Oda, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. 3rd Sub. H.B. 164 placed on the Concurrence Calendar.

THIRD READING CALENDAR

S.B. 214, OFFICE OF CONSUMER SERVICES ACT, Dougall, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

Representative Hunsaker proposed the following amendment:

1. Page 4, Lines 92 through 100
   Senate 2nd Reading Amendments 3–6–2009
   92 { (4) “Executive director” means the executive director of the Department of Commerce. }
   93 { (5) } (4) “Office” means the Office of Consumer Services created in Section 54–10a–201.
   94 [(1)] { (6) } (5) “Residential consumer” is a customer or user of a natural gas, electric or telephone] an applicable public utility who maintains a permanent residence
   95 within the state [of Utah].
   97 [(2)] { (7) } (6) “Small commercial consumer” is a person [or entity] conducting a business
   98 [or] enterprise, agriculture enterprise, or other enterprise in the state [of Utah having] that has:
   99 (a) less than 25 employees; or
   100 (b) a gross income less than $1,000,000 annually.

2. Page 4, Lines 107 through 110
   Senate 2nd Reading Amendments 3–6–2009:
   107 [(2)] (a) The governor shall appoint, with the concurrence of the Committee of
Consumer Services and the consent of the Senate, a qualified person in the field of public utilities

[who may carry out the policies and directives of the Committee of Consumer Services.] to be

the director of the office.

3. Page 5, Lines 125 through 126:

(1) (a) There is created within the Division of Public Utilities of the Department of Commerce an advisory committee known as the “Committee of Consumer Services.”

4. Page 6, Lines 153 through 154:

(4) (a) No more than five members of the committee shall be from the same political party.

(b) Subject to Subsection (3), for a member of the committee appointed on or after May 12, 2009, the governor shall appoint, to the extent possible, an individual with expertise or experience in:

(i) public utility matters related to consumers;
(ii) economics;
(iii) accounting;
(iv) financing;
(v) engineering; or
(vi) public utilities law.

5. Page 8, Lines 218 through 220:


By a majority vote of a quorum of the committee, the committee may:

(1) advise the director as to a duty or power of the office under Section 54–10a–301; and
(2) give direction to the director on a policy objective related to a duty or power of the office under Section 54–10a–301 that serves the needs of residential consumers and small commercial consumers.
Representative Hunsaker’s motion to amend passed on a voice vote.

Representatives King and Allen commented. **S.B. 214**, as amended, passed on the following roll call:

**Yeas, 69; Nays, 2; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

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**Voting in the negative were:** Representatives

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**Absent or not voting were:** Representatives

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**S.B. 214**, as amended, returned to the Senate for further consideration.

**COMMUNICATION FROM THE SENATE**

Mr. Speaker: March 12, 2009

The Senate substituted and passed, **Senate 1st Sub. H.B. 96, STATE RETIREMENT SYSTEM PARTICIPATION FOR CHARTER SCHOOLS**, by Representative C. Watkins, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **1st Sub. H.B. 96** placed on the Concurrence Calendar.
CONCURRENCE CALENDAR

On motion of Representative Bigelow, the House voted to strike the enacting clause on 1st Sub. H.B. 444. Representative Litvack commented.

* * *

On motion of Representative Oda, the House voted to concur in the Senate amendments to 3rd Sub. H.B. 164, MIGRATORY BIRD PRODUCTION AREAS.

3rd Sub. H.B. 164, as amended by the Senate, passed on the following roll call:

Yeas, 67; Nays, 3; Absent or not voting, 5.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Black  Brown
Chavez–Houck  S. Clark  Cosgrove  Daw
Dee  Draxler  S Duckworth  Edwards
Ferry  Janice Fisher  Julie Fisher  Fowlke
Frank  Froerer  F Gibson  K Gibson
Gowans  Greenwood  Grover  Hansen
Harper  Hemingway  Hendrickson  Herrod
Holdaway  Hughes  Hunsaker  Hutchings
Ipson  Johnson  Kiser  Last
Litvack  Lockhart  Mascaro  Mathis
McIff  Menlove  Moss  Newbold
Oda  Painter  Poulsin  Ray
Riesen  Sandstrom  Seegmiller  Seelig
Sumson  Vickers  Wallis  Watkins
Webb  Wheatley  Wilcox  Wiley
Wimmer  Winn  D. Clark

Voting in the negative were: Representatives

Morley  Noel  Powell

Absent or not voting were: Representatives

Biskupski  Dougall  Dunnigan  Garn
King

3rd Sub. H.B. 164, as amended by the Senate, transmitted to the Senate for signature of President.
On motion of Representative Watkins, the House voted to concur in the Senate amendments to 1st Sub. H.B. 96, STATE RETIREMENT SYSTEM PARTICIPATION FOR CHARTER SCHOOLS.

1st Sub. H.B. 96, as amended by the Senate, passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives

Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Draxler S. Duckworth
Edwards Ferry Janice Fisher Julie Fisher
Fowlke Frank Froerer Garn
F Gibson K Gibson Gowans Greenwood
Grover Hansen Harper Hemingway
Hendrickson Herrold Holdaway Hughes
Hunsaker Hutchings Ipson Johnson
Kiser Last Lockhart Mascaro
Mathis Mclff Menlove Morley
Moss Newbold Noel Oda
Painter Poulson Powell Ray
Riesen Sandstrom Seegmiller Seelig
Sumsion Vickers Wallis Watkins
Webb Wheatley Wilcox Wiley
Wimmer Winn D. Clark

Absent or not voting were: Representatives

Dougall Dunnigan King Litvack

1st Sub. H.B. 96, as amended by the Senate, transmitted to the Senate for signature of President.
COMMUNICATION FROM THE SENATE

Mr. Speaker: March 12, 2009

The Senate adopted the Joint Conference Committee Report dated March 12, 2009, and passed 1st Sub. H.B. 185, TRANSPORTATION AMENDMENTS, by Representative W. Harper, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate

Communication filed.

CONFERENCE COMMITTEE REPORT

Mr. Speaker: March 12, 2009

The Joint Conference Committee comprised of Senators Killpack, McCoy, and Niederhauser, and Representatives Harper, Garn, and Litvack, recommends 1st Sub. H.B. 185, TRANSPORTATION AMENDMENTS, by Representative W. Harper, be replaced and favorably recommends 3rd Sub. H.B. 185, TRANSPORTATION AMENDMENTS.

Sheldon Killpack, Senate Chair
Wayne Harper, House Chair

Report filed. On motion of Representative Harper, the House voted to adopt the Conference Committee Report.

3rd Sub. H.B. 185 passed on the following roll call:

Yeas, 68; Nays, 2; Absent or not voting, 5.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Draxler  S Duckworth
Edwards  Ferry  Janice Fisher  Julie Fisher
Fowlke  Froerer  Garn  F Gibson
K Gibson  Gowans  Greenwood  Grover
Hansen  Harper  Hemingway  Hendrickson
Herrold  Holdaway  Hughes  Hunsaker
Ipson  Johnson  King  Kiser
last  Lockhart  Mascaro  Mathis
McIff  Menlove  Moss  Newbold
Noel  Oda  Painter  Poulson
Voting in the negative were: Representatives
Morley        Sumsion

Absent or not voting were: Representatives
Dougall        Dunnigan        Frank        Hutchings
Litvack

3rd Sub. H.B. 185 was transmitted to the Senate for signature of the President.

THIRD READING CALENDAR

1st Sub. S.B. 228, PROHIBITION ON INTERNET OR MAIL–ORDER SALES OF TOBACCO PRODUCTS, Daw, read the third time by short title and placed on its final passage.

1st Sub. S.B. 228 passed on the following roll call:

Yeas, 65; Nays, 1; Absent or not voting, 9.

Voting in the affirmative were: Representatives
Aagard        Allen        Barrus        Beck
Bigelow        Bird        Biskupski        Black
Brown        Chavez–Houck        S. Clark        Cosgrove
Daw        Draxler        S Duckworth        Dunnigan
Edwards        Ferry        Janice Fisher        Julie Fisher
Fowlke        Frank        Froerer        Garn
F Gibson        K Gibson        Gowans        Greenwood
Grover        Hansen        Harper        Hemingway
Hendrickson        Holdaway        Hughes        Hunsaker
Hutchings        Ipson        King        Kiser
Lockhart        Mathis        McIff        Menlove
Morley        Moss        Newbold        Oda
Painter        Poulson        Powell        Ray
Riesen        Sandstrom        Seegmiller        Sumasion
Vickers        Wallis        Watkins        Webb
Wheatley        Wilcox        Wiley        Winn
D. Clark

Powell        Ray        Riesen        Sandstrom
Seegmiller        Seelig        Vickers        Wallis
Watkins        Webb        Wheatley        Wilco
Wiley        Wimmer        Winn        D. Clark
Voting in the negative was: Representative Wimmer

Absent or not voting were: Representatives
Dee Dougall Herrod Johnson
Last Litvack Mascaro Noel Seelig

1st Sub. S.B. 228 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

MISCELLANEOUS BUSINESS

On motion of Representative Lockhart, under suspension of the rules, the House voted to lift the following bills from their current position on the calendar to the top of the Third Reading Calendar: S.B. 272, S.B. 188, 2nd Sub. S.B. 131, and S.B. 213.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 12, 2009

The Senate passed, 1st Sub. H.B. 110, FINANCIAL TRANSACTION CARD OFFENSES, by Representative Julie Fisher, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 206, EMPLOYMENT SELECTION PROCEDURES, by Representative W. Harper, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 391, BUDGETARY PROCEDURES ACT REVISIONS, by Representative R. Bigelow, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. 1st Sub. H.B. 110, H.B. 206, and H.B. 391 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

* * *

Mr. Speaker: March 12, 2009

The Senate concurred in the House amendments and passed S.B. 169, GAMBLING AMENDMENTS, by Senator D. Liljenquist, and it is transmitted for the signature of the Speaker; and
The Senate concurred in the House amendments and passed 2nd Sub. S.B. 230, CONSTRUCTION PAYMENT AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. S.B. 169 and 2nd Sub. S.B. 230 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

THIRD READING CALENDAR

S.B. 272, DRIVER LICENSE SANCTIONS AMENDMENTS, Hughes, read the third time by short title and placed on its final passage.

On motion of Representative Hughes, the House voted to delete S.B. 272 in title and body and insert 2nd Sub. S.B. 272 in lieu thereof.

Representative Hughes proposed the following amendment:

1. Page 28, Line 833:
   Delete “(3)” and insert “(5)”

Representative Hughes’ motion to amend passed on a voice vote.

Representatives King and Holdaway commented

2nd Sub. S.B. 272, as substituted and amended, passed on the following roll call:

Yeas, 38; Nays, 37; Absent or not voting, 0.

Voting in the affirmative were: Representatives
Aagard Barrus Beck Bigelow
Biskupski S. Clark Dee Dougall
Draxler Froerer Garn F Gibson
K Gibson Greenwood Grover Harper
Herrod Hughes Hunsaker Ipson
Last Litvack Lockhart Morley
Newbold Noel Powell Ray
Sandstrom Seelig Sumson Vickers
Wallis Webb Wilcox Wimmer
Winn D. Clark

Voting in the negative were: Representatives
Allen Bird Black Brown
Chavez–Houck Cosgrove Daw S Duckworth
2nd Sub. S.B. 272, as substituted and amended, returned to the Senate for further consideration.

***

S.B. 188, IMPROVEMENT DISTRICT − PROVIDING ELECTRIC SERVICE, Lockhart, read the third time by short title and placed on its final passage.

S.B. 188 passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Fowlke  Frank
Froerer  Garn  F Gibson  K Gibson
Gowans  Greenwood  Grover  Hansen
Harper  Hemingway  Hendrickson  Herrod
Holdaway  Hughes  Hunsaker  Hutchings
Ipson  Johnson  King  Kiser
Last  Lockhart  Mascaro  Mathis
McIff  Menlove  Morley  Moss
Newbold  Noel  Oda  Painter
Poulson  Powell  Ray  Sandstrom
Seegmiller  Seelig  Sumson  Vickers
Wallis  Watkins  Webb  Wheatley
Wilcox  Wiley  Wimmer  Winn
D. Clark
Absent or not voting were: Representatives
Litvack Riesen

**S.B. 188** was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

* * *


Representatives Newbold and Biskupski commented. **2nd Sub. S.B. 131** passed on the following roll call:

**Yeas, 56; Nays, 18; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives
Allen Barrus Beck Chavez–Houck
Biskupski Black Brown S Duckworth
S. Clark Cosgrove Dee
Dunnigan Edwards Janice Fisher Julie Fisher
Fowlke Garn F Gibson K Gibson
Gowans Greenwood Grover Hansen
Hemingway Hendrickson Herrod Holdaway
Hunsaker Hutchings Ipson Johnson
King Litvack Lockhart Mascaro
McIff Menlove Moss Noel
Oda Poulson Powell Ray
Riesen Sandstrom Seegmiller Seelig
Vickers Wallis Watkins Wheatley
Wilcox Wiley Wimmer D. Clark

**Voting in the negative were:** Representatives
Aagard Bird Daw Dougall
Draxler Ferry Frank Harper
Hughes Kiser Last Mathis
Morley Newbold Painter Sumsion
Webb Winn

Absent or not voting was: Representative
Froerer

**2nd Sub. S.B. 131** was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.
**S.B. 213, RESTAURANT NUTRITION LABELING, Garn, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.**

**S.B. 213** passed on the following roll call:

**Yeas, 51; Nays, 20; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

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<tr>
<th>Allen</th>
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<th>Bigelow</th>
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<td>Biskupski</td>
<td>Brown</td>
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<td>Wimmer</td>
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<td>D. Clark</td>
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**Voting in the negative were:** Representatives

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<thead>
<tr>
<th>Aagard</th>
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<th>Black</th>
<th>Chavez–Houck</th>
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<td>Cosgrove</td>
<td>Daw</td>
<td>Dougall</td>
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<td>Julie Fisher</td>
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<td>Hemingway</td>
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<td>Hendrickson</td>
<td>King</td>
<td>Moss</td>
<td>Poulson</td>
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<tr>
<td>Ray</td>
<td>Riesen</td>
<td>Wheatley</td>
<td>Wiley</td>
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</table>

**Absent or not voting were:** Representatives

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<tr>
<th>Fowlke</th>
<th>Froerer</th>
<th>Hutchings</th>
<th>Litvack</th>
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**S.B. 213** was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: March 12, 2009

The President of the Senate has signed 1st Sub. H.B. 96, STATE RETIREMENT SYSTEM PARTICIPATION FOR CHARTER SCHOOLS, by Representative C. Watkins, and it is transmitted for the signature of the Speaker; and
The President of the Senate has signed 3rd Sub. H.B. 164, MIGRATORY BIRD PRODUCTION AREAS, by Representative C. Oda, and it is transmitted for the signature of the Speaker; and

The Senate passed, 1st Sub. H.B. 178, HEALTH INSURANCE AND PROGRAM AMENDMENTS, by Representative J. Dunnigan, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed 3rd Sub. H.B. 185, TRANSPORTATION AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the Speaker; and

The Senate passed, 1st Sub. H.B. 237, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT, by Representative C. Herrod, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 411, UTAH TECHNOLOGY GOVERNANCE ACT AMENDMENTS, by Representative S. Clark, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.J.R. 23, JOINT RULES RESOLUTION – EXECUTIVE APPROPRIATIONS COMMITTEE AMENDMENTS, by Representative B. Ferry, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate


MISCELLANEOUS BUSINESS

On motion of Representative Lockhart, under suspension of the rules, the House voted to lift S.J.R. 6 and 1st Sub. S.B. 65 to the top of the Third Reading Calendar.

THIRD READING CALENDAR

S.J.R. 6, LEGISLATOR COMMUNICATIONS WITH JUDICIARY AND EXECUTIVE BRANCH JOINT RULES RESOLUTION, Dougall, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.
On motion of Representative Dougall, the House voted to delete S.J.R. 6 in title and body and insert 2nd Sub. S.J.R. 6 in lieu thereof.

2nd Sub. S.J.R. 6 passed on the following roll call:

**Yeas, 70; Nays, 2; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Frank  Garn
F Gibson  K Gibson  Gowans  Greenwood
Grover  Harper  Hemingway  Herrod
Holdaway  Hughes  Hunsaker  Hutchings
Ipson  Johnson  King  Kiser
Last  Lockhart  Mascaro  Mathis
McIff  Menlove  Morley  Moss
Newbold  Noel  Oda  Painter
Poulson  Powell  Ray  Riesen
Sandstrom  Seegmiller  Seelig  Sumison
Vickers  Wallis  Watkins  Webb
Wheatley  Wilcox  Wiley  Wimmer
Winn  D. Clark

**Voting in the negative were:** Representatives

Hansen  Hendrickson

**Absent or not voting were:** Representatives

Fowlke  Froerer  Litvack

2nd Sub. S.J.R. 6, as substituted by the House, returned to the Senate for further consideration.

* * *

1st Sub. S.B. 65, AMENDMENTS TO PROPERTY TAX NOTICE, PUBLIC HEARING, AND RESOLUTION PROVISIONS, Froerer, read the third time by short title and placed on its final passage. This bill did not have a House standing committee hearing.

Representative Cosgrove commented. 1st Sub. S.B. 65 passed on the following roll call:
Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives

Aagard  Allen  Barrus  Beck
Bigelow  Bird  Biskupski  Black
Brown  Chavez–Houck  S. Clark  Cosgrove
Daw  Dee  Dougall  Draxler
S Duckworth  Dunnigan  Edwards  Ferry
Janice Fisher  Julie Fisher  Fowlke  Frank
Froerer  Garn  F Gibson  K Gibson
Gowans  Greenwood  Grover  Harper
Hemingway  Herrod  Holdaway  Hughes
Hunsaker  Hutchings  Ipson  Johnson
King  Kiser  Last  Litvack
Lockhart  Mascaro  Mathis  McIff
Menlove  Morley  Moss  Newbold
Noel  Oda  Painter  Poulson
Powell  Ray  Riesen  Sandstrom
Seegmiller  Seelig  Sumson  Vickers
Wallis  Watkins  Webb  Wheatley
Wilcox  Wiley  Wimmer  Winn
D. Clark

Absent or not voting were: Representatives

Hansen  Hendrickson

1st Sub. S.B. 65 was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 12, 2009

The Senate concurred in the House amendments and passed 2nd Sub. S.B. 272, DRIVER LICENSE SANCTIONS AND SENTENCING REQUIREMENTS FOR DRIVING UNDER THE INFLUENCE AND ALCOHOL RELATED OFFENSES, by Senator S. Jenkins, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed 2nd Sub. S.J.R. 6, LEGISLATOR COMMUNICATIONS WITH JUDICIARY JOINT RULES RESOLUTION, by Senator J. Valentine, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed 2nd Sub. S.B. 78, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN
CERTAIN PRIVATE VENUES, by Senator M. Madsen, and it is transmitted for the signature of the Speaker; and

                      Annette B. Moore
                      Secretary of the Senate

Communication filed. 2nd Sub. S.B. 272, 2nd Sub. S.J.R. 6, and 2nd Sub. S.B. 78 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

* * *

Mr. Speaker: March 12, 2009

The Senate passed, H.B. 436, STATE PROHIBITION OF SUDAN RELATED CONTRACTS, by Representative D. Litvack, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 432, HIGHER EDUCATION BUDGET AUTHORITY AMENDMENTS, by Representative K. Holdaway, which has been signed by the President and it is transmitted for the signature of the Speaker.

                      Annette B. Moore
                      Secretary of the Senate

Communications filed. H.B. 436 and H.B. 432 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

* * *

Mr. Speaker: March 12, 2009

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. 48             Ballot Question Amendments (Rep. K. Grover)
H.B. 76             Income Tax Credit for Military Retired Pay (Rep. S. Mascaro)
H.B. 83             Property Tax Relief Programs (Rep. G. Froerer)
H.B. 89             Prosthetic Limb Health Insurance Parity (Rep. D. Litvack)
H.B. 101            Assertive Community Mental Health Treatment Pilot Program (Rep. C. Moss)
H.B. 124            Insurance Coverage for Eosinophilic Gastrointestinal Disorders and Short Bowel Syndrome (Rep. C. Johnson)
H.B. 125            Impact Fee Amendments (Rep. K. Powell)
H.B. 140 Motor Vehicle Registration Fee Amendments  
(Rep. C. Frank)


1st Sub. H.B. 150 State Board of Education Member Election Process Amendments (Rep. C. Moss)

H.B. 171 Legal Immigrant Children Health Care Amendments  
(Rep. K. Holdaway)

H.B. 184 Income Tax Credit for a Disabled Dependent  
(Rep. J. Dougall)

H.B. 201 Municipal Disincorporation Amendments  
(Rep. G. Froerer)

1st Sub. H.B. 204 Concealed Firearms Instructors Amendments  
(Rep. C. Oda)

1st Sub. H.B. 207 Concurrent Enrollment Amendments (Rep. K. Holdaway)

H.B. 221 County Correctional Facilities Funding Amendments  
(Rep. M. Noel)

H.B. 238 Exemption of University Housing from Eviction Laws  
(Rep. K. Holdaway)


H.B. 270 Parent–time Holiday and Notification Amendments  
(Rep. L. Fowlke)

H.B. 276 Custodial Interference Amendments (Rep. C. Wimmer)

H.B. 298 Juvenile Transfers from Justice Court (Rep. K. McIff)

1st Sub. H.B. 311 Utah State Railroad Museum Authority (Rep. N. Hansen)

H.B. 312 Amended Campaign Finance Filings (Rep. S. Allen)

H.B. 314 DNA Sample for Criminal Offenses – Amendments  
(Rep. R. Greenwood)

H.B. 316 Time Limitation for Prosecution of Environmental Crimes (Rep. C. Wimmer)

H.B. 322 Tire Recycling Fee Modifications (Rep. N. Hendrickson)

H.B. 325 Opting Out of the Real ID Act (Rep. S. Sandstrom)


1st Sub. H.B. 337 Choose Life Special Group License Plate  
(Rep. C. Herrod)

1st Sub. H.B. 347 Alcoholic Beverage Control Act Modifications  
(Rep. G. Hughes)

H.B. 349 Heavy Beer Amendments (Rep. C. Oda)

H.B. 351 Court Fees Amendments (Rep. C. Oda)


1st Sub. H.B. 370 Disabled Parking Violation Amendments  
(Rep. S. Mascaro)
H.B. 376  Revisions to Alcoholic Beverage Control Act  
(Rep. G. Hughes)  
H.B. 379  Environmental Litigation Bond  
(Rep. M. Noel)  
H.B. 387  Motorcycle Helmet Amendments  
(Rep. R. Menlove)  
H.B. 418  Delinquent Property Tax Amendments  
(Rep. G. Froerer)  
1st Sub. H.B. 439  Amendments to City or Town Sales and Use Tax for  
Botanical, Cultural, Recreational, and Zoological  
Organizations or Facilities  
(Rep. K. Holdaway)  
H.B. 450  Trademark Amendments  
(Rep. B. Last)  
H.B. 451  Public Employees’ Benefit and Insurance Program  
Amendments  
(Rep. B. Dee)  
H.C.R. 2  Healthy Family Partnership Concurrent Resolution  
(Rep. C. Oda)  
H.C.R. 7  Concurrent Resolution Expressing Opposition to the  
Congressional Enactment of the National Landscape  
Conservation System  
(Rep. M. Brown)  
H.J.R. 13  Joint Resolution – Teacher Performance Pay  
(Rep. M. Poulson)  
1st Sub. H.J.R. 17  Joint Resolution Urging Congressional and Presidential  
Opposition to Federal Bailouts and Promotion of Fiscal  
Responsibility  
(Rep. C. Frank)  
H.J.R. 22  Joint Resolution – Utah’s Medicaid Asset Test  
(Rep. R. Chavez–Houck)  
H.J.R. 25  Joint Resolution Urging Employers to Hire Only  
Individuals Who Are Authorized to Work in the United  
States  
(Rep. C. Herrod)  

Annette B. Moore  
Secretary of the Senate  

Communication filed.  

RULES COMMITTEE REPORTS  

Mr. Speaker: March 19, 2009  

I am directed to inform the Utah House of Representatives that the Committee  
on Rules has struck the enacting clause on the following House Bills and  
Resolutions:  

H.B. 10  Condominium and Community Association Provisions  
(R. Webb)  
H.B. 13  Crime of Strangulation or Smothering  
(J. Seelig)  
H.B. 36  Criminal Offense Elements and Penalties  
(C. Wimmer)  
H.B. 57  Exemptions From Requirements to Deduct and Withhold  
an Income Tax  
(C. Frank)
4th Sub. H.B. 66  Property Tax Amendments (M. Newbold)
1st Sub. H.B. 73  Vehicle Operator Turn Off Requirements (F. Hunsaker)
H.B. 74  Township Amendments (P. Riesen)
H.B. 77  Income Tax Credit for Taxable Social Security Benefits (S. Mascaro)
H.B. 79  Income Tax Credit for At-Home Parent (J. Draxler)
H.B. 82  Teacher Mortgage Loan Program (L. Hemingway)
H.B. 84  Campaign Financing and Gift Regulation (S. Mascaro)
H.B. 88  Local District Board of Trustees Amendments (J. Fisher)
H.B. 93  Establishment of State Ethics Commission (P. Riesen)
H.B. 94  State Parks Fee Exemption for Seniors (R. Greenwood)
2nd Sub. H.B. 95  Restrictions on Use of Wireless Communication Devices in Vehicles (P. Riesen)
H.B. 98  Campaign Finance Definitions (S. Allen)
H.B. 99  Professional Licensure Exemptions (L. Wiley)
H.B. 103  Revolving Door Limitations for Public Officials to Become Lobbyists (C. Moss)
H.B. 109  Modifications to Campaign Finance Provisions (K. Powell)
H.B. 111  Deferred Deposit Lending Amendments (L. Black)
H.B. 115  County Conservation and Preservation Fund (J. Draxler)
H.B. 117  Mechanical Contractor Licensing Provisions (L. Wiley)
H.B. 131  School Fee Amendments (C. Frank)
H.B. 133  Earned Income Tax Credit (B. King)
H.B. 134  Recall of Unsafe or Defective Products (C. Watkins)
H.B. 135  Lien Revisions (B. King)
H.B. 137  Driver License Qualification Amendments (S. Sandstrom)
H.B. 139  Legislator Gift Reporting Act (S. Clark)
H.B. 146  Expenditures of School and Institutional Trust Land Money by School Districts (T. Cosgrove)
H.B. 147  Resource Recovery by Governmental Entities (T. Cosgrove)
H.B. 155  Equalization of Funding for Divided School Districts (J. Bird)
H.B. 158  Motorcycle Helmet Law Amendments (N. Hansen)
H.B. 159  Ethics Provisions (S. Allen)
H.B. 160  Adult Joint Support Declaration (J. Seelig)
H.B. 161  Motor Vehicle Insurance Fee (L. Wiley)
H.B. 172  Advisory Redistricting Committee (R. Chavez–Houck)
H.B. 186  School District Division Amendment (L. Black)
3rd Sub. H.B. 187  Recreational Use of Public Waters on Private Property (B. Ferry)
H.B. 189  Instruction in Health Amendments (L. Hemingway)
H.B. 190  State Energy Policy Restrictions (R. Barrus)
H.B. 191  Air Quality Board Amendments (R. Barrus)
H.B. 193  Property Tax – Greenbelt Rollback (R. Menlove)
H.B. 196  Provisional Ballot Amendments for Unregistered Voters (N. Hansen)
H.B. 199  Statewide Equalization of School Funding (W. Harper)
H.B. 200  Designation of Certain State Buildings (N. Hansen)
H.B. 203  High Occupancy Vehicle Lane Amendments (K. Sumsion)
H.B. 208  Modification of Exemption from Nonresident Tuition (R. Greenwood)
H.B. 212  Enhanced Public Safety Retirement Systems Cost–of–Living Adjustment Options Amendments (C. Wimmer)
H.B. 213  Ban on Gifts to Legislators (C. Johnson)
H.B. 214  Sunset Date on Township Status (E. Hutchings)
H.B. 215  Public Service Commission Powers – Area Code Assignment (J. Dunnigan)
H.B. 217  Utah Indoor Clean Air Act Amendments (N. Hansen)
1st Sub. H.B. 219  Tobacco Tax Increase (P. Ray)
H.B. 224  Health Care Provider Abusive Work Environment Prohibition Act (S. Sandstrom)
H.B. 225  Driver License Amendments (C. Wimmer)
H.B. 227  Prohibition of Citation Quotas (N. Hansen)
H.B. 229  Public School Funding (W. Harper)
H.B. 230  Credit Required in Teacher Transfers (L. Fowlke)
H.B. 242  Kindergarten Amendments (L. Black)
1st Sub. H.B. 248  Regulating the Use of a Wireless Communication Device While Operating A Motor Vehicle (C. Moss)
1st Sub. H.B. 249  Continuing Education for Contractors Amendments (R. Bigelow)
H.B. 255  Repeal of Sales and Use Tax Exemption Relating to Mining (C. Watkins)
1st Sub. H.B. 260  School Employee Termination Amendments (C. Wimmer)
H.B. 262  Licensing Eligibility (S. Sandstrom)
H.B. 263  Insurance Fraud Related Assessments (D. Aagard)
1st Sub. H.B. 267  Antidiscrimination Amendments (C. Johnson)
H.B. 268  Legislator Reporting of Gifts and Other Items  (M. Wheatley)
2nd Sub. H.B. 269  Anesthesiologist Assistants (J. Fisher)
2nd Sub. H.B. 273  Contracting for Inter–Facility Medical Transports  (M. Noel)
H.B. 277  Controlled Substance Amendments (P. Ray)
H.B. 281  Wireless Communication Device Use Limitations While Operating A Motor Vehicle (P. Ray)
H.B. 282  Task Force on Legislative Reform (N. Hansen)
H.B. 284  Smoking Ban in Motor Vehicle (F. Seegmiller)
H.B. 285  Loss of Personal Information (E. Hutchings)
H.B. 288  Adoption Amendments (R. Chavez–Houck)
H.B. 293  State School Board Election Amendments (R. Menlove)
H.B. 315  Local School Governance Amendments (K. Sumsion)
H.B. 318  Construction Trades Licensing Amendments (B. King)
H.B. 321  State Agency Structure Task Force (W. Harper)
H.B. 330  Utah School Seismic Hazard Inventory (L. Wiley)
H.B. 339  Legislator – Benefit Plans (E. Hutchings)
1st Sub. H.B. 344  Automobile Registration Amendments (S. Sandstrom)
H.B. 354  Capital Project Amendments (S. Clark)
H.B. 359  Information for Temporary License Plates (E. Hutchings)
H.B. 366  Water Rights Addendums to Deeds (B. Ferry)
H.B. 372  Teacher Reemployment After Retirement (E. Hutchings)
H.B. 368  Underground Storage Tank Amendments (K. McIff)
H.B. 372  Insurance Provisions Regarding Offenders (P. Ray)
H.B. 380  Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Amendments (C. Frank)
H.B. 381  Public Education Law Revisions – Association Leave (C. Herrod)
H.B. 388  Highway Access to State Parks of Sovereign Lands (R. Barrus)
H.B. 393  Air Quality Amendments (R. Barrus)
H.B. 394  Uniform Building Code Commission Amendments (C. Wimmer)
H.B. 395  Medical Services Amendments (P. Ray)
H.B. 403  Sales and Use Tax and Income Tax Amendments (K. McIff)
H.B. 405  Geothermal Pool Amendments (K. Sumsion)
H.B. 406  Compact Agreement Among the States to Elect the President by National Popular Vote (N. Hansen)
H.B. 407  Regulation of Private Instruction Swimming Pools (G. Hughes)
H.B. 409  Education Building Projects Zoning Exemption Amendments (C. Wimmer)
H.B. 414  Eminent Domain Modifications (C. Frank)
H.B. 415  Taxation Amendments (W. Harper)
H.B. 416  Seismic Upgrade Requirements for Condominium Conversion Projects (L. Wiley)
H.B. 419  Tanning Facilities Tax and Melanoma Cancer Research Fund (M. Brown)
H.B. 423  Economic Development Incentives for Employers (E. Hutchings)
H.B. 428  Unemployment Insurance Amendments (S. Mascaro)
H.B. 434  Amendments to Department of Environmental Quality (R. Edwards)
H.B. 438  Foreclosure Clarifications (G. Hughes)
H.B. 440  Nuclear Power Generation and Distribution (F. Seegmiller)
1st Sub. H.B. 444  Budget Implementation Adjustments – Tobacco Settlement Funds (R. Bigelow)
H.B. 454  Small Employer Group Reinsurance Pool (J. Biskupski)
H.J.R. 2  Joint Resolution to Amend the Marriage Provision of the Utah Constitution (J. Biskupski)
H.J.R. 4  Joint Rules Resolution – Base Budget Deadline Amendments (D. Litvack)
H.J.R. 6  Joint Resolution Revision Property Tax Exemption (P. Painter)
H.J.R. 16  Resolution Amending Provision on Municipal Water Rights (K. McClff)
H.J.R. 20  Joint Resolution Expressing Support for A Moratorium on Foreclosures (B. King)
H.J.R. 24  Joint Resolution Approving Water Rights Form (B. Ferry)
H.J.R. 26  Joint Rules Resolution on the Selection of Ethics Committee Members (N. Hansen)
H.J.R. 27  Criminal Procedure Revisions Resolution (W. Harper)

Sandy D. Tenney
Chief Clerk

Communication filed.
Mr. President:

March 17, 2009

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. 10  Department of Community and Culture – State-Owned Art Inventory (M. Madsen)
S.B. 19  Criminal Offense Penalties Amendment (J. Greiner)
S.B. 33  Utility Transmission Corridor Siting Task Force (S. Jenkins)
2nd Sub. S.B. 38  Severance Tax Amendments (J. Valentine)
S.B. 43  Insurance Coverage for Autism Spectrum Disorders – Clay’s Law (H. Stephenson)
S.B. 49  Small Business Access to Justice Act (R. Romero)
S.B. 58  Collection and Use of Precipitation (S. McCoy)
S.B. 59  Allocation and Apportionment of Income and Deduction of a Net Loss (H. Stephenson)
1st Sub. S.B. 63  Modifications to Recording Requirements (R. Okerlund)
S.B. 64  Administrative Rules Review Committee (H. Stephenson)
S.B. 67  Miners’ Safety and Training (L. Robles)
1st Sub. S.B. 69  Proof of Citizenship Required to Vote (M. Madsen)
S.B. 74  At–Risk Student Provisions (L. Robles)
S.B. 77  Grants for Licensed Teachers Amendments (M. Madsen)
S.B. 82  Local Health Authority Funding Amendments (D. Stowell)
S.B. 119  Hospital Emergency Room Task Force (D. Buttars)
S.B. 128  Rainwater Harvesting (S. Jenkins)
1st Sub. S.B. 132  Individual Income Tax Contribution for Methamphetamine Housing Reconstruction and Rehabilitation (K. Mayne)
S.B. 149  Prohibition of Text Messaging or Electronic Mail Communication While Driving (L. Hillyard)
S.B. 154  Juvenile Court Judge–Fifth District (S. Urquhart)
S.B. 166  Alcoholic Beverage Control Act – Days of Sale (S. McCoy)
S.B. 179  Safety Belt Enforcement Amendments (C. Bramble)
S.B. 215  Justice for All Special Group License Plate (G. Bell)
S.B. 225  Health Amendments for Legal Immigrant Children (L. Robles)
S.B. 245  Uniform Fees on Motorcycles (B. Goodfellow)
S.B. 258  Medicaid Drug Program Amendments (L. Hillyard)
S.J.R. 12  Joint Resolution Supporting Expansion of Correctional Facilities in San Juan County (D. Hinkins)
S.J.R. 18  Joint Resolution on Fiscal Note Process (W. Niederhauser)
S.J.R. 21  Joint Resolution on Combating and Reducing Gang Activity (L. Robles)

Sandy D. Tenney
Chief Clerk

Communication filed.

MISCELLANEOUS BUSINESS

On motion of Representative Garn, the House voted to strike the enacting clause on all Senate and House bills and resolutions remaining on the House and Senate calendars and with the Rules Committee.

On motion of Representative Garn, the House voted to authorize the Speaker to appoint a committee to wait upon the Governor to inform His Excellency that the House of Representatives has finished its business and is prepared to adjourn sine die. The Speaker appointed Representatives Barrus, Greenwood, and Chavez–Houck.

On motion of Representative Litvack, the House voted to authorize the Speaker to appoint a committee to wait upon the Senate and inform that Honorable Body that the House of Representatives has completed its business and is prepared to adjourn sine die. The Speaker appointed Representatives Hughes, F. Gibson, and Poulson.

Speaker Clark directed Sandy Tenney to read, revise and make minor corrections to the daily House Journals and be responsible for certifying the indexed and bound copy as the accurate record of the proceedings of the 2009 General Session of the Fifty–eighth Legislature.

Representative Hughes reported that his committee has waited upon the Senate and informed them that the House of Representatives has completed its business and is prepared to adjourn sine die.

Representative Barrus reported that his committee, with a like committee from the Senate, has notified the Governor that the Legislature is prepared to adjourn sine die. Governor Jon M. Huntsman, Jr., spoke to the House briefly.

On motion of Representative Garn, and at 11:20 p.m., the 2009 General Session of the Fifty–eighth Legislature adjourned sine die.
H.B. 2 — MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS (M. Newbold)
Read the first time by short title and referred to the Rules Committee. .......................... 1010
Read the second time ........................................................................................................... 1019
Read the third time ............................................................................................................. 1025
Amendments ....................................................................................................................... 1025
Transmitted to the Senate ................................................................................................. 1027
Placed on Concurrence Calendar ...................................................................................... 1128
Concurrence ....................................................................................................................... 1148
Signed by the Speaker and transmitted to the Governor .................................................. 1170

H.B. 3 — CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS (R. Bigelow)
Read the first time by short title and referred to the Rules Committee. ......................... 204
Read the second time ......................................................................................................... 206
Read the third time ............................................................................................................. 210
Amendments ....................................................................................................................... 210
Transmitted to the Senate ................................................................................................. 211
Signed by the Speaker and transmitted to the Governor .................................................. 227

H.B. 4 — GENERAL OBLIGATION BONDS AUTHORIZATIONS (S. Clark)
Read the first time by short title and referred to the Rules Committee. ......................... 594
Read the second time ......................................................................................................... 1035
Read the third time ............................................................................................................. 1035
Transmitted to the Senate ................................................................................................. 1036
Signed by the Speaker and transmitted to the Governor .................................................. 1127

H.B. 10 — CONDOMINIUM AND COMMUNITY ASSOCIATION PROVISIONS (R. C. Webb)
Read the first time by short title and referred to the Rules Committee. ......................... 73
Assigned to standing committee ...................................................................................... 87
Read the second time ......................................................................................................... 923
Returned to Rules Committee .......................................................................................... 923
Enacting Clause Stricken ................................................................................................. 1259

H.B. 11 — RECODIFICATION OF NATURAL RESOURCES PROVISIONS (J. Mathis)
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Assigned to standing committee ...................................................................................... 87
Read the second time ......................................................................................................... 154
Read the third time ............................................................................................................. 178
Transmitted to the Senate ................................................................................................. 179
Signed by the Speaker and transmitted to the Governor .................................................. 311

H.B. 12 — COUNTY SHERIFF QUALIFICATION AMENDMENTS (R. Greenwood)
Read the first time by short title and referred to the Rules Committee. ......................... 73
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H.B. 13 — CRIME OF STRANGULATION OR SMOTHERING (J. Seelig)
Read the first time by short title and referred to the Rules Committee. 73
Assigned to standing committee 87
Read the second time 153
Read the third time 173
Circled 173
Returned to Rules Committee 764
Enacting Clause Stricken 1259

H.B. 14 — MATERIAL HARMFUL TO MINORS AMENDMENTS (S. Allen)
Read the first time by short title and referred to the Rules Committee. 73
Read the second time 102
Read the third time 106
Transmitted to the Senate 107
Signed by the Speaker and transmitted to the Governor 1103

H.B. 15 — CAREER AND TECHNICAL EDUCATION AMENDMENTS (R. Bigelow)
Read the first time by short title and referred to the Rules Committee. 73
Assigned to standing committee 86
Read the second time 150
Read the third time 168
Circled 168
Uncircled 268
Amendments 268
Transmitted to the Senate 270
Signed by the Speaker and transmitted to the Governor 557

H.B. 16 — ASSESSMENT AREA AMENDMENTS (F. Hunsaker)
Read the first time by short title and referred to the Rules Committee. 73
Read the second time 102
Read the third time 107
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Signed by the Speaker and transmitted to the Governor 311

H.B. 17 — EXPEDITED PARTNER THERAPY TREATMENT (J. Seelig)
Read the first time by short title and referred to the Rules Committee. 73
Assigned to standing committee 86
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Concurrence 1182
Signed by the Speaker and transmitted to the Governor 1195

H.B. 18 — WATER RIGHT APPLICATIONS AND RECORDS (P. Painter)
Read the first time by short title and referred to the Rules Committee. 73
Read the second time 103
Read the third time 138
Transmitted to the Senate 139
Signed by the Speaker and transmitted to the Governor 311
H.B. 19 — WATER RIGHTS – INFORMAL ADJUDICATIONS (K. McIff)
Read the first time by short title and referred to the Rules Committee. ............ 73
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Read the third time ...................................................................................... 107
Transmitted to the Senate ........................................................................... 108
Signed by the Speaker and transmitted to the Governor ......................... 291

H.B. 20 — REPEAL OF CERTAIN INCOME TAX CREDITS AND CONTRIBUTIONS
(Julie Fisher)
Read the first time by short title and referred to the Rules Committee. ............ 73
Assigned to standing committee ................................................................. 88
Read the second time .................................................................................... 120
Read the third time ...................................................................................... 186
Transmitted to the Senate ........................................................................... 186
Signed by the Speaker and transmitted to the Governor ......................... 1170

H.B. 21 — AMENDMENTS TO DRIVER LICENSE SANCTION REQUIREMENTS
(R. Greenwood)
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Read the second time .................................................................................... 102
Read the third time ...................................................................................... 108
Transmitted to the Senate ........................................................................... 109
Signed by the Speaker and transmitted to the Governor ......................... 533

H.B. 22 — HARBORING A RUNAWAY (L. Fowlke)
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Read the third time ...................................................................................... 109
Transmitted to the Senate ........................................................................... 110
Placed on Concurrence Calendar ................................................................. 417
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Signed by the Speaker and transmitted to the Governor ......................... 488

H.B. 23 — CERTIFIED TAX RATE AMENDMENTS (F. Hunsaker)
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H.B. 24 — TRAFFIC ACCIDENT CLEARANCE AMENDMENTS (E. Hutchings)
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Assigned to standing committee ................................................. 89
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H.B. 25 — GUN DEALER PENALTY AMENDMENTS (C. Oda)
Read the first time by short title and referred to the Rules Committee. ........... 74
Read the second time .............................................................. 102
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Transmitted to the Senate ......................................................... 111
Signed by the Speaker and transmitted to the Governor ................. 333

H.B. 26 — CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS (M. Morley)
Read the first time by short title and referred to the Rules Committee. ........... 74
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H.B. 27 — PROTECTIONS FOR AGRICULTURAL PRACTICES (M. Morley)
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Read the second time .............................................................. 103
Read the third time ................................................................. 113
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H.B. 28 — PERSONAL PROPERTY TAX AMENDMENTS (C. Frank)
Read the first time by short title and referred to the Rules Committee. ........... 74
Assigned to standing committee ................................................. 88
Read the second time .............................................................. 120
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Assigned to standing committee ................................................................. 87
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H.B. 30 — COMMERCIAL MOTOR VEHICLE AMENDMENTS (T. Kiser)
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H.B. 31 — UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT (C. Wimmer)
Read the first time by short title and referred to the Rules Committee. ........... 74
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Read the third time ................................................................................. 114
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H.B. 32 — AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL
PENALTIES (B. Ferry)
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Assigned to standing committee .................................................. 86
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H.B. 34 — PENALTIES FOR DESTRUCTION OF BALD EAGLE (R. Barrus)
Read the first time by short title and referred to the Rules Committee. .......... 74
Assigned to standing committee .................................................. 87
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H.B. 36 — CRIMINAL OFFENSE ELEMENTS AND PENALTIES (C. Wimmer)
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Assigned to standing committee .................................................. 87
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H.B. 37 — VIOLENT OFFENSES AMENDMENTS (J. Seelig)
Read the first time by short title and referred to the Rules Committee. .......... 75
Assigned to standing committee .................................................. 87
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<td>H.B. 39</td>
<td>UTAH INJURED WORKER REEMPLOYMENT ACT (M. Morley)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
<td>75</td>
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<td>H.B. 40</td>
<td>MOTORCYCLE RIDER EDUCATION PROGRAM AMENDMENTS (B. Daw)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td>SEX OFFENDER REGISTRATION AMENDMENTS (K. Sumsion)</td>
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<td>H.B. 42</td>
<td>ADOPTION REVISIONS (S. Allen)</td>
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<td>H.B. 43</td>
<td>COORDINATING MUNICIPAL AND SPECIAL DISTRICT ELECTIONS (K. Grover)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
<td>75</td>
<td>Read the second time</td>
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<td>Read the third time</td>
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H.B. 44 — LOCAL AND SPECIAL SERVICE DISTRICT ELECTION AMENDMENTS
(K. Grover)
Read the first time by short title and referred to the Rules Committee 75
Assigned to standing committee 86
Substituted 119
Read the second time 119
Read the third time 142
Transmitted to the Senate 143
Signed by the Speaker and transmitted to the Governor 434

H.B. 45 — PER DIEM AND TRAVEL EXPENSES FOR STATE BOARDS AND COMMISSIONS
(D. Aagard)
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Read the second time 103
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H.B. 46 — DESIGNATION OF STATE HIGHWAYS AMENDMENTS (T. Kiser)
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Signed by the Speaker and transmitted to the Governor 311

H.B. 47 — CRIMINAL PROCEDURE – INVESTIGATION AMENDMENTS (P. Ray)
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Read the second time 103
Read the third time 123
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Signed by the Speaker and transmitted to the Governor 333

H.B. 48 — BALLOT QUESTION AMENDMENTS (K. Grover)
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Assigned to standing committee 86
Read the second time 119
Read the third time 143
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H.B. 49 — VOTER CHALLENGE AMENDMENTS (N. Hansen)
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H.B. 50 — FIREFIGHTER SPECIAL GROUP LICENSE PLATE AMENDMENTS (R. Menlove)

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H.B. 51 — EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE (C. Johnson)

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H.B. 52 — INSURANCE CODE AMENDMENTS (J. Dunnigan)

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H.B. 116 — UNIFORM FEES ON CANOES *(M. Wheatley)*

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H.B. 117 — MECHANICAL CONTRACTOR LICENSING PROVISIONS *(L. Wiley)*

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H.B. 118 — ARCHIVES AND GRAMA REVISIONS *(D. Aagard)*

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H.B. 120 — SNAKE VALLEY AQUIFER RESEARCH TEAM AND ADVISORY COUNCIL *(B. Winn)*

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(L. Hemingway)
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- Assigned to standing committee: 377
- Substituted: 700
- Read the second time: 701
- Returned to Rules Committee: 764
- Placed on calendar: 794
- Read the third time: 813
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- Reconsideration: 863
- Circled: 881
- Uncircled: 939
- Amendments: 939
- Transmitted to the Senate: 940
- Enacting Clause Stricken: 1258

### H.B. 146 — EXPENDITURES OF SCHOOL AND INSTITUTIONAL TRUST LAND MONEY BY SCHOOL DISTRICTS (T. Cosgrove)
- Read the first time by short title and referred to the Rules Committee: 205
- Assigned to standing committee: 312
- Substituted: 912
- Read the second time: 916
- Returned to Rules Committee: 916
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### H.B. 147 — RESOURCE RECOVERY BY GOVERNMENTAL ENTITIES (T. Cosgrove)
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- Read the second time: 929
- Returned to Rules Committee: 929
- Enacting Clause Stricken: 1260

### H.B. 148 — VICTIM RIGHTS AMENDMENTS (R. C. Webb)
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- Assigned to standing committee: 628
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- Amendments: 702
- Read the second time: 704
- Returned to Rules Committee: 764
- Placed on calendar: 794
- Read the third time: 805
- Substituted: 805
- Amendments: 805
- Transmitted to the Senate: 806
- Signed by the Speaker and transmitted to the Governor: 1230

### H.B. 149 — FOREST RESERVE FUND REVISIONS (M. Noel)
- Read the first time by short title and referred to the Rules Committee: 205
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(C. Moss)
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H.B. 156 — SUBDIVISION APPROVAL AMENDMENTS (R. C. Webb)

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Signed by the Speaker and transmitted to the Governor 957

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- Read the first time by short title and referred to the Rules Committee: 314
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- Read the second time: 923
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## H.B. 161 — MOTOR VEHICLE INSURANCE FEE (L. Wiley)
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- Read the second time: 928
- Returned to Rules Committee: 928
- Enacting Clause Stricken: 1260

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- Read the second time: 624
- Returned to Rules Committee: 764
- Placed on calendar: 767
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- Signed by the Speaker and transmitted to the Governor: 1103

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- Read the third time: 724
- Transmitted to the Senate: 724
- Placed on Concurrence Calendar: 1242
- Concurrence: 1245
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- Read the third time: 509
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- Placed on Concurrence Calendar: 936
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Signed by the Speaker and transmitted to the Governor 1040

H.B. 169 — PUBLIC LANDS POLICY COORDINATION AMENDMENTS (M. Noel)

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H.B. 171 — LEGAL IMMIGRANT CHILDREN HEALTH CARE AMENDMENTS (K. Holdaway)

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H.B. 187 — RECREATIONAL USE OF PUBLIC WATERS ON PRIVATE PROPERTY (B. Ferry)

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Uncircled ................................................................. 978
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H.B. 188 — HEALTH SYSTEM REFORM – INSURANCE MARKET (D. Clark)

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Substituted ............................................................... 438
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Amendments ............................................................... 510
Transmitted to the Senate ............................................. 512
Placed on Concurrence Calendar ................................... 947
Concurrence ............................................................. 970
Signed by the Speaker and transmitted to the Governor ...................... 986

H.B. 189 — INSTRUCTION IN HEALTH AMENDMENTS (L. Hemingway)

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Assigned to standing committee .................................. 573
Amendments ............................................................... 916
Read the second time ...................................................... 918
Returned to Rules Committee ........................................ 918
Enacting Clause Stricken ............................................. 1261

H.B. 190 — STATE ENERGY POLICY RESTRICTIONS (R. Barrus)

Read the first time by short title and referred to the Rules Committee .......... 314
Enacting Clause Stricken ............................................. 1261

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(J. Dunnigan)
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Assigned to standing committee ............................................. 413
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Read the second time .............................................................. 623
Read the third time ................................................................. 728
Transmitted to the Senate ......................................................... 729
Signed by the Speaker and transmitted to the Governor .............. 1040

H.B. 193 — PROPERTY TAX – GREENBELT ROLLBACK
(R. Menlove)
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Read the second time .............................................................. 933
Returned to Rules Committee .................................................. 933
Enacting Clause Stricken ........................................................ 1261

H.B. 194 — EDUCATION POLICIES FOR MILITARY CHILDREN
(R. Menlove)
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Assigned to standing committee .............................................. 413
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Transmitted to the Senate ........................................................ 657
Signed by the Speaker and transmitted to the Governor .............. 1040

H.B. 195 — UTAH UNIFORM PROBATE CODE – TRUST AMENDMENTS
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Assigned to standing committee .............................................. 413
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Transmitted to the Senate ........................................................ 680
Signed by the Speaker and transmitted to the Governor .............. 1118

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(B. Ferry)
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  Amendments ........................................................................ 988
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  Signed by the Speaker and transmitted to the Governor ............ 1118

H.B. 199 — STATEWIDE EQUALIZATION OF SCHOOL FUNDING (W. Harper)
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  Amendments ........................................................................ 929
  Read the second time ................................................................. 933
  Returned to Rules Committee ...................................................... 933
  Enacting Clause Stricken .......................................................... 1261

H.B. 200 — DESIGNATION OF CERTAIN STATE BUILDINGS (N. Hansen)
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H.B. 201 — MUNICIPAL DISINCORPORATION AMENDMENTS (G. Froerer)
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  Assigned to standing committee ................................................. 628
  Amendments ........................................................................ 747
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  Returned to Rules Committee ...................................................... 764
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  Amendments ........................................................................ 960
  Transmitted to the Senate .............................................................. 961
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  (W. Harper)
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  Read the second time ................................................................. 450
  Read the third time ................................................................. 640
  Transmitted to the Senate .............................................................. 641
  Signed by the Speaker and transmitted to the Governor ............ 957

H.B. 203 — HIGH OCCUPANCY VEHICLE LANE AMENDMENTS (K. Sumsion)
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Read the third time 662
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Enacting Clause Stricken 1258

H.B. 205 — WATER SOURCE PROTECTION AMENDMENTS (M. Noel)
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Read the second time 386
Read the third time 566
Transmitted to the Senate 567
Signed by the Speaker and transmitted to the Governor 936

H.B. 206 — EMPLOYMENT SELECTION PROCEDURES (W. Harper)
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Signed by the Speaker and transmitted to the Governor 1249

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H.B. 208 — MODIFICATION OF EXEMPTION FROM NONRESIDENT TUITION (R. Greenwood)
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Assigned to standing committee 377
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Assigned to standing committee 330
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H.B. 210 — POSTING OF COLLECTIVE BARGAINING AGREEMENTS BY SCHOOL DISTRICTS (K. Sumsion)
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Assigned to standing committee ............................................... 329
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Signed by the Speaker and transmitted to the Governor ................. 815

H.B. 211 — RETIREMENT INVESTMENT REPORTS (Julie Fisher)
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Assigned to standing committee ............................................... 271
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H.B. 212 — ENHANCED PUBLIC SAFETY RETIREMENT SYSTEMS COST–OF–LIVING ADJUSTMENT OPTION AMENDMENTS (C. Wimmer)
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Assigned to standing committee ............................................... 88
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Assigned to standing committee ............................................... 330
Amendments .......................................................................... 755
Read the second time ............................................................... 755
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Enacting Clause Stricken .......................................................... 1261

H.B. 214 — SUNSET DATE ON TOWNSHIP STATUS (E. Hutchings)
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Assigned to standing committee ............................................... 88
Read the second time ............................................................... 929
Returned to Rules Committee .................................................. 929
Enacting Clause Stricken .......................................................... 1261
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Read the first time by short title and referred to the Rules Committee. ........... 81  
Assigned to standing committee ......................................................... 88  
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Signed by the Speaker and transmitted to the Governor .......................... 472

H.B. 217 — UTAH INDOOR CLEAN AIR ACT AMENDMENTS (N. Hansen)  
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Assigned to standing committee ......................................................... 157  
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Enacting Clause Stricken ................................................................. 1261

H.B. 218 — FAMILY EMPLOYMENT PROGRAM AMENDMENTS (Janice Fisher)  
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Assigned to standing committee ......................................................... 89  
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Amendments ................................................................. 373  
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Signed by the Speaker and transmitted to the Governor ......................... 815

H.B. 219 — TOBACCO TAX INCREASE (P. Ray)  
Read the first time by short title and referred to the Rules Committee. ........... 81  
Assigned to standing committee ......................................................... 573  
Substituted ................................................................. 702  
Read the second time ................................................................. 702  
Returned to Rules Committee ............................................................. 764  
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H.B. 220 — STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL  
FACILITIES (M. Noel)  
Read the first time by short title and referred to the Rules Committee. ........... 81  
Assigned to standing committee ......................................................... 312  
Read the second time ................................................................. 385  
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Substituted ................................................................. 561  
Transmitted to the Senate ................................................................. 562  
Placed on Concurrence Calendar ......................................................... 1103  
Concurrence ................................................................. 1108  
Signed by the Speaker and transmitted to the Governor ......................... 1127
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Read the first time by short title and referred to the Rules Committee .................. 81
Assigned to standing committee ................................................................. 312
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H.B. 222 — UNBORN CHILD PAIN PREVENTION ACT (C. Wimmer)
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Assigned to standing committee ................................................................. 157
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Amendments ......................................................................................... 240
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Placed on Concurrence Calendar .............................................................. 936
Concurrence .............................................................................................. 949
Signed by the Speaker and transmitted to the Governor .............................. 966

H.B. 223 — STATUTE OF LIMITATIONS AMENDMENTS (C. Wimmer)
Read the first time by short title and referred to the Rules Committee ................. 82
Assigned to standing committee ................................................................. 87
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Read the third time ........................................................................... 301
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Signed by the Speaker and transmitted to the Governor .............................. 666

H.B. 224 — HEALTH CARE PROVIDER ABUSIVE WORK ENVIRONMENT PROHIBITION ACT (S. Sandstrom)
Read the first time by short title and referred to the Rules Committee ................. 82
Assigned to standing committee ................................................................. 128
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Returned to Rules Committee ................................................................. 918
Enacting Clause Stricken ................................................................. 1261

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Read the first time by short title and referred to the Rules Committee ................. 82
Assigned to standing committee ................................................................. 89
Read the second time ........................................................................... 928
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Enacting Clause Stricken ................................................................. 1261

H.B. 226 — DISASTER RECOVERY AND EMERGENCY MANAGEMENT AMENDMENTS (C. Oda)
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Assigned to standing committee ................................................................. 128
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Signed by the Speaker and transmitted to the Governor .............................. 380
H.B. 227  —  PROHIBITION ON CITATION QUOTAS *(N. Hansen)*
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Assigned to standing committee .................................................. 128
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Returned to Rules Committee ....................................................... 925
Enacting Clause Stricken ............................................................ 1261

H.B. 228  —  ASSAULT ON SERVICE MEMBER IN UNIFORM *(E. Hutchings)*
Read the first time by short title and referred to the Rules Committee .......... 82
Assigned to standing committee .................................................. 87
Read the second time ................................................................. 287
Read the third time ................................................................. 430
Transmitted to the Senate .......................................................... 430
Signed by the Speaker and transmitted to the Governor ......................... 746

H.B. 229  —  PUBLIC SCHOOL FUNDING *(W. Harper)*
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Assigned to standing committee .................................................. 86
Amendments .............................................................................. 914
Read the second time ................................................................. 915
Returned to Rules Committee ....................................................... 916
Enacting Clause Stricken ............................................................ 1261

H.B. 230  —  CREDIT REQUIRED IN TEACHER TRANSFERS *(L. Fowlke)*
Read the first time by short title and referred to the Rules Committee .......... 82
Assigned to standing committee .................................................. 86
Amendments .............................................................................. 915
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Assigned to standing committee .................................................. 90
Amendments .............................................................................. 121
Read the second time ................................................................. 121
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Signed by the Speaker and transmitted to the Governor ......................... 408

H.B. 232  —  CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS REVISIONS *(D. Aagard)*
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Assigned to standing committee .................................................. 86
Substituted ................................................................................. 119
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Signed by the Speaker and transmitted to the Governor ......................... 472
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<td>Read the second time 212</td>
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<td>Signed by the Speaker and transmitted to the Governor 594</td>
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<td>Uncircled 343</td>
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<td>Transmitted to the Senate 344</td>
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<td>Signed by the Speaker and transmitted to the Governor 594</td>
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<td>H.B. 236</td>
<td>DEPARTMENT OF COMMUNITY AND CULTURE GRANTS (S. Allen)</td>
<td>Read the first time by short title and referred to the Rules Committee. 82</td>
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<td>Assigned to standing committee 90</td>
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<td>Read the second time 121</td>
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<td>Read the third time 152</td>
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<td>H.B. 237</td>
<td>CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT (C. Herrod)</td>
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<td>Read the second time 450</td>
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<td>Read the third time 641</td>
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H.B. 239 — UTAH MEDICAL EXAMINER ACT – INVESTIGATION AND AUTOPSIES

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Assigned to standing committee ......................................................... 128
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Signed by the Speaker and transmitted to the Governor ......................... 746

H.B. 240 — WANTON DESTRUCTION OF LIVESTOCK (R. Menlove)

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Assigned to standing committee ......................................................... 157
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Amendments ....................................................................................... 288
Read the second time ........................................................................ 289
Read the third time ............................................................................. 432
Transmitted to the Senate ..................................................................... 433
Signed by the Speaker and transmitted to the Governor ......................... 716

H.B. 241 — PRIORITY OF WATER RIGHTS (K. Gibson)

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Assigned to standing committee ......................................................... 128
Read the second time ........................................................................ 255
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Uncircled ............................................................................................... 376
Transmitted to the Senate ..................................................................... 377
Placed on Concurrence Calendar ............................................................ 747
Concurrence ........................................................................................ 773
Signed by the Speaker and transmitted to the Governor ......................... 800

H.B. 242 — KINDERGARTEN AMENDMENTS (L. Black)

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Assigned to standing committee ......................................................... 86
Amendments ....................................................................................... 915
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Returned to Rules Committee ............................................................... 916
Enacting Clause Stricken ..................................................................... 1261
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Assigned to standing committee .................................................. 127
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Amendments ................................................................................. 230
Transmitted to the Senate ......................................................... 233
Placed on Concurrence Calendar .............................................. 747
Concurrence ................................................................................. 775
Signed by the Speaker and transmitted to the Governor ............. 800

H.B. 244 — DISRUPTION OF SCHOOL ACTIVITIES (C. Moss)
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Assigned to standing committee .................................................. 86
Amendments ................................................................................. 149
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H.B. 248 — REGULATING THE USE OF A WIRELESS COMMUNICATION DEVICE WHILE OPERATING A MOTOR VEHICLE (C. Moss)
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H.B. 249 — CONTINUING EDUCATION FOR CONTRACTORS AMENDMENTS (R. Bigelow)
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**H.B. 254 — HEALTH PROFESSIONAL AUTHORITY – DEATH CERTIFICATES (B. Last)**
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<td>H.B. 257</td>
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<td>(M. Newbold)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td>H.B. 258</td>
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Substituted ....................................................................................................................................................... 755
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H.B. 278 — B AND C ROADS FUND AMENDMENTS (M. Noel)

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(B. Last)

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- Assigned to standing committee: 244
- Substituted: 435
- Amendments: 435
- Read the second time: 437
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- Transmitted to the Senate: 587
- Signed by the Speaker and transmitted to the Governor: 1230

### H.B. 281 — WIRELESS COMMUNICATION DEVICE USE LIMITATIONS WHILE OPERATING A MOTOR VEHICLE (P. Ray)

- Read the first time by short title and referred to the Rules Committee: 185
- Assigned to standing committee: 350
- Amendments: 924
- Read the second time: 925
- Returned to Rules Committee: 925
- Enacting Clause Stricken: 1262

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- Read the first time by short title and referred to the Rules Committee: 228
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- Read the first time by short title and referred to the Rules Committee: 185
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- Amendments: 670
- Transmitted to the Senate: 672
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- Concurrence: 1187
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### H.B. 284 — SMOKING BAN IN MOTOR VEHICLE (F.J. Seegmiller)

- Read the first time by short title and referred to the Rules Committee: 185
- Assigned to standing committee: 470
- Read the second time: 879
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- Enacting Clause Stricken: 1262

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H.B. 290 — PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE (S. Clark)
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Signed by the Speaker and transmitted to the Governor ................. 815

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Read the first time by short title and referred to the Rules Committee .................. 228
Assigned to standing committee ..................................................... 312
Read the second time .................................................................. 326
Read the third time .................................................................. 502
Transmitted to the Senate ............................................................... 503
Enacting Clause Stricken ................................................................. 1258

H.B. 299 — UNLAWFUL DETAINER AMENDMENTS (G. Froerer)
Read the first time by short title and referred to the Rules Committee .................. 228
Assigned to standing committee ..................................................... 330
Substituted .................................................................................. 447
Amendments ................................................................................ 447
Read the second time .................................................................. 447
Read the third time .................................................................. 631
Amendments ................................................................................ 631
Transmitted to the Senate ............................................................... 636
Placed on Concurrence Calendar .................................................. 1147
Concurrence .............................................................................. 1185
Signed by the Speaker and transmitted to the Governor .................. 1200

H.B. 300 — CAPITAL IMPROVEMENT APPROPRIATION MODIFICATION (R. Bigelow)
Read the first time by short title and referred to the Rules Committee .................. 206
Read the second time .................................................................. 206
Read the third time .................................................................. 208
Transmitted to the Senate ............................................................... 209
Signed by the Speaker and transmitted to the Governor .................. 227

H.B. 301 — STATE DISASTER RECOVERY RESTRICTED ACCOUNT AMENDMENTS
(R. Bigelow)
Read the first time by short title and referred to the Rules Committee .................. 206
Read the second time .................................................................. 206
Read the third time .................................................................. 209
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Signed by the Speaker and transmitted to the Governor .................. 227
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   (R. Bigelow)
   Read the first time by short title and referred to the Rules Committee. ....... 753
   Read the second time ................................................................. 831
   Placed on calendar ................................................................. 831
   Read the third time ............................................................... 881
   Transmitted to the Senate ......................................................... 882
   Signed by the Speaker and transmitted to the Governor ................. 1097

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   AND COUNCIL AMENDMENTS (R. Bigelow)
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   Read the second time ................................................................. 1030
   Read the third time ............................................................... 1033
   Transmitted to the Senate ......................................................... 1034
   Signed by the Speaker and transmitted to the Governor ................. 1127

H.B. 307 — TOURISM MARKETING PERFORMANCE ACCOUNT AMENDMENTS
   (R. Bigelow)
   Read the first time by short title and referred to the Rules Committee. .... 1012
   Read the second time ................................................................. 1012
   Read the third time ............................................................... 1013
   Transmitted to the Senate ......................................................... 1013
   Signed by the Speaker and transmitted to the Governor ................. 1127

H.B. 308 — WORKERS’ COMPENSATION – MOTOR CARRIERS (D. Ipson)
   Read the first time by short title and referred to the Rules Committee. .... 315
   Assigned to standing committee ................................................. 413
   Substituted ............................................................................... 700
   Read the second time ................................................................. 701
   Returned to Rules Committee ................................................... 764
   Placed on calendar .................................................................. 794
   Read the third time ............................................................... 804
   Circled ..................................................................................... 804
   Uncircled ................................................................................... 804
   Transmitted to the Senate ......................................................... 805
   Placed on Concurrence Calendar .............................................. 1118
   Concurrence ............................................................................ 1132
   Signed by the Speaker and transmitted to the Governor ................. 1154

H.B. 309 — COUNTY FISCAL PROCEDURES AMENDMENTS (C. Herrod)
   Read the first time by short title and referred to the Rules Committee. .... 228
   Assigned to standing committee ................................................. 312
   Amendments ........................................................................... 518
   Read the second time ................................................................. 519
   Read the third time ............................................................... 675
   Transmitted to the Senate ......................................................... 676
   Signed by the Speaker and transmitted to the Governor ................. 1241
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Assigned to standing committee .............................................. 330
Read the second time .............................................................. 407
Read the third time .................................................................. 567
Transmitted to the Senate ......................................................... 568
Signed by the Speaker and transmitted to the Governor ............... 1040

### H.B. 311 — UTAH STATE RAILROAD MUSEUM AUTHORITY *(N. Hansen)*
Read the first time by short title and referred to the Rules Committee. .... 246
Assigned to standing committee .............................................. 573
Substituted ............................................................................ 661
Amendments ........................................................................... 661
Read the second time .............................................................. 661, 832
Returned to Rules Committee .................................................. 764
Placed on calendar ................................................................. 832
Read the third time ................................................................. 953
Amendments ........................................................................... 953
Transmitted to the Senate ......................................................... 954
Enacting Clause Stricken ........................................................ 1258

### H.B. 312 — AMENDED CAMPAIGN FINANCE FILINGS *(S. Allen)*
Read the first time by short title and referred to the Rules Committee. .... 246
Assigned to standing committee .............................................. 377
Read the second time .............................................................. 518
Read the third time ................................................................. 672
Transmitted to the Senate ......................................................... 673
Enacting Clause Stricken ........................................................ 1258

### H.B. 313 — SOCIAL HOST LIABILITY ACT *(E. Hutchings)*
Read the first time by short title and referred to the Rules Committee. .... 247
Assigned to standing committee .............................................. 350
Read the second time .............................................................. 550
Read the third time ................................................................. 680
Substituted ............................................................................ 680
Transmitted to the Senate ......................................................... 681
Placed on Concurrence Calendar .............................................. 1178
Concurrence ........................................................................... 1191
Signed by the Speaker and transmitted to the Governor ............... 1215

### H.B. 314 — DNA SAMPLE FOR CRIMINAL OFFENSES – AMENDMENTS *(R. Greenwood)*
Read the first time by short title and referred to the Rules Committee. .... 247
Assigned to standing committee .............................................. 377
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Read the second time .............................................................. 494
Read the third time ................................................................. 668
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Transmitted to the Senate ......................................................... 721
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H.B. 315 — LOCAL SCHOOL GOVERNANCE AMENDMENTS (K. Sumsion)
Read the first time by short title and referred to the Rules Committee. 247
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H.B. 316 — TIME LIMITATION FOR PROSECUTION OF ENVIRONMENTAL CRIMES
(C. Wimmer)
Read the first time by short title and referred to the Rules Committee. 273
Assigned to standing committee 350
Read the second time 570, 898
Circled 717
Returned to Rules Committee 764
Read the third time 717, 991
Amendments 991
Transmitted to the Senate 992
Enacting Clause Stricken 1258

H.B. 317 — CAPITAL FELONY AMENDMENTS (C. Wimmer)
Read the first time by short title and referred to the Rules Committee. 273
Assigned to standing committee 350
Read the second time 447
Read the third time 636
Transmitted to the Senate 636
Placed on Concurrence Calendar 958
Concurrence 975
Signed by the Speaker and transmitted to the Governor 986

H.B. 318 — CONSTRUCTION TRADES LICENSING AMENDMENTS (B. King)
Read the first time by short title and referred to the Rules Committee. 273
Amendments 517
Assigned to standing committee 517
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H.B. 319 — DISASTER RECOVERY FUNDING AMENDMENTS (C. Oda)
Read the first time by short title and referred to the Rules Committee. 273
Assigned to standing committee 350
Amendments 406
Read the second time 407
Read the third time 480
Transmitted to the Senate 481
Signed by the Speaker and transmitted to the Governor 746

H.B. 320 — COLLECTION AGENCY AMENDMENTS (R. C. Webb)
Read the first time by short title and referred to the Rules Committee. 273
Assigned to standing committee 329
Read the second time 380
Read the third time 475
Transmitted to the Senate 476
Signed by the Speaker and transmitted to the Governor 815
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Read the first time by short title and referred to the Rules Committee. .......... 273
Enacting Clause Stricken ....................................................... 1262

H.B. 322 — TIRE RECYCLING FEE MODIFICATIONS (N. Hendrickson)
Read the first time by short title and referred to the Rules Committee. .......... 273
Assigned to standing committee ............................................. 350
Amendments ................................................................. 447
Read the second time ......................................................... 448
Read the third time .......................................................... 639
Transmitted to the Senate ..................................................... 640
Enacting Clause Stricken ....................................................... 1258

H.B. 323 — AMENDMENTS REGARDING NOTICE ON UTAH PUBLIC NOTICE WEBSITE
(B. Winn)
Read the first time by short title and referred to the Rules Committee. .......... 273
Assigned to standing committee ............................................. 414
Amendments ................................................................. 518
Read the second time ......................................................... 518
Read the third time .......................................................... 673
Amendments ................................................................. 673
Transmitted to the Senate ..................................................... 675
Signed by the Speaker and transmitted to the Governor ......................... 1040

H.B. 324 — MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS (F. Gibson)
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Assigned to standing committee ............................................. 350
Read the second time ......................................................... 450
Read the third time .......................................................... 540
Transmitted to the Senate ..................................................... 541
Signed by the Speaker and transmitted to the Governor ......................... 815

H.B. 325 — OPTING OUT OF THE REAL ID ACT (S. Sandstrom)
Read the first time by short title and referred to the Rules Committee. .......... 273
Assigned to standing committee ............................................. 495
Read the second time ......................................................... 570
Read the third time .......................................................... 717
Circled ................................................................. 718
Uncircled ................................................................. 723
Transmitted to the Senate ..................................................... 724
Enacting Clause Stricken ....................................................... 1258

H.B. 326 — FORCIBLE ENTRY AND DETAINER AMENDMENTS (L. Fowlke)
Read the first time by short title and referred to the Rules Committee. .......... 296
Substituted ........................................................................... 766
Assigned to standing committee ............................................. 766
Read the second time ......................................................... 876, 898
Returned to Rules Committee .................................................. 876
Read the third time .......................................................... 997
Transmitted to the Senate ..................................................... 998
Signed by the Speaker and transmitted to the Governor ......................... 1230
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Read the first time by short title and referred to the Rules Committee ............ 296
Assigned to standing committee .................................................. 414
Read the second time .................................................................. 462
Read the third time ................................................................. 643
Circled ................................................................................. 644
Uncircled ................................................................................. 721
Amendments ............................................................................. 721
Transmitted to the Senate ............................................................. 723
Signed by the Speaker and transmitted to the Governor ......................... 1177

H.B. 328 — TEACHER QUALITY AMENDMENTS (G. Hughes)
Read the first time by short title and referred to the Rules Committee ............ 296
Assigned to standing committee .................................................. 413
Read the second time .................................................................. 484
Read the third time ................................................................. 659
Amendments ............................................................................. 659
Transmitted to the Senate ............................................................. 660
Signed by the Speaker and transmitted to the Governor ......................... 1195

H.B. 329 — WRONGFUL DEATH CLAIMS (L. Fowlke)
Read the first time by short title and referred to the Rules Committee ............ 315
Assigned to standing committee .................................................. 414
Read the second time .................................................................. 446
Read the third time ................................................................. 539
Transmitted to the Senate ............................................................. 540
Placed on Concurrence Calendar .................................................. 815
Concurrence ............................................................................. 859
Signed by the Speaker and transmitted to the Governor ......................... 897

H.B. 330 — UTAH SCHOOL SEISMIC HAZARD INVENTORY (L. Wiley)
Read the first time by short title and referred to the Rules Committee ............ 315
Assigned to standing committee .................................................. 469
Read the second time .................................................................. 601
Returned to Rules Committee ......................................................... 764
Enacting Clause Stricken ............................................................... 1262

H.B. 331 — HEALTH REFORM – HEALTH INSURANCE COVERAGE IN STATE CONTRACTS
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Assigned to standing committee .................................................. 414
Substituted .............................................................................. 439
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Read the second time .................................................................. 439
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Signed by the Speaker and transmitted to the Governor ......................... 936
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Read the first time by short title and referred to the Rules Committee. 418
Assigned to standing committee 555
Amendments 706
Read the second time 712, 898
Returned to Rules Committee 764
Read the third time 995
Amendments 995
Transmitted to the Senate 996
Enacting Clause Stricken 1258

H.B. 334 — WRITING ASSESSMENT AND INSTRUCTION (M. Newbold)

Read the first time by short title and referred to the Rules Committee 497
Assigned to standing committee 627
Read the second time 702
Returned to Rules Committee 764
Placed on calendar 794
Read the third time 830
Circled 830
Uncircled 835
Transmitted to the Senate 836
Signed by the Speaker and transmitted to the Governor 1241

H.B. 337 — CHOOSE LIFE SPECIAL GROUP LICENSE PLATE (C. Herrod)

Read the first time by short title and referred to the Rules Committee 418
Assigned to standing committee 625
Substituted 625
Read the second time 625, 832
Returned to Rules Committee 764
Placed on calendar 832
Read the third time 942
Amendments 942
Transmitted to the Senate 944
Enacting Clause Stricken 1258

H.B. 339 — LEGISLATOR – BENEFIT PLANS (E. Hutchings)

Read the first time by short title and referred to the Rules Committee 686
Enacting Clause Stricken 1262

H.B. 340 — RESPITE CARE ASSISTANCE FUND (J. Draxler)

Read the first time by short title and referred to the Rules Committee 388
Assigned to standing committee 515
Substituted 602
Read the second time 603, 898
Returned to Rules Committee 764
Read the third time 982
Transmitted to the Senate 982
Signed by the Speaker and transmitted to the Governor 1200
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Assigned to standing committee .................................................. 469
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Read the first time by short title and referred to the Rules Committee. .......... 333
Substituted ................................................................. 415
Assigned to standing committee .................................................. 415
Read the second time ................................................................. 437
Read the third time ................................................................. 586
Circled ................................................................. 586
Uncircled ................................................................. 587
Transmitted to the Senate .............................................................. 588
Placed on Concurrence Calendar .................................................. 1170
Concurrence ................................................................. 1188
Signed by the Speaker and transmitted to the Governor ......................... 1215

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Read the first time by short title and referred to the Rules Committee. .......... 334
Assigned to standing committee .................................................. 440
Read the second time ................................................................. 622
Returned to Rules Committee ...................................................... 764
Placed on calendar ................................................................. 794
Read the third time ................................................................. 809
Amendments ................................................................. 809
Transmitted to the Senate .............................................................. 811
Placed on Concurrence Calendar .................................................. 1216
Concurrence ................................................................. 1220
Signed by the Speaker and transmitted to the Governor ......................... 1230

H.B. 354 — CAPITAL PROJECT AMENDMENTS (S. Clark)
Read the first time by short title and referred to the Rules Committee. .......... 444
Assigned to standing committee .................................................. 554
Read the second time ................................................................. 912
Returned to Rules Committee ...................................................... 912
Enacting Clause Stricken ........................................................... 1262
H.B. 355 — INDIGENOUS INMATE TRUST FUND AMENDMENTS (K. McIff)
Read the first time by short title and referred to the Rules Committee. ............. 418
Assigned to standing committee ................................................... 555
Read the second time ................................................................. 623
Returned to Rules Committee ......................................................... 764
Placed on calendar ................................................................. 767
Read the third time ................................................................. 800
Transmitted to the Senate ......................................................... 801
Signed by the Speaker and transmitted to the Governor ......................... 1146

H.B. 356 — BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS (M. Newbold)
Read the first time by short title and referred to the Rules Committee. ............. 583
Assigned to standing committee ................................................... 627
Substituted ................................................................. 786
Read the second time ................................................................. 786, 832
Returned to Rules Committee ......................................................... 786
Placed on calendar ................................................................. 832
Read the third time ................................................................. 950
Transmitted to the Senate ......................................................... 951
Signed by the Speaker and transmitted to the Governor ......................... 1135

H.B. 357 — FIREARMS AMENDMENTS (S. Sandstrom)
Read the first time by short title and referred to the Rules Committee. ............. 356
Assigned to standing committee ................................................... 470
Substituted ................................................................. 788
Read the second time ................................................................. 789, 831
Returned to Rules Committee ......................................................... 789
Placed on calendar ................................................................. 831
Read the third time ................................................................. 918
Transmitted to the Senate ......................................................... 919
Placed on Concurrence Calendar ................................................... 1076
Concurrence ................................................................. 1104
Signed by the Speaker and transmitted to the Governor ......................... 1127

H.B. 359 — INFORMATION FOR TEMPORARY LICENSE PLATES (E. Hutchings)
Read the first time by short title and referred to the Rules Committee. ............. 648
Assigned to standing committee ................................................... 766
Read the second time ................................................................. 879
Returned to Rules Committee ......................................................... 879
Enacting Clause Stricken ......................................................... 1262

H.B. 362 — GOVERNMENT RECORDS AMENDMENTS (G. Hughes)
Read the first time by short title and referred to the Rules Committee. ............. 726
Assigned to standing committee ................................................... 793
Read the second time ................................................................. 880, 898
Returned to Rules Committee ......................................................... 880
Read the third time ................................................................. 982
Transmitted to the Senate ......................................................... 983
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Read the first time by short title and referred to the Rules Committee. .................. 444
Assigned to standing committee ................................................................. 555
Read the second time ......................................................................................... 601
Returned to Rules Committee ........................................................................ 764
Placed on calendar ............................................................................................. 767
Read the third time ............................................................................................. 782
Circled ................................................................................................................. 783
Uncircled ............................................................................................................. 785
Transmitted to the Senate .................................................................................. 785
Signed by the Speaker and transmitted to the Governor .............................. 1040

H.B. 366 — WATER RIGHTS ADDENDUMS TO DEEDS (B. Ferry)
Read the first time by short title and referred to the Rules Committee. ............ 444
Assigned to standing committee ....................................................................... 495
Returned to Rules Committee ........................................................................ 574
Enacting Clause Stricken .................................................................................. 1262

H.B. 368 — UNDERGROUND STORAGE TANK AMENDMENTS (K. McIff)
Read the first time by short title and referred to the Rules Committee. ............ 794
Enacting Clause Stricken .................................................................................. 1262

H.B. 370 — DISABLED PARKING VIOLATION AMENDMENTS (S. Mascaro)
Read the first time by short title and referred to the Rules Committee. ............ 444
Substituted .......................................................................................................... 577
Assigned to standing committee ....................................................................... 577
Amendments ...................................................................................................... 707
Read the second time ........................................................................................ 712, 898
Returned to Rules Committee ........................................................................ 764
Read the third time ............................................................................................. 983
Amendments ...................................................................................................... 983
Transmitted to the Senate .................................................................................. 985
Enacting Clause Stricken .................................................................................. 1258

H.B. 371 — TRANSPORTATION GOVERNANCE (W. Harper)
Read the first time by short title and referred to the Rules Committee. ............ 497
Assigned to standing committee ....................................................................... 628
Amendments ...................................................................................................... 710
Read the second time ........................................................................................ 712
Returned to Rules Committee ........................................................................ 764
Placed on calendar ............................................................................................. 794
Read the third time ............................................................................................. 829
Transmitted to the Senate .................................................................................. 830
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Substituted .......................................................................................................... 1213
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Signed by the Speaker and transmitted to the Governor .............................. 1223
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Assigned to standing committee .................................................. 516
Read the second time ............................................................... 789, 832
Returned to Rules Committee ..................................................... 789
Placed on calendar ................................................................. 832
Read the third time ................................................................. 951
Circled .................................................................................... 951
Uncircled ................................................................................... 992
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H.B. 373 — AMENDMENTS TO DEPARTMENT OF CORRECTIONS’ OPERATIONS *(P. Ray)*
Read the first time by short title and referred to the Rules Committee. .... 907
Read the second time .................................................................. 1009
Read the third time ..................................................................... 1034
Transmitted to the Senate ........................................................... 1035
Signed by the Speaker and transmitted to the Governor ................. 1127

H.B. 375 — LOCAL GOVERNMENT RECORDS AMENDMENTS *(R. Wilcox)*
Read the first time by short title and referred to the Rules Committee. .... 334
Assigned to standing committee .................................................. 470
Read the second time .................................................................. 519
Read the third time ..................................................................... 597
Transmitted to the Senate ........................................................... 597
Signed by the Speaker and transmitted to the Governor ................. 936

H.B. 376 — REVISIONS TO ALCOHOLIC BEVERAGE CONTROL ACT *(G. Hughes)*
Read the first time by short title and referred to the Rules Committee. .... 753
Assigned to standing committee .................................................. 793
Amendments .............................................................................. 877
Read the second time .................................................................. 877
Returned to Rules Committee ..................................................... 877
Read the third time ..................................................................... 1000
Amendments .............................................................................. 1000
Transmitted to the Senate ........................................................... 1003
Enacting Clause Stricken ......................................................... 1259

H.B. 377 — JUDICIAL CODE AMENDMENTS *(D. Aagard)*
Read the first time by short title and referred to the Rules Committee. .... 794
Read the second time .................................................................. 959
Read the third time ..................................................................... 1015
Transmitted to the Senate ........................................................... 1016
Signed by the Speaker and transmitted to the Governor ................. 1241
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Read the first time by short title and referred to the Rules Committee ............................................. 686
Assigned to standing committee ................................................. 793
Read the second time ................................................................. 881, 898
Returned to Rules Committee ......................................................... 881
Read the third time ................................................................. 1004
Transmitted to the Senate ......................................................... 1005
Placed on Concurrence Calendar ................................................................. 1147
Refuse to Concur ................................................................. 1186
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Substituted ................................................................. 1224
Joint Conference Committee Report ......................................................... 1224
Signed by the Speaker and transmitted to the Governor ......................................................... 1241

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Read the first time by short title and referred to the Rules Committee ............................................. 583
Assigned to standing committee ................................................. 765
Read the second time ................................................................. 790, 959
Returned to Rules Committee ......................................................... 790
Read the third time ................................................................. 1016
Amendments ................................................................. 1016
Transmitted to the Senate ......................................................... 1018
Enacting Clause Stricken ................................................................. 1259

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Read the first time by short title and referred to the Rules Committee ............................................. 418
Assigned to standing committee ................................................. 496
Read the second time ................................................................. 933
Returned to Rules Committee ......................................................... 933
Enacting Clause Stricken ................................................................. 1262

H.B. 381 — PUBLIC EDUCATION LAW REVISIONS – ASSOCIATION LEAVE (C. Herrod)
Read the first time by short title and referred to the Rules Committee ............................................. 595
Assigned to standing committee ................................................. 713
Read the second time ................................................................. 916
Returned to Rules Committee ......................................................... 916
Enacting Clause Stricken ................................................................. 1262

H.B. 383 — WATER RIGHTS ADJUDICATION AMENDMENTS (J. Gowans)
Read the first time by short title and referred to the Rules Committee ............................................. 629
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  Assigned to standing committee .................................................. 665
  Read the second time ................................................................ 926
  Returned to Rules Committee ..................................................... 926
  Enacting Clause Stricken ............................................................ 1263

H.B. 436 — STATE PROHIBITION OF SUDAN RELATED CONTRACTS (D. Litvack)
  Read the first time by short title and referred to the Rules Committee ........ 595
  Assigned to standing committee .................................................. 714
  Read the second time ................................................................ 817, 959
  Returned to Rules Committee ..................................................... 817
  Read the third time .................................................................. 1028
  Transmitted to the Senate ........................................................... 1028
  Signed by the Speaker and transmitted to the Governor ..................... 1257

H.B. 437 — OBSTRUCTION OF NATURAL RESOURCE OR AGRICULTURAL PRODUCTION
  (M. Noel)
  Read the first time by short title and referred to the Rules Committee ........ 648
  Assigned to standing committee .................................................. 766
  Read the second time ................................................................ 878, 898
  Returned to Rules Committee ..................................................... 878
  Read the third time .................................................................. 1003
  Circled ...................................................................................... 1003
  Uncircled ................................................................................... 1005
  Amendments .............................................................................. 1005
  Transmitted to the Senate ........................................................... 1006
  Signed by the Speaker and transmitted to the Governor ..................... 1241

H.B. 438 — FORECLOSURE CLARIFICATIONS (G. Hughes)
  Read the first time by short title and referred to the Rules Committee ........ 799
  Enacting Clause Stricken ............................................................ 1263
H.B. 439 — AMENDMENTS TO CITY OR TOWN SALES AND USE TAX FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES (K. Holdaway)
Read the first time by short title and referred to the Rules Committee. 445
Assigned to standing committee 555
Amendments 579
Read the second time 582
Read the third time 760
Substituted 760
Transmitted to the Senate 761
Enacting Clause Stricken 1259

H.B. 440 — NUCLEAR POWER GENERATION AND DISTRIBUTION (F.J. Seegmiller)
Read the first time by short title and referred to the Rules Committee. 365
Enacting Clause Stricken 1263

H.B. 444 — BUDGET IMPLEMENTATION ADJUSTMENTS – TOBACCO SETTLEMENT FUNDS (R. Bigelow)
Read the first time by short title and referred to the Rules Committee. 753
Read the second time 831
Placed on calendar 831
Read the third time 882
Amendments 882
Transmitted to the Senate 884
Placed on Concurrence Calendar 1147
Enacting Clause Stricken 1245, 1263

H.B. 445 — HEALTH PROGRAM REVISIONS (R. Bigelow)
Read the first time by short title and referred to the Rules Committee. 1013
Read the second time 1013
Read the third time 1013
Transmitted to the Senate 1014
Signed by the Speaker and transmitted to the Governor 1127, 1146

H.B. 446 — MEDICAID RESTRICTED ACCOUNT AMENDMENTS (R. Edwards)
Read the first time by short title and referred to the Rules Committee. 982
Read the second time 1038
Read the third time 1038
Transmitted to the Senate 1038
Signed by the Speaker and transmitted to the Governor 1146

H.B. 447 — UTAH EMERGENCY MEDICAL SERVICES SYSTEM ACT AMENDMENTS (R. Bigelow)
Read the first time by short title and referred to the Rules Committee. 1019
Read the second time 1019
Read the third time 1027
Transmitted to the Senate 1028
Signed by the Speaker and transmitted to the Governor 1146
H.B. 449 — VETERANS NURSING HOME AMENDMENTS (G. Hughes)
Read the first time by short title and referred to the Rules Committee. 583
Assigned to standing committee 665
Read the second time 748
Read the third time 861
Transmitted to the Senate 862
Signed by the Speaker and transmitted to the Governor 1072

H.B. 450 — TRADEMARK AMENDMENTS (B. Last)
Read the first time by short title and referred to the Rules Committee. 521
Assigned to standing committee 554
Read the second time 786, 832
Returned to Rules Committee 786
Placed on calendar 832
Read the third time 953
Circled 953
Uncircled 961
Amendments 961
Transmitted to the Senate 962
Enacting Clause Stricken 1259

H.B. 451 — PUBLIC EMPLOYEES’ BENEFIT AND INSURANCE PROGRAM AMENDMENTS
(B. Dee)
Read the first time by short title and referred to the Rules Committee. 987
Read the second time 1008
Read the third time 1014
Transmitted to the Senate 1015
Enacting Clause Stricken 1259

H.B. 454 — SMALL EMPLOYER GROUP REINSURANCE POOL (J. Biskupski)
Read the first time by short title and referred to the Rules Committee. 533
Assigned to standing committee 765
Read the second time 822
Returned to Rules Committee 822
Enacting Clause Stricken 1263

H.B. 455 — COURT SECURITY RESTRICTED ACCOUNT (E. Hutchings)
Read the first time by short title and referred to the Rules Committee. 533
Assigned to standing committee 765
Read the second time 876, 898
Returned to Rules Committee 876
Read the third time 1003
Transmitted to the Senate 1004
Signed by the Speaker and transmitted to the Governor 1146
H.B. 456 — TOBACCO ACCESS RESTRICTIONS (B. Last)
Read the first time by short title and referred to the Rules Committee. 445
Assigned to standing committee. 555
Amendments. 602
Read the second time. 603
Returned to Rules Committee. 764
Placed on calendar. 767
Read the third time. 780
Circled. 780
Uncircled. 811
Substituted. 811
Transmitted to the Senate. 812
Signed by the Speaker and transmitted to the Governor. 1146

H.B. 457 — TRUTH IN MUSIC (G. Hughes)
Read the first time by short title and referred to the Rules Committee. 753
Assigned to standing committee. 794
Read the second time. 881, 898
Returned to Rules Committee. 881
Time Certain. 953
Read the third time. 990
Amendments. 990
Transmitted to the Senate. 991
Signed by the Speaker and transmitted to the Governor. 1230
H.C.R. 1 — CONCURRENT RESOLUTION ON CERTIFICATION OF COMPRESSED
NATURAL GAS VEHICLES (J. Draxler)
Read the first time by short title and referred to the Rules Committee. 85
Assigned to standing committee 89
Read the second time 157
Read the third time 194
Transmitted to the Senate 195
Signed by the Speaker and transmitted to the Governor 434

H.C.R. 2 — HEALTHY FAMILY PARTNERSHIP CONCURRENT RESOLUTION (C. Oda)
Read the first time by short title and referred to the Rules Committee. 85
Assigned to standing committee 87
Read the second time 203
Time Certain 219
Read the third time 305
Transmitted to the Senate 305
Enacting Clause Stricken 1259

H.C.R. 3 — CONCURRENT RESOLUTION HONORING THE 200TH ANNIVERSARY OF THE
BIRTH OF ABRAHAM LINCOLN (Julie Fisher)
Read the first time by short title and referred to the Rules Committee. 85
Read the second time 129
Read the third time 392
Substituted 392
Transmitted to the Senate 393
Signed by the Speaker and transmitted to the Governor 416

H.C.R. 4 — UNIVERSITY OF UTAH CHAMPIONSHIP FOOTBALL TEAM CONCURRENT
RESOLUTION (J. Bird)
Read the first time by short title and referred to the Rules Committee. 85
Read the second time 220
Time Certain 220, 272
Read the third time 320
Transmitted to the Senate 321
Signed by the Speaker and transmitted to the Governor 333

H.C.R. 5 — CONCURRENT RESOLUTION URGING THE REALIGNMENT OF AIR QUALITY
REQUIREMENTS BY THE EPA (R. Menlove)
Read the first time by short title and referred to the Rules Committee. 138
Assigned to standing committee 220
Read the second time 261
Read the third time 429
Transmitted to the Senate 429
Placed on Concurrence Calendar 747
Concurrence 772
Signed by the Speaker and transmitted to the Governor 800
H.C.R. 6 — CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO CONGRESSIONAL EFFORTS TO EXPAND THE JURISDICTION OF THE CLEAN WATER ACT (M. Brown)
Read the first time by short title and referred to the Rules Committee. 206
Assigned to standing committee 244
Read the second time 289
Read the third time 452
Transmitted to the Senate 453
Signed by the Speaker and transmitted to the Governor 746

H.C.R. 7 — CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO THE CONGRESSIONAL ENACTMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM (M. Brown)
Read the first time by short title and referred to the Rules Committee. 474
Assigned to standing committee 495
Read the second time 624
Read the third time 731
Transmitted to the Senate 732
Enacting Clause Stricken 1259

H.C.R. 8 — CONCURRENT RESOLUTION SUPPORTING CURRENT BUREAU OF LAND MANAGEMENT RESOURCE MANAGEMENT PLANS (J. Mathis)
Read the first time by short title and referred to the Rules Committee. 461
Assigned to standing committee 470
Read the second time 470
Read the third time 474
Transmitted to the Senate 475
Signed by the Speaker and transmitted to the Governor 488

H.C.R. 9 — CONCURRENT RESOLUTION HONORING DON PEAY (B. Dee)
Read the first time by short title and referred to the Rules Committee. 584
Read the second time 767
Time Certain 767
Read the third time 830
Transmitted to the Senate 831
Signed by the Speaker and transmitted to the Governor 1177

H.C.R. 10 — CONCURRENT RESOLUTION HONORING THE LIFE AND CONTRIBUTIONS OF LARRY H. MILLER (C. Wimmer)
Read the first time by short title and referred to the Rules Committee. 1128
Read the second time 1145
Read the third time 1153
Transmitted to the Senate 1153
Signed by the Speaker and transmitted to the Governor 1170
H.J.R. 1 — RESOLUTION URGING THE WITHDRAWAL OF UNITED STATES’ WORLD TRADE ORGANIZATION COMMITMENT ON GAMBLING (S. Allen)
Read the first time by short title and referred to the Rules Committee .......... 85
Read the second time .................................................................................. 103
Read the third time .................................................................................... 126
Transmitted to the Senate .......................................................................... 127
Placed on Concurrence Calendar ............................................................... 833
Concurrence ................................................................................................ 860
Signed by the Speaker and transmitted to the Governor ......................... 897

H.J.R. 2 — JOINT RESOLUTION TO AMEND THE MARRIAGE PROVISION OF THE UTAH CONSTITUTION (J. Biskupski)
Read the first time by short title and referred to the Rules Committee ...... 138
Enacting Clause Stricken ........................................................................... 1263

H.J.R. 3 — JOINT RESOLUTION SUPPORTING EFFORTS TO INCREASE AND IMPROVE CANCER TREATMENT, SCREENING, AND RESEARCH PROGRAMS (S. Duckworth)
Read the first time by short title and referred to the Rules Committee .... 274
Assigned to standing committee ................................................................. 330
Read the second time ................................................................................. 382
Read the third time ...................................................................................... 478
Transmitted to the Senate .......................................................................... 478
Signed by the Speaker and transmitted to the Governor ......................... 936

H.J.R. 4 — JOINT RULES RESOLUTION – BASE BUDGET DEADLINE AMENDMENTS (D. Litvack)
Read the first time by short title and referred to the Rules Committee ...... 315
Enacting Clause Stricken ........................................................................... 1263

H.J.R. 5 — JOINT RESOLUTION SUPPORTING NEEDED IMPROVEMENTS IN THE NAVAJO NATION’S ABILITY TO COLLECT AND TRACK CHILD SUPPORT PAYMENTS (C. Watkins)
Read the first time by short title and referred to the Rules Committee .... 356
Assigned to standing committee ................................................................. 414
Substituted ................................................................................................. 463
Read the second time ................................................................................. 463
Read the third time ...................................................................................... 541
Transmitted to the Senate .......................................................................... 542
Signed by the Speaker and transmitted to the Governor ......................... 936

H.J.R. 6 — JOINT RESOLUTION REVISING PROPERTY TAX EXEMPTION (P. Painter)
Read the first time by short title and referred to the Rules Committee ...... 85
Assigned to standing committee ................................................................. 89
Read the second time ................................................................................. 933
Returned to Rules Committee ................................................................... 933
Enacting Clause Stricken ........................................................................... 1263
H.J.R. 7 — EQUINE RESOURCES JOINT RESOLUTION (B. Winn)
Read the first time by short title and referred to the Rules Committee. .... 85
Assigned to standing committee ........................................... 88
Read the second time .......................................................... 154
Read the third time ............................................................. 188
Amendments ........................................................................ 188
Transmitted to the Senate ....................................................... 189
Signed by the Speaker and transmitted to the Governor ................. 416

H.J.R. 8 — JOINT RESOLUTION REGARDING SECRET BALLOT (C. Wimmer)
Read the first time by short title and referred to the Rules Committee. .... 104
Assigned to standing committee .............................................. 291
Substituted ........................................................................... 380
Signed by the Speaker and transmitted to the Governor ................. 970
Read the second time ............................................................. 380
Returned to Rules Committee .................................................. 764
Read the third time .................................................................. 529, 781
Circled .................................................................................. 529, 781
Placed on calendar .................................................................. 767
Uncircled ................................................................................ 888
Amendments ........................................................................... 889
Transmitted to the Senate ....................................................... 891

H.J.R. 9 — JOINT RESOLUTION ON COST-EFFECTIVE ENERGY EFFICIENCY AND
UTILITY DEMAND-SIDE MANAGEMENT (R. Barrus)
Read the first time by short title and referred to the Rules Committee. .... 138
Assigned to standing committee .............................................. 182, 516
Substituted ............................................................................ 603
Read the second time ............................................................. 619, 897
Returned to Rules Committee .................................................. 764
Read the third time .................................................................. 975
Transmitted to the Senate ....................................................... 976
Signed by the Speaker and transmitted to the Governor ................. 1177

H.J.R. 10 — JOINT RESOLUTION HONORING THE LIVES AND ACCOMPLISHMENTS OF
FATHER FRANCISCO ATANASCO DOMINGUEZ AND FATHER SILVESTRE
VELEZ DE ESCALANTE (M. Wheatley)
Read the first time by short title and referred to the Rules Committee. .... 186
Read the second time ............................................................. 245
Read the third time ............................................................... 476
Amendments ........................................................................... 476
Transmitted to the Senate ....................................................... 477
Signed by the Speaker and transmitted to the Governor ................. 497

H.J.R. 11 — JOINT RESOLUTION EXPRESSING SUPPORT FOR AND RECOGNIZING THE
VALUE OF LOCALLY ELECTED OFFICIALS (M. Brown)
Read the first time by short title and referred to the Rules Committee. .... 206
Assigned to standing committee .............................................. 292
Read the second time ............................................................. 355
Read the third time ............................................................... 419
Transmitted to the Senate ....................................................... 420
Signed by the Speaker and transmitted to the Governor ................. 815
H.J.R. 12 — JOINT RESOLUTION SUPPORTING HYDROGEN POWER FROM ADVANCED COAL AND CARBON CAPTURE AND SEQUESTRATION TECHNOLOGY
(P. Painter)
Read the first time by short title and referred to the Rules Committee. ........ 206
Assigned to standing committee .................................................. 245
Read the second time ................................................................. 289
Read the third time ................................................................. 453
Circled .......................................................... 453
Uncircled .......................................................... 527
Substituted .................................................. 527
Transmitted to the Senate .................................................. 528
Signed by the Speaker and transmitted to the Governor ......................... 936

H.J.R. 13 — JOINT RESOLUTION – TEACHER PERFORMANCE PAY (M. Poulson)
Read the first time by short title and referred to the Rules Committee. ........ 229
Assigned to standing committee .................................................. 413
Read the second time ................................................................. 484
Read the third time ................................................................. 559
Transmitted to the Senate .................................................. 559
Enacting Clause Stricken .................................................. 1259

H.J.R. 14 — JOINT RULES RESOLUTION – ETHICS TRAINING COURSE PROVISIONS
(L. Fowlke)
Read the first time by short title and referred to the Rules Committee. ........ 229
Assigned to standing committee .................................................. 312
Read the second time ................................................................. 755
Returned to Rules Committee .................................................. 765
Placed on calendar ................................................................. 767
Read the third time ................................................................. 779
Transmitted to the Senate .................................................. 780
Placed on Concurrence Calendar .................................................. 1097
Concurrence ................................................................. 1107
Signed by the Speaker and transmitted to the Governor ......................... 1127

H.J.R. 15 — JOINT RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES (K. Garn)
Read the first time by short title and referred to the Rules Committee. ........ 274
Read the second time ................................................................. 313
Read the third time ................................................................. 337
Transmitted to the Senate .................................................. 337
Signed by the Speaker and transmitted to the Governor ......................... 352

H.J.R. 16 — RESOLUTION AMENDING PROVISION ON MUNICIPAL WATER RIGHTS
(K. McIff)
Read the first time by short title and referred to the Rules Committee. ........ 296
Assigned to standing committee .................................................. 573
Amendments ................................................................. 706
Read the second time ................................................................. 706
Returned to Rules Committee .................................................. 764
Enacting Clause Stricken .................................................. 1263
H.J.R. 17 — JOINT RESOLUTION URGING CONGRESSIONAL AND PRESIDENTIAL OPPOSITION TO FEDERAL BAILOUTS AND PROMOTION OF FISCAL RESPONSIBILITY (C. Frank)
Read the first time by short title and referred to the Rules Committee. 418
Assigned to standing committee 469
Read the second time 661, 898
Returned to Rules Committee 764
Read the third time 999
Circled 999
Uncircled 1028
Substituted 1029
Amendments 1029
Transmitted to the Senate 1030
Enacting Clause Stricken 1259

H.J.R. 18 — JOINT RESOLUTION FOR LEGISLATIVE APPROPRIATION SUBCOMMITTEE NAME CHANGE (N. Hendrickson)
Read the first time by short title and referred to the Rules Committee. 388
Assigned to standing committee 470
Read the second time 624
Read the third time 732
Transmitted to the Senate 733
Signed by the Speaker and transmitted to the Governor 1040

H.J.R. 19 — JOINT RESOLUTION ADDRESSING CURRENT BUREAU OF LAND MANAGEMENT RESOURCE MANAGEMENT PLANS (J. Mathis)
Read the first time by short title and referred to the Rules Committee. 388
Enacting Clause Stricken 1263

H.J.R. 20 — JOINT RESOLUTION EXPRESSING SUPPORT FOR A MORATORIUM ON FORECLOSURES (B. King)
Read the first time by short title and referred to the Rules Committee. 717
Enacting Clause Stricken 1263

H.J.R. 21 — MASTER STUDY RESOLUTION (K. Garn)
Read the first time by short title and referred to the Rules Committee. 1074
Read the second time 1082
Read the third time 1083
Amendments 1083
Transmitted to the Senate 1085
Signed by the Speaker and transmitted to the Governor 1118

H.J.R. 22 — JOINT RESOLUTION – UTAH’S MEDICAID ASSET TEST (R. Chavez–Houck)
Read the first time by short title and referred to the Rules Committee. 445
Assigned to standing committee 495
Read the second time 603
Read the third time 727
Transmitted to the Senate 728
Enacting Clause Stricken 1259
H.J.R. 23 — JOINT RULES RESOLUTION – EXECUTIVE APPROPRIATIONS COMMITTEE
AMENDMENTS (B. Ferry)
Read the first time by short title and referred to the Rules Committee. ........... 1135
Read the second time .................................................. 1147
Read the third time ...................................................... 1240
Transmitted to the Senate ............................................ 1241
Signed by the Speaker and transmitted to the Governor ....................... 1254

H.J.R. 24 — JOINT RESOLUTION APPROVING WATER RIGHTS FORM (B. Ferry)
Read the first time by short title and referred to the Rules Committee. .......... 445
Assigned to standing committee ..................................... 516
Returned to Rules Committee ........................................ 574
Enacting Clause Stricken ............................................. 1263

H.J.R. 25 — JOINT RESOLUTION URGING EMPLOYERS TO HIRE ONLY INDIVIDUALS WHO ARE AUTHORIZED TO WORK IN THE UNITED STATES (C. Herrod)
Read the first time by short title and referred to the Rules Committee. ........ 388
Assigned to standing committee ..................................... 495
Amendments ............................................................... 577
Read the second time .................................................. 578
Read the third time ...................................................... 759
Amendments ............................................................... 759
Transmitted to the Senate ............................................ 760
Enacting Clause Stricken ............................................. 1259

H.J.R. 26 — JOINT RULES RESOLUTION ON THE SELECTION OF ETHICS COMMITTEE MEMBERS (N. Hansen)
Read the first time by short title and referred to the Rules Committee. ........ 445
Assigned to standing committee ..................................... 555
Read the second time .................................................. 934
Returned to Rules Committee ........................................ 934
Enacting Clause Stricken ............................................. 1263

H.J.R. 27 — CRIMINAL PROCEDURE REVISIONS RESOLUTION (W. Harper)
Read the first time by short title and referred to the Rules Committee. ........ 514
Assigned to standing committee ..................................... 714
Amendments ............................................................... 922
Read the second time .................................................. 923
Returned to Rules Committee ........................................ 923
Enacting Clause Stricken ............................................. 1263

H.J.R. 28 — JOINT RESOLUTION HONORING THE BATTLESHIP USS UTAH ON ITS 100TH ANNIVERSARY (Julie Fisher)
Read the first time by short title and referred to the Rules Committee. ........ 895
Read the second time .................................................. 959
Time Certain .............................................................. 959
Read the third time ...................................................... 994
Transmitted to the Senate ............................................ 995
Signed by the Speaker and transmitted to the Governor ....................... 1018
H.J.R. 29 — LEGISLATIVE DIRECTION TO THE PUBLIC EMPLOYEES’ BENEFIT AND INSURANCE PROGRAM (B. Dee)
Read the first time by short title and referred to the Rules Committee. 1073
Read the second time 1093
Read the third time 1124
Amendments 1124
Transmitted to the Senate 1126
Signed by the Speaker and transmitted to the Governor 1230
H.R. 1 — HOUSE RESOLUTION SUPPORTING THE NARROWS WATER PROJECT IN CENTRAL UTAH (B. Winn)
Read the first time by short title and referred to the Rules Committee. ........ 85
Assigned to standing committee .................................................. 88
Read the second time ................................................................. 154
Read the third time ................................................................. 191
Signed by the Speaker and transmitted to the Governor ................. 191

H.R. 2 — ECUMENICAL PATRIARCH HOUSE RESOLUTION (G. Hughes)
Read the first time by short title and referred to the Rules Committee. .... 247
Assigned to standing committee .................................................. 312
Read the second time ................................................................. 355
Read the third time ................................................................. 526
Signed by the Speaker and transmitted to the Governor ................. 527

H.R. 3 — RESOLUTION ON ENERGY POLICY (M. Noel)
Read the first time by short title and referred to the Rules Committee. .... 274
Assigned to standing committee .................................................. 312, 331
Substituted ................................................................. 439
Read the second time ................................................................. 439
Read the third time ................................................................. 598
Signed by the Speaker and transmitted to the Governor ................. 599

H.R. 4 — HOUSE RESOLUTION EXPRESSING OPPOSITION TO THE CREATION OF A NATIONAL IDENTIFICATION CARD (S. Sandstrom)
Read the first time by short title and referred to the Rules Committee. .... 296
Assigned to standing committee .................................................. 414
Read the second time ................................................................. 462
Read the third time ................................................................. 644
Signed by the Speaker and transmitted to the Governor ................. 644
S.B. 2 — NEW FISCAL YEAR APPROPRIATIONS ACT (L. Hillyard)
  Read the first time by short title and referred to Rules Committee .......... 1019
  Read the second time .......................................................... 1019
  Read the third time ............................................................ 1041
  Amendments ................................................................. 1041
  Signed by the Speaker and returned to the Senate ......................... 1044

S.B. 3 — APPROPRIATIONS ADJUSTMENTS (L. Hillyard)
  Read the first time by short title and referred to Rules Committee ........... 1218
  Read the second time .......................................................... 1225
  Read the third time ............................................................ 1225
  Amendments ................................................................. 1225
  Signed by the Speaker and returned to the Senate ......................... 1227

S.B. 4 — CURRENT SCHOOL YEAR SUPPLEMENTAL MINIMUM SCHOOL PROGRAM
  BUDGET ADJUSTMENTS (H. Stephenson)
  Read the first time by short title and referred to Rules Committee ........... 225
  Read the second time .......................................................... 225
  Read the third time ............................................................ 225
  Signed by the Speaker and returned to the Senate ......................... 226

S.B. 5 — REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS (W. Niederhauser)
  Read the first time by short title and referred to Rules Committee ........... 1022
  Read the second time .......................................................... 1076
  Read the third time ............................................................ 1078
  Signed by the Speaker and returned to the Senate ......................... 1079

S.B. 10 — DEPARTMENT OF COMMUNITY AND CULTURE – STATE–OWNED ART
  INVENTORY (M. Madsen)
  Read the first time by short title and referred to Rules Committee .......... 166
  Assigned to standing committee ............................................. 182
  Read the second time .......................................................... 216
  Referred to Rules Committee due to fiscal impact ......................... 216
  Enacting Clause Stricken ..................................................... 1264

S.B. 11 — INCEST AMENDMENTS (D. Stowell)
  Read the first time by short title and referred to Rules Committee .......... 876
  Read the second time .......................................................... 1009
  Read the third time ............................................................ 1064
  Signed by the Speaker and returned to the Senate ......................... 1065

S.B. 12 — DUI AMENDMENTS (S. Killpack)
  Read the first time by short title and referred to Rules Committee .......... 183
  Assigned to standing committee ............................................. 194
  Read the second time .......................................................... 255
  Read the third time ............................................................ 275
  Circled ................................................................. 275
  Uncircled ................................................................. 284
  Signed by the Speaker and returned to the Senate ......................... 284
S.B. 13 — ADMINISTERING SUBSTANCES TO WILDLIFE (M. Dayton)
Read the first time by short title and referred to Rules Committee ............. 166
Assigned to standing committee .............................................. 182
Read the second time .......................................................... 214
Read the third time ............................................................. 247
Circled ................................................................. 247
Uncircled ................................................................. 248
Signed by the Speaker and returned to the Senate ......................... 249

S.B. 14 — FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS (L. Hillyard)
Read the first time by short title and referred to Rules Committee ............. 717
Assigned to standing committee .............................................. 793
Read the second time ......................................................... 881, 1119
Returned to Rules Committee ................................................ 881
Read the third time ............................................................. 1119
Circled ................................................................. 1119
Uncircled ................................................................. 1120
Held for possible reconsideration ............................................ 1121
Reconsideration ............................................................. 1193
Substituted ................................................................. 1193
Returned to the Senate .......................................................... 1194
Signed by the Speaker and returned to the Senate ......................... 1223

S.B. 15 — WORKERS’ COMPENSATION PREMIUM ASSESSMENT AND RELATED FUNDING (K. Mayne)
Read the first time by short title and referred to Rules Committee ............. 243
Assigned to standing committee .............................................. 270
Read the second time ......................................................... 437, 885
Returned to Rules Committee ................................................ 437
Read the third time ............................................................. 904
Signed by the Speaker and returned to the Senate ......................... 905

S.B. 16 — PROHIBITED GANG ACTIVITY (J. Greiner)
Read the first time by short title and referred to Rules Committee ............. 166
Assigned to standing committee .............................................. 182
Read the second time .......................................................... 213
Read the third time ............................................................. 247
Circled ................................................................. 247
Uncircled ................................................................. 277
Amendments ................................................................. 277
Signed by the Speaker and returned to the Senate ......................... 281

S.B. 17 — SURFACE COAL MINING AMENDMENTS (D. Stowell)
Read the first time by short title and referred to Rules Committee ............. 166
Assigned to standing committee .............................................. 182
Read the second time .......................................................... 214
Read the third time ............................................................. 274
Signed by the Speaker and returned to the Senate ......................... 274
S.B. 18 — UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS (W. Niederhauser)
Read the first time by short title and referred to Rules Committee ................. 225
Assigned to standing committee ......................................................... 244
Amendments ................................................................. 303
Read the second time ................................................................. 304, 1098
Returned to Rules Committee ......................................................... 304
Read the third time ................................................................. 1099
Circled .................................................................. 1099
Uncircled ................................................................. 1115
Amendments ................................................................. 1115
Returned to the Senate ................................................................. 1116
Signed by the Speaker and returned to the Senate ........................................ 1171

S.B. 19 — CRIMINAL OFFENSE PENALTIES AMENDMENT (J. Greiner)
Read the first time by short title and referred to Rules Committee ................. 225
Assigned to standing committee ......................................................... 244
Read the second time ................................................................. 288, 1216
Enacting Clause Stricken ................................................................. 1264

S.B. 20 — LOCAL PUBLIC HEALTH EMERGENCY FUNDING (D. Stowell)
Read the first time by short title and referred to Rules Committee ................. 332
Assigned to standing committee ......................................................... 350
Read the second time ................................................................. 552
Read the third time ................................................................. 650
Circled .................................................................. 650
Uncircled ................................................................. 654
Signed by the Speaker and returned to the Senate ........................................ 655

S.B. 21 — STATE AND LOCAL HEALTH AUTHORITIES AMENDMENTS (D. Stowell)
Read the first time by short title and referred to Rules Committee ................. 667
Assigned to standing committee ......................................................... 714
Read the second time ................................................................. 787, 832
Returned to Rules Committee ......................................................... 787
Placed on calendar ................................................................. 832
Read the third time ................................................................. 869
Signed by the Speaker and returned to the Senate ........................................ 869
S.B. 22 — VEHICLE AMENDMENTS (S. Jenkins)
Read the first time by short title and referred to Rules Committee ............... 166
Assigned to standing committee ........................................... 182
Amendments ................................................................. 214
Read the second time ................................................. 216
Read the third time .................................................. 247
Reconsideration ...................................................... 249
Circled ................................................................. 249
Uncircled ............................................................... 282
Amendments ................................................................. 282
Held for possible reconsideration .............................................. 284
Reconsideration ...................................................... 307
Substituted ................................................................. 308
Read the first time .................................................. 308
Read the second time ................................................. 308
Read the third time .................................................. 308
Returned to the Senate .................................................. 308
Signed by the Speaker and returned to the Senate ...................... 349
Refuse to recede – Conference committee appointed ..................... 417
Senate Conference Committee appointed ................................ 473
Substituted ................................................................. 520
Joint Conference Committee Report ........................................ 520
Signed by the Speaker and returned to the Senate ...................... 552

S.B. 23 — INCOME TAXATION OF PASS–THROUGH ENTITIES AND PASS–THROUGH ENTITY TAXPAYERS (W. Niederhauser)
Read the first time by short title and referred to Rules Committee .............. 473
Assigned to standing committee ........................................... 496
Read the second time ................................................. 662 , 1098
Read the third time .................................................. 1099 , 1129
Circled ................................................................. 1099 , 1129
Uncircled ............................................................... 1099 , 1165
Amendments ................................................................. 1165
Signed by the Speaker and returned to the Senate ...................... 1165
Recalled ................................................................. 1113
Other Action .............................................................. 1128
Returned to the Senate .................................................. 1167
Signed by the Speaker and transmitted to the Governor .................. 1193

S.B. 24 — EARLY VOTING AMENDMENTS (P. Knudson)
Read the first time by short title and referred to Rules Committee ............... 166
Assigned to standing committee ........................................... 182
Amendments ................................................................. 255
Read the second time ................................................. 256
Read the third time .................................................. 275
Returned to the Senate .................................................. 276
Signed by the Speaker and returned to the Senate ...................... 409
S.B. 25 — ONLINE VOTER REGISTRATION (P. Knudson)
Read the first time by short title and referred to Rules Committee .............. 183
Assigned to standing committee .................................................. 193
Amendments ................................................................. 256
Read the second time .............................................................. 256
Read the third time .............................................................. 276
Returned to the Senate .......................................................... 277
Signed by the Speaker and returned to the Senate ......................... 409

S.B. 26 — OPEN AND PUBLIC MEETINGS ACT – MEETING RECORD (P. Knudson)
Read the first time by short title and referred to Rules Committee .............. 183
Assigned to standing committee .................................................. 193
Read the second time .............................................................. 256
Read the third time .............................................................. 281
Signed by the Speaker and returned to the Senate ......................... 282

S.B. 27 — ELECTION LAW CHANGES (P. Knudson)
Read the first time by short title and referred to Rules Committee .............. 204
Assigned to standing committee .................................................. 244
Read the second time .............................................................. 304
Read the third time .............................................................. 367
Signed by the Speaker and returned to the Senate ......................... 367

S.B. 28 — PROHIBITED ACTIVITIES OF GANG OFFENDERS (J. Greiner)
Read the first time by short title and referred to Rules Committee .............. 204
Assigned to standing committee .................................................. 220
Read the second time .............................................................. 288, 1054
Read the third time .............................................................. 1087
Uncircled ................................................................. 1087, 1168
Signed by the Speaker and returned to the Senate ......................... 1169

S.B. 29 — SAFE DRINKING WATER ACT AMENDMENTS (D. Stowell)
Read the first time by short title and referred to Rules Committee .............. 825
Read the second time .............................................................. 885
Read the third time .............................................................. 887
Signed by the Speaker and returned to the Senate ......................... 888

S.B. 31 — UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT
(W. Niederhauser)
Read the first time by short title and referred to Rules Committee .............. 243
Assigned to standing committee .................................................. 271
Amendments ................................................................. 435
Read the second time .............................................................. 437
Read the third time .............................................................. 489
Returned to the Senate .......................................................... 490
Signed by the Speaker and returned to the Senate ......................... 520

S.B. 33 — UTILITY TRANSMISSION CORRIDOR SITING TASK FORCE (S. Jenkins)
Read the first time by short title and referred to Rules Committee .............. 204
Enacting Clause Stricken .......................................................... 1264
S.B. 35 — SALES AND USE TAX DEFINITIONS RELATING TO PROPERTY (W. Niederhauser)
Read the first time by short title and referred to Rules Committee .................. 332
Assigned to standing committee ......................................................... 378
Amendments ..................................................................................... 465
Read the second time ........................................................................ 466, 885
Returned to Rules Committee .............................................................. 466
Read the third time ............................................................................. 893
Returned to the Senate ........................................................................ 894
Signed by the Speaker and returned to the Senate ................................. 948

S.B. 36 — SALES AND USE TAX AMENDMENTS (C. Bramble)
Read the first time by short title and referred to Rules Committee ............. 349
Assigned to standing committee .......................................................... 414
Read the second time ........................................................................... 466
Placed on calendar ............................................................................ 517
Returned to Rules Committee .............................................................. 466
Read the third time ............................................................................. 649
Circleled ............................................................................................ 649
Uncircled .......................................................................................... 691
Signed by the Speaker and returned to the Senate .................................. 691

S.B. 37 — UTAH SUBSTANCE ABUSE AND ANTI–VIOLENCE COORDINATING COUNCIL
AMENDMENTS (K. Van Tassell)
Read the first time by short title and referred to Rules Committee ............. 243
Assigned to standing committee .......................................................... 292
Read the second time ........................................................................... 325
Read the third time ............................................................................. 389
Signed by the Speaker and returned to the Senate .................................. 390

S.B. 38 — SEVERANCE TAX AMENDMENTS (J. Valentine)
Read the first time by short title and referred to Rules Committee ............. 204
Assigned to standing committee .......................................................... 574
Substituted .......................................................................................... 790
Read the second time ........................................................................... 791, 1225
Returned to Rules Committee .............................................................. 791
Enacting Clause Stricken ..................................................................... 1264

S.B. 39 — IMMIGRATION AMENDMENTS (S. Jenkins)
Read the first time by short title and referred to Rules Committee ............. 594
Assigned to standing committee .......................................................... 628
Amendments ........................................................................................ 788
Read the second time ........................................................................... 789, 832
Returned to Rules Committee .............................................................. 789
Placed on calendar ............................................................................. 832
Read the third time ............................................................................. 866
Returned to the Senate ........................................................................ 867
Signed by the Speaker and returned to the Senate .................................. 948
S.B. 40 — LAWFUL PRESENCE VERIFICATION FOR ISSUANCE OF A DRIVER LICENSE OR IDENTIFICATION CARD (C. Bramble)
Read the first time by short title and referred to Rules Committee .......... 225
Assigned to standing committee ............................................. 244
Read the second time .................................................................. 328
Read the third time ..................................................................... 371
Signed by the Speaker and returned to the Senate ......................... 372

S.B. 41 — SITING OF HIGH VOLTAGE POWER LINE ACT (P. Knudson)
Read the first time by short title and referred to Rules Committee ........ 1022
Read the second time .................................................................. 1098
Read the third time ..................................................................... 1099
Circled ....................................................................................... 1099
Uncircled ................................................................................... 1109
Signed by the Speaker and returned to the Senate ......................... 1109

S.B. 43 — INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS – CLAY’S LAW (H. Stephenson)
Read the first time by short title and referred to Rules Committee .......... 769
Read the second time .................................................................. 1225
Enacting Clause Stricken ............................................................... 1264

S.B. 48 — TEACHER LICENSING BY COMPETENCY AMENDMENTS (D. C. Buttars)
Read the first time by short title and referred to Rules Committee .......... 443
Read the second time .................................................................. 1098
Read the third time ..................................................................... 1114
Failed ......................................................................................... 1114
Returned to the Senate ................................................................. 1114

S.B. 49 — SMALL BUSINESS ACCESS TO JUSTICE ACT (R. Romero)
Read the first time by short title and referred to Rules Committee .......... 379
Assigned to standing committee ................................................... 554
Read the second time .................................................................. 912, 1225
Returned to Rules Committee ....................................................... 912
Enacting Clause Stricken ............................................................... 1264

S.B. 50 — RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE (B. Goodfellow)
Read the first time by short title and referred to Rules Committee .......... 497
Assigned to standing committee ................................................... 516
Read the second time .................................................................. 572
Read the third time ..................................................................... 650
Amendments ................................................................................ 650
Returned to the Senate ................................................................. 651
Signed by the Speaker and returned to the Senate ......................... 716

S.B. 51 — RESTITUTION FUND ACCOUNT (D. Liljenquist)
Read the first time by short title and referred to Rules Committee .......... 629
Assigned to standing committee ................................................... 665
Read the second time .................................................................. 923, 1054
Returned to Rules Committee ....................................................... 923
Read the third time ..................................................................... 1087
Signed by the Speaker and returned to the Senate ......................... 1088
S.B. 52 — NEW MOTOR VEHICLE FRANCHISE AMENDMENTS (S. Killpack)
Read the first time by short title and referred to Rules Committee .......... 753
Assigned to standing committee ............................................. 766
Read the second time .......................................................... 928, 1009
Returned to Rules Committee .................................................. 928
Read the third time .............................................................. 1060
Signed by the Speaker and returned to the Senate ......................... 1060

S.B. 53 — AWARDING OF ATTORNEY FEES (S. Urquhart)
Read the first time by short title and referred to Rules Committee .......... 793
Read the second time ............................................................. 885
Read the third time .............................................................. 894
Signed by the Speaker and returned to the Senate ......................... 894, 1055

S.B. 54 — UNIFORM LAW – UNIFORM ASSIGNMENT OF RENTS ACT (R. Romero)
Read the first time by short title and referred to Rules Committee .......... 725
Assigned to standing committee .............................................. 793
Read the second time ............................................................ 880, 885
Returned to Rules Committee .................................................. 880
Read the third time .............................................................. 901
Signed by the Speaker and returned to the Senate .......................... 902

S.B. 56 — MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS
(S. Killpack)
Read the first time by short title and referred to Rules Committee .......... 679
Assigned to standing committee .............................................. 714
Read the second time ............................................................ 817, 885
Returned to Rules Committee .................................................. 817
Read the third time .............................................................. 895
Amendments ......................................................................... 895
Returned to the Senate ............................................................ 896
Signed by the Speaker and returned to the Senate ......................... 948

S.B. 57 — LOCAL OPTION TRANSPORTATION CORRIDOR PRESERVATION FUND
AMENDMENTS (R. Okerlund)
Read the first time by short title and referred to Rules Committee .......... 443
Assigned to standing committee .............................................. 470
Amendments ......................................................................... 571
Read the second time ............................................................ 572, 1098
Read the third time .............................................................. 651, 1119
Circled ................................................................................. 651
Uncircled ................................................................................ 691
Returned to Rules Committee .................................................. 691
Returned to the Senate ............................................................ 1120
Signed by the Speaker and returned to the Senate ......................... 1171

S.B. 58 — COLLECTION AND USE OF PRECIPITATION (S. McCoy)
Read the first time by short title and referred to Rules Committee .......... 667
Enacting Clause Stricken ......................................................... 1264
S.B. 59 — ALLOCATION AND APPORTIONMENT OF INCOME AND DEDUCTION OF A NET LOSS (H. Stephenson)
Read the first time by short title and referred to Rules Committee ............... 753
Assigned to standing committee ................................................. 766
Read the second time ................................................................. 819, 1216
Returned to Rules Committee ..................................................... 819
Enacting Clause Stricken ............................................................. 1264

S.B. 63 — MODIFICATIONS TO RECORDING REQUIREMENTS (R. Okerlund)
Read the first time by short title and referred to Rules Committee ............... 981
Read the second time ................................................................. 1216
Enacting Clause Stricken ............................................................. 1264

S.B. 64 — ADMINISTRATIVE RULES REVIEW COMMITTEE (H. Stephenson)
Read the first time by short title and referred to Rules Committee ............... 793
Read the second time ................................................................. 832
Placed on calendar ................................................................. 832
Read the third time ................................................................. 866
Circled ................................................................. 866
Enacting Clause Stricken ............................................................. 1264

S.B. 65 — AMENDMENTS TO PROPERTY TAX NOTICE, PUBLIC HEARING, AND RESOLUTION PROVISIONS (D. Stowell)
Read the first time by short title and referred to Rules Committee ............... 987
Read the second time ................................................................. 1155
Read the third time ................................................................. 1255
Signed by the Speaker and returned to the Senate .................................. 1256

S.B. 66 — HIGHWAY DESIGNATION AMENDMENTS (D. Hinkins)
Read the first time by short title and referred to Rules Committee ............... 351
Read the second time ................................................................. 1130
Read the third time ................................................................. 1135
Circled ................................................................. 1135
Uncircled ................................................................. 1167
Signed by the Speaker and returned to the Senate .................................. 1168

S.B. 67 — MINERS’ SAFETY AND TRAINING (L. Robles)
Read the first time by short title and referred to Rules Committee ............... 834
Read the second time ................................................................. 1216
Enacting Clause Stricken ............................................................. 1264

S.B. 68 — MINING PROTECTION AMENDMENTS (S. Killpack)
Read the first time by short title and referred to Rules Committee ............... 1022
Read the second time ................................................................. 1098
Read the third time ................................................................. 1098
Circled ................................................................. 1098
Uncircled ................................................................. 1109
Amendments ................................................................. 1110
Returned to the Senate ................................................................. 1113
Signed by the Speaker and returned to the Senate .................................. 1171
S.B. 69 — PROOF OF CITIZENSHIP REQUIRED TO VOTE (M. Madsen)
Read the first time by short title and referred to Rules Committee ............ 1022
Read the second time .......................................................... 1216
Enacting Clause Stricken .................................................... 1264

S.B. 70 — DEPARTMENT OF ENVIRONMENTAL QUALITY AMENDMENTS (M. Dayton)
Read the first time by short title and referred to Rules Committee .......... 959
Read the second time .......................................................... 1130
Read the third time ............................................................ 1130
Signed by the Speaker and returned to the Senate ............................ 1131

S.B. 73 — UNINCORPORATED AREAS AMENDMENTS (K. Mayne)
Read the first time by short title and referred to Rules Committee .......... 965
Read the second time .......................................................... 1054
Read the third time ............................................................ 1088
Circled ................................................................. 1088
Uncircled ................................................................. 1113
Signed by the Speaker and returned to the Senate ............................ 1114

S.B. 74 — AT–RISK STUDENT PROVISIONS (L. Robles)
Read the first time by short title and referred to Rules Committee .......... 1040
Read the second time .......................................................... 1216
Enacting Clause Stricken .................................................... 1264

S.B. 75 — UTILITY AMENDMENTS (S. Urquhart)
Read the first time by short title and referred to Rules Committee .......... 717
Assigned to standing committee ........................................... 766
Read the second time .......................................................... 918, 1054
Returned to Rules Committee ............................................... 918
Read the third time ............................................................ 1088
Amendments ................................................................. 1088
Returned to the Senate ........................................................ 1089
Signed by the Speaker and returned to the Senate ............................ 1119

S.B. 76 — ENERGY AMENDMENTS (C. Bramble)
Read the first time by short title and referred to Rules Committee .......... 1040
Read the second time .......................................................... 1155
Read the third time ............................................................ 1198
Signed by the Speaker and returned to the Senate ............................ 1199

S.B. 77 — GRANTS FOR LICENSED TEACHERS AMENDMENTS (M. Madsen)
Read the first time by short title and referred to Rules Committee .......... 747
Assigned to standing committee ........................................... 765
Read the second time .......................................................... 916, 1225
Returned to Rules Committee ............................................... 916
Enacting Clause Stricken .................................................... 1264
S.B. 78 — PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES (M. Madsen)
Read the first time by short title and referred to Rules Committee .................. 834
Read the second time .................................................. 1009
Read the third time .................................................. 1070
Amendments .................................................. 1070
Returned to the Senate .................................................. 1070
Refuse to Recede .................................................. 1126
Conference Committee may meet .................................................. 1134
Substituted .................................................. 1138
Joint Conference Committee Report .................................................. 1138
Signed by the Speaker and returned to the Senate .................. 1257

S.B. 79 — HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS (P. Knudson)
Read the first time by short title and referred to Rules Committee .................. 981
Read the second time .................................................. 1009
Read the third time .................................................. 1044
Signed by the Speaker and returned to the Senate .................. 1045

S.B. 80 — FIRE LIABILITY MODIFICATIONS (M. Dayton)
Read the first time by short title and referred to Rules Committee .................. 987
Read the second time .................................................. 1130
Read the third time .................................................. 1133
Signed by the Speaker and returned to the Senate .................. 1134

S.B. 81 — CONCURRENT ENROLLMENT PROGRAM AMENDMENTS (M. Dayton)
Read the first time by short title and referred to Rules Committee .................. 679
Assigned to standing committee .................................................. 713
Read the second time .................................................. 787, 885
Returned to Rules Committee .................................................. 787
Read the third time .................................................. 903
Amendments .................................................. 904
Returned to the Senate .................................................. 904
Signed by the Speaker and returned to the Senate .................. 948

S.B. 82 — LOCAL HEALTH AUTHORITY FUNDING AMENDMENTS (D. Stowell)
Read the first time by short title and referred to Rules Committee .................. 876
Read the second time .................................................. 1225
Enacting Clause Stricken .................................................. 1264

S.B. 83 — CONDEMNATION AMENDMENTS (D. Stowell)
Read the first time by short title and referred to Rules Committee .................. 876
Read the second time .................................................. 908
Read the third time .................................................. 1059
Signed by the Speaker and returned to the Senate .................. 1060

S.B. 84 — IMPACT FEES REVISIONS (G. Bell)
Read the first time by short title and referred to Rules Committee .................. 981
Read the second time .................................................. 1054
Read the third time .................................................. 1089
Returned to the Senate .................................................. 1090
Signed by the Speaker and returned to the Senate .................. 1119
S.B. 85 — HOMICIDE AMENDMENTS (S. Urquhart)
Read the first time by short title and referred to Rules Committee ........... 349
Assigned to standing committee .................................................. 377
Read the second time ............................................................. 494
Read the third time ............................................................... 523
Signed by the Speaker and returned to the Senate ....................... 524

S.B. 87 — PREFERRED DRUG LIST REVISIONS (A. Christensen)
Read the first time by short title and referred to Rules Committee ....... 379
Assigned to standing committee .................................................. 440
Read the second time ............................................................. 918, 956
Returned to Rules Committee ..................................................... 918
Read the third time ............................................................... 964
Signed by the Speaker and returned to the Senate ....................... 965

S.B. 88 — ADMINISTRATIVE RULEMAKING ACT AMENDMENTS (H. Stephenson)
Read the first time by short title and referred to Rules Committee ........ 243
Read the second time ............................................................. 304
Read the third time ............................................................... 366
Signed by the Speaker and returned to the Senate ....................... 367

S.B. 90 — METAL THEFT AMENDMENTS AND PENALTIES (J. Greiner)
Read the first time by short title and referred to Rules Committee ........ 816, 981
Read the second time ............................................................. 885
Read the third time ............................................................... 898
Reconsideration ................................................................. 1217
Signed by the Speaker and returned to the Senate ....................... 1218

S.B. 91 — ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT (J. Greiner)
Read the first time by short title and referred to Rules Committee ........ 473
Assigned to standing committee .................................................. 495
Read the second time ............................................................. 569, 1098
Returned to Rules Committee ..................................................... 569
Read the third time ............................................................... 1122
Signed by the Speaker and returned to the Senate ....................... 1123

S.B. 92 — LOCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS (P. Jones)
Read the first time by short title and referred to Rules Committee ........ 272
Assigned to standing committee .................................................. 293
Read the second time ............................................................. 355
Read the third time ............................................................... 420
Signed by the Speaker and returned to the Senate ....................... 421

S.B. 93 — BUILDING AUTHORITIES (D. Stowell)
Read the first time by short title and referred to Rules Committee ........ 243
Assigned to standing committee .................................................. 292
Read the second time ............................................................. 323
Read the third time ............................................................... 368
Signed by the Speaker and returned to the Senate ....................... 368
S.B. 94 — UNDERGROUND SEWER UTILITIES FACILITIES AMENDMENTS (J. Greiner)

Read the first time by short title and referred to Rules Committee ............... 332
Assigned to standing committee ....................................................... 350
Read the second time ........................................................................... 485
Read the third time ............................................................................... 559
Signed by the Speaker and returned to the Senate ............................... 560

S.B. 95 — MOBILE HOME PARK AMENDMENTS (S. Jenkins)

Read the first time by short title and referred to Rules Committee ............... 349
Assigned to standing committee ......................................................... 377
Read the second time ........................................................................... 483
Read the third time ............................................................................... 558
Signed by the Speaker and returned to the Senate ............................... 558

S.B. 97 — GOOD SAMARITAN ACT FOR ENGINEERS (M. Waddoups)

Read the first time by short title and referred to Rules Committee ............... 291
Assigned to standing committee ......................................................... 313
Read the second time ........................................................................... 329
Read the third time ............................................................................... 372
Circled ................................................................................................. 372
Uncircled .............................................................................................. 488
Signed by the Speaker and returned to the Senate ............................... 489

S.B. 98 — MOTOR FUEL THEFT PENALTIES (J. Greiner)

Read the first time by short title and referred to Rules Committee ............... 648
Assigned to standing committee ......................................................... 665
Read the second time ........................................................................... 792, 833
Returned to Rules Committee ............................................................... 792
Placed on calendar .............................................................................. 833
Read the third time ............................................................................... 872
Signed by the Speaker and returned to the Senate ............................... 873

S.B. 99 — RENEWABLE ENERGY CERTIFICATE REVISIONS (C. Bramble)

Read the first time by short title and referred to Rules Committee ............... 349
Assigned to standing committee ......................................................... 440
Read the second time ........................................................................... 494
Read the third time ............................................................................... 560
Signed by the Speaker and returned to the Senate ............................... 561

S.B. 100 — FINANCIAL AND ECONOMIC LITERACY EDUCATION AMENDMENTS (P. Jones)

Read the first time by short title and referred to Rules Committee ............... 291
Assigned to standing committee ......................................................... 377
Read the second time ........................................................................... 438
Read the third time ............................................................................... 514
Signed by the Speaker and returned to the Senate ............................... 515
S.B. 102 — SHARE THE ROAD SPECIAL GROUP LICENSE PLATE (W. Niederhauser)
Read the first time by short title and referred to Rules Committee .............. 629
Assigned to standing committee ............................................. 665
Read the second time ............................................................ 792, 833
Returned to Rules Committee .................................................. 792
Placed on calendar ............................................................... 833
Read the third time .............................................................. 874
Signed by the Speaker and returned to the Senate ............................. 875

S.B. 103 — UNIFORM LAWS – UNIFORM PRINCIPAL AND INCOME ACT AMENDMENTS
(L. Hillyard)
Read the first time by short title and referred to Rules Committee ............. 243
Assigned to standing committee .............................................. 293
Read the second time ............................................................ 356
Read the third time .............................................................. 421
Signed by the Speaker and returned to the Senate ............................. 421

S.B. 104 — HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS (L. Hillyard)
Read the first time by short title and referred to Rules Committee ............. 243
Assigned to standing committee .............................................. 271
Amendments ........................................................................... 323
Read the second time ............................................................ 324
Read the third time .............................................................. 368
Returned to the Senate ............................................................ 369
Signed by the Speaker and returned to the Senate ............................. 434

S.B. 105 — ENGINEERING AND COMPUTER SCIENCE INITIATIVE AMENDMENTS
(L. Hillyard)
Read the first time by short title and referred to Rules Committee ............. 243
Assigned to standing committee .............................................. 292
Read the second time ............................................................ 324
Read the third time .............................................................. 369
Signed by the Speaker and returned to the Senate ............................. 370

S.B. 106 — ALCOHOLIC BEVERAGE CONTROL ACT RESTRICTIONS (S. McCoy)
Read the first time by short title and referred to Rules Committee ............. 981
Read the second time ............................................................ 1054
Returned to the Senate ............................................................ 1060

S.B. 107 — COMMUNICATIONS AND MORTGAGE FRAUD PENALTY AMENDMENTS
(D. Hinkins)
Read the first time by short title and referred to Rules Committee ............. 349
Assigned to standing committee .............................................. 377
Read the second time ............................................................ 550
Read the third time .............................................................. 649
Signed by the Speaker and returned to the Senate ............................. 649
S.B. 108 — TAX COMMISSION ADMINISTRATION, COLLECTION, AND ENFORCEMENT AMENDMENTS (W. Niederhauser)
Read the first time by short title and referred to Rules Committee ....................... 417
Assigned to standing committee ................................................................. 440
Read the second time .................................................................................. 519
Read the third time ..................................................................................... 597
Signed by the Speaker and returned to the Senate ......................................... 598

S.B. 110 — OIL AND GAS LIMITATION OF ACTIONS AMENDMENTS (K. Van Tassell)
Read the first time by short title and referred to Rules Committee ................. 291
Assigned to standing committee ................................................................. 312
Read the second time .................................................................................. 329
Read the third time ..................................................................................... 391
Signed by the Speaker and returned to the Senate ......................................... 391

S.B. 111 — HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS (G. Davis)
Read the first time by short title and referred to Rules Committee .................. 473
Assigned to standing committee ................................................................. 495
Read the second time .................................................................................. 603
Read the third time ..................................................................................... 652
Signed by the Speaker and returned to the Senate ......................................... 653

S.B. 112 — OBSTRUCTION OF JUSTICE AMENDMENT (R. Okerlund)
Read the first time by short title and referred to Rules Committee .................. 379
Assigned to standing committee ................................................................ 414
Read the second time .................................................................................. 446
Read the third time ..................................................................................... 540
Signed by the Speaker and returned to the Senate ......................................... 540

S.B. 115 — PAYMENT OF MOBILE HOME PARK RELOCATION EXPENSES (W. Niederhauser)
Read the first time by short title and referred to Rules Committee .................. 332
Assigned to standing committee ................................................................. 350
Read the second time .................................................................................. 483
Read the third time ..................................................................................... 523
Circled ......................................................................................................... 523
Uncircled ..................................................................................................... 719
Signed by the Speaker and returned to the Senate ......................................... 720

S.B. 116 — CRIMINAL PENALTY AMENDMENTS (D. Liljenquist)
Read the first time by short title and referred to Rules Committee .................. 667
Assigned to standing committee ................................................................. 715
Read the second time .................................................................................. 792, 832
Returned to Rules Committee ................................................................. 792
Placed on calendar ...................................................................................... 832
Read the third time ..................................................................................... 867
Signed by the Speaker and returned to the Senate ......................................... 868
S.B. 117 — ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS (A. Christensen)
Read the first time by short title and referred to Rules Committee 272
Assigned to standing committee 292
Read the second time 325
Read the third time 370
Failed, held for possible reconsideration 371
Reconsideration 429
Amendments 485
Returned to the Senate 487
Signed by the Speaker and returned to the Senate 520

S.B. 118 — PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS (J. Greiner)
Read the first time by short title and referred to Rules Committee 667
Assigned to standing committee 714
Read the second time 789, 885
Returned to Rules Committee 789
Read the third time 899
Amendments 899
Returned to the Senate 900
Signed by the Speaker and returned to the Senate 948

S.B. 119 — HOSPITAL EMERGENCY ROOM TASK FORCE (D. C. Buttars)
Read the first time by short title and referred to Rules Committee 291
Enacting Clause Stricken 1264

S.B. 120 — WORKERS’ COMPENSATION ACT – MEDICAL REPORTS (K. Mayne)
Read the first time by short title and referred to Rules Committee 379
Assigned to standing committee 413
Read the second time 786, 833
Returned to Rules Committee 786
Placed on calendar 833
Read the third time 869
Signed by the Speaker and returned to the Senate 870

S.B. 121 — WORKERS’ COMPENSATION – ATTORNEY FEES (K. Mayne)
Read the first time by short title and referred to Rules Committee 379
Assigned to standing committee 440
Read the second time 786, 885
Returned to Rules Committee 786
Read the third time 887
Signed by the Speaker and returned to the Senate 887

S.B. 122 — UNIFORM STATE LAW – UNIFORM UNSWORN FOREIGN DECLARATIONS ACT (L. Hillyard)
Read the first time by short title and referred to Rules Committee 291
Assigned to standing committee 312
Read the second time 355
Read the third time 372
Circled 372
Uncircled 394
Signed by the Speaker and returned to the Senate 395
S.B. 124 — INDEMNIFICATION FOR DESIGN PROFESSIONAL SERVICES (G. Bell)

Read the first time by short title and referred to Rules Committee .......... 825
Read the second time ......................................................... 885
Read the third time .......................................................... 886
Signed by the Speaker and returned to the Senate .......................... 887

S.B. 126 — STATE PERSONNEL MANAGEMENT ACT AMENDMENTS (D. Liljenquist)

Read the first time by short title and referred to Rules Committee ........ 365
Assigned to standing committee ............................................ 414
Read the second time ......................................................... 462
Read the third time .......................................................... 498
Signed by the Speaker and held for possible reconsideration ............. 499
Returned to the Senate ....................................................... 539

S.B. 127 — RETIREMENT AMENDMENTS (D. Liljenquist)

Read the first time by short title and referred to Rules Committee ........ 409
Assigned to standing committee ............................................ 440
Read the second time ......................................................... 573
Read the third time .......................................................... 688
Signed by the Speaker and returned to the Senate .......................... 689

S.B. 128 — RAINWATER HARVESTING (S. Jenkins)

Read the first time by short title and referred to Rules Committee ........ 629
Assigned to standing committee ............................................ 766
Read the second time ......................................................... 878, 1054
Returned to Rules Committee ............................................... 878
Enacting Clause Stricken ..................................................... 1264

S.B. 129 — MENTAL HEALTH THERAPIST GRANT AND SCHOLARSHIP ACT REPEAL

(D. Liljenquist)

Read the first time by short title and referred to Rules Committee ........ 311
Assigned to standing committee ............................................ 330
Read the second time ......................................................... 382
Read the third time .......................................................... 478
Signed by the Speaker and returned to the Senate .......................... 479

S.B. 131 — LAW ENFORCEMENT SERVICE IN LOCAL DISTRICTS AND INTERLOCAL ENTITIES (S. Jenkins)

Read the first time by short title and referred to Rules Committee ........ 646
Assigned to standing committee ............................................ 765
Read the second time ......................................................... 923, 1155
Returned to Rules Committee ............................................... 923
Read the third time .......................................................... 1252
Signed by the Speaker and returned to the Senate .......................... 1252
S.B. 132 — INDIVIDUAL INCOME TAX CONTRIBUTION FOR METHAMPHETAMINE
    HOUSING RECONSTRUCTION AND REHABILITATION FUND (K. Mayne)
    Read the first time by short title and referred to Rules Committee ............. 629
    Assigned to standing committee .................................................. 665
    Amendments ................................................................................. 819, 861
    Read the second time ...................................................................... 819, 861, 1216
    Returned to Rules Committee ...................................................... 819
    Enacting Clause Stricken .............................................................. 1264

S.B. 133 — ABUSE OR NEGLECT OF A DISABLED CHILD (J. Valentine)
    Read the first time by short title and referred to Rules Committee ............. 667
    Assigned to standing committee ...................................................... 714
    Read the second time ...................................................................... 714, 787, 833
    Returned to Rules Committee ...................................................... 787
    Placed on calendar ......................................................................... 833
    Read the third time ......................................................................... 870
    Signed by the Speaker and returned to the Senate .............................. 871

S.B. 134 — TRANSPORTATION FUNDING AMENDMENTS (S. Urquhart)
    Read the first time by short title and referred to Rules Committee ............. 629
    Assigned to standing committee ...................................................... 666
    Read the second time ...................................................................... 666, 792, 907
    Returned to Rules Committee ...................................................... 792
    Read the third time ......................................................................... 792, 1047
    Signed by the Speaker and returned to the Senate .............................. 1047

S.B. 135 — LOCAL DISTRICT TAXING AUTHORITY (C. Bramble)
    Read the first time by short title and referred to Rules Committee ............. 497
    Assigned to standing committee ...................................................... 516
    Read the second time ...................................................................... 516, 582
    Read the third time ......................................................................... 582, 689
    Signed by the Speaker and returned to the Senate .............................. 690

S.B. 136 — DIESEL—POWERED MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM
    AMENDMENTS (G. Bell)
    Read the first time by short title and referred to Rules Committee ............. 349
    Assigned to standing committee ...................................................... 378
    Read the second time ...................................................................... 378, 450
    Read the third time ......................................................................... 450, 494
    Signed by the Speaker and returned to the Senate .............................. 498

S.B. 137 — PHYSICAL THERAPY PRACTICE ACT (W. Niederhauser)
    Read the first time by short title and referred to Rules Committee ............. 667
    Assigned to standing committee ...................................................... 713
    Read the second time ...................................................................... 713, 912, 1054
    Returned to Rules Committee ...................................................... 912
    Read the third time ......................................................................... 912, 1090
    Returned to the Senate ................................................................. 1090
    Signed by the Speaker and returned to the Senate .............................. 1093
S.B. 138 — INTERNAL SERVICE FUND RATE COMMITTEE AMENDMENTS (J. Valentine)
Read the first time by short title and referred to Rules Committee .......... 409
Assigned to standing committee ........................................ 440
Read the second time ..................................................... 462
Read the third time ...................................................... 499
Signed by the Speaker and returned to the Senate ....................... 500

S.B. 139 — EMPLOYER ELECTION RETIREMENT AMENDMENTS (C. Bramble)
Read the first time by short title and referred to Rules Committee .......... 409
Assigned to standing committee ........................................ 440
Read the second time ..................................................... 623
Read the third time ...................................................... 729
Signed by the Speaker and returned to the Senate ....................... 730

S.B. 140 — FINANCIAL INSTITUTIONS DISCLOSURE OF RECORDS (M. Dayton)
Read the first time by short title and referred to Rules Committee .......... 488
Assigned to standing committee ........................................ 515
Read the second time ..................................................... 701, 1054
Returned to Rules Committee ........................................... 765
Read the third time ...................................................... 1061, 1093
Signed by the Speaker and returned to the Senate ....................... 1094

S.B. 141 — AVIATION FUEL TAX AMENDMENTS (W. Niederhauser)
Read the first time by short title and referred to Rules Committee .......... 488
Assigned to standing committee ........................................ 516
Read the second time ..................................................... 662
Read the third time ...................................................... 777
Signed by the Speaker and returned to the Senate ....................... 778

S.B. 142 — DISPOSITION OF A DEAD BODY (A. Christensen)
Read the first time by short title and referred to Rules Committee .......... 667
Assigned to standing committee ........................................ 714
Read the second time ..................................................... 787, 1098
Returned to Rules Committee ........................................... 787
Read the third time ...................................................... 1123
Signed by the Speaker and returned to the Senate ....................... 1124

S.B. 143 — SUNSET ACT AND REPEALERS REAUTHORIZATIONS (S. Killpack)
Read the first time by short title and referred to Rules Committee .......... 473
Assigned to standing committee ........................................ 495
Read the second time ..................................................... 578
Read the third time ...................................................... 651
Signed by the Speaker and returned to the Senate ....................... 652

S.B. 145 — PUBLIC SAFETY RETIREE DEATH BENEFIT REVISIONS (J. Greiner)
Read the first time by short title and referred to Rules Committee .......... 409
Assigned to standing committee ........................................ 440
Read the second time ..................................................... 494
Read the third time ...................................................... 524
Signed by the Speaker and returned to the Senate ....................... 525
S.B. 146 — HOME SCHOOLING AMENDMENTS (M. Madsen)
Read the first time by short title and referred to Rules Committee ............... 667
Assigned to standing committee .................................................. 713
Read the second time ............................................................... 1009
Signed by the Speaker and returned to the Senate ................................. 1061

S.B. 147 — DRIVER LICENSE REVISIONS (L. Hillyard)
Read the first time by short title and referred to Rules Committee ............... 667
Assigned to standing committee .................................................. 715
Amendments ............................................................................. 878
Read the second time ............................................................... 879, 907
Returned to Rules Committee ...................................................... 879
Read the third time ................................................................. 1047
Returned to the Senate ............................................................. 1048
Signed by the Speaker and returned to the Senate ................................. 1098

S.B. 148 — LOW-PROFIT LIMITED LIABILITY COMPANY ACT (L. Hillyard)
Read the first time by short title and referred to Rules Committee ............... 629
Assigned to standing committee .................................................. 665
Read the second time ............................................................... 912, 1009
Returned to Rules Committee ...................................................... 912
Read the third time ................................................................. 1061
Amendments ............................................................................. 1062
Returned to the Senate ............................................................. 1063
Signed by the Speaker and returned to the Senate ................................. 1119

S.B. 149 — PROHIBITION OF TEXT MESSAGING OR ELECTRONIC MAIL
COMMUNICATION WHILE DRIVING (L. Hillyard)
Read the first time by short title and referred to Rules Committee ............... 679
Assigned to standing committee .................................................. 715
Read the second time ............................................................... 879
Returned to Rules Committee ...................................................... 879
Enacting Clause Stricken ........................................................... 1264

S.B. 150 — STATE ARMORY AMENDMENTS (S. Jenkins)
Read the first time by short title and referred to Rules Committee ............... 667
Assigned to standing committee .................................................. 714
Read the second time ............................................................... 817, 885
Returned to Rules Committee ...................................................... 817
Read the third time ................................................................. 902
Signed by the Speaker and returned to the Senate ................................. 903

S.B. 152 — LEGISLATIVE MANAGEMENT POWERS (M. Waddoups)
Read the first time by short title and referred to Rules Committee ............... 753
Assigned to standing committee .................................................. 765
Read the second time ............................................................... 817, 832
Returned to Rules Committee ...................................................... 817
Placed on calendar ................................................................... 832
Read the third time ................................................................. 864
Amendments ............................................................................. 864
Signed by the Speaker and returned to the Senate ................................. 866
S.B. 153 — COUNTY AND MUNICIPAL LAND USE AMENDMENTS (M. Madsen)
Read the first time by short title and referred to Rules Committee .......... 753
Assigned to standing committee ........................................ 766
Read the second time ......................................................... 818, 907
Returned to Rules Committee ............................................. 818
Read the third time ............................................................ 938
Signed by the Speaker and returned to the Senate .......................... 939

S.B. 154 — JUVENILE COURT JUDGE – FIFTH DISTRICT (S. Urquhart)
Read the first time by short title and referred to Rules Committee .......... 667
Assigned to standing committee ............................................. 714
Read the second time ........................................................... 876
Returned to Rules Committee ................................................ 876
Enacting Clause Stricken ....................................................... 1264

S.B. 155 — ADOPTION EXCEPTION TO CUSTODY AND VISITATION FOR PERSONS OTHER THAN PARENTS (L. Hillyard)
Read the first time by short title and referred to Rules Committee .......... 876
Read the second time ............................................................ 1009
Read the third time ............................................................. 1065
Signed by the Speaker and returned to the Senate .......................... 1066

S.B. 156 — GIFTS AND MEAL PROVISIONS FOR PUBLIC OFFICIALS (G. Bell)
Read the first time by short title and referred to Rules Committee .......... 682
Assigned to standing committee ............................................. 714
Read the second time ............................................................ 755, 832
Returned to Rules Committee ................................................ 765
Placed on calendar .............................................................. 832
Read the third time ............................................................. 862
Amendments ................................................................. 862
Signed by the Speaker and returned to the Senate .......................... 863

S.B. 157 — PROPERTY TAXATION AND REGISTRATION OF AIRCRAFT (M. Madsen)
Read the first time by short title and referred to Rules Committee .......... 876
Read the second time ............................................................ 1054
Read the third time ............................................................. 1094
Signed by the Speaker and returned to the Senate .......................... 1095

S.B. 158 — CHILD SUPPORT – CASH MEDICAL SUPPORT (G. Bell)
Read the first time by short title and referred to Rules Committee .......... 417
Assigned to standing committee ............................................. 440
Read the second time ............................................................ 484
Read the third time ............................................................. 523
Circled ................................................................. 523
Uncircled ................................................................. 690
Signed by the Speaker and returned to the Senate .......................... 690
S.B. 159 — MATH EDUCATION INITIATIVE (H. Stephenson)
Read the first time by short title and referred to Rules Committee .......... 667
Assigned to standing committee ........................................ 765
Read the second time ....................................................... 916, 1155
Returned to Rules Committee ............................................ 916
Read the third time ......................................................... 1231
Amendments ................................................................. 1231
Failed ................................................................. 1239
Returned to the Senate .................................................. 1239

S.B. 160 — UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS (S. Jenkins)
Read the first time by short title and referred to Rules Committee .......... 679
Assigned to standing committee ........................................ 713
Read the second time ....................................................... 786, 833
Returned to Rules Committee ............................................ 786
Placed on calendar .......................................................... 833
Read the third time ......................................................... 871
Circled ................................................................. 871
Uncircled ................................................................. 873
Signed by the Speaker and returned to the Senate ......................... 874

S.B. 161 — REPEAL OF MAXIMUM CHARGE TO PUBLISH LEGAL NOTICE (K. Van Tassell)
Read the first time by short title and referred to Rules Committee .......... 679
Assigned to standing committee ........................................ 765
Read the second time ....................................................... 880, 908
Returned to the Senate .................................................. 880
Returned to the Senate .................................................. 1052
Signed by the Speaker and returned to the Senate ......................... 1098

S.B. 162 — USE OF CAMPAIGN FUNDS AMENDMENTS (J. Valentine)
Read the first time by short title and referred to Rules Committee .......... 682
Assigned to standing committee ........................................ 714
Read the second time ....................................................... 755, 832
Returned to Rules Committee ............................................ 765
Placed on calendar .......................................................... 832
Read the third time ......................................................... 863
Signed by the Speaker and returned to the Senate ......................... 864

S.B. 163 — CONSTRUCTION TRADE EXEMPTION (S. Urquhart)
Read the first time by short title and referred to Rules Committee .......... 825
Read the second time ....................................................... 1010
Read the third time ......................................................... 1071
Circled ................................................................. 1072
Uncircled ................................................................. 1085
Amendments ................................................................. 1085
Returned to the Senate .................................................. 1087
Refuse to Recede ........................................................... 1128
Conference Committee may now meet .................................. 1154
Conference Committee Report .......................................... 1178
Amendments ................................................................. 1178
Signed by the Speaker and transmitted to the Governor .................. 1193
S.B. 165 — STATUTE OF LIMITATION REVISIONS (M. Madsen)
Read the first time by short title and referred to Rules Committee .................. 793
Read the second time ................................................................. 832
Placed on calendar ................................................................. 832
Read the third time ............................................................... 868
Signed by the Speaker and returned to the Senate ................................. 868

S.B. 166 — ALCOHOLIC BEVERAGE CONTROL ACT – DAYS OF SALE (S. McCoy)
Read the first time by short title and referred to Rules Committee .............. 1019
Enacting Clause Stricken .............................................................. 1264

S.B. 167 — AMENDMENTS TO UNIFORM DEBT–MANAGEMENT SERVICES ACT
(L. Hillyard)
Read the first time by short title and referred to Rules Committee ............. 679
Assigned to standing committee .................................................... 713
Read the second time ................................................................. 912, 1009
Returned to Rules Committee ..................................................... 912
Read the third time ................................................................. 1067
Amendments ................................................................. 1067
Returned to the Senate ............................................................. 1070
Signed by the Speaker and returned to the Senate ............................... 1119

S.B. 169 — GAMBLING AMENDMENTS (D. Liljenquist)
Read the first time by short title and referred to Rules Committee .......... 825
Read the second time ................................................................. 1214
Read the third time ................................................................. 1222
Circled ................................................................. 1222
Uncircled ................................................................. 1227
Amendments ................................................................. 1227
Returned to the Senate ............................................................. 1229
Signed by the Speaker and returned to the Senate ............................... 1250

S.B. 170 — JUDICIARY AMENDMENTS (L. Hillyard)
Read the first time by short title and referred to Rules Committee ............. 793
Read the second time ................................................................. 885
Read the third time ................................................................. 892
Signed by the Speaker and returned to the Senate ............................... 893

S.B. 171 — MUNICIPAL ANNEXATION AMENDMENTS (S. Jenkins)
Read the first time by short title and referred to Rules Committee .......... 825
Read the second time ................................................................. 1009
Read the third time ................................................................. 1066, 1129
Other Action ................................................................. 1128
Signed by the Speaker and returned to the Senate ............................... 1067, 1130
S.B. 172 — UNDERINSURED MOTORIST COVERAGE AMENDMENTS (S. Urquhart)
Read the first time by short title and referred to Rules Committee .......... 753
Assigned to standing committee .................................................. 766
Read the second time .................................................................. 879, 1098
Returned to Rules Committee ...................................................... 879
Read the third time .................................................................. 1099
Circled .................................................................................. 1099, 1145
Uncircled ................................................................................ 1100
Failed ...................................................................................... 1101
Held ......................................................................................... 1101
Reconsideration ....................................................................... 1145
Uncircled ................................................................................ 1163
Amendments ............................................................................ 1164
Returned to the Senate .............................................................. 1165
Signed by the Speaker and transmitted to the Governor .......... 1193

S.B. 173 — EMOTIONAL SUPPORT ANIMALS AND PSYCHIATRIC THERAPY ANIMALS
(M. Dayton)
Read the first time by short title and referred to Rules Committee .......... 667
Assigned to standing committee .................................................. 714
Read the second time .................................................................. 787, 833
Returned to Rules Committee ...................................................... 787
Placed on calendar .................................................................. 833
Read the third time .................................................................. 871
Signed by the Speaker and returned to the Senate ......................... 872

S.B. 176 — CIVIL FEES IN SMALL CLAIMS COURTS AMENDMENTS (J. Greiner)
Read the first time by short title and referred to Rules Committee .......... 876
Read the second time .................................................................. 1098
Read the third time .................................................................. 1149
Amendments ............................................................................ 1149
Returned to the Senate .............................................................. 1153
Signed by the Speaker and transmitted to the Governor .......... 1193

S.B. 179 — SAFETY BELT ENFORCEMENT AMENDMENTS (C. Bramble)
Read the first time by short title and referred to Rules Committee .......... 793
Read the second time .................................................................. 1225
Enacting Clause Stricken ............................................................. 1264

S.B. 180 — EXPUNGEMENT OF DIVISION OF CHILD AND FAMILY SERVICES RECORDS
(L. Hillyard)
Read the first time by short title and referred to Rules Committee .......... 834
Read the second time .................................................................. 907
Read the third time .................................................................. 937
Signed by the Speaker and returned to the Senate ......................... 938

S.B. 182 — CRIMINAL RESTITUTION AMENDMENTS (C. Bramble)
Read the first time by short title and referred to Rules Committee .......... 793
Read the second time .................................................................. 908
Read the third time .................................................................. 1052
Signed by the Speaker and returned to the Senate ......................... 1053
S.B. 183 — VIOLATION OF PROTECTIVE ORDER (S. McCoy)
Read the first time by short title and referred to Rules Committee .......... 825
Read the second time ................................................. 1098
Read the third time ................................................... 1121
Signed by the Speaker and returned to the Senate ......................... 1121

S.B. 184 — CIVIL FILING FEES (G. Bell)
Read the first time by short title and referred to Rules Committee .......... 948
Read the second time ................................................. 1054
Read the third time ................................................... 1095
Signed by the Speaker and returned to the Senate ......................... 1096

S.B. 185 — FEDERAL EDUCATION AGREEMENT REQUIREMENTS AMENDMENTS
(M. Dayton)
Read the first time by short title and referred to Rules Committee .......... 747
Assigned to standing committee ..................................... 765
Read the second time ................................................. 916 , 1009
Returned to Rules Committee ....................................... 916
Read the third time ................................................... 1063
Signed by the Speaker and returned to the Senate ......................... 1063

S.B. 186 — AMENDMENTS TO STATE TAX COMMISSION PENALTY PROVISIONS
(H. Stephenson)
Read the first time by short title and referred to Rules Committee .......... 834
Read the second time ................................................. 1098
Read the third time ................................................... 1161
Amendments ............................................................. 1161
Returned to the Senate ................................................ 1163
Signed by the Speaker and returned to the Senate ......................... 1196

S.B. 187 — ALCOHOL AMENDMENTS (J. Valentine)
Read the first time by short title and referred to Rules Committee .......... 1019
Read the second time ................................................. 1054 , 1130
Read the third time ................................................... 1135
Circled ................................................................. 1135
Uncircled ............................................................... 1139
Amendments ............................................................. 1139
Returned to the Senate ................................................ 1143
Signed by the Speaker and transmitted to the Governor ................. 1193

S.B. 188 — IMPROVEMENT DISTRICT – PROVIDING ELECTRIC SERVICE (D. Stowell)
Read the first time by short title and referred to Rules Committee .......... 1022
Read the second time ................................................. 1155
Read the third time ................................................... 1251
Signed by the Speaker and returned to the Senate ......................... 1252
S.B. 189 — AMENDMENTS TO SALES AND USE TAX (W. Niederhauser)
Read the first time by short title and referred to Rules Committee ............ 981
Read the second time ................................................................. 1191
Read the third time ................................................................. 1206
Substituted ................................................................. 1206
Returned to the Senate ............................................................. 1207
Signed by the Speaker and returned to the Senate ............................ 1223

S.B. 190 — ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN (W. Niederhauser)
Read the first time by short title and referred to Rules Committee .......... 990
Read the second time ................................................................. 1054
Read the third time ................................................................. 1098 , 1173
Amendments ................................................................. 1173
Circled ................................................................. 1098
Returned to the Senate ............................................................. 1176
Signed by the Speaker and returned to the Senate ............................ 1217

S.B. 192 — CORPORATION AND BUSINESS ENTITY RELATED AMENDMENTS
(L. Hillyard)
Read the first time by short title and referred to Rules Committee ............ 629
Assigned to standing committee ............................................... 665
Read the second time ................................................................. 912 , 956
Returned to Rules Committee ................................................... 912
Read the third time ................................................................. 963
Amendments ................................................................. 963
Returned to the Senate ............................................................. 964
Signed by the Speaker and returned to the Senate ............................ 981

S.B. 193 — SALVAGE VEHICLES AMENDMENTS (S. Urquhart)
Read the first time by short title and referred to Rules Committee ............ 825
Read the second time ................................................................. 1130
Read the third time ................................................................. 1135
Circled ................................................................. 1135
Uncircled ................................................................. 1135
Amendments ................................................................. 1136
Returned to the Senate ............................................................. 1137
Signed by the Speaker and transmitted to the Governor .................... 1193

S.B. 199 — EQUAL RECOGNITION OF SCHOOL PARENT GROUPS (C. Bramble)
Read the first time by short title and referred to Rules Committee ............ 763
Read the second time ................................................................. 1054
Read the third time ................................................................. 1098
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<td>H.B. 36</td>
<td><strong>Criminal Offense Elements and Penalties</strong></td>
<td>C. Wimmer</td>
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<td>House/ enacting clause struck on 3/12/2009</td>
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H.B. 37  **Violent Offenses Amendments**
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

H.B. 38  **Refugee Services Fund Amendments**
Governor Signed on 3/23/2009
Effective Date: 5/12/2009

H.B. 39  **Utah Injured Worker Reemployment Act**
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

H.B. 40  **Motorcycle Rider Education Program Amendments**
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

H.B. 41  **Sex Offender Registration Amendments**
Governor Signed on 3/23/2009
Effective Date: 5/12/2009

H.B. 42  **Adoption Revisions**
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

H.B. 43  **Coordinating Municipal and Special District Elections**
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

H.B. 44  **Local and Special Service District Election Amendments**
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

H.B. 45  **Per Diem and Travel Expenses for State Boards and Commissions**
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

H.B. 46  **Designation of State Highways Amendments**
Governor Signed on 3/23/2009
Effective Date: 5/12/2009
H.B. 47  
**Criminal Procedure – Investigation Amendments**  
P. Ray  
Governor Signed on 2/18/2009  
Effective Date: 2/18/2009

H.B. 48  
**Ballot Question Amendments**  
K. Grover  
House/ filed on 3/12/2009

H.B. 49  
**Voter Challenge Amendments**  
N. Hansen  
House/ filed on 3/12/2009

H.B. 50  
**Firefighter Special Group License Plate Amendments**  
R. Menlove  
Governor Signed on 3/30/2009  
Effective Date: 7/1/2009

H.B. 51  
**Exemption for Alcoholic Beverage Manufacturing License**  
C. Johnson  
Governor Signed on 3/24/2009  
Effective Date: 5/12/2009

H.B. 52  
**Insurance Code and Related Amendments**  
J. Dunnigan  
Governor Signed on 3/30/2009  
Effective Date: 5/12/2009

H.B. 53  
**Driver License Amendments – Motor Driven Cycles**  
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Governor Signed on 3/25/2009  
Effective Date: 5/12/2009

H.B. 54  
**Amendments to Vehicle Registration Requirements**  
F. Gibson  
Governor Signed on 3/20/2009  
Effective Date: 5/12/2009

H.B. 55  
**Amendments to Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Act**  
W. Harper  
Governor Signed on 2/24/2009  
Effective Date: 2/24/2009

H.B. 56  
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D. Aagard  
Governor Signed on 3/23/2009  
Effective Date: 5/12/2009
H.B. 57  Exemptions from Requirements to Deduct and Withhold an Income Tax  C. Frank
House/ enacting clause struck on 3/12/2009

H.B. 58  Sales and Use Tax – Determining the Location of Certain Transactions  W. Harper
Governor Signed on 3/20/2009
Effective Date:  7/1/2009

H.B. 59  Subpoenas for Records in Certain Criminal Investigations  B. Daw
Governor Signed on 3/20/2009
Effective Date:  3/20/2009

H.B. 60  Family Preservation Services Amendments  W. Harper
Governor Signed on 3/20/2009
Effective Date:  5/12/2009

H.B. 61  Local Government Entity Changes  K. Holdaway
Governor Signed on 3/30/2009
Effective Date:  5/12/2009

H.B. 62  State Water Development Commission Amendments  K. Gibson
Governor Signed on 3/25/2009
Effective Date:  5/12/2009

H.B. 63  Amendments to Child Welfare  W. Harper
Governor Signed on 3/24/2009
Effective Date:  5/12/2009

H.B. 64  Deterring Illegal Immigration  B. Dee
Governor Signed on 3/20/2009
Effective Date:  7/1/2009

H.B. 65  Reporting of Certain Transactions Exempt from Sales and Use Taxes  J. Fisher
Governor Signed on 3/20/2009
Effective Date:  7/1/2009

H.B. 66  Property Tax Amendments  M. Newbold
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<td>H.B. 68</td>
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<td>P. Painter</td>
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<td>Cigarette Tax Exemption Amendments</td>
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<td>Income Tax Credit for Military Retired Pay</td>
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<td><strong>Utah Uniform Securities Act Modifications</strong></td>
<td>J. Bird</td>
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<td>H.B. 79</td>
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<td><strong>Health Care Patient Identity Protection</strong></td>
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<td>H.B. 84</td>
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<td>H.B. 89</td>
<td><strong>Prosthetic Limb Health Insurance Parity</strong></td>
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<td>H.B. 93</td>
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<td>H.B. 98</td>
<td>Campaign Finance Definitions</td>
<td>S. Allen</td>
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H.B. 101  Assertive Community Mental Health Treatment Pilot Program  C. Moss
House/ filed on 3/12/2009

H.B. 102  False Vehicle Title and Registration Penalties  P. Ray
Governor Signed on 3/25/2009
Effective Date:  5/12/2009

H.B. 103  Revolving Door Limitations for Public Officials to Become Lobbyists  C. Moss
House/ enacting clause struck on 3/12/2009

H.B. 104  Driver License Hearing Amendments  R. Greenwood
Governor Signed on 3/20/2009
Effective Date:  5/12/2009

H.B. 105  Department of Agriculture and Food Amendments  J. Mathis
Governor Signed on 3/25/2009
Effective Date:  5/12/2009

H.B. 106  Controlled Substance Database Amendments  B. Daw
Governor Signed on 3/20/2009
Effective Date:  5/12/2009

H.B. 107  Economic Impact of Illegal Aliens  S. Clark
House/ filed on 3/12/2009

H.B. 108  Hormone Restoration Amendments  D. Aagard
Governor Signed on 3/20/2009
Effective Date:  5/12/2009

H.B. 109  Modifications to Campaign Finance Provisions  K. Powell
House/ enacting clause struck on 3/12/2009

H.B. 110  Financial Transaction Card Offenses  J. Fisher
Governor Signed on 3/24/2009
Effective Date:  5/12/2009

H.B. 111  Deferred Deposit Lending Amendments  L. Black
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<td><strong>Vehicle Towing Amendments</strong></td>
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<td>H.B. 113</td>
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<td>H.B. 114</td>
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<td>H.B. 115</td>
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<td>H.B. 116</td>
<td><strong>Uniform Fees on Canoes</strong></td>
<td>M. Wheatley</td>
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<td>H.B. 118</td>
<td><strong>Archives and Grama Revisions</strong></td>
<td>D. Aagard</td>
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<td>B. Winn</td>
<td>Governor Signed on 3/25/2009 Effective Date: 5/12/2009</td>
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H.B. 123  **Retail and Library Theft Amendments**  
Governor Signed on 3/25/2009  
Effective Date:  5/12/2009  
F. Gibson

H.B. 124  **Insurance Coverage for Eosinophilic Gastrointestinal Disorders and Short Bowel Syndrome**  
House/ filed on 3/12/2009  
C. Johnson

H.B. 125  **Impact Fee Amendments**  
House/ filed on 3/12/2009  
K. Powell

H.B. 126  **Voter Identification for Elections**  
Governor Signed on 3/20/2009  
Effective Date:  5/12/2009  
B. Daw

H.B. 127  **Personal Injury Protection Coverage Amendments**  
Governor Signed on 3/20/2009  
Effective Date:  5/12/2009  
T. Kiser

H.B. 128  **Electronic Prescribing Act**  
Governor Signed on 3/20/2009  
Effective Date:  7/1/2012  
R. Menlove

H.B. 129  **Alcoholic Beverage Amendments Related to Minors**  
Governor Signed on 3/30/2009  
Effective Date:  5/12/2009  
C. Oda

H.B. 130  **Asset Preservation Amendments**  
Governor Signed on 3/25/2009  
Effective Date:  5/12/2009  
G. Hughes

H.B. 131  **School Fee Amendments**  
House/ enacting clause struck on 3/12/2009  
C. Frank

H.B. 132  **Sexual Assault Victim Protocols**  
Governor Signed on 3/25/2009  
Effective Date:  5/12/2009  
J. Biskupski

H.B. 133  **Earned Income Tax Credit**  
House/ filed on 2/23/2009  
B. King
H.B. 134  **Recall of Unsafe or Defective Products**  
C. Watkins  
House/ enacting clause struck on 3/12/2009

H.B. 135  **Lien Revisions**  
B. King  
House/ enacting clause struck on 3/12/2009

H.B. 136  **Sex Offender Definition Amendments**  
P. Ray  
Governor Signed on 3/30/2009  
Effective Date: 5/12/2009

H.B. 137  **Driver License Qualification Amendments**  
S. Sandstrom  
House/ enacting clause struck on 3/12/2009

H.B. 138  **Expungement of Records Amendments**  
J. Fisher  
Governor Signed on 3/20/2009  
Effective Date: 5/12/2009

H.B. 139  **Legislator Gift Reporting Act**  
S. Clark  
House/ enacting clause struck on 3/12/2009

H.B. 140  **Motor Vehicle Registration Fee Amendments**  
C. Frank  
House/ filed on 3/12/2009

H.B. 141  **Billboard Amendments**  
C. Frank  
Governor Signed on 3/24/2009  
Effective Date: 5/12/2009

H.B. 142  **Reporting Abuse or Neglect of the Elderly or Disabled**  
L. Hemingway  
Governor Signed on 3/25/2009  
Effective Date: 5/12/2009

H.B. 143  **Vehicle Title, Inspection and Emission Testing Exemptions Amendments**  
K. Sumision  
Governor Signed on 3/24/2009  
Effective Date: 1/1/2010

H.B. 144  **Medical Language Interpreter Act**  
R. Chavez–Houck  
Governor Signed on 3/20/2009  
Effective Date: 7/1/2009
H.B. 145  **Workplace Drug Testing Programs**  
T. Beck  
House/ filed on 3/12/2009

H.B. 146  **Expenditures of School and Institutional Trust Land Money by School Districts**  
T. Cosgrove  
House/ enacting clause struck on 3/12/2009

H.B. 147  **Resource Recovery by Governmental Entities**  
T. Cosgrove  
House/ enacting clause struck on 3/12/2009

H.B. 148  **Victim Rights Amendments**  
R. Webb  
Governor Signed on 3/23/2009  
Effective Date:  5/12/2009

H.B. 149  **Forest Reserve Fund Revisions**  
M. Noel  
Governor Signed on 2/24/2009  
Effective Date:  2/24/2009

H.B. 150  **State Board of Education Member Election Process Amendments**  
C. Moss  
House/ filed on 3/12/2009

H.B. 151  **Motor Vehicle Forfeiture Amendments**  
C. Herrod  
Governor Signed on 3/25/2009  
Effective Date:  5/12/2009

H.B. 152  **Appraisal Management Company Regulation**  
M. Morley  
Governor Signed on 3/25/2009  
Effective Date:  5/12/2009

H.B. 153  **Trespass Law Amendments**  
J. Mathis  
Governor Signed on 3/25/2009  
Effective Date:  5/12/2009

H.B. 154  **State Construction Registry Amendments**  
M. Morley  
Governor Signed on 3/20/2009  
Effective Date:  5/12/2009

H.B. 155  **Equalization of Funding for Divided School Districts**  
J. Bird  
House/ enacting clause struck on 3/12/2009
H.B. 156  Subdivision Approval Amendments  R. Webb
Governor Vetoed on 3/25/2009
Effective Date:  5/12/2009

H.B. 157  Property Tax Assessment Amendments  W. Harper
Governor Signed on 3/25/2009
Effective Date:  5/12/2009

H.B. 158  Motorcycle Helmet Law Amendments  N. Hansen
House/ enacting clause struck on 3/12/2009

H.B. 159  Ethics Provisions  S. Allen
House/ enacting clause struck on 3/12/2009

H.B. 160  Adult Joint Support Declaration  J. Seelig
House/ enacting clause struck on 3/12/2009

H.B. 161  Motor Vehicle Insurance Fee  L. Wiley
House/ enacting clause struck on 3/12/2009

H.B. 162  Concealed Firearm Permit Amendments  M. Newbold
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H.B. 163  Property Transaction Amendments  R. Lockhart
Governor Signed on 3/25/2009
Effective Date:  7/1/2009

H.B. 164  Migratory Bird Production Areas  C. Oda
Governor Signed on 3/25/2009
Effective Date:  5/12/2009

H.B. 165  Health Reform – Administrative Simplification  M. Newbold
Governor Signed on 3/11/2009
Effective Date:  5/12/2009

H.B. 166  Election Law Reforms  N. Hansen
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L. Hemingway

H.B. 190  **State Energy Policy Restrictions**  
House/ enacting clause struck on 3/12/2009  
R. Barrus

H.B. 191  **Air Quality Board Amendments**  
House/ enacting clause struck on 3/12/2009  
R. Barrus

H.B. 192  **Personal Injury Judgment Interest**  
Governor Signed on 3/25/2009  
Effective Date:  5/12/2009  
J. Dunnigan

H.B. 193  **Property Tax – Greenbelt Rollback**  
House/ enacting clause struck on 3/12/2009  
R. Menlove

H.B. 194  **Education Policies for Military Children**  
Governor Signed on 3/25/2009  
Effective Date:  5/12/2009  
R. Menlove

H.B. 195  **Utah Uniform Probate Code – Trust Amendments**  
Governor Signed on 3/25/2009  
Effective Date:  5/12/2009  
R. Lockhart

H.B. 196  **Provisional Ballot Amendments for Unregistered Voters**  
House/ enacting clause struck on 3/12/2009  
N. Hansen

H.B. 197  **Reauthorization of Administrative Rules**  
Governor Signed on 3/25/2009  
Effective Date:  5/12/2009  
B. Ferry

H.B. 198  **Marriage License Fee Amendments**  
Governor Signed on 3/23/2009  
Effective Date:  5/12/2009  
C. Johnson

H.B. 199  **Statewide Equalization of School Funding**  
House/ enacting clause struck on 3/12/2009  
W. Harper
H.B. 200  **Designation of Certain State Buildings**  
House/ enacting clause struck on 3/12/2009

H.B. 201  **Municipal Disincorporation Amendments**  
House/ filed on 3/12/2009

H.B. 202  **School District Traffic Violation Complaint Procedures**  
Governor Signed on 3/23/2009  
Effective Date: 5/12/2009

H.B. 203  **High Occupancy Vehicle Lane Amendments**  
House/ enacting clause struck on 3/12/2009

H.B. 204  **Concealed Firearms Instructors Amendments**  
House/ filed on 3/12/2009

H.B. 205  **Water Source Protection Amendments**  
Governor Signed on 3/24/2009  
Effective Date: 5/12/2009

H.B. 206  **Employment Selection Procedures**  
Governor Signed on 3/24/2009  
Effective Date: 5/12/2009

H.B. 207  **Concurrent Enrollment Amendments**  
House/ filed on 3/12/2009

H.B. 208  **Modification of Exemption from Nonresident Tuition**  
House/ filed on 2/25/2009

H.B. 209  **Amendments to Criminal Appeals**  
Governor Signed on 3/24/2009  
Effective Date: 5/12/2009

H.B. 210  **Posting of Collective Bargaining Agreements by School Districts and Charter Schools**  
Governor Signed on 3/31/2009  
Effective Date: 5/12/2009
H.B. 211  Retirement Investment Reports  J. Fisher
Governor Signed on 3/20/2009
Effective Date:  5/12/2009

H.B. 212  Enhanced Public Safety Retirement Systems
Cost-of-living Adjustment Option Amendments  C. Wimmer
House/ enacting clause struck on 3/12/2009

H.B. 213  Ban on Gifts to Legislators  C. Johnson
House/ enacting clause struck on 3/12/2009

H.B. 214  Sunset Date on Township Status  E. Hutchings
House/ enacting clause struck on 3/12/2009

H.B. 215  Public Service Commission Powers –
Area Code Assignment  J. Dunnigan
House/ enacting clause struck on 3/12/2009

H.B. 216  Telecommunication Pricing Flexibility
Amendments  F. Hunsaker
Governor Signed on 3/6/2009
Effective Date:  5/12/2009

H.B. 217  Utah Indoor Clean Air Act Amendments  N. Hansen
House/ enacting clause struck on 3/12/2009

H.B. 218  Family Employment Program Amendments  J. Fisher
Governor Signed on 3/20/2009
Effective Date:  5/12/2009

H.B. 219  Tobacco Tax Increase  P. Ray
House/ enacting clause struck on 3/12/2009

H.B. 220  State Payment and Reimbursement to
County Correctional Facilities  M. Noel
Governor Signed on 3/20/2009
Effective Date:  5/12/2009

H.B. 221  County Correctional Facilities
Funding Amendments  M. Noel
House/ filed on 3/12/2009
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<td>H.B. 222</td>
<td><strong>Unborn Child Pain Prevention Act</strong></td>
<td>C. Wimmer</td>
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<td><strong>Statute of Limitations Amendments</strong></td>
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<td>H.B. 224</td>
<td><strong>Health Care Provider Abusive Work Environment Prohibition Act</strong></td>
<td>S. Sandstrom</td>
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<td>H.B. 225</td>
<td><strong>Driver License Amendments</strong></td>
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<td>H.B. 226</td>
<td><strong>Disaster Recovery and Emergency Management Amendments</strong></td>
<td>C. Oda</td>
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<td>H.B. 227</td>
<td><strong>Prohibition on Citation Quotas</strong></td>
<td>N. Hansen</td>
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<td>H.B. 228</td>
<td><strong>Assault on Service Member in Uniform</strong></td>
<td>E. Hutchings</td>
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<td>H.B. 229</td>
<td><strong>Public School Funding</strong></td>
<td>W. Harper</td>
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<td>H.B. 230</td>
<td><strong>Credit Required in Teacher Transfers</strong></td>
<td>L. Fowlke</td>
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<td><strong>Utah Commission on Volunteers Amendments</strong></td>
<td>D. Aagard</td>
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<td><strong>Campaign and Financial Reporting Requirements Revisions</strong></td>
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<td><strong>Aggravated Sexual Assault Amendments</strong></td>
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<td><strong>Consumer Credit Protection Act Modification</strong></td>
<td>J. Fisher</td>
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<td><strong>Dam Safety Amendments</strong></td>
<td>S. Sandstrom</td>
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<td>H.B. 236</td>
<td><strong>Department of Community and Culture Grants</strong></td>
<td>S. Allen</td>
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<td>H.B. 237</td>
<td><strong>Criminal Penalties Amendments – Leaving the Scene of an Accident</strong></td>
<td>C. Herrod</td>
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<td>H.B. 238</td>
<td><strong>Exemption of University Housing from Eviction Laws</strong></td>
<td>K. Holdaway</td>
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<td>H.B. 239</td>
<td><strong>Utah Medical Examiner Act – Investigation and Autopsies Amendments</strong></td>
<td>C. Oda</td>
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<td>H.B. 240</td>
<td><strong>Wanton Destruction of Livestock</strong></td>
<td>R. Menlove</td>
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<td>H.B. 242</td>
<td><strong>Kindergarten Amendments</strong></td>
<td>L. Black</td>
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H.B. 243  Rental Restrictions on Condominiums and
Common Interest Communities  G. Froerer
Governor Signed on 3/24/2009
Effective Date:  5/12/2009

H.B. 244  Disruption of School Activities  C. Moss
Governor Signed on 3/25/2009
Effective Date:  5/12/2009

H.B. 245  Utah State 911 Committee Amendments  C. Oda
Governor Signed on 3/20/2009
Effective Date:  5/12/2009

H.B. 246  Property Tax – Residential Exemption  G. Froerer
House/ filed on 3/12/2009

H.B. 247  Amendments to Email Information Required of
Registered Sex Offenders  J. Bird
Governor Signed on 3/23/2009
Effective Date:  5/12/2009

H.B. 248  Regulating the Use of a Wireless Communication
Device While Operating a Motor Vehicle  C. Moss
House/ enacting clause struck on 5/12/2009

H.B. 249  Continuing Education for
Contractors Amendments  R. Bigelow
House/ enacting clause struck on 3/12/2009

H.B. 250  Revisor’s Statute  K. Garn
Governor Signed on 3/30/2009
Effective Date:  5/12/2009

H.B. 251  Joint Custody Amendments  L. Fowlke
Governor Signed on 3/24/2009
Effective Date:  5/12/2009

H.B. 252  Emergency Management Administration
Council Amendments  C. Oda
Governor Signed on 3/20/2009
Effective Date:  5/12/2009
H.B. 253  **Motor Carrier Permit Fee Amendments**  T. Kiser
Governor Signed on 3/30/2009
Effective Date:  5/12/2009

H.B. 254  **Health Professional Authority – Death Certificates**  B. Last
Governor Signed on 3/20/2009
Effective Date:  5/12/2009

H.B. 255  **Repeal of Sales and Use Tax Exemption Relating to Mining**  C. Watkins
House/ enacting clause struck on 3/12/2009

H.B. 256  **Livestock Watering Rights Amendments**  M. Noel
Governor Signed on 3/25/2009
Effective Date:  5/12/2009

H.B. 257  **Political Subdivision Clerk Amendments**  M. Newbold
Governor Signed on 3/24/2009
Effective Date:  5/12/2009

H.B. 258  **Amendments to Notice Provisions for Subdivision Changes**  K. Powell
Governor Signed on 3/20/2009
Effective Date:  5/12/2009

H.B. 259  **Local Government Amendments**  S. Sandstrom
Governor Signed on 3/25/2009
Effective Date:  5/12/2009

H.B. 260  **School Employee Termination Amendments**  C. Wimmer
House/ enacting clause struck on 3/12/2009

H.B. 261  **Aviation Amendments**  W. Harper
Governor Signed on 3/30/2009
Effective Date:  7/1/2009

H.B. 262  **Licensing Eligibility**  S. Sandstrom
House/ enacting clause struck on 3/12/2009

H.B. 263  **Insurance Fraud Related Assessments**  D. Aagard
House/ filed on 2/24/2009
H.B. 264  **Educator Evaluation Amendments**  
Governor Signed on 3/25/2009  
Effective Date:  5/12/2009  
R. Menlove

H.B. 265  **Postmortem Procedures Amendments**  
Governor Signed on 3/20/2009  
Effective Date:  5/12/2009  
B. Daw

H.B. 266  **Wrongful Lien Amendments**  
Governor Signed on 3/20/2009  
Effective Date:  5/12/2009  
G. Froerer

H.B. 267  **Antidiscrimination Amendments**  
House/ enacting clause struck on 3/12/2009  
C. Johnson

H.B. 268  **Legislator Reporting of Gifts and Other Items**  
House/ enacting clause struck on 3/12/2009  
M. Wheatley

H.B. 269  **Anesthesiologist Assistants**  
House/ to Printing with fiscal note on 2/27/2009  
J. Fisher

H.B. 270  **Parent–time Holiday and Notification Amendments**  
House/ filed on 3/12/2009  
L. Fowlke

H.B. 271  **Workers’ Compensation – Uninsured Employers’ Fund**  
Governor Signed on 3/25/2009  
Effective Date:  7/1/2010  
M. Morley

H.B. 272  **Utah Scenic Byway Designation Amendments**  
Governor Signed on 3/31/2009  
Effective Date:  5/12/2009  
C. Herrod

H.B. 273  **Contracting for Inter–facility Medical Transports**  
House/ filed on 2/27/2009  
M. Noel

H.B. 274  **Local Government Fees and Charges**  
Governor Signed on 3/24/2009  
Effective Date:  5/12/2009  
C. Wallis
H.B. 275  **Domestic Violence in Presence of a Child Amendments**  
Governor Signed on 3/20/2009  
Effective Date:  5/12/2009  
K. Gibson

H.B. 276  **Custodial Interference Amendments**  
House/ filed on 3/12/2009  
C. Wimmer

H.B. 277  **Controlled Substance Amendments**  
House/ enacting clause struck on 3/12/2009  
P. Ray

H.B. 278  **B and C Roads Fund Amendments**  
Governor Signed on 3/20/2009  
Effective Date:  5/12/2009  
M. Noel

H.B. 279  **Uniform Prudent Management of Institutional Funds Act**  
Governor Signed on 3/24/2009  
Effective Date:  5/12/2009  
B. Last

H.B. 280  **Insurance Code – Continuing Education**  
Governor Signed on 3/23/2009  
Effective Date:  5/12/2009  
J. Bird

H.B. 281  **Wireless Communication Device Use Limitations While Operating a Motor Vehicle**  
House/ enacting clause struck on 3/12/2009  
P. Ray

H.B. 282  **Task Force on Legislative Reform**  
House/ enacting clause struck on 3/12/2009  
N. Hansen

H.B. 283  **Illegal Use of Motor Vehicles**  
Governor Signed on 3/25/2009  
Effective Date:  5/12/2009  
M. Noel

H.B. 284  **Smoking Ban in Motor Vehicle**  
House/ enacting clause struck on 3/12/2009  
F. Seegmiller

H.B. 285  **Loss of Personal Information**  
House/ enacting clause struck on 3/12/2009  
E. Hutchings
H.B. 286  Regulation of Lending by the Department of Financial Institutions  
K. Garn  
Governor Signed on 3/20/2009  
Effective Date:  5/12/2009

H.B. 287  Utah Education Network Amendments  
K. Holdaway  
Governor Signed on 3/25/2009  
Effective Date:  5/12/2009

H.B. 288  Adoption Amendments  
R. Chavez–Houck  
House/ enacting clause struck on 3/12/2009

H.B. 289  Background Checks for Qualifying Entities  
S. Sandstrom  
Governor Signed on 3/20/2009  
Effective Date:  5/12/2009

H.B. 290  Prohibition of Wireless Communication Device Use in a Motor Vehicle  
S. Clark  
Governor Signed on 3/25/2009  
Effective Date:  5/12/2009

H.B. 291  County Personnel Amendments  
B. King  
Governor Signed on 3/23/2009  
Effective Date:  5/12/2009

H.B. 292  Traffic Violation and Citation Amendments  
D. Ipson  
Governor Signed on 3/25/2009  
Effective Date:  5/12/2009

H.B. 293  State School Board Election Amendments  
R. Menlove  
House/ enacting clause struck on 3/12/2009

H.B. 294  Survival Action upon Injury or Death  
K. McIff  
Governor Signed on 3/25/2009  
Effective Date:  5/12/2009

H.B. 295  Money Laundering Amendments  
R. Wilcox  
Governor Signed on 3/20/2009  
Effective Date:  5/12/2009

H.B. 296  Schools for the Deaf and Blind Amendments  
K. Sumssion  
Governor Signed on 3/25/2009  
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<td>H.B. 298</td>
<td><strong>Juvenile Transfers from Justice Court</strong></td>
<td>K. McIff</td>
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<td><strong>Capital Improvement Appropriation Modification</strong></td>
<td>R. Bigelow</td>
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<td>H.B. 303</td>
<td><strong>Utah Medicaid Hospital Provider Assessment Act</strong></td>
<td>R. Bigelow</td>
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<td><strong>Repeal of Pilot Program for Real-time Reporting for Controlled Substance Database</strong></td>
<td>R. Bigelow</td>
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<td><strong>Independent Contractor Database Amendments</strong></td>
<td>R. Bigelow</td>
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<td><strong>County Fiscal Procedures Amendments</strong></td>
<td>C. Herrod</td>
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<td>H.B. 310</td>
<td><strong>Authority of Lieutenant Governor to Perform Marriage</strong></td>
<td>C. Wimmer</td>
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<td><strong>Utah State Railroad Museum Authority</strong></td>
<td>N. Hansen</td>
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<td><strong>Amended Campaign Finance Filings</strong></td>
<td>S. Allen</td>
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<td><strong>Social Host Liability Act</strong></td>
<td>E. Hutchings</td>
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<td><strong>Dna Sample for Criminal Offenses – Amendments</strong></td>
<td>R. Greenwood</td>
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<td>H.B. 315</td>
<td><strong>Local School Governance Amendments</strong></td>
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<td><strong>Time Limitation for Prosecution of Environmental Crimes</strong></td>
<td>C. Wimmer</td>
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H.B. 318 Construction Trades Licensing Amendments  B. King
House/ enacting clause struck on 3/12/2009

H.B. 319 Disaster Recovery Funding Amendments  C. Oda
Governor Signed on 3/20/2009
Effective Date:  5/12/2009

H.B. 320 Collection Agency Amendments  R. Webb
Governor Signed on 3/25/2009
Effective Date:  5/12/2009

H.B. 321 State Agency Structure Task Force  W. Harper
House/ enacting clause struck on 3/12/2009

H.B. 322 Tire Recycling Fee Modifications  N. Hendrickson
House/ filed on 3/12/2009

H.B. 323 Amendments Regarding Notice on Utah Public Notice Website  B. Winn
Governor Signed on 3/24/2009
Effective Date:  5/12/2009

H.B. 324 Motor Vehicle Business Regulation Act Amendments  F. Gibson
Governor Signed on 3/20/2009
Effective Date:  5/12/2009

H.B. 325 Opting Out of the Real Id Act  S. Sandstrom
House/ filed on 3/12/2009

H.B. 326 Forcible Entry and Detainer Amendments  L. Fowlke
Governor Signed on 3/25/2009
Effective Date:  5/12/2009

H.B. 327 Building Inspector Amendments  D. Aagard
Governor Signed on 3/23/2009
Effective Date:  5/12/2009

H.B. 328 Teacher Quality Amendments  G. Hughes
Governor Signed on 3/25/2009
Effective Date:  7/1/2009
H.B. 329  **Wrongful Death Claims**  
Governor Signed on 3/20/2009  
Effective Date:  5/12/2009  

L. Fowlke

H.B. 330  **Utah School Seismic Hazard Inventory**  
House/ enacting clause struck on 3/12/2009  

L. Wiley

H.B. 331  **Health Reform – Health Insurance Coverage in State Contracts**  
Governor Signed on 3/11/2009  
Effective Date:  5/12/2009  

J. Dunnigan

H.B. 332  **Public Service Commission Powers Amendments**  
Bill Numbered by Title Without any Substance on 2/7/2009  

R. Barrus

H.B. 333  **Motor Vehicle Impound Amendments**  
House/ filed on 3/12/2009  

C. Oda

H.B. 334  **Writing Assessment and Instruction**  
Governor Signed on 3/25/2009  
Effective Date:  7/1/2009  

M. Newbold

H.B. 335  **Health Insurance Transparency**  
Bill Numbered by Title Without any Substance on 2/7/2009  

J. Biskupski

H.B. 336  **Concealed Firearm Amendments**  
Bill Numbered by Title Without any Substance on 2/7/2009  

C. Wimmer

H.B. 337  **Choose Life Special Group License Plate**  
House/ filed on 3/12/2009  

C. Herrod

H.B. 338  **Public Local Area Network Access Act**  
Bill Numbered by Title Without any Substance on 2/7/2009  

E. Hutchings

H.B. 339  **Legislator – Benefit Plans**  
House/ enacting clause struck on 3/12/2009  

E. Hutchings
H.B. 340  **Respite Care Assistance Fund**  
Governor Signed on 3/30/2009  
Effective Date: 5/12/2009  
J. Draxler

H.B. 341  **Manufacturing Incentive**  
Bill Numbered by Title Without any Substance on 2/7/2009  
C. Wallis

H.B. 342  **Disproportionate Rental Fee Amendments**  
Governor Signed on 3/24/2009  
Effective Date: 5/12/2009  
G. Froerer

H.B. 343  **Safety Inspection and Emission Amendments**  
Bill Numbered by Title Without any Substance on 2/7/2009  
J. Bird

H.B. 344  **Automobile Registration Amendment**  
House/ enacting clause struck on 3/12/2009  
S. Sandstrom

H.B. 345  **Elected Officials – Restrictions on Lobbying**  
Governor Signed on 3/30/2009  
Effective Date: 5/12/2009  
B. Dee

H.B. 346  **Campaign and Financial Reporting Requirements Amendments**  
Governor Signed on 3/30/2009  
Effective Date: 5/12/2009  
B. Dee

H.B. 347  **Alcoholic Beverage Control Act Modifications**  
House/ filed on 3/12/2009  
G. Hughes

H.B. 348  **Creation of the Office of Inspector General**  
Bill Numbered by Title Without any Substance on 2/7/2009  
G. Hughes

H.B. 349  **Heavy Beer Amendments**  
House/ filed on 3/12/2009  
C. Oda

H.B. 350  **Legislative Code Amendments**  
Bill Numbered by Title Without any Substance on 2/7/2009  
D. Clark
H.B. 351  Court Fees Amendments  C. Oda
House/ filed on 3/12/2009

H.B. 352  Alcoholic Beverage Related Amendments  J. Dunnigan
Governor Signed on 3/24/2009
Effective Date:  5/12/2009

H.B. 353  Truth in Advertising Act Amendments  M. Morley
Governor Vetoed on 3/25/2009
Effective Date:  1/1/2010

H.B. 354  Capital Project Amendments  S. Clark
House/ enacting clause struck on 3/12/2009

H.B. 355  Indigent Inmate Trust Fund Amendments  K. McIff
Governor Signed on 3/20/2009
Effective Date:  5/12/2009

H.B. 356  Barber, Cosmetologist/barber, Esthetician, Electrologist, and Nail Technician Licensing Act Amendments  M. Newbold
Governor Signed on 3/23/2009
Effective Date:  5/12/2009

H.B. 357  Firearms Amendments  S. Sandstrom
Governor Signed on 3/30/2009
Effective Date:  5/12/2009

H.B. 358  Teacher Certification Amendments  E. Hutchings
Bill Numbered by Title Without any Substance on 2/7/2009

H.B. 359  Information for Temporary License Plates  E. Hutchings
House/ enacting clause struck on 3/12/2009

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H.B. 361  Offset for Social Security and Workers’ Compensation  W. Harper
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   Council Amendments, Van Tassell, K. ......................... SB 37 (P)

SUNSET LEGISLATION

Sunset Act and Repealers Reauthorizations, Killpack, S. .... SB 143 (P)
Sunset Date on Township Status, Hutchings, E. ............... HB 214 (F)

TASK FORCE / COMMITTEES

Administrative Rules Review Committee, Stephenson, H. .... SB 64 (F)
Hospital Emergency Room Task Force, Buttars, D. C. ........ SB 119 (F)
Joint Resolution Regarding Legislative Ethics, Davis, G. .... SJR 19 (F)
Local School Funding Legislative Task Force, Buttars, D. C. SB 109 (F)
Snake Valley Aquifer Research Team and Advisory
   Council, Winn, B. .................................................. HB 120 (P)
State Agency Structure Task Force, Harper, W. .............. HB 321 (F)
Task Force on Legislative Reform, Hansen, N. ............... HB 282 (F)
Utility Transmission Corridor Siting Task Force, Jenkins, S. SB 33 (F)

TECHNOLOGY

Resolution Approving Contract for Construction of
   Utah Science Technology and Research
   Initiative Centers, Hillyard, L. ................................. SJR 22 (P)
Utah Science Technology and Research Initiative
   Amendments, Killpack, S. ................................. SB 240 (P)
Utah Technology Governance Act Amendments, Clark, S. ........ HB 411 (P)

TECHNOLOGY GOVERNANCE
Utah Technology Governance Act Amendments, Clark, S. ........ HB 411 (P)

TELECOMMUNICATIONS
Prohibition of Text Messaging or Electronic Mail
   Communication While Driving, Hillyard, L. .............. SB 149 (F)
Public Local Area Network Access Act, Hutchings, E. .......... HB 338 (F)
Public Service Commission Powers – Area Code
   Assignment, Dunnigan, J. ................................. HB 215 (F)
Telecommunication Pricing Flexibility
   Amendments, Hunsaker, F. ............................... HB 216 (P)
Telecommunications Universal Service Fund
   Revisions, Valentine, J. ................................. SB 231 (F)
Wireless Communication Device Use Limitations
   While Operating a Motor Vehicle, Ray, P. ................. HB 281 (F)

TELEPHONE
Office of Consumer Services Act, Valentine, J. ............... SB 214 (P)
Prohibition of Text Messaging or Electronic Mail
   Communication While Driving, Hillyard, L. .............. SB 149 (F)
Prohibition of Wireless Communication Device Use
   in a Motor Vehicle, Clark, S. ............................. HB 290 (P)
Regulating the Use of a Wireless Communication
   Device While Operating a Motor Vehicle, Moss, C. ....... HB 248 (F)
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   While Operating a Motor Vehicle, Ray, P. ................. HB 281 (F)

TITLE AND ESCROW
Title and Escrow Commission Related
   Amendments, Valentine, J. ............................... SB 268 (F)

TOBACCO
Budget Implementation Adjustments – Tobacco
   Settlement Funds, Bigelow, R. ............................ HB 444 (F)
Prohibition on Internet or Mail–order Sales of
   Tobacco Products, Dayton, M. ........................... SB 228 (P)
Smoking Ban in Motor Vehicle, Seegmiller, F.J. ........................ HB 284 (F)
Tobacco Access Restrictions, Last, B. .......................... HB 456 (P)
Tobacco Monies, Newbold, M. ................................. HB 426 (F)
Utah Indoor Clean Air Act Amendments, Hansen, N. .............. HB 217 (F)

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Cigarette Tax Exemption Amendments, Vickers, E. .................... HB 70 (F)
Tobacco Tax Amendments, Christensen, A. .......................... SB 114 (F)
Tobacco Tax Increase, Ray, P. ..................................... HB 219 (F)

TOURISM

Amendments to Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Act, Harper, W. ......................... HB 55 (P)
Financial Incentives for Motion Picture Productions, Hillyard, L. .......................... SB 14 (P)
Tourism Marketing Performance Account Amendments, Bigelow, R. ........................ HB 307 (P)
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TOW TRUCKS

Motor Vehicle Impound Amendments, Oda, C. ........................ HB 333 (F)
Vehicle Towing Amendments, Kiser, T. ............................. HB 112 (P)

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Sunset Date on Township Status, Hutchings, E. ........................ HB 214 (F)
Township Amendments, Riesen, P. ................................. HB 74 (F)
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Trademark Amendments, Last, B. ............................... HB 450 (F)

TRANSPORTATION

Amendments to Driver License Sanction Requirements, Greenwood, R. .......................... HB 21 (P)
Amendments to Property Tax, Bramble, C. .......................... SB 210 (P)
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Aviation Fuel Tax Amendments, Niederhauser, W. ................ SB 141 (P)
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Choose Life Special Group License Plate, Herrod, C. .......... HB 337 (F)
Class B and C Roads Amendments, Van Tassell, K. .......... SB 178 (F)
Commercial Motor Vehicle Amendments, Kiser, T. .......... HB 30 (P)
Community Animal Shelter and Adoption Support Special
            Group License Plate, Knudson, P. .......... SB 218 (F)
Criminal Penalties Amendments – Leaving the Scene
            of an Accident, Herrod, C. ..................... HB 237 (P)
Criminal Penalty Amendments, Liljenquist, D. .......... SB 116 (P)
Criminal Prosecution Amendments, Liljenquist, D. .......... SB 181 (F)
Dedication and Abandonment of a Highway, Madsen, M. .. SB 221 (F)
Designation of State Highways Amendments, Kiser, T. .... HB 46 (P)
Diesel–powered Motor Vehicle Emissions Inspection
            Program Amendments, Bell, G. .................. SB 136 (P)
Disabled Parking Violation Amendments, Mascaro, S. .... HB 370 (F)
Driver License Amendments, Wimmer, C. .................. HB 225 (F)
Driver License Amendments – Motor Driven Cycles, Kiser, T. HB 53 (P)
Driver License Defensive Driving Course
            Amendments, Van Tassell, K. .................... SB 151 (F)
Driver License Hearing Amendments, Greenwood, R. .... HB 104 (P)
Driver License Qualification Amendments, Sandstrom, S. .. HB 137 (F)
Driver License Revisions, Hillyard, L. .................... SB 147 (P)
Driver License Sanctions and Sentencing Requirements for
            Driving Under the Influence and Alcohol
            DUI Amendments, Killpack, S. ..................... SB 272 (P)
False Vehicle Title and Registration Penalties, Ray, P. .... HB 102 (P)
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            Amendments, Menlove, R. ....................... HB 50 (P)
Forest Reserve Fund Revisions, Noel, M. ................... HB 149 (P)
High Occupancy Vehicle Lane Amendments, Sumson, K. ... HB 203 (F)
Highway Access to State Parks or
            Sovereign Lands, Barrus, R. .................... HB 388 (F)
Highway Designation Amendments, Hinkins, D. .......... SB 66 (P)
House Resolution Expressing Opposition to the Creation
            of a National Identification Card, Sandstrom, S. .. HR 04 (P)
Illegal Use of Motor Vehicles, Noel, M. .................... HB 283 (P)
Indemnification for Design Professional Services, Bell, G. .. SB 124 (P)
Information for Temporary License Plates, Hutchings, E. .. HB 359 (F)
Justice for All Special Group License Plate, Bell, G. .... SB 215 (F)
Lawful Presence Verification for Issuance of a Driver License
            or Identification Card, Bramble, C. ............... SB 40 (P)
Local Option Transportation Corridor Preservation
   Fund Amendments, Okerlund, R. ......................... SB 57 (P)
Motor Carrier Permit Fee Amendments, Kiser, T. .......... HB 253 (P)
Motor Vehicle Business Regulation Act
   Amendments, Gibson, F. .............................. HB 324 (P)
Motor Vehicle Forfeiture Amendments, Herrod, C. ....... HB 151 (P)
Motor Vehicle Impound Amendments, Oda, C. ............. HB 333 (F)
Motor Vehicle Insurance Fee, Wiley, L. ................. HB 161 (F)
Motor Vehicle Registration Fee Amendments, Frank, C. .. HB 140 (F)
Motor Vehicle Registration Fees, Okerlund, R. .......... SB 234 (F)
Motorcycle Helmet Amendments, Menlove, R. .......... HB 387 (F)
Motorcycle Helmet Law Amendments, Hansen, N. ....... HB 158 (F)
Motorcycle Rider Education Program Amendments, Daw, B. HB 40 (P)
Natural Gas for Vehicles, Ipson, D. .................... HB 392 (P)
New Motor Vehicle Franchise Amendments, Killpack, S. .. SB 52 (P)
Opting Out of the Real Id Act, Sandstrom, S. .......... HB 325 (F)
Pete Suazo Memorial Highway, Robles, L. ............... SB 144 (F)
Prohibition of Railroad Coupling\Decoupling, Bird, J. .. HB 382 (F)
Prohibition of Text Messaging or Electronic Mail
   Communication While Driving, Hillyard, L. ........... SB 149 (F)
Prohibition of Wireless Communication Device Use
   in a Motor Vehicle, Clark, S. .......................... HB 290 (P)
Property Taxation and Registration of Aircraft, Madsen, M. SB 157 (P)
Regulating the Use of a Wireless Communication Device
   While Operating a Motor Vehicle, Moss, C. .......... HB 248 (F)
Restricting the Movement of a Motor Vehicle, Goodfellow, B. SB 50 (P)
Restrictions on Use of Wireless Communication
   Devices in Vehicles, Riesen, P. ....................... HB 95 (F)
Reuse of Industrial Byproduct, Bramble, C. ............ SB 224 (P)
Revisions to Transportation, Jenkins, S. ................ SB 203 (F)
Safety Belt Enforcement Amendments, Bramble, C. ....... SB 179 (F)
Safety Inspection and Emission Amendments, Bird, J. .... HB 343 (F)
Salvage Vehicle Title Amendments, Kiser, T. ............ HB 113 (P)
Salvage Vehicles Amendments, Urquhart, S. ............ SB 193 (P)
School District Traffic Violation Complaint
   Procedures, Harper, W. ............................... HB 202 (P)
Share the Road Special Group License Plate, Niederhauser, W. .. SB 102 (P)
Smoking Ban in Motor Vehicle, Seegmiller, F.J. .......... HB 284 (F)
Tax Amendments, Bell, G. .............................. SB 248 (P)
Taxes on Motor Fuels, Valentine, J. ..................... SB 72 (F)
Traffic Accident Clearance Amendments, Hutchings, E. ...... HB 24 (P)
Traffic Violation and Citation Amendments, Ipson, D. .......... HB 292 (P)
Transportation Amendments, Harper, W. ...................... HB 185 (P)
Transportation Funding Amendments, Urquhart, S. .......... SB 134 (P)
Transportation Funding Modifications, Mayne, K. .......... SB 251 (F)
Transportation Governance, Harper, W. ...................... HB 371 (P)
Transportation Provisions, Lockhart, R. ...................... HB 452 (F)
Transportation Revisions, Killpack, S. ...................... SB 239 (P)
Underinsured Motorist Coverage Amendments, Urquhart, S. SB 172 (P)
Uniform Fees on Motorcycles, Goodfellow, B. .............. SB 245 (F)
Underinsured Motorist Coverage Amendments, Madsen, M. SB 236 (F)
Utah Scenic Byway Designation Amendments, Herrod, C. HB 272 (P)
Vehicle Amendments, Jenkins, S. .............................. SB 22 (P)
Vehicle Operator Turn off Requirements, Hunsaker, F. ...... HB 73 (F)
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Vehicle Towing Amendments, Kiser, T. ....................... HB 112 (P)
Wireless Communication Device Use Limitations
While Operating a Motor Vehicle, Ray, P. .................. HB 281 (F)
Workers’ Compensation – Motor Carriers, Ipson, D. ....... HB 308 (P)

TRANSPORTATION FUND
B and C Roads Fund Amendments, Noel, M. ............... HB 278 (P)
Class B and C Roads Amendments, Van Tassell, K. ....... SB 178 (F)
Local Option Transportation Corridor Preservation
Fund Amendments, Okerlund, R. ......................... SB 57 (P)
Transportation Amendments, Harper, W. .................. HB 185 (P)
Transportation Funding Amendments, Urquhart, S. ....... SB 134 (P)

TRUST LANDS
Environmental Litigation Bond, Noel, M. ................. HB 379 (F)
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by School Districts, Cosgrove, T. ...................... HB 146 (F)
Obstruction of Natural Resource or Agricultural
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TRUSTS
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Trust Amendments, Lockhart, R. ..................... HB 195 (P)

UNCLAIMED PROPERTY
Gift Card or Document Amendments, Niederhauser, W. .... SB 270 (P)
UNDERGROUND STORAGE TANKS
Underground Storage Tank Amendments, McIff, K. .......... HB 368 (F)

UNEMPLOYMENT COMPENSATION
Unemployment Insurance Amendments, Mascaro, S. ........ HB 428 (F)

UNIFORM COMMERCIAL CODE
Utah Common Interest Ownership Act, Bell, G. ................. SB 212 (F)

UNIFORM FEES
Uniform Fees on Motorcycles, Goodfellow, B. ................. SB 245 (F)

UNIFORM LAWS
Amendments to Uniform Debt—management Services Act, Hillyard, L. .................... SB 167 (P)
Uniform Law – Uniform Assignment of Rents Act, Romero, R. .. SB 54 (P)
Uniform Laws – Uniform Principal and Income
  Act Amendments, Hillyard, L. ..................... SB 103 (P)
Uniform State Law – Uniform Unsworn Foreign Declarations Act, Hillyard, L. .................... SB 122 (P)

UNIFORM PROBATE CODE
Personal Injury Protection Coverage Amendments, Kiser, T. .. HB 127 (P)
Uniform Laws – Uniform Principal and Income
  Act Amendments, Hillyard, L. ..................... SB 103 (P)
Utah Uniform Probate Code –
  Trust Amendments, Lockhart, R. ..................... HB 195 (P)

UTAH MUNICIPAL CODE
Acquisition of a Billboard by Eminent Domain, Niederhauser, W. .................... SB 190 (P)
Amendments Regarding Notice on Utah Public Notice Website, Winn, B. ....................... HB 323 (P)
Amendments to Notice Provisions for Subdivision
  Changes, Powell, K. ................................. HB 258 (P)
Assessment Area Amendments, Hunsaker, F. .................... HB 16 (P)
Billboard Amendments, Frank, C. ............................ HB 141 (P)
Building Authorities, Stowell, D. ............................ SB 93 (P)
City and County Carbon Credits for Sequestration of Waste Stream Materials, Romero, R. .................... SB 223 (F)
County and Municipal Land Use Amendments, Madsen, M. .......... SB 153 (P)
County and Municipal Zoning Powers, Brown, M. ............... HB 168 (F)
Development Exactions, Painter, P. .................................... HB 68 (P)
Disproportionate Rental Fee Amendments, Froerer, G. .......... HB 342 (P)
Education Building Projects Zoning Exemption
  Amendments, Wimmer, C. ........................................... HB 409 (F)
Enforcement of Carbon Monoxide Detector
  Requirements, Garn, K. ............................................. HB 402 (P)
Impact Fee Amendments, Powell, K. ................................. HB 125 (F)
Joint Resolution – Renewable Energy System, Jones, P .......... SJR 1 (P)
Joint Resolution Amending Provision on Municipal
  Water Rights, McIff, K. ............................................ HJR 16 (F)
Land Use, Development, and Management Act
  Amendments, Bell, G. .............................................. SB 209 (P)
Licensing Eligibility, Sandstrom, S. ................................. HB 262 (F)
Local Government Entity Changes, Holdaway, K. ............... HB 61 (P)
Local Government Fees and Charges, Wallis, C. B. ............ HB 274 (P)
Migratory Bird Production Areas, Oda, C. ......................... HB 164 (P)
Military Installation Development Authority
  Amendments, Killpack, S. .......................................... SB 56 (P)
Mining Protection Amendments, Killpack, S. ..................... SB 68 (P)
Modifications to Recording Requirements, Okerlund, R. ....... SB 63 (F)
Municipal Annexation Amendments, Jenkins, S. .................. SB 171 (P)
Municipal Disincorporation Amendments, Froerer, G. .......... HB 201 (F)
Payment of Mobile Home Park Relocation
  Expenses, Niederhauser, W. ....................................... SB 115 (P)
Political Subdivision Clerk Amendments, Newbold, M. ........... HB 257 (P)
Public Utility Easement Amendments, Bell, G. ................... SB 269 (P)
Resource Recovery by Governmental Entities, Cosgrove, T. .... HB 147 (F)
Restaurant Nutrition Labeling, Stephenson, H. .................. SB 213 (P)
Revision to Local Government, Noel, M. ........................... HB 417 (F)
Unincorporated Areas Amendments, Mayne, K. ..................... SB 73 (P)
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UTILITIES SITING

Improvement District – Providing Electric Service, Stowell, D. ... SB 188 (P)
Siting of High Voltage Power Line Act, Knudson, P. .............. SB 41 (P)
Underground Sewer Utilities Facilities Amendments, Greiner, J. ... SB 94 (P)
Utility Amendments, Urquhart, S. ................................. SB 75 (P)
**VICTIMS’ RIGHTS**

Asset Preservation Amendments, Hughes, G. ..................... HB 130 (P)
Cohabitant Abuse Procedures Act
   Amendments, Goodfellow, B. .............................. SB 220 (P)
Criminal Restitution Amendments, Bramble, C. .................. SB 182 (P)
Restitution Fund Account, Liljenquist, D. ....................... SB 51 (P)
Sexual Assault Victim Protocols, Biskupski, J. .................. HB 132 (P)
Survival Action upon Injury or Death, McIff, K. ................ HB 294 (P)
Victim Rights Amendments, Webb, R. C. ......................... HB 148 (P)

**VITAL STATISTICS**

Disposition of a Dead Body, Christensen, A. .................... SB 142 (P)
Health Professional Authority – Death Certificates, Last, B. .. HB 254 (P)
Postmortem Procedures Amendments, Daw, B. .................... HB 265 (P)

**WATER AND IRRIGATION**

Applications for a Small Amount of Water, Painter, P. .......... HB 389 (P)
Collection and Use of Precipitation, McCoy, S. ................. SB 58 (F)
Concurrent Resolution Expressing Opposition to
   Congressional Efforts to Expand the Jurisdiction
   of the Clean Water Act, Brown, M. ....................... HCR 6 (P)
Dam Safety Amendments, Sandstrom, S. ......................... HB 235 (P)
Development Exactions, Painter, P. .......................... HB 68 (P)
Districts Providing Service to Taxed Property, Waddoups, M. .. SB 60 (F)
House Resolution Supporting the Narrows Water Project
   in Central Utah, Winn, B. .................................. HR 01 (P)
Joint Resolution Approving Water Rights Form, Ferry, B. .... HJR 24 (F)
Joint Resolution Revising Property Tax Exemption, Painter, P. .. HJR 6 (F)
Livestock Watering Rights Amendments, Noel, M. ............... HB 256 (P)
Mutual Benefit Corporation – Judicial Liens, Painter, P. ....... HB 85 (P)
Priority of Water Rights, Gibson, K. ........................ HB 241 (P)
Rainwater Harvesting, Jenkins, S. ............................ SB 128 (F)
Recreational Use of Public Waters on
   Private Property, Ferry, B. .............................. HB 187 (F)
Safe Drinking Water Act Amendments, Stowell, D. ............. SB 29 (P)
Senate Resolution Supporting the Narrows Water
   Project in Central Utah, Okerlund, R. ...................... SR 02 (P)
Snake Valley Aquifer Research Team and Advisory
   Council, Winn, B. .................................. HB 120 (P)
State Water Development Commission
   Amendments, Gibson, K. .............................. HB 62 (P)
Water Loan Amendments, Gowans, J. ......................... HB 441 (F)
Water Right Applications and Records, Painter, P. ............ HB 18 (P)
Water Rights – Informal Adjudications, McIff, K. .............. HB 19 (P)
Water Rights Addendums to Deeds, Ferry, B. .................... HB 366 (F)
Water Rights Adjudication Amendments, Gowans, J. .......... HB 383 (P)
Water Source Protection Amendments, Noel, M. ............... HB 205 (P)

WATER QUALITY

Safe Drinking Water Act Amendments, Stowell, D. .......... SB 29 (P)
Snake Valley Aquifer Research Team and Advisory Council, Winn, B. ........................................ HB 120 (P)
Water Source Protection Amendments, Noel, M. ............... HB 205 (P)

WATER RIGHTS – CONST. ART. XVII

Joint Resolution Amending Provision on Municipal Water Rights, McIff, K. ........................................ HJR 16 (F)

WEAPONS

Amendments to General Government Law, Sandstrom, S. ...... HB 431 (F)
Concealed Firearm Permit Residency Requirement, McCoy, S. .................................................. SB 96 (F)
Concealed Firearm Amendments, Wimmer, C. ............... HB 336 (F)
Concealed Firearm Permit Amendments, Newbold, M. ........ HB 162 (F)
Concealed Firearm Permit Fees Amendments, McCoy, S. .... SB 227 (F)
Concealed Firearm Permit for Retired Peace Officer, Goodfellow, B. ................................................. SB 45 (F)
Concealed Firearms Instructors Amendments, Oda, C. ....... HB 204 (F)
Criminal Offense Elements and Penalties, Wimmer, C .......... HB 36 (F)
Firearms Amendments, Sandstrom, S. ........................ HB 357 (P)
Gun Dealer Penalty Amendments, Oda, C. ........................ HB 25 (P)
Protection of Constitutionally Guaranteed Activities in Certain Private Venues, Madsen, M. ......................... SB 78 (P)
Violent Offenses Amendments, Seelig, J. ........................ HB 37 (P)

WILDLIFE

Administering Substances to Wildlife, Dayton, M. ........... SB 13 (P)
Concurrent Resolution Honoring Don Peay, Dee, B. ........... HCR 9 (P)
Hunter Education Amendments, Painter, P. .................. HB 421 (F)
Hunting Guides and Outfitters Licensing Act, Vickers, E. .... HB 173 (P)
Migratory Bird Production Areas, Oda, C. ........................ HB 164 (P)
Penalties for Destruction of Bald Eagle, Barrus, R. ............... HB 34 (P)
Recreational Use of Public Waters on
  Private Property, Ferry, B. ................................ HB 187 (F)
Requirement to Wear Hunter Orange
  Amendments, Sandstrom, S. ............................... HB 92 (P)

WORKERS’ COMPENSATION
Offset for Social Security and Workers’
  Compensation, Harper, W. ................................. HB 361 (F)
Utah Injured Worker Reemployment Act, Morley, M. ............ HB 39 (P)
Workers’ Compensation – Attorney Fees, Mayne, K. .......... SB 121 (P)
Workers’ Compensation – Motor Carriers, Ipson, D. .......... HB 308 (P)
Workers’ Compensation – Uninsured
  Employers’ Fund, Morley, M. .............................. HB 271 (P)
Workers’ Compensation Act – Medical Reports, Mayne, K. .... SB 120 (P)
Workers’ Compensation Premium Assessment
  and Related Funding, Mayne, K. .......................... SB 15 (P)

WORKFORCE SERVICES CODE
Family Employment Program Amendments, Fisher, Janice ...... HB 218 (P)
Individual Development Account
  Amendments, Seegmiller, F.J. ........................... HB 91 (P)
Joint Resolution Urging Employers to Hire Only Individuals
  Who Are Authorized to Work in the
  United States, Herrod, C. ............................... HJR 25 (F)
Refugee Services Fund Amendments, Herrod, C. ............. HB 38 (P)
Unemployment Insurance Amendments, Mascaro, S. .......... HB 428 (F)

WORKING CONDITIONS
Safety Belt Enforcement Amendments, Bramble, C. .......... SB 179 (F)

ZONING
Education Building Projects Zoning Exemption
  Amendments, Wimmer, C. ............................... HB 409 (F)
CERTIFICATION

The undersigned, as the duly appointed committee on the revision of the House Journal of the 2009 First Special Session of the Fifty-eighth Legislature of the State of Utah, do hereby certify that the contents published herein are a full, true and correct record of the proceedings of the session commencing on Wednesday, May 20, 2009 and ending Wednesday, May 20, 2009.

COMMITTEE ON REVISION
OF THE HOUSE JOURNAL

SANDY D. TENNEY
Chief Clerk

JANICE A. GADD
Journal Clerk
The House was called to order by Speaker Clark at 2:15 p.m.

Prayer and Pledge of Allegiance led by Representative Brad Last.

**MISCELLANEOUS BUSINESS**

On motion of Representative Garn, the House voted to continue with the same organization for the 2009 First Special Session of the 58th Legislature as set up and constituted during the 2009 General Session of the Legislature insofar as it pertains to the Speakership, Majority Leadership and Minority Leadership.

Speaker Clark appointed Sandy D. Tenney as Chief Clerk.

The Chief Clerk read the following:

**PROCLAMATION**

WHEREAS, since the adjournment of the 2009 General Session of the Fifty-Eighth Legislature of the State of Utah, matters have arisen that 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 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-Eighth Legislature of the State of Utah into a First Special Session at the Utah State Capitol, in Salt Lake City, Utah, on the 20th day of May 2009, at 2:00 P.M., for the following purposes:

2. To address Medicaid Hospital Provider rates for FY 2010.

3. To adjust funding to the Departments of Health and Human Services, including the Division of Juvenile Justice Services, to offset the Federal Medicaid Assistance Program estimates for FY 2009.


5. To appropriate funds to and from General Fund Restricted Accounts and budget line items that had been reclassified from Restricted Special Revenue Funds in the 2009 General Session HB 391, Budgetary Procedures Act Revisions.

6. To move funding for the Housing Grant Program from the Finance Mandated Line Item to the Housing Relief Restricted Special Revenue Fund and to change the effective date of the appropriation from FY 2010 to FY 2009.

7. To balance transfers among the General Fund, Education Fund, and Uniform School Funds in FY 2009 and to correct an FY 2010 transfer from the Education Fund to the Uniform School Fund in 2009 General Session SB 3, Appropriations Adjustments, Item 175.

8. To accelerate from FY 2010 to FY 2009 transfers between the Severance Tax Holding Account and the General Fund.

9. To adjust the disposition of the motor vehicle registration fee revenue increase enacted by 2009 General Session SB 239, Transportation Revisions.

10. To appropriate funds to cover the cost of implementation of SB 230, Construction Payment Amendments that passed during the 2009 General Session after the Bill of Bills.

11. To advise and consent to the Governor’s appointments transmitted to the Senate pursuant to Utah Code Ann. Sections 67–1–1 and 67–1–2.

12. To make technical corrections to public and legal notice requirements, including renumbering sections and subsections, and to restore language in the Open and Public Meetings Act and the Division of Oil, Gas, and Mining Notice Requirements.
13. To authorize the State Treasurer to apportion up to $1.2 million in Forest Service special projects payments directly to county special service districts from Title III of the Secure Rural Schools and Community Self Determination Act.

14. To modify the Employment Selection Procedures Act to permit an employer to request information from an applicant to review the employer’s internal records for employment related actions or to provide a governmental agency with information related to a governmental program, service, or benefit; and to clarify when information may be disclosed by an employer as required by law.

15. To consider whether an owner of agricultural land within a less populated county should, under limited circumstances, be authorized to create a minor subdivision regardless of local planning and zoning.

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 15th day of May, 2009.

JON M. HUNTSMAN, JR.
Governor
GARY R. HERBERT,
Lieutenant Governor

Communication filed.

CERTIFICATION

I, Gary R. Herbert, Lieutenant Governor of the State of Utah, do hereby certify that the attached copy of the Proclamation issued on the 15th day of May, 2009 and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Fifty-Eighth Legislature of the State of Utah on the 20th day of May, 2009, at 2:00 p.m., for the purposes named in the Proclamation.

I further certify that the membership of the Utah State House of Representatives has not changed from that of the Certification of the 2009 General Session.
In testimony whereof, I have hereunto set my hand and affixed the Great Seal of the State of Utah, at Salt Lake City, this 18th day of May, 2009.

GARY R. HERBERT,
Lieutenant Governor

Communication filed.

MISCELLANEOUS BUSINESS

Roll call showed all members present except Representative Keith Grover, excused.

On motion of Representative Ferry, the House voted to adopt the same House Rules and Joint Rules for the 2009 First Special Session as adopted in the 2009 General Session.

On motion of Representative Litvack, the House voted to authorize the Speaker to appoint a committee to meet with a like committee from the Senate to wait upon the Governor to inform him that the Legislature is organized and ready to do business.

The Speaker appointed Representatives Wayne Harper, Brad Daw, and Christine Watkins.

On motion of Representative Dee, the House voted to authorize the Speaker to appoint a committee to wait upon the Senate to inform that Honorable Body that the House is organized and ready to do business.

The Speaker appointed Representatives Craig Frank, Becky Edwards, and Trisha Beck.

On motion of Representative Garn, the House voted to consider all bills on the House and Senate Calendars during the First Special Session of the Fifty-Eighth Legislature under suspension of the 24-hour rule.

On motion of Representative Ferry, as allowed by the Utah Constitution and Joint Rules of the Legislature, the House voted to continue its practice of reading only the short title of bills and resolutions as they are introduced or considered on a House Calendar and not read the long title of the bills and resolutions unless a majority of the House directs the reading of the long title, short title, or both of any House or Senate bill or resolution.
Representative Frank reported that his committee waited upon the Senate and informed them that the House is organized and ready to do business.

Representative Harper reported that his committee waited upon the Governor and informed him that the House is organized and ready to receive any communication he has to offer.

Senators Stephenson, Neiderhauser, and Morgan formally notified the House of Representatives that the Senate was organized and ready to do business.

**INTRODUCTION OF BILLS**


**MISCELLANEOUS BUSINESS**

On motion of Representative Ferry, under suspension of the rules, the House voted to lift H.B. 1001, H.B. 1002, and H.B. 1003 from the Rules Committee, consider them read the second time by short title, and place them on the Third Reading Calendar.

**THIRD READING CALENDAR**

H.B. 1001, *SUBDIVISION APPROVAL AMENDMENTS*, Webb, read the third time by short title and placed on its final passage.

H.B. 1001 passed on the following roll call:

*Yeas, 65; Nays, 4; Absent or not voting, 6.*

**Voting in the affirmative were:** Representatives

Aagard  Allen  Barrus  Beck  
Bigelow  Bird  Biskupski  Brown  
Chavez–Houck  S. Clark  Cosgrove  Dee  
Dougall  Draxler  S. Duckworth  Dunnigan  
Edwards  Ferry  Julie Fisher  Fowlke
Voting in the negative were: Representatives
Black  Janice Fisher  Powell  Seegmiller

Absent or not voting were: Representatives
Daw  Garn  Grover  Harper
Kiser  Watkins

H.B. 1001 transmitted to the Senate for its consideration.

* * *

H.B. 1002, CONDITIONS FOR REQUESTING AND DISCLOSING INFORMATION UNDER EMPLOYMENT SELECTION PROCEDURES ACT, Harper, read the third time by short title and placed on its final passage.

On motion of Representative Dee, the House voted to circle H.B. 1002.

* * *

H.B. 1003, APPROPRIATIONS ADJUSTMENTS RELATED TO FEDERAL FUNDS, Bigelow, read the third time by short title and placed on its final passage.

On motion of Representative Bigelow, the House voted to circle H.B. 1003.

UNFINISHED BUSINESS

On motion of Representative Harper, the House voted to uncircle H.B. 1002.

H.B. 1002, CONDITIONS FOR REQUESTING AND DISCLOSING INFORMATION UNDER EMPLOYMENT SELECTION PROCEDURES ACT, Harper, was before the House on its final passage.
On motion of Representative Harper, the House voted to delete H.B. 1002 in title and body and insert 1st Sub. H.B. 1002 in lieu thereof.

1st Sub. H.B. 1002 passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives

Aagard           Allen          Barrus          Beck
Bigelow          Bird           Biskupski       Black
Brown            Chavez–Houck  S. Clark        Cosgrove
Daw              Dee            Dougall         Draxler
S Duckworth      Dunnigan       Edwards         Ferry
Janice Fisher    Julie Fisher   Fowlke          Frank
Froerer          Garn           F Gibson        K Gibson
Gowans           Greenwood     Hansen          Harper
Hemingway        Hendrickson   Herrod          Holdaway
Hughes           Hunsaker      Hutchings       Ipson
Johnson          King           Kiser           Last
Litvack          Lockhart      Mascaro         Mathis
Menlove          Morley         Moss            Newbold
Noel             Oda            Painter         Poulson
Powell           Ray            Riesen          Sandstrom
Seegmiller       Seelig        Sumsion         Vickers
Wallis           Watkins        Webb            Wheatley
Wilcox           Wiley          Wimmer         Winn
D. Clark

Absent or not voting were: Representatives

Grover           McIff

1st Sub. H.B. 1002 transmitted to the Senate for its consideration.

***

On motion of Representative Bigelow, the House voted to uncircle H.B. 1003.

H.B. 1003, APPROPRIATIONS ADJUSTMENTS RELATED TO FEDERAL FUNDS, Bigelow, was before the House on its final passage.

Representative Bigelow proposed the following amendment:

1. Page 2, Line 43:
   Delete “(2,000,000)” and insert “(2,500,000)”
2. Page 2, Line 45:
   Delete “(2,000,000)” and insert “(2,500,000)”

3. Page 3, Line 86:
   Delete “2,937,500” and insert “2,437,500”

4. Page 3, Line 89:
   Delete “2,462,500” and insert “2,962,500”

5. Page 5, Line 150:
   After Line 150 insert:
   “ECONOMIC DEVELOPMENT AND REVENUE
   DEPARTMENT OF COMMUNITY AND CULTURE
   ITEM 14A To Department of Community and Culture – Housing
   and Community Development
   From General Fund, One–time (500,000)
   From Federal Funds – American Recovery and Reinvestment
   Act 500,000
   The Legislature intends that $500,000 appropriated by this item
   to the Huntsman Cancer Center from Federal Funds – American
   Recovery and Reinvestment Act of 2009 shall come from the
   General State Fiscal Stabilization Program.”

6. Page 5, Line 153:
   After Line 153 insert:
   “From General Fund, One–time 1,000,000
   From Federal Funds 2,000,000”

7. Page 5, Line 156:
   Delete “6,572,600” and insert “9,572,600”

Representative Bigelow’s motion to amend passed on a voice vote.

###

Representative Bigelow proposed the following amendment:

1. Page 4, Line 114:
   After Line 114 insert:
   “ITEM 11A To Department of Human Services – Division of Aging
   and Adult Services
   From Federal Funds – American Recovery and Reinvestment
   Act 35,300
   Schedule of Programs:
   Non–Formula Funds 35,300”
2. Page 4, Line 139:
After Line 139 insert:
“TRANSPORTATION & ENVIRONMENTAL QUALITY
DEPARTMENT OF TRANSPORTATION
ITEM 13A To Department of Transportation – Construction
Management
From Federal Funds – American Recovery and Reinvestment
Act 64,045,200
Schedule of Programs:
State Construction – New 64,045,200”

3. Page 5, Line 151:
After Line 151 insert:
“DEPARTMENT OF HEALTH
ITEM 14A To Department of Health – Community and Family Health Services
From Federal Funds – American Recovery and Reinvestment
Act 3,011,200
Schedule of Programs:
Director’s Office 3,011,200
ITEM 14B To Department of Health – Executive Director’s Operations
From Federal Funds – American Recovery and Reinvestment
Act 1,230,000
Schedule of Programs:
Executive Director 1,230,000
All General Funds appropriated to the Department of Health – Executive Director’s Operations line item are contingent upon expenditures from Federal Funds – American Recovery and Reinvestment Act (H.R. 1, 111th United States Congress) not exceeding amounts appropriated from Federal Funds – American Recovery and Reinvestment Act in all appropriations bills passed for FY 2010. If expenditures in this line item from Federal Funds – American Recovery and Reinvestment Act exceed amounts appropriated to this line item from Federal Funds – American Recovery and Reinvestment Act in FY 2010, the Division of Finance shall reduce the General Fund allocations to this line item by one dollar for every one dollar in Federal Funds – American Recovery and Reinvestment Act expenditures that exceed Federal Funds – American Recovery and Reinvestment Act appropriations.
ITEM 14C To Department of Health – Epidemiology and Laboratory Services
From Federal Funds – American Recovery and Reinvestment Act 134,400
Schedule of Programs:
Director’s Office  134,400
All General Funds appropriated to the Department of Health – Epidemiology and Laboratory Services line item are contingent upon expenditures from Federal Funds – American Recovery and Reinvestment Act (H.R. 1, 111th United States Congress) not exceeding amounts appropriated from Federal Funds – American Recovery and Reinvestment Act in all appropriations bills passed for FY 2010. If expenditures in this line item from Federal Funds – American Recovery and Reinvestment Act exceed amounts appropriated to this line item from Federal Funds – American Recovery and Reinvestment Act in FY 2010, the Division of Finance shall reduce the General Fund allocations to this line item by one dollar for every one dollar in Federal Funds – American Recovery and Reinvestment Act expenditures that exceed Federal Funds – American Recovery and Reinvestment Act appropriations.”

4. Page 5, Line 156
After Line 156 insert:
“ITEM 15A To Department of Human Services – Division of Aging and Adult Services
From Federal Funds – American Recovery and Reinvestment Act 123,500
Schedule of Programs:
Non–Formula Funds  123,500”

5. Page 5, Line 175
Delete “9,000,000” and insert “9,600,000”

6. Page 5, Line 177
Delete “9,000,000” and insert “9,600,000”

7. Page 5, Line 182
After Line 182 insert:
“SNOW COLLEGE
ITEM 20A To Snow College – Education and General
From Federal Funds – American Recovery and Reinvestment Act 2,000,000
Schedule of Programs:
Education and General  2,000,000
DIXIE STATE COLLEGE
ITEM 20B  To Dixie State College – Education and General
From Federal Funds – American Recovery and Reinvestment
Act  500,000
Schedule of Programs:
Education and General  500,000”

Representative Bigelow’s motion to amend passed on a voice vote.

H.B. 1003, as amended, passed on the following roll call:

**Yeas, 63; Nays, 11; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

<table>
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<th>Aagard</th>
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<td>Wheatley</td>
<td>Winn</td>
<td>D. Clark</td>
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**Voting in the negative were:** Representatives

| Daw | Dougall | S Duckworth | Hansen |
| Hendrickson | Mathis | Sandstrom | Sumsion |
| Wilcox | Wiley | Wimmer |

**Absent or not voting was:** Representative

Grover

H.B. 1003, as amended, transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Garn, the House voted to saunter.
On motion of Representative Lockhart, the House voted to cease to saunter.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: May 20, 2009

The Senate passed, **H.B. 1001**, SUBDIVISION APPROVAL AMENDMENTS, by Representative R. C. Webb, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communication filed. **H.B. 1001** signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

* * *

Mr. Speaker: May 20, 2009

The Senate passed, as substituted, **1st Sub. S.B. 1001**, FOREST RESERVE FUND AMENDMENTS, by Senator R. Okerlund, and it is transmitted for consideration; and

The Senate passed, as substituted, **1st Sub. S.B. 1002**, LEGAL NOTICE AMENDMENTS, by Senator Urquhart, and it is transmitted for consideration; and

The Senate passed **S.B. 1003**, DISPOSITION OF REGISTRATION FEE REVENUES, by Senator S. Killpack, and it is transmitted for consideration; and

The Senate passed **S.B. 1004**, SUPPLEMENTAL APPROPRIATIONS ADJUSTMENTS, by Senator L. Hillyard, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate


**MISCELLANEOUS BUSINESS**

On motion of Representative Ferry, under suspension of the rules, the House voted to lift **1st Sub. S.B. 1001**, **1st Sub. S.B. 1002**, **S.B. 1003**, and **S.B. 1004** from the Rules Committee, consider them read the second time by short title and placed on the Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Representative Garn, the House voted to circle 1st Sub. S.B. 1001.

***

1st Sub. S.B. 1002, LEGAL NOTICE AMENDMENTS, Dougall, read the third time by short title and placed on its final passage.

1st Sub. S.B. 1002 passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Representatives
Aagard   Allen   Barrus   Beck
Bigelow  Bird    Biskupski Black
Brown    Chavez–Houck S. Clark Cosgrove
Daw      Dee     Dougall  Draxler
S Duckworth Dunnigan Edwards  Ferry
Janice Fisher Julie Fisher Fowlke Frank
Garn     F Gibson K Gibson Gowans
Greenwood Hansen  Harper  Hemingway
Hendrickson Herrod  Holdaway Hughes
Hunsaker Ipson  Johnson King
Kiser     Last    Litvack  Lockhart
Mascaro  Mathis  McIff    Menlove
Morley   Moss    Newbold  Noel
Oda      Painter  Poulson  Powell
Riesen   Sandstrom Seegmiller Seelig
Sumasion Vickers  Wallis  Watkins
Webb     Wheatley Wilcox  Wiley
Wimmer   Winn    D. Clark

Absent or not voting were: Representatives
Froerer  Grover  Hutchings  Ray

1st Sub. S.B. 1002 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

UNFINISHED BUSINESS

On motion of Representative Noel, the House voted to uncircle 1st Sub. S.B. 1001.

1st Sub. S.B. 1001, FOREST RESERVE FUND AMENDMENTS, Noel, was before the House on its final passage.
1st Sub. S.B. 1001 passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard         Allen         Barrus        Beck
Bigelow        Bird          Biskupski     Black
Brown          Chavez–Houck  S. Clark      Cosgrove
Daw            Dee           Dougall      Draxler
S Duckworth    Dunnigan     Edwards       Ferry
Janice Fisher  Julie Fisher  Fowlke        Frank
Garn           F Gibson      K Gibson      Gowans
Greenwood      Hansen       Harper        Hemingway
Hendrickson    Herrod       Holdaway     Hughes
Hunsaker       Ipson         Johnson      King
Kiser          Last          Litvack       Lockhart
Mascaro        Mathis        McIff        Menlove
Morley         Moss          Newbold      Noel
Oda            Painter       Poulson      Powell
Ray            Riesen        Sandstrom    Seegmiller
Seelig         Sumson        Vickers      Wallis
Watkins        Webb          Wheatley     Wilcox
Wiley          Wimmer        Winn         D. Clark

Absent or not voting were: Representatives
Froerer        Grover        Hutchings

1st Sub. S.B. 1001 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

THIRD READING CALENDAR

S.B. 1003, DISPOSITION OF REGISTRATION FEE REVENUES, Garn, read the third time by short title and placed on its final passage.

S.B. 1003 passed on the following roll call:

Yeas, 68; Nays, 4; Absent or not voting, 3.

Voting in the affirmative were: Representatives
Aagard         Allen         Barrus        Beck
Bigelow        Bird          Biskupski     Black
Brown          Chavez–Houck  S. Clark      Cosgrove
Daw            Dee           Dougall      Draxler
Voting in the negative were: Representatives
S Duckworth Hansen Hendrickson Wimmer

Absent or not voting were: Representatives
Froerer Grover Hutchings

S.B. 1003 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

* * *

S.B. 1004, SUPPLEMENTAL APPROPRIATIONS ADJUSTMENTS, Bigelow, read the third time by short title and placed on its final passage.

S.B. 1004 passed on the following roll call:

**Yeas, 65; Nays, 7; Absent or not voting, 3.**

Voting in the affirmative were: Representatives
Aagard Allen Barrus Beck
Bigelow Bird Biskupski Black
Brown Chavez–Houck S. Clark Cosgrove
Daw Dee Dougall Draxler
S Duckworth Dunnigan Edwards Ferry
Janice Fisher Julie Fisher Fowlke Frank
Garn F Gibson K Gibson Gowans
Greenwood Harper Hemingway Herrod
Holdaway Hughes Hunsaker Ipson
Johnson King Kiser Last
Voting in the negative were: Representatives
Hansen Hendrickson Morley Oda
Sandstrom Sumsion Wimmer

Absent or not voting were: Representatives
Froerer Grover Hutchings

S.B. 1004 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: May 20, 2009

The Senate passed, 1st Sub. H.B. 1002, CONDITIONS FOR REQUESTING AND DISCLOSING INFORMATION UNDER EMPLOYMENT SELECTION PROCEDURES ACT, by Representative W. Harper, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, H.B. 1003, APPROPRIATIONS ADJUSTMENTS RELATED TO FEDERAL FUNDS, by Representative R. Bigelow, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communication filed. 1st Sub. H.B. 1002 and H.B. 1003 signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

MISCELLANEOUS BUSINESS

On motion of Representative Dee, the House voted to authorize the Speaker to appoint a committee to meet with a like committee from the Senate to wait upon the Lt. Governor to inform him that the Legislature has completed its business and is prepared to adjourn sine die.

Speaker Clark appointed Representatives Becky Lockhart, Lorie Fowlke, and Lynn Hemingway.
On motion of Representative Litvack, the House voted to authorize the Speaker to wait upon the Senate and inform that Honorable Body that the House has completed its business and is prepared to adjourn sine die.

Speaker Clark appointed Representatives Julie Fisher, Brad Winn, and Neal Hendrickson.

Senators Dayton, Okerlund, and Goodfellow formally notified the House of Representatives that the Senate has completed its business and is prepared to adjourn sine die.

Speaker Clark directed Sandy Tenney to read, revise and make minor corrections to the daily House Journal and be responsible for certifying the bound copy as the accurate record of the proceedings of the 2009 First Special Session of the Fifty-eighth Legislature.

On motion of Representative Garn, and at 4:45 p.m., the First Special Session of the Fifty-eighth Legislature adjourned sine die.
H.B. 1001 — SUBDIVISION APPROVAL AMENDMENTS (R. C. Webb)
Read the first time by short title and referred to the Rules Committee. 1557
Read the second time 1557
Read the third time 1557
Transmitted to the Senate 1558
Signed by the Speaker and returned to the Senate 1564

H.B. 1002 — CONDITIONS FOR REQUESTING AND DISCLOSING INFORMATION UNDER EMPLOYMENT SELECTION PROCEDURES ACT (W. Harper)
Read the first time by short title and referred to the Rules Committee. 1557
Read the second time 1557
Read the third time 1558
Circled 1558
Uncircled 1558
Substituted 1559
Transmitted to the Senate 1559
Signed by the Speaker and transmitted to the Governor 1568

H.B. 1003 — APPROPRIATIONS ADJUSTMENTS RELATED TO FEDERAL FUNDS
(R. Bigelow)
Read the first time by short title and referred to the Rules Committee. 1557
Read the second time 1557
Read the third time 1558
Circled 1558
Uncircled 1559
Amendments 1559
Transmitted to the Senate 1563
Signed by the Speaker and returned to the Senate 1568
S.B. 1001 — FOREST RESERVE FUND AMENDMENTS (R. Okerlund)
- Read the first time by short title and referred to Rules Committee .......................... 1564
- Read the second time .................................................................................. 1564
- Read the third time .................................................................................. 1564
- Circled ........................................................................................................ 1565
- Uncircled .................................................................................................... 1565
- Signed by the Speaker and returned to the Senate ...................................... 1566

S.B. 1002 — LEGAL NOTICE AMENDMENTS (S. Urquhart)
- Read the first time by short title and referred to Rules Committee .................. 1564
- Read the second time .................................................................................. 1564
- Read the third time .................................................................................. 1565
- Signed by the Speaker and returned to the Senate ...................................... 1565

S.B. 1003 — DISPOSITION OF REGISTRATION FEE REVENUES (S. Killpack)
- Read the first time by short title and referred to Rules Committee .................. 1564
- Read the second time .................................................................................. 1564
- Read the third time .................................................................................. 1566
- Signed by the Speaker and returned to the Senate ...................................... 1567

S.B. 1004 — SUPPLEMENTAL APPROPRIATIONS ADJUSTMENTS (L. Hillyard)
- Read the first time by short title and referred to Rules Committee .................. 1564
- Read the second time .................................................................................. 1564
- Read the third time .................................................................................. 1567
- Signed by the Speaker and returned to the Senate ...................................... 1568
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