CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Eleventh Extraordinary Session of the Fifty-Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Eleventh Extraordinary Session convening on Wednesday, August 20, 2008, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk
STATE OF UTAH

SENATE JOURNAL

ELEVENTH EXTRAORDINARY SESSION
of the
FIFTY-SEVENTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty-Seventh Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Eleventh Extraordinary Session at 12:00 noon on Wednesday, August 20, 2008.

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

Prayer – Senator Michael Waddoups

Pledge – Senator Scott Jenkins

Leslie McLean read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2008 General Session of the 57th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 57th Legislature into an Eleventh Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 20th day of August, 2008 at 12:00 noon, for the following purpose:
For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2008 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 18th day of August, 2008.

Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of August 18, 2008, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into an Eleventh Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 20th day of August, 2008, at 12:00 noon, for the purpose named in the Proclamation.
I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2008 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 18th day of August 2008.

Gary R. Herbert
Lieutenant Governor

Roll call – All Senators present, except Senators Dmitrich and Peterson, excused.

On motion of Senator Hickman, the Senate voted to adopt the Senate Rules of the 2008 General Session of the Fifty-Seventh Legislature as the rules for the Eleventh Extraordinary Session.

President Valentine appointed a committee comprised of Senators Jon Greiner, Kevin Van Tassell, and Ross Romero to notify the Governor’s representative that the Senate is convened in the Eleventh Extraordinary Session in accordance with his proclamation.

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

***

Leslie McLean read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President: August 5, 2008

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

State Tax Commission:

Marc B. Johnson is reappointed as a member of the State Tax Commission, a term to expire on June 30, 2012. See Utah Code Ann. 59–1–201 Et. Seq. Art. XIII, Sec. 11. Mr. Johnson is non–partisan.
Workers Compensation Fund Board of Directors:
Ruth Lybbert is reappointed as a member of the Workers Compensation Fund Board of Directors, a term to expire on June 30, 2012. See Utah Code Ann. 31A–33–106 UCA.

John Eberhardt is appointed to replace Robert B. Murray as a member of the Workers Compensation Fund Board of Directors, a term to expire on June 30, 2012. See Utah Code Ann. 31A–33–106 UCA.

State Board of Regents:
Joel D. Wright is appointed to replace Josh Reid as a member of the State Board of Regents, a term to expire on June 30, 2011. See Utah Code Ann. 53B–1–104 UCA.

Teresa Theurer is appointed to replace Sara Sinclair as a member of the State Board of Regents, a term to expire on June 30, 2013. See Utah Code Ann. 53B–1–104 UCA.

Robert Scott Marquardt is appointed to replace Patti Harrington as a member of the State Board of Regents, a term to expire on June 30, 2013. See Utah Code Ann. 53B–1–104 UCA.

Salt Lake Community College Board of Trustees:
Dr. Ashok Joshi is appointed to replace France A. Davis as a member of the Salt Lake Community College Board of Trustees, a term to expire on July 1, 2011. See Utah Code Ann. 53B–2–104 UCA.

Anna Kay Waddoups is appointed to replace Gail Miller as a member of the Salt Lake Community College Board of Trustees, a term to expire on June 30, 2009. See Utah Code Ann. 53B–2–104 UCA.

Judicial Conduct Commission:
Rodney K. Orton is reappointed as a member of the Judicial Conduct Commission, a term to expire on January 30, 2010. See Utah Code Ann. 8–8–102 UCA; Article VIII, Section 13 Utah Const. Mr. Orton is a Republican.

Lois S. Richins is appointed to replace Flora Ogan as a member of the Judicial Conduct Commission, a term to expire on June 30, 2012. See Utah Code Ann. 8–8–102 UCA; Article VIII, Section 13 Utah Const. Ms. Richins is a Republican.

Real Estate Commission:
Stefanie Tugaw is appointed to replace Bonnie Peretti as a member of the Real Estate Commission, a term to expire on June 30, 2012. See Utah Code Ann. 61–2–5.5 UCA.
Securities Advisory Board:
Laura Polachack is reappointed as a member of the Securities Advisory Board, a term to expire on July 1, 2012. See Utah Code Ann. 61–1–18.5 UCA.

Craig J. Skidmore is reappointed as a member of the Securities Advisory Board, a term to expire on July 1, 2012. See Utah Code Ann. 61–1–18.5 UCA.

Jane E. Cameron is appointed to replace Edward McCartney as a member of the Securities Advisory Board, a term to expire on July 1, 2012. See Utah Code Ann. 61–1–18.5 UCA.

Real Estate Appraiser Licensing and Certification Board:
Craig Morley is reappointed as a member of the Real Estate Appraiser Licensing and Certification Board, a term to expire on July 1, 2012. See Utah Code Ann. 61–2b–7 UCA.

Paul W. ThronSEN is appointed to replace Paul M. King as a member of the Real Estate Appraiser Licensing and Certification Board, a term to expire on July 1, 2012. See Utah Code Ann. 61–2b–7 UCA.

Debra Sjoblom is appointed to replace Holly J. Christensen as a member of the Real Estate Appraiser Licensing and Certification Board, a term to expire on July 1, 2012. See Utah Code Ann. 61–2b–7 UCA.

School and Institutional Trust Lands Board of Trustees:
Steven B. Ostler is appointed to replace Michael P. Morris as a member of the School and Institutional Trust Lands Board of Trustees, a term to expire on July 1, 2014. See Utah Code Ann. 53C–1–202(2) UCA.

Permanent Community Impact Fund Board:
Dr. Claudia P. Jarrett is appointed to replace Ralph Okerlund as a member of the Permanent Community Impact Fund Board, a term to expire on July 1, 2012. See Utah Code Ann. 9–4–304 UCA.

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

Jon M. Huntsman, Jr.,
Governor

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

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

Absent or not voting were: Senators
Dmitrich Goodfellow Peterson

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

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

On motion of Senator Bramble, and at 12:30 p.m., the Senate adjourned sine die.
STATE OF UTAH

SENATE JOURNAL

SECOND SPECIAL SESSION
OF THE
FIFTY–SEVENTH LEGISLATURE

Convened on Thursday, September 25, 2008 and
Adjourned on Friday, September 26, 2008.
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Second Special Session of the Fifty-Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Second Special Session convening on Thursday, September 25, 2008, and adjourning sine die on Friday, September 26, 2008.

Annette B. Moore  
Secretary of the Senate

Leslie McLean  
Manager, Senate Services

Mary B. Andrus  
Journal Clerk
Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr, the Senate of the Fifty-Seventh Legislature of the State of Utah met in the Senate Chamber of the State Capitol in a Special Session at 9:00 p.m. on Thursday, September 25, 2008.

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

Prayer – Senator Allen Christensen
Pledge of Allegiance – Senator Fred Fife
Roll Call – All Senators present except Senator Dayton, excused.

Leslie McLean read the following Proclamation and Certification:

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 State 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 under the date of September 22nd, 2008, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamations calling the Fifty–Seventh Legislature of the State of Utah into a Second Special Session at the State 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 Proclamations.
I FURTHER TESTIFY THAT the membership of the Utah State Senate has not changed from that Certification of the 2008 General Session.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, this 23rd day of September, 2008.

Gary R. Herbert
Lieutenant Governor

***

On motion of Senator Hickman, the Senate voted to adopt the Senate Rules of the 2008 General Session of the Fifty-Seventh Legislature as the rules for the Second Special Session.

President Valentine appointed a committee comprised of Senators Peter Knudson, Greg Bell, and Brent Goodfellow to notify Governor Jon M. Huntsman, Jr. that the Senate is convened in the Second Special Session in accordance with his proclamation and is organized and ready to receive any communication from him.

President Valentine appointed a committee comprised of Senators Carlene Walker, Dennis Stowell, and Gene Davis to notify the House of Representatives that the Senate is organized and ready to do business.

Senator Knudson reported that the House has been notified.

Senator Walker reported that the Governor has been notified.

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

Senator Hillyard addressed the Senate concerning the budget issues they will be discussing in caucus and appropriation meetings today. Senator Dmitrich commented.

***

On motion of Senator Bramble and at 9:55 a.m., the Senate adjourned until 9:00 a.m., Friday, September 26, 2008.
The Senate was called to order at 9:15 a.m., with President John Valentine presiding.

Prayer – Senator Wayne Niederhauser
Pledge of Allegiance – Senator Mike Dmitrich
Roll Call – All Senators present except Senators Dayton and McCoy, excused.

INTRODUCTION OF BILLS

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

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

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


SECOND READING CALENDAR

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

Senator Stephenson proposed the following amendment:

1. Page 1, Lines 24 through 25

24 postsecondary education;

provides a cap on the number of exemptions that the State Board of Education may provide to school districts and charter schools;
provides that a school district or charter school that is exempt from U−PASS testing

2. Page 4, Line 105:

(ii) developed and adopted by the State Board of Education.

(c) By October 31, 2009, the State Board of Education shall:
(i) develop and adopt an accountability plan for a school district or charter school that pilots an assessment system described in Subsection (3)(a)(i) – (iii); and
(iii) report on the accountability plan to the Education Interim Committee.

(d) The State Board of Education may only provide the following exemptions under this Subsection (5):
(i) up to three rural school districts;
(ii) up to two urban school districts; and
(iii) up to five charter schools.

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

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

**Voting in the affirmative were:** Senators

<table>
<thead>
<tr>
<th>Bell</th>
<th>Bramble</th>
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<td>Dmitrich</td>
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<td>Walker</td>
<td>Valentine</td>
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**Voting in the negative were:** Senators

<table>
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<tr>
<th>Christensen</th>
<th>Greiner</th>
<th>Hickman</th>
<th>Knudson</th>
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<td>Mayne</td>
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**Absent or not voting were:** Senators

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<tr>
<th>Dayton</th>
<th>McCoy</th>
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**S.B. 2002, as amended, was transmitted to the House.**
COMMUNICATIONS FROM THE HOUSE

Mr. President: September 26, 2008

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

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

Sandy D. Tenney, Chief Clerk
Communications filed. **H.B. 2001** and **H.B. 2002** were read the first time.

* * *

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

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

SECOND READING CALENDAR

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

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

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

**Voting in the negative were:** Senators
Dmitrich Hillyard Madsen Peterson

**Absent or not voting were:** Senators
Dayton McCoy
H.B. 2002 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

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

On motion of Senator Bell, the bill was circled.

***

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

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

** Voting in the affirmative were: ** Senators

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

| Bramble | Buttars | Dayton | McCoy |

S.B. 2004 was transmitted to the House.

***

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

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

** Voting in the affirmative were: ** Senators

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<tr>
<td>Eastman</td>
<td>Fife</td>
<td>Goodfellow</td>
<td>Greiner</td>
</tr>
</tbody>
</table>
H.B. 2001 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: September 26, 2008

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

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

Sandy D. Tenney, Chief Clerk

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

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

***

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

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

***

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

On motion of Senator Bell, under suspension of the rules, S.B. 2003, HIGHER EDUCATION BUDGET AUTHORITY, was considered read the second and third times. Senator Bell explained the bill. Senators Valentine and Goodfellow commented. The bill passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

 Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Dayton  McCoy

S.B. 2003 was transmitted to the House.

***

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

AFTERNOON SESSION

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

INTRODUCTION OF BILLS

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

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

SECOND READING CALENDAR

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

Senator Davis proposed the following amendment:

1. Page 11, Line 388:
   Delete line 388
2. Page 11, Line 391:  
Delete “(67,500)” and insert “(127,500)”  

3. Page 12, Line 412:  
Delete “310,000” and insert “370,000”  

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

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

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

**Voting in the affirmative were:** Senators  
Bell  
Bramble  
Davis  
Dmitrich  
Eastman  
Fife  
Greiner  
Hickman  
Killpack  
Knudson  
Madsen  
Romero  
Stephenson  
Stowell  
Van Tassell  
Walker  
Valentine  

**Voting in the negative were:** Senators  
Buttars  
Christensen  
Goodfellow  
Hillyard  
Jenkins  
Jones  
Mayne  
Waddoups  

**Absent or not voting were:** Senators  
Dayton  
McCoy  
Niederhauser  
Peterson  

The bill passed on the following roll call:  

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

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

**Absent or not voting were:** Senators  
Dayton  
McCoy  
Niederhauser  
Peterson  

*S.B. 2001*, as amended, was transmitted to the House.
On motion of Senator Jenkins, under suspension of the rules, **H.B. 2003, CAPITAL IMPROVEMENT AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

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

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

**Absent or not voting were:** Senators
Dayton     Hickman      McCoy      Niederhauser
Peterson

**H.B. 2003** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Waddoups, under suspension of the rules, **H.B. 2004, TRANSPORTATION GENERAL OBLIGATION BOND MODIFICATIONS**, was considered read the second and third times and passed on the following roll call:

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

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

**Absent or not voting were:** Senators
Dayton     McCoy        Niederhauser Peterson
H.B. 2004 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

September 26, 2008

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

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

Sandy D. Tenney, Chief Clerk
Communications filed. H.B. 2005 and H.J.R. 201 were read the first time.

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

SECOND READING CALENDAR

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

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Dayton  Madsen  McCoy  Niederhauser
Peterson

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

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

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

**Voting in the affirmative were:** Senators

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

**Voting in the negative were:** Senators

- Buttars
- Hillyard

**Absent or not voting were:** Senators

- Dayton
- Madsen
- McCoy
- Niederhauser
- Peterson

**H.J.R. 201** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

On motion of Senator Hillyard, and at 3:25 p.m., the Senate sauntered.

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

**COMMITTEE OF THE WHOLE**

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

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

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: September 26, 2008

The House passed, as amended, **S.B. 2001, CURRENT FISCAL YEAR BUDGET ADJUSTMENTS**, by Senator L. Hillyard, and it is transmitted for further consideration; and
The House passed, as amended, S.B. 2002, STUDENT ACHIEVEMENT TESTING EXCEPTIONS, by Senator H. Stephenson, and it is transmitted for further consideration; and

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

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

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

CONCURRENCE CALENDAR

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to S.B. 2001, CURRENT FISCAL YEAR BUDGET ADJUSTMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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<tr>
<th>Bell</th>
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**Absent or not voting were:** Senators

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<th>Dayton</th>
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<th>Niederhauser</th>
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S.B. 2001 was returned to the House for the signature of the Speaker.

***

On motion of Senator Stephenson, the Senate voted to concur in the House amendments to S.B. 2002, STUDENT ACHIEVEMENT TESTING EXCEPTIONS. The bill, as amended, passed on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

**Voting in the affirmative were:** Senators

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<tr>
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**Absent or not voting were:** Senators

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*S.B. 2002* was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, the Senate voted to concur in the House amendments to *S.B. 2003*, HIGHER EDUCATION BUDGET AUTHORITY. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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<th>Dayton</th>
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*S.B. 2003* was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to *S.B. 2004*, DEPOSIT OF INTEREST EARNED ON RESTRICTED FUNDS. The bill, as amended, passed on the following roll call:
Day 2  Friday, September 26, 2008  27

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

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

Absent or not voting were: Senators
Dayton   McCoy       Niederhauser Peterson

S.B. 2004 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: September 26, 2008

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

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

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

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

Sandy D. Tenney, Chief Clerk

S.B. 2001, S.B. 2002, S.B. 2003, and S.B. 2004 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

President Valentine appointed Senators Chris Buttars, Bill Hickman, and Karen Mayne to wait upon the Governor and ask if he has any further business to bring before the Senate.
President Valentine appointed Senators Greg Bell, Jon Greiner, and Fred Fife to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

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

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

* * *

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

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CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Twelfth Extraordinary Session of the Fifty-Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Twelfth Extraordinary Session convening on Wednesday, October 15, 2008, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk
Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty-Seventh Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Twelfth Extraordinary Session at 12:00 noon on Wednesday, October 15, 2008.

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

Prayer – Senator Chris Buttars

Pledge – Senator Curtis Bramble

Annette Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2008 General Session of the 57th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 57th Legislature into an Twelfth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 15th day of October, 2008 at 12:00 noon, for the following purpose:
For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2008 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF,
I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah.
Done at the Utah State Capitol in Salt Lake City, Utah, this 14th day of October, 2008.

Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of October 14, 2008, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into an Twelfth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 15th day of October, 2008, at 12:00 noon, for the purpose named in the Proclamation.
I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2008 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 14th day of October 2008.

Gary R. Herbert
Lieutenant Governor

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

On motion of Senator Hickman, the Senate voted to adopt the Senate Rules of the 2008 General Session of the Fifty-Seventh Legislature as the rules for the Twelfth Extraordinary Session.

President Valentine appointed a committee comprised of Senators Allen Christensen, Margaret Dayton, and Scott McCoy to notify the Governor’s representative that the Senate is convened in the Twelfth Extraordinary Session in accordance with his proclamation.

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

SPECIAL ORDER OF BUSINESS

A citation was read honoring Evan K. Excell, Executive Director, Utah State High School Activities Association on his retirement.

COMMITTEE OF THE WHOLE

On motion of Senator Dmitrich, Evan K. Excell, spoke in Committee of the Whole. Senators Stephenson and Goodfellow commented.

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

* * *

Leslie McLean read the following communications:
COMMUNICATION FROM THE GOVERNOR

September 30, 2008

Mr. President:

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

Committee of Consumer Services:

Kelly Casaday is reappointed as a member of the Committee of Consumer Services, a term to expire on June 30, 2012. See Utah Code Ann. 54–10–2 UCA. Mr. Casaday is a Republican.

Representative Roz McGee is appointed to replace Dee Jay Hammon as a member of the Committee of Consumer Services, a term to expire on June 30, 2012. See Utah Code Ann. 54–10–2 UCA. Representative McGee is a Democrat.

Utah Valley University Board of Trustees:

Greg Butterfield is appointed to replace Jason E. Chaffetz as a member of the Utah Valley University Board of Trustees, a term to expire on June 30, 2011. See Utah Code Ann. 53B–2–104 UCA.

Utah State University Board Of Trustees:

Ronald W. Jibson is appointed to replace Richard Nelson as a member of the Utah State University Board of Trustees, a term to expire on June 30, 2009. See Utah Code Ann. 53B–2–104 UCA.

Utah College of Applied Technology Board of Trustees:

Jason Perry is appointed to replace Parley Hellewell as a member of the Utah College of Applied Technology Board of Trustees, a term to expire on August 31, 2009. See Utah Code Ann. 53B–2a–103 UCA.

Utah Digital Health Service Commission:

Bradley D. LeBaron is reappointed as a member of the Utah Digital Health Service Commission, a term to expire on October 1, 2012. See Utah Code Ann. 26–9f–103 UCA.

Mark Allen Munger is reappointed as a member of the Utah Digital Health Service Commission, a term to expire on October 1, 2012. See Utah Code Ann. 26–9f–103 UCA.

Utah Arts Council Board of Directors:

Victoria Rowe Berry is appointed to replace Pilar Pobil as a member Utah Arts Council Board of Directors, a term to expire on July 1, 2009. See Utah Code Ann. 9–6–204 UCA.
Andrew Yarosh is appointed to replace Gary Amano as a member Utah Arts Council Board of Directors, a term to expire on July 1, 2011. See Utah Code Ann. 9–6–204 UCA.

**Board of Child and Family Services:**

Dr. Brad M. Reedy is appointed to replace Sterling Church as a member of the Board of Child and Family Services, a term to expire on July 1, 2012. See Utah Code Ann. 62A–1–107 UCA & 62A–4a–102 UCA.

Dr. Kevin Gully is appointed to replace Dr. David Corwin as a member of the Board of Child and Family Services, a term to expire on July 1, 2012. See Utah Code Ann. 62A–1–107 UCA & 62A–4a–102 UCA.

Barbara Ann Feaster is reappointed as a member of the Board of Child and Family Services, a term to expire on July 1, 2012. See Utah Code Ann. 62A–1–107 UCA & 62A–4a–102 UCA.

Dr. George Monsivais is reappointed as a member of the Board of Child and Family Services, a term to expire on July 1, 2012. See Utah Code Ann. 62A–1–107 UCA & 62A–4a–102 UCA.

**Board of Substance Abuse and Mental Health:**

Dr. Michael Crookston is reappointed as a member of the Board of Substance Abuse and Mental Health, a term to expire on September 1, 2012. See Utah Code Ann. 62A–15–106 UCA.

Joleen Meredith is reappointed as a member of the Board of Substance Abuse and Mental Health, a term to expire on September 1, 2012. See Utah Code Ann. 62A–15–106 UCA.

**Utah Athletic Foundation Board of Directors:**

Natalie Gochnour is appointed to replace Fraser Bullock as a member of the Utah Athletic Foundation Board of Directors, a term to expire on August 15, 2011. See Utah Code Ann. HJR 25 2002 General Session.

Vicki Varela is appointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire on August 15, 2011. See Utah Code Ann. HJR 25 2002 General Session.


David B. Winder is reappointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire on August 15, 2011. See Utah Code Ann. HJR 25 2002 General Session.
Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr.,
Governor

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

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

**Voting in the affirmative were:** Senators

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<th>Bramble</th>
<th>Christensen</th>
<th>Davis</th>
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</table>

**Absent or not voting were:** Senators

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

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

On motion of Senator Bramble, and at 12:45 p.m., the Senate adjourned sine die.
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Thirteenth Extraordinary Session of the Fifty-Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Thirteenth Extraordinary Session convening on Wednesday, November 19, 2008, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk
Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Seventh Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Thirteenth Extraordinary Session at 12:00 noon on Wednesday, November 19, 2008.

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

Prayer – Senator Dennis Stowell

Pledge – Senator Ross Romero

Annette Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2008 General Session of the 57th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 57th Legislature into a Thirteenth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 19th day of November, 2008 at 12:00 noon, for the following purpose:
For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2008 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 18th day of November, 2008.

Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of November 18, 2008, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a Thirteenth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 19th day of November, 2008, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2008 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 18th day of November 2008.

Gary R. Herbert
Lieutenant Governor

Roll call – All Senators present, except Senator Peterson, excused.
On motion of Senator Hickman, the Senate voted to adopt the Senate Rules of the 2008 General Session of the Fifty-Seventh Legislature as the rules for the Thirteenth Extraordinary Session.

President Valentine appointed a committee comprised of Senators Sheldon Killpack, Kevin Van Tassell, and Pat Jones to notify the Governor’s representative that the Senate is convened in the Thirteenth Extraordinary Session in accordance with his proclamation.

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

COMMUNICATION FROM THE GOVERNOR

Leslie McLean read the following communications:

Mr. President: September 23, 2008
In accordance with Utah Code 67−1−1 and 67−1−2 (2008), I propose and transmit the following appointment:

SIXTH DISTRICT COURT
Marvin D. Bagley is appointed as a Judge of the Sixth District Court. See Utah const. ant. VIII, 8; Utah Code 78A−10−101.

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

Jon M. Huntsman, Jr.
Governor

* * *

Mr. President: November 7, 2008
The Senate Judicial Confirmation Committee met on November 7, 2008, and reports a favorable recommendation for Mr. Marvin D. Bagley to be confirmed to the position of Judge in the Sixth District Court.

Greg Bell, Chair

* * *

Mr. President: November 12, 2008
In accordance with Utah Code 67−1−1 and 67−1−2 (2008), I propose and transmit the following appointment:

FOURTH DISTRICT COURT
Christine S. Johnson is appointed as a Judge of the Fourth District Court. See Utah const. ant. VIII, 8; Utah Code 78A−10−101.
Thank you for your timely consideration and confirmation of the above appointment.

Jon M. Huntsman, Jr.
Governor

** * **

Mr. President: November 12, 2008

The Senate Judicial Confirmation Committee met on November 12, 2008, and reports a favorable recommendation for Ms. Christine S. Johnson to be confirmed to the position of Judge in the Fourth District Court.

Greg Bell, Chair

Senator Hillyard moved to consent to the appointments as read by Leslie McLean. Senators Bell and Hickman commented. The motion passed on the following roll call:

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

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

** Absent or not voting was: ** Senator
Peterson

** COMMITTEE OF THE WHOLE **

On motion of Senator Bramble Judge Christine S. Johnson and Judge Marvin D. Bagley, spoke in Committee of the Whole.

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

** * **

Leslie McLean read the following communications:

** COMMUNICATION FROM THE GOVERNOR **

Mr. President: November 4, 2008

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

Clark B. Hinckley is reappointed as a member of the Health Data Committee, a term to expire on June 30, 2012. See Utah Code Ann. 26–33a–103 UCA.

Gregory P. Poulsen is reappointed as a member of the Health Data Committee, a term to expire on June 30, 2012. See Utah Code Ann. 26–33a–103 UCA.

David D. Call is reappointed as a member of the Health Data Committee, a term to expire on June 30, 2012. See Utah Code Ann. 26–33a–103 UCA.

Jim M. Wall is appointed to replace Marylin Tang as a member of the Health Data Committee, a term to expire on June 30, 2012. See Utah Code Ann. 26–33a–103 UCA.

Kevin Craig Orton is appointed to replace Gail McGuill as a member of the Health Data Committee, a term to expire on June 30, 2012. See Utah Code Ann. 26–33a–103 UCA.

Board of Water Resources:

Joseph Stewart Paulick is reappointed as a member of the Board of Water Resources, a term to expire on January 1, 2013. See Utah Code Ann. 73–3–2.

Blair R. Francis is reappointed as a member of the Board of Water Resources, a term to expire on January 1, 2013. See Utah Code Ann. 73–10–2. Mr. Francis is a Democrat.

Youth Parole Authority:

James K. Smith is appointed as a member of the Youth Parole Authority, a term to expire on April 1, 2011. See Utah Code Ann. 62A–7–501.

Grand County Water Conservancy District Board of Directors:

Preston Lynn Paxman is appointed to replace the late John W. Keys, III, as a member of the Grand County Water Conservancy District Board of Directors, a term to expire on January 1, 2012. See Utah Code Ann. 17A–2–1409 UCA.

Board of Pardons and Parole:

Iris E. Hemenway is reappointed as a member of the Board of Pardons and Parole, a term to expire on February 28, 2014. See Utah Code Ann. 77–27–2.

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

Jon M. Huntsman, Jr.,
Governor

Senator Hillyard moved to consent to the appointment as read by Leslie McLean. The motion passed on the following roll call:
Yeas, 28; Nays, 0; Absent, 1.

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator

Peterson

* * *

Mr. President: November 12, 2008

In accordance with Utah Code 67−1−1 and 67−1−2 (2008), I propose and transmit the following appointment:

**COURT OF APPEALS**

Judge Robert K. Hilder is appointed as a Judge of the Court of Appeals. See Utah const. ant. VIII, 8; Utah Code 78A−10−101.

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

Jon M. Huntsman, Jr.  
Governor

* * *

Mr. President: November 12, 2008

The Senate Judicial Confirmation Committee met on November 7 and 12, 2008, and reports a favorable recommendation for Judge Robert K. Hilder to be confirmed to the position of Judge in the Appeals Court. Senators Bell, Dmitrich, and Hillyard voted in favor. Senators Buttars and Waddoups voted in opposition.

Greg Bell, Chair

Senator Hillyard moved to consent to the appointment as read by Leslie McLean. Senators Bell, Dmitrich, Waddoups, Romero, Bramble, McCoy, Buttars, Jones, and Mayne commented. The motion failed on the following roll call:

**Yeas, 12; Nays, 16; Absent, 1.**
Voting in the affirmative were: Senators
Bell                Davis                Dmitrich                Fife
Goodfellow           Hillyard             Jones                 Mayne
McCoy                Romero                Van Tassell            Walker

Voting in the negative were: Senators
Bramble             Buttars                Christensen            Dayton
Eastman              Greiner                Hickman                Jenkins
Killpack             Knudson                Madsen                 Niederhauser
Stephenson           Stowell                Waddoups               Valentine

Absent or not voting was: Senator
Peterson

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

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

Senators Darin Peterson, Mike Dmitrich, Fred Fife, Dan Eastman, Bill Hickman and Carlene were honored as retiring Senators.

On motion of Senator Bramble, and at 2:00 p.m., the Senate adjourned sine die.
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the 2009 General Session of the Fifty-Eighth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the General Session convening on Monday, January 26, 2009, and adjourning sine die on Thursday, March 12, 2009.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk
My first year as President of the Senate was invigorating and filled with opportunities. I express appreciation to my constituents who have allowed me to continue serving and to my colleagues in the senate who elected me to serve as their president during 2009 and 2010.

In my opening remarks at the beginning of the session, I issued a challenge for each of us to “measure up” as we addressed the needs of the state during this time of reduced revenues. In my opinion, our senators did “measure up” as they dealt with difficult issues related to health-care reform, education, transportation, ethics reform, and historic alcohol reform—including stiffer penalties for drunk drivers and underage offenders. Senators kept their word and “discharged their duties with fidelity” as they were sworn to do when they were administered the oath of office on January 26. The session was smooth, congenial, and cooperative.

The global economic down-turn presented some significant challenges this year. Program cuts were made across the board, but we were able to soften the impact by using federal dollars from the American Recovery and Reinvestment Act of 2009. Because of this stimulus money, state agencies can start to incorporate those cuts gradually over the next few years. In spite of a $1 billion budget shortfall, public education was funded at $2.4 billion (state funds and federal stimulus monies), the $414 million Rainy Day Funds were kept in tact, taxes were not raised, we still have $100 million set aside for education, and the constitutional provision for balancing the budget was met. Even in this time of economic challenges Utah is still one of the best-managed states in the country and has kept its AAA bond rating. This is due in large measure to the commitment of the legislature to ensure that expenses match revenue—that we as a state live within our means.

The senate bid farewell in December to six of its members: Fred Fife (D, District 1), Carlene Walker (R, District 8), Dan Eastman (R, District 23), Darin Peterson (R, District 24), Mike Dmitrich (D, District 27), and Bill Hickman (R, District 29). The Senate also welcomed Senators Luz Robles (D, District 1), Karen Morgan (D, District 8), Dan Liljenquist (R, District 23), Ralph Okerlund (R, District 24), David Hinkins (R, District 27), and Steve Urquhart (R, District 29). Senators Karen Morgan and Steve Urquhart both served in the House of Representatives prior to being elected to the senate. It is difficult to say good bye to those with whom you’ve worked closely for a number of years, but welcoming new people is always energizing and exciting. We extend our appreciation and warm wishes to those who have moved on and thank them for their dedicated service.

We had occasion to discuss and ponder our policymaking role with respect to diverse cultures and interest groups; and we committed ourselves to be respectful and open-minded as we debate policy alternatives, while ensuring that we do not abdicate our duty to act in the best interest of the state.

I express appreciation to my leadership team—Senators Sheldon Killpack, Scott Jenkins, and Greg Bell—for their excellent service and support. A special note of thanks must also be given to Senators Lyle Hillyard and Peter Knudson for the countless hours they spent working on the budget and to Senator Margaret Dayton for her service as Rules Committee Chair. Throughout the session she maintained a cheerful dignity while facilitating the flow of legislation by making sure bills were prioritized and handled appropriately. She was an integral part of the leadership team. I also extend an expression of gratitude to Senators Pat Jones, Ross Romero, Karen Mayne, and Luz Robles for their service and cooperation.
SENATE LEADERSHIP

MAJORITY LEADERSHIP (Republican)

Sheldon Killpack  
*Majority Leader*

Scott Jenkins  
*Majority Whip*

Gregory Bell  
*Asst. Majority Whip*

MINORITY LEADERSHIP (Democrat)

Patricia Jones  
*Minority Leader*

Ross Romero  
*Minority Whip*

Karen Mayne  
*Asst. Minority Whip*

SENATE STAFF

Annette B. Moore  
*Secretary of the Senate*

Leslie McClean  
*Manager, Senate Services*

Mary Andrus  
*Journal Clerk*

Lynette Erickson  
*Docket Clerk*
SENATE LEADERSHIP
President of the Senate (R) ......................... Michael G. Waddoups
Majority Leader (R) .............................. Sheldon L. Killpack
Majority Whip (R) ................................. Scott K. Jenkins
Assistant Majority Whip (R) ..................... Gregory S. Bell
Minority Leader (D) .............................. Patricia Jones
Minority Whip (D) ................................. Ross I. Romero
Assistant Minority Whip (D) .................... Karen Mayne
Minority Caucus Manager (D) ................... Luz Robles

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

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

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

UTAH SUPREME COURT
Chief Justice ..................................... Christine M. Durham
Assoc. Chief Justice ............................. Matthew B. Durrant
Justice ............................................. Michael J. Wilkins
Justice ............................................. Jill Parrish
Justice ............................................. Ronald E. Nehring
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<td>Luz Robles</td>
<td>1</td>
<td>Salt Lake</td>
<td>(D)</td>
<td>1004 N Morton Dr Salt Lake City Ut 84116 Home (801) 953–0905</td>
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<td>595 S RIVERWOODS PKWY Logan</td>
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<td>David Hinkins</td>
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<td>Carbon, Emery, Grand</td>
<td>P O Box 485 Orangeville Ut</td>
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<td>Dennis E Stowell</td>
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<td>Beaver, Garfield,</td>
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<tr>
<td>Stephen H Urquhart</td>
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<td>634 E 1100 S St George Ut</td>
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*UTAH STATE CONSTITUTION
LEGISLATIVE DEPARTMENT
ARTICLE VI

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

*“Rules of the Fifty-Sixth Legislature 2005”


*Copies available in the Legislative Printing.
STATE OF UTAH

STATE OF UTAH

SENATE JOURNAL

2009 GENERAL SESSION

of the

FIFTY-EIGHTH LEGISLATURE

FIRST DAY

MORNING SESSION

January 26, 2009

Pursuant to the provisions of the Constitution of the State of Utah, the Senators of the Fifty-Eighth Legislature of the State of Utah convened in General Session in the Senate Chamber on Monday, January 26, 2009 at ten o’clock a.m.

The Senate was called to order at 10:00 a.m., with the Honorable Michael J. Wilkins, Utah Supreme Court presiding.

PRAYER BY PRESIDENT DIETER UCHTDORF
SECOND COUNSELOR IN THE FIRST PRESIDENCY OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Oh God, our Heavenly Father. On this beautiful winter day, and on this day of a new beginning, we give thanks to Thee for the blessings of freedom, for the beauties and the richness of this state and this country; for the goodness and perseverance of the generations who went before and prepared the path; and for Thy hand, Thy guiding hand in it all. Now we pray with our hearts filled with hope, for all who have been elected by the people to govern this great state of Utah. Bless the Senators, the House members, the Governor and the Judicial Branch. Bless them all with wisdom and grace, with courage and foresight, with integrity and charity. Bless them with a vision to strengthen this state and its people, to care and protect its natural and human resources, and to bring prosperity, peace and unity to this land. Have Thy spirit guide them to fulfill their obligations to Thy laws, to the people, and especially to future generations. Oh God, Thou hast entrusted us with the care of this great land. Protect us from confusion, arrogance and greed. Bless us with a sound mind, a kind heart and mutual respect. Make our righteous hopes become reality. Fill our hearts with thankfulness. Bless us with a desire to trust in Thee and Thy goodness, and to do Thy will always. For this we pray, in the name of Jesus Christ. Amen.
POSTING OF COLORS & PLEDGE OF ALLEGIANCE

UTAH NATIONAL GUARD

Members of the Color Guard
Curt Hoepfner, SFC
Myron Nuffer, SFC
Jan Rigby, SSG
Scott Faddis, SSG

Pledge of Allegiance – Master Sergeant Jules Breaux, Utah Air National Guard

SPECIAL MUSICAL PRESENTATION

The Salt City Jazz, under the direction of Kristie Arnold, performed “The Star Spangled Banner,” “Chili Con Carne,” and “Come, Come Ye Saints.”

On motion of Senator Sheldon Killpack, the Senate thanked President Uchtdorf for delivering the invocation and ordered it spread upon the pages of the Senate Journal. He also expressed appreciation to the Utah Air National Guard, Master Sergeant Jules Breaux, and the Salt City Jazz for their participation in the opening of the Utah State Senate.

* * *

Annette B. Moore read the following Certification of Membership of the 2009 General Session of the Fifty-Eighth Legislature.

CERTIFICATE OF MEMBERSHIP OF THE 2009 GENERAL SESSION OF THE UTAH STATE SENATE 58TH LEGISLATURE

I, GARY R. HERBERT, Lieutenant Governor of the State of Utah, do hereby certify that at a General Election held within and for the State of Utah on Tuesday, November 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 Senate, each for the term of four years, beginning January 1, 2009, to wit:

FIRST DISTRICT: County of Salt Lake
Liz Robles

FIFTH DISTRICT: County of Salt Lake
Karen Mayne
SIXTH DISTRICT: County of Salt Lake
   Michael G. Waddoups
EIGHTH DISTRICT: County of Salt Lake
   Karen W. Morgan
TENTH DISTRICT: County of Salt Lake
   D. Chris Buttars
THIRTEENTH DISTRICT: County of Tooele, Utah
   Mark B. Madsen
FOURTEENTH DISTRICT: County of Utah
   John L. Valentine
SIXTEENTH DISTRICT: County of Utah
   Curtis S. Bramble
NINETEENTH DISTRICT: Counties of Morgan, Summit
   Allen M. Christensen
TWENTIETH DISTRICT: County of Weber
   Scott K. Jenkins
TWENTY-FIRST DISTRICT: County of Davis
   Sheldon L. Killpack
TWENTY-THIRD DISTRICT: County of Davis
   Daniel L. Liljenquist
TWENTY-FOURTH DISTRICT: Counties of Juab, Piute, Sanpete, Sevier, Tooele, Wayne
   Ralph Okerlund
TWENTY-FIFTH DISTRICT: Counties of Cache, Rich
   Lyle W. Hillyard
TWENTY-SEVENTH DISTRICT: Counties of Carbon, Emery, Grand, San Juan, Utah
   David P. Hinkins
TWENTY-NINTH DISTRICT: County of Washington
   Stephen H. Urquhart

I FURTHER CERTIFY that at a General Election held within and for the State of Utah on Tuesday, November 7, 2006, the following persons were chosen by the electors as members of the Legislature of the State of Utah, to serve in the Senate, each for the term of four years, beginning January 1, 2007, to wit:

SECOND DISTRICT: County of Salt Lake
   Scott D. McCoy
THIRD DISTRICT: County of Salt Lake
   Gene Davis
FOURTH DISTRICT: County of Salt Lake
   Patricia W. Jones
SEVENTH DISTRICT: County of Salt Lake
  Ross I. Romero
NINTH DISTRICT: County of Salt Lake
  Wayne L. Niederhauser
ELEVENTH DISTRICT: Counties of Salt Lake, Utah
  Howard A. Stephenson
TWELFTH DISTRICT: Counties of Salt Lake, Tooele
  Brent H. Goodfellow
FIFTEENTH DISTRICT: County of Utah
  Margaret Dayton
SEVENTEENTH DISTRICT: Counties of Box Elder, Cache, Tooele
  Peter C. Knudson
EIGHTEENTH DISTRICT: Counties of Davis, Weber
  Jon J. Greiner
TWENTY−SECOND DISTRICT: County of Davis
  Gregory S. Bell
TWENTY−SIXTH DISTRICT: Counties of Daggett, Duchesne, Summit, Uintah, Wasatch
  Kevin T. Van Tassell
TWENTY−EIGHTH DISTRICT: Counties of Beaver, Garfield, Iron, Kane, Millard, Washington
  Dennis E. Stowell

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, this 21st day of January, 2008.
  Gary Herbert
  Lieutenant Governor

Communication filed.

* * *

The Honorable Justice Michael Wilkins administered the Oath of Office to all re−elected and newly elected members of the Senate for the Fifty−Eighth Legislature.

Roll Call – All Senators present.

On motion of Senator Sheldon Killpack, the Senate voted to proceed with its organization and elect its president.
Justice Michael Wilkins declared nominations for the office of President of the Senate were in order.

On motion of Senator Sheldon Killpack, and seconded by Senator Patricia Jones, Senator Michael G. Waddoups was nominated to serve as President of the Utah State Senate.

On motion of Senator Scott Jenkins, and seconded by Senator Ross Romero, the nominations were closed and Senator Michael G. Waddoups was elected President of the Senate by acclamation. Senators Killpack and Jones escorted President Waddoups to the podium.

Justice Michael Wilkins administered the Oath of Office to the President of the Senate, Michael G. Waddoups.

On motion of Senator Killpack, the Senate expressed appreciation to Justice Wilkins for taking time from his busy schedule to participate in the opening of the Utah State Senate.

**WELCOMING REMARKS BY PRESIDENT WADDOUPS**

First I would like to thank you all for honoring me this day. It is a day I have looked forward to service the citizens of Utah. I am excited to be here to serve the citizens of Utah. If I could begin with a round of thanks for those who have helped. I will begin first with Anna Kay, my wife. Thank you, Anna Kay, for all that you have done; campaigning and helping me in every way. You just don’t know how much support is required to get something like this done, and she has been there all the way along. I so appreciate all that she has done to make this happen. Anna Kay would you come up and sit with me. A lot of people hire a campaign manager. I couldn’t have afforded one that would do as good of a job as she’s done.

I’d also like to thank and recognize my mother who has come down from Idaho today. Some of you have heard me talk about the beginnings of politics in my life. For those of you who haven’t, we held the Nixon/Kennedy debates in my living room. My mother represented Kennedy and my dad represented Nixon. And we had those debates and I’ve had an interest in politics since that time. She has instilled in me a sense of patriotism, and I think she did a good job raising me, so “Thank you, Mom.”

My children are here today, Wendy and Heather, with their husbands, and I thank them for coming and showing the effort to be here. My grandchildren are here also with them. If all of my children and grandchildren would stand, both my children and grandchildren, please.
I would like to invite Will to come up. Today is a special day for Will, it’s Will’s birthday. He has his David Archuleta haircut going. Would you all sing Happy Birthday to Will. Thank you for indulging me in that. Family is an important part of life, and I really appreciate my family. My sister and her husband and my nephews and nieces have come down from Idaho; I appreciate their support and their willingness to come. Thank you, Joyce, thank you for your family. Thank you for bringing Mom down.

I’d also be remiss if I didn’t thank those that have participated—the Salt City Jazz from Salt Lake Community College; Sgt. Breaux, my next-door neighbor who helps make life more enjoyable on a real personal level. Thank you, Sgt., I appreciate having you here. I’m also grateful to my constituents who have allowed me to serve, for the honor and trust that they have placed in me. And then I would thank all of our staff that’s helped me get this put together for today.

And you, Senators for the State of Utah; I thank you for the honor that you have paid upon me, and pray that we will measure up. That’s sort of a theme that I would like to emphasize, that we all measure up to the trust that has been placed on us, to the expectations of the citizens of the State of Utah.

I saw an article recently dealing with higher ed, challenging higher ed to measure up. I think that’s appropriate in these difficult times as we’re looking at reduced revenues, and yet we have a challenge to do the work of the state. So I ask, “Will you measure up? Will I measure up?” and “Will we measure up?” I believe we will. Starting tomorrow I will present each of you with a reminder that we need to measure up—a small ruler to just expand that message a little. And I will give each of you twelve of those that you will be able to distribute to people who you think measure up. It will be sort of a token of awareness from people in the Senate this year as we find that we are measuring up to what needs to be done. I was reading a book this Fall, it was a Tom Chancy novel, and in there Mr. Ryan was talking with one of the colonels about being sworn in, and I thought the message, seeing as how we are being sworn in as being appropriate, and I would like to share this quote with you talking about being sworn in.

I understand why we do that now, it’s a help, not a threat. It’s something to remind you how important words are. Ideas are important; principles are important. Words are important—your word is the most important of all. Your word is who you are.

So I hope that we’ll all measure up, that we will keep our word, that we will do the work of the citizens that we were challenged to do. That our words, our ideas, our principles and our values will be exemplary to the citizens of our state.
I challenge each of us to discharge our duties with fidelity, and to keep our word. We’ll have many issues that we’ll deal with this year ranging from the budget to ethics, health care, and many others. There will always be nay sayers, there will be those who feel like we’re not doing enough. We will always have someone that needs more help. But we have been given a trust. I would like to look on the bright side and say this process is a good process, and things aren’t as gloomy as some would have us believe.

I look back a little bit. In 1983, 19% of the households in this country owned stocks; in 2005, 50% of our citizens owned stock. In 1989, the net worth of a family was $69,000; in 2004 the net worth of a family was $93,000. We have a better standard of living than ever before. We would all like more, but we’re doing well. We live in the most prosperous time in the history of the world. A hundred years ago the average salary was 25¢ an hour. These stats came from a speech that I read by Representative Patrick Toomey, of Pennsylvania. I give him credit for the information that I have shared. Many families that were living below the official poverty line in the early 70s has very little. Less than 40% of them had an automobile. By 2004, 75% of them had an automobile, and 30% of them had two automobiles. None, basically, had a color TV or an air conditioner. By 2004, 97% had a color TV, and 67% had air conditioning. By 2004, 46% of these people actually owned their own home. The average living space for an American was 721 square feet; in Sweden it was only 430; in Mexico it was only 92. We’re doing well in this country. Infant mortality has dropped; the expected [age] range back then was around 70; it’s now 78. Health care has improved our standard of life.

During the last 25 years, more wealth was created, more people were lifted from poverty than any other time in our history. Let us measure up and do our part to have that continue. Let us be optimistic. Revenues are down a little, we can still eat, we can still have homes, we have health care, we have color TV, we have air conditioning, and most have jobs. We must tighten our belts a little at home, as well as here in the State, but we will continue to do well. This is not a depression; we can all go out and purchase what we need—tires for our cars, clothing for our families. It’s good to occasionally re-evaluate where we stand and re-prioritize. The State of Utah will now do that.

Utah is one of the best managed states in our country. We will continue to do that. And we will do that without raising all of the taxes out there; we’ll do that without the federal bailout. We’ll accept what comes, but we will measure up. My encouragement to you is to measure up, and the State of Utah will measure up with us. Thank you.
On motion of Senator Jenkins, the Senate voted to have President Waddoups’ remarks spread upon the pages of the Senate Journal.

President Waddoups directed that the following be recorded in the Senate Journal as leaders for the 58th Legislature 2009 General Session.

President – Michael G. Waddoups
Majority Leader – Sheldon L. Killpack
Majority Whip – Scott K. Jenkins
Asst. Majority Whip – Gregory S. Bell
Minority Leader – Patricia W. Jones
Minority Whip – Ross I. Romero
Asst. Minority Whip – Karen Mayne
Minority Caucus Manager – Luz Robles

On motion of Senator Margaret Dayton, the Senate voted to approve the Senate leadership.

President Waddoups appointed a Senate Rules Committee comprised of Senator Margaret Dayton, Chair, Senator D. Chris Buttars, Vice-Chair; and Senators Curtis Bramble, Peter Knudson, Mark Madsen, Gene Davis, and Scott McCoy to formulate the Senate Rules and work with the House of Representatives in formulating Joint Rules.

President Waddoups appointed Senator Allen Christensen as the Committee Chair to serve Patronage and Employees.

On motion of Senator Margaret Dayton, the 2008 Senate Rules, Joint Rules and Interim Rules of the Fifty-Seventh Legislature were adopted with the understanding that changes to these rules for the Fifty-Eighth Legislature will be considered and adopted as soon as possible.

President Waddoups appointed Senators Wayne Niederhauser, David Hinkins, and Karen Morgan as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

President Waddoups appointed Senators Howard Stephenson, Ralph Okerlund, and Gene Davis to join with a like committee from the House to notify Governor Huntsman that the Legislature is organized for the 2009 General Session of the Fifty-Eighth Legislature and ready to do business.
Representatives Herrod, Newbold, and King formally notified the Senate that the House is organized and ready to do business.

Welcoming remarks were made by Senators Sheldon Killpack, Majority Leader and Patricia Jones, Minority Leader.

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

Senator Niederhauser, Chairman of the Committee to Notify the House, reported the House has been notified that the Senate is organized and ready to do business.

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

At the direction of President Waddoups, senate membership of the following committees are to be officially recorded in the Senate Journal:
SENATE STANDING COMMITTEES

Business and Labor
John Valentine, Chair
Daniel Liljenquist
Wayne Niederhauser
Steve Urquhart
Kevin Van Tassel
Gene Davis
Karen Mayne

Education
Curtis Bramble, Chair
Margaret Dayton
Lyle Hillyard
Scott Jenkins
Howard Stephenson
Brent Goodfellow
Karen Morgan

Natural Resources, Agriculture and Environment
Dennis Stowell, Chair
Allen Christensen
Margaret Dayton
Ralph Okerlund
Gene Davis
Karen Morgan

Health and Human Services
D. Chris Buttars, Chair
Greg Bell
Allen Christensen
David Hinkins
Patricia Jones
Luz Robles

Workforce Services and Community and Economic Development
Mark B. Madsen, Chair
Sheldon Killpack
Ralph Okerlund
Michael Waddoups
Patricia Jones
Karen Morgan

Judiciary, Law Enforcement and Criminal Justice
D. Chris Buttars, Chair
Jon Greiner
Lyle W. Hillyard
Mark Madsen
Michael Waddoups
Scott McCoy
Ross Romero
Revenue and Taxation
Wayne Niederhauser, Chair
Curtis Bramble
Howard Stephenson
Dennis Stowell
John Valentine
Ross Romero
Brent Goodfellow

Government Operations and Political Subdivisions
Peter Knudson, Chair
Greg Bell
Jon Greiner
Scott Jenkins
Daniel Liljenquist
Scott McCoy
Luz Robles

Transportation and Public Utilities and Technology
Steve Urquhart, Chair
David Hinkins
Sheldon Killpack
Peter Knudson
Kevin Van Tassell
Brent Goodfellow
Karen Mayne

Retirement and Independent Entities
Daniel Liljenquist, Chair
Curtis Bramble
D. Chris Buttars
Jon Greiner
Gene Davis
Brent Goodfellow

Senate Rules
Margaret Dayton, Chair
D. Chris Buttars, Vice Chair
Curtis Bramble
Peter Knudson
Mark Madsen
Gene Davis
Scott McCoy
SENATE MEMBERS JOINT
APPROPRIATIONS SUBCOMMITTEES
2009 – 2010

EXECUTIVE
APPROPRIATIONS
COMMITTEE
Sen. Lyle Hillyard, Chair
Sen. Peter Knudson, Vice Chair
Sen. Michael Waddoups
Sen. Sheldon Killpack
Sen. Scott Jenkins
Sen. Greg Bell
Sen. Patricia Jones
Sen. Ross Romero
Sen. Karen Mayne
Sen. Luz Robles

CAPITAL FACILITIES AND
ADMINISTRATIVE SERVICES
Sen. Wayne Niederhauser, Co-Chair
Sen. Curtis Bramble
Sen. Brent Goodfellow

HIGHER EDUCATION
Sen. John Valentine, Co-Chair
Sen. Greg Bell
Sen. Steve Urquhart
Sen. Ross Romero

COMMERCE AND
WORKFORCE SERVICES
Sen. David Hinkins, Co-Chair
Sen. Dan Liljenquist
Sen. Karen Mayne

ECONOMIC DEVELOPMENT
AND REVENUE
Sen. Ralph Okerlund, Co-Chair
Sen. Sheldon Killpack
Sen. Gene Davis

HEALTH AND HUMAN
SERVICES
Sen. Allen Christensen, Co-Chair
Sen. Margaret Dayton
Sen. Dan Liljenquist
Sen. Patricia Jones

EXECUTIVE OFFICES AND
CRIMINAL JUSTICE
Sen. Jon Greiner, Co-Chair
Sen. Michael Waddoups
Sen. Scott McCoy

NATURAL RESOURCES
Sen. Dennis Stowell, Co-Chair
Sen. David Hinkins
Sen. Brent Goodfellow
PUBLIC EDUCATION
Sen. Howard A. Stephenson, Co–Chair
Sen. Chris Buttars
Sen. Lyle Hillyard
Sen. Karen Morgan

TRANSPORTATION AND ENVIRONMENTAL QUALITY
Sen. Kevin Van Tassell, Co–Chair
Sen. Scott Jenkins
Sen. Peter Knudson
Sen. Mark Madsen
Sen. Luz Robles

RETIREMENT AND INDEPENDENT ENTITIES
Sen. Dan Liljenquist, Co–Chair
Sen. Curtis Bramble
Sen. Chris Buttars
Sen. Jon Greiner
Sen. Gene Davis
Sen. Brent Goodfellow

LEGALISITVE MANAGEMENT COMMITTEE
Sen. Michael G. Waddoups Chair
Sen. Sheldon Killpack
Sen. Scott Jenkins
Sen. Gregory Bell
Sen. Patricia Jones
Sen. Ross Romero
Sen. Karen Mayne
Sen. Luz Robles

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

EMPLOYEE COMMITTEE REPORT

Senator Bell introduced the Senate Staff.

Annette B. Moore Secretary and Chief Administrative
Ric Cantrell Chief Deputy of the Senate
Leslie O. McLean Manager of Senate Services
Laura Barlow Majority Assistant
Janeen M. Halverson Minority Executive Assistant
INTRODUCTION OF INTERNS

Senator Ross Romero introduced the Senate Interns for the 2009 General Session.

Sen. D. Chris Buttars          Sen. Allen Christensen
Sen. Gene Davis                Sen. Margaret Dayton
Sen. Brent Goodfellow          Sen. Jon J. Greiner
Sen. Jon J. Greiner            Sen. Lyle Hillyard
Sen. David Hinkins            Sen. Patricia Jones
Sen. Scott Jenkins            Sen. Sheldon Killpack
Sen. Peter Knudson            Sen. Daniel Liljenquist
Sen. Mark Madsen                Sen. Karen Mayne
Sen. Scott McCoy                Sen. Karen Morgan
Sen. Ralph Okerlund            Sen. Luz Robles
Sen. Howard Stephenson          Sen. Dennis Stowell
Sen. John Valentine            Sen. Kevin Van Tassell
Sen. Kevin Van Tassell        Pres. Michael Waddoups
Pres. Michael Waddoups

Hostess and 3rd House Aide
Public Information Officer
Public Information Officer
Public Information Officer

Adam Stewart
Doug Marsh
Amelia Roper
Kristina Nielsen
Reid Luzzader
Buchanan Davis
Emily Bennett
Weston Long
Lenaye Howard
Thomas Jarvis
Stephen Loos
Michelle Taylor
Michael Fiske
Andrew Baker
Matthew Ricks
Kristina Nielsen
Jessie France
Matthew Beckstead
Emily Bennett
Matthew Ricks
Todd Nye
Drew Martinez
Scott Sizemore
Martin Curran
Todd Nye
Thomas Jarvis
Colby Green
Weston Long
Whitney Ripplinger
INTRODUCTION OF BILLS

S.B. 10, Department of Community and Culture – State–owned Art Inventory (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 11, Incest Amendments (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 12, DUI Amendments (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 13, Administering Substances to Wildlife (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 14, Financial Incentives for Motion Picture Productions (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 15, Workers’ Compensation Premium Assessment and Workplace Safety Funding (K. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 16, Prohibited Gang Activity (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 17, Surface Coal Mining Amendments (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 18, Utah Transparency Advisory Board Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 19, Criminal Offense Penalties Amendment (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 20, Local Public Health Emergency Funding (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 21, State and Local Health Authorities Amendments (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 22, Street Legal All–terrain Vehicle Amendments (S. Jenkins), read the first time by short title and referred to the Rules Committee.
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 the Rules Committee.

S.B. 24, **Early Voting Amendments** (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 25, **Online Voter Registration** (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 26, **Open and Public Meetings Act – Meeting Record** (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 27, **Election Law Changes** (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 28, **Prohibited Activities of Gang Offenders** (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 29, **Safe Drinking Water Act Amendments** (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 30, **Enhancement of Truth in Advertising Act** (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 31, **Utah Residential Mortgage Practices and Licensing Act** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 32, **Wrongful Death Amendments** (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 33, **Utility Transmission Corridor Siting Task Force** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 34, **Amendments to Sales and Use Tax Exemption for Certain Machinery, Equipment, or Parts** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 35, **Sales and Use Tax Definitions Relating to Property** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 36, **Sales and Use Tax Amendments** (C. Bramble), read the first time by short title and referred to the Rules Committee.
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 the Rules Committee.

S.B. 38, Severance Tax Amendments (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 39, Immigration Amendments (S. Jenkins), read the first time by short title and referred to the Rules Committee.

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 the Rules Committee.

S.B. 41, Siting of High Voltage Power Line Act (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 42, Nuclear Power Distribution and Generation (S. McCoy), read the first time by short title and referred to the Rules Committee.


S.B. 44, Coal Mining and Reclamation Amendments (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 45, Concealed Firearm Permit for Retired Peace Officer (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.B. 46, School Property Tax Equalization Amendments (K. Morgan), read the first time by short title and referred to the Rules Committee.

S.B. 47, Grant in Lieu of Property Taxes Act (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 85, Homicide Amendments (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 86, Amendments to Preferred Drug List (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 87, Preferred Drug List Revisions (A. Christensen), read the first time by short title and referred to the Rules Committee.
S.B. 88, Administrative Rulemaking Act Amendments (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 89, Public Safety Retirement Death Benefit Modifications (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 90, Metal Theft Amendments and Penalties (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 91, Electronic Communication Harassment Amendment (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 92, Local Governmental Cooperation in Education Matters (P. Jones), read the first time by short title and referred to the Rules Committee.

S.B. 93, Building Authorities (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 94, Underground Sewer Utilities Facilities Amendments (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 95, Mobile Home Park Amendments (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 96, Concealed Firearm Permit Residency Requirement (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 97, Good Samaritan Act for Engineers (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 98, Motor Fuel Theft Penalties (J. Greiner), read the first time by short title and referred to the Rules Committee.


S.B. 100, Financial and Economic Literacy Education Amendments (P. Jones), read the first time by short title and referred to the Rules Committee.

S.B. 101, State Ethics Commission (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 102, Share the Road Special Group License Plate (W. Niederhauser), read the first time by short title and referred to the Rules Committee.
S.B. 103, Uniform Laws – Uniform Principal and Income Act Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

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

S.B. 105, Engineering and Computer Science Initiative Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 106, Alcoholic Beverage Control Act Restrictions (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 107, Communications Fraud Penalty Amendments (D. Hinkins), read the first time by short title and referred to the Rules Committee.

S.B. 108, Tax Commission Administration, Collection, and Enforcement Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 109, Local School Funding Legislative Task Force (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 110, Oil and Gas Limitation of Actions Amendments (K. Van Tassell), read the first time by short title and referred to the Rules Committee.

S.B. 111, Health Care Workforce Financial Assistance Program Amendments (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 112, Obstruction of Justice Amendment (R. Okerlund), read the first time by short title and referred to the Rules Committee.

S.B. 113, Delayed Effective Date for Illegal Immigration Legislation (P. Jones), read the first time by short title and referred to the Rules Committee.

S.B. 114, Tobacco Tax Amendments (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 115, Payment of Mobile Home Park Relocation Expenses (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.C.R. 1, Concurrent Resolution Requesting a Federal Waiver to Establish an Employer-sponsored Work Program (S. Jenkins), read the first time by short title and referred to the Rules Committee.
S.C.R. 2, Concurrent Resolution – a Call to Civility (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.J.R. 1, Joint Resolution – Renewable Energy System (P. Jones), read the first time by short title and referred to the Rules Committee.

S.J.R. 2, Topaz Museum and Civil Liberties Learning Center Joint Resolution (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.R. 1, Ecumenical Patriarch Senate Resolution (P. Jones), read the first time by short title and referred to the Rules Committee.

S.R. 2, Senate Resolution Supporting the Narrows Water Project in Central Utah (R. Okerlund), read the first time by short title and referred to the Rules Committee.

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

AFTERNOON SESSION

JOINT CONVENTION

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

COMMITTEE OF THE WHOLE

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

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

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

REMARKS BY CHIEF JUSTICE 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 Representative Garn, the Joint Convention was dissolved.

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The Senate reassembled at 3:25 p.m., with President Waddoups presiding.

COMMITTEE OF THE WHOLE


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

SPECIAL PRESENTATION

The New Pilgrim Baptist Sanctuary Church Choir under the direction of Brian Sellmon, Executive Musical Director performed “The Star Spangled Banner” and “I Need You.”

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Newly elected Senators Urquhart, Morgan, Liljenquist, Okerlund, Hinkins, and Robles addressed the Senate.
To the Members of the Senate:

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

**Business and Labor Committee**

- **S.B. 15** Workers’ Compensation Premium Assessment and Workplace Safety Funding (Sen. K. Mayne)
- **S.B. 31** Utah Residential Mortgage Practices and Licensing Act (Sen. W. Niederhauser)
- **S.B. 103** Uniform Laws – Uniform Principal and Income Act Amendments (Sen. L. Hillyard)

**Education Committee**

- **S.B. 92** Local Governmental Cooperation in Education Matters (Sen. P. Jones)
- **S.B. 100** Financial and Economic Literacy Education Amendments (Sen. P. Jones)
- **S.B. 104** Higher Education Scholarship Program Amendments (Sen. L. Hillyard)
- **S.B. 105** Engineering and Computer Science Initiative Amendments (Sen. L. Hillyard)

**Government Operations and Political Subdivisions Committee**

- **S.B. 88** Administrative Rulemaking Act Amendments (Sen. H. Stephenson)
- **S.B. 93** Building Authorities (Sen. D. Stowell)
- **S.J.R. 2** Topaz Museum and Civil Liberties Learning Center Joint Resolution (Sen. D. Stowell)

**Health and Human Services Committee**

- **S.B. 20** Local Public Health Emergency Funding (Sen. D. Stowell)
- **S.B. 21** State and Local Health Authorities Amendments (Sen. D. Stowell)

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

- **S.B. 32** Wrongful Death Amendments (Sen. S. McCoy)
- **S.B. 90** Metal Theft Amendments and Penalties (Sen. J. Greiner)
- **S.B. 91** Electronic Communication Harassment Amendment (Sen. J. Greiner)
- **S.B. 97** Good Samaritan Act for Engineers (Sen. M. Waddoups)
- **S.B. 98** Motor Fuel Theft Penalties (Sen. J. Greiner)
Natural Resources, Agriculture and Environment Committee
S.B. 44 Coal Mining and Reclamation Amendments
(Sen. G. Davis)
S.J.R. 1 Joint Resolution – Renewable Energy System
(Sen. P. Jones)

Revenue and Taxation Committee
S.B. 23 Income Taxation of Pass-through Entities and
Pass-through Entity Taxpayers (Sen. W. Niederhauser)
S.B. 35 Sales and Use Tax Definitions Relating to Property
(Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee
S.B. 41 Siting of High Voltage Power Line Act (Sen. P. Knudson)
S.B. 94 Underground Sewer Utilities Facilities Amendments
(Sen. J. Greiner)
S.B. 95 Mobile Home Park Amendments (Sen. S. Jenkins)
S.B. 99 Renewable Energy Certificate Revisions
(Sen. C. Bramble)

Workforce Services and Community and Economic Development
Committee
S.B. 14 Financial Incentives for Motion Picture Productions
(Sen. L. Hillyard)

Margaret Dayton
Rules Committee Chair

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

RULES COMMITTEE REPORTS

To the Members of the Senate: January 26, 2009

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

S.B. 10 Department of Community and Culture – State-owned
Art Inventory (Sen. M. Madsen)
S.B. 12 DUI Amendments (Sen. S. Killpack)
S.B. 13 Administering Substances to Wildlife (Sen. M. Dayton)
S.B. 16 Prohibited Gang Activity (Sen. J. Greiner)
S.B. 17 Surface Coal Mining Amendments (Sen. D. Stowell)
S.B. 18 Utah Transparency Advisory Board Amendments
(Sen. W. Niederhauser)
S.B. 19 Criminal Offense Penalties Amendment (Sen. J. Greiner)
S.B. 22 Street Legal All-terrain Vehicle Amendments
(Sen. S. Jenkins)
S.B. 24  Early Voting Amendments (Sen. P. Knudson)
S.B. 25  Online Voter Registration (Sen. P. Knudson)
S.B. 26  Open and Public Meetings Act – Meeting Record  
        (Sen. P. Knudson)
S.B. 27  Election Law Changes (Sen. P. Knudson)
         Margaret Dayton
         Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 116, Criminal Penalty and Prosecution Amendments (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

S.B. 117, Advance Health Care Directive Act Amendments (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 118, Parental Responsibility for Juvenile Criminal Gang Offense Costs (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 119, Hospital Emergency Room Task Force (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Killpack and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Tuesday, January 27, 2009.
SECOND DAY

January 27, 2009

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

Prayer – Bruce Parry, Chairman, Northwestern Band of Shoshone Nation
Pledge of Allegiance – Senator Mark Madsen
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, Page 73)

INTRODUCTION OF BILLS

S.B. 120, Workers’ Compensation Act – Medical Reports (K. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 121, Workers’ Compensation – Attorney Fees (K. Mayne), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

S.B. 10, DEPARTMENT OF COMMUNITY AND CULTURE – STATE OWNED ART INVENTORY, was read the second time. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hinkins Jenkins Jones Killpack
Knudson Liljenquist Madsen Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Urquhart Van Tassell Valentine Waddoups

Absent or not voting was: Senator
Hillyard

SPECIAL ORDER OF BUSINESS

Senator Van Tassell introduced Utah’s American Indian Tribal Leaders.
SECOND READING CALENDAR

S.B. 12, DUI AMENDMENTS, was read the second time.

On motion of Senator Killpack, the bill was circled.

* * *

S.B. 13, ADMINISTERING SUBSTANCES TO WILDLIFE, was read the second time. Senator Dayton explained the bill. Senators Romero and Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hinkins  Jenkins  Jones  Killpack
Knudson  Liljenquist  Madsen  Mayne
McCoy  Morgan  Niederhauser  Okerlund
Robles  Romero  Stowell  Urquhart
Van Tassell  Valentine  Waddoups

Absent or not voting were: Senators
Hillyard  Stephenson

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S.B. 16, PROHIBITED GANG ACTIVITY, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hinkins  Jenkins  Jones  Killpack
Knudson  Liljenquist  Madsen  Mayne
McCoy  Morgan  Niederhauser  Okerlund
Robles  Stowell  Urquhart  Van Tassell
Valentine  Waddoups

Voting in the negative was: Senator
Romero
Absent or not voting were: Senators
Hillyard Stephenson

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S.B. 17, SURFACE COAL MINING AMENDMENTS, was read the second time. Senator Stowell explained the bill. Senator Bell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Dayton Goodfellow Greiner Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Mayne McCoy Morgan
Niederhauser Okerlund Robles Romero
Stowell Urquhart Van Tassell Valentine
Waddoups

Absent or not voting were: Senators
Davis Hillyard Madsen Stephenson

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S.B. 18, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

***

S.B. 19, CRIMINAL OFFENSE PENALTIES AMENDMENT, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hinkins Jenkins Jones Killpack
Knudson Liljenquist Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Urquhart Van Tassell Valentine
Waddoups
Absent or not voting were: Senators
Hillyard          Madsen          Stephenson     Stowell

* * *

S.B. 22, STREET LEGAL ALL-TERRAIN VEHICLE AMENDMENTS, was read the second time. Senator Jenkins explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell          Bramble          Buttars         Christensen
Davis        Dayton          Goodfellow     Greiner
Hinkins      Jenkins         Jones          Killpack
Knudson      Liljenquist    Madsen         Mayne
McCoy        Morgan         Niederhauser  Okerlund
Robles       Romero         Stowell        Urquhart
Van Tassell  Valentine     Waddoups

Absent or not voting were: Senators
Hillyard    Stephenson

* * *

S.B. 24, EARLY VOTING AMENDMENTS, was read the second time. Senator Knudson explained the bill. Senator Romero commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell          Bramble          Buttars         Christensen
Davis        Dayton          Goodfellow     Greiner
Hinkins      Jenkins         Jones          Killpack
Knudson      Liljenquist    Madsen         Mayne
McCoy        Morgan         Niederhauser  Okerlund
Robles       Romero         Stephenson     Stowell
Urquhart     Van Tassell    Valentine     Waddoups

Absent or not voting was: Senator
Hillyard
COMMUNICATIONS FROM THE HOUSE

Mr. President: January 27, 2009

The House passed H.B. 16, ASSESSMENT AREA AMENDMENTS, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed H.B. 19, WATER RIGHTS — INFORMAL ADJUDICATIONS, by Representative K. McIlff, and it is transmitted for consideration; and

The House passed H.B. 22, HARBORING A RUNAWAY, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed H.B. 25, GUN DEALER PENALTY AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed H.B. 250, REVISOR’S STATUTE, by Representative K. Garn, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 16, H.B. 19, H.B. 22, H.B. 25, and H.B. 250 were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Killpack and at 11:25 a.m., the Senate adjourned until 10:00 a.m., Wednesday, January 28, 2009.

JOINT CONVENTION

President Michael Waddoups called the Joint Convention to order at 6:30 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 Patricia 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 to the House rostrum.

STATE—OF—THE—STATE ADDRESS
BY GOVERNOR 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-growth 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!

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

Representative Kevin 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

JANUARY 28, 2009

The Senate was called to order at 10:00 a.m., with President Michael Waddoups presiding.

Prayer – Jerry Washburn, Mayor of Orem City
Pledge of Allegiance – Senator Dennis Stowell
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 27, 2009

The House passed, as amended, H.B. 12, COUNTY SHERIFF QUALIFICATION AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed H.B. 27, PROTECTIONS FOR AGRICULTURAL PRACTICES, by Representative M. Morley, and it is transmitted for consideration; and

The House passed H.B. 30, COMMERCIAL MOTOR VEHICLE AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed H.B. 39, UTAH INJURED WORKER REEMPLOYMENT ACT, by Representative M. Morley, and it is transmitted for consideration; and

The House passed H.B. 40, MOTORCYCLE RIDER EDUCATION PROGRAM AMENDMENTS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed H.B. 45, PER DIEM AND TRAVEL EXPENSES FOR STATE BOARDS AND COMMISSIONS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed H.B. 46, DESIGNATION OF STATE HIGHWAYS AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and
The House passed **H.B. 47**, CRIMINAL PROCEDURE – INVESTIGATION AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.B. 53**, DRIVER LICENSE AMENDMENTS – MOTOR DRIVEN CYCLES, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed **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 consideration.

Sandy D. Tenney, Chief Clerk


**RULES COMMITTEE REPORTS**

To the Members of the Senate: January 27, 2009

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

**Education Committee**
**S.B. 109** Local School Funding Legislative Task Force  
(Sen. D. C. Buttars)

**Government Operations and Political Subdivisions Committee**
**S.B. 115** Payment of Mobile Home Park Relocation Expenses  
(Sen. W. Niederhauser)
**S.R. 1** Ecumenical Patriarch Senate Resolution (Sen. P. Jones)

**Health and Human Services Committee**
**S.B. 43** Insurance Coverage for Autism Spectrum Disorders – Clay’s Law (Sen. H. Stephenson)
**S.B. 87** Preferred Drug List Revisions (Sen. A. Christensen)
**S.B. 111** Health Care Workforce Financial Assistance Program Amendments (Sen. G. Davis)
**S.B. 117** Advance Health Care Directive Act Amendments  
(Sen. A. Christensen)
**S.B. 119** Hospital Emergency Room Task Force  
(Sen. D. C. Buttars)

**Judiciary, Law Enforcement, and Criminal Justice Committee**
**S.B. 45** Concealed Firearm Permit for Retired Peace Officer  
(Sen. B. Goodfellow)
S.B. 85  Homicide Amendments (Sen. S. Urquhart)
S.B. 107  Communications Fraud Penalty Amendments
         (Sen. D. Hinkins)
S.B. 112  Obstruction of Justice Amendment (Sen. R. Okerlund)
S.B. 116  Criminal Penalty and Prosecution Amendments
         (Sen. D. Liljenquist)
S.B. 118  Parental Responsibility for Juvenile Criminal Gang
         Offense Costs (Sen. J. Greiner)

Natural Resources, Agriculture and Environment Committee
S.B. 110  Oil and Gas Limitation of Actions Amendments
         (Sen. K. Van Tassell)
S.R. 2    Senate Resolution Supporting the Narrows Water Project
         in Central Utah (Sen. R. Okerlund)

Revenue and Taxation Committee
S.B. 47   Grant in Lieu of Property Taxes Act (Sen. G. Davis)
S.B. 108  Tax Commission Administration, Collection, and
         Enforcement Amendments (Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee
S.B. 102  Share the Road Special Group License Plate
         (Sen. W. Niederhauser)

Margaret Dayton
Rules Committee Chair

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

RULES COMMITTEE REPORTS

To the Members of the Senate:

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

S.B. 28  Prohibited Activities of Gang Offenders (Sen. J. Greiner)
S.B. 33  Utility Transmission Corridor Siting Task Force
         (Sen. S. Jenkins)
S.B. 34  Amendments to Sales and Use Tax Exemption for Certain
         Machinery, Equipment, or Parts (Sen. W. Niederhauser)
S.B. 36  Sales and Use Tax Amendments (Sen. C. Bramble)
S.B. 37  Utah Substance Abuse and Anti-violence Coordinating
         Council Amendments (Sen. K. Van Tassell)
S.B. 38  Severance Tax Amendments (Sen. J. Valentine)
S.B. 39  Immigration Amendments (Sen. S. Jenkins)
S.C.R. 1  Concurrent Resolution Requesting a Federal Waiver to Establish an Employer-sponsored Work Program  
(Sen. S. Jenkins)  
S.B. 40  Lawful Presence Verification for Issuance of a Driver License or Identification Card (Sen. C. Bramble)  
Margaret Dayton  
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 27, 2009

The Business and Labor Committee recommends S.B. 15, WORKERS’ COMPENSATION PREMIUM ASSESSMENT AND WORKPLACE SAFETY FUNDING, by Senator K. Mayne, be replaced and favorably recommends 1st Sub. S.B. 15, WORKERS’ COMPENSATION PREMIUM ASSESSMENT AND RELATED FUNDING with the following amendments:

1. Page 8, Lines 238 through 240:

238 (ii) the activities of the Division of Adjudication described in Section 34A−1−202.

239 (b) The monies deposited in the account may not be used for a purpose other than a

240 purpose described in this Subsection (4), including an administrative cost or another activity of; and

The Business and Labor Committee recommends S.B. 31, UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT, by Senator W. Niederhauser, be replaced and favorably recommends 1st Sub. S.B. 31, UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT; and

The Business and Labor Committee reports a favorable recommendation on S.B. 103, UNIFORM LAWS – UNIFORM PRINCIPAL AND INCOME ACT AMENDMENTS, by Senator L. Hillyard.

John L. Valentine, Chair
Mr. President: January 27, 2009

The Health and Human Services Committee reports a favorable recommendation on S.B. 20, LOCAL PUBLIC HEALTH EMERGENCY FUNDING, by Senator D. Stowell.

D. Chris Buttars, Chair

Mr. President: January 27, 2009

The Education Committee reports a favorable recommendation on S.B. 105, ENGINEERING AND COMPUTER SCIENCE INITIATIVE AMENDMENTS, by Senator L. Hillyard; and

The Education Committee reports a favorable recommendation on S.B. 104, HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS, by Senator L. Hillyard.

Curtis S. Bramble, Chair

On motion of Senator Killpack, the committee reports were adopted. 1st Sub. S.B. 15, as amended, 1st Sub. S.B. 31, S.B. 103, S.B. 20, S.B. 105, and S.B. 104 were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 48, Teacher Licensing by Competency Amendments (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 49, Small Business Access to Justice Act (R. Romero), read the first time by short title and referred to the Rules Committee.

S.B. 50, Restricting the Movement of a Motor Vehicle (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.B. 51, Restitution Fund Account (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

S.B. 122, Uniform State Law – Uniform Unsworn Foreign Declarations Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 123, School District Division Process (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 124, Indemnification for Design Professional Services (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 125, Interest on Personal Injury Judgments (R. Okerlund), read the first time by short title and referred to the Rules Committee.
S.B. 126, State Personnel Management Act Amendments (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

S.B. 127, Retirement Amendments (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

S.B. 128, Rainwater Harvesting (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 129, Mental Health Therapist Grant and Scholarship Act Repeal (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

S.B. 130, Income Tax Credit – Contributions for Which Federal Matching Monies Are Offered (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 131, Law Enforcement Service in Local Districts and Interlocal Entities (S. Jenkins), read the first time by short title and referred to the Rules Committee.

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 the Rules Committee.

S.J.R. 3, Joint Resolution Approving Appointment of Legislative General Counsel (S. Killpack), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 10, DEPARTMENT OF COMMUNITY AND CULTURE – STATE-OWNED ART INVENTORY, was read the third time.

On motion of Senator Killpack, the bill was circled.

***

S.B. 13, ADMINISTERING SUBSTANCES TO WILDLIFE, was read the third time and explained by Senator Dayton. Senators Valentine and McCoy commented.

On motion of Senator Dayton, the bill was circled.
On motion of Senator Madsen, the circle was removed from **S.B. 10**, DEPARTMENT OF COMMUNITY AND CULTURE – STATE–OWNED ART INVENTORY, and it was before the Senate. Senator Madsen explained the bill. Senators Buttars, Davis, Knudson, Goodfellow, and Robles commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hinkins  Jenkins  Jones  Killpack
Liljenquist  Madsen  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Robles
Romero  Stephenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

**Absent or not voting were:** Senators

Hillyard  Knudson

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

On motion of Senator Dayton, the circle was removed from **S.B. 13**, ADMINISTERING SUBSTANCES TO WILDLIFE, and it was before the Senate.

Senator Valentine proposed the following amendment:

1. Page 2, Line 57 through Page 3, Line 63

57  (4)  {An agricultural producer}  A person is not liable under this section for administering a

58  substance, notwithstanding the substance has an effect described in Subsection (1)(d) on

59  protected wildlife, if {the}:

(a) an agricultural producer administers the substance:

60  {for the sole purpose of producing an agricultural product and not for the purpose of}
affecting protected wildlife in a manner described in Subsection (1)(d);

consistent with generally accepted agricultural practices; and

in compliance with applicable local, state, and federal law; or

(b) the protected wildlife presents an immediate threat of death or serious bodily injury to a person.

Senator Valentine’s motion to amend passed on a voice vote. Senator Dayton explained the bill. The bill passed on the following roll call:

**Y eas, 26; Nays, 0; Absent, 3.**

**V oting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Christensen | Hillyard | Hinkins |

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

***

S.B. 16, PROHIBITED GANG ACTIVITY, was read the third time, explained by Senator Greiner, and passed on the following roll call:

**Y eas, 25; Nays, 2; Absent, 2.**

**V oting in the affirmative were:** Senators

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Voting in the negative were: Senators
Robles Romero

Absent or not voting were: Senators
Christensen Hillyard

S.B. 16 was transmitted to the House for consideration.

***

S.B. 17, SURFACE COAL MINING AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Davis
Dayton Goodfellow Greiner Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Christensen Hillyard

S.B. 17 was transmitted to the House for consideration.

***

On motion of Senator Greiner, S.B. 19, CRIMINAL OFFENSE PENALTIES AMENDMENT, was read the third time and circled.

***

S.B. 22, STREET LEGAL ALL-TERAIN VEHICLE AMENDMENTS, was read the third time and explained by Senator Jenkins.

Senator Jenkins proposed the following amendment:

1. Page 14, Line 405

405 privileges for nonresident users granted under Subsection (5)(a).

(6) Nothing in this chapter shall restrict the operation of an off–highway vehicle in accordance with Section 41–22–10.5.
Senator Jenkins’ motion to amend passed on a voice vote and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Greiner | Hillyard | Madsen |

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

***

**S.B. 24**, EARLY VOTING AMENDMENTS, was read the third time and explained by Senator Knudson. Senator Bell commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**S.B. 24** was transmitted to the House for consideration.

**SECOND READING CALENDAR**

On motion of Senator Killpack, the circle was removed from **S.B. 12, DUI AMENDMENTS**, and it was before the Senate. Senator Killpack explained the bill. Senator Davis commented. The bill, under suspension of the rules, passed second reading on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Bell
Dayton
Jenkins
Liljenquist
Morgan
Romero
Waddoups
Bramble
Goodfellow
Jones
Madsen
Niederhauser
Stowell
Christensen
Greiner
Killpack
Mayne
Okerlund
Urquhart
Davis
Hinkins
Knudson
McCoy
Robles
Valentine

Absent or not voting were: Senators
Buttars
Hillyard
Stephenson
Van Tassell

***

S.B. 25, ONLINE VOTER REGISTRATION, was read the second time. Senator Knudson explained the bill.

Senator Knudson proposed the following amendment:

1. Page 2, Line 55

55 form.
(4) A system created and maintained under this section shall provide the notices concerning a voter’s presentation of identification contained in Subsection 20A−2−104(1).

2. Page 2, Line 56 through Page 3, Line 61:

56 {−(4) } (5) The lieutenant governor shall obtain a digital copy of the applicant’s driver license
57 or identification card signature from the Driver License Division.
58 {−(5) } (6) Upon receiving all information from an applicant and the Driver License Division.
59 the lieutenant governor shall send the information to the county clerk for the county in which
60 the applicant’s principle place of residence is found for further action as required by Section 20A−2−304.
61 {−(6) } (7) The lieutenant governor may use additional security measures to ensure the
3. Page 4, Lines 109 through 110:

109 (14) upon request by the lieutenant governor, provide the
110 digital copy of the driver license or identification card

{ record } signature of a person who is an applicant

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

**Yeas, 25; Nays, 2; Absent, 2.**

**Voting in the affirmative were:** Senators
Bell Bramble Buttars Christensen
Dayton Goodfellow Greiner Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Mayne McCoy Morgan
Niederhauser Okerlund Robles Romero
Stowell Urquhart Valentine Van Tassell
Waddoups

**Voting in the negative were:** Senators
Madsen Stephenson

**Absent or not voting were:** Senators
Davis Hillyard

***

**S.B. 26, OPEN AND PUBLIC MEETINGS ACT – MEETING RECORD,**
was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell Bramble Christensen Davis
Dayton Goodfellow Greiner Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stowell Urquhart Valentine
Waddoups
Absent or not voting were: Senators
Buttars          Hillyard          Stephenson          Van Tassell

* * *

S.B. 27, ELECTION LAW CHANGES, was read the second time.

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

1st Sub. S.B. 27, Election Law Changes, (P. Knudson)

Senator Knudson explained the bill. Senators Valentine and McCoy commented.

On motion of Senator Knudson, the bill was circled.

COMMUNICATION FROM THE HOUSE

Mr. President: January 28, 2009

The House passed H.B. 14, MATERIAL HARMFUL TO MINORS AMENDMENTS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed H.B. 31, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed H.B. 56, DECLARATION OF CANDIDACY AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed H.B. 58, SALES AND USE TAX – DETERMINING THE LOCATION OF CERTAIN TRANSACTIONS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 232, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS REVISIONS, by Representative D. Aagard, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 14, H.B. 31, H.B. 56, H.B. 58, and 1st Sub. H.B. 232 were read the first time and referred to the Rules Committee.
On motion of Senator Killpack and at 11:50 p.m., the Senate adjourned until 10:00 a.m., Thursday, January 29, 2009.
FOURTH DAY

January 29, 2009

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

Prayer – Father Michael Kouremetis, Prophet Elias Greek Orthodox Church
Pledge of Allegiance – Senator Jon Greiner
Roll Call – All Senators present, except Senator Van Tassell, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE GOVERNOR

ADVISE AND CONSENT

Mr. President: December 3, 2008

In accordance with Utah Code 67–1–1 and 67–1–2 (2008), I propose and transmit the following appointment:

SECOND DISTRICT JUVENILE COURT

Janice L. Frost is appointed as a Judge of the Second District Juvenile Court. See Utah const. ant. VIII, 8; Utah Code 78A–10–101.

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

Jon M. Huntsman, Jr.
Governor

Mr. President: January 22, 2009

The Senate Judicial Confirmation Committee met on January 22, 2009, and reports a favorable recommendation for Ms. Janice L. Frost to be confirmed to the position of Judge in the Second District Juvenile Court.

Greg Bell, Chair

Senator Buttars moved to consent to the appointment. The motion passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.
Voting in the affirmative were: Senators
Bell, Bramble, Buttars, Christensen
Davis, Dayton, Goodfellow, Greiner
Hinkins, Jenkins, Jones, Killpack
Knudson, Liljenquist, Mayne, McCoy
Morgan, Niederhauser, Okerlund, Robles
Romero, Stowell, Urquhart, Valentine
Waddoups

Absent or not voting were: Senators
Hillyard, Madsen, Stephenson, Van Tassell

* * *

Mr. President: December 9, 2008

In accordance with Utah Code 67–1–1 and 67–1–2 (2008), I propose and transmit the following appointment:

SECOND DISTRICT COURT

Michael D. DiReda is appointed as a Judge of the Second District Court. See Utah const. ant. VIII, 8; Utah Code 78A–10–101.

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

Jon M. Huntsman, Jr.
Governor

Mr. President: January 22, 2009

The Senate Judicial Confirmation Committee met on January 22, 2009, and reports a favorable recommendation for Mr. Michael D. DiReda to be confirmed to the position of Judge in the Second District Court.

Greg Bell, Chair

Senator Buttars moved to consent to the appointment. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell, Bramble, Buttars, Christensen
Dayton, Goodfellow, Greiner, Hinkins
Jenkins, Jones, Killpack, Knudson
Liljenquist, Mayne, McCoy, Morgan
Absent or not voting were: Senators
Davis                Hillyard               Madsen            Van Tassell

COMMITTEE OF THE WHOLE

On motion of Senator Buttars, Judge Janice L. Frost and Judge Michael D. DiReda spoke in Committee of the Whole.

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 28, 2009

The House passed H.B. 18, WATER RIGHT APPLICATIONS AND RECORDS, by Representative P. Painter, and it is transmitted for consideration; and

The House passed H.B. 21, AMENDMENTS TO DRIVER LICENSE SANCTION REQUIREMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed, as amended, H.B. 43, COORDINATING MUNICIPAL AND SPECIAL DISTRICT ELECTIONS, by Representative K. Grover, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 44, LOCAL AND SPECIAL SERVICE DISTRICT ELECTION AMENDMENTS, by Representative K. Grover, and it is transmitted for consideration; and

The House passed H.B. 48, BALLOT QUESTION AMENDMENTS, by Representative K. Grover, and it is transmitted for consideration; and

The House passed H.B. 51, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, by Representative C. Johnson, and it is transmitted for consideration; and

The House passed H.B. 54, AMENDMENTS TO VEHICLE REGISTRATION REQUIREMENTS, by Representative F. Gibson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

To the Members of the Senate: January 28, 2009

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

**Business and Labor Committee**

S.B. 120  Workers’ Compensation Act – Medical Reports  (Sen. K. Mayne)
S.B. 121  Workers’ Compensation – Attorney Fees (Sen. K. Mayne)

**Education Committee**

S.B. 123  School District Division Process (Sen. L. Hillyard)

**Government Operations and Political Subdivisions Committee**

S.B. 122  Uniform State Law – Uniform Unsworn Foreign Declarations Act (Sen. L. Hillyard)
S.B. 124  Indemnification for Design Professional Services (Sen. G. Bell)
H.B. 16  Assessment Area Amendments (Rep. F. Hunsaker)  (Sen. D. Stowell)

**Health and Human Services Committee**

S.B. 86  Amendments to Preferred Drug List (Sen. A. Christensen)

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

S.B. 125  Interest on Personal Injury Judgments (Sen. R. Okerlund)
H.B. 22  Harboring a Runaway (Rep. L. Fowlke)  (Sen. C. Bramble)

**Natural Resources, Agriculture and Environment Committee**


Margaret Dayton  
Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.
RULES COMMITTEE REPORTS

To the Members of the Senate: January 28, 2009

The Rules Committee recommends, that under suspension of the rules, the following bills be placed at the bottom of the Second Reading Calendar:

S.J.R. 3 Joint Resolution Approving Appointment of Legislative General Counsel (Sen. S. Killpack)
H.B. 250 Revisor’s Statute (Rep. K. Garn) (Sen. S. Killpack)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 28, 2009


Peter C. Knudson, Chair

Mr. President: January 27, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 97, GOOD SAMARITAN ACT FOR ENGINEERS, by Senator M. Waddoups; and

The Natural Resources, Agriculture, and Environment Committee recommends S.J.R. 1, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM, by Senator P. Jones, be replaced and favorably recommends 1st Sub. S.J.R. 1, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM.

Dennis E. Stowell, Chair

On motion of Senator Killpack, the committee reports were adopted. S.B. 88, S.B. 97, and S.J.R. 1 were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: January 28, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 93, BUILDING AUTHORITIES, by Senator
D. Stowell, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.J.R. 2, TOPAZ MUSEUM AND CIVIL LIBERTIES LEARNING CENTER JOINT RESOLUTION, by Senator D. Stowell, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Killpack, the committee reports were adopted. S.B. 93 and S.J.R. 2 were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 52, New Motor Vehicle Franchise Amendments (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 53, Awarding of Attorney Fees (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 133, Abuse or Neglect of a Disabled Child (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 134, Transportation Funding Amendments (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 135, Local District Taxing Authority (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 136, Diesel–powered Motor Vehicle Emissions Inspection Program Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 137, Physical Therapy Practice Act (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.J.R. 4, Recycling of Electronic Waste Joint Resolution (S. McCoy), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 12, DUI AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Killpack
Knudson Liljenquist Madsen Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Urquhart Valentine Waddoups

Absent or not voting were: Senators
Jones Van Tassell

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

* * *

S.B. 25, ONLINE VOTER REGISTRATION, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Buttars Christensen Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Killpack
Knudson Liljenquist Madsen Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Urquhart Valentine Waddoups

Absent or not voting were: Senators
Bell Van Tassell

S.B. 25 was transmitted to the House for consideration.

* * *

S.B. 26, OPEN AND PUBLIC MEETINGS ACT – MEETING RECORD, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.
Voting in the affirmative were: Senators
Bell               Bramble               Buttars               Christensen
Davis              Dayton               Goodfellow            Greiner
Hillyard           Hinkins               Jenkins               Jones
Knudson            Liljenquist           Madsen               Mayne
McCoy              Morgan               Niederhauser          Okerlund
Robles             Romero               Stephenson            Stowell
Urquhart           Valentine            Waddoups

Absent or not voting were: Senators
Killpack           Van Tassell

S.B. 26 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Niederhauser, the circle was removed from S.B. 18, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS, and it was before the Senate.

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

1st Sub. S.B. 18, Utah Transparency Advisory Board Amendments
(W. Niederhauser)

Senator Niederhauser explained the bill.

On motion of Senator Niederhauser, the bill was circled.

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On motion of Senator Knudson, the circle was removed from 1st Sub. S.B. 27, ELECTION LAW CHANGES, and it was before the Senate.

Senator Knudson proposed the following amendment:

1. Page 20, Lines 603 through 606

603 (2) Voters desiring to vote in favor of [enacting] {—halting } preventing the law that is the subject of the referendum from taking effect {—the law proposed by the referendum petition—} shall mark the square [following] adjacent to the word “For,” and those
605 desiring to vote against {enacting the law proposed by—} preventing the law that is the subject of the referendum petition from taking effect shall mark the

606 square [following] adjacent to the word “Against.”

2. Page 22, Lines 654 through 657:

654 (3) Voters desiring to vote in favor of {enacting—} repealing the law proposed by the referendum petition shall mark the square [following] adjacent to the word “For,” and those desiring to vote

655 against {enacting—} repealing the law proposed by the referendum petition shall mark the square following

656 the word “Against.”

Senator Knudson’s motion to amend passed on a voice vote. Senator Knudson explained the bill. Senators Valentine and Romero commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Christensen

Davis  Dayton  Goodfellow  Greiner

Hillyard  Hinkins  Jenkins  Jones

Killpack  Knudson  Liljenquist  Madsen

Mayne  McCoy  Morgan  Niederhauser

Okerlund  Robles  Romero  Stephenson

Stowell  Urquhart  Valentine  Waddoups

**Absent or not voting was:** Senator

Van Tassell

* * *

**S.B. 28, PROHIBITED ACTIVITIES OF GANG OFFENDERS,** was read the second time. Senator Greiner explained the bill. Senators Romero and Madsen commented. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Christensen

Davis  Dayton  Goodfellow  Greiner
Hinkins     Jenkins     Killpack     Knudson
Liljenquist Mayne       McCoy       Morgan
Okerlund     Robles     Romero      Stephenson
Stowell      Urquhart   Valentine   Waddoups

Voting in the negative was: Senator
Madsen

Absent or not voting were: Senators
Hillyard     Jones       Niederhauser     Van Tassell

* * *

S.B. 33, UTILITY TRANSMISSION CORRIDOR SITING TASK FORCE, was read the second time. Senator Jenkins explained the bill. Senators Knudson, Urguhart, and Killpack commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell         Bramble    Buttars       Christensen
Davis        Dayton     Goodfellow   Greiner
Hinkins      Jenkins    Killpack     Knudson
Liljenquist  Madsen    Mayne        Morgan
Niederhauser Okerlund  Robles       Romero
Stephenson   Stowell    Urquhart    Valentine
Waddoups

Voting in the negative was: Senator
McCoy

Absent or not voting were: Senators
Hillyard     Jones       Van Tassell

* * *

S.B. 34, AMENDMENTS TO SALES AND USE TAX EXEMPTION FOR CERTAIN MACHINERY, EQUIPMENT, OR PARTS, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

* * *

S.B. 36, SALES AND USE TAX AMENDMENTS, was read the second time.
On motion of Senator Bramble, the bill was circled.

***

**S.B. 37, UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL AMENDMENTS, was read the second time.**

On motion of Senator Bell, the bill was circled.

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**S.B. 38, SEVERANCE TAX AMENDMENTS, was read the second time.**

Senator Valentine proposed the following amendment:

1. Page 1, Lines 19 through 20

   increases the amount of revenue to be deposited into the permanent state trust fund over a six–year period beginning with fiscal year 2011–12;

2. Page 2, Lines 40 through 52:

   (2) “Mining base amount” means:

   (a) $27,600,000 for fiscal years 2008–09, 2009–10, and 2010–11;

   (b) $22,600,000 for fiscal year 2009–10, 2011–12;

   (c) $17,600,000 for fiscal year 2010–11, 2012–13;

   (d) $12,600,000 for fiscal year 2011–12, 2013–14;

   (e) $7,600,000 for fiscal year 2012–13, 2014–15;

   and

   (f) $2,600,000 for fiscal year 2013–14, 2015–16;

   (3) “Oil and gas base amount” means:

   (a) $71,000,000 for fiscal years 2008–09, 2009–10, and 2010–11;

   (b) $56,000,000 for fiscal year 2009–10, 2011–12;
(c) $41,000,000 for fiscal year 2011
(d) $26,000,000 for fiscal year 2012
(e) $11,000,000 for fiscal year 2013

3. Page 3, Lines 82 through 86:

(2) [Beginning] (a) For fiscal years beginning with fiscal year 2008−09[, if authorized by law] and ending with fiscal year 2013−14, the Division of Finance shall credit to the permanent state trust fund all revenue collected in a fiscal year from severance taxes on oil and gas imposed under Title 59, Chapter 5, Severance Tax on Oil, Gas, and Mining, that exceed [$71,000,000,] the oil and gas base amount.

4. Page 3, Line 87 through Page 4, Line 95:

(b) For fiscal years beginning on or after fiscal year 2013−14, the Division of Finance shall credit all revenue collected in a fiscal year from severance taxes on oil and gas imposed under Title 59, Chapter 5, Severance Tax on Oil, Gas, and Mining to the permanent state trust fund.

(3) [Beginning] (a) For fiscal years beginning with fiscal year 2008−09[, if authorized by law] and ending with fiscal year 2013−14, the Division of Finance shall credit to the permanent state trust fund all revenue collected in a fiscal year from severance taxes on mining imposed under Title 59, Chapter 5, Severance Tax on Oil, Gas, and Mining, that exceed
5. Page 4, Lines 96 through 98:

(b) For fiscal years beginning on or after fiscal year 2014−15, 2016−17, the Division of Finance shall credit all revenue collected in a fiscal year from severance taxes on mining imposed under Title 59, Chapter 5, Severance Tax on Oil, Gas, and Mining to the permanent state trust fund.

Senator Valentine’s motion to amend passed on a voice vote. Senator Valentine explained the bill. Senators Buttars and Romero commented. The bill, as amended, passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell   Bramble   Buttars   Christensen
Davis  Dayton    Goodfellow   Greiner
Hinkins Jenkins   Killpack   Knudson
Madsen Mayne    McCoy      Morgan
Niederhauser Okerlund   Robles   Romero
Stowell Urquhart   Valentine   Waddoups

**Absent or not voting were:** Senators

Hillyard    Jones    Liljenquist    Stephenson
Van Tassell

***

**S.B. 39, IMMIGRATION AMENDMENTS,** was read the second time.

On motion of Senator Jenkins, the bill was circled.

***

**S.C.R. 1, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER-SPONSORED WORK PROGRAM,** was read the second time. Senator Jenkins explained the bill. Senator Bell commented. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 3; Absent, 4.**
Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Dayton Goodfellow Greiner Hinkins
Jenkins Killpack Knudson Madsen
McCoy Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Waddoups

Voting in the negative were: Senators
Davis Mayne Morgan

Absent or not voting were: Senators
Hillyard Jones Liljenquist Van Tassell

* * *

S.B. 40, LAWFUL PRESENCE VERIFICATION FOR ISSUANCE OF A DRIVER LICENSE OR IDENTIFICATION CARD, was read the second time. Senator Bramble explained the bill. Senators Jenkins and Robles commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hinkins Jenkins Killpack Knudson
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Waddoups

Absent or not voting were: Senators
Hillyard Jones Van Tassell

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 29, 2009

The House passed H.B. 11, RECODIFICATION OF NATURAL RESOURCES PROVISIONS, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed H.B. 33, REFUND OF UNEARNED HEALTH INSURANCE PREMIUMS AND MEDICARE SUPPLEMENT INSURANCE
PREMIUMS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed H.B. 38, REFUGEE SERVICES FUND AMENDMENTS, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed H.B. 75, UTAH COMMUNICATIONS AGENCY NETWORK AMENDMENTS, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed H.B. 87, IDENTITY THEFT AMENDMENT, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as amended, H.B. 106, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed, as amended, H.B. 231, UTAH COMMISSION ON VOLUNTEERS AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 11, H.B. 33, H.B. 38, H.B. 75, H.B. 87, H.B. 106, and H.B. 231 were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Killpack and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Friday, January 30, 2009.
FIFTH DAY

January 30, 2009

The Senate was called to order at 10:00 a.m., with President Michael Waddoups presiding.

Prayer – Mr. Larry Love
Pledge of Allegiance – Senator Margaret Dayton
Roll Call – All Senators present except Senator Bramble, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 29, 2009

The House passed, as amended, H.B. 17, EXPEDITED PARTNER THERAPY TREATMENT, by Representative J. Seelig, et al, and it is transmitted for consideration; and

The House passed H.B. 34, PENALTIES FOR DESTRUCTION OF BALD EAGLE, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed, as amended, H.B. 52, INSURANCE CODE AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 86, DIVISION OF REAL ESTATE RELATED AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed H.B. 216, TELECOMMUNICATION PRICING FLEXIBILITY AMENDMENTS, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed H.B. 238, EXEMPTION OF UNIVERSITY HOUSING FROM EVICTION LAWS, by Representative K. Holdaway, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 17, H.B. 34, H.B. 52, 1st Sub. H.B. 86, H.B. 216, and H.B. 238 were read the first time and referred to the Rules Committee.
On motion of Senator Killpack, and at 10:10 a.m., the Senate recessed.

The Senate was called to order at 10:50 a.m., with President Waddoups presiding.

**RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 29, 2009

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

**Business and Labor Committee**

S.B. 49  Small Business Access to Justice Act (Sen. R. Romero)
H.B. 39  Utah Injured Worker Reemployment Act
         (Rep. M. Morley) (Sen. K. Mayne)

**Education Committee**

S.B. 48  Teacher Licensing by Competency Amendments
         (Sen. D. C. Buttars)

**Government Operations and Political Subdivisions Committee**

S.B. 126 State Personnel Management Act Amendments
        (Sen. D. Liljenquist)
S.B. 131 Law Enforcement Service in Local Districts and
        Interlocal Entities (Sen. S. Jenkins)
H.B. 45  Per Diem and Travel Expenses for State Boards and
H.B. 56  Declaration of Candidacy Amendments (Rep. D. Aagard)
         (Sen. P. Knudson)
ISub. H.B. 232 Campaign and Financial Reporting Requirements

**Health and Human Services Committee**

S.B. 129 Mental Health Therapist Grant and Scholarship Act
        Repeal (Sen. D. Liljenquist)
H.B. 31  Utah Sudden Cardiac Arrest Survival Act
         (Rep. C. Wimmer) (Sen. D. C. Buttars)

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

S.B. 51  Restitution Fund Account (Sen. D. Liljenquist)
H.B. 12  County Sheriff Qualification Amendments
         (Rep. R. Greenwood) (Sen. S. Jenkins)
H.B. 47  Criminal Procedure – Investigation Amendments
(Rep. P. Ray) (Sen. D. Liljenquist)

Natural Resources, Agriculture and Environment Committee
S.B. 128  Rainwater Harvesting (Sen. S. Jenkins)
(Sen. M. Dayton)

Retirement and Independent Entities Committee
S.B. 127  Retirement Amendments (Sen. D. Liljenquist)

Revenue and Taxation Committee
S.B. 114  Tobacco Tax Amendments (Sen. A. Christensen)
S.B. 130  Income Tax Credit – Contributions for Which Federal
Matching Monies Are Offered (Sen. S. McCoy)
S.B. 132  Individual Income Tax Contribution for
Methamphetamine Housing Reconstruction and
Rehabilitation Fund (Sen. K. Mayne)
H.B. 58  Sales and Use Tax – Determining the Location of Certain

Transportation, Public Utilities and Technology Committee
S.B. 50  Restricting the Movement of a Motor Vehicle
(Sen. B. Goodfellow)
(Sen. K. Van Tassell)
H.B. 40  Motorcycle Rider Education Program Amendments
(Rep. B. Daw) (Sen. S. Jenkins)
H.B. 46  Designation of State Highways Amendments
(Rep. T. Kiser) (Sen. K. Van Tassell)
H.B. 53  Driver License Amendments – Motor Driven Cycles
(Rep. T. Kiser) (Sen. K. Van Tassell)

Margaret Dayton
Rules Committee Chair

Report filed. On motion of Senator Buttars, the committee report was
adopted.
Mr. President: January 29, 2009

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, with the following amendments:

1. Page 3, Lines 60 through 66:

   60  26–46–102. Creation of program --- Duties of department.

   61  (1) There is created within the department the Utah Health Care Workforce Financial Assistance Program to provide, within funding appropriated by the Legislature for this purpose:

   62  (a) professional education scholarships and loan repayment assistance to health care professionals who locate or continue to practice in underserved areas; and

   63  (b) loan repayment assistance to geriatric professionals, regardless of whether the geriatric professionals provide services in underserved areas;

   64  and

The Health and Human Services Committee reports a favorable recommendation on S.B. 117, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS, by Senator A. Christensen, with the following amendments:

1. Page 1, Line 16:

   16  authorizes a physician assistant or a psychologist or a clinical social worker to

2. Page 3, Line 77 through Page 6, Line 164:

   77  (7) “Clinical social worker” means a person licensed as a clinical social worker under Title 58, Chapter 60, Mental Health Professional Practice Act.

   78  (8) “Declarant” means an adult who has completed and signed or directed the
80 signing of an advance health care directive.

81 “Default surrogate” means the adult who may make decisions for an individual when either:

82 (a) an agent or guardian has not been appointed; or
83 (b) an agent is not able, available, or willing to make decisions for an adult.

85 “Emergency medical services provider” means a person who is licensed, designated, or certified under Title 26, Chapter 8a, Utah Emergency Medical Services System Act.

88 “Generally accepted health care standards”:

89 (a) is defined only for the purpose of:
90 (i) this chapter and does not define the standard of care for any other purpose under Utah law; and
92 (ii) enabling health care providers to interpret the statutory form set forth in Section 75–2a–117; and
94 (b) means the standard of care that justifies a provider in declining to provide life sustaining care because the proposed life sustaining care:
96 (i) will not prevent or reduce the deterioration in the health or functional status of a person;
98 (ii) will not prevent the impending death of a person; or
99 (iii) will impose more burden on the person than any expected benefit to the person.

100 “Health care” means any care, treatment, service, or procedure to improve,
maintain, diagnose, or otherwise affect a person’s physical or mental condition.

(a) means a decision about an adult’s health care made by, or on behalf of, an adult, that is communicated to a health care provider;

(b) includes:

(i) selection and discharge of a health care provider and a health care facility;

(ii) approval or disapproval of diagnostic tests, procedures, programs of medication, and orders not to resuscitate; and

(iii) directions to provide, withhold, or withdraw artificial nutrition and hydration and all other forms of health care; and

(c) does not include decisions about an adult’s financial affairs or social interactions other than as indirectly affected by the health care decision.

“Health care decision making capacity” means an adult’s ability to make an informed decision about receiving or refusing health care, including:

(a) the ability to understand the nature, extent, or probable consequences of health status and health care alternatives;

(b) the ability to make a rational evaluation of the burdens, risks, benefits, and alternatives of accepting or rejecting health care; and

(c) the ability to communicate a decision.

“Health care facility” means:

(a) a health care facility as defined in Title 26, Chapter 21, Health Care Facility
Licensing and Inspection Act; and
(b) private offices of physicians, dentists, and other health care providers licensed to provide health care under Title 58, Occupations and Professions.

“Health care provider” is as defined in Section 78B–3–403, except that it does not include an emergency medical services provider.

(a) “Life sustaining care” means any medical intervention, including procedures, administration of medication, or use of a medical device, that maintains life by sustaining, restoring, or supplanting a vital function.

(b) “Life sustaining care” does not include care provided for the purpose of keeping a person comfortable.

“Life with dignity order” means an order, designated by the Department of Health under Section 75–2a–106(5)(a), that gives direction to health care providers, health care facilities, and emergency medical services providers regarding the specific health care decisions of the person to whom the order relates.

“Minor” means a person who:
(a) is under 18 years of age; and
(b) is not an emancipated minor.

“Physician” means a physician and surgeon or osteopathic surgeon licensed under Title 58, Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic Medical Practice Act.

“Physician assistant” means a person licensed as a physician assistant under Title
"Psychologist" means a person licensed as a psychologist under Title 58, Chapter 61, Psychologist Licensing Act.

“Reasonably available” means:
(a) readily able to be contacted without undue effort; and
(b) willing and able to act in a timely manner considering the urgency of the circumstances.

“Substituted judgment” means the standard to be applied by a surrogate when making a health care decision for an adult who previously had the capacity to make health care decisions, which requires the surrogate to consider:
(a) specific preferences expressed by the adult:
(i) when the adult had the capacity to make health care decisions; and
(ii) at the time the decision is being made;
(b) the surrogate’s understanding of the adult’s health care preferences;
(c) the surrogate’s understanding of what the adult would have wanted under the circumstances; and
(d) to the extent that the preferences described in Subsections (21) through (c) are unknown, the best interest of the adult.

“Surrogate” means a health care decision maker who is:
(a) an appointed agent;
(b) a default surrogate under the provisions of Section 75–2a–108; or
(c) a guardian.
3. Page 6, Lines 171 through 181:

171 (2) To overcome the presumption of capacity, a physician, physician assistant, psychologist, {clinical social worker,} or an APRN who has personally examined the adult and assessed the adult’s health care decision making capacity must:
174 (a) find that the adult lacks health care decision making capacity;
175 (b) record the finding in the adult’s medical chart including an indication of whether
176 the adult is likely to regain health care decision making capacity; and
177 (c) make a reasonable effort to communicate the determination to:
178 (i) the adult;
179 (ii) other health care providers or health care facilities that the [physician or APRN]
180 person who makes the finding would routinely inform of such a finding; and
181 (iii) if the adult has a surrogate, any known surrogate.; and

The Health and Human Services Committee reports a favorable recommendation on S.B. 119, HOSPITAL EMERGENCY ROOM TASK FORCE, by Senator D. C. Buttars.

D. Chris Buttars, Chair

Mr. President: January 29, 2009

The Education Committee reports a favorable recommendation on S.B. 92, LOCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS, by Senator P. Jones, with the following amendments:

1. Page 1, Lines 15 through 19:

15 with one another in matters affecting the education of their residents; and
16 { allows a local governmental entity to specify:
the purpose for which public funds are disbursed to a school district; and

that public funds disbursed to a school district shall be used within the boundaries of the local governmental entity; and

2. Page 2, Lines 38 through 44:

A local governmental entity may disburse public funds in aid of a school district located wholly or partially within the limits of its jurisdiction.

A local governmental entity may specify:

(i) the purpose for which the public funds disbursed to a school district shall be used;

and

(ii) that public funds disbursed to a school district shall be used within the boundaries of the local governmental entity.

3. Page 2, Line 54:

designee, of a county with unincorporated area within the school district’s boundaries.

(c) The notice required under Subsection (3)(b) shall be provided by:

(i) mail;

(ii) e-mail; or

(iii) other effective means agreed to by the person to whom notice is given.

The Education Committee reports a favorable recommendation on S.B. 100, FINANCIAL AND ECONOMIC LITERACY EDUCATION AMENDMENTS, by Senator P. Jones, with the following amendments:

1. Page 1, Line 17:

information about higher education savings options, including information about opening a Utah Educational Savings Plan account; and

2. Page 4, Lines 90 through 91:
90 (iv) encourage parents and students to establish higher education savings, including a Utah Educational Savings Plan account; and

3. Page 4, Lines 95 through 98:

95 (3) A public school shall provide the following to the parents or guardian of a kindergarten student during kindergarten enrollment:
96 (a) a financial and economic literacy passport; and
98 (b) information about higher education savings options, including information about opening a Utah Educational Savings Plan account.

Curtis S. Bramble, Chair

On motion of Senator Killpack, the committee reports were adopted. S.B. 111, as amended, S.B. 117, as amended, S.B. 119, S.B. 92, as amended, and S.B. 100 were placed on Second Reading Calendar.

INTRODUCTION OF BILLS


S.B. 55, Governor’s Interagency Coordinating Council on Health Disparities and Economic Self–sufficiency (L. Robles), read the first time by short title and referred to the Rules Committee.

S.B. 84, Impact Fees Revisions (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 138, Internal Service Fund Rate Committee Amendments (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 139, Employer Election Retirement Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 140, Financial Institutions Disclosure of Records (M. Dayton), read the first time by short title and referred to the Rules Committee.
S.B. 141, Aviation Fuel Tax Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 142, Disposition of a Dead Body (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 143, Sunset Act and Repealers Reauthorizations (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.C.R. 3, Concurrent Resolution Urging the Creation of a Utah Council on Financial Education (P. Jones), read the first time by short title and referred to the Rules Committee.

S.R. 3, Resolution Designating September 2009 as Hydrocephalus Awareness Month (G. Bell), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

1st Sub. S.B. 27, ELECTION LAW CHANGES, was read the third time.

On motion of Senator Knudson, the bill was circled.

* * *

S.B. 28, PROHIBITED ACTIVITIES OF GANG OFFENDERS, was read the third time and explained by Senator Greiner.

Senator Madsen proposed the following amendment:

1. Page 1, Line 18:
   Delete “or a facsimile of a firearm”

2. Page 2, Line 37:
   Delete “or a facsimile of a firearm”

Senator Madsen’s motion to amend failed on a voice vote. The bill passed on the following roll call:

Yeas, 19; Nays, 6; Absent, 4.

Voting in the affirmative were: Senators

Bell    Christensen    Goodfellow    Greiner
Hillyard    Hinkins    Jenkins    Jones
Knudson    Liljenquist    Mayne    McCoy
Morgan    Niederhauser    Okerlund    Stowell
Urquhart    Valentine    Van Tassell


Voting in the negative were: Senators
Buttars Dayton Madsen Robles
Romero Stephenson

Absent or not voting were: Senators
Bramble Davis Killpack Waddoups

S.B. 28 was transmitted to the House for consideration.

* * *

S.B. 33, UTILITY TRANSMISSION CORRIDOR SITING TASK FORCE, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators
Bell Buttars Christensen Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Knudson
Liljenquist Madsen Mayne Morgan
Niederhauser Okerlund Romero Stephenson
Stowell Urquhart Valentine Van Tassell

Voting in the negative was: Senator McCoy

Absent or not voting were: Senators
Bramble Killpack Robles Waddoups

S.B. 33 was transmitted to the House for consideration.

* * *

On motion of Senator Knudson, the circle was removed from 1st Sub. S.B. 27, ELECTION LAW CHANGES, and it was before the Senate. Senator Knudson explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Buttars Christensen Davis
Dayton Goodfellow Greiner Hillyard
Absent or not voting were: Senators
Bramble Killpack Waddoups

1st Sub. S.B. 27 was transmitted to the House for consideration.

* * *

S.B. 38, SEVERANCE TAX AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Buttars Davis Dayton
Goodfellow Greiner Hillyard Hinkins
Jenkins Jones Knudson Liljenquist
Madsen Mayne McCoy Morgan
Niederhauser Okerlund Robles Romero
Stephenson Stowell Urquhart Valentine
Van Tassell

Absent or not voting were: Senators
Bramble Christensen Killpack Waddoups

S.B. 38 was transmitted to the House for consideration.

* * *

S.C.R. 1, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER-SPONSORED WORK PROGRAM, was read the third time and explained by Senator Jenkins. Senators Romero, Davis, Stephenson, and Robles commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Buttars Christensen Davis
Dayton Goodfellow Greiner Hillyard
Voting in the negative were: Senators
Mayne Morgan

Absent or not voting were: Senators
Bramble Jones Valentine Waddoups

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

* * *

On motion of Senator Jenkins, S.B. 40, LAWFUL PRESENCE VERIFICATION FOR ISSUANCE OF A DRIVER LICENSE OR IDENTIFICATION CARD, was read the third time and circled.

SECOND READING CALENDAR

On motion of Senator Niederhauser, the circle was removed from 1st Sub. S.B. 18, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill. Senators Stephenson and Jenkins commented. Senator Killpack declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Christensen Davis Dayton
Goodfellow Greiner Hillyard Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Waddoups

Absent or not voting were: Senators
Bramble Buttars Van Tassell

* * *

On motion of Senator Killpack and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Monday, February 2, 2009.
EIGHTH DAY
February 2, 2009

The Senate was called to order at 10:00 a.m., with President Michael Waddoups presiding.

Prayer – Janis Christensen, wife of Senator Allen Christensen
Pledge of Allegiance – Senator Wayne Niederhauser
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 30, 2009

The House passed H.B. 20, REPEAL OF CERTAIN INCOME TAX CREDITS AND CONTRIBUTIONS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed H.B. 26, CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed H.B. 28, PERSONAL PROPERTY TAX AMENDMENTS, by Representative C. Frank, and it is transmitted for consideration; and

The House passed, as amended, H.B. 50, FIREFIGHTER SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed H.B. 55, AMENDMENTS TO TOURISM, RECREATION, CULTURAL, CONVENTION, AND AIRPORT FACILITIES TAX ACT, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 81, HEALTH CARE PATIENT IDENTITY PROTECTION, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed H.B. 85, MUTUAL BENEFIT CORPORATION – JUDICIAL LIENS, by Representative P. Painter, and it is transmitted for consideration; and
The House passed **H.B. 226**, DISASTER RECOVERY AND EMERGENCY MANAGEMENT AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 234**, CONSUMER CREDIT PROTECTION ACT MODIFICATION, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, by Representative C. Moss, and it is transmitted for consideration; and

The House passed **H.B. 247**, AMENDMENTS TO EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, by Representative J. Bird, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 252**, EMERGENCY MANAGEMENT ADMINISTRATION COUNCIL AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 257**, POLITICAL SUBDIVISION CLERK AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed **H.C.R. 1**, CONCURRENT RESOLUTION ON CERTIFICATION OF COMPRESSED NATURAL GAS VEHICLES, by Representative J. Draxler, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


**RULES COMMITTEE REPORTS**

To the Members of the Senate: January 30, 2009

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

**Business and Labor Committee**

**S.B. 140**  
Financial Institutions Disclosure of Records  
(Sen. M. Dayton)

**H.B. 51**  
Exemption for Alcoholic Beverage Manufacturing License (Rep. C. Johnson) (Sen. D. Stowell)
H.B. 52  Insurance Code Amendments (Rep. J. Dunnigan)  
(Sen. J. Valentine)

1Sub. H.B. 86 Division of Real Estate Related Amendments  
(Rep. G. Froerer) (Sen. S. Killpack)

**Government Operations and Political Subdivisions Committee**

S.B. 135  Local District Taxing Authority (Sen. C. Bramble)
H.B. 43  Coordinating Municipal and Special District Elections  
1Sub. H.B. 44 Local and Special Service District Election Amendments  
H.B. 48  Ballot Question Amendments (Rep. K. Grover)  
(Sen. M. Dayton)
H.B. 75  Utah Communications Agency Network Amendments  
(Rep. F. Hunsaker) (Sen. P. Knudson)
H.B. 231 Utah Commission on Volunteers Amendments  
(Rep. D. Aagard) (Sen. R. Okerlund)

**Health and Human Services Committee**

S.B. 137  Physical Therapy Practice Act (Sen. W. Niederhauser)
S.B. 142 Disposition of a Dead Body (Sen. A. Christensen)
H.B. 33  Refund of Unearned Health Insurance Premiums and  
Medicare Supplement Insurance Premiums  
(Rep. P. Ray) (Sen. D. Liljenquist)

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

S.B. 53  Awarding of Attorney Fees (Sen. S. Urquhart)
S.B. 133  Abuse or Neglect of a Disabled Child (Sen. J. Valentine)
H.B. 87  Identity Theft Amendment (Rep. Julie Fisher)  
(Sen. J. Greiner)
H.B. 106 Controlled Substance Database Amendments  
(Rep. B. Daw) (Sen. C. Bramble)

**Natural Resources, Agriculture and Environment Committee**

S.J.R. 4 Recycling of Electronic Waste Joint Resolution  
(Sen. S. McCoy)
H.B. 11 Recodification of Natural Resources Provisions  
(Rep. J. Mathis) (Sen. D. Stowell)
(Sen. D. Stowell)
H.B. 34  Penalties for Destruction of Bald Eagle (Rep. R. Barrus)  
(Sen. M. Dayton)

Revenue and Taxation Committee
S.B. 141  Aviation Fuel Tax Amendments (Sen. W. Niederhauser)
H.B. 54  Amendments to Vehicle Registration Requirements  
(Rep. F. Gibson) (Sen. D. Hinkins)

Retirement and Independent Entities
S.B. 139  Employer Election Retirement Amendments  
(Sen. C. Bramble)

Transportation, Public Utilities and Technology Committee
S.B. 52  New Motor Vehicle Franchise Amendments  
(Sen. S. Killpack)
S.B. 134  Transportation Funding Amendments (Sen. S. Urquhart)
S.B. 136  Diesel–powered Motor Vehicle Emissions Inspection  
Program Amendments (Sen. G. Bell)
H.B. 21  Amendments to Driver License Sanction Requirements  
(Rep. R. Greenwood) (Sen. J. Greiner)
H.B. 216  Telecommunication Pricing Flexibility Amendments  
(Rep. F. Hunsaker) (Sen. P. Knudson)

Workforce Services and Community & Economic Development Committee
H.B. 38  Refugee Services Fund Amendments (Rep. C. Herrod)  
(Sen. G. Bell)

Margaret Dayton
Rules Committee Chair

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

On motion of Senator Dayton, S.B. 135 was lifted from the Government 
Operations and Political Subdivisions Committee standing committee and 
referred to the Revenue and Taxation standing committee.

STANDING COMMITTEE REPORTS

Mr. President: January 30, 2009

The Government Operations and Political Subdivisions Committee reports a 
favorable recommendation on S.B. 115, PAYMENT OF MOBILE HOME PARK  
RELOCATION EXPENSES, by Senator W. Niederhauser; and
The Government Operations and Political Subdivisions 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 and Political Subdivisions Committee reports a favorable recommendation on **S.R. 1**, **ECUMENICAL PATRIARCH SENATE RESOLUTION**, by Senator P. Jones; and


Peter C. Knudson, Chair

Mr. President: January 30, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.R. 2**, **SENATE RESOLUTION SUPPORTING THE NARROWS WATER PROJECT IN CENTRAL UTAH**, by Senator R. Okerlund; and


Dennis E. Stowell, Chair

Mr. President: January 30, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 94**, **UNDERGROUND SEWER UTILITIES FACILITIES AMENDMENTS**, by Senator J. Greiner; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 95**, **MOBILE HOME PARK AMENDMENTS**, by Senator S. Jenkins, with the following amendments:

1. Page 1, Line 15:
   15 mobile home park; {−and−}
   
   ✷ requires a mobile home park owner to include a full disclosure on a resident’s utility bill of the resident’s utility charges if the mobile home park uses a single-service meter; and

2. Page 4, Lines 104 through 105:
104 purposes of the meeting to [all residents] each resident.

(11) If a mobile home park uses a single−service meter, the mobile home park owner shall include a full disclosure on a resident’s utility bill of the resident’s utility charges.

105 [(10) A ] [(11) ] (12) The mobile home park shall have a copy of this chapter [shall be] posted; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 99, RENEWABLE ENERGY CERTIFICATE REVISIONS, by Senator C. Bramble.

Stephen H. Urquhart, Chair

Mr. President: January 30, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 85, HOMICIDE AMENDMENTS, by Senator S. Urquhart; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 91, ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT, by Senator J. Greiner, with the following amendments:

1. Page 4, Lines 93 through 96:

93 (2) A person is guilty of electronic communication harassment and subject to prosecution in the jurisdiction where the communication originated or was received if with intent to annoy, alarm, intimidate, offend, abuse, threaten, harass, frighten, { −cause substantial emotional distress, } or disrupt the electronic communications of another, the person; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends S.B. 107, COMMUNICATIONS FRAUD PENALTY AMENDMENTS, by Senator D. Hinkins, be replaced and favorably recommends 1st Sub. S.B. 107, COMMUNICATIONS AND MORTGAGE FRAUD PENALTY AMENDMENTS, and recommends that it be read for the first and second time; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 112, OBSTRUCTION OF JUSTICE AMENDMENT, by Senator R. Okerlund, with the following amendments:
1. Page 3, Line 69:

69 first degree felony and the actor violates Subsection (1)(a); {or}  

2. Page 3, Line 70:

70 (iii) the obstruction of justice is presented or committed before a  

or

(iv) a violation of Subsection (1)(h).

D. Chris Buttars, Chair


STANDING COMMITTEE REPORTS

January 30, 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 considered read for the second time and placed on the Consent Calendar.

Dennis E. Stowell, Chair

On motion of Senator Jones, the committee reports were adopted. S.B. 110 was considered read for the second time and placed on Consent Calendar.

* * *

On motion of Senator Jones, H.C.R. 4, UNIVERSITY OF UTAH CHAMPIONSHIP FOOTBALL TEAM CONCURRENT RESOLUTION, will be considered Thursday, February 5, 2009 at 11:30 a.m.

On motion of Senator Killpack, S.J.R. 3, JOINT RESOLUTION APPROVING APPOINTMENT OF LEGISLATIVE GENERAL COUNSEL, will be considered Tuesday, February 3, 2009 at 11:00 a.m.

INTRODUCTION OF BILLS

S.B. 4, Current School Year Supplemental Minimum School Program Budget Adjustments (H. Stephenson), read the first time by short title and referred to the Rules Committee.
THIRD READING CALENDAR

On motion of Senator Bramble, the circle was removed from S.B. 40, LAWFUL PRESENCE VERIFICATION FOR ISSUANCE OF A DRIVER LICENSE OR IDENTIFICATION CARD, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell   Bramble   Buttars   Christensen
Davis  Dayton    Goodfellow Greiner
Hillyard  Hinkins  Jenkins  Jones
Killpack  Knudson  Liljenquist Madsen
Mayne  McCoy    Morgan  Niederhauser
Okerlund  Robles  Romero  Stowell
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting was: Senator
Stephenson

S.B. 40 was transmitted to the House for consideration.

* * *

On motion of Senator Greiner, the circle was removed from S.B. 19, CRIMINAL OFFENSE PENALTIES AMENDMENT, and it was before the Senate. Senator Greiner explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell   Bramble   Buttars   Christensen
Davis  Dayton    Goodfellow Greiner
Hillyard  Hinkins  Jenkins  Jones
Killpack  Knudson  Liljenquist Madsen
Mayne  McCoy    Morgan  Niederhauser
Okerlund  Robles  Romero  Stephenson
Stowell  Urquhart  Valentine  Van Tassell
Waddoups

S.B. 19 was transmitted to the House for consideration.
1st Sub. S.B. 18, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS, was read the third time and explained by Senator Niederhauser.

Senator Niederhauser proposed the following amendment:

1. Page 7, Lines 181 through 182

181 (4) (a) [Each] Except for a member appointed under Subsections (1)(c) and (h), each member shall serve a two-year term.

Senator Niederhauser’s motion to amend passed on a voice vote. Senators Bell, Hillyard, and Madsen commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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1st Sub. S.B. 18, as amended, was transmitted to the House for consideration.

SECOND READING CALENDAR

1st Sub. S.B. 15, WORKERS’ COMPENSATION PREMIUM ASSESSMENT AND RELATED FUNDING, was read the second time. Senator Mayne explained the bill. Senator Urquhart commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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On motion of Senator Van Tassell, the circle was removed from S.B. 37, UTAH SUBSTANCE ABUSE AND ANTI–VIOLENCE COORDINATING COUNCIL AMENDMENTS, and it was before the Senate. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell  Bramble  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Killpack
Knudson  Liljenquist  Madsen  Mayne
McCoy  Morgan  Niederhauser  Robles
Romero  Stowell  Urquhart  Valentine
Van Tassell  Waddoups

**Absent or not voting were:** Senators
Buttars  Okerlund  Stephenson

---

1st Sub. S.B. 31, UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT, was read the second time. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 14, Line 416

   416 (b) after the review required by Subsection {– (5a) } (7) (a):

2. Page 36, Lines 1097 through 1101:

   1097 (b) to suspend a requirement for holding a license under this chapter that is related to
the nationwide database if:

(i) if the suspension is related to changes made to Secure and Fair Enforcement for Mortgage Licensing, 12 U.S.C. Sec. 5105, et seq., on or after January 1, 2009; and

(ii) the suspension ends on or before December 31, 2011.

3. Page 41, Lines 1242 through 1244:

(u) represent to the public that the person can or will perform any act of a loan originator if that person is not licensed under this chapter because the person is exempt under Subsection 61–2c–102(1)(f)(ii)(A), including through:

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

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

**Voting in the affirmative were:** Senators

Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Knudson Liljenquist Madsen
Mayne McCoy Morgan Niederhauser
Okerlund Robles Romero Stowell
Urquhart Valentine Van Tassell Waddoups

**Absent or not voting was:** Senator Stephenson

* * *

**S.B. 103, UNIFORM LAWS – UNIFORM PRINCIPAL AND INCOME ACT AMENDMENTS,** was read the second time. Senator Hillyard explained the bill.

Senator Valentine proposed the following amendment:

1. Page 4, Line 113:
   Delete “2004” and insert “2009”
2. Page 4, Line 115:
Delete “2004” and insert “2009”

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

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

**Voting in the affirmative were:** Senators
Bell Christensen Davis Dayton
Goodfellow Greiner Hillyard Hinkins
Jenkins Jones Killpack Liljenquist
Madsen Mayne McCoy Morgan
Niederhauser Okerlund Robles Romero
Stowell Valentine Van Tassell

**Absent or not voting were:** Senators
Bramble Buttars Knudson Stephenson
Urquhart Waddoups

***

**S.B. 20, LOCAL PUBLIC HEALTH EMERGENCY FUNDING,** was read the second time.

On motion of Senator Stowell, the bill was circled.

***

**S.B. 105, ENGINEERING AND COMPUTER SCIENCE INITIATIVE AMENDMENTS,** was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell Buttars Christensen Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Killpack
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stowell Urquhart Valentine
Van Tassell
Absent or not voting were: Senators
Bramble          Knudson          Stephenson          Waddoups

* * *

S.B. 104, HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS, was read the second time. Senator Hillyard explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell          Buttars          Christensen          Dayton
Goodfellow          Greiner          Hillyard          Hinkins
Jenkins          Jones          Killpack          Liljenquist
Madsen          Mayne          McCoy          Morgan
Niederhauser       Okerlund          Robles          Romero
Stephenson       Stowell          Van Tassell          Waddoups

Absent or not voting were: Senators
Bramble          Davis          Knudson          Urquhart
Valentine

* * *

S.B. 88, ADMINISTRATIVE RULEMAKING ACT AMENDMENTS, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell          Buttars          Christensen          Dayton
Goodfellow          Greiner          Hillyard          Hinkins
Jenkins          Jones          Liljenquist          Madsen
Mayne          McCoy          Morgan          Niederhauser
Okerlund       Robles          Romero          Stephenson
Stowell       Urquhart          Valentine          Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble          Davis          Killpack          Knudson
S.B. 97, GOOD SAMARITAN ACT FOR ENGINEERS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

1st Sub. S.J.R. 1, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM, was read the second time. Senator Jones explained the bill.

Senator Valentine proposed the following amendment:

1. Page 2, Line 36:
   Delete “and peak power”

2. Page 2, Line 44:
   After “promoted by” delete “this ordinance” and insert “these ordinances”

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

**Yeas, 27; Nays, 1; Absent, 1.**

**Voting in the affirmative were:** Senators

Bramble  
Buttars  
Christensen  
Davis  
Goodfellow  
Greiner  
Hillyard  
Hinkins  
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Knudson  
Liljenquist  
Madsen  
Mayne  
McCoy  
Morgan  
Niederhauser  
Okerlund  
Robles  
Romero  
Stephenson  
Stowell  
Urquhart  
Valentine  
Van Tassell  
Waddoups

**Voting in the negative was:** Senator

Dayton

**Absent or not voting was:** Senator

Bell

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 2, 2009

The House passed, as amended, **H.B. 3, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS**, by Representative R. Bigelow, and it is transmitted for consideration; and
The House passed, as substituted, 1st Sub. H.B. 60, FAMILY PRESERVATION SERVICES AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 62, STATE WATER DEVELOPMENT COMMISSION AMENDMENTS, by Representative K. Gibson, and it is transmitted for consideration; and

The House passed H.B. 300, CAPITAL IMPROVEMENT APPROPRIATION MODIFICATION, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as amended, H.B. 301, STATE DISASTER RECOVERY RESTRICTED ACCOUNT AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed H.J.R. 7, EQUINE RESOURCES JOINT RESOLUTION, by Representative B. Winn, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 3, 1st Sub. H.B. 60, 1st Sub. H.B. 62, H.B. 300, H.B. 301, and H.J.R. 7 were read the first time and referred to the Rules Committee.

***

On motion of Senator Hillyard, under suspension of rules, the Senate voted to lift H.B. 3, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS, H.B. 300, CAPITAL IMPROVEMENT APPROPRIATION MODIFICATION, and H.B. 301, CAPITAL IMPROVEMENT APPROPRIATION MODIFICATION, from Rules and place them at the top of the Second Reading Calendar.

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift S.B. 4, CURRENT SCHOOL YEAR SUPPLEMENTAL MINIMUM SCHOOL PROGRAM BUDGET ADJUSTMENTS, from rules and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

S.B. 4, CURRENT SCHOOL YEAR SUPPLEMENTAL MINIMUM SCHOOL PROGRAM BUDGET ADJUSTMENTS, was read the second time.

Senator Stephenson proposed the following amendment:
1. Page 6, Line 180

180 and comment.

(iv)(A) Due to the reduction in funds available for performance-based compensation, the State Board of Education shall limit the number of school districts or charter schools that may receive funds under this section so that the enrollment of the school districts or charter schools that receive funds is approximately 25% of the total public school enrollment of the state.

(B) The State Board of Education shall award funds for performance-based compensation to school districts and charter schools that meet the requirements of Subsections (5)(b)(i) and (ii) and other criteria established by the board.

Senator Stephenson’s motion to amend passed on a voice vote. Senator Stephenson explained the bill. Senators Jones, Romero, and Okerlund commented.

On motion of Senator Stephenson, under suspension of the rules, S.B. 4, CURRENT SCHOOL YEAR SUPPLEMENTAL MINIMUM SCHOOL PROGRAM BUDGET ADJUSTMENTS, was considered read the second and third times. Senator Killpack declared a conflict of interest. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell            Bramble        Buttars      Christensen
Davis          Dayton         Greiner      Hillyard
Hinkins        Jenkins        Jones       Killpack
Knudson        Liljenquist    Madsen      Mayne
Niederhauser   Okerlund       Stephenson  Stowell
Urquhart       Valentine      Van Tassell Waddoups

**Voting in the negative were:** Senators
Goodfellow     McCoy          Morgan      Robles
Romero

S.B. 4, as amended, was transmitted to the House.

***

On motion of Senator Hillyard, under suspension of the rules, H.B. 300, CAPITAL IMPROVEMENT APPROPRIATION MODIFICATION, was
considered read the second and third times. Senators Niederhauser and Goodfellow commented and the bill passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

Niederhauser

**Absent or not voting were:** Senators

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**H.B. 300** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, under suspension of the rules, **H.B. 301, STATE DISASTER RECOVERY RESTRICTED ACCOUNT AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

Romero
Absent or not voting were: Senators
Dayton  Stephenson  Van Tassell

H.B. 301 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, under suspension of the rules, H.B. 3, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Greiner  Hillyard
Hinkins  Jenkins  Jones  Killpack
Knudson  Liljenquist  Madsen  Mayne
Morgan  Niederhauser  Okerlund  Robles
Romero  Stephenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

Voting in the negative were: Senators
Goodfellow  McCoy

H.B. 3 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack and at 12:20 p.m., the Senate adjourned until 10:00 a.m., Tuesday, February 3, 2009.
NINTH DAY

February 3, 2009

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

Prayer – Pastor Marty Young, Vernal Christian Church
Pledge of Allegiance – Senator Kevin Van Tassell
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to day 1, page 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 2, 2009

The House passed, S.B. 4, CURRENT SCHOOL YEAR SUPPLEMENTAL MINIMUM SCHOOL PROGRAM BUDGET ADJUSTMENTS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

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

***

Mr. President: February 2, 2009

The House passed, as amended, H.B. 67, PUBLIC HEARINGS ON PROPERTY TAX INCREASES, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed H.B. 80, STUDY ON TAXPAYER ADVOCATE PROGRAM, by Representative K. Grover, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 67 and H.B. 80 were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 2, 2009

The Rules Committee recommends assignment of the following bills to standing committees:
Business and Labor Committee
S.B. 138  Internal Service Fund Rate Committee Amendments
(Sen. J. Valentine)
S.C.R. 2  Concurrent Resolution – a Call to Civility
(Sen. J. Valentine)
H.B. 85  Mutual Benefit Corporation – Judicial Liens
H.B. 234  Consumer Credit Protection Act Modification

Education Committee
H.B. 238  Exemption of University Housing from Eviction Laws
(Rep. K. Holdaway) (Sen. J. Valentine)
H.B. 244  Disruption of School Activities (Rep. C. Moss)
(Sen. J. Greiner)

Government Operations and Political Subdivisions Committee
H.B. 226  Disaster Recovery and Emergency Management
H.B. 252  Emergency Management Administration Council
H.B. 257  Political Subdivision Clerk Amendments

Health and Human Services Committee
S.R. 3  Resolution Designating September 2009 as
Hydrocephalus Awareness Month (Sen. G. Bell)
1Sub. H.B. 81  Health Care Patient Identity Protection
(Rep. S. Sandstrom) (Sen. S. Urquhart)

Judiciary, Law Enforcement, and Criminal Justice Committee
(Rep. M. Morley) (Sen. M. Madsen)
H.B. 247  Amendments to Email Information Required of
Registered Sex Offenders (Rep. J. Bird)
(Sen. S. Jenkins)

Revenue and Taxation Committee
H.B. 20  Repeal of Certain Income Tax Credits and Contributions

Transportation, Public Utilities and Technology Committee
H.C.R. 1  Concurrent Resolution on Certification of Compressed Natural Gas Vehicles (Rep. J. Draxler) (Sen. P. Knudson)

Workforce Services and Community and Economic Development Committee

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 30, 2009

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 23, INCOME TAXATION OF PASS−THROUGH ENTITIES AND PASS−THROUGH ENTITY TAXPAYERS, by Senator W. Niederhauser; 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, with the following amendments:

1. Page 35, Lines 1077 through 1078:

1077  (7) A person who has not previously filed a timely request for agency action in accordance with Subsection (4) may object to a final assessment issued by the commission by:

2. Page 60, Lines 1842 through 1848:

1842  (3) If the (1) (a) Subject to Subsection (1)(b), a claim for credit or refund relates to an overpayment that is attributable to a Utah net operating loss carryback adjustment as provided
in Section 59–7–110, in lieu of the three-year period provided for in Subsection (2)(a), the period shall be that period which ends with the expiration of the 15th day of the 40th month following the end of the taxable year of the net loss which results in the carryback. \(\text{carry back}\)

or carry forward shall be filed within three years from the due date of the return for the taxable year of the \(\text{Utah }\) net operating loss.

Wayne L. Niederhauser, Chair

Mr. President: February 2, 2009

The Business and Labor Committee reports a favorable recommendation on

**S.B. 49**, SMALL BUSINESS ACCESS TO JUSTICE ACT, by Senator R. Romero; 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

**H.B. 39**, UTAH INJURED WORKER REEMPLOYMENT ACT, by Representative M. Morley.

John L. Valentine, Chair

Mr. President: February 2, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.B. 87**, PREFERRED DRUG LIST REVISIONS, by Senator A. Christensen, with the following amendments:

1. Page 2, Lines 30 through 33:

30 (b) may include therapeutic categories of drugs that may be exempted from the drug
31 program; {and} 

32 (c) may include placing some drugs, except the drugs described in Subsection [(3)] (2),

33 on a preferred drug list to the extent determined appropriate by the department {and} ; and {and}

(d) notwithstanding the requirements of Part 2, Drug Utilization Review Board, shall immediately implement the prior authorization requirements for a non-preferred drug that is in the same therapeutic class as a drug that is:

(i) on the preferred drug list on the date that this act takes effect; or
(ii) added to the preferred drug list after this act takes effect. ;

and

The Health and Human Services Committee reports a favorable recommendation on H.B. 31, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, by Representative C. Wimmer.

Allen M. Christensen, 
Acting Chair

Mr. President: February 2, 2009

The Education Committee reports a favorable recommendation on S.B. 48, TEACHER LICENSING BY COMPETENCY AMENDMENTS, by Senator D. C. Buttars.

Curtis S. Bramble, Chair

On motion of Senator Jenkins, the committee reports were adopted. S.B. 23, S.B. 108, as amended, S.B. 49, S.B. 120, S.B. 121, H.B. 39, S.B. 87, as amended, H.B. 31, and S.B. 48 were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 2, 2009

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 considered read for the second time and placed on the Consent Calendar.

Allen M. Christensen, 
Acting Chair

On motion of Senator Killpack, the committee report was adopted. S.B. 129 was considered read for the second time and placed on Consent Calendar.
INTRODUCTION OF BILLS

S.B. 56, Military Installation Development Authority Amendments (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 57, Local Option Transportation Corridor Preservation Fund Amendments (R. Okerlund), read the first time by short title and referred to the Rules Committee.

S.B. 144, Pete Suazo Memorial Highway (L. Robles), read the first time by short title and referred to the Rules Committee.

S.B. 145, Public Safety Retirees Death Benefit Revisions (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 146, Home Schooling Amendments (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 147, Driver License Revisions (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 148, Low-profit Limited Liability Company Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.

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 the Rules Committee.

S.B. 150, State Armory Amendments (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 151, Driver License Defensive Driving Course Amendments (K. Van Tassell), read the first time by short title and referred to the Rules Committee.

S.B. 152, Legislative Management Powers (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 153, County and Municipal Land Use Amendments (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 154, Juvenile Court Judge – Fifth District (S. Urquhart), read the first time by short title and referred to the Rules Committee.
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 the Rules Committee.

S.B. 156, Gifts and Meal Provisions for Public Officials (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 157, Property Taxation of Aircraft (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.J.R. 6, Legislator Communications with Judiciary and Executive Branch Joint Rules Resolution (J. Valentine), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 93, BUILDING AUTHORITIES, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bramble Buttars Christensen Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Killpack
Knudson Liljenquist Madsen Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Van Tassell Waddoups

**Absent or not voting were:** Senators
Bell Urquhart Valentine

S.B. 93 was transmitted to the House for consideration.

***

S.J.R. 2, TOPAZ MUSEUM AND CIVIL LIBERTIES LEARNING CENTER JOINT RESOLUTION, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bramble Christensen Dayton Goodfellow
Greiner Hillyard Hinkins Jenkins
Absent or not voting were: Senators
Bell  Buttars  Davis  Robles
Urquhart  Valentine

S.J.R. 2 was transmitted to the House for consideration.

THIRD READING CALENDAR

1st S.B. 15, WORKERS’ COMPENSATION PREMIUM ASSESSMENT AND RELATED FUNDING, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Killpack
Knudson  Liljenquist  Madsen  Mayne
McCoy  Morgan  Niederhauser  Okerlund
Robles  Romero  Stephenson  Stowell
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting was: Senator
Buttars

1st Sub. S.B. 15 was transmitted to the House for consideration.

***

S.B. 37, UTAH SUBSTANCE ABUSE AND ANTI–VIOLENCE COORDINATING COUNCIL AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins Jenkins Jones Killpack
Knudson Liljenquist Madsen Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Urquhart Valentine Van Tassell Waddoups

Absent or not voting was: Senator Buttars

S.B. 37 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 31, UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Liljenquist Madsen Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Urquhart Valentine Van Tassell Waddoups

Absent or not voting was: Senator Knudson

1st Sub. S.B. 31 was transmitted to the House for consideration.

* * *

S.B. 103, UNIFORM LAWS − UNIFORM PRINCIPAL AND INCOME ACT AMENDMENTS, was read the third time and explained by Senator Hillyard,

Senator Hillyard proposed the following amendment:

1. Page 4, Line 113:
Delete “May 3” and insert “May 12”

Senator Hillyard’s motion to amend passed on a voice vote. Senator Valentine commented and the bill passed on the following roll call:
Yeas, 28; Nays, 0; Absent, 1.

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator Robles

*S.B. 103* was transmitted to the House for consideration.

***

*S.B. 105, ENGINEERING AND COMPUTER SCIENCE INITIATIVE AMENDMENTS,* was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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*S.B. 105* was transmitted to the House for consideration.

***

*S.B. 104, HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS,* was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.
Voting in the affirmative were: Senators
Bell           Bramble   Buttars          Christensen
Davis         Dayton    Goodfellow       Greiner
Hillyard      Hinkins   Jenkins          Jones
Killpack      Knudson   Liljenquist     Madsen
Mayne         Morgan    Niederhauser    Okerlund
Robles        Romero    Stephenson      Stowell
Urquhart      Valentine Van Tassell    Waddoups

Absent or not voting was: Senator
McCoy

S.B. 104 was transmitted to the House for consideration.

* * *

S.B. 88, ADMINISTRATIVE RULEMAKING ACT AMENDMENTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell           Bramble   Buttars          Christensen
Davis         Dayton    Goodfellow       Greiner
Hillyard      Hinkins   Jenkins          Jones
Killpack      Knudson   Liljenquist     Madsen
Mayne         McCoy     Morgan           Niederhauser
Okerlund      Robles    Romero           Stephenson
Stowell       Urquhart  Valentine        Van Tassell
Waddoups

S.B. 88 was transmitted to the House for consideration.

* * *

1st Sub. S.J.R. 1, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM, was read the third time and explained by Senator Jones.

Senator Buttars proposed the following amendment:

1. Page 1, Lines 13 through 14

13 directs the State Energy Program to assess the need for model wind, solar, {and}
14 geothermal, and nuclear ordinances at the local government level and to report to the Legislature.

2. Page 2, Line 33
Senate 2nd Reading Amendments
2–2–2009:

33 WHEREAS, the state finds that wind, geothermal, { and } solar, and nuclear energy are abundant,

3. Page 2, Line 35
Senate 2nd Reading Amendments
2–2–2009:

35 WHEREAS, wind, geothermal, { and } solar, and nuclear energy systems can help to offset growing

4. Page 2, Line 37
Senate 2nd Reading Amendments
2–2–2009:

37 WHEREAS, the state wishes to advance the use of wind, geothermal, { and } solar, and nuclear energy

5. Page 2, Lines 40 through 41
Senate 2nd Reading Amendments
2–2–2009:

40 communities facilitate greater access to wind, geothermal, { and } solar, and nuclear energy;

41 WHEREAS, it is the goal of the state to develop wind, geothermal, { and } solar, and nuclear power,

Senator Buttars’ motion to amend failed on a voice vote. Senators Bramble, Madsen, McCoy, Romero, Davis, Hillyard, Hinkins, and Niederhauser commented and the bill passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Killpack
Knudson Liljenquist Madsen Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Urquhart Van Tassell Waddoups
Voting in the negative was: Senator Dayton

Absent or not voting was: Senator Valentine

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

TIME CERTAIN CALENDAR

On motion of Senator Killpack, under suspension of the rules, S.J.R. 3, JOINT RESOLUTION APPROVING APPOINTMENT OF LEGISLATIVE GENERAL COUNSEL, was considered read the second and third times. Senator Killpack explained the bill. The bill passed on the following roll call:

Yea, 28; Nay, 0; Absent, 1.

Voting in the affirmative were: Senators

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Absent or not voting was: Senator Valentine

S.J.R. 3 was transmitted to the House.

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, John Fellows, Legislative General Counsel, spoke in Committee of the Whole. Senator Dayton commented.

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

SECOND READING CALENDAR

S.B. 111, HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS, was read the second time. Senator Davis explained the bill. Senators Hillyard, Knudson, Valentine, and Hinkins commented. The bill failed second reading on the following roll call:
Yeas, 10; Nays, 16; Absent, 3.

Voting in the affirmative were: Senators
Davis     Goodfellow     Hillyard     Jones
Mayne     McCoy         Morgan       Robles
Romero    Van Tassell

Voting in the negative were: Senators
Bell      Bramble       Buttars      Christensen
Dayton    Hinkins       Jenkins      Knudson
Liljenquist Madsen       Niederhauser  Okerlund
Stephenson Stowell       Valentine    Waddoups

Absent or not voting were: Senators
Greiner    Killpack      Urquhart

The bill was filed.

***

On motion of Senator Waddoups, the circle was removed from S.B. 97, GOOD SAMARITAN ACT FOR ENGINEERS, and it was before the Senate. Senator Waddoups explained the bill. Senator Stowell declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell      Bramble       Buttars      Christensen
Davis     Goodfellow     Hillyard     Hinkins
Jenkins    Jones         Knudson      Liljenquist
Madsen    Mayne         McCoy        Morgan
Niederhauser Okerlund    Robles       Romero
Stephenson Stowell       Urquhart     Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Dayton    Greiner       Killpack

***

S.B. 117, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS, was read the second time.
On motion of Senator Christensen, the following substitute bill replaced the original bill:

**1st Sub. S.B. 117, Advance Health Care Directive Act Amendments**
(A. Christensen)

Senator Christensen explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Greiner | Killpack |

***

**S.B. 119, Hospital Emergency Room Task Force,** was read the second time.

On motion of Senator Buttars, the bill was circled.

***

**S.B. 92, Local Governmental Cooperation in Education Matters,** was read the second time. Senator Jones explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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On motion of Senator Killpack and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Wednesday, February 4, 2009.
TENTH DAY

February 4, 2009

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

Prayer – Lt. Brent R. Taylor, recently returned from serving in Iraq
Pledge of Allegiance – Senator Ralph Okerlund
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE GOVERNOR

ADVISE AND CONSENT

Mr. President:

February 4, 2009

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

State Engineer/Director of the Division of Water Rights:
Kent L. Jones is appointed to replace Jerry Olds as the State Engineer, See Utah Code Ann. 73–2–1.

Utah Science Technology and Research Governing Authority
Dr. Cynthia J. Burrows is appointed to replace Cathy A. Petti as a member of the Utah Science Technology and Research Governing Authority, a term to expire on July 1, 2010. See Utah Code Ann. 63–38g–301.

State Records Committee
Scott Daniels is appointed to replace Carl R. Albrecht as a member of the State Records Committee, a term to expire on July 1, 2012. See Utah Code Ann. 63–2–501.
Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr.,
Governor

Mr. President: January 29, 2009

The Senate Natural Resources, Agriculture, and Environment Confirmation Committee met on January 29, 2009 and reports a favorable recommendation for Mr. Kent L. Jones to be confirmed to the position of State Engineer.

Dennis E. Stowell, Chair

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

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**COMMITTEE OF THE WHOLE**

On motion of Senator Killpack, Kent L. Jones, newly appointed state engineer, spoke in Committee of the Whole. Senators Valentine and Davis commented.

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

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 3, 2009

The House passed, **S.J.R. 3**, JOINT RESOLUTION APPROVING APPOINTMENT OF LEGISLATIVE GENERAL COUNSEL, by Senator
S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

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

* * *

Mr. President: February 3, 2009

The House passed, as substituted and amended, 1st Sub. H.B. 23, CERTIFIED TAX RATE AMENDMENTS, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed, as amended, H.B. 63, AMENDMENTS TO CHILD WELFARE, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, H.B. 69, GUARDIAN AD LITEM AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed H.B. 78, UTAH UNIFORM SECURITIES ACT MODIFICATIONS, by Representative J. Bird, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 90, ABORTION LAW AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, H.B. 243, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed H.B. 258, AMENDMENTS TO NOTICE PROVISIONS FOR SUBDIVISION CHANGES, by Representative K. Powell, and it is transmitted for consideration; and

The House passed, as amended, H.B. 266, WRONGFUL LIEN AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

RULES COMMITTEE REPORTS

To the Members of the Senate: February 3, 2009

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

**Business and Labor Committee**
S.B. 148 Low-profit Limited Liability Company Act (Sen. L. Hillyard)

**Education Committee**
S.B. 146 Home Schooling Amendments (Sen. M. Madsen)

**Government Operations and Political Subdivisions Committee**
S.B. 54 Uniform Law – Uniform Assignment of Rents Act (Sen. R. Romero)
S.B. 56 Military Installation Development Authority Amendments (Sen. S. Killpack)
S.B. 150 State Armory Amendments (Sen. S. Jenkins)
S.B. 152 Legislative Management Powers (Sen. M. Waddoups)
S.B. 153 County and Municipal Land Use Amendments (Sen. M. Madsen)
S.J.R. 6 Legislator Communications with Judiciary and Executive Branch Joint Rules Resolution (Sen. J. Valentine)

**Health and Human Services Committee**

**Judiciary, Law Enforcement, and Criminal Justice Committee**
S.B. 154 Juvenile Court Judge – Fifth District (Sen. S. Urquhart)

**Natural Resources, Agriculture and Environment Committee**

**Retirement and Independent Entities Committee**
S.B. 145 Public Safety Retirees Death Benefit Revisions (Sen. J. Greiner)
Revenue and Taxation Committee  
S.B. 157  Property Taxation of Aircraft (Sen. M. Madsen)  
H.B. 67  Public Hearings on Property Tax Increases  
(Rep. G. Froerer) (Sen. W. Niederhauser)  
H.B. 80  Study on Taxpayer Advocate Program (Rep. K. Grover)  
(Sen. M. Dayton)  

Transportation, Public Utilities and Technology Committee  
S.B. 57  Local Option Transportation Corridor Preservation Fund Amendments (Sen. R. Okerlund)  
S.B. 147  Driver License Revisions (Sen. L. Hillyard)  
S.B. 149  Prohibition of Text Messaging or Electronic Mail Communication While Driving (Sen. L. Hillyard)  
S.B. 151  Driver License Defensive Driving Course Amendments (Sen. K. Van Tassell)  

Margaret Dayton  
Rules Committee Chair  

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

RULES COMMITTEE REPORTS  

To the Members of the Senate: February 3, 2009  
The Rules Committee recommends that the following bills be placed at the bottom of the Second Reading Calendar:  
S.B. 143  Sunset Act and Repealers Reauthorizations  
(Sen. S. Killpack)  

Margaret Dayton  
Rules Committee Chair  

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

STANDING COMMITTEE REPORTS  

Mr. President: February 3, 2009  
The Business and Labor Committee reports a favorable recommendation on S.B. 140, FINANCIAL INSTITUTIONS DISCLOSURE OF RECORDS, by Senator M. Dayton; and  

The Business and Labor Committee reports a favorable recommendation on H.B. 52, INSURANCE CODE AMENDMENTS, by Representative J. Dunnigan; and
The Business and Labor Committee reports a favorable recommendation on 1st Sub. H.B. 86, DIVISION OF REAL ESTATE RELATED AMENDMENTS, by Representative G. Froerer.

John L. Valentine, Chair

Mr. President: February 3, 2009

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 135, LOCAL DISTRICT TAXING AUTHORITY, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 141, AVIATION FUEL TAX AMENDMENTS, by Senator W. Niederhauser.

Wayne L. Niederhauser, Chair

Mr. President: February 3, 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. 18, WATER RIGHT APPLICATIONS AND RECORDS, by Representative P. Painter; 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.

Dennis E. Stowell, Chair

Mr. President: February 3, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 50, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE, by Senator B. Goodfellow; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 102, SHARE THE ROAD SPECIAL GROUP LICENSE PLATE, by Senator W. Niederhauser; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 30, COMMERCIAL MOTOR VEHICLE AMENDMENTS, by Representative T. Kiser, with the following amendments:
1. Page 1, Lines 10 through 11:

10 General Description:

11 This bill modifies the Public Safety Code and Transportation Code by amending provisions relating to

2. Page 1, Lines 15 through 16:

15 ► provides definitions;
   ► provides that a commercial motor vehicle with a gross vehicle weight rating over 26,000 pounds is exempt from a safety inspection if the vehicle has an apportioned registration and a valid annual federal inspection;
   ► provides that a trailer, semitrailer, or trailer equipment attached to a certain commercial motor vehicle is exempt from a safety inspection if the vehicle has a valid annual federal inspection;
   ► provides that a commercial motor vehicle with a gross vehicle weight rating of 10,001 pounds or more is required to pass an annual safety inspection;

16 ► requires a motor carrier to have lettered on both sides of a vehicle the location of

3. Page 2, Line 39:

39 AMENDS:

53−8−205, as last amended by Laws of Utah 2008, Chapters 36 and 210

4. Page 2, Lines 46 through 47:

46 Be it enacted by the Legislature of the state of Utah:

Section 1. Section 53−8−205 is amended to read:


(1) (a) Except as provided in Subsection (1)(b), a person may not operate on a highway a motor vehicle required to be registered in this state unless the motor vehicle has passed a safety inspection.

(b) Subsection (1)(a) does not apply to:

(i) a vehicle that is exempt from registration under Section 41−1a−205;

(ii) an off-highway vehicle, unless the off-highway vehicle is being registered as a street–legal all-terrain vehicle in accordance with
Section 41–6a–1509;  

(iii) a vintage vehicle as defined in Section 41–21–1;  
(iv) a commercial vehicle with a gross vehicle weight rating over 26,000 pounds that:

(A) is operating with an apportioned registration under Section 41–1a–301; and

(B) has a valid annual federal inspection that complies with the requirements of 49 C.F.R. 396.17; and

(v) a trailer, semitrailer, or trailering equipment attached to a commercial motor vehicle described in Subsection (1)(a)(iv) that has a valid annual federal inspection that complies with the requirements of 49 C.F.R. 396.17.

(2) Except as provided in Subsection (3), the frequency of the safety inspection shall be determined based on the age of the vehicle determined by model year and shall:

(a) be required each year for a vehicle that is eight or more years old on January 1; or

(b) every two years for each vehicle that is less than eight years old on January 1 as follows:

(i) in odd-numbered years for a vehicle with an odd-numbered model year; and

(ii) in even-numbered years for a vehicle with an even-numbered model year;

(c) be made by a safety inspector certified by the division at a safety inspection station authorized by the division;

(d) cover an inspection of the motor vehicle mechanism, brakes, and equipment to ensure proper adjustment and condition as required by department rules; and

(e) include an inspection for the display of license plates in accordance with Section 41–1a–404.

(3) (a) (i) A salvage vehicle as defined in Section 41–1a–1001 is required to pass a safety inspection when an application is made for initial registration as a salvage vehicle.

(−(b)−) (ii) After initial registration as a salvage vehicle, the frequency of the safety inspection shall correspond with the model year, as provided in Subsection (2).

(b) A commercial motor vehicle with a gross vehicle weight rating of 10,001 pounds or more is required to pass a safety inspection annually.
(4) A safety inspection station shall issue a safety inspection certificate to the owner of:
(a) each motor vehicle that passes a safety inspection under this section; and
(b) a street–legal all–terrain vehicle that meets all the equipment requirements in Section 41–6a–1509.
(5) The division may:
(a) authorize the acceptance in this state of a safety inspection certificate issued in another state having a safety inspection law similar to this state; and
(b) extend the time within which a safety inspection certificate must be obtained by the resident owner of a vehicle that was not in this state during the time a safety inspection was required.
Renumber remaining sections accordingly.; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 40, MOTORCYCLE RIDER EDUCATION PROGRAM AMENDMENTS, by Representative B. Daw; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 46, DESIGNATION OF STATE HIGHWAYS AMENDMENTS, by Representative T. Kiser; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 53, DRIVER LICENSE AMENDMENTS – MOTOR DRIVEN CYCLES, by Representative T. Kiser.

Kevin T. Van Tassell, Chair

Mr. President: February 3, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 51, RESTITUTION FUND ACCOUNT, by Senator D. Liljenquist; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 98, MOTOR FUEL THEFT PENALTIES, by Senator J. Greiner, with the following amendments:

1. Page 1, Lines 17 through 20:

17   driver license shall be suspended for a conviction of theft of motor vehicle fuel {←
18   60 days for a first offense;
19 six months for a second offense; and
20 one year for a third or subsequent offense } for 90 days ; and

2. Page 4, Lines 106 through 109:

106 (ii) A suspension under this section is 90 days for each offense { →
107 (A) 60 days for a first offense;
108 (B) six months for a second offense; and
109 (C) one year for a third or subsequent offense } ; ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 12, COUNTY SHERIFF QUALIFICATION AMENDMENTS, by Representative R. Greenwood, with the following amendments:

1. Page 3, Line 78a
   House Floor Amendments
   1–27–2009:

   78a (3) If a sheriff resigns, retires, dies, or otherwise does not complete { → before the expiration of } the term of office, the person appointed to ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 22, HARBORING A RUNAWAY, by Representative L. Fowlke, with the following amendments:

1. Page 1, Lines 16 through 18:

   16 provides that a person who harbors a minor who is a runaway must provide notice
   17 to the parent or legal guardian of the minor, a youth services center, the Division of Child and Family Services, or, under certain circumstances, a peace officer or a detention center,

2. Page 3, Lines 77 through 80:
(c) except as provided in Subsection (3), fails to promptly notify one of the following,
by telephone or other reasonable means, of the location of the minor:

(i) the parent or legal guardian of the minor;  
(ii) the division;  
(iii) a youth services center.

3. Page 4, Lines 93 through 101:

Upon receipt of a report that a runaway is being harbored by a person
(a) a youth services center shall:
(i) notify the parent or legal guardian that a report has been made; and
(ii) inform the parent or legal guardian of assistance available from the youth services center; or
(b) the division shall:
(i) determine whether the runaway is abused, neglected, or dependent; and
(ii) if appropriate, make a referral for services for the runaway.

A parent or legal guardian of a runaway who is aware that the runaway is being harbored may notify a law enforcement agency and request assistance in retrieving the runaway. The local law enforcement agency may assist the parent or legal guardian in retrieving the runaway.

D. Chris Buttars, Chair

On motion of Senator Jones, the committee reports were adopted. S.B. 140, H.B. 52, 1st Sub. H.B. 86, S.B. 135, S.B. 141, H.B. 11, H.B. 18, H.B. 34, S.B. 50,

STANDING COMMITTEE REPORTS

Mr. President: February 3, 2009

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, and recommends it be considered read for the second time and placed on the Consent Calendar.

Wayne L. Niederhauser, Chair

Mr. President: February 3, 2009

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, and recommends it be considered read for the second time and placed on the Consent Calendar.

Dennis E. Stowell, Chair

Mr. President: February 3, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 25, GUN DEALER PENALTY AMENDMENTS, by Representative C. Oda, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 47, CRIMINAL PROCEDURE – INVESTIGATION AMENDMENTS, by Representative P. Ray, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

On motion of Senator Killpack, the committee reports were adopted. S.B. 35, S.J.R. 4, H.B. 25, and H.B. 47 were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 158, Child Support – Cash Medical Support (G. Bell), read the first time by short title and referred to the Rules Committee.
S.B. 159, Math Education Initiative (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 160, Utah Venture Capital Enhancement Act Amendments (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 161, Repeal of Maximum Charge to Publish Legal Notice (K. Van Tassell), read the first time by short title and referred to the Rules Committee.

S.B. 162, Use of Campaign Funds Amendments (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.J.R. 7, Joint Resolution Designating May 2009 as Utah Lions Club Eyesight Preservation Month (K. Mayne), read the first time by short title and referred to the Rules Committee.

S.J.R. 8, Joint Resolution Regarding Eligibility for Legislative Office (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.J.R. 9, Resolution Honoring the Utah Law Enforcement Memorial Foundation (J. Greiner), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 97, GOOD SAMARITAN ACT FOR ENGINEERS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

| Bramble    | Christensen | Dayton | McCoy |

Senator Stowell declared a conflict of interest.
S.B. 97 was transmitted to the House for consideration.

* * *

On motion of Senator Jenkins, 1st Sub. S.B. 117, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS, was read the third time and circled.

* * *

S.B. 92, LOCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS, was read the third time, explained by Senator Jones, and passed on the following roll call:

Y eas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bell Buttars Davis Dayton
Goodfellow Greiner Hillyard Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Christensen

S.B. 92 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Buttars, the circle was removed from S.B. 119, HOSPITAL EMERGENCY ROOM TASK FORCE, and it was before the Senate. Senator Buttars explained the bill. Senator Jones commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Buttars Christensen Davis Dayton
Goodfellow Greiner Hillyard Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups
Absent or not voting were: Senators
Bell Bramble

***

On motion of Senator Christensen, the Senate voted to reconsider its action on S.B. 111, HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS. Senators Davis and Valentine commented.

S.B. 111, HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS, was before the Senate.

On motion of Senator Davis, the bill was circled.

***

H.B. 250, REVISOR’S STATUTE, was read the second time. Senator Killpack explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Christensen Davis Dayton
Goodfellow Hillyard Hinkins Jenkins
Jones Killpack Knudson Liljenquist
Madsen Mayne McCoy Morgan
Niederhauser Okerlund Robles Romero
Stowell Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble Buttars Greiner Stephenson

***

H.B. 16, ASSESSMENT AREA AMENDMENTS, was read the second time.

On motion of Senator Stowell, the bill was circled.

***

H.B. 19, WATER RIGHTS – INFORMAL ADJUDICATIONS, was read the second time. Senator Okerlund explained the bill. The bill passed second reading on the following roll call:
Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators
Bell Buttars Davis Dayton
Goodfellow Hillyard Hinkins Jenkins
Jones Killpack Knudson Liljenquist
Madsen Mayne McCoy Morgan
Niederhauser Okerlund Robles Romero
Urquhart Valentine Waddoups

Absent or not voting were: Senators
Bramble Christensen Greiner Stephenson
Stowell Van Tassell

* * *

H.B. 39, UTAH INJURED WORKER REEMPLOYMENT ACT, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Buttars Davis Dayton
Goodfellow Hillyard Hinkins Jenkins
Jones Killpack Knudson Liljenquist
Madsen Mayne McCoy Morgan
Niederhauser Okerlund Robles Romero
Urquhart Valentine Waddoups

Absent or not voting were: Senators
Bramble Christensen Greiner McCoy
Stephenson Stowell

* * *

H.B. 31, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, was read the second time.

On motion of Senator Buttars, the bill was circled.

On motion of Senator Killpack, under suspension of the rules, the Senate voted to consider Senate bills on a House day.
**S.B. 100.** FINANCIAL AND ECONOMIC LITERACY EDUCATION AMENDMENTS, was read the second time. Senator Jones explained the bill. Senator Stephenson commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
- Christensen
- Davis
- Dayton
- Goodfellow
- Greiner
- Hillyard
- Hinkins
- Jenkins
- Jones
- Killpack
- Knudson
- Liljenquist
- Madsen
- Mayne
- Morgan
- Niederhauser
- Robles
- Romero
- Stephenson
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators
- Bell
- Bramble
- Buttars
- McCoy
- Stowell
- Urquhart

**S.B. 115.** PAYMENT OF MOBILE HOME PARK RELOCATION EXPENSES, was read the second time. Senator Niederhauser explained the bill. Senators Greiner, Jenkins, Mayne, Madsen, Liljenquist, Dayton, and McCoy commented.

On motion of Senator Niederhauser, the bill was circled.

**S.B. 122.** UNIFORM STATE LAW – UNIFORM UNSWORN FOREIGN DECLARATIONS ACT, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
- Bell
- Bramble
- Buttars
- Christensen
- Davis
- Dayton
- Goodfellow
- Greiner
- Hillyard
- Hinkins
- Jenkins
- Jones
- Killpack
- Knudson
- Liljenquist
- Madsen
- Mayne
- McCoy
- Morgan
- Niederhauser
S.R. 1, ECUMENICAL PATRIARCH SENATE RESOLUTION, was read the second time. Senator Jones explained the bill. Senators Knudson and McCoy commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell
Dayton
Hillyard
Killpack
Okerlund
Stowell
Waddoups

Bramble
Dayton
Hinkins
Knudson
Robles
Urquhart

Buttars
Goodfellow
Jenkins
Liljenquist
Romero
Valentine

Christensen
Greiner
Jones
Madsen
Stephenson
Van Tassell

* * *

S.R. 2, SENATE RESOLUTION SUPPORTING THE NARROWS WATER PROJECT IN CENTRAL UTAH, was read the second time. Senator Okerlund explained the bill. Senators Christensen and Hinkins commented. Senator Valentine declared a conflict of interest. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 8; Absent, 0.**

**Voting in the affirmative were:** Senators

Bell
Dayton
Killpack
Morgan
Stowell
Waddoups

Bramble
Greiner
Knudson
Niederhauser
Urquhart

Buttars
Hillyard
Liljenquist
Okerlund
Valentine

Christensen
Jenkins
Madsen
Stephenson
Van Tassell

**Voting in the negative were:** Senators

Davis
Mayne

Goodfellow
McCoy

Hinkins
Robles

Jones
Romero
On motion of Senator Bramble, the circle was removed from S.B. 36, SALES AND USE TAX AMENDMENTS, and it was before the Senate.

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

**1st Sub. S.B. 36 Sales and Use Tax Amendments (C. Bramble)**

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Christensen, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Christensen, the circle was removed from 1st Sub. S.B. 117, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS, and it was before the Senate. Senator Christensen explained the bill. The bill passed on the following roll call:

**Yeas, 27; Nays, 1; Absent, 1.**

**Voting in the affirmative were:** Senators

Bell, Bramble, Buttars, Christensen

Davis, Goodfellow, Greiner, Hillyard

Hinkins, Jenkins, Jones, Killpack

Knudson, Liljenquist, Madsen, Mayne

McCoy, Morgan, Niederhauser, Okerlund

Robles, Romero, Stephenson, Stowell

Urquhart, Valentine, Waddoups

**Voting in the negative was:** Senator

Dayton

**Absent or not voting was:** Senator

Van Tassell

1st Sub. S.B. 117 was transmitted to the House for consideration.

* * *

On motion of Senator Killpack and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Thursday, February 5, 2009.
ELEVENTH DAY
February 5, 2009

The Senate was called to order at 10:00 a.m., with President Michael Waddoups presiding.

Prayer – The Reverend Handi Jo Dolloff–Holt
Pledge of Allegiance – Senator Steve Urquhart
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 4, 2009

The House passed, S.B. 13, ADMINISTERING SUBSTANCES TO WILDLIFE, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 13 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 4, 2009

The House passed, as amended, H.B. 15, CAREER AND TECHNICAL EDUCATION AMENDMENTS, by Representative R. Bigelow, et al, and it is transmitted for consideration; and

The House passed, as amended, H.B. 24, TRAFFIC ACCIDENT CLEARANCE AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as amended, H.B. 32, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, by Representative B. Ferry, and it is transmitted for consideration; and


Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 15, H.B. 24, H.B. 32, and H.B. 236 were read the first time and referred to the Rules Committee.
RULES COMMITTEE REPORTS

To the Members of the Senate: February 4, 2009

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

**Business and Labor Committee**

S.B. 29  Safe Drinking Water Act Amendments (Sen. D. Stowell)
H.B. 243  Rental Restrictions on Condominiums and Common Interest Communities (Rep. G. Froerer)
          (Sen. S. Urquhart)
H.B. 266  Wrongful Lien Amendments (Rep. G. Froerer)
          (Sen. S. Urquhart)

**Education Committee**

S.B. 159  Math Education Initiative (Sen. H. Stephenson)

**Government Operations and Political Subdivisions Committee**

S.J.R. 8  Joint Resolution Regarding Eligibility for Legislative Office (Sen. S. McCoy)

**Health and Human Services Committee**

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)
              (Sen. C. Bramble)

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

S.B. 161  Repeal of Maximum Charge to Publish Legal Notice (Sen. K. Van Tassell)
S.J.R. 9   Resolution Honoring the Utah Law Enforcement Memorial Foundation (Sen. J. Greiner)
          (Sen. M. Dayton)
          (Sen. J. Valentine)
Revenue and Taxation Committee
S.B. 46 School Property Tax Equalization Amendments
  (Sen. K. Morgan)
1Sub. H.B. 23 Certified Tax Rate Amendments (Rep. F. Hunsaker)
  (Sen. W. Niederhauser)

Workforce Services and Community and Economic Development
Committee
S.B. 160 Utah Venture Capital Enhancement Act Amendments
  (Sen. S. Jenkins)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 4, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 128, RAINWATER HARVESTING, by Senator S. Jenkins.

Dennis E. Stowell, Chair

Mr. President: February 4, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 134, TRANSPORTATION FUNDING AMENDMENTS, by Senator S. Urquhart; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 216, TELECOMMUNICATION PRICING FLEXIBILITY AMENDMENTS, by Representative F. Hunsaker.

Stephen H. Urquhart, Chair

On motion of Senator Knudson, the committee reports were adopted. S.B. 128, S.B. 134, and H.B. 216 were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 4, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 136, DIESEL–POWERED MOTOR
VEHICLE EMISSIONS INSPECTION PROGRAM AMENDMENTS, by Senator G. Bell, and recommends it be considered read for the second time and placed on the Consent Calendar.

Stephen H. Urquhart, Chair

On motion of Senator Urquhart, the committee report was adopted. S.B. 136 was considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 58, Collection and Use of Precipitation (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 81, Concurrent Enrollment Program Amendments (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 82, Local Health Authority Funding Amendments (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 83, Condemnation Amendments (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 163, Construction Trade Exemption (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 164, In Person Voter Registration (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 165, Statute of Limitation Revisions (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 166, Alcoholic Beverage Control Act – Days of Sale (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 167, Amendments to Uniform Debt–management Services Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 168, Alcoholic Beverage Control Act – Hours Restrictions (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 169, Gambling Amendments (D. Liljenquist), read the first time by short title and referred to the Rules Committee.
S.B. 170, Judiciary Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 171, Municipal Annexation Amendments (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.J.R. 10, Alternative Training Center Joint Resolution (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.J.R. 11, Joint Resolution Urging Football Playoff (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.J.R. 12, Joint Resolution Supporting Expansion of Correctional Facilities in San Juan County (D. Hinkins), read the first time by short title and referred to the Rules Committee.

S.R. 4, Senate Rules Resolution – Ethics Revisions (G. Davis), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 110, OIL AND GAS LIMITATION OF ACTIONS AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Christensen Davis Dayton
Goodfellow Greiner Hillyard Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Waddoups

Absent or not voting were: Senators
Bell Buttars Van Tassell

S.B. 110 was transmitted to the House for consideration.

* * *

On motion of Senator Jones, H.C.R. 4, UNIVERSITY OF UTAH CHAMPIONSHIP FOOTBALL TEAM CONCURRENT RESOLUTION, will be considered Monday, February 9, 2009 at 11:30 a.m.
THIRD READING CALENDAR

On motion of Senator Valentine, **S.B. 119**, HOSPITAL EMERGENCY ROOM TASK FORCE, was read the third time and circled.

***

**H.B. 250**, REVISOR’S STATUTE, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

| Bell   | Greiner   | Hillyard | Van Tassell |

**H.B. 250** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

**H.B. 19**, WATER RIGHTS − INFORMAL ADJUDICATION, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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</table>

Absent or not voting were: Senators

| Bell   | Greiner   | Hillyard | Van Tassell |


H.B. 19 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 39, UTAH INJURED WORKER REEMPLOYMENT ACT, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators

- Bramble
- Buttars
- Christensen
- Davis
- Dayton
- Goodfellow
- Hinkins
- Jenkins
- Jones
- Killpack
- Knudson
- Liljenquist
- Madsen
- Mayne
- McCoy
- Morgan
- Niederhauser
- Okerlund
- Stephenson
- Stowell
- Urquhart
- Valentine
- Waddoups

Voting in the negative were: Senators

- Robles
- Romero

Absent or not voting were: Senators

- Bell
- Greiner
- Hillyard
- Van Tassell

H.B. 39 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Buttars, the circle was removed from S.B. 119, HOSPITAL EMERGENCY ROOM TASK FORCE, and it was before the Senate. Senator Buttars explained the bill. Senator Jones commented. The bill passed on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

Voting in the affirmative were: Senators

- Bramble
- Buttars
- Christensen
- Davis
- Dayton
- Goodfellow
- Hinkins
- Jenkins
- Jones
- Killpack
- Knudson
- Liljenquist
- Madsen
- Mayne
- Morgan
- Niederhauser
- Okerlund
- Robles
- Romero
- Stephenson
- Stowell
- Urquhart
- Valentine
- Waddoups
Voting in the negative was: Senator McCoy

Absent or not voting were: Senators
Bell           Greiner           Hillyard           Van Tassell

S.B. 119 was transmitted to the House for consideration.

* * *

S.B. 100, FINANCIAL AND ECONOMIC LITERACY EDUCATION AMENDMENTS, was read the third time, explained by Senator Jones, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell           Bramble           Buttars           Christensen
Davis          Dayton           Goodfellow        Hinkins
Jenkins        Jones            Killpack          Knudson
Liljenquist    Madsen           Mayne             McCoy
Morgan         Niederhauser     Okerlund          Robles
Romero         Stephenson       Stowell           Urquhart
Valentine      Waddoups

Absent or not voting were: Senators
Greiner        Hillyard         Van Tassell

S.B. 100 was transmitted to the House for consideration.

* * *

S.B. 122, UNIFORM STATE LAW – UNIFORM UNSWORN FOREIGN DECLARATIONS ACT, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell           Bramble           Buttars           Christensen
Davis          Dayton           Goodfellow        Hinkins
Jenkins        Jones            Killpack          Knudson
Liljenquist    Madsen           Mayne             McCoy
Morgan         Niederhauser     Okerlund          Robles
Romero         Stephenson       Stowell           Urquhart
Valentine      Van Tassell      Waddoups
Absent or not voting were: Senators
Greiner  Hillyard

S.B. 122 was transmitted to the House for consideration.

* * *

S.R. 1, ECUMENICAL PATRIARCH SENATE RESOLUTION, was read the third time, explained by Senator Jones, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble  Buttars  Christensen  Davis
Dayton  Goodfellow  Hinkins  Jenkins
Jones  Killpack  Knudson  Liljenquist
Madsen  Mayne  McCoy  Morgan
Niederhauser  Okerlund  Robles  Romero
Stephenson  Stowell  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Bell  Greiner  Hillyard

S.R. 1 was referred to the staff for enrolling.

SECOND READING CALENDAR

S.R. 2, SENATE RESOLUTION SUPPORTING THE NARROWS WATER PROJECT IN CENTRAL UTAH, was read the third time and explained by Senator Okerlund. Senators Hinkins, Waddoups, and Romero commented and the bill passed on the following roll call:

Yeas, 19; Nays, 8; Absent, 2.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Dayton  Jenkins  Killpack  Knudson
Liljenquist  Madsen  Morgan  Niederhauser
Okerlund  Stephenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

Voting in the negative were: Senators
Davis  Goodfellow  Hinkins  Jones
Mayne  McCoy  Robles  Romero
Absent or not voting were: Senators
Greiner Hillyard

Senator Valentine declared a conflict of interest.

S.R. 2 was referred to the staff for enrolling.

***

On motion of Senator Stowell, the circle was removed from H.B. 16, ASSESSMENT AREA AMENDMENTS, and it was before the Senate. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Davis
Dayton Goodfellow Hinkins Jenkins
Jones Knudson Madsen Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Christensen Greiner Hillyard Killpack
Liljenquist Urquhart

***

On motion of Senator Buttars, the circle was removed from H.B. 31, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, and it was before the Senate. Senator Buttars explained the bill. Senator Valentine commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups
Absent or not voting were: Senators
Greiner           Hillyard

***

H.B. 52, INSURANCE CODE AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell               Bramble            Buttars             Christensen
Davis             Dayton             Goodfellow         Hinkins
Jenkins           Jones              Killpack           Knudson
Liljenquist       Mayne              McCoy              Morgan
Niederhauser      Okerlund           Robles             Romero
Stephenson        Stowell            Urquhart           Valentine
Van Tassell       Waddoups

Absent or not voting were: Senators
Greiner           Hillyard           Madsen

***

1st Sub. H.B. 86, DIVISION OF REAL ESTATE RELATED AMENDMENTS, was read the second time.

On motion of Senator Killpack, the bill was circled.

***

H.B. 11, RECODIFICATION OF NATURAL RESOURCES PROVISIONS, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell               Bramble            Buttars             Christensen
Davis             Dayton             Goodfellow         Greiner
Hinkins           Jenkins            Jones              Killpack
Knudson           Liljenquist        Madsen             Mayne
McCoy             Morgan             Niederhauser       Okerlund
Robles            Romero             Stephenson         Stowell
Urquhart          Van Tassell        Waddoups
Absent or not voting were: Senators
Hillyard          Valentine

* * *

H.B. 18, WATER RIGHT APPLICATIONS AND RECORDS, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell                Buttars           Christensen     Davis
Dayton             Goodfellow       Greiner         Hillyard
Hinkins            Jenkins          Killpack        Knudson
Liljenquist        Madsen           Mayne           Morgan
Niederhauser       Okerlund         Robles          Romero
Stowell            Urquhart         Valentine       Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble            Jones            McCoy           Stephenson

* * *

H.B. 34, PENALTIES FOR DESTRUCTION OF BALD EAGLE, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell                Bramble              Buttars           Christensen
Davis              Dayton               Goodfellow       Greiner
Hillyard           Hinkins             Jenkins          Jones
Killpack           Knudson             Liljenquist      Madsen
Mayne              McCoy               Morgan           Niederhauser
Okerlund           Robles              Romero           Stephenson
Stowell            Urquhart           Van Tassell     Waddoups

Absent or not voting was: Senator
Valentine
H.B. 30, COMMERCIAL MOTOR VEHICLE AMENDMENTS, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**H.B. 40, MOTORCYCLE RIDER EDUCATION PROGRAM AMENDMENTS, was read the second time. Senator Jenkins explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:**

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**On motion of Senator Killpack, the circle was removed from 1st Sub. H.B. 86, DIVISION OF REAL ESTATE RELATED AMENDMENTS, and it was**
before the Senate. Senator Killpack explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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H.B. 46, DESIGNATION OF STATE HIGHWAY AMENDMENTS, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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H.B. 53, DRIVER LICENSE AMENDMENTS – MOTOR DRIVEN CYCLES, was read the second time. Senator Van Tassell explained the bill. Senators Buttars and Dayton commented.

On motion of Senator Van Tassell, the bill was circled.

**TIME CERTAIN CALENDAR**

A citation was read commending UDOT for the Legacy Parkway. Senators Bell, Jones, Killpack, Valentine, Buttars, and Jenkins commented.
SECOND READING CALENDAR

H.B. 12, COUNTY SHERIFF QUALIFICATION AMENDMENTS, was read the second time. Senator Jenkins explained the bill. Senators Van Tassell, Buttars, Madsen, and Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Buttars    Christensen    Davis
Goodfellow    Hinkins    Jenkins    Jones
Killpack    Knudson    Liljenquist    Madsen
Mayne    McCoy    Morgan    Niederhauser
Okerlund    Robles    Romero    Stephenson
Urquhart    Valentine    Waddoups

Voting in the negative were: Senators
Dayton    Greiner    Hillyard    Stowell
Van Tassell

Absent or not voting was: Senator
Bramble

* * *

On motion of Senator Killpack and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Friday, February 6, 2009.
TWELFTH DAY

February 6, 2009

The Senate was called to order at 10:00 a.m., with President Michael Waddoups presiding.

Prayer – The Reverend France Davis, Calvary Baptist Church

Pledge of Allegiance – Senator Dan Liljenquist

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, page 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 5, 2009

The House passed, S.B. 12, DUI AMENDMENTS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 16, PROHIBITED GANG ACTIVITY, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 17, SURFACE COAL MINING AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 26, OPEN AND PUBLIC MEETINGS ACT – MEETING RECORD, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 12, S.B. 16, S.B. 17, and S.B. 26 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

Mr. President: February 5, 2009

The House passed, as amended, H.B. 91, INDIVIDUAL DEVELOPMENT ACCOUNT AMENDMENTS, by Representative F.J. Seegmiller, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 222**, UNBORN CHILD PAIN PREVENTION ACT, by Representative C. Wimmer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 91** and **H.B. 222** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 5, 2009

The House passed, as amended, **S.B. 24**, EARLY VOTING AMENDMENTS, by Senator P. Knudson, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 25**, ONLINE VOTER REGISTRATION, by Senator P. Knudson, and it is transmitted for further consideration; and

The House passed, as amended, **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 further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 5, 2009

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

**Business and Labor Committee**

**S.B. 163** Construction Trade Exemption (Sen. S. Urquhart)

**S.B. 167** Amendments to Uniform Debt−management Services Act (Sen. L. Hillyard)

**Education Committee**

**S.B. 81** Concurrent Enrollment Program Amendments (Sen. M. Dayton)

**S.J.R. 11** Joint Resolution Urging Football Playoff (Sen. S. Jenkins)

**H.B. 15** Career and Technical Education Amendments (Rep. R. Bigelow) (Sen. M. Dayton)
Government Operations and Political Subdivisions Committee
S.B. 83 Condemnation Amendments (Sen. D. Stowell)
S.B. 164 In Person Voter Registration (Sen. S. McCoy)
S.B. 171 Municipal Annexation Amendments (Sen. S. Jenkins)

Health and Human Services Committee
S.B. 82 Local Health Authority Funding Amendments
(Sen. D. Stowell)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 165 Statute of Limitation Revisions (Sen. M. Madsen)
S.B. 169 Gambling Amendments (Sen. D. Liljenquist)
S.B. 170 Judiciary Amendments (Sen. L. Hillyard)
S.J.R. 12 Joint Resolution Supporting Expansion of Correctional Facilities in San Juan County (Sen. D. Hinkins)

Natural Resources, Agriculture and Environment Committee
S.B. 58 Collection and Use of Precipitation (Sen. S. McCoy)

Transportation, Public Utilities and Technology Committee
H.B. 24 Traffic Accident Clearance Amendments
(Rep. E. Hutchings) (Sen. J. Greiner)

Workforce Services and Community and Economic Development Committee
S.J.R. 10 Alternative Training Center Joint Resolution
(Sen. D. Stowell)
H.B. 236 Department of Community and Culture Grants
(Rep. S. Allen) (Sen. R. Okerlund)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 5, 2009
The Government Operations and Political Subdivisions Committee recommends S.B. 131, LAW ENFORCEMENT SERVICE IN LOCAL
DISTRICTS AND INTERLOCAL ENTITIES, by Senator S. Jenkins, be replaced and favorably recommends 1st Sub. S.B. 131, LAW ENFORCEMENT SERVICE IN LOCAL DISTRICTS AND INTERLOCAL ENTITIES with the following amendments:

1. Page 1, Line 24:
   
   apply to all counties;
   
   **requires interlocal agreements between a county and one or more municipalities for law enforcement service to require the service to be provided by or under the direction of the county sheriff:**

2. Page 2, Lines 37 through 38:

   AMENDS:
   
   11–13–220, as renumbered and amended by Laws of Utah 2002, Chapter 286
   
   17–22–2, as last amended by Laws of Utah 2008, Chapter 117

3. Page 2, Line 50:

   Be it enacted by the Legislature of the state of Utah:
   
   Section 1. Section 11–13–202 is amended to read:
   
   11–13–202. Agreements for joint or cooperative action, for providing or exchanging services, or for law enforcement services — Effective date of agreement — Public agencies may restrict their authority or exempt each other regarding permits and fees.
   
   (1) Any two or more public agencies may enter into an agreement with one another under this chapter:
     
     (a) for joint or cooperative action;
     
     (b) to provide services that they are each authorized by statute to provide;
     
     (c) to exchange services that they are each authorized by statute to provide;
     
     (d) for a public agency to provide law enforcement services to one or more other public agencies, if the public agency providing law enforcement services under the interlocal agreement is authorized by law to provide those services, or to provide joint or cooperative law enforcement services between or among public agencies that are each authorized by law to provide those services; or
     
     (e) to do anything else that they are each authorized by statute to do.
     
   (2) An agreement under Subsection (1) does not take effect until
it has been approved, as provided in Section 11–13–202.5, by each public agency that is a party to it.

(3) (a) In an agreement under Subsection (1), a public agency that is a party to the agreement may agree:

(i) to restrict its authority to issue permits to or assess fees from another public agency that is a party to the agreement; and

(ii) to exempt another public agency that is a party to the agreement from permit or fee requirements.

(b) A provision in an agreement under Subsection (1) whereby the parties agree as provided in Subsection (3)(a) is subject to all remedies provided by law and in the agreement, including injunction, mandamus, abatement, or other remedy to prevent, enjoin, abate, or enforce the provision.

(4) An interlocal agreement between a county and one or more municipalities for law enforcement service within an area that includes some or all of the unincorporated area of the county shall require the law enforcement service provided under the agreement to be provided by or under the direction of the county sheriff; and


Peter C. Knudson, Chair

Mr. President: February 5, 2009

The Revenue and Taxation Committee recommends S.B. 132, INDIVIDUAL INCOME TAX CONTRIBUTION FOR METHAMPHETAMINE HOUSING RECONSTRUCTION AND REHABILITATION FUND, by Senator K. Mayne, be replaced and favorably recommends 1st Sub. S.B. 132, INDIVIDUAL INCOME TAX CONTRIBUTION FOR METHAMPHETAMINE HOUSING RECONSTRUCTION AND REHABILITATION FUND; 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. 67, PUBLIC HEARINGS ON PROPERTY TAX INCREASES, by Representative G. Froerer; and
The Revenue and Taxation Committee reports a favorable recommendation on H.B. 80, STUDY ON TAXPAYER ADVOCATE PROGRAM, by Representative K. Grover, with the following amendments:

1. Page 2, Line 41:
   Delete “shall” and insert “may”

Wayne L. Niederhauser, Chair

On motion of Senator Killpack, the committee reports were adopted. S.B. 131, as amended, 1st Sub. H.B. 232, 1st Sub. S.B. 132, H.B. 54, H.B. 67, and H.B. 80, as amended, were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 5, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 56, DECLARATION OF CANDIDACY AMENDMENTS, by Representative D. Aagard, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 45, PER DIEM AND TRAVEL EXPENSES FOR STATE BOARDS AND COMMISSIONS, by Representative D. Aagard, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 226, DISASTER RECOVERY AND EMERGENCY MANAGEMENT AMENDMENTS, by Representative C. Oda, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: February 5, 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 recommends it be considered read for the second time and placed on the Consent Calendar.

Wayne L. Niederhauser, Chair

Mr. President: February 5, 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 recommends it be considered read for the second time and placed on the Consent Calendar; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on H.B. 55, AMENDMENTS TO TOURISM, RECREATION, CULTURAL, CONVENTION, AND AIRPORT FACILITIES TAX ACT, by Representative W. Harper, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

On motion of Senator Killpack, the committee reports were adopted. H.B. 56, H.B. 45, H.B. 226, H.B. 58, H.B. 38, and H.B. 55 were considered read the second time and placed on the Consent Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 4, 2009

The Natural Resources, Agriculture, and Environment Committee has tabled S.B. 44, COAL MINING AND RECLAMATION AMENDMENTS, by Senator G. Davis, and has returned it to the Rules Committee for filing.

Dennis E. Stowell, Chair

S.B. 44 was returned to the Rules Committee for filing.

INTRODUCTION OF BILLS

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 the Rules Committee.

S.B. 60, Districts Providing Service to Taxed Property (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 61, Home School and Private School Students’ Participation in Extracurricular Activities (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 62, Insurance Coverage for Essential Medical Services (M. Waddoups), read the first time by short title and referred to the Rules Committee.
S.B. 63, Modifications to Recording Requirements – Subdivisions (R. Okerlund), read the first time by short title and referred to the Rules Committee.

S.B. 64, Administrative Rules Review Committee (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 76, Energy Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 77, Grants for Licensed Teachers Amendments (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 78, Protection of Constitutionally Guaranteed Activities in Certain Private Venues (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 79, Health Reform – Medical Malpractice Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 80, Fire Liability Modifications (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 172, Underinsured Motorist Coverage Amendments (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 173, Emotional Support Animals and Psychiatric Therapy Animals (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 174, Redistricting Commission (R. Romero), read the first time by short title and referred to the Rules Committee.

S.B. 175, Signage Requirements Relating to Children and Animals in Parked Cars (K. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 176, Civil Fees in Courts of Record Amendments (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 177, New School District Amendments (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 178, Class B and C Roads Amendments (K. Van Tassell), read the first time by short title and referred to the Rules Committee.
S.B. 179, Safety Belt Enforcement Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 180, Expungement of Division of Child and Family Services Records (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.J.R. 5, Joint Resolution Urging Presidential Support of Taiwan’s Participation in Specialized Agencies of the United Nations (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.J.R. 13, Resolution Amending Legislative Rules to Allow Abstaining from Voting (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.J.R. 14, Joint Resolution – Challenging the Legality of a Conviction or Sentence (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.R. 5, Senate Rules Resolution Allowing Abstaining from Voting (C. Bramble), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 129, MENTAL HEALTH THERAPIST GRANT AND SCHOLARSHIP ACT REPEAL, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators
Davis   Dayton   Goodfellow   Greiner
Hillyard Hinkins   Jenkins   Jones
Killpack Knudson   Liljenquist   Mayne
McCoy Morgan   Niederhauser   Romero
Stowell Urquhart   Valentine   Van Tassell
Waddoups

Absent or not voting were: Senators
Bell Bramble   Buttars   Christensen
Madsen Okerlund   Robles   Stephenson

S.B. 129 was transmitted to the House for consideration.

THIRD READING CALENDAR

H.B. 16, ASSESSMENT AREA AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Bramble Buttars Davis Dayton
Goodfellow Greiner Hillyard Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Romero
Stowell Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Bell Christensen Robles Stephenson

H.B. 16 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Buttars, H.B. 31, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, was read the third time and circled.

***

On motion of Senator Valentine, H.B. 52, INSURANCE CODE AMENDMENTS, was read the third time and circled.

***

H.B. 11, RECODIFICATION OF NATURAL RESOURCES PROVISIONS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Killpack
Knudson Liljenquist Mayne McCoy
Morgan Niederhauser Okerlund Romero
Stephenson Stowell Urquhart Valentine
Van Tassell Waddoups
Absent or not voting were: Senators
Christensen Madsen Robles

H.B. 11 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 18, WATER RIGHT APPLICATIONS AND RECORDS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Knudson Liljenquist Mayne
McCoy Morgan Niederhauser Okerlund
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Madsen Robles

H.B. 18 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 34, PENALTIES FOR DESTRUCTION OF BALK EAGLES, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Knudson Liljenquist Mayne McCoy
Morgan Niederhauser Okerlund Romero
Stephenson Stowell Urquhart Valentine
Van Tassell Waddoups
Absent or not voting were: Senators
Killpack  Madsen  Robles

**H.B. 34** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

**H.B. 30, COMMERCIAL MOTOR VEHICLE AMENDMENTS**, was read the third time and explained by Senator Van Tassell.

Senator Van Tassell proposed the following amendment:

1. Page 1, Line 15g:  
   Delete “commercial”

2. Page 2a, Line 46aj:  
   Delete “commercial”

Senator Van Tassell’s motion to amend passed on a voice vote. The bill passed on the following roll call:

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

**Voting in the affirmative were: Senators**

Bell  Buttars  Christensen  Davis  
Dayton  Goodfellow  Greiner  Hillyard  
Hinkins  Jenkins  Killpack  Knudson  
Liljenquist  Madsen  Mayne  McCoy  
Morgan  Okerlund  Robles  Romero  
Stephenson  Stowell  Urquhart  Van Tassell  
Waddoups

Absent or not voting were: Senators
Bramble  Jones  Niederhauser  Valentine

**H.B. 30**, as amended, was returned to the House for further consideration.

* * *

**H.B. 40, MOTORCYCLE RIDER EDUCATION PROGRAM AMENDMENTS**, was read the third time, explained by Senator Jenkins, and passed on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Bell    Buttars    Christensen    Davis
Dayton  Goodfellow  Greiner    Hillyard
Hinkins Jenkins    Killpack  Knudson
Liljenquist Madsen    Mayne    McCoy
Morgan Niederhauser Okerlund  Romero
Stephenson Stowell  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Bramble  Jones    Robles

H.B. 40 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, the circle was removed from H.B. 52, INSURANCE CODE AMENDMENTS, and it was before the Senate.

Senator Valentine proposed the following amendment:

1. Page 78, Line 2401 through Page 79, Line 2420

   2401 (3) (a) In the case of an employer who has received the premium by deducting all or part of it from the wages or salaries of the certificate holders, the insurer may terminate its liability by giving notice of coverage termination to:

   2402 (i) the certificate holders [reasonable notice of coverage termination];

   2403 (ii) the policyholder; and

   2406 (iii) the producer, if any, for the policy.

   (b) The insurer may not send the notice required by Subsection (3)(a) to a certificate holder before 20 days after the day on which premium is due and unpaid.

   2407 { (b) } (c) The liability of the insurer for the losses covered by the insurance terminates at the
later of:

[(a) (i) the last day of the coverage period for which premium has been withheld by

the employer; [or]

[(b) (ii) ten days after the date the insurer mails [actual] notice to the certificate

holder that coverage has terminated[ but in the event]; or

(iii) if the insurer fails to provide [actual] notice as required by this Subsection (3),

[then the liability of the insurer for losses described in Subsection (1) shall terminate] 45 days

from the last date for which premium [was] is received. [While the insurer shall be liable for

losses as herein provided, the provisions of this section apply only to apportion the liability for

those losses described and do not operate to extend any insurance contract policy or coverage

beyond its date of termination nor alter or amend provisions thereof.]

(c) The insurer may not send the notice required by Subsection (3)(a) to a certificate

holder before 20 days after the day on which premium is due and unpaid.

Senator Valentine’s motion to amend passed on a voice vote. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Bramble     Hillyard     Niederhauser     Robles

H.B. 52, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 86. DIVISION OF REAL ESTATE RELATED AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell         Buttars       Christensen       Dayton
Goodfellow   Greiner       Hillyard        Hinkins
Jenkins      Jones         Killpack        Knudson
Liljenquist  Madsen       Mayne           McCoy
Morgan       Okerlund      Robles          Romero
Stephenson   Stowell       Urquhart       Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Bramble     Davis          Niederhauser

Senators Waddoups and McCoy declared conflicts of interest.

1st Sub. H.B. 86 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 46, DESIGNATION OF STATE HIGHWAYS AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell         Bramble       Buttars       Christensen
Davis        Dayton        Goodfellow    Greiner
Hillyard     Hinkins       Jenkins       Jones
Killpack     Knudson       Liljenquist   Madsen
Mayne        McCoy         Morgan        Niederhauser
H.B. 46 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 12, COUNTY SHERIFF QUALIFICATION AMENDMENTS, was read the third time and explained by Senator Jenkins.

Senator Greiner proposed the following amendment:

1. Page 3, Line 78b:
   Delete “30 days” and insert “60 days”

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

**Yeas, 22; Nays, 6; Absent, 1.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting was:** Senator

Robles

H.B. 12, as amended, was returned to the House for further consideration.

**SECOND READING CALENDAR**

On motion of Senator Stowell, the circle was removed from S.B. 20, LOCAL PUBLIC HEALTH EMERGENCY FUNDING, and it was before the Senate. Senator Stowell explained the bill.
Senator Stowell proposed the following amendment:

1. Page 2, Line 40
   40 for use in the program and other money otherwise made available for use in the program.

2. Page 3, Lines 65 through 66:
   65 (5) (a) (--The--) (i) Subject to Subsection (5)(a)(ii), the department shall use money in the program fund exclusively for purposes
   66 of the program.
   (ii) The department may use money in the program fund to cover its costs of administering the program.

Senator Stowell’s motion to amend passed on a voice vote. Senators Waddoups, Hillyard, and Okerlund commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Christensen
Davis  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Killpack
Knudson  Liljenquist  Madsen  Mayne
McCoy  Morgan  Niederhauser  Okerlund
Robles  Romero  Stephenson  Stowell
Urquhart  Valentine  Van Tassell  Waddoups

**Absent or not voting was:** Senator Dayton

**---**

On motion of Senator Bramble, the circle was removed from 1st Sub. S.B. 36, SALES AND USE TAX AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. Senator Niederhauser commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Christensen
Davis  Goodfellow  Greiner  Hillyard
Hinkins                Jenkins                Jones                Killpack
Knudson                Madsen                Mayne                McCoy
Morgan                  Niederhauser          Okerlund             Robles
Romero                  Stephenson            Stowell              Urquhart
Valentine               Waddoups

Absent or not voting were: Senators
Dayton                  Liljenquist            Van Tassell

SPECIAL ORDER OF BUSINESS

Senator Jones presented citations to the National Board Certified Teachers from Utah.

SECOND READING CALENDAR

S.B. 94, UNDERGROUND SEWER UTILITIES FACILITIES AMENDMENTS, was read the second time. Senator Greiner explained the bill. Senator Mayne commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell                     Buttars                Christensen           Davis
Dayton                   Goodfellow             Greiner               Hillyard
Hinkins                  Jenkins                Jones                Killpack
Madsen                   Mayne                  McCoy                Morgan
Niederhauser             Okerlund               Robles               Romero
Stephenson               Stowell                Valentine            Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble                  Knudson                Liljenquist           Urquhart

* * *

On motion of Senator Niederhauser, the circle was removed from S.B. 115, PAYMENT OF MOBILE HOME PARK RELOCATION EXPENSES, and it was before the Senate. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 5; Absent, 0.
**Voting in the affirmative were:** Senators
Bell  Bramble  Buttars  Christensen  
Davis  Dayton  Goodfellow  Greiner  
Hillyard  Hinkins  Jones  Knudson  
Liljenquist  Mayne  McCoy  Morgan  
Niederhauser  Okerlund  Robles  Romero  
Stowell  Urquhart  Van Tassell  Waddoups  

**Voting in the negative were:** Senators
Jenkins  Killpack  Madsen  Stephenson  
Valentine  

* * *

On motion of Senator Buttars, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Buttars, the circle was removed from **H.B. 31, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT**, and it was before the Senate.

Senator Buttars proposed the following amendment:

1. Page 1, Line 19
   
   19 {public safety answering points} emergency medical dispatch centers;
   
2. Page 2, Lines 32 through 34:
   
   32 including the location of, or removal of, the AED, to the {public safety answering point} emergency medical dispatch center that provides emergency dispatch services for that area;

3. Page 2, Lines 36 through 38:
   
   36 describes the duties of {a public safety answering point} an emergency medical dispatch center to disclose information

3. Page 2, Lines 36 through 38:
   
   36 describes the duties of the Bureau of Emergency Medical Services and a person who owns or leases an AED in relation to
providing education and training on the administration of CPR and the use of an AED; and

4. Page 4, Lines 103 through 106:

103 (5) On or before August 1, 2009, the department shall provide to each public safety answering point, as defined in Section 63C−7−103 , emergency medical dispatch center, as defined in Section 26−8b−102 , all information contained in the statewide database that pertains to the area for which the public safety answering point emergency medical dispatch center provides emergency dispatch services.

5. Page 4, Lines 109 through 110:

109 provide any additional information that it receives for the statewide database to the public safety answering points emergency medical dispatch centers described in Subsection (5).

6. Page 9, Line 256:

256 (4) “Public safety answering point” is as defined in Section 63C−7−103 .

(4) “Emergency medical dispatch center” means a public safety answering point, as defined in Section 63C−7−103 , that is designated as an emergency medical dispatch center by the bureau.

7. Page 10, Line 290:

290 a CPR or AED program; or

8. Page 10, Line 293:

293 3. AED Databases: or (i) a physician who gratuitously and in good faith: (i) provides medical oversight for a public AED program; or (ii) issues a prescription for a person to acquire or use an AED.
304 telephone number, and the exact location of the AED, in writing, to the public safety answering point emergency medical dispatch center that provides emergency dispatch services for the location where the AED is installed, if

10. Page 11, Line 312:

312 from which the AED is removed, in writing, to the public safety answering point emergency medical dispatch center that provides

11. Page 11, Line 323:

323 removal of, the AED to the public safety answering point emergency medical dispatch center that provides emergency dispatch

12. Page 11, Lines 333 through 336:


334 Beginning on September 1, 2009, a public safety answering point an emergency medical dispatch center shall:

335 (1) implement a system to receive and manage the information reported to the public safety answering point emergency medical dispatch center under Section 26–8a–209 or 26–8b–301;

13. Page 12, Lines 341 through 342:

341 (b) if the information is received under Subsection 26–8a–209(6) or Section 26–8b–301, within three fourteen days after the day on which the information is received;

14. Page 12, Lines 347 through 348:

347 (a) the department bureau; or

348 (b) another public safety answering point emergency medical dispatch center.
351  26–8b–401, Education and training.

352  (1)  The bureau shall work in cooperation with federal, state, and local agencies and schools, to encourage individuals to complete courses on the administration of CPR and the use of an AED.

353  (2)  A person who owns or leases an AED shall encourage each person who is likely to use the AED to complete courses on the administration of CPR and the use of an AED.

Senator Buttars’ motion to amend passed on a voice vote. The bill passed on the following roll call:

**Y** eas, 28; **N** ay, 0; **A** bsent, 1.

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator

McCoy

**H.B. 31**, as amended, was returned to the House for further consideration.

***

On motion of Senator Killpack and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Monday, February 9, 2009.
FIFTEENTH DAY

February 9, 2009

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

Prayer – President Michael Baker, Counselor in the Westland Stake Presidency, Westland Stake, The Church of Jesus Christ of Latter-day Saints

Pledge of Allegiance – Senator David Hinkins

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

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

SPECIAL MUSICAL PRESENTATION

The Snow College Flute Choir, under the direction of Dr. Elaine Jorgensen, performed “Danse des Mirlitons” by Tchaikovsky and “The Magic Flute” by Mozart.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 6, 2009

The House passed H.B. 41, SEX OFFENDER REGISTRATION AMENDMENTS, by Representative K. Sumson, and it is transmitted for consideration; and

The House passed, as substituted, 2nd Sub. H.B. 59, SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 68, DEVELOPMENT EXACTIONS, by Representative P. Painter, and it is transmitted for consideration; and

The House passed H.B. 72, CHILDREN’S JUSTICE CENTER AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as amended, H.B. 113, SALVAGE VEHICLE TITLE AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and
The House passed, as substituted and amended, **2nd Sub. H.B. 121**, RETIRED VOLUNTEER HEALTH CARE PRACTITIONER ACT, by Representative M. Brown, et al, and it is transmitted for consideration; and

The House passed **H.B. 149**, FOREST RESERVE FUND REVISIONS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed **H.B. 223**, STATUTE OF LIMITATIONS AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed **H.B. 233**, AGGRAVATED SEXUAL ASSAULT AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed **H.C.R. 2**, HEALTHY FAMILY PARTNERSHIP CONCURRENT RESOLUTION, by Representative C. Oda, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


***

Mr. President: February 6, 2009

The House substituted and passed, **1st Sub. S.B. 22**, VEHICLE AMENDMENTS, by Senator S. Jenkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 6, 2009

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

**Business and Labor Committee**

**S.B. 78** Protection of Constitutionally Guaranteed Activities in Certain Private Venues (Sen. M. Madsen)
H.B. 78  Utah Uniform Securities Act Modifications (Rep. J. Bird)  
(Sen. L. Hillyard)

Education Committee
S.B. 61  Home School and Private School Students’ Participation in Extracurricular Activities (Sen. M. Madsen)
S.B. 77  Grants for Licensed Teachers Amendments  
(Sen. M. Madsen)
S.B. 177  New School District Amendments (Sen. D. C. Buttars)

Government Operations and Political Subdivisions Committee
S.B. 60  Districts Providing Service to Taxed Property  
(Sen. M. Waddoups)
S.B. 63  Modifications to Recording Requirements – Subdivisions  
(Sen. R. Okerlund)
S.B. 64  Administrative Rules Review Committee  
(Sen. H. Stephenson)

Health and Human Services Committee
S.B. 173  Emotional Support Animals and Psychiatric Therapy Animals (Sen. M. Dayton)
S.B. 175  Signage Requirements Relating to Children and Animals in Parked Cars (Sen. K. Mayne)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 79  Health Reform – Medical Malpractice Amendments  
(Sen. P. Knudson)
S.B. 176  Civil Fees in Courts of Record Amendments  
(Sen. J. Greiner)
S.B. 180  Expungement of Division of Child and Family Services Records (Sen. L. Hillyard)
S.J.R. 14  Joint Resolution – Challenging the Legality of a Conviction or Sentence (Sen. C. Bramble)

Natural Resources, Agriculture and Environment Committee
S.B. 80  Fire Liability Modifications (Sen. M. Dayton)
Revenue and Taxation Committee  
S.B. 59 Allocation and Apportionment of Income and Deduction of a Net Loss (Sen. H. Stephenson)

Transportation, Public Utilities and Technology Committee  
S.B. 76 Energy Amendments (Sen. C. Bramble)  
S.B. 172 Underinsured Motorist Coverage Amendments (Sen. S. Urquhart)  
S.B. 178 Class B and C Roads Amendments (Sen. K. Van Tassell)  
S.B. 179 Safety Belt Enforcement Amendments (Sen. C. Bramble)

Workforce Services and Community and Economic Development Committee  

Margaret Dayton  
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President:  
February 6, 2009

The Business and Labor Committee reports a favorable recommendation on  
S.B. 148, LOW–PROFIT LIMITED LIABILITY COMPANY ACT, by Senator L. Hillyard, with the following amendments:

1. Page 11, Lines 314 through 317:

314 (c) If a low–profit limited liability company ceases to be a low–profit limited liability company in accordance with Subsection (2)(a), the company shall:

315 (i) change its name to conform with Section 48–2c–106; and

316 (ii) amend its articles of organization in accordance with Section 48–2c–403- ; and

317 (d) 48–2c–405 ; and
The Business and Labor Committee reports a favorable recommendation on **S.C.R. 2**, CONCURRENT RESOLUTION – A CALL TO CIVILITY, by Senator J. Valentine.

John L. Valentine, Chair

Mr. President:

February 6, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.B. 137**, PHYSICAL THERAPY PRACTICE ACT, by Senator W. Niederhauser, with the following amendments:

1. Page 13, Line 394 through Page 14, Line 411:

   394 (11) (a) “Physical therapy” or “physiotherapy” means:

   395 (i) examining, evaluating, and testing an individual who has a physical

   396 impairment or injury:

   (ii) identifying or labeling a physical impairment or injury;

   397 (iii) formulating a therapeutic intervention plan for the treatment of a physical

   398 impairment, injury, or pain;

   399 (iv) assessing the ongoing effects of therapeutic intervention for the treatment of a

   400 physical impairment or injury;

   401 (v) treating or alleviating a physical impairment by designing, modifying, or

   402 implementing a therapeutic intervention;

   403 (vi) reducing the risk of an injury or physical impairment;

   404 (vii) providing instruction on the use of physical measures, activities, or devices for

   405 preventative and therapeutic purposes;

   406 (viii) promoting and maintaining health and fitness;

   407 (ix) the administration of a prescription drug pursuant to Section 58–24b–403;
subject to Subsection 58−28−307(12)(b), engaging in the functions described in Subsections (11)(a)(i) through (viii) in relation to an animal, in accordance with the requirements of Section 58−24b−405; and

engaging in administration, consultation, education, and research relating to the practices described in this Subsection (11)(a).

2. Page 16, Line 471:

(n) correction of posture, body mechanics, or gait.

(15) (a) “Wound debridement” means:
   (i) cleaning a wound; or
   (ii) removing dead tissue from a wound.

(b) “Wound debridement” does not include surgery of any kind.

3. Page 20, Line 590:

(C) providing consultation by telecommunication to a physical therapist; or

4. Page 20, Line 601:

(1)(c)(ii) ; or

(e) the person:
   (i) is a physician, licensed under Title 58, Chapter 67, Utah Medical Practice Act;
   (ii) is a physician, licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
   (iii) is a chiropractic physician, licensed under Title 58, Chapter 73, Chiropractic Physician Practice Act.

5. Page 22, Line 676 through Page 23, Line 683:

(2) A physical therapist assistant or a physical therapy aide may not:

(a) perform a physical therapy evaluation, assessment diagnoses ; or

(b) identify or label a physical impairment or injury;

(c) design a plan of care for a patient;

(d) perform the joint mobilization component of manual therapy; or
perform the sharp selective debridement component of wound management.

(3) Subsection (2) does not apply to:

(a) simple joint distraction techniques or stretching; or

(b) a stretch or mobilization that can be given as part of a home exercise program.

6. Page 23, Lines 706 through 708:

Subject to Subsection 58–28–307(12)(b), a licensed physical therapist may practice animal physical therapy if the licensed physical therapist completes at least 100 hours of animal physical therapy training and education, which shall include:

7. Page 24, Lines 712 through 714:

Subject to Subsection 58–28–307(12)(b), a licensed physical therapist assistant may practice animal physical therapy, within the scope of the licensed physical therapist assistant’s practice, if the licensed physical therapist assistant:

8. Page 26, Lines 774 through 775:

It is unlawful for a person who is not a licensed physical therapist, a licensed physical therapist assistant, or a person described in Subsection 58–24b–304(1)(e) to:

9. Page 26, Line 782:

offer, provide, or bill a person for:

10. Page 27, Lines 812 through 815:

A person who is licensed under this title to provide a service that constitutes the
practice of physical therapy may offer, provide, or bill a person for
that service, but may not
characterize that service as a physical therapy service or a
physiotherapy service, unless the
person is a licensed physical therapist or a licensed physical
therapist assistant. }

The Health and Human Services Committee reports a favorable
recommendation on S.B. 142, DISPOSITION OF A DEAD BODY, by Senator
A. Christensen; and

The Health and Human Services Committee reports a favorable
recommendation on 1st Sub. H.B. 60, FAMILY PRESERVATION SERVICES
AMENDMENTS, by Representative W. Harper; and

The Health and Human Services Committee reports a favorable
recommendation on 1st Sub. H.B. 90, ABORTION LAW AMENDMENTS, by
Representative P. Ray.

D. Chris Buttars, Chair

Mr. President:

The Education Committee reports a favorable recommendation on S.B. 146,
HOME SCHOOLING AMENDMENTS, by Senator M. Madsen; and

The Education Committee reports a favorable recommendation on S.B. 159,
MATH EDUCATION INITIATIVE, by Senator H. Stephenson, with the
following amendments:

1. Page 2, Lines 32 through 33:

32 { — adopt math curriculum standards for students who
participate in the Math
33 Education Initiative;
— }

2. Page 2, Line 54:

54 { -53A-13-406, Utah Code Annotated 1953— }

3. Page 5, Lines 133 through 146:

133 { Section 6. Section 53A-13-406 is enacted to read: }
Math curriculum standards.

(1) The State Board of Education shall adopt math curriculum standards for students who participate in the Math Education Initiative.

(2) The standards adopted pursuant to Subsection (1) shall include:

(a) the Singapore 2001 elementary mathematics standards; and

(b) the standards for the quick recall of arithmetic facts contained in the Curriculum Focal Points of the National Council of Teachers of Mathematics.

(3) (a) A school district or charter school shall deliver instruction to students who participate in the Math Education Initiative in accordance with the math curriculum standards adopted under this section.

(b) A school district or charter school may deliver instruction to students who do not participate in the Math Education Initiative in accordance with the math curriculum standards adopted under this section in lieu of other math curriculum standards prescribed by the board.

Renumber remaining sections accordingly.

Curtis S. Bramble, Chair

Mr. President: February 6, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 58, COLLECTION AND USE OF PRECIPITATION, by Senator S. McCoy; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 27, PROTECTIONS FOR AGRICULTURAL PRACTICES, by Representative M. Morley, with the following amendments:

1. Page 2, Line 48:
48 \(\text{do}\) not constitute a public nuisance under Subsection (1) unless the agricultural operation has a

2. Page 4, Line 90:

90 practices are presumed to be reasonable and \(\text{do}\) not constitute a nuisance \(\text{unless the}\); and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on 1st Sub. H.B. 62, STATE WATER DEVELOPMENT COMMISSION AMENDMENTS, by Representative K. Gibson, with the following amendments:

1. Page 2, Line 34:

34 may appoint \(\text{more than two}\) up to three senators from the same party if the appointment is necessary to; 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.

Dennis E. Stowell, Chair


STANDING COMMITTEE REPORTS

Mr. President: February 6, 2009

The Business and Labor Committee reports a favorable recommendation on S.B. 138, INTERNAL SERVICE FUND RATE COMMITTEE AMENDMENTS, by Senator J. Valentine, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 1, Lines 14 through 19:

14 specifies that the chair of the rate committee within the Department of Administrative Services may not be from an agency that receives payment of a rate set by the committee;
specifies that the chair of the rate committee within the Department of Human Resource Management may not be from an agency that receives payment of a rate set by the committee; and

2. Page 2, Lines 41 through 42:

(b) (i) The committee shall elect a chair from its members, except that the chair may not be from an agency that receives payment of a rate set by the committee.

3. Page 4, Lines 94 through 95:

(b) (i) The committee shall elect a chair from its members, except that the chair may not be from an agency that receives payment of a rate set by the committee.

The Business and Labor Committee reports a favorable recommendation on H.B. 234, CONSUMER CREDIT PROTECTION ACT MODIFICATION, by Representative Julie Fisher, and recommends it be considered read for the second time and placed on the Consent Calendar.

John L. Valentine, Chair

Mr. President:

The Health and Human Services Committee reports a favorable recommendation on S.B. 158, CHILD SUPPORT – CASH MEDICAL SUPPORT, by Senator G. Bell, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Human Services Committee reports a favorable recommendation on S.J.R. 7, JOINT RESOLUTION DESIGNATING MAY 2009 AS UTAH LIONS CLUB EYESIGHT PRESERVATION MONTH, by Senator K. Mayne, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Human Services Committee recommends S.R. 3, RESOLUTION DESIGNATING SEPTEMBER 2009 AS HYDROCEPHALUS AWARENESS MONTH, by Senator G. Bell, be replaced and favorably recommends 1st Sub. S.R. 3, RESOLUTION DESIGNATING SEPTEMBER
This resolution of the Senate designates September 2009 as Hydrocephalus Awareness Month, and urges the Federal government to create a national registry for collecting comprehensive statistics and data regarding Hydrocephalus.

Highlighted Provisions: ; and

The Health and Human Services Committee reports a favorable recommendation on 1st Sub. H.B. 81, HEALTH CARE PATIENT IDENTITY PROTECTION, by Representative S. Sandstrom, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

Mr. President: February 6, 2009

The Retirement and Independent Entities Committee reports a favorable recommendation on S.B. 127, RETIREMENT AMENDMENTS, by Senator D. Liljenquist, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Retirement and Independent Entities Committee reports a favorable recommendation on S.B. 139, EMPLOYER ELECTION RETIREMENT AMENDMENTS, by Senator C. Bramble, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Retirement and Independent Entities Committee reports a favorable recommendation on S.B. 145, PUBLIC SAFETY RETIREES DEATH BENEFIT REVISIONS, by Senator J. Greiner, and recommends it be considered read for the second time and placed on the Consent Calendar.

Daniel R. Liljenquist, Chair

On motion of Senator Dayton, the committee reports were adopted. S.B. 138, as amended, H.B. 234, S.B. 158, S.J.R. 7, 1st Sub. S.R. 3, as amended, 1st Sub. H.B. 81, S.B. 127, S.B. 139, and S.B. 145 were considered read the second time and placed on the Consent Calendar.
INTRODUCTION OF BILLS

S.B. 181, Criminal Prosecution Amendments (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

S.B. 182, Criminal Restitution Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 183, Violation of Protective Order (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 184, Civil Filing Fees (G. Bell), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Bramble, S.J.R. 5, JOINT RESOLUTION URGING PRESIDENTIAL SUPPORT OF TAIWAN’S PARTICIPATION IN SPECIALIZED AGENCIES OF THE UNITED NATIONS, will be considered Thursday, February 19, 2009 at 10:30 a.m.

On motion of Senator Jenkins, S.J.R. 11, JOINT RESOLUTION URGING FOOTBALL PLAYOFF, will be considered today at 11:30 a.m.

On motion of Senator Romero, H.J.R. 10, JOINT RESOLUTION HONORING THE LIVES AND ACCOMPLISHMENTS OF FATHER FRANCISCO ATANASCO DOMINGUEZ AND FATHER SILVESTRE VELEZ DE ESCALANTE, will be considered Wednesday, February 18, 2009 at 11:00 a.m.

CONSENT CALENDAR.

S.B. 35, SALES AND USE TAX DEFINITIONS RELATING TO PROPERTY, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell    Bramble    Buttars    Christensen
Davis   Dayton    Goodfellow Greiner
Hinkins Jenkins Jones Killpack
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stowell Urquhart Valentine
Van Tassell Waddoups
Absent or not voting were: Senators
Hillyard          Knudson          Stephenson

**S.B. 35** was transmitted to the House for consideration.

***

**S.J.R. 4. RECYCLING OF ELECTRONIC WASTE JOINT RESOLUTION,**
was read the third time, explained by Senator McCoy, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell          Bramble          Buttars          Christensen
Davis          Dayton          Goodfellow          Greiner
Hillyard      Hinkins          Jenkins          Jones
Killpack      Liljenquist      Madsen          Mayne
McCoy          Morgan          Niederhauser      Okerlund
Robles        Romero          Stowell          Urquhart
Valentine     Van Tassell      Waddoups

Absent or not voting were: Senators
Knudson          Stephenson

**S.J.R. 4** was transmitted to the House for consideration.

***

**H.B. 25. GUN DEALER PENALTY AMENDMENTS,** was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell          Bramble          Buttars          Christensen
Davis          Dayton          Goodfellow          Greiner
Hillyard      Hinkins          Jenkins          Jones
Killpack      Liljenquist      Madsen          Mayne
McCoy          Morgan          Niederhauser      Okerlund
Robles        Romero          Stowell          Urquhart
Valentine     Van Tassell      Waddoups

Absent or not voting were: Senators
Knudson          Stephenson
H.B. 25 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 47, CRIMINAL PROCEDURE – INVESTIGATION AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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H.B. 47 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Valentine, legislative staff was authorized to draft a bill regarding ethics.

**CONCURRENCE CALENDAR**

S.B. 24, EARLY VOTING AMENDMENTS, was before the Senate.

On motion of Senator Christensen, the bill was circled.

***

S.B. 25, ONLINE VOTER REGISTRATION, was before the Senate.

On motion of Senator Jenkins, the bill was circled.

***

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to S.C.R. 1, CONCURRENT RESOLUTION REQUESTING A
FEDERAL WAIVER TO ESTABLISH AN EMPLOYER-SPONSORED WORK PROGRAM. Senators McCoy and Dayton commented. The bill, as amended, failed on the following roll call:

**Yeas, 9; Nays, 19; Absent, 1.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting was:** Senator

Knudson

**S.C.R. 1** was returned to the staff for filing.

**THIRD READING CALENDAR**

**S.B. 20, LOCAL PUBLIC HEALTH EMERGENCY FUNDING,** was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

Hillyard Knudson Stephenson

**S.B. 20** was transmitted to the House for consideration.
On motion of Senator Bramble, 1st Sub. S.B. 36, SALES AND USE TAX AMENDMENTS, was read the third time and circled.

S.B. 94, UNDERGROUND SEWER UTILITIES FACILITIES AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Hillyard | Knudson |

S.B. 94 was transmitted to the House for consideration.

S.B. 115, PAYMENT OF MOBILE HOME PARK RELOCATION EXPENSES, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

| Greiner | Jenkins | Madsen | Stephenson |
| Valentine | | | |
Absent or not voting were: Senators
Hillyard Knudson

S.B. 115 was transmitted to the House for consideration.

***

On motion of Senator Valentine, the Senate voted to reconsider its action on S.C.R. 1, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER-SPONSORED WORK PROGRAM, on the motion to concur with the amendments from the House.

On motion of Senator Killpack, the Senate refused to concur in the House amendments. S.C.R. 1 was returned to the House with the request that they recede from their amendments.

SECOND READING CALENDAR

S.B. 95, MOBILE HOME PARK AMENDMENTS, was read the second time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Killpack
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Waddoups

Absent or not voting were: Senators
Davis Knudson Van Tassell

***

S.B. 99, RENEWABLE ENERGY CERTIFICATE REVISIONS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.
Voting in the affirmative were: Senators
Bell   Bramble   Buttars   Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Killpack
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Christensen Knudson

* * *

S.B. 85, HOMICIDE AMENDMENTS, was read the second time. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell   Bramble   Buttars   Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Killpack
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Christensen Knudson

* * *

S.B. 91, ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT, was read the second time. Senator Greiner explained the bill. Senators Hillyard, Stephenson, and Bell commented.

On motion of Senator Greiner, the bill was circled.

* * *

1st Sub. S.B. 107, COMMUNICATIONS AND MORTGAGE FRAUD PENALTY AMENDMENTS, was read the second time. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:
Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators
Bell                Bramble         Buttars         Christensen
Davis               Dayton          Goodfellow      Greiner
Hillyard            Hinkins         Jenkins         Jones
Killpack            Liljenquist     Madsen         Mayne
McCoy               Morgan          Niederhauser    Okerlund
Robles              Romero          Stephenson      Stowell
Urquhart            Valentine       Van Tassell     Waddoups

Absent or not voting was: Senator
Knudson

TIME CERTAIN CALENDAR

On motion of Senator Jenkins, under suspension of the rules, S.J.R. 11, JOINT RESOLUTION URGING FOOTBALL PLAYOFF, was considered read the second and third times. Senator Jenkins explained the bill. Senators Davis, Hillyard, and McCoy commented.

Senator Davis proposed the following amendment:

1. Page 2, Line 52:
   Delete “and”

2. Page 2, Line 53:
   Insert “, and President Barack Obama.”

Senator Davis’ motion to amend passed on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell                Bramble         Buttars         Christensen
Davis               Dayton          Goodfellow      Greiner
Hillyard            Hinkins         Jenkins         Jones
Killpack            Liljenquist     Mayne           McCoy
Morgan              Niederhauser    Okerlund        Robles
Romero              Stephenson      Stowell         Urquhart
Valentine           Van Tassell     Waddoups

Absent or not voting were: Senators
Knudson             Madsen
S.J.R. 11 was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 9, 2009

The House passed H.C.R. 4, UNIVERSITY OF UTAH CHAMPIONSHIP FOOTBALL TEAM CONCURRENT RESOLUTION, by Representative J. Bird, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.C.R. 4 was read the first time and referred to the Rules Committee.

On motion of Senator Jones, H.C.R. 4 was lifted from the Rules Committee and placed at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Jones, under suspension of the rules, H.C.R. 4, UNIVERSITY OF UTAH CHAMPIONSHIP FOOTBALL TEAM CONCURRENT RESOLUTION, was considered read the second and third times. Senators Bramble, Valentine, and Romero commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell          Bramble          Buttars          Christensen
Davis         Dayton          Goodfellow        Greiner
Hillyard      Hinkins         Jenkins          Jones
Killpack      Liljenquist     Mayne            McCoy
Morgan        Niederhauser    Okerlund         Robles
Romero        Stephenson      Stowell          Urquhart
Valentine     Van Tassell     Waddoups

Absent or not voting were: Senators
Knudson       Madsen

H.C.R. 4 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMITTEE OF THE WHOLE

On motion of Senator Hillyard, University of Utah football coach, Kyle Whittingham spoke in Committee of the Whole.
On motion of Senator Hillyard, the Committee of the Whole was dissolved.

* * *

On motion of Senator Jenkins and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Tuesday, February 10, 2009.
The Senate was called to order at 10:15 a.m., with President Michael Waddoups presiding.

**Prayer** – Former Senator Patrice Arent

**Pledge of Allegiance** – Senator Allen Christensen

**Roll Call** – All Senators present except Senator Knudson, excused.

**READING OF TITLES OF BILLS AND RESOLUTIONS**

(PLEASE REFER TO DAY 1, PAGE 73)

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 9, 2009

The House concurred in the Senate amendments and passed **H.B. 12**, COUNTY SHERIFF QUALIFICATION AMENDMENTS, by Representative R. Greenwood, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 52**, INSURANCE CODE AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 12** and **H.B. 52**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* ***

Mr. President: February 9, 2009

The House passed **H.B. 70**, CIGARETTE TAX EXEMPTION AMENDMENTS, by Representative E. Vickers, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 92**, REQUIREMENT TO WEAR HUNTER ORANGE AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for consideration; and
The House passed **H.B. 123**, RETAIL AND LIBRARY THEFT AMENDMENTS, by Representative F. Gibson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 70, 1st Sub. H.B. 92**, and **H.B. 123** were read the first time and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 9, 2009

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

**Government Operations and Political Subdivisions**

**Health and Human Services Committee**
2Sub. H.B. 121 Retired Volunteer Health Care Practitioner Act

**Judiciary, Law Enforcement, and Criminal Justice Committee**
S.B. 181 Criminal Prosecution Amendments (Sen. D. Liljenquist)
S.B. 182 Criminal Restitution Amendments (Sen. C. Bramble)
S.B. 183 Violation of Protective Order (Sen. S. McCoy)
S.B. 184 Civil Filing Fees (Sen. G. Bell)
H.B. 41 Sex Offender Registration Amendments
(Rep. K. Sumsion) (Sen. J. Greiner)
2Sub. H.B. 59 Subpoenas for Records in Certain Criminal Investigations
(Rep. B. Daw) (Sen. J. Valentine)
H.B. 223 Statute of Limitations Amendments (Rep. C. Wimmer)
(Sen. M. Madsen)
H.B. 233 Aggravated Sexual Assault Amendments
(Rep. C. Wimmer) (Sen. M. Madsen)

**Natural Resources, Agriculture and Environment Committee**
H.B. 149 Forest Reserve Fund Revisions (Rep. M. Noel)
(Sen. R. Okerlund)
Transportation, Public Utilities and Technology Committee
H.B. 113 Salvage Vehicle Title Amendments (Rep. T. Kiser)
(Sen. D. C. Buttars)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President:

February , 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 54, UNIFORM LAW − UNIFORM ASSIGNMENT OF RENTS ACT, by Senator R. Romero; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 56, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, by Senator S. Killpack, with the following amendments:

1. Page 30, Line 921:

   921  (ii) outside military land for publicly owned infrastructure and improvements, if the board considers the purchase, option, or other interest; and

The Government Operations and Political Subdivisions Committee recommends S.B. 126, STATE PERSONNEL MANAGEMENT ACT AMENDMENTS, by Senator D. Liljenquist, be replaced and favorably recommends 1st Sub. S.B. 126, STATE PERSONNEL MANAGEMENT ACT AMENDMENTS; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 150, STATE ARMORY AMENDMENTS, by Senator S. Jenkins; and
The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 231**, UTAH COMMISSION ON VOLUNTEERS AMENDMENTS, by Representative D. Aagard.

Jon Greiner, Acting Chair

Mr. President: February 9, 2009

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

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 23**, CERTIFIED TAX RATE AMENDMENTS, by Representative F. Hunsaker; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 28**, PERSONAL PROPERTY TAX AMENDMENTS, by Representative C. Frank.

Wayne L. Niederhauser, Chair

Mr. President: February 9, 2009

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 14**, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, by Senator L. Hillyard, et al; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 160**, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, by Senator S. Jenkins; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.J.R. 10**, ALTERNATIVE TRAINING CENTER JOINT RESOLUTION, by Senator D. Stowell, with the following amendments:

1. Page 2, Lines 40 through 41:

   40 WHEREAS, the Southwest Applied Technology College in Cedar City is offering classes related to renewable energy in Milford;
2. Page 2, Line 57 through Page 3, Line 61:

57 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Beaver County Commission, the Milford High School Technology Department, Utah’s Energy Advisor, the State Energy Program, the Southwest Area Technical Applied Technology College, Rocky Mountain Power, First Wind, Raser Technologies, and to the members of Utah’s congressional delegation; and


Mark B. Madsen, Chair

Mr. President: February 6, 2009

The Transportation and Public Utilities and Technology Committee recommends S.B. 147, DRIVER LICENSE REVISIONS, by Senator L. Hillyard, be replaced and favorably recommends 1st Sub. S.B. 147, DRIVER LICENSE REVISIONS; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 149, PROHIBITION OF TEXT MESSAGING OR ELECTRONIC MAIL COMMUNICATION WHILE DRIVING, by Senator L. Hillyard, with the following amendments:

1. Page 2, Lines 29 through 32:

29 provides that a judge or justice may {recommend} order that a person’s driver license be suspended for three months upon conviction of the prohibition on using a wireless communication device for text messaging or electronic mail communication while operating a motor vehicle;

2. Page 3, Lines 81 through 83:
81 (a) the person has also inflicted serious bodily injury upon another as a proximate 

82 result of using a wireless communication device for text messaging 
or electronic mail 

83 communication while operating a motor vehicle on a highway in 
this state; {−and } 

3. Page 5, Lines 129 through 132:

129 (5) Upon a conviction of the prohibition on using a wireless 
communication device for 

130 text messaging or electronic mail communication while operating a 
motor vehicle under 

131 Section 41−6a−1716, a judge or justice may 
{−recommend } order a suspension of the convicted person’s 

132 license for a period of three months. 

4. Page 9, Lines 248 through 251:

248 (b) Criminal homicide is automobile homicide, a third degree 
felony, if the person 

249 operates a motor vehicle in a negligent manner {−causing the 
death of another and was } while using a 

250 wireless communication device for text messaging or electronic 
mail communication at the 

251 time of operation causing the death of another . 

5. Page 9, Lines 254 through 257:

254 (b) Criminal homicide is automobile homicide, a second degree 
felony, if the person 

255 operates a motor vehicle in a criminally negligent manner 
{−causing the death of another and was } while 

256 using a wireless communication device for text messaging or 
electronic mail communication at 

257 the time of operation causing the death of another ; and
The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 21**, AMENDMENTS TO DRIVER LICENSE SANCTION REQUIREMENTS, by Representative R. Greenwood.

Stephen H. Urquhart, Chair

Mr. President: February 6, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 116**, CRIMINAL PENALTY AND PROSECUTION AMENDMENTS, by Senator D. Liljenquist, be replaced and favorably recommends **1st Sub. S.B. 116**, CRIMINAL PENALTY AMENDMENTS and recommends the bill be considered read for the first time; and

The Judiciary, 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, with the following amendments:

1. Page 2, Lines 56 through 57:

   56 [(3)] (4) A court may waive part or all of the liability for damages described in

   57 Subsection (1) under this section by the parent or legal guardian if the offender is adjudicated in the juvenile court; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 133**, ABUSE OR NEGLECT OF A DISABLED CHILD, by Senator J. Valentine, with the following amendments:

1. Page 1, Lines 14 through 15:

   14 provides that a caretaker who intentionally, knowingly, recklessly, or with criminal negligence abuses or neglects a disabled child is guilty of a third degree felony.

2. Page 2, Line 45:

   45 (2) Any caretaker who intentionally, knowingly, recklessly, or with criminal negligence; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 154**, JUVENILE COURT JUDGE – FIFTH DISTRICT, by Senator S. Urquhart; and
The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 161**, REPEAL OF MAXIMUM CHARGE TO PUBLISH LEGAL NOTICE, by Senator K. Van Tassell, with the following amendments:

1. Page 2, Line 31:

   31 **may not be greater than the lowest** open net rate charged for a similar notice, advertisement, or

   D. Chris Buttar, Chair


**STANDING COMMITTEE REPORTS**

Mr. President: February 9, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 43**, COORDINATING MUNICIPAL AND SPECIAL DISTRICT ELECTIONS, by Representative K. Grover, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 44**, LOCAL AND SPECIAL SERVICE DISTRICT ELECTION AMENDMENTS, by Representative K. Grover, and recommends it be considered read for the second time and placed on the Consent Calendar.

Jon J. Greiner, Chair

Mr. President: February 6, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 57**, LOCAL OPTION TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS, by Senator R. Okerlund, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.
1. Page 1, Lines 18 through 20:

18 requires the department to **annually** allocate the interest earned on fund monies to each county based on the proportionate amount of interest earned on each county’s allocation of funds on an average monthly balance basis; and

2. Page 3, Lines 67 through 69:

67 (e) The department shall **annually** allocate the interest earned on fund monies to each county based on the proportionate amount of interest earned on each county’s allocation of funds under Subsection (4)(d) on an average monthly balance basis; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.C.R. 1**, CONCURRENT RESOLUTION ON CERTIFICATION OF COMPRESSED NATURAL GAS VEHICLES, by Representative J. Draxler, et al, and recommends it be considered read for the second time and placed on the Consent Calendar.

Stephen H. Urquhart, Chair

Mr. President: February 6, 2009

The Judiciary, 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, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 87**, IDENTITY THEFT AMENDMENT, by Representative Julie Fisher, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 106**, CONTROLLED SUBSTANCE
DATABASE AMENDMENTS, by Representative B. Daw, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

On motion of Senator Killpack, the committee reports were adopted. H.B. 43, 1st Sub. H.B. 44, S.B. 57, as amended, H.C.R. 1, S.J.R. 9, H.B. 87, and H.B. 106 were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 69, Proof of Citizenship Required to Vote (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 194, Nondiscrimination Amendments (S. McCoy), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 136, DIESEL−POWERED MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Killpack
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stowell Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Davis Knudson Stephenson

S.B. 136 was transmitted to the House for consideration.

CONCURRENCE CALENDAR

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to 1st Sub. S.B. 22, VEHICLE AMENDMENTS. The bill, as amended, passed on the following roll call:
**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

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**1st Sub. S.B. 22** was returned to the House for the signature of the Speaker.

**THIRD READING CALENDAR**

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 36**, SALES AND USE TAX AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**1st Sub. S.B. 36** was transmitted to the House for consideration.

***

On motion of Senator Killpack, the Senate voted to lift **1st Sub. S.B. 126**, STATE PERSONNEL MANAGEMENT ACT AMENDMENTS, to the top of the Second Reading Calendar.
S.B. 95, MOBILE HOME PARK AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

**Y** eas, 25; **N** ays, 0; **A** bsent, 4.

**Voting in the affirmative were:** Senators

- Bell
- Bramble
- Buttars
- Davis
- Dayton
- Goodfellow
- Greiner
- Hillyard
- Hinkins
- Jenkins
- Killpack
- Liljenquist
- Madsen
- Mayne
- McCoy
- Morgan
- Niederhauser
- Okerlund
- Romero
- Stephenson
- Stowell
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators

- Christensen
- Jones
- Knudson
- Robles

S.B. 95 was transmitted to the House for consideration.

**S.B. 99, RENEWABLE ENERGY CERTIFICATE REVISIONS, was read the third time, explained by Senator Bramble, and passed on the following roll call:**

**Y** eas, 26; **N** ays, 0; **A** bsent, 3.

**Voting in the affirmative were:** Senators

- Bell
- Bramble
- Buttars
- Christensen
- Davis
- Dayton
- Goodfellow
- Greiner
- Hillyard
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- Stephenson
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- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators

- Jones
- Killpack
- Knudson

S.B. 99 was transmitted to the House for consideration.

**S.B. 85, HOMICIDE AMENDMENTS, was read the third time and explained by Senator Urquhart. Senator Buttars commented and the bill passed on the following roll call:**
Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Killpack  Liljenquist
Madsen  Mayne  Morgan  Niederhauser
Okerlund  Robles  Romero  Stephenson
Stowell  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Jenkins  Jones  Knudson  McCoy

S.B. 85 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 107, COMMUNICATIONS FRAUD PENALTY AMENDMENTS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Killpack  Liljenquist
Madsen  Mayne  Morgan  Niederhauser
Okerlund  Robles  Romero  Stephenson
Stowell  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Jenkins  Jones  Knudson  McCoy

1st Sub. S.B. 107 was transmitted to the House for consideration.

SECOND READING CALENDAR

1st Sub. S.B. 126, STATE PERSONNEL MANAGEMENT ACT AMENDMENTS, was read the second time.

On motion of Senator Liljenquist, the bill was circled.
S.B. 112, OBSTRUCTION OF JUSTICE AMENDMENT, was read the second time. Senator Okerlund explained the bill.

Senator Okerlund proposed the following amendment:

1. Page 3, Line 70a
   Senate Committee Amendments
   2–2–2009

   70a \( \hat{S} \rightarrow \text{(iv) a violation of Subsection (1)(h)} \) \( \{ \rightarrow \} \); or \( \hat{S} \)

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

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

**Voting in the affirmative were:** Senators
Bell    Bramble    Christensen    Dayton
Goodfellow Greiner  Hillyard    Hinkins
Jones   Madsen    Mayne       McCoy
Morgan  Niederhauser Okerlund  Robles
Romero  Stephenson Stowell    Valentine
Van Tassell Waddoups

**Absent or not voting were:** Senators
Buttars  Davis    Jenkins    Killpack
Knudson  Liljenquist Urquhart

* * *

S.B. 23, INCOME TAXATION OF PASS–THROUGH ENTITIES AND PASS–THROUGH ENTITY TAXPAYERS, was read the second time.

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

1st Sub. S.B. 23 Income Taxation of Pass–through Entities and Pass–through Entity Taxpayers (W. Niederhauser)

Senator Niederhauser explained the bill. Senators Greiner and Valentine commented. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**
Voting in the affirmative were: Senators
Bell  Davis  Dayton  Goodfellow
Greiner  Hinkins  Jenkins  Jones
Liljenquist  Madsen  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Romero
Stephenson  Stowell  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
B Bramble  Buttars  Christensen  Hillyard
Killpack  Knudson  Robles  Urquhart

* * *

S.B. 108, TAX COMMISSION ADMINISTRATION, COLLECTION, AND ENFORCEMENT AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Davis  Dayton
Goodfellow  Greiner  Hinkins  Jenkins
Jones  Killpack  Liljenquist  Madsen
Mayne  McCoy  Morgan  Niederhauser
Okerlund  Robles  Romero  Stephenson
Stowell  Urquhart  Valentine  Van Tassell

Absent or not voting were: Senators
Buttars  Christensen  Hillyard  Knudson
Waddoups

* * *

S.B. 49, SMALL BUSINESS ACCESS TO JUSTICE ACT, was read the second time. Senator Romero explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Dayton  Goodfellow  Greiner  Hinkins
Day 16

S.B. 120, WORKERS’ COMPENSATION ACT – MEDICAL REPORTS, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**S.B. 121.** WORKERS’ COMPENSATION ACT – ATTORNEY FEES, was read the second time. Senator Mayne explained the bill. Senator Valentine declared a conflict of interest. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Hillyard  Knudson  Niederhauser

***

On motion of Senator Bramble, under suspension of the rules, the Senate voted to read S.B. 66, HIGHWAY DESIGNATION AMENDMENTS, for the first time place it at the top of the Second Reading Calendar.

***

On motion of Senator Hinkins, under suspension of the rules, S.B. 66, HIGHWAY DESIGNATION AMENDMENTS, was considered read the second and third times. Senator Hinkins explained the bill. Senators McCoy, Davis, Bramble, Valentine, Goodfellow, Stowell, Dayton, and Jones commented. The bill passed on the following roll call:

Y eas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hinkins  Jenkins  Jones  Killpack
Liljenquist  Madsen  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Robles
Romero  Stephenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Hillyard  Knudson

S.B. 66 was transmitted to the House.

COMMITTEE OF THE WHOLE

On motion of Senator Hinkins, former Senator Mike Dmitrich spoke in Committee of the Whole.

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 10, 2009

The House refuses to recede from its amendments to S.C.R. 1, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO
ESTABLISH AN EMPLOYER–SPONSORED WORK PROGRAM, by Senator S. Jenkins, and has appointed a Conference Committee consisting of Representatives B. Dee, C. Herrod, and T. Cosgrove to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Jenkins, the Senate voted to refuse to recede from its amendments to S.C.R. 1. President Waddoups appointed a conference committee consisting of Senators Jenkins, Madsen, and Romero to meet with a like committee from the House.

* * *

Mr. President: February 10, 2009

The House passed H.J.R. 15, JOINT RESOLUTION APPROVING COMPENSATION OF IN–SESSION EMPLOYEES, by Representative K. Garn, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.J.R. 15 was read the first time and referred to the Rules Committee.

On motion of Senator Killpack, the Senate voted to lift H.J.R. 15, JOINT RESOLUTION APPROVING COMPENSATION OF IN–SESSION EMPLOYEES, from the Rules Committee and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Killpack, under suspension of the rules, H.J.R. 15, JOINT RESOLUTION APPROVING COMPENSATION OF IN–SESSION EMPLOYEES, was considered read the second and third times and passed on the following roll call:

Y eas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

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Absent or not voting were: Senators
Bramble    Hinkins    Knudson

H.J.R. 15 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Killpack, and at 11:45 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:15 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 10, 2009

The House concurred in the Senate amendments and passed H.B. 31, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, by Representative C. Wimmer, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 31, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

Mr. President: February 10, 2009

The House passed, as amended, H.B. 97, SEXUAL EXPLOITATION OF A MINOR, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed H.B. 127, PERSONAL INJURY PROTECTION COVERAGE AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 97 and H.B. 127 were read the first time and referred to the Rules Committee.
Mr. President: February 10, 2009

The House refused to concur with the Senate Amendments to H.B. 30, COMMERCIAL MOTOR VEHICLE AMENDMENTS, by Representative T. Kiser, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Van Tassell, the Senate voted to recede from its amendments.

H.B. 30, COMMERCIAL MOTOR VEHICLE AMENDMENTS, was before the Senate.

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


Senator Van Tassell proposed the following amendment:

1. Page 1, Line 20:
   Delete “commercial”

2. Page 8, Line 226:
   Delete “October” and insert “July”

Senator Van Tassell’s motion to amend passed on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell       Buttars     Christensen     Davis
Dayton     Goodfellow  Greiner        Hillyard
Hinkins    Jenkins     Jones          Killpack
Liljenquist Mayne      Morgan        Niederhauser
Okerlund   Robles      Romero        Stephenson
Stowell    Urquhart    Valentine      Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble    Knudson     Madsen        McCoy
1st Sub. H.B. 30, as amended, was returned to the House.

INTRODUCTION OF BILLS

S.B. 199, Equal Recognition of School Parent Groups (C. Bramble), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Liljenquist, the circle was removed from 1st Sub. S.B. 126, STATE PERSONNEL MANAGEMENT ACT AMENDMENTS, and it was before the Senate. Senator Liljenquist explained the bill.

Senator Killpack proposed the following amendment:

1. Page 1, Line 25 through Page 2, Line 26
   
   25 Other Special Clauses:
   
   26 {None} This bill provides an immediate effective date.

1. Page 4, Line 117:
   
   117 Section 67–19–17, Reappointment of employees not retained in exempt position.
   
   Section 4. Effective Date.
   
   If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the Governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8 without the Governor’s signature, or in the case of a veto, the date of override.

Senator Killpack’s motion to amend passed on a voice vote. Senators Mayne, Jones, Killpack, and Robles commented.

On motion of Senator Liljenquist, under suspension of the rules, 1st Sub. S.B. 126, STATE PERSONNEL MANAGEMENT ACT AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

Y eas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

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Absent or not voting were: Senators
Knudson, Madsen

1st Sub. S.B. 126 was transmitted to the House.

*S*B. 87, PREFERRED DRUG LIST REVISIONS, was read the second time. Senator Christensen explained the bill.

Senator Christensen proposed the following amendment:

1. Page 3, Line 68

   drugs without the written or oral consent of the health care provider and the patient.

   (3) The department shall report to the Health and Human Services Interim Committee and to the Health and Human Services Appropriations Subcommittee prior to November 1, 2010 regarding the savings to the Medicaid program resulting from the use of the preferred drug list permitted by Subsection (1).

   Senator Christensen’s motion to amend passed on a voice vote. Senators Jones, Davis, Valentine, Killpack, Liljenquist, Dayton, and Bramble commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 6; Absent, 2.

Voting in the affirmative were: Senators
Bell, Buttars, Christensen, Dayton
Greiner, Hillyard, Hinkins, Jenkins
Jones, Liljenquist, Madsen, McCoy
Morgan, Niederhauser, Okerlund, Robles
Stowell, Urquhart, Valentine, Van Tassell
Waddoups

Voting in the negative were: Senators
Bramble, Davis, Goodfellow, Killpack
Mayne, Romero
Absent or not voting were: Senators
Knudson       Stephenson

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 10, 2009

The Speaker of the House has signed 1st Sub. S.B. 22, VEHICLE AMENDMENTS, by Senator S. Jenkins, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 22 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 10, 2009

The House passed, as substituted, 1st Sub. H.B. 49, VOTER CHALLENGE AMENDMENTS, by Representative N. Hansen, and it is transmitted for consideration; and

The House passed, as substituted and amended, 2nd Sub. H.B. 61, LOCAL GOVERNMENT ENTITY CHANGES, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed H.B. 65, REPORTING OF CERTAIN TRANSACTIONS EXEMPT FROM SALES AND USE TAXES, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as amended, H.B. 76, INCOME TAX CREDIT FOR MILITARY RETIRED PAY, by Representative S. Mascaro, and it is transmitted for consideration; and

The House passed, as amended, H.B. 102, FALSE VEHICLE TITLE AND REGISTRATION PENALTIES, by Representative P. Ray, and it is transmitted for consideration; and

The House passed H.B. 104, DRIVER LICENSE HEARING AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed H.B. 116, UNIFORM FEES ON CANOES, by Representative M. Wheatley, and it is transmitted for consideration; and
The House passed **H.B. 235**, DAM SAFETY AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed **H.B. 253**, MOTOR CARRIER PERMIT FEE AMENDMENTS, by Representative T. Kiser, et al., and it is transmitted for consideration; and

The House passed **H.B. 275**, DOMESTIC VIOLENCE IN PRESENCE OF A CHILD AMENDMENTS, by Representative K. Gibson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


* * *

On motion of Senator Killpack and at 3:00 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 11, 2009.
SEVENTEENTH DAY

February 11, 2009

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

Prayer – Iman Muhammed Mehtar
Pledge of Allegiance – Senator Chris Buttars
Roll Call – All Senators present except Senator Knudson, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

SPECIAL MUSICAL PRESENTATION

Allison Hopson played a violin solo entitled “Gigue” by Vericini

COMMUNICATIONS FROM THE HOUSE

Mr. President: 
February 10, 2009

The House passed H.B. 29, SEX OFFENDERS’ CONTACT WITH CHILDREN, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed H.B. 83, PROPERTY TAX RELIEF PROGRAMS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as amended, H.B. 105, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed, as amended, H.B. 108, HORMONE RESTORATION AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed, as amended, H.B. 278, B AND C ROADS FUND AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk
Communications filed. H.B. 29, H.B. 83, H.B. 105, H.B. 108, and H.B. 278 were read the first time and referred to the Rules Committee.
The Business and Labor Committee reports a favorable recommendation on **S.B. 167**, AMENDMENTS TO UNIFORM DEBT–MANAGEMENT SERVICES ACT, by Senator L. Hillyard; 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 reports a favorable recommendation on **H.B. 266**, WRONGFUL LIEN AMENDMENTS, by Representative G. Froerer.

John L. Valentine, Chair

The Health and Human Services Committee reports a favorable recommendation on **S.B. 21**, STATE AND LOCAL HEALTH AUTHORITIES AMENDMENTS, by Senator D. Stowell, with the following amendments:

1. Page 1, Line 23:
   
   23 goals and budget; {and} ▶ allows the Department of Health to use federal grant money to pay certain administrative costs; and

2. Page 3, Line 69:
   
   69 government before the grant application is submitted, if the grant could provide funds for local health departments to help them fulfill their duties and responsibilities; and

3. Page 3, Line 77:
   
   77 (ii) make a binding decision on the goals and budget for the grant.
   
   (d) The department may use money from grants from the federal government referred to in this Subsection (3) to pay the administrative costs incurred in implementing this Subsection (3); 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; 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.

**D. Chris Buttars, Chair**

Mr. President: February 10, 2009

The Education Committee reports a favorable recommendation on **S.B. 77**, GRANTS FOR LICENSED TEACHERS AMENDMENTS, by Senator M. Madsen; and

The Education Committee reports a favorable recommendation on **S.B. 81**, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, by Senator M. Dayton, with the following amendments:

1. Page 3, Lines 59 through 61:

   59 following conditions:

   60 (i) an appropriate assessment is given to high school students prior to participation in concurrent enrollment to ensure that students are prepared for college level work, an appropriate assessment is given:

   (A) prior to participation in mathematics and English courses; and

   (B) in meeting prerequisites established for a campus–based course by the sponsoring institution;

2. Page 6, Line 153:

   153 program.

   (5) The scholarship program described under Subsection (4) shall be funded from existing appropriations for concurrent enrollment
that are allocated to the State Board of Regents.

Curtis S. Bramble, Chair

Mr. President: February 10, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 149, FOREST RESERVE FUND REVISIONS, by Representative M. Noel.

Dennis E. Stowell, Chair

On motion of Senator Dayton, the committee reports were adopted. S.B. 167, H.B. 85, H.B. 266, S.B. 21, as amended, S.B. 173, H.B. 33, S.B. 77, S.B. 81, as amended, and H.B. 149 were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 73, Unincorporated Areas Amendments (K. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 220, Cohabitant Abuse Procedures Act Amendments (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.C.R. 4, Resolution Supporting Obesity Awareness (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.J.R. 16, Joint Resolution Supporting Nuclear Power (D. Hinkins), read the first time by short title and referred to the Rules Committee.

S.J.R. 17, Hydraulic Fracturing Joint Resolution (D. Hinkins), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

On motion of Senator Dayton, H.B. 56, DECLARATION OF CANDIDACY AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Dayton, H.B. 45, PER DIEM AND TRAVEL EXPENSES FOR STATE BOARDS AND COMMISSIONS, was read the third time and circled.
H.B. 226, DISASTER RECOVERY AND EMERGENCY MANAGEMENT AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Bell  Buttars  Davis  Dayton
Goodfellow  Greiner  Hillyard  Hinkins
Jenkins  Jones  Liljenquist  Madsen
Mayne  Morgan  Niederhauser  Okerlund
Robles  Romero  Stowell  Valentine
Waddoups

**Absent or not voting were:** Senators

Bramble  Christensen  Killpack  Knudson
McCoy  Stephenson  Urquhart  Van Tassell

H.B. 226 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**H.B. 58, SALES AND USE TAX – DETERMINING THE LOCATION OF CERTAIN TRANSACTIONS, was read the third time, explained by Senator Bramble, and passed on the following roll call:**

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

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Jenkins  Jones
Liljenquist  Madsen  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Robles
Romero  Stowell  Urquhart  Valentine
Waddoups

**Absent or not voting were:** Senators

Killpack  Knudson  Stephenson  Van Tassell

H.B. 58 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
On motion of Senator Bell, **H.B. 38, REFUGEE SERVICES FUND AMENDMENTS**, was read the third time and circled.

**H.B. 55, AMENDMENTS TO TOURISM, RECREATION, CULTURAL, CONVENTION, AND AIRPORT FACILITIES TAX ACT**, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell
Bramble
Buttars
Davis
Dayton
Goodfellow
Greiner
Hillyard
Hinkins
Jenkins
Jones
Killpack
Liljenquist
Madsen
Mayne
McCoy
Morgan
Niederhauser
Okerlund
Robles
Romero
Stowell
Urquhart
Valentine
Van Tassell
Waddoups

**Absent or not voting were:** Senators
Christensen
Knudson
Stephenson

**H.B. 55** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**THIRD READING CALENDAR**

**S.B. 112, OBSTRUCTION OF JUSTICE AMENDMENTS**, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell
Bramble
Buttars
Christensen
Davis
Dayton
Goodfellow
Greiner
Hillyard
Hinkins
Jenkins
Jones
Killpack
Liljenquist
Madsen
Mayne
McCoy
Morgan
Niederhauser
Okerlund
Robles
Romero
Stephenson
Stowell
Urquhart
Van Tassell
Waddoups
Absent or not voting was: Senator Knudson

S.B. 112 was transmitted to the House for consideration.

***

On motion of Senator Niederhauser, 1st Sub. S.B. 23, INCOME TAXATION OF PASS–THROUGH ENTITIES AND PASS–THROUGH ENTITY TAXPAYERS, was read the third time and circled.

***

On motion of Senator Niederhauser, S.B. 108, TAX COMMISSION ADMINISTRATION, COLLECTION, AND ENFORCEMENT, was read the third time and circled.

***

S.B. 49, SMALL BUSINESS ACCESS TO JUSTICE ACT, was read the third time, explained by Senator Romero, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell
Davis
Hillyard
Killpack
McCoy
Robles
Urquhart

Bramble
Dayton
Hinkins
Liljenquist
Morgan
Romero
Valentine

Buttars
Goodfellow
Jenkins
Madsen
Niederhauser
Stephenson
Van Tassell

Buttars
Goodfellow
Greiner
Jones
Mayne
Okerlund
Stowell
Waddoups

Absent or not voting was: Senator Knudson

S.B. 49 was transmitted to the House for consideration.

***

S.B. 120, WORKERS’ COMPENSATION ACT – MEDICAL REPORTS, was read the third time and explained by Senator Mayne.

Senator Mayne proposed the following amendment:
1. Page 3, Lines 82 through 84

82 (ii) Within \(\{15\} \ 20\) days after the report described in Subsection (2)(d)(i) is deposited in the United States post office, the following may file with the administrative law judge a written objection to the report:

Senator Mayne’s motion to amend passed on a voice vote. Senator Madsen commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell | Buttars | Christensen | Davis
---|---|---|---
Goodfellow | Greiner | Hillyard | Hinkins
Jenkins | Jones | Killpack | Liljenquist
Madsen | Mayne | McCoy | Morgan
Niederhauser | Okerlund | Robles | Romero
Stephenson | Stowell | Urquhart | Valentine
Van Tassell | Waddoups |

**Absent or not voting were:** Senators

Bramble | Dayton | Knudson |

**S.B. 120,** as amended, was transmitted to the House for consideration.

* ***

**S.B. 121,** WORKERS’ COMPENSATION – ATTORNEY FEES, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell | Bramble | Buttars | Christensen
---|---|---|---
Davis | Dayton | Goodfellow | Hillyard
Hinkins | Jenkins | Jones | Killpack
Liljenquist | Mayne | McCoy | Morgan
Niederhauser | Okerlund | Robles | Romero
Stowell | Urquhart | Valentine | Van Tassell
Waddoups |
Absent or not voting were: Senators
Greiner Knudson Madsen Stephenson

S.B. 121 was transmitted to the House for consideration.

***

On motion of Senator Christensen, S.B. 87, PREFERRED DRUG LIST REVISIONS, was read the third time and circled.

***

On motion of Senator Bell, the Senate voted to move to Consent Calendar.

CONSENT CALENDAR

On motion of Senator Bell, the circle was removed from H.B. 38, REFUGEE SERVICES FUND AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Dayton Goodfellow Hillyard Hinkins
Jenkins Jones Killpack Liljenquist
Mayne McCoy Morgan Niederhauser
Okerlund Robles Romero Stowell
Urquhart Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Davis Greiner Knudson Madsen Stephenson

H.B. 38 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Killpack, the Senate voted to lift H.B. 149, FOREST RESERVE FUND REVISIONS, to the top of the Second Reading Calendar.

***

H.B. 149, FOREST RESERVE FUND REVISIONS, was read the second time. Senator Okerlund explained the bill. Senators Hillyard and Valentine commented.
On motion of Senator Okerlund, the bill was circled.

* * *

**S.B. 48, TEACHER LICENSING BY COMPETENCY AMENDMENTS,** was read the second time.

On motion of Senator Buttars, the bill was circled.

* * *

**H.B. 22, HARBORING A RUNAWAY,** was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell Bramble Buttars Christensen
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Killpack
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Valentine
Van Tassell

**Absent or not voting were:** Senators

Davis Knudson Urquhart Waddoups

* * *

On motion of Senator Killpack, **H.B. 216, TELECOMMUNICATION PRICING FLEXIBILITY AMENDMENTS,** was read the second time and circled.

* * *

On motion of Senator Okerlund, the Senate voted to move **H.B. 231, UTAH COMMISSION OF VOLUNTEERS AMENDMENTS,** to the top of the Second Reading Calendar.

**H.B. 231, UTAH COMMISSION OF VOLUNTEERS AMENDMENTS,** was read the second time. Senator Okerlund explained the bill. The bill passed second reading on the following roll call:
Yea, 24; Nay, 0; Absent, 5.

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Christensen
Dayton  Goodfellow  Hillyard  Hinkins
Jenkins  Jones  Killpack  Liljenquist
Madsen  Mayne  McCoy  Morgan
Niederhauser  Okerlund  Robles  Romero
Stephenson  Stowell  Valentine  Van Tassell

**Absent or not voting were:** Senators

Davis  Greiner  Knudson  Urquhart
Waddoups

***

On motion of Senator Jenkins, **1st Sub. H.B. 232**, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS REVISIONS, was read the second time and circled.

***

**H.B. 54**, AMENDMENTS TO VEHICLE REGISTRATION REQUIREMENTS, was read the second time. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:

Yea, 24; Nay, 0; Absent, 5.

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Christensen  Dayton
Goodfellow  Hillyard  Hinkins  Jenkins
Jones  Killpack  Liljenquist  Madsen
Mayne  McCoy  Morgan  Niederhauser
Okerlund  Robles  Romero  Stephenson
Stowell  Valentine  Van Tassell  Waddoups

**Absent or not voting were:** Senators

Buttars  Davis  Greiner  Knudson  Urquhart

***

On motion of Senator Jenkins, **H.B. 67**, PUBLIC HEARINGS ON PROPERTY TAX INCREASES, was read the second time and circled.
* * *

**H.B. 80, STUDY ON TAXPAYER ADVOCATE PROGRAM,** was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

- Bell
- Bramble
- Christensen
- Davis
- Dayton
- Goodfellow
- Greiner
- Hillyard
- Hinkins
- Jenkins
- Killpack
- Liljenquist
- Madsen
- Mayne
- McCoy
- Morgan
- Niederhauser
- Okerlund
- Robles
- Romero
- Stephenson
- Stowell
- Valentine
- Van Tassell
- Waddoups

**Voting in the negative was:** Senator

- Jones

**Absent or not voting were:** Senators

- Buttars
- Knudson
- Urquhart

* * *

**1st Sub. H.B. 60, FAMILY PRESERVATION SERVICES AMENDMENTS,** was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

- Bell
- Christensen
- Davis
- Dayton
- Goodfellow
- Greiner
- Hillyard
- Hinkins
- Jenkins
- Jones
- Killpack
- Liljenquist
- Madsen
- Mayne
- McCoy
- Morgan
- Niederhauser
- Okerlund
- Robles
- Romero
- Stephenson
- Stowell
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators

- Bramble
- Buttars
- Knudson

* * *

On motion of Senator Jenkins, **1st Sub. H.B. 90, ABORTION LAW AMENDMENTS,** was read the second time and circled.
H.B. 27, PROTECTIONS FOR AGRICULTURAL PRACTICES, was read the second time. Senator Dayton explained the bill. Senators McCoy and Valentine commented.

On motion of Senator Dayton, the bill was circled.

* * *

1st Sub. H.B. 62, STATE WATER DEVELOPMENT COMMISSION AMENDMENTS, was read the second time. Senator Davis explained the bill. The bill passed second reading on the following roll call:

Y eas, 26; Nays, 2; Absent, 1.

**Voting in the affirmative were:** Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Jenkins Jones Killpack
Liljenquist Madsen Mayne Morgan
Niederhauser Okerlund Robles Romero
Stephenson Stowell Urquhart Valentine
Van Tassell Waddoups

**Voting in the negative were:** Senators
Hinkins McCoy

**Absent or not voting was:** Senator
Knudson

* * *

H.J.R. 7, EQUINE RESOURCES JOINT RESOLUTION, was read the second time. Senator Stowell explained the bill.

Senator McCoy proposed the following amendment:

1. **Page 2, Line 36:**
   After “regulations” delete “and”
2. **Page 2, Line 36:**
   After “inspection” insert “, and enforcement”
Senator McCoy’s motion to amend failed on a voice vote. Senators McCoy, Christensen, and Jenkins commented. Senator Stephenson declared a conflict of interest. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 7; Absent, 1.**

**Voting in the affirmative were:** Senators

- Bell
- Bramble
- Buttars
- Christensen
- Davis
- Dayton
- Greiner
- Hillyard
- Hinkins
- Jenkins
- Killpack
- Liljenquist
- Madsen
- Niederhauser
- Okerlund
- Stephenson
- Stowell
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Voting in the negative were:** Senators

- Goodfellow
- Jones
- Mayne
- McCoy
- Morgan
- Robles
- Romero

**Absent or not voting was:** Senator

Knudson

* * *

On motion of Senator Christensen, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Christensen, the circle was removed from **S.B. 87, PREFERRED DRUG LIST REVISIONS**, and it was before the Senate. Senator Christensen explained the bill.

Senator Davis made a motion to substitute the bill. The motion failed on a voice vote.

Senator Killpack proposed the following amendment:

1. Page 2, Line 33e
   Senate Committee Amendments
   2–3–2009

   33e (ii) added to the preferred drug list after this act takes effect.

   (e) except as prohibited by Subsections 58–17b–606(4) and(5),
   the prior authorization requirements established under Subsections
(1)(c) and (d) shall permit a health care provider or the health care provider’s agent to obtain a prior authorization override of the preferred drug list through the department’s pharmacy prior authorization review process, which shall:

(i) provide either telephone or fax approval or denial of the request within 24 hours of the receipt of a request that is submitted during normal business hours of Monday through Friday from 8 am to 5 pm;

(ii) provide for the dispensing of a limited supply of a requested drug as determined appropriate by the department in an emergency situation, if the request for an override is received outside of the department’s normal business hours; and

(iii) require the health care provider to provide the department with documentation of the medical need for the preferred drug list override in accordance with criteria established by the department in consultation with the Pharmacy and Therapeutics Committee.

Senator Killpack’s motion to amend passed on a voice vote. Senators Liljenquist and McCoy commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

- Bramble
- Christensen
- Davis
- Dayton
- Goodfellow
- Greiner
- Hillyard
- Hinkins
- Jenkins
- Jones
- Killpack
- Liljenquist
- Madsen
- Mayne
- McCoy
- Morgan
- Niederhauser
- Okerlund
- Robles
- Romero
- Stephenson
- Stowell
- Urquhart
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators

- Bell
- Buttars
- Knudson
- Valentine

**S.B. 87** was transmitted to the House for consideration.

* * *

On motion of Senator Killpack and at 11:55 a.m., the Senate adjourned until 9:30 a.m., Thursday, February 12, 2009.
EIGHTEENTH DAY

February 12, 2009

The Senate was called to order at 9:45 a.m., with President Michael Waddoups presiding.

Prayer – Deacon Robb Benns, Calvary Baptist Church
Pledge of Allegiance – Senator Curtis Bramble
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

SPECIAL MUSICAL PRESENTATION

Alexis Hill, a student from Emerson Elementary School in Salt Lake School District played a flute solo of “The Star Spangled Banner”

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 11, 2009

The House passed, 1st Sub. S.B. 27, ELECTION LAW CHANGES, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 40, LAWFUL PRESENCE VERIFICATION FOR ISSUANCE OF A DRIVER LICENSE OR IDENTIFICATION CARD, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 88, ADMINISTRATIVE RULEMAKING ACT AMENDMENTS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 93, BUILDING AUTHORITIES, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 105, ENGINEERING AND COMPUTER SCIENCE INITIATIVE AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 27, S.B. 40, S.B. 88, S.B. 93, and S.B. 105 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.
Mr. President:

February 11, 2009

The House passed H.B. 71, WITHHOLDING TAX AMENDMENTS, by Representative E. Vickers, and it is transmitted for consideration; and

The House passed H.B. 118, ARCHIVES AND GRAMA REVISIONS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed, as amended, H.B. 218, FAMILY EMPLOYMENT PROGRAM AMENDMENTS, by Representative Janice Fisher, and it is transmitted for consideration; and

The House passed H.B. 279, UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT, by Representative B. Last, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 71, H.B. 118, H.B. 218, and H.B. 279 were read the first time and referred to the Rules Committee.

* * *

Mr. President:

February 11, 2009

The House passed, as amended, S.B. 104, HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS, by Senator L. Hillyard, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 11, 2009

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

Education Committee
S.B. 199 Equal Recognition of School Parent Groups (Sen. C. Bramble)

Government Operations and Political Subdivisions Committee
S.B. 73 Unincorporated Areas Amendments (Sen. K. Mayne)

Health and Human Services Committee
S.C.R. 4  Resolution Supporting Obesity Awareness  (Sen. D. C. Buttars)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 155  Adoption Exception to Custody and Visitation for Persons Other than Parents (Sen. L. Hillyard)
S.B. 220  Cohabitant Abuse Procedures Act Amendments  (Sen. B. Goodfellow)
H.B. 29  Sex Offenders’ Contact with Children  (Rep. R. Greenwood) (Sen. R. Okerlund)

Natural Resources, Agriculture and Environment Committee
S.J.R. 17  Hydraulic Fracturing Joint Resolution (Sen. D. Hinkins)
H.B. 105  Department of Agriculture and Food Amendments  (Rep. J. Mathis) (Sen. D. Stowell)

Revenue and Taxation Committee
H.B. 83  Property Tax Relief Programs (Rep. G. Froerer)  (Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee
S.J.R. 16  Joint Resolution Supporting Nuclear Power  (Sen. D. Hinkins)
H.B. 102  False Vehicle Title and Registration Penalties  (Rep. P. Ray) (Sen. D. Liljenquist)
H.B. 104  Driver License Hearing Amendments  
H.B. 253  Motor Carrier Permit Fee Amendments (Rep. T. Kiser)  
(Sen. K. Van Tassell)
(Sen. D. Stowell)

Margaret Dayton  
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 10, 2009

The Education Committee reports a favorable recommendation on H.B. 15, CAREER AND TECHNICAL EDUCATION AMENDMENTS, by Representative R. Bigelow, and that it be considered read for the first time.

Curtis S. Bramble, Chair

Mr. President: February 11, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 152, LEGISLATIVE MANAGEMENT POWERS, by Senator M. Waddoups; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 153, COUNTY AND MUNICIPAL LAND USE AMENDMENTS, by Senator M. Madsen; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 171, MUNICIPAL ANNEXATION AMENDMENTS, by Senator S. Jenkins, with the following amendments:

1. Page 6, Lines 168–170:
   Delete lines 168–170 and renumber accordingly; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.J.R. 6, LEGISLATOR COMMUNICATIONS WITH JUDICIARY AND EXECUTIVE BRANCH JOINT RULES RESOLUTION, by Senator J. Valentine, with the following amendments:

1. Page 2, Line 52:
   After “matter” insert “if that communication will unduly influence the case or proceeding”
2. Page 3. Line 70:
   After “judge,” delete
   “executive branch employee or executive branch” and insert “or an
   administrative law judge”

3. Page 3, Line 78:
   After “of this” delete “chapter” and insert “joint rule”

4. Page 4. Line 92:
   After “in this” delete “chapter” and insert “joint rule”; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 8, JOINT RESOLUTION REGARDING ELIGIBILITY FOR LEGISLATIVE OFFICE**, by Senator S. McCoy; and

Gregory S. Bell, Acting Chair

Mr. President: February 11, 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.

Wayne L. Niederhauser, Chair

Mr. President: February 10, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 52, NEW MOTOR VEHICLE FRANCHISE AMENDMENTS**, by Senator S. Killpack; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 172, UNDERINSURED MOTORIST COVERAGE AMENDMENTS**, by Senator S. Urquhart; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 179, SAFETY BELT ENFORCEMENT AMENDMENTS**, by Senator C. Bramble.

Stephen H. Urquhart, Chair

Mr. President: February 10, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 53, AWARDING OF ATTORNEY FEES**, by Senator S. Urquhart, be replaced and favorably recommends **1st Sub. S.B. 53, AWARDING OF ATTORNEY FEES** with the following amendments:
A court may not award attorney fees under the private attorney general doctrine as stated in Stewart v. Utah Public Service Commission, 885 P.2d 759 (1994), and its progeny; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends S.B. 165, STATUTE OF LIMITATION REVISIONS, by Senator M. Madsen, be replaced and favorably recommends 1st Sub. S.B. 165, STATUTE OF LIMITATION REVISIONS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 170, JUDICIARY AMENDMENTS, by Senator L. Hillyard, with the following amendments:

1. Page 2, Line 40:

78B−2−211, as renumbered and amended by Laws of Utah 2008, Chapter 3
78B−3−106, as renumbered and amended by Laws of Utah 2008, Chapter 3

2. Page 13, Line 387:

as the part improved and cultivated.

Section 10. Section 78B−3−106 is amended to read:

Death of adult — Suit by heir or personal representative.

(1) Except as provided in Title 34A, Chapter 2, Workers’ Compensation Act, when the death of a person who is not a minor is caused by the wrongful act or neglect of another, his heirs, or his personal representatives for the benefit of his heirs, may maintain an action for damages against the person causing the death, or, if the person is employed by another person who is responsible for his conduct, then against the other person.

(2) If the adult person has a guardian at the time of his death, only one action may be maintained for the person’s injury or death.

(3) The action may be brought by either the personal representatives of the adult deceased person, for the benefit of the person’s heirs, or by the guardian for the benefit of the heirs, as defined in Section 78B−3−105.

(4) In every action under this section and Section 78B−3−105
damages may be given as under all the circumstances of the case may be just.

Renumber remaining sections accordingly.

3. Page 15, Lines 441 through 450:

441 78B–6–138. Birth parent’s rights and duties dissolved.
442 [A] (1) Except as provided in Subsection (2), a birth parent of an adopted child is
443 released from all parental duties toward and all responsibilities for the adopted child, and has
444 no further rights with regard to that child at the earlier of:
445 [(1)] (a) the time the parent’s parental rights are terminated; or
446 [(2)] (b) the time the final decree of adoption is entered.
447 (2) {At the time the final decree of adoption is entered, a birth parent who is the spouse
448 of the adopting parent, is not released from any parental duties or responsibilities for the
449 adopted child, nor does the decree of adoption terminate any of that birth parent’s rights with
450 regard to the child. } Subsection (1) may not apply to a biological parent who is a party to the adoption petition, unless the petition expressly seeks termination of that biological parent’s rights.
451 (3) Nothing in this section may be construed to permit any adoptions that are prohibited by Subsection 78B–6–117(3).

4. Page 12, Lines 356 through 357:

356 (1) The term of a justice court judge is six years beginning the first Monday in January
357 {–2010–} [{—(2) Judges} following the date of election, ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 176, CIVIL FEES IN COURTS OF RECORD AMENDMENTS, by Senator J. Greiner; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 182, CRIMINAL RESTITUTION AMENDMENTS, by Senator C. Bramble; and
The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.J.R. 12, JOINT RESOLUTION SUPPORTING EXPANSION OF CORRECTIONAL FACILITIES IN SAN JUAN COUNTY, by Senator D. Hinkins; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.J.R. 14, JOINT RESOLUTION – CHALLENGING THE LEGALITY OF A CONVICTION OR SENTENCE, by Senator C. Bramble, with the following amendments:

1. Page 2, Lines 34 through 35:

34 (2) (a) A person, including a person sentenced to death, may not be barred from obtaining relief from a conviction or sentence if the person can prove by clear and convincing evidence that the person did not:

35 (a) the person can prove by clear and convincing evidence that the person did not:

2. Page 2, Line 40:

40 (b) in the case of a person sentenced to death, may not be barred from obtaining relief from a conviction or sentence if the person can prove with newly

D. Chris Buttars, Chair


STANDING COMMITTEE REPORTS

Mr. President: February 11, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 75, UTAH COMMUNICATIONS AGENCY NETWORK AMENDMENTS, by Representative F. Hunsaker, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 252, EMERGENCY MANAGEMENT ADMINISTRATION COUNCIL AMENDMENTS, by Representative C. Oda,
and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Acting Chair

On motion of Senator Hillyard, the committee reports were adopted. H.B. 75 and H.B. 252 were considered read the second time and placed on the Consent Calendar.

* * *

Mr. President: February 11, 2009

The Revenue and Taxation Committee has deleted S.B. 114, TOBACCO TAX AMENDMENTS, by Senator A. Christensen, and replaced it with 2nd Sub. S.B. 114, TOBACCO TAX AMENDMENTS, and has tabled and returned it to the Rules Committee for filing.

Wayne L. Niederhauser, Chair

On motion of Senator Hillyard, the committee reports were adopted. 2nd Sub. S.B. 114 was returned to the Rules Committee for filing.

* * *

On motion of Senator Hillyard, the Senate voted to recall 1st Sub. S.B. 22, VEHICLE AMENDMENTS, from enrolling and place it at to top of the Third Reading Calendar. Senator Jenkins commented.

INTRODUCTION OF BILLS

S.B. 67, Miners’ Safety and Training (L. Robles), read the first time by short title and referred to the Rules Committee.

S.B. 192, Corporation Related Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 213, Restaurant Nutrition Labeling (H. Stephenson), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 138, INTERNAL SERVICE FUND RATE COMMITTEE AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Bell Bramble Buttars Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jones Killpack Knudson
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Valentine
Waddoups

Absent or not voting were: Senators
Christensen Jenkins Urquhart Van Tassell

S.B. 138 was transmitted to the House for consideration.

***

On motion of Senator Knudson, the circle was removed from H.B. 56, DECLARATION OF CANDIDACY AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jones Killpack Knudson
Liljenquist Madsen Mayne Morgan
Okerlund Robles Romero Stowell
Valentine Waddoups

Absent or not voting were: Senators
Buttars Jenkins McCoy Niederhauser
Stephenson Urquhart Van Tassell

H.B. 56 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Knudson, the circle was removed from H.B. 45, PER DIEM AND TRAVEL EXPENSES FOR STATE BOARDS AND COMMISSIONS, and it was before the Senate. The bill passed on the following roll call:
Yeas, 23; Nays, 0; Absent, 6.

**Voting in the affirmative were:** Senators

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**H.B. 45** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

**H.B. 234, CONSUMER CREDIT PROTECTION ACT MODIFICATION,** was read the third time, explained by Senator Bell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**H.B. 234** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

**S.B. 158, CHILD SUPPORT – CASH MEDICAL SUPPORT,** was read the third time, explained by Senator Bell, and passed on the following roll call:
Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Goodfellow  Greiner  Hillyard  Hinkins
Jones  Killpack  Knudson  Liljenquist
Madsen  Mayne  McCoy  Morgan
Okerlund  Robles  Romero  Stephenson
Stowell  Urquhart  Valentine  Waddoups

Absent or not voting were: Senators
Buttars  Dayton  Jenkins  Niederhauser
Van Tassell

S.B. 158 was transmitted to the House for consideration.

* * *

S.J.R. 7, JOINT RESOLUTION DESIGNATING MAY 2009 AS UTAH LIONS CLUB EYESIGHT PRESERVATION MONTH, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Davis  Dayton
Goodfellow  Greiner  Hillyard  Hinkins
Jones  Killpack  Knudson  Liljenquist
Madsen  Mayne  McCoy  Morgan
Okerlund  Robles  Romero  Stephenson
Stowell  Urquhart  Valentine  Waddoups

Absent or not voting were: Senators
Buttars  Christensen  Jenkins  Niederhauser
Van Tassell

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

* * *

1st Sub. S.R. 3, RESOLUTION DESIGNATING SEPTEMBER 2009 AS HYDROCEPHALUS AWARENESS MONTH, was read the third time, explained by Senator Bell, and passed on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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1st Sub. S.R. 3 was transmitted to the staff for enrolling.

* * *

1st Sub. H.B. 81, HEALTH CARE PATIENT IDENTITY PROTECTION, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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1st Sub. H.B. 81 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 127, RETIREMENT AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:
Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators
Bramble Davis Dayton Goodfellow
Greiner Hillyard Hinkins Jenkins
Jones Killpack Knudson Liljenquist
Madsen Mayne McCoy Morgan
Okerlund Robles Romero Stowell
Urquhart Valentine Waddoups

Absent or not voting were: Senators
Bell Buttars Christensen Niederhauser
Stephenson Van Tassell

S.B. 127 was transmitted to the House for consideration.

* * *

S.B. 139, EMPLOYER ELECTION RETIREMENT AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Buttars Davis Dayton
Goodfellow Greiner Hillyard Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Madsen Mayne McCoy
Morgan Okerlund Robles Romero
Stowell Urquhart Valentine Waddoups

Absent or not voting were: Senators
Bell Christensen Niederhauser Stephenson
Van Tassell

S.B. 139 was transmitted to the House for consideration.

* * *

S.B. 145, PUBLIC SAFETY RETIREES DEATH BENEFIT REVISIONS, was read the third time, explained by Senator Greiner, and passed on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Bell        Buttars        Davis        Dayton
Goodfellow  Greiner        Hillyard     Hinkins
Jenkins     Jones          Killpack     Knudson
Liljenquist Madsen        Mayne        McCoy
Morgan      Niederhauser  Okerlund     Robles
Romero      Stephenson    Stowell      Urquhart
Valentine   Waddoups

Absent or not voting were: Senators
Bramble     Christensen   Van Tassell

S.B. 145 was transmitted to the House for consideration.

CONCURRENCE CALENDAR

On motion of Senator Knudson, the circle was removed from S.B. 24, EARLY VOTING AMENDMENTS, and it was before the Senate.

On motion of Senator Knudson, the Senate voted to concur in the House amendments to S.B. 24, EARLY VOTING AMENDMENTS. Senator Romero commented and the bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell        Buttars        Davis        Dayton
Goodfellow  Greiner        Hinkins      Jenkins
Jones       Killpack       Knudson      Liljenquist
Madsen      Mayne          McCoy        Morgan
Niederhauser Okerlund      Robles       Romero
Stephenson  Stowell        Urquhart     Valentine
Waddoups

Absent or not voting were: Senators
Bramble     Christensen   Hillyard    Van Tassell

S.B. 24 was returned to the House for the signature of the Speaker.

***

On motion of Senator Knudson, the circle was removed from S.B. 25, ONLINE VOTER REGISTRATION, and it was before the Senate.
On motion of Senator Knudson, the Senate voted to concur in the House amendments to **S.B. 25, ONLINE VOTER REGISTRATION**. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

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**S.B. 25** was returned to the House for the signature of the Speaker.

**THIRD READING CALENDAR**

**H.B. 22, HARBORING A RUNAWAY,** was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**H.B. 22,** as amended, was returned to the House for further consideration.
On motion of Senator Niederhauser, the circle was removed from S.B. 108, TAX COMMISSION ADMINISTRATION, COLLECTION, AND ENFORCEMENT AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 58, Lines 1767 through 1772

1767 59–1–1419. Venue -- Section does not affect right to seek judicial review.

1768 (1) If the commission commences a proceeding relating to the following, the venue is the Third District Court in Salt Lake City:

1770 (1) (a) failure to pay a liability;
1771 (2) (b) failure to file a return; or
1772 (3) (c) failure to supply information.

(2) Nothing in this section affects a right to seek judicial review in accordance with Part 6, Judicial Review.

Senator Niederhauser’s motion to amend passed on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell        Bramble        Buttars        Davis
Dayton      Goodfellow     Greiner        Hillyard
Hinkins     Jenkins        Jones          Killpack
Knudson     Liljenquist    Madsen         Mayne
McCoy       Morgan         Niederhauser   Okerlund
Robles      Romero         Stephenson     Stowell
Urquhart    Valentine      Waddoups

Absent or not voting were: Senators
Christensen  Van Tassell

S.B. 108 was transmitted to the House for consideration.

H.B. 231, UTAH COMMISSION ON VOLUNTEERS AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Bell        Buttars        Davis        Dayton
Goodfellow  Greiner       Hillyard    Hinkins
Jenkins     Jones          Killpack    Knudson
Liljenquist Madsen        Mayne       McCoy
Morgan      Niederhauser  Okerlund    Robles
Romero      Stephenson    Stowell     Urquhart
Valentine   Waddoups

Absent or not voting were: Senators
Bramble     Christensen   Van Tassell

H.B. 231 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Christensen, H.B. 54, AMENDMENTS TO VEHICLE REGISTRATION REQUIREMENTS, was read the third time and circled.

***

H.B. 80, STUDY ON TAXPAYER ADVOCATE PROGRAM, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell        Bramble       Buttars       Christensen
Davis       Dayton        Goodfellow   Greiner
Hillyard    Hinkins       Jenkins      Jones
Killpack    Knudson       Liljenquist  Madsen
Mayne       McCoy         Morgan       Niederhauser
Okerlund    Robles        Romero       Stephenson
Stowell     Urquhart      Valentine    Waddoups

Absent or not voting was: Senator
Van Tassell

H.B. 80, as amended, was returned to the House for further consideration.

***

1st Sub. H.B. 60, FAMILY PRESERVATION SERVICES AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:
Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators
Bell        Bramble        Buttars        Christensen
Davis       Dayton         Goodfellow     Greiner
Hillyard    Hinkins        Jenkins        Jones
Killpack    Knudson        Liljenquist    Madsen
Mayne       McCoy          Morgan         Niederhauser
Okerlund    Robles         Romero         Stephenson
Stowell     Urquhart       Valentine      Waddoups

Absent or not voting was: Senator
Van Tassell

1st Sub. H.B. 60 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 62, STATE WATER DEVELOPMENT COMMISSION AMENDMENTS, was read the third time, explained by Senator Davis, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell        Buttars        Davis         Dayton
Goodfellow  Greiner       Hillyard      Hinkins
Jenkins     Jones          Killpack      Knudson
Liljenquist Madsen        Mayne         Morgan
Niederhauser Okerlund      Robles        Romero
Stephenson  Stowell       Urquhart      Valentine
Waddoups

Voting in the negative was: Senator
McCoy

Absent or not voting were: Senators
Bramble        Christensen   Van Tassell

1st Sub. H.B. 62, as amended, was returned to the House for further consideration.

* * *

1st Sub. S.B. 22, VEHICLE AMENDMENTS, was before the Senate.
On motion of Senator Hillyard, the bill was circled.

* * *

H.J.R. 7, EQUINE RESOURCES JOINT RESOLUTION, was read the third time, explained by Senator Stowell, and passed on the following roll call:

**Yeas, 19; Nays, 8; Absent, 2.**

**Voting in the affirmative were:** Senators
Bell  Bramble  Buttars  Christensen
Dayton  Greiner  Hinkins  Jenkins
Killpack  Knudson  Liljenquist  Madsen
Okerlund  Stephenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

**Voting in the negative were:** Senators
Goodfellow  Jones  Mayne  McCoy
Morgan  Niederhauser  Robles  Romero

**Absent or not voting were:** Senators
Davis  Hillyard

Senator Stephenson declared a conflict of interest.

H.J.R. 7 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, the circle was removed from 1st Sub. S.B. 22, VEHICLE AMENDMENTS, and it was before the Senate.

On motion of Senator Jenkins, the Senate refused to concur in the House amendments. 1st Sub. S.B. 22 was returned to the House. The House was asked to recede from its amendments.

SECOND READING CALENDAR

On motion of Senator Buttars, the circle was removed from S.B. 48, TEACHER LICENSING BY COMPETENCY AMENDMENTS, and it was before the Senate. Senator Buttars explained the bill.

Senator Valentine proposed the following amendment:
1. Page 2, Line 35:
Reinstate the stricken language and have it read:
“A local school board, a charter school or a person may request, and
the”

2. Page 2, Line 45:
Reinstate the stricken language and have it read:
“A local school board, charter school or a person”

Senator Valentine’s motion to amend passed on a voice vote. Senators Bell, Niederhauser, Madsen, Hillyard, Romero, Goodfellow, Morgan, Liljenquist, Robles, Jones, and McCoy commented. On motion of Senator Buttars, the Senate voted to suspend the rules and consider the bill on a House day. The bill passed second reading on the following roll call:

Y eas, 17; Nays, 11; A bsent, 1.

V oting in the a ffirmative were: Senators
Bramble Buttars Christensen Dayton
Greiner Hillyard Hinkins Jenkins
Killpack Knudson Liljenquist Madsen
Okerlund Stephenson Urquhart Valentine
Waddoups

V oting in the n egative were: Senators
Bell Davis Goodfellow Jones
Mayne McCoy Morgan Robles
Romero Stowell Van Tassell

A bsent or n ot voting was: Senator
Niederhauser

C OMMUNICATIONS FROM THE HOUSE

Mr. President: February 12, 2009

The House passed, as substituted, 1st Sub. H.C.R. 3, CONCURRENT RESOLUTION HONORING THE 200TH ANNIVERSARY OF THE BIRTH OF ABRAHAM LINCOLN, by Representative Julie Fisher, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk
Communications filed. 1st Sub. H.C.R. 3 was read the first time and referred to the Rules Committee.
SECOND READING CALENDAR

On motion of Senator Dayton, under suspension of the rules, 1st Sub. H.C.R. 3, CONCURRENT RESOLUTION HONORING THE 200TH ANNIVERSARY OF THE BIRTH OF ABRAHAM LINCOLN, was lifted from Rules and placed at the top of the Second Reading Calendar.

On motion of Senator Dayton, under suspension of the rules, 1st Sub. H.C.R. 3, CONCURRENT RESOLUTION HONORING THE 200TH ANNIVERSARY OF THE BIRTH OF ABRAHAM LINCOLN, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Jenkins  Jones
Killpack  Knudson  Liljenquist  Madsen
Mayne  McCoy  Morgan  Okerlund
Romero  Stowell  Urquhart  Valentine
Van Tassell  Waddoups

**Absent or not voting were:** Senators

Niederhauser  Robles  Stephenson

1st Sub. H.C.R. 3 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMITTEE OF THE WHOLE

On motion of Senator Valentine, 5th Grade students from Foothill Elementary School in Orem, Utah, recited the Gettysburg Address in Committee of the Whole.

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

* * *

On motion of Senator Dayton, the Senate voted to move S.B. 79, HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, from the Judiciary, Law Enforcement and Criminal Justice Standing Committee and assign it to the Health and Human Services Standing Committee.

On motion of Senator Killpack and at 12:00 noon, the Senate adjourned until 10:00 a.m., Friday, February 13, 2009.
NINETY-FOURTH DAY

February 13, 2009

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

Prayer – Rabbi Tracee Rosen, Congregation Kol Ami

Pledge of Allegiance – Senator John Valentine

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

Mr. President:

February 12, 2009

The Speaker of the House has signed S.B. 24, EARLY VOTING
AMENDMENTS, by Senator P. Knudson, and it is transmitted for the signature of
the President; and

The Speaker of the House has signed S.B. 25, ONLINE VOTER
REGISTRATION, by Senator P. Knudson, and it is transmitted for the signature of
the President; and

The House passed, S.B. 37, UTAH SUBSTANCE ABUSE AND
ANTI–VIOLENCE COORDINATING COUNCIL AMENDMENTS, by Senator
K. Van Tassell, et al, which has been signed by the Speaker and it is transmitted for
the signature of the President; and

The House passed, S.B. 110, OIL AND GAS LIMITATION OF ACTIONS
AMENDMENTS, by Senator K. Van Tassell, which has been signed by the
Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 122, UNIFORM STATE LAW – UNIFORM
UNSWORN FOREIGN DECLARATIONS ACT, by Senator L. Hillyard, which
has been signed by the Speaker and it is transmitted for the signature of the
President; and

The House passed, S.J.R. 2, TOPAZ MUSEUM AND CIVIL LIBERTIES
LEARNING CENTER JOINT RESOLUTION, by Senator D. Stowell, which has
been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 24, S.B. 25, S.B. 37, S.B. 110, S.B. 122, and S.J.R. 2 were signed by the
President of the Senate in open session. The bills will be enrolled and transmitted
to the Governor.
Mr. President: February 12, 2009

The House concurred in the Senate amendments and passed 1st Sub. H.B. 30, COMMERCIAL MOTOR VEHICLE AMENDMENTS, by Representative T. Kiser, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 30, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

Mr. President: February 12, 2009

The House passed H.B. 119, POWERSPORT VEHICLE FRANCHISE ACT REVISIONS, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed H.B. 241, PRIORITY OF WATER RIGHTS, by Representative K. Gibson, and it is transmitted for consideration; and

The House passed, as amended, H.B. 265, POSTMORTEM PROCEDURES AMENDMENTS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed H.B. 271, WORKERS’ COMPENSATION – UNINSURED EMPLOYERS’ FUND, by Representative M. Morley, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 119, H.B. 241, H.B. 265, and H.B. 271 were read the first time and referred to the Rules Committee.

Mr. President: February 12, 2009

The House adopted the Joint Conference Committee Report dated February 12, 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 further consideration.

Sandy D. Tenney, Chief Clerk

Mr. President: February 10, 2009

The Joint Conference Committee comprised of Sens. Jenkins, Madsen, and Romero, and Reps. 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
   House Floor Amendments
   2–5–2009:

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;

39 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;

41 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 immigrant an opportunity to be classified as a guest worker and receive a two-year immigration benefit that has the possibility of being renewed;

45 WHEREAS, the employer-sponsored work program would also address Utah’s need for both unskilled and skilled laborers while ensuring that all available local workers are given ample opportunity to meet that need;

Sen. Scott Jenkins,
and Rep. Brad Dee, Chairs

On motion of Senator Jenkins, the Senate voted to adopt the Joint Conference Committee report to S.C.R. 1, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER-SPONSORED WORK PROGRAM.
WORK PROGRAM. Senators Waddoups, Niederhauser, Madsen, and Mayne commented and the bill passed on the following roll call:

**Yeas, 16; Nays, 13; Absent, 0.**

**Voting in the affirmative were:** Senators
Bell  
Bramble  
Buttars  
Christensen
Hillyard  
Jenkins  
Jones  
Killpack
Knudson  
Liljenquist  
Okerlund  
Romero
Stephenson  
Stowell  
Valentine  
Van Tassell

**Voting in the negative were:** Senators
Davis  
Dayton  
Goodfellow  
Greiner
Hinkins  
Madsen  
Mayne  
McCoy
Morgan  
Niederhauser  
Robles  
Urquhart
Waddoups

**S.C.R. 1** was returned to the House for the signature of the Speaker.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 12, 2009
The Rules Committee recommends assignment of the following bills to standing committees:

**Business and Labor Committee**

**H.B. 279** Uniform Prudent Management of Institutional Funds Act  
(Rep. B. Last) (Sen. S. Urquhart)

**Government Operations and Political Subdivisions Committee**

**S.B. 69** Proof of Citizenship Required to Vote (Sen. M. Madsen)  
**S.B. 84** Impact Fees Revisions (Sen. G. Bell)  
**H.B. 118** Archives and Grama Revisions (Rep. D. Aagard)  
(Sen. B. Goodfellow)

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

**S.B. 11** Incest Amendments (Sen. D. Stowell)
Workforce Services and Community and Economic Development
Committee
H.B. 218
Family Employment Program Amendments

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 12, 2009

The Business and Labor Committee reports a favorable recommendation on S.B. 163, CONSTRUCTION TRADE EXEMPTION, by Senator S. Urquhart, with the following amendments:

1. Page 1, Lines 14 through 19:

   14 provides that electrical and plumbing work done within a six month period on a building project with a value of less than $3,000 must be done by a licensed electrical or plumbing contractor if the project involves an electrical or plumbing system; and

   17 provides that the electrical or plumbing work may be done by a licensed journeyman electrician or plumber if the project involves a single component of an electrical or plumbing system such as a faucet, toilet, fixture, device, outlet, or electrical switch.

2. Page 3, Lines 80 through 88:

   80 notwithstanding Subsection (1)(h)(i) and except as otherwise provided in this section:

   82 (A) work in the plumbing and electrical trades on a Subsection (1)(h)(i) project within any six month period of time: (1) must
be performed by [a licensed journeyman electrician or journeyman plumber except as
otherwise provided in this section;]:

{(-I) } a licensed electrical or plumbing contractor, if the
project involves an electrical or
plumbing system; and

(II) may be performed by a licensed journeyman
electrician or plumber, if the project involves a { single
item } component of the system

such as a faucet, toilet, fixture, { plug } device, outlet, or
electrical switch; and

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 recommends H.B. 243, RENTAL
RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST
COMMUNITIES, by Representative G. Froerer, be replaced and favorably
recommends 1st Sub. H.B. 243, RENTAL RESTRICTIONS ON
CONDOMINIUMS AND COMMON INTEREST COMMUNITIES.

John L. Valentine, Chair

Mr. President: February 12, 2009

The Health and Human Services Committee reports a favorable
recommendation on S.B. 43, INSURANCE COVERAGE FOR AUTISM
SPECTRUM DISORDERS – CLAY’S LAW, by Senator H. Stephenson, with the
following amendments:

1. Page 1, Lines 15 through 16:

15 ▶ requires that { an accident or health insurance policy
that provides a health insurance
benefit } a health benefit plan shall provide coverage for
treatment of autism spectrum disorders;

2. Page 3, Line 59:

59 (2) { An accident or health insurance policy that provides a
health insurance benefit } A health benefit plan shall
3. Page 3, Lines 65 through 71:

65 (4) Subject to Subsection (5), the rules described in Subsection (3) shall establish durational limits, amount limits, deductibles, and coinsurance for the treatment of autism spectrum disorders that are similar to, or identical to, the coverage provided for other illnesses. 

66 or diseases } provide that all cost sharing provisions for the coverage described in Subsection (2), including dollar limits, deductibles, and coinsurance, are not less favorable to the insured than the cost sharing provisions that apply to physical illness generally.

69 (5) Subject to Subsection (6), an accident or health insurance policy that provides a health insurance benefit shall provide coverage for the provision of early intensive behavior therapy for a person with an autism spectrum disorder of at least:

D. Chris Buttars, Chair

On motion of Senator Hillyard, the committee reports were adopted. S.B. 163, as amended, H.B. 51, 1st Sub. H.B. 243, and S.B. 43, as amended, were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 68, Mining Protection Amendments (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 186, Amendments to State Tax Commission Penalty Provisions (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 217, Drugs Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 227, Concealed Firearm Permit Fees Amendments (S. McCoy), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Valentine, legislative staff was authorized to draft a bill regarding escrow fees. Senator Romero commented.
On motion of Senator Bell, legislative staff was authorized to draft a bill regarding priority of utility easements.

CONSENT CALENDAR

H.B. 43, COORDINATING MUNICIPAL AND SPECIAL DISTRICT ELECTIONS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jones Killpack
Knudson Liljenquist Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Waddoups

Absent or not voting were: Senators
Jenkins Madsen Valentine Van Tassell

H.B. 43 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 44, LOCAL AND SPECIAL SERVICE DISTRICT ELECTION AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jones Killpack
Knudson Liljenquist Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Van Tassell Waddoups

Absent or not voting were: Senators
Jenkins Madsen Valentine
1st Sub. H.B. 44 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

S.B. 57, LOCAL OPTION TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Jones  Killpack
Knudson  Liljenquist  Madsen  McCoy
Morgan  Niederhauser  Okerlund  Robles
Romero  Stephenson  Stowell  Urquhart
Van Tassell  Waddoups

**Absent or not voting were:** Senators
Jenkins  Mayne  Valentine

S.B. 57 was transmitted to the House for consideration.

***

H.C.R. 1, CONCURRENT RESOLUTION ON CERTIFICATION OF COMPRESSED NATURAL GAS VEHICLES, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Jones  Killpack
Knudson  Liljenquist  McCoy  Morgan
Niederhauser  Okerlund  Robles  Romero
Stephenson  Stowell  Urquhart  Van Tassell
Waddoups

**Absent or not voting were:** Senators
Jenkins  Madsen  Mayne  Valentine
**H.C.R. 1** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

**S.J.R. 9**, RESOLUTION HONORING THE UTAH LAW ENFORCEMENT MEMORIAL FOUNDATION, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**S.J.R. 9** was transmitted to the House for consideration.

***

**H.B. 87**, IDENTITY THEFT AMENDMENT, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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H.B. 87 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 106, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jones Killpack Knudson
Liljenquist Madsen McCoy Morgan
Niederhauser Okerlund Robles Romero
Stephenson Stowell Urquhart Van Tassell
Waddoups

Absent or not voting were: Senators
Buttars Jenkins Mayne Valentine

H.B. 106 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

CONCURRENCE CALENDAR

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to S.B. 104, HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Buttars  Christensen  Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Killpack
Knudson Liljenquist McCoy Morgan
Niederhauser Okerlund Robles Romero
Stephenson Stowell Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Madsen Mayne
S.B. 104 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Buttars, S.B. 48, TEACHER LICENSING BY COMPETENCY AMENDMENTS, was read the third time and circled.

SECOND READING CALENDAR

On motion of Senator Greiner, the circle was removed from S.B. 91, ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT, and it was before the Senate. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Christensen  Davis  Dayton
Goodfellow  Greiner  Hinkins  Jenkins
Jones  Killpack  Knudson  Liljenquist
Madsen  McCoy  Morgan  Niederhauser
Okerlund  Robles  Romero  Stephenson
Stowell  Urquhart  Van Tassell  Waddoups

Absent or not voting were: Senators
Bramble  Buttars  Hillyard  Mayne
Valentine

***

On motion of Senator Knudson, the circle was removed from H.B. 216, TELECOMMUNICATION PRICING FLEXIBILITY AMENDMENTS, and it was before the Senate. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Buttars  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Killpack
Knudson  Liljenquist  Madsen  McCoy
Morgan  Niederhauser  Okerlund  Robles
Romero  Stephenson  Stowell  Valentine
Van Tassell  Waddoups
Absent or not voting were: Senators
Bramble       Mayne       Urquhart

* * *

On motion of Senator Knudson, the circle was removed from 1st Sub. H.B. 232, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS REVISIONS, and it was before the Senate. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell               Buttars        Christensen    Davis
Dayton            Goodfellow    Greiner        Hillyard
Hinkins           Jenkins        Jones          Killpack
Knudson           Liljenquist    Madsen        McCoy
Morgan            Niederhauser  Okerlund      Robles
Romero            Stephenson     Stowell       Urquhart
Valentine         Van Tassell    Waddoups

Absent or not voting were: Senators
Bramble       Mayne

* * *

On motion of Senator Valentine, the circle was removed from H.B. 149, FOREST RESERVE FUND REVISIONS, and it was before the Senate. Senator Valentine explained the bill. Senators Okerlund commented.

On motion of Senator Okerlund, under suspension of the rules, H.B. 149, FOREST RESERVE FUND REVISIONS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell               Buttars        Christensen    Davis
Dayton            Goodfellow    Greiner        Hillyard
Hinkins           Jenkins        Jones          Killpack
Knudson           Liljenquist    Madsen        McCoy
Morgan            Niederhauser  Okerlund      Romero
Stephenson        Stowell       Urquhart      Valentine
Absent or not voting were: Senators Bramble Mayne Robles

H.B. 149 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Davis, the circle was removed from S.B.111, HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS, and it was before the Senate. Senator Davis explained the bill.

Senator Davis proposed the following amendment:

1. Page 1, Line 11:
   
   11 Utah Health Code to include loan repayment assistance to geriatric professionals who practice in an underserved area.

2. Page 1, Lines 18 through 19:
   
   18/C0034 provides for loan repayment assistance, within funds appropriated by the Legislature for this purpose, to geriatric professionals who practice in an underserved area;

3. Page 3, Lines 65 through 66 Senate Committee Amendments 1–30–2009:
   
   65 (b) loan repayment assistance to geriatric professionals who locate or continue to practice in underserved areas Sco6regardless of whether the
   
   66 geriatric professionals provide services in underserved areas Sco2

4. Page 3, Lines 73 through 77 Senate Committee Amendments 1–30–2009:
   
   73 (d) service conditions, which at a minimum shall include Scoi
   
   74 (i) except for a geriatric professional Scoo professional service in an underserved area for a
   
   75 minimum period of time by any person receiving a scholarship or loan repayment assistance Scoo
(ii) for a geriatric professional, service in geriatrics for a minimum period of time by
any person receiving a scholarship or loan repayment assistance;

5. Page 4, Lines 102 through 108:

(1) There is created the Utah Health Care Workforce Financial Assistance Program

Advisory Committee consisting of the following [13] members appointed by the executive
director, {seven} eight of whom shall be residents of rural communities:

(a) one rural representative of Utah Hospitals and Health Systems, nominated by the
association;

(b) two rural representatives of the Utah Medical Association, nominated by the
association;

6. Page 5, Lines 124 through 132:

(k) one nursing administrator, nominated by the Utah Nurses Association[.]; and

(l) one geriatrician, nominated by the association; and

(m) one person described in Subsection 26-46-101(1)(a)(ii), (iii), (iv), (v), or (vi) geriatric professional who

is:

(i) determined by the department to have adequate advanced training in geriatrics to

prepare the person to provide specialized geriatric care within the scope of the person’s

profession; and

(ii) nominated by a professional association for the profession of which the person is a
Senior Davis’ motion to amend passed on a voice vote. Senators Knudson and Valentine commented. The bill passed on the following roll call:

**Yeas, 19; Nays, 8; Absent, 2.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

| Bramble | Mayne |

***

On motion of Senator Buttars, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Buttars, the circle was removed from **S.B. 48, TEACHER LICENSING BY COMPETENCY AMENDMENTS**, and it was before the Senate. Senator Buttars explained the bill.

Senator Goodfellow proposed the following amendment:

1. Page 2, Line 45–53:
   Delete lines 45–53 and renumber line 54 to 3a

2. Page 3, Line 67:
   Delete “an elementary” and insert “a”

Senator Goodfellow’s motion to amend passed on a voice vote. Senators Okerlund, Stowell, and Hillyard commented. The bill passed on the following roll call:

**Yeas, 18; Nays, 10; Absent, 1.**
Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Dayton
Hillyard  Jenkins  Killpack  Knudson
Liljenquist  Madsen  Niederhauser  Okerlund
Stephenson  Stowell  Urquhart  Valentine
Van Tassell  Waddoups

Voting in the negative were: Senators
Davis  Goodfellow  Greiner  Hinkins
Jones  Mayne  McCoy  Morgan
Robles  Romero

Absent or not voting was: Senator
Christensen

S.B. 48 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 143, SUNSET ACT AND REPEALERS REAUTHORIZATION, was read the second time. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 1, Line 20:
   Delete “None” and insert “This bill coordinates with H.B. 60, Family Preservation Services Amendments, by providing superseding amendments.”

2. Page 5, Line 148:
   After Line 148 insert:
   If this S.B. 143 and H.B. 60, Family Preservation Services Amendments both pass, it is the intent of the Legislature that the amendments to Subsection 63I–1–262(2) in H.B. 60 supersede the amendments to Subsection 63I–1–262(2) in this bill, when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication.”

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

Yeas, 24; Nays, 4; Absent, 1.
**Voting in the affirmative were:** Senators

Bell  Bramble  Davis  Greiner
Hillyard  Hinkins  Jenkins  Jones
Killpack  Knudson  Liljenquist  Mayne
McCoy  Morgan  Niederhauser  Okerlund
Robles  Romero  Stephenson  Stowell
Urquhart  Valentine  Van Tassell  Waddoups

**Voting in the negative were:** Senators

Buttars  Dayton  Goodfellow  Madsen

**Absent or not voting was:** Senator

Christensen

***

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 90**, ABORTION LAW AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 2, Lines 46a through 46d
   House Committee Amendments
   1–30–2009

   46a  Ê (1) As used in this section, “viable” means that the unborn child has reached a

   46b  stage of fetal development when the unborn child is potentially able to live outside the womb

   46c  {. by natural or artificial life-supportive systems }, as determined by the attending physician to a

   46d  reasonable degree of medical certainty.

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

###

Senator McCoy proposed the following substitute amendment:

1. Page 2, Lines 46a through 46d
   House Committee Amendments
   1–30–2009
(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, as determined by the attending physician.

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

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Stephenson, S.B. 43, INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS — CLAY’S LAW, will be considered Wednesday, February 18, 2009 at 2:10 p.m.

* * *

On motion of Senator Killpack and at 12:00 noon, the Senate adjourned until 10:00 a.m., Tuesday, February 17, 2009.
TWENTY–SECOND DAY

February 17, 2009

The Senate was called to order at 10:00 a.m., with President Michael Waddoups presiding.

Prayer – Kepi Heimuli, Counselor in the Payson 18th Ward Bishopric, The Church of Jesus Christ of Latter-day Saints

Pledge of Allegiance – Senator Lyle Hillyard

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 13, 2009

The House passed, S.B. 92, LOCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS, by Senator P. Jones, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 103, UNIFORM LAWS – UNIFORM PRINCIPAL AND INCOME ACT AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 104, HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.C.R. 1, CONCURRENENT 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 President.

Sandy D. Tenney, Chief Clerk

S.B. 92, S.B. 103, S.B. 104, and S.C.R. 1 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.
Mr. President: February 13, 2009

The House concurred in the Senate amendments and passed H.B. 31, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, by Representative C. Wimmer, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 31, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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Mr. President: February 13, 2009

The House passed, as substituted and amended, 1st Sub. H.B. 35, HIGHER EDUCATION TAX CREDIT AND CONTRIBUTION, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as amended, H.B. 42, ADOPTION REVISIONS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as amended, H.B. 114, ABORTION LITIGATION TRUST ACCOUNT AMENDMENTS, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed, as amended, H.B. 128, ELECTRONIC PRESCRIBING ACT, by Representative R. Menlove, et al, and it is transmitted for consideration; and

The House passed H.B. 239, UTAH MEDICAL EXAMINER ACT – INVESTIGATION AND AUTOPSIES AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed H.B. 270, PARENT–TIME HOLIDAY AND NOTIFICATION AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed H.B. 289, BACKGROUND CHECKS FOR QUALIFYING ENTITIES, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed H.B. 291, COUNTY PERSONNEL AMENDMENTS, by Representative B. King, and it is transmitted for consideration; and
The House passed **H.B. 295**, MONEY LAUNDERING AMENDMENTS, by Representative R. Wilcox, and it is transmitted for consideration; and

The House passed **H.J.R. 11**, JOINT RESOLUTION EXPRESSING SUPPORT FOR AND RECOGNIZING THE VALUE OF LOCALLY ELECTED OFFICIALS, by Representative M. Brown, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


* * *

Mr. President: February 13, 2009

The House refuses to recede from its amendments to **1st Sub. S.B. 22**, VEHICLE AMENDMENTS, by Senator S. Jenkins, and has appointed a Conference Committee consisting of Representatives M. Noel, W. Harper, and J. Gowans to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Jenkins, the Senate voted to refuse to recede from its amendments to **1st Sub. S.B. 22**. President Waddoups appointed a conference committee consisting of Senators Jenkins, Greiner, and Romero to meet with a like committee from the House.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 13, 2009

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

**Business and Labor Committee**

**S.B. 192** Corporation Related Amendments (Sen. L. Hillyard)

**H.B. 119** Powersport Vehicle Franchise Act Revisions
(Rep. J. Gowans) (Sen. C. Bramble)

**H.B. 271** Workers’ Compensation – Uninsured Employers’ Fund
(Rep. M. Morley) (Sen. K. Morgan)

**Education Committee**

**S.C.R. 3** Concurrent Resolution Urging the Creation of a Utah Council on Financial Education (Sen. P. Jones)
Health and Human Services Committee
S.B. 213 Restaurant Nutrition Labeling (Sen. H. Stephenson)
S.B. 217 Drugs Amendments (Sen. P. Knudson)
H.B. 265 Postmortem Procedures Amendments (Rep. B. Daw)
(Sen. L. Robles)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 227 Concealed Firearm Permit Fees Amendments
(Sen. S. McCoy)

Natural Resources, Agriculture and Environment Committee
S.B. 67 Miners’ Safety and Training (Sen. L. Robles)
S.B. 68 Mining Protection Amendments (Sen. S. Killpack)
(Sen. R. Okerlund)

Revenue and Taxation Committee
S.B. 186 Amendments to State Tax Commission Penalty Provisions
(Sen. H. Stephenson)
(Sen. D. Stowell)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 13, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 64, ADMINISTRATIVE RULES REVIEW COMMITTEE, by Senator H. Stephenson; and

The Government Operations and Political Subdivisions Committee recommends S.B. 124, INDEMNIFICATION FOR DESIGN PROFESSIONAL SERVICES, by Senator G. Bell, be replaced and favorably recommends 2nd Sub. S.B. 124, INDEMNIFICATION FOR DESIGN PROFESSIONAL SERVICES; and
The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 164**, IN PERSON VOTER REGISTRATION, by Senator S. McCoy.

Peter C. Knudson, Chair

Mr. President: February 13, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 157**, PROPERTY TAXATION OF AIRCRAFT, by Senator M. Madsen, with the following amendments, and recommends that it be considered to have been read for the first time:

1. Page 1, Lines 1 through 5:

   1 PROPERTY TAXATION AND REGISTRATION OF AIRCRAFT
   2 2009 GENERAL SESSION
   3 STATE OF UTAH
   4 Chief Sponsor: Mark B. Madsen
   5 House Sponsor: ___________

Wayne L. Niederhauser, Chair

Mr. President: February 13, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 92**, REQUIREMENT TO WEAR HUNTER ORANGE AMENDMENTS, by Representative S. Sandstrom; and
The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 235, DAM SAFETY AMENDMENTS, by Representative S. Sandstrom.

Dennis E. Stowell, Chair

Mr. President: February 13, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 113, SALVAGE VEHICLE TITLE AMENDMENTS, by Representative T. Kiser.

Stephen H. Urquhart, Chair

Mr. President: February 13, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 169, GAMBLING AMENDMENTS, by Senator D. Liljenquist; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends S.B. 180, EXPUNGEMENT OF DIVISION OF CHILD AND FAMILY SERVICES RECORDS, by Senator L. Hillyard, be replaced and favorably recommends 1st Sub. S.B. 180, EXPUNGEMENT OF DIVISION OF CHILD AND FAMILY SERVICES RECORDS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 183, VIOLATION OF PROTECTIVE ORDER, by Senator S. McCoy, with the following amendments:

1. Page 4, Lines 91 through 92:

   (c) Each protective order issued in accordance with this part, including protective orders issued ex parte, shall include the following language:

2. Page 4, Lines 112 through 113:

   (2) The court may amend or dismiss a protective order issued in accordance with this part that has been in effect for at least one year if it finds that:

3. Page 4, Line 119 through Page 5, Line 121:

   (d) the respondent has not been convicted of a protective order violation or any crime
of violence subsequent to the issuance of the protective order, and there are no unresolved charges involving violent conduct still on file with the court.

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 184**, CIVIL FILING FEES, by Senator G. Bell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 233**, AGGRAVATED SEXUAL ASSAULT AMENDMENTS, by Representative C. Wimmer; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 247**, AMENDMENTS TO EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, by Representative J. Bird.

D. Chris Buttars, Chair


**STANDING COMMITTEE REPORTS**

Mr. President: February 13, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 257**, POLITICAL SUBDIVISION CLERK AMENDMENTS, by Representative M. Newbold, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 258**, AMENDMENTS TO NOTICE PROVISIONS FOR SUBDIVISION CHANGES, by Representative K. Powell, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudsen, Chair

Mr. President: February 13, 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 recommends it be considered read for the second time and placed on the Consent Calendar.

Wayne L. Niederhauser, Chair

Mr. President: February 13, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.J.R. 17, HYDRAULIC FRACTURING JOINT RESOLUTION, by Senator D. Hinkins, and recommends it be considered read for the second time and placed on the Consent Calendar.

Dennis E. Stowell, Chair

Mr. President: February 13, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 24, TRAFFIC ACCIDENT CLEARANCE AMENDMENTS, by Representative E. Hutchings, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

1. Page 2, Lines 52 through 53
   House Committee Amendments
   1–28–2009:
   52  (1) (a) The operator of a vehicle involved in an accident resulting only in damage to another vehicle or other property [shall] {–may:} : 

2. Page 2, Lines 56 through 57a
   House Committee Amendments
   1–28–2009:
   56   (i) may move the vehicle as soon as possible off the roadway or freeway main lines, shoulders, medians, or adjacent areas to the nearest safe location on an exit ramp
   57a  shoulder, a frontage road,

3. Page 3, Lines 59 through 60:
   59   [(b) (ii)] (ii) shall remain at the scene of the accident or the location described in Subsection (1)(a)(i)
On motion of Senator Killpack, the committee reports were adopted. H.B. 257, H.B. 258, H.B. 65, S.J.R. 17, and H.B. 24, as amended, were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 70, Department of Environmental Quality Amendments (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 209, Land Use, Development, and Management Act Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.

S.R. 6, Senate Resolution Recognizing the Work Done by the League of United Latin American Citizens (L. Robles), read the first time by short title and referred to the Rules Committee.

S.J.R. 19, Joint Resolution Regarding Legislative Ethics (G. Davis), read the first time by short title and referred to the Rules Committee.

COMMITTEE OF THE WHOLE


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

CONSENT CALENDAR

H.B. 75, UTAH COMMUNICATIONS AGENCY NETWORK AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Urquhart Valentine

H.B. 75 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 252, EMERGENCY MANAGEMENT ADMINISTRATION COUNCIL AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Davis Dayton
Goodfellow Greiner Hillyard Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Madsen Morgan Niederhauser
Okerlund Robles Romero Stephenson
Stowell Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Christensen Mayne McCoy
Urquhart

H.B. 252 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Greiner, S.B. 91, ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT, was read the third time and circled.

* * *

S.B. 111, HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS, was read the third time, explained by Senator Davis, and passed on the following roll call:
Yeas, 22; Nays, 5; Absent, 2.

**Voting in the affirmative were:** Senators

Bell  
Bramble  
Davis  
Goodfellow  
Hillyard  
Hinkins  
Jenkins  
Jones  
Killpack  
Knudson  
Liljenquist  
Mayne  
McCoy  
Morgan  
Niederhauser  
Okerlund  
Robles  
Romero  
Stowell  
Urquhart  
Valentine  
Waddoups

**Voting in the negative were:** Senators

Dayton  
Greiner  
Madsen  
Stephenson  
Van Tassell

**Absent or not voting were:** Senators

Buttars  
Christensen

S.B. 111 was transmitted to the House for consideration.

* * *

On motion of Senator Niederhauser, the circle was removed from 1st Sub. S.B. 23, INCOME TAXATION OF PASS–THROUGH ENTITIES AND PASS–THROUGH ENTITY TAXPAYERS, and it was before the Senate.

Senator Niederhauser proposed the following amendment:

1. Page 32, Lines 972 through 976

972 (b) A pass–through entity is not required to pay or withhold a tax under Subsection

973 (1)(a):

974 (i) on behalf of a pass–through entity taxpayer who is a resident individual; {→off→ } 

975 (ii) if the pass–through entity is an organization exempt from taxation under Subsection

976 59–7–102(1)(a) {→z→ } ; or

(iii) if the pass–through entity is a publicly traded partnership:

(A) as defined in Section 7704(b), Internal Revenue Code;

(B) that is classified as a partnership for federal income tax purposes; and

(C) that files an annual information return reporting the following
with respect to each partner of the publicly traded partnership with income derived from or connected with Utah sources that exceeds $500 in a taxable year:

(I) the partner’s name;
(II) the partner’s address;
(III) the partner’s taxpayer identification number; and
(IV) other information required by the commission.

Senator Niederhauser’s motion to amend passed on a voice vote. Senator Niederhauser explained the bill. Senator Valentine commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Davis Dayton
Goodfellow Greiner Hillyard Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Christensen

1st Sub. S.B. 23 was transmitted to the House for consideration.

***

On motion of Senator Greiner, the circle was removed from S.B. 91, ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT, and it was before the Senate. Senator Greiner explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Christensen Davis Dayton
Goodfellow Greiner Hillyard Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups
Absent or not voting were: Senators
Bramble Buttars

S.B. 91 was transmitted to the House for consideration.

* * *

H.B. 216, TELECOMMUNICATION PRICING FLEXIBILITY AMENDMENTS, was read the third time and explained by Senator Knudson. Senators Jenkins and Mayne commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting were: Senators
Bramble Liljenquist Robles

H.B. 216 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 232, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS REVISIONS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting were: Senators
Bramble          Hillyard         Mayne

* * *

1st Sub. H.B. 232 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 143, SUNSET ACT AND REPEALERS REAUTHORIZATIONS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell           Bramble          Buttars         Christensen
Davis          Dayton          Goodfellow     Greiner
Hinkins        Jenkins         Jones          Killpack
Knudson        Liljenquist     Madsen         Mayne
McCoy          Morgan          Niederhauser   Okerlund
Robles         Romero          Stephenson     Stowell
Urquhart       Valentine       Van Tassell   Waddoups

Absent or not voting was: Senator
Hillyard

S.B. 143 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 140, FINANCIAL INSTITUTIONS DISCLOSURE OF RECORDS, was read the second time. Senator Dayton explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell           Bramble          Buttars         Christensen
Dayton         Goodfellow      Greiner         Hinkins
Jenkins        Jones           Killpack       Knudson
Liljenquist    Madsen          Mayne          McCoy
Morgan         Niederhauser    Okerlund       Robles
Romero         Stephenson      Stowell        Urquhart
Valentine      Van Tassell     Waddoups
Absent or not voting were: Senators
Davis        Hillyard

***

S.B. 135, LOCAL DISTRICT TAXING AUTHORITY, was read the second time. Senator Bramble explained the bill.

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

1st Sub. S.B. 135 Local District Taxing Authority (C. Bramble)

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

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

Voting in the affirmative were: Senators
Bell          Bramble          Buttars          Davis
Dayton       Goodfellow       Greiner          Hillyard
Hinkins      Jenkins          Jones           Knudson
Liljenquist  Mayne           McCoy           Morgan
Niederhauser Okerlund        Robles          Romero
Stephenson   Stowell         Urquhart        Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Christensen  Killpack        Madsen

***

S.B. 141, AVIATION FUEL TAX AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell          Bramble          Buttars          Davis
Dayton       Goodfellow       Greiner          Hillyard
Hinkins      Jenkins          Jones           Killpack
Knudson      Liljenquist      Mayne           McCoy
Morgan       Niederhauser     Robles          Romero
Stephenson   Stowell         Valentine        Van Tassell
Waddoups
Absent or not voting were: Senators
Christensen  Madsen  Okerlund  Urquhart

* * *

S.B. 50, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE, was read the second time. Senator Goodfellow explained the bill. Senators Greiner and Waddoups commented. The bill passed second reading on the following roll call:

Y eas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Davis
Dayton  Goodfellow  Greiner  Hinkins
Jenkins  Jones  Killpack  Knudson
Liljenquist  Mayne  McCoy  Morgan
Niederhauser  Okerlund  Robles  Romero
Stephenson  Stowell  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Christensen  Hillyard  Madsen  Urquhart

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, U.S. Senator Orrin Hatch spoke in Committee of the Whole. Senators Van Tassell, Jones, and Urquhart commented.

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

* * *

On motion of Senator Killpack and at 12:00 noon, the Senate adjourned until 10:00 a.m., Wednesday, February 18, 2009.
TWENTY-THIRD DAY
MORNING SESSION
February 18, 2009

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

Prayer – Daniel K. Judd, Second Counselor in the Sunday School General Presidency of the Church of Jesus Christ of Latter-day Saints
Pledge of Allegiance – Senator Peter Knudson
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 17, 2009

The House concurred in the Senate amendments and passed H.B. 22, HARBORING A RUNAWAY, by Representative L. Fowlke, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 62, STATE WATER DEVELOPMENT COMMISSION AMENDMENTS, by Representative K. Gibson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 80, STUDY ON TAXPAYER ADVOCATE PROGRAM, by Representative K. Grover, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk
H.B. 22, 1st Sub. H.B. 62, and H.B. 80, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

Mr. President: February 17, 2009

The House passed H.B. 228, ASSAULT ON SERVICE MEMBER IN UNIFORM, by Representative E. Hutchings, and it is transmitted for consideration; and
The House passed, as substituted and amended, 1st Sub. H.B. 240, WANTON DESTRUCTION OF LIVESTOCK, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, H.B. 261, AVIATION AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 264, EDUCATOR EVALUATION AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, H.B. 154, STATE CONSTRUCTION REGISTRY AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed H.C.R. 5, CONCURRENT RESOLUTION URGING THE REALIGNMENT OF AIR QUALITY REQUIREMENTS BY THE EPA, by Representative R. Menlove, and it is transmitted for consideration; and

The House 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, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 17, 2009

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

**Education Committee**

1st Sub. H.B. 35 Higher Education Tax Credit and Contribution  
(Rep. J. Dougall) (Sen. W. Niederhauser)

**Government Operations and Political Subdivisions Committee**

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. 209 Land Use, Development, and Management Act Amendments (Sen. G. Bell)
H.B. 291 County Personnel Amendments (Rep. B. King) (Sen. R. Romero)

Health and Human Services Committee
H.B. 42 Adoption Revisions (Rep. S. Allen) (Sen. D. Liljenquist)
H.B. 289 Background Checks for Qualifying Entities (Rep. S. Sandstrom) (Sen. L. Robles)

Judiciary, Law Enforcement, and Criminal Justice Committee

Natural Resources, Agriculture and Environment Committee
S.B. 70 Department of Environmental Quality Amendments (Sen. M. Dayton)

Transportation, Public Utilities and Technology Committee
H.B. 50 Firefighter Special Group License Plate Amendments (Rep. R. Menlove) (Sen. P. Knudson)

Workforce Services and Community and Economic Development Committee
S.R. 6 Senate Resolution Recognizing the Work Done by the League of United Latin American Citizens (Sen. L. Robles)

Margaret Dayton
Rules Committee Chair

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

Mr. President: February 17, 2009

The Business and Labor Committee reports a favorable recommendation on **S.B. 29**, SAFE DRINKING WATER ACT AMENDMENTS, by Senator D. Stowell, with the following amendments:

1. Page 2, Line 33:

   33 (a) “Corporate public water system” means a public water system that is owned by a corporation; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 78**, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, by Senator M. Madsen, with the following amendments:

1. Page 5, Lines 131 through 133:

   131 (2) Upon entry of final judgment for a cause of action brought under this section, the

   132 {attorney general shall } court may award restitution, when appropriate, to any individual suffering loss

   133 because of a violation of this chapter if proof of loss is submitted to the satisfaction of the ; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 78**, UTAH UNIFORM SECURITIES ACT MODIFICATIONS, by Representative J. Bird.

John L. Valentine, Chair

Mr. President: February 17, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.C.R. 4**, RESOLUTION SUPPORTING OBESITY AWARENESS, by Senator D. C. Buttars; and
The Health and Human Services Committee reports a favorable recommendation on 2nd Sub. H.B. 121, RETIRED VOLUNTEER HEALTH CARE PRACTITIONER ACT, by Representative M. Brown.

D. Chris Buttars, Chair

Mr. President: February 17, 2009

The Education Committee reports a favorable recommendation on S.B. 199, EQUAL RECOGNITION OF SCHOOL PARENT GROUPS, by Senator C. Bramble, with the following amendments:

1. Page 2, Line 58:

   58 leadership positions, or the ability to vote.
   
   (6) The provisions under Subsection (5)(c) do not apply to a parent group that waives the required payment of dues for a person upon the request of that person.

Curtis S. Bramble, Chair

On motion of Senator Dayton, the committee reports were adopted. S.B. 29, as amended, S.B. 78, as amended, H.B. 78, S.C.R. 4, 2nd Sub. H.B. 121, and S.B. 199, as amended, were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 17, 2009

The Business and Labor Committee reports a favorable recommendation on H.B. 279, UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT, by Representative B. Last, and recommends it be considered read for the second time and placed on the Consent Calendar.

John L. Valentine, Chair

Mr. President: February 13, 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, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

On motion of Senator Dayton, the committee reports were adopted. H.B. 279 and H.B. 91 were considered read the second time and placed on the Consent Calendar.

* * *

Mr. President: February 17, 2009

The Health and Human Services Committee has tabled S.B. 175, SIGNAGE REQUIREMENTS RELATING TO CHILDREN AND ANIMALS IN PARKED CARS, by Senator K. Mayne, and has returned it to the Rules Committee for filing.

D. Chris Buttars, Chair

On motion of Senator Dayton, the committee reports were adopted.

S.B. 175 was returned to the Rules Committee.

INTRODUCTION OF BILLS

S.B. 75, Utility Amendments (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 205, Community Development and Renewal Agency Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 211, Building Code Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 228, Prohibition on Internet or Mail–order Sales of Tobacco Products (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 243, Judicial Performance Evaluation Commission Modifications (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 244, Long Arm Jurisdiction Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.
S.B. 268, Title and Escrow Commission Related Amendments (J. Valentine), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 140, FINANCIAL INSTITUTIONS DISCLOSURE OF RECORDS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell             Buttars             Christensen          Davis
Dayton           Goodfellow          Greiner              Hillyard
Hinkins          Jenkins             Jones                Killpack
Knudson          Liljenquist         Madsen               Mayne
Morgan           Niederhauser       Okerlund             Robles
Romero           Stowell             Urquhart            Valentine
Van Tassell      Waddoups

Absent or not voting were: Senators
Bramble          McCoy               Stephenson

S.B. 140 was transmitted to the House for consideration.

***

On motion of Senator Christensen, 1st Sub. S.B. 135, LOCAL DISTRICT TAXING AUTHORITY, was read the third time and circled.

***

S.B. 141, AVIATION FUEL TAX AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell             Buttars             Christensen          Davis
Dayton           Goodfellow          Greiner              Hillyard
Hinkins          Jenkins             Jones                Killpack
Knudson          Liljenquist         Madsen               Mayne
Morgan           Niederhauser       Okerlund             Robles
Romero           Stephenson          Stowell             Urquhart
Valentine        Van Tassell         Waddoups
Absent or not voting were: Senators
Bramble McCoy

S.B. 141 was transmitted to the House for consideration.

* * *

S.B. 50, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Buttars Christensen Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Killpack
Knudson Liljenquist Madsen Mayne
Morgan Okerlund Robles Romero
Stowell Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble McCoy Niederhauser Stephenson

S.B. 50 was transmitted to the House for consideration.

* * *

On motion of Senator Bramble, the circle was removed from 1st Sub. S.B. 135, LOCAL DISTRICT TAXING AUTHORITY, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Buttars Davis Dayton
Goodfellow Greiner Hillyard Jenkins
Jones Killpack Knudson Liljenquist
Madsen Morgan Okerlund
Robles Romero Stowell Urquhart
Valentine Van Tassell Waddoups
**Voting in the negative was:** Senator Hinkins

**Absent or not voting were:** Senators

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**1st Sub. S.B. 135** was transmitted to the House for consideration.

**SECOND READING CALENDAR**

On motion of Senator Dayton, the circle was removed from **H.B. 27, PROTECTIONS FOR AGRICULTURAL PRACTICES**, and it was before the Senate. Senator Dayton explained the bill.

Senator Valentine proposed the following amendment:

1. Page 2, Line 46:
   After “Subsection 78B−6−1101(7)” delete “or”

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

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

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**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 18, 2009

The House passed **H.C.R. 8, CONCURRENT RESOLUTION SUPPORTING CURRENT BUREAU OF LAND MANAGEMENT RESOURCE**
MANAGEMENT PLANS, by Representative J. Mathis, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.C.R. 8 was read the first time and referred to the Rules Committee.

On motion of Senator Killpack, the Senate voted to lift H.C.R. 8, CONCURRENT RESOLUTION SUPPORTING CURRENT BUREAU OF LAND MANAGEMENT RESOURCE MANAGEMENT PLANS, from Rules and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Van Tassell, under suspension of the rules, H.C.R. 8, CONCURRENT RESOLUTION SUPPORTING CURRENT BUREAU OF LAND MANAGEMENT RESOURCE MANAGEMENT PLANS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble       Buttars    Christensen    Davis
Dayton        Greiner    Hillyard      Hinkins
Jenkins       Jones      Killpack      Knudson
Liljenquist   Madsen    Mayne         Niederhauser
Okerlund      Stephenson Stowell       Urquhart
Valentine     Van Tassell Waddoups

Voting in the negative were: Senators
McCoy         Morgan     Robles        Romero

Absent or not voting were: Senators
Bell          Goodfellow

H.C.R. 8 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 20, REPEAL OF CERTAIN INCOME TAX CREDITS AND CONTRIBUTIONS, was read the second time. Senator Niederhauser explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble  Buttars  Christensen  Davis
Dayton  Greiner  Hillyard  Hinkins
Jenkins  Jones  Killpack  Knudson
Liljenquist  Madsen  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Robles
Romero  Stephenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators

Bell  Goodfellow

On motion of Senator Hillyard, H.B. 20 was placed on Third Reading Table due to fiscal impact.

***

On motion of Senator Van Tassell, the circle was removed from H.B. 53, DRIVER LICENSE AMENDMENTS – MOTOR DRIVEN CYCLES, and it was before the Senate. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble  Buttars  Davis  Dayton
Goodfellow Greiner  Hillyard  Hinkins
Jenkins  Jones  Killpack  Knudson
Liljenquist  Madsen  Mayne  Morgan
Niederhauser  Okerlund  Robles  Romero
Stephenson  Stowell  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators

Bell  Christensen  McCoy

***

On motion of Senator Bramble, the circle was removed from 1st Sub. H.B. 90, ABORTION LAW AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:
Yeas, 18; Nays, 3; Absent, 8.

Voting in the affirmative were: Senators
Bramble              Dayton              Goodfellow          Hillyard
Hinkins              Jenkins             Jones               Knudson
Liljenquist          Madsen              Mayne               Morgan
Niederhauser         Okerlund            Stephenson          Stowell
Urquhart             Valentine

Voting in the negative were: Senators
Davis                Robles              Romero

Absent or not voting were: Senators
Bell                  Buttars             Christensen         Greiner
Killpack             McCoy              Van Tassell         Waddoups

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 18, 2009

The House passed, as amended, H.J.R. 10, JOINT RESOLUTION HONORING THE LIVES AND ACCOMPLISHMENTS OF FATHER FRANCISCO ATANASCO DOMINGUEZ AND FATHER SILVESTRE VELEZ DE E, by Representative M. Wheatley, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.J.R. 10 was read the first time and referred to the Rules Committee.

On motion of Senator Romero, the Senate voted to have H.J.R. 10, JOINT RESOLUTION HONORING THE LIVES AND ACCOMPLISHMENTS OF FATHER FRANCISCO ATANASCO DOMINGUEZ AND FATHER SILVESTRE VELEZ DE ESCALANTE, lifted from the Rules Committee and placed at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Romero, under suspension of the rules, H.J.R. 10, JOINT RESOLUTION HONORING THE LIVES AND ACCOMPLISHMENTS OF FATHER FRANCISCO ATANASCO DOMINGUEZ AND FATHER SILVESTRE VELEZ DE ESCALANTE, was considered read the second and third times. Senators Dayton, Stowell, Van Tassell, Robles, and Bramble commented and the bill passed on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Bramble       Buttars       Christensen       Davis
Dayton        Goodfellow    Greiner        Hillyard
Hinkins       Jenkins       Knudson       Liljenquist
Madsen        Mayne        McCoy         Morgan
Niederhauser   Okerlund     Robles        Romero
Stephenson    Stowell       Urquhart    Valentine
Van Tassell

Absent or not voting were: Senators
Bell           Jones         Killpack     Waddoups

H.J.R. 10 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 23, CERTIFIED TAX RATE AMENDMENTS, was read the second time. Senator Niederhauser explained the bill.

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

2nd Sub. H.B. 23 Certified Tax Rate Amendments (F. Hunsaker)

On motion of Senator Valentine the bill was amended, reconsidered and the amendment was withdrawn.

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

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

Voting in the affirmative were: Senators
Bell           Bramble       Buttars       Christensen
Davis         Dayton        Goodfellow    Greiner
Hillyard      Hinkins       Jenkins       Jones
Knudson       Liljenquist   Madsen       Mayne
McCoy         Morgan        Niederhauser  Okerlund
Robles        Romero        Stephenson    Stowell
Urquhart      Valentine     Van Tassell  Waddoups
Absent or not voting was: Senator Killpack

***

H.B. 28, PERSONAL PROPERTY TAX AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Knudson
Liljenquist Madsen Mayne Niederhauser
Okerlund Robles Romero Stephenson
Stowell Urquhart Van Tassell Waddoups

Absent or not voting were: Senators
Christensen Killpack McCoy Morgan
Valentine

***

On motion of Senator Niederhauser, the circle was removed from H.B. 67, PUBLIC HEARINGS ON PROPERTY TAX INCREASES, and it was before the Senate. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 10, Lines 286 through 290
   House Committee Amendments
   1–29–2009

286  (b) A taxing entity shall pay the county auditor the amount charged under Subsection
287  (5)(a).
288  (6) The publication of the list under this section does not remove or change the
289  requirements for advertisements by a taxing entity under Section 59–2–918 or 59–2–919.
In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules:

(i) relating to the publication of a consolidated advertisement which includes the information described in Subsection (2) for a taxing entity that overlaps two or more counties;

(ii) relating to the payment required in Subsection (5)(b); and

(iii) to oversee the administration of this section and provide for uniform implementation.

Section 4. Effective date.

Senator Niederhauser’s motion to amend passed on a voice vote. Senators Okerlund and Valentine commented. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

- Bell
- Bramble
- Davis
- Dayton
- Goodfellow
- Greiner
- Hillyard
- Jenkins
- Jones
- Liljenquist
- Madsen
- Mayne
- McCoy
- Morgan
- Niederhauser
- Okerlund
- Robles
- Romero
- Stephenson
- Stowell
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Voting in the negative was:** Senator Hinkins

**Absent or not voting were:** Senators

- Buttars
- Christensen
- Killpack
- Knudson

* * *

**H.B. 236, DEPARTMENT OF COMMUNITY AND CULTURE GRANTS,** was read the second time. Senator Okerlund explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 1, Line 22–24:
   - Delete lines 22–24

2. Page 2, Line 58–61:
   - Delete lines 58–61

3. Page 3, Line 81–84:
   - Delete lines 81–84
4. Page 5, Line 131–134:
Delete lines 131–134

5. Page 6, Line 161–164:
Delete lines 161–164

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

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

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Christensen  
Davis  Greiner  Hillyard  Hinkins
Jenkins  Knudson  Liljenquist  Madsen
Mayne  Morgan  Niederhauser  Okerlund
Robles  Romero  Stephenson  Stowell
Urquhart  Valentine  Van Tassell  Waddoups

**Absent or not voting were:** Senators

Dayton  Goodfellow  Jones  Killpack
McCoy

* * *

**H.B. 21, AMENDMENTS TO DRIVER LICENSE SANCTION REQUIREMENTS,** was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Christensen  
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Jenkins  Knudson
Liljenquist  Madsen  Mayne  Morgan
Niederhauser  Okerlund  Robles  Romero
Stephenson  Stowell  Urquhart  Valentine
Van Tassell  Waddoups

**Absent or not voting were:** Senators

Jones  Killpack  McCoy

* * *

On motion of Senator Niederhauser, legislative staff was authorized to draft a bill regarding technicalities in gift cards.
On motion of Senator Jenkins, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Waddoups presiding.

TIME CERTAIN CALENDAR

COMMITTEE OF THE WHOLE

On motion of Senator Stephenson, Clay Wiffen, Andrew King and Dr. Paul Carbone spoke in Committee of the Whole. Senators Christensen, Jenkins, Romero commented.

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

S.B. 43, INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS – CLAY’S LAW, was read the second time. Senator Stephenson explained the bill. Senators Christensen, Liljenquist, Jones, Bramble, Robles, Killpack, Urquhart, Romero, Knudson, Hinkins, Niederhauser, Hillyard, Valentine, Mayne, McCoy, Okerlund, Van Tassell, and Madsen commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 11; Absent, 1.

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting was:** Senator

Buttars
Mr. President: February 18, 2009

The House passed, **S.B. 97**, GOOD SAMARITAN ACT FOR ENGINEERS, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 129**, MENTAL HEALTH THERAPIST GRANT AND SCHOLARSHIP ACT REPEAL, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 4**, RECYCLING OF ELECTRONIC WASTE JOINT RESOLUTION, by Senator S. McCoy, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 11**, JOINT RESOLUTION URGING FOOTBALL PLAYOFF, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**S.B. 97, S.B. 129, S.J.R. 4, and S.J.R. 11** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 18, 2009

The House passed, as amended, **1st Sub. S.B. 31**, UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 117**, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS, by Senator A. Christensen, and it is transmitted for further consideration; and

The House passed, as amended, **2nd Sub. S.J.R. 1**, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM, by Senator P. Jones, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.
Mr. President: February 18, 2009

The House passed H.B. 130, ASSET PRESERVATION AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as amended, H.B. 287, UTAH EDUCATION NETWORK AMENDMENTS, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed, as amended, H.B. 319, DISASTER RECOVERY FUNDING AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 130, H.B. 287, and H.B. 319 were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 18, 2009

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

**Business and Labor Committee**

S.B. 211 Building Code Amendments (Sen. C. Bramble)
S.B. 268 Title and Escrow Commission Related Amendments
   (Sen. J. Valentine)
H.B. 154 State Construction Registry Amendments
   (Rep. M. Morley) (Sen. W. Niederhauser)

**Education Committee**

   (Sen. M. Dayton)

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

S.B. 228 Prohibition on Internet or Mail−order Sales of Tobacco Products (Sen. M. Dayton)
S.B. 244 Long Arm Jurisdiction Amendments
   (Sen. W. Niederhauser)
H.B. 228 Assault on Service Member in Uniform
   (Rep. E. Hutchings) (Sen. P. Knudson)
Natural Resources, Agriculture and Environment Committee
(Sen. R. Okerlund)

H.C.R. 5  Concurrent Resolution Urging the Realignment of Air
Quality Requirements by the EPA (Rep. R. Menlove)
(Sen. P. Knudson)

H.C.R. 6  Concurrent Resolution Expressing Opposition to
Congressional Efforts to Expand the Jurisdiction of the

Revenue and Taxation Committee
S.B. 205  Community Development and Renewal Agency
Amendments (Sen. C. Bramble)

(Sen. G. Davis)

Transportation, Public Utilities and Technology Committee
S.B. 75  Utility Amendments (Sen. S. Urquhart)

H.B. 261  Aviation Amendments (Rep. W. Harper)
(Sen. W. Niederhauser)

Margaret Dayton
Rules Committee Chair

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

RULES COMMITTEE REPORTS

To the Members of the Senate:  February 18, 2009

The Senate Rules Committee recommends, at the request of the sponsor, that
S.B. 106, Alcoholic Beverage Control Act Restrictions (Sen. S. McCoy), be
replaced with 1st Sub. S.B. 106, Alcoholic Beverage Control Act Restrictions
(Sen. S. McCoy), and further recommends it be assigned to Government
Operations and Political Subdivisions Standing Committee.

Margaret Dayton
Rules Committee Chair

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

Mr. President: February 18, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 186**, AMENDMENTS TO STATE TAX COMMISSION PENALTY PROVISIONS, by Senator H. Stephenson; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 83**, PROPERTY TAX RELIEF PROGRAMS, by Representative G. Froerer.

Wayne L. Niederhauser, Chair

Mr. President: February 17, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 67**, MINERS' SAFETY AND TRAINING, by Senator L. Robles; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 68**, MINING PROTECTION AMENDMENTS, by Senator S. Killpack; 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.

Dennis E. Stowell, Chair

Mr. President: February 17, 2009

The Transportation and Public Utilities and Technology Committee recommends **S.J.R. 16**, JOINT RESOLUTION SUPPORTING NUCLEAR POWER, by Senator D. Hinkins, be replaced and favorably recommends 1st Sub. **S.J.R. 16**, JOINT RESOLUTION SUPPORTING NUCLEAR POWER; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 253**, MOTOR CARRIER PERMIT FEE AMENDMENTS, by Representative T. Kiser; and
The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 278**, **B AND C ROADS FUND AMENDMENTS**, by Representative M. Noel.

Stephen H. Urquhart, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 186, H.B. 83, S.B. 67, S.B. 68, H.B. 105, 1st Sub. S.J.R. 16, H.B. 253, and H.B. 278** were placed on Second Reading Calendar.

**STANDING COMMITTEE REPORTS**

Mr. President: February 18, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 71**, **WITHHOLDING TAX AMENDMENTS**, by Representative E. Vickers, and recommends it be considered read for the second time and placed on the Consent Calendar.

Wayne L. Niederhauser, Chair

Mr. President: February 17, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 102**, **FALSE VEHICLE TITLE AND REGISTRATION PENALTIES**, by Representative P. Ray, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

1. Page 1, Lines 14 through 15
   House Floor Amendments
   2–10–2009:
   
   14 provides that it is a third degree felony, rather than a class A misdemeanor, for providing false evidences for certain motor vehicle title or registration information.

2. Page 1, Lines 27 through 27a
   House Floor Amendments
   2–10–2009:
   
   27 It is a second degree felony, for a person with
The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 104, DRIVER LICENSE HEARING AMENDMENTS, by Representative R. Greenwood, and recommends it be considered read for the second time and placed on the Consent Calendar.

Stephen H. Urquhart, Chair

On motion of Senator Dayton, the committee reports were adopted. H.B. 71, H.B. 102, as amended, and H.B. 104 were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 74, At-risk Student Provisions (L. Robles), read the first time by short title and referred to the Rules Committee.

S.B. 185, Federal Education Agreement Requirements Amendments (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 269, Public Utility Easement Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.

S.J.R. 21, Joint Resolution on Combating and Reducing Gang Activity (L. Robles), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Killpack and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Thursday, February 19, 2009.
TWENTY-FOURTH DAY

MORNING SESSION

February 19, 2009

The Senate was called to order at 10:30 a.m., with President Pro Tem Sheldon Killpack presiding.

Prayer – Ryan Lambert, Student Body President, Logan High School
Pledge of Allegiance – Senator Gene Davis
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, Page 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 18, 2009

The House passed, S.B. 136, DIESEL-POWERED MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM AMENDMENTS, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 138, INTERNAL SERVICE FUND RATE COMMITTEE AMENDMENTS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 136 and S.B. 138 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

Mr. President: February 18, 2009

The House passed, as amended, H.B. 37, VIOLENT OFFENSES AMENDMENTS, by Representative J. Seelig, and it is transmitted for consideration; and

The House passed, as amended, H.B. 122, GOVERNMENT RECORDS Access and Management Act Amendments, by Representative D. Aagard, and it is transmitted for consideration; and
The House passed, as amended, H.B. 129, ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, H.B. 136, SEX OFFENDER DEFINITION AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, H.B. 138, EXPUNGEMENT OF RECORDS AMENDMENTS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed H.B. 144, MEDICAL LANGUAGE INTERPRETER ACT, by Representative R. Chavez–Houck, et al, and it is transmitted for consideration; and

The House passed, as amended, H.B. 251, JOINT CUSTODY AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed H.B. 298, JUVENILE TRANSFERS FROM JUSTICE COURT, by Representative K. McIff, and it is transmitted for consideration; and

The House passed H.B. 320, COLLECTION AGENCY AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed H.J.R. 3, JOINT RESOLUTION SUPPORTING EFFORTS TO INCREASE AND IMPROVE CANCER TREATMENT, SCREENING, AND RESEARCH PROGRAMS, by Representative S. Duckworth, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


RULES COMMITTEE REPORTS

To the Members of the Senate: February 18, 2009

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

Education Committee
S.B. 185 Federal Education Agreement Requirements Amendments (Sen. M. Dayton)
H.B. 287  Utah Education Network Amendments  
(Rep. K. Holdaway) (Sen. J. Valentine)

Government Operations and Political Subdivisions Committee
H.B. 319  Disaster Recovery Funding Amendments (Rep. C. Oda)  
(Sen. D. Liljenquist)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.J.R. 21  Joint Resolution on Combating and Reducing Gang Activity (Sen. L. Robles)
H.B. 130  Asset Preservation Amendments (Rep. G. Hughes)  
(Sen. M. Dayton)
H.B. 222  Unborn Child Pain Prevention Act (Rep. C. Wimmer)  
(Sen. D. C. Buttars)

Transportation, Public Utilities and Technology Committee
S.B. 269  Public Utility Easement Amendments (Sen. G. Bell)

Margaret Dayton  
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President:  
February 18, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 69, PROOF OF CITIZENSHIP REQUIRED TO VOTE, by Senator M. Madsen; and

The Government Operations and Political Subdivisions Committee recommends S.B. 83, CONDEMNATION AMENDMENTS, by Senator D. Stowell, be replaced and favorably recommends 3rd Sub. S.B. 83, CONDEMNATION AMENDMENTS; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on 2nd Sub. H.B. 61, LOCAL GOVERNMENT ENTITY CHANGES, by Representative K. Holdaway; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on 1st Sub. H.B. 68, DEVELOPMENT EXACTIONS, by Representative P. Painter, with the following amendments:
1. Page 1, Line 17:

17 projected water {right} interest requirements.

2. Page 10, Line 275

House Floor Amendments
2–6–2009:

275 water authority’s established calculations of projected water {right} interest requirements.

3. Page 10, Line 280

House Floor Amendments
2–6–2009:

280 authority’s existing available water {rights} interests exceed the water {rights} interests needed to meet the

4. Page 19, Line 558

House Floor Amendments
2–6–2009:

558 projected water {right} interest requirements.

5. Page 19, Lines 563 through 563a

House Floor Amendments
2–6–2009:

563 interest if the culinary water authority’s existing available water {rights} interests exceed the water

563a {rights} interests needed to

Peter C. Knudson, Chair

Mr. President: February 17, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 11, INCEST AMENDMENTS, by Senator D. Stowell, with the following amendments:

1. Page 3, Line 69:

69 (ii) provides a human egg or seminal fluid under Subsection {– (1) } (2) (b)(v).
2. Page 3, Line 77:

77 sexual intercourse; {or } ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends S.B. 155, ADOPTION EXCEPTION TO CUSTODY AND VISITATION FOR PERSONS OTHER THAN PARENTS, by Senator L. Hillyard, be replaced and favorably recommends 1st Sub. S.B. 155, ADOPTION EXCEPTION TO CUSTODY AND VISITATION FOR PERSONS OTHER THAN PARENTS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 26, CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS, by Representative M. Morley, with the following amendments:

1. Page 1, Line 26 through Page 2, Line 28:

26 provides an affirmative defense to the crime described above, if the controlled

27 substance is obtained by lawful prescription { and is used or possessed in accordance }

28 with the prescription instructions } ;

2. Page 6, Line 182 through Page 7, Line 185:

182 (e) “Exposed to” means that the child or vulnerable adult is able to:

183 (i) access or view {a } an unlawfully possessed:

(A) controlled substance { } ; or

(B) chemical substance { } ; or

(C) drug paraphernalia; or

184 (ii) smell an odor produced during, or as a result of, the manufacture or production of a

185 controlled substance.

3. Page 7, Lines 202 through 206:

202 (3) It is an affirmative defense to a violation of this section that the controlled

203 substance:
(a) was obtained by lawful prescription; and
(b) is used or possessed by the person to whom it was lawfully prescribed

{in accordance with the prescription instructions provided with the controlled substance}; and

The Judiciary, 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 Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 41, SEX OFFENDER REGISTRATION AMENDMENTS, by Representative K. Sumsion; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on 2nd Sub. H.B. 59, SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS, by Representative B. Daw; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 63, AMENDMENTS TO CHILD WELFARE, by Representative W. Harper; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 97, SEXUAL EXPLOITATION OF A MINOR, by Representative R. Bigelow.

D Chris Buttars, Chair


TIME CERTAIN CALENDAR

On motion of Senator Waddoups, under suspension of the rules, S.J.R. 5, JOINT RESOLUTION URGING PRESIDENTIAL SUPPORT OF TAIWAN’S PARTICIPATION IN SPECIALIZED AGENCIES OF THE UNITED NATIONS, was considered read the second and third times. Senator Waddoups explained the bill.

Senator Waddoups proposed the following amendment:
BE IT FURTHER RESOLVED that the Legislature urges that United States policy include the pursuit of an initiative in the specialized agencies of the United Nations system, such as the World Health Organization, which would give Taiwan meaningful participation in a

Senator Waddoups’ motion to amend passed on a voice vote. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell  Bramble  Christensen  Davis
Dayton  Greiner  Hillyard  Hinkins
Jenkins  Jones  Killpack  Knudson
Liljenquist  Madsen  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Robles
Romero  Stephenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

**Absent or not voting were:** Senators
Buttars  Goodfellow

S.J.R. 5 was transmitted to the House.

**COMMITTEE OF THE WHOLE**

On motion of Senator Waddoups, Thomas J.C. Chen, Director General, Taipei Economic and Cultural Office in San Francisco spoke in Committee of the Whole. Senators Davis, Valentine, and McCoy commented.

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

**CONCURRENCE CALENDAR**

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **1st Sub. S.B. 31, UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT.** The bill, as amended, passed on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Killpack
Knudson  Liljenquist  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Robles
Romero  Stephenson  Stowell  Urquhart
Van Tassell  Waddoups

Absent or not voting were: Senators
Buttars  Madsen  Valentine

1st Sub. S.B. 31 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Christensen, the Senate voted to concur in the House amendments to 1st Sub. S.B. 117, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Killpack
Knudson  Liljenquist  Mayne  Morgan
Niederhauser  Okerlund  Robles  Romero
Stephenson  Stowell  Urquhart  Van Tassell

Absent or not voting were: Senators
Buttars  Madsen  McCoy  Valentine
Waddoups

1st Sub. S.B. 117 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jones, the Senate voted to concur in the House amendments to 2nd Sub. S.J.R. 1, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM. The bill, as amended, passed on the following roll call:
Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Goodfellow  Greiner  Hillyard  Hinkins
Jones  Killpack  Knudson  Liljenquist
Mayne  Morgan  Niederhauser  Okerlund
Robles  Romero  Stephenson  Stowell
Urquhart  Valentine  Van Tassell  Waddoups

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators
Buttars  Jenkins  Madsen  McCoy

2nd Sub. S.J.R. 1 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 27, PROTECTIONS FOR AGRICULTURE PRACTICES, was read the third time and explained by Senator Dayton. Senator Bell commented and the bill passed on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Davis  Christensen
Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Jenkins  Killpack
Knudson  Liljenquist  Mayne  Niederhauser
Okerlund  Stephenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

Voting in the negative were: Senators
Morgan  Robles  Romero

Absent or not voting were: Senators
Jones  Madsen  McCoy

H.B. 27, as amended, was returned to the House for further consideration.

* * *

H.B. 53, DRIVER LICENSE AMENDMENTS – MOTOR DRIVEN CYCLES, was read the third time and explained by Senator Van Tassell.
Senator Jenkins proposed the following amendment:

1. Page 3, Line 70:
   After “license” insert “; or”

2. Page 3, Line 71:
   Delete line 71

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

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Goodfellow | Madsen | Waddoups |

H.B. 53, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Valentine, the Senate voted to reconsider its action on H.B. 27.

H.B. 27, PROTECTIONS FOR AGRICULTURAL PRACTICES, was before the Senate, explained by Senator Valentine.

Senator Valentine proposed the following amendment:

1. Page 2, Line 46:
   After “Subsection 78B–6–1101(7)” insert “, and”

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

**Yeas, 20; Nays, 6; Absent, 3.**
Voting in the affirmative were: Senators
Bell   Bramble   Buttars   Christensen
Dayton Greiner   Hillyard   Hinkins
Jenkins Killpack   Knudson   Liljenquist
Mayne Niederhauser   Okerlund   Stephenson
Stowell Urquhart   Valentine   Van Tassell

Voting in the negative were: Senators
Davis   Jones   McCoy   Morgan
Robles   Romero

Absent or not voting were: Senators
Goodfellow   Madsen   Waddoups

H.B. 27, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 90, ABORTION LAW AMENDMENTS, was read the third time and explained by Senator Bramble. Senators McCoy, Robles and Davis commented and the bill passed on the following roll call:

Yeas, 21; Nays, 4; Absent, 4.

Voting in the affirmative were: Senators
Bell   Bramble   Christensen   Dayton
Greiner   Hillyard   Hinkins   Jones
Killpack   Knudson   Liljenquist   Madsen
Mayne Morgan   Niederhauser   Okerlund
Stephenson Stowell   Urquhart   Valentine
Van Tassell

Voting in the negative were: Senators
Davis   McCoy   Robles   Romero

Absent or not voting were: Senators
Buttars   Goodfellow   Jenkins   Waddoups

1st Sub. H.B. 90, as amended, was returned to the House for further consideration.

COMMITTEE OF THE WHOLE

On motion of Senator Bell, U. S. Representative Rob Bishop spoke in Committee of the Whole. Senators Romero and Bell commented.
On motion of Senator Bell, the Committee of the Whole was dissolved.

***

On motion of Senator Bell, and at 11:45 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 19, 2009

The House passed, S.B. 100, FINANCIAL AND ECONOMIC LITERACY EDUCATION AMENDMENTS, by Senator P. Jones, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 100 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

***

Mr. President: February 19, 2009

The House passed, as substituted, 1st Sub. H.B. 165, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 188, HEALTH SYSTEM REFORM – INSURANCE MARKET, by Representative D. Clark, et al, and it is transmitted for consideration; and

The House passed, as substituted, 2nd Sub. H.B. 331, HEALTH REFORM – HEALTH INSURANCE COVERAGE IN STATE CONTRACTS, by Representative J. Dunnigan, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. 1st Sub. H.B. 165, 1st Sub. H.B. 188, and 2nd Sub. H.B. 331 were read the first time and referred to the Rules Committee.
STANDING COMMITTEE REPORTS

Mr. President: February 19, 2009

The Business and Labor Committee reports a favorable recommendation on H.B. 119, POWERSPORT VEHICLE FRANCHISE ACT REVISIONS, by Representative J. Gowans.

John L. Valentine, Chair

Mr. President: February 19, 2009

The Health and Human Services Committee reports a favorable recommendation on S.B. 79, HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, by Senator P. Knudson, with the following amendments:

1. Page 2, Line 40:

   40 (1) A person licensed under Title 58, Occupations and Professions, who is a health care

2. Page 4, Line 106:

   106 (e) to testify as an expert witness regarding the practice of medicine in an action for injury or death against a physician

3. Page 5, Lines 123 through 124:

   123 {−A } Notwithstanding Subsection 58−67−305(8) and Section 58−1−307 a person who is licensed to practice medicine in another state and who testifies as an

   124 expert witness regarding the practice of medicine in any action for injury or death against a physician licensed in this state arising

4. Page 5, Lines 141 through 142:

   141 (ii) without a physical examination of the claimant where appropriate or convenient; {−or }

   142 (iii) without foundation in accepted science–based medical research; or

   (iv) not based on current standards of care for Utah

5. Page 7, Line 197:

   197 (e) to testify as an expert witness regarding the practice of medicine in this state in an action for injury or death against a
6. Page 8, Lines 214 through 215:

214 {−A } Notwithstanding Subsection 58−68−305(8) and Section 58−1−307, a person who is licensed to practice osteopathic medicine in another state and who

215 testifies as an expert witness in this state regarding the practice of medicine in any action for injury or death against a physician or

7. Page 8, Lines 234 through 235:

234 (ii) without a physical examination of the claimant where appropriate or convenient; {−or− }

235 (iii) without foundation in accepted science−based medical research; or

(iv) not based on current standards of care for Utah.; and

The Health and Human Services Committee reports a favorable recommendation on S.B. 82, LOCAL HEALTH AUTHORITY FUNDING AMENDMENTS, by Senator D. Stowell, with the following amendments:

1. Page 1, Lines 20 through 21:

20 Other Special Clauses:

21 {−None−} This bill takes effect January 1, 2010.

2. Page 2, Line 30:

30 (1) {−A } In order to enable the local health department to fulfill its duties and responsibilities under this part, a county may fund its local health department from:

3. Page 2, Line 44:

44 (3) {−A } Except in the case of an emergency or for a capital project, a county may not allocate money from its general fund to the local health department unless the county imposes the maximum levy allowed under Subsection (2).

Section 2. Effective date.

This bill takes effect January 1, 2010.; and
The Health and Human Services Committee reports a favorable recommendation on **S.B. 213**, RESTAURANT NUTRITION LABELING, by Senator H. Stephenson.

D. Chris Buttars, Chair

Mr. President: February 19, 2009

The Education Committee reports a favorable recommendation on **S.B. 61**, HOME SCHOOL AND PRIVATE SCHOOL STUDENTS’ PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, by Senator M. Madsen, et al; and

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 35**, HIGHER EDUCATION TAX CREDIT AND CONTRIBUTION, by Representative J. Dougall, with the following amendments:

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 **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;

   206 or

   (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; or
   (C) Northwest Commission on Colleges and Universities.

Curtis S. Bramble, Chair

On motion of Senator Killpack, the committee reports were adopted. **H.B. 119, S.B. 79**, as amended, **S.B. 82**, as amended, **S.B. 213, S.B. 61**, and **1st Sub. H.B. 35** were placed on Second Reading Calendar.
STANDING COMMITTEE REPORTS

Mr. President: February 19, 2009

The Business and Labor Committee recommends S.B. 192, CORPORATION RELATED AMENDMENTS, by Senator L. Hillyard, be replaced and favorably recommends 1st Sub. S.B. 192, CORPORATION AND BUSINESS ENTITY RELATED AMENDMENTS and that it be considered read for the first and second time and placed on the Consent Calendar.

John L. Valentine, Chair

Mr. President: February 19, 2009

The Education Committee recommends S.C.R. 3, CONCURRENT RESOLUTION URGING THE CREATION OF A UTAH COUNCIL ON FINANCIAL EDUCATION, by Senator P. Jones, be replaced and favorably recommends 1st Sub. S.C.R. 3, CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE WORK OF THE UTAH COUNCIL ON FINANCIAL AND ECONOMIC EDUCATION and that it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

Mr. President: February 13, 2009

The Judiciary, Law Enforcement and Criminal Justice Committee reports a favorable recommendation on H.B. 223, STATUTE OF LIMITATIONS AMENDMENTS, by Representative C. Wimmer, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

On motion of Senator Killpack, the committee reports were adopted. 1st Sub. S.B. 192, 1st Sub. S.C.R. 3, and H.B. 223 were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS


S.B. 189, Amendments to Sales and Use Tax (W. Niederhauser), read the first time by short title and referred to the Rules Committee.
S.B. 190, Acquisition of a Billboard by Eminent Domain (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 221, Dedication and Abandonment of a Highway (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 225, Health Amendments for Legal Immigrant Children (L. Robles), read the first time by short title and referred to the Rules Committee.

**THIRD READING CALENDAR**

2nd Sub. H.B. 23, CERTIFIED TAX RATE AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

**Yeas, 20; Nays, 1; Absent, 8.**

**Voting in the affirmative were:** Senators
Bramble  Christensen  Davis  Greiner  Hillyard  Jenkins  Jones  Killpack  Knudson  Liljenquist  Madsen  Mayne  Morgan  Niederhauser  Okerlund  Romero  Stephenson  Urquhart  Van Tassell  Waddoups

**Voting in the negative was:** Senator Hinkins

**Absent or not voting were:** Senators
Bell  Buttars  Dayton  Goodfellow  McCoy  Robles  Stowell  Valentine

2nd Sub. H.B. 23, as amended, was returned to the House for further consideration.

***

H.B. 28, PERSONAL PROPERTY TAX AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bramble  Christensen  Davis  Dayton  Goodfellow  Greiner  Hillyard  Hinkins
Absent or not voting were: Senators
Bell Buttars Robles Valentine

H.B. 28 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 67, PUBLIC HEARINGS ON PROPERTY TAX INCREASES, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Christensen Davis Dayton
Goodfellow Greiner Hillyard Jenkins
Jones Killpack Knudson Liljenquist
Madsen Mayne McCoy Morgan
Niederhauser Romero Stephenson Stowell
Urquhart Van Tassell Waddoups

Voting in the negative were: Senators
Hinkins Okerlund

Absent or not voting were: Senators
Bell Buttars Robles Valentine

H.B. 67, as amended, was returned to the House for further consideration.

* * *

H.B. 236, DEPARTMENT OF COMMUNITY AND CULTURE GRANTS, was read the third time and explained by Senator Okerlund.

On motion of Senator Hillyard, the following substitute bill replaced the original bill:
**1st Sub. H.B. 236** Department of Community and Culture Grants (S. Allen)

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**1st Sub. H.B. 236**, as amended, was returned to the House for further consideration.

***

**H.B. 21, AMENDMENTS TO DRIVER LICENSE SANCTION REQUIREMENTS,** was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**H.B. 21** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
On motion of Senator Stephenson, S.B. 43, INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS – CLAY’S LAW, was read the third time and circled.

SECOND READING CALENDAR

H.B. 85, MUTUAL BENEFIT CORPORATION – JUDICIAL LIENS, was read the second time. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble Christensen Davis Dayton
Goodfellow Greiner Hillyard Hinkins
Jenkins Killpack Knudson Liljenquist
Mayne McCoy Morgan Niederhauser
Okerlund Romero Stephenson Stowell
Urquhart Van Tassell Waddoups

Absent or not voting were: Senators

Bell Buttars Jones Madsen
Robles Valentine

H.B. 266, WRONGFUL LIEN AMENDMENTS, was read the second time. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble Christensen Davis Dayton
Goodfellow Greiner Hillyard Hinkins
Jenkins Knudson Liljenquist Madsen
Mayne McCoy Morgan Niederhauser
Okerlund Romero Stephenson Stowell
Urquhart Van Tassell Waddoups

Absent or not voting were: Senators

Bell Buttars Jones Killpack
Robles Valentine
H.B. 33, REFUND OF UNEARNED HEALTH INSURANCE PREMIUMS AND MEDICARE SUPPLEMENT INSURANCE PREMIUMS, was read the second time. Senator Liljenquist explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

- Christensen
- Dayton
- Goodfellow
- Greiner
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Liljenquist
- Madsen
- Mayne
- McCoy
- Morgan
- Okerlund
- Romero
- Stowell
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators

- Bell
- Bramble
- Buttars
- Davis
- Killpack
- Niederhauser
- Robles
- Stephenson
- Urquhart
- Valentine

---

H.B. 15, CAREER AND TECHNICAL EDUCATION AMENDMENTS, was read the second time. Senator Dayton explained the bill. Senators Bramble, Greiner, Mayne, and Van Tassell commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

- Bell
- Bramble
- Christensen
- Davis
- Dayton
- Goodfellow
- Greiner
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Liljenquist
- Madsen
- Mayne
- McCoy
- Morgan
- Niederhauser
- Okerlund
- Romero
- Stowell
- Urquhart
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators

- Buttars
- Killpack
- Robles
- Stephenson
- Valentine

---

H.B. 51, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, was read the second time. Senator Stowell
explained the bill. Senators Hillyard, Greiner, McCoy, and Van Tassell commented. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 5; Absent, 5.**

**Voting in the affirmative were:** Senators  
Bramble  Christensen  Davis  Goodfellow  
Hinkins  Jones  Killpack  Knudson  
Liljenquist  Madsen  Mayne  McCoy  
Morgan  Niederhauser  Okerlund  Romero  
Stowell  Urquhart  Van Tassell

**Voting in the negative were:** Senators  
Dayton  Greiner  Hillyard  Jenkins  
Waddoups

**Absent or not voting were:** Senators  
Bell  Buttars  Robles  Stephenson  
Valentine

* * *

1st Sub. H.B. 243, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES, was read the second time.

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

2nd Sub. H.B. 243 Rental Restrictions on Condominiums and Common Interest Communities (G. Froerer)

On motion of Senator Urquhart, the bill was circled.

* * *

1st Sub. H.B. 92, REQUIREMENT TO WEAR HUNTER ORANGE AMENDMENTS, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators  
Bell  Bramble  Christensen  Davis  
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Morgan  Niederhauser
Okerlund  Romero  Stowell  Van Tassell
Waddoups

Absent or not voting were: Senators
Buttars  Killpack  Liljenquist  McCoy
Robles  Stephenson  Urquhart  Valentine

***

H.B. 235, DAM SAFETY AMENDMENTS, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Dayton  Goodfellow  Hillyard  Hinkins
Jenkins  Jones  Knudson  Madsen
Mayne  Morgan  Niederhauser  Okerlund
Romero  Stowell  Van Tassell  Waddoups

Absent or not voting were: Senators
Buttars  Greiner  Killpack  Liljenquist
McCoy  Robles  Stephenson  Urquhart
Valentine

***

On motion of Senator Jenkins, H.B. 113, SALVAGE VEHICLE TITLE AMENDMENTS, was read the second time and circled.

***

H.B. 233, AGGRAVATED SEXUAL ASSAULT AMENDMENTS, was read the second time. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
H.B. 247, AMENDMENTS TO EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, was read the second time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Bell  
Greiner  
Jones  
McCoy  
Romero  
Waddoups

**Absent or not voting were:** Senators

Bramble  
Buttars  
Liljenquist  
Robles  
Waddoups

* * *

H.B. 78, UTAH UNIFORM SECURITIES ACT MODIFICATIONS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Bell  
Greiner  
Jones  
Mayne  
Romero  
Waddoups

**Absent or not voting were:** Senators

Bramble  
Buttars  
Goodfellow  
Liljenquist  
Robles  
Stephenson  
Valentine  
Waddoups

* * *
Absent or not voting were: Senators
Bramble Buttars Goodfellow Liljenquist
Niederhauser Robles Stephenson Urquhart
Valentine

***

2nd Sub. H.B. 121, RETIRED VOLUNTEER HEALTH CARE PRACTITIONER ACT, was read the second time. Senator Van Tassell explained the bill. Senators Greiner and Dayton commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 1; Absent, 8.

Voting in the affirmative were: Senators
Bell Christensen Davis Greiner
Hinkins Jenkins Jones Killpack
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Romero
Stephenson Stowell Van Tassell Waddoups

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators
Bramble Buttars Goodfellow Hillyard
Knudson Robles Urquhart Valentine

***

H.B. 83, PROPERTY TAX RELIEF PROGRAMS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators
Bell Christensen Davis Dayton
Greiner Hinkins Jenkins Jones
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Romero
Stephenson Stowell Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Buttars Goodfellow Hillyard
Killpack Knudson Robles Urquhart
Valentine
H.B. **105**, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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H.B. **253**, MOTOR CARRIER PERMIT FEE AMENDMENTS, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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On motion of Senator Van Tassell, H.B. **278**, B AND C ROADS FUND AMENDMENTS, was read the second time and circled.
On motion of Senator Jenkins, the circle was removed from S.B. 39, IMMIGRATION AMENDMENTS, and it was before the Senate.

Senator Jenkins proposed the following amendment:

1. Page 2, Lines 34 through 38
   
   (1) As used in this section:
   
   (a) “Contract” means an agreement for the procurement of goods or services that is awarded through a request for proposals process with a public employer and includes a sole source contract.
   
   (b) “Contractor” means a subcontractor, contract employee, staffing agency, or any contractor regardless of its tier.

2. Page 2, Lines 47 through 49:

   (A) the electronic verification of the work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, 8 U.S.C., Sec. 1324a, known as the E-verify Program;

3. Page 5, Lines 134 through 138:

   (h) a state public benefit to be given to an individual under Title 49, Utah State Retirement and Insurance Benefit Act; and

   (i) a home loan that will be insured, guaranteed, or purchased by: the Federal Housing Administration, the Veterans Administration, or any other federal agency; or

   (j) a subordinate loan or a grant that will be made to an applicant in connection with a home loan that does not require verification under Subsection (3)(i).
An agency or political subdivision required to verify the lawful presence in the United States of an applicant under this section shall require the applicant to certify under

Senator Jenkins’ motion to amend passed on a voice vote. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 1; Absent, 9.**

**Voting in the affirmative were:** Senators
Bell  Christensen  Davis  Dayton
Greiner  Jenkins  Jones  Killpack
Liljenquist  Madsen  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Romero
Stephenson  Stowell  Van Tassell

**Voting in the negative was:** Senator Hinkins

**Absent or not voting were:** Senators
Bramble  Buttars  Goodfellow  Hillyard
Knudson  Robles  Urquhart  Valentine
Waddoups

* * *

On motion of Senator Killpack and at 3:55 p.m., the Senate adjourned until 10:00 a.m., Friday, February 20, 2009.
TWENTY–FIFTH DAY

February 20, 2009

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

Prayer – President Kyle Andersen, Branch President (Singles Branch), North Ogden Coldwater Stake, The Church of Jesus Christ of Latter–day Saints

Pledge of Allegiance – Senator Brent Goodfellow

National Anthem – Barbara Newman, Ms. Utah Senior America 2008

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 19, 2009

The Speaker of the House has signed 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 President; and

The House passed, S.B. 85, HOMICIDE AMENDMENTS, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed 1st Sub. S.B. 117, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS, by Senator A. Christensen, and it is transmitted for the signature of the President; and

The House passed, S.B. 145, PUBLIC SAFETY RETIREES DEATH BENEFIT REVISIONS, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed 2nd Sub. S.J.R. 1, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM, by Senator P. Jones, and it is transmitted for the signature of the President; and

The House passed, S.J.R. 5, JOINT RESOLUTION URGING PRESIDENTIAL SUPPORT OF TAIWAN’S PARTICIPATION IN SPECIALIZED AGENCIES OF THE UNITED NATIONS, by Senator
M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 31, S.B. 85, 1st Sub. S.B. 117, S.B. 145, 2nd Sub. S.J.R. 1, and S.J.R. 5 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 19, 2009

The House passed H.B. 112, VEHICLE TOWING AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 210, POSTING OF COLLECTIVE BARGAINING AGREEMENTS BY SCHOOL DISTRICTS AND CHARTER SCHOOLS, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed H.B. 286, REGULATION OF LENDING BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS, by Representative K. Garn, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.J.R. 12, JOINT RESOLUTION SUPPORTING HYDROGEN POWER FROM ADVANCED COAL AND CARBON CAPTURE AND SEQUESTRATION TECHNOLOGY, by Representative P. Painter, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 112, 1st Sub. H.B. 210, H.B. 286, and 1st Sub. H.J.R. 12 were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 19, 2009

The House adopted the Joint Conference Committee Report dated February 19, 2009, and passed 1st Sub. S.B. 22, VEHICLE AMENDMENTS, by Senator S. Jenkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

Mr. President: February 18, 2009

The Joint Conference Committee comprised of Sens. Jenkins, Greiner, and Romero, and Reps. Noel, Harper, and Gowans, recommends 1st Sub. S.B. 22,
VEHICLE AMENDMENTS, by Senator S. Jenkins, et al., be replaced and favorably recommends 2nd Sub. S.B. 22, VEHICLE AMENDMENTS.

Sen. Scott Jenkins and Rep. Mike Noel, Chairs

On motion of Senator Greiner, the Senate voted to adopt the Joint Conference Committee report to 2nd Sub. S.B. 22, VEHICLE AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators
- Buttars
- Davis
- Dayton
- Goodfellow
- Greiner
- Hinkins
- Killpack
- Liljenquist
- Mayne
- Morgan
- Niederhauser
- Okerlund
- Robles
- Romero
- Stephenson
- Stowell
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators
- Bell
- Bramble
- Christensen
- Hillyard
- Jenkins
- Jones
- Knudsen
- Madsen
- McCoy

2nd Sub. S.B. 22 was returned to the House for the signature of the Speaker.

**INTRODUCTION OF BILLS**

S.B. 208, Utah Public Notice Website Amendments (S. Urquhart), read the first time by short title and referred to the Rules Committee.

**COMMITTEE OF THE WHOLE**


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

***

On motion of Senator Killpack, and at 10:50 a.m. the Senate recessed.

The Senate was called to order at 11:35 a.m., with President Waddoups presiding.
CONSENT CALENDAR

On motion of Senator Van Tassell, H.B. 257, POLITICAL SUBDIVISION CLERK AMENDMENTS, was read the third time and circled.

***

On motion of Senator Bell, H.B. 258, AMENDMENTS TO NOTICE PROVISIONS FOR SUBDIVISION CHANGES, was read the third time and circled.

***

H.B. 65, REPORTING OF CERTAIN TRANSACTIONS EXEMPT FROM SALES AND USE TAXES, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Knudson Liljenquist Madsen
Mayne McCoy Morgan Niederhauser
Okerlund Robles Romero Stephenson
Stowell Urquhart Valentine Van Tassell
Waddoups

H.B. 65 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

S.J.R. 17, HYDRAULIC FRACTURING JOINT RESOLUTION, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Knudson Liljenquist Madsen
S.J.R. 17 was transmitted to the House for consideration.

* * *

On motion of Senator Bell, the circle was removed from H.B. 258, AMENDMENTS TO NOTICE PROVISIONS FOR SUBDIVISION CHANGES, and it was before the Senate. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Christensen  
Davis  Dayton  Goodfellow  Greiner  
Hillyard  Hinkins  Jenkins  Jones  
Killpack  Knudson  Liljenquist  Madsen  
Mayne  McCoy  Morgan  Niederhauser  
Okerlund  Robles  Romero  Stephenson  
Stowell  Urquhart  Valentine  Van Tassell  
Waddoups

H.B. 258 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**H.B. 24, TRAFFIC ACCIDENT CLEARANCE AMENDMENTS,** was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Christensen  
Davis  Dayton  Goodfellow  Greiner  
Hillyard  Hinkins  Jenkins  Jones  
Killpack  Knudson  Liljenquist  Madsen  
Mayne  McCoy  Morgan  Niederhauser  
Okerlund  Robles  Romero  Stephenson  
Stowell  Urquhart  Valentine  Van Tassell  
Waddoups
H.B. 24, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Buttars, the circle was removed from H.B. 257, POLITICAL SUBDIVISION CLERK AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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H.B. 257 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**THIRD READING CALENDAR**

H.B. 85, MUTUAL BENEFIT CORPORATION – JUDICIAL LIENS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator Stephenson

H.B. 85 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
On motion of Senator Hinkins, the circle was removed from H.B. 54, AMENDMENTS TO VEHICLE REGISTRATION REQUIREMENTS, and it was before the Senate. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator

Stephenson

H.B. 54 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

Bell    Stephenson

H.B. 266 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
H.B. 33, REFUND OF UNEARNED HEALTH INSURANCE PREMIUMS AND MEDICARE SUPPLEMENT INSURANCE PREMIUMS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Bell  | Stephenson |

H.B. 33 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 15, CAREER AND TECHNICAL EDUCATION AMENDMENTS, was read the third time and explained by Senator Dayton. Senator Knudson commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Bell  | Stephenson |

H.B. 15 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
On motion of Senator Killpack and at 12:00 noon, the Senate adjourned until 10:00 a.m., Monday, February 23, 2009.
TWENTY-EIGHTH DAY

February 23, 2009

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

Prayer – Mrs. Christina Thomas, wife of Lt. Kevin Thomas who is currently serving his 3rd deployment in Iraq
Pledge of Allegiance – Senator Karen Morgan
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 20, 2009

The Speaker of the House has signed 2nd Sub. S.B. 22, VEHICLE AMENDMENTS, by Senator S. Jenkins, and it is transmitted for the signature of the President; and

The House passed, S.B. 112, OBSTRUCTION OF JUSTICE AMENDMENT, by Senator R. Okerlund, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 126, STATE PERSONNEL MANAGEMENT ACT AMENDMENTS, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.J.R. 7, JOINT RESOLUTION DESIGNATING MAY 2009 AS UTAH LIONS CLUB EYESIGHT PRESERVATION MONTH, by Senator K. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. S.B. 22, S.B. 112, 1st Sub. S.B. 126, and S.J.R. 7 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.
Mr. President:

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 23**, CERTIFIED TAX RATE AMENDMENTS, by Representative F. Hunsaker, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 27**, PROTECTIONS FOR AGRICULTURAL PRACTICES, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 53**, DRIVER LICENSE AMENDMENTS – MOTOR DRIVEN CYCLES, by Representative T. Kiser, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 67**, PUBLIC HEARINGS ON PROPERTY TAX INCREASES, by Representative G. Froerer, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 90**, ABORTION LAW AMENDMENTS, by Representative P. Ray, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 236**, DEPARTMENT OF COMMUNITY AND CULTURE GRANTS, by Representative S. Allen, et al, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**2nd Sub. H.B. 23, H.B. 27, H.B. 53, H.B. 67, 1st Sub. H.B. 90, and 1st Sub. H.B. 236** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

The House passed, as amended, **H.B. 125**, IMPACT FEE AMENDMENTS, by Representative K. Powell, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 140**, MOTOR VEHICLE REGISTRATION FEE AMENDMENTS, by Representative C. Frank, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 297**, BUDGETARY PROCEDURES ACT RECODIFICATION, by Representative R. Bigelow, and it is transmitted for consideration; and
The House passed **H.B. 324**, MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS, by Representative F. Gibson, and it is transmitted for consideration; and

The House passed **H.B. 329**, WRONGFUL DEATH CLAIMS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as substituted, **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, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 125, H.B. 140, H.B. 297, H.B. 324, H.B. 329**, and **1st Sub. H.J.R. 5** were read the first time and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 20, 2009

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

**Business and Labor Committee**

**S.B. 208**
Utah Public Notice Website Amendments
(Sen. S. Urquhart)

**H.B. 129**
Alcoholic Beverage Amendments Related to Minors
(Rep. C. Oda) (Sen. G. Davis)

**H.B. 286**
Regulation of Lending by the Department of Financial Institutions (Rep. K. Garn) (Sen. L. Hillyard)

**H.B. 320**
Collection Agency Amendments (Rep. R. C. Webb)
(Sen. S. Jenkins)

**Education Committee**

**1st Sub. H.B. 210**
(Sen. M. Dayton)

**Government Operations and Political Subdivisions Committee**

**H.B. 122**

**Health and Human Services Committee**

**S.B. 225**
Health Amendments for Legal Immigrant Children
(Sen. L. Robles)
H.B. 144  Medical Language Interpreter Act  
(Rep. R. Chavez–Houck) (Sen. A. Christensen)

1st Sub. H.B. 165  Health Reform – Administrative Simplification  

1st Sub. H.B. 188  Health System Reform – Insurance Market  
(Rep. D. Clark) (Sen. G. Bell)


H.J.R. 3  Joint Resolution Supporting Efforts to Increase and Improve Cancer Treatment, Screening, and Research Programs (Rep. S. Duckworth) (Sen. K. Mayne)

Judiciary, Law Enforcement, and Criminal Justice Committee
H.B. 136  Sex Offender Definition Amendments (Rep. P. Ray)  
(Sen. D. C. Buttars)

H.B. 138  Expungement of Records Amendments  

Natural Resources, Agriculture and Environment Committee

Revenue and Taxation Committee

S.B. 189  Amendments to Sales and Use Tax  
(Sen. W. Niederhauser)

S.B. 190  Acquisition of a Billboard by Eminent Domain  
(Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee
S.B. 221  Dedication and Abandonment of a Highway  
(Sen. M. Madsen)

H.B. 112  Vehicle Towing Amendments (Rep. T. Kiser)  
(Sen. J. Greiner)

Margaret Dayton  
Rules Committee Chair

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

Mr. President: February 20, 2009

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 205, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 116, UNIFORM FEES ON CANOES, by Representative M. Wheatley.

Wayne L. Niederhauser, Chair

Mr. President: February 20, 2009

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.R. 6, SENATE RESOLUTION RECOGNIZING THE WORK DONE BY THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS, by Senator L. Robles; 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, with the following amendments:

1. Page 2, Lines 53i through 53k
   House Floor Amendments 2–11–2009:
   53i (ii) an explanation of why the department is proposing the change;
   53j (iii) the effect of an increase or decrease in cash benefits on families; and
   53k (iv) the fiscal impact of the proposed change. 
   (c) The department may use the Notice of Proposed Rule Amendment form filed with the Division of Administrative Rules as its report so long as the notice contains all the information required under Subsection (8)(b).

Mark B. Madsen, Chair

Mr. President: February 20, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 70, DEPARTMENT OF ENVIRONMENTAL QUALITY AMENDMENTS, by Senator M. Dayton; and
The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 241**, PRIORITY OF WATER RIGHTS, by Representative K. Gibson, with the following amendments:

1. Page 1, Lines 15 through 16:
   
   Other Special Clauses:
   
   {None} This bill takes effect on May 11, 2010.

2. Page 1, Line 24:

   Section 73–3–21, Priorities between appropriators.
   
   **Section 2. Effective Date.**
   
   This bill takes effect on May 11, 2010.

Dennis E. Stowell, Chair

Mr. President:

February 20, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 228**, PROHIBITION ON INTERNET OR MAIL–ORDER SALES OF TOBACCO PRODUCTS, by Senator M. Dayton, be replaced and favorably recommends **1st Sub. S.B. 228**, PROHIBITION ON INTERNET OR MAIL–ORDER SALES OF TOBACCO PRODUCTS with the following amendments:

1. Page 2, Lines 45 through 50:

   (2) A person, distributor, manufacturer, or retailer shall not:
   
   (a) cause tobacco products or cigarettes as defined in Section 59–22–202 to be ordered or purchased by anyone other than a licensed person; or
   
   (b) knowingly provide substantial assistance to a person who violates this section.
   
   (3) (a) Each order or purchase of a tobacco product or cigarettes as defined in Section 59–22–202 in violation of Subsection (2) shall
   
   constitute a separate violation under this section; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 69**, GUARDIAN AD LITEM AMENDMENTS, by Representative W. Harper, with the following amendments:
1. Page 20, Lines 604 through 607:

604  (2) (a) A court may not appoint an attorney guardian ad litem in a criminal case.

605  (b) Subsection (2)(a) does not prohibit the appointment of an attorney guardian ad

606  litem in a case where a court is determining whether to adjudicate a minor for committing an

607  act that would be a crime if committed by an adult.

608  (c) Subsection (2)(a) does not prohibit an attorney guardian ad litem from entering an appearance, filing motions, or taking other action in a criminal case on behalf of a minor, if:

609  (i) the attorney guardian ad litem is appointed to represent the minor in a case that is not a criminal case; and

610  (ii) the interests of the minor may be impacted by:

611  (A) an order that has been, or may be, issued in the criminal case; or

612  (B) other proceedings that have occurred, or may occur, in the criminal case; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 114, ABORTION LITIGATION TRUST ACCOUNT AMENDMENTS, by Representative K. Sumsion; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 32, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, by Representative B. Ferry.

D. Chris Buttars, Chair

On motion of Senator Killpack, the committee reports were adopted. S.B. 205, H.B. 116, S.R. 6, H.B. 218, as amended, S.B. 70, H.B. 241, as amended, 1st Sub. S.B. 228, as amended, H.B. 69, as amended, H.B. 114, and H.B. 32 were placed on Second Reading Calendar.

**STANDING COMMITTEE REPORTS**

Mr. President: February 20, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on 1st Sub. H.B. 240, WANTON DESTRUCTION
OF LIVESTOCK, by Representative R. Menlove, and recommends it be considered read for the second time and placed on the Consent Calendar.

Dennis E. Stowell, Chair

Mr. President: February 20, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 75, UTILITY AMENDMENTS, by Senator S. Urquhart, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 50, FIREFIGHTER SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative R. Menlove, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 261, AVIATION AMENDMENTS, by Representative W. Harper, et al, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

1. Page 1, Lines 24 through 25
   House Floor Amendments
   2–17–2009:

   24  ► provides that ✺ until July 1, 2014 ◄ the
   Department of Transportation may

   24a ✺ not ◄ use funds in the Aeronautics

   25  Restricted Account to purchase ✺ [and operate] ◄ aircraft for
   ✺ [statewide aviation] ◄ certain purposes;

2. Page 6, Lines 169 through 169b
   House Floor Amendments
   2–17–2009:

   169  the duty of regulating and supervising aeronautics in this state and
   (f) the support of aerial search and rescue operations .

   169a ✺ (5) (a) ◄ Until July 1, 2014, monies in the account may
   not be used by the department for

   169b the purchase [or operation] of aircraft for ✺ [statewide
   purposes] ◄ purposes other than those described in Subsections
(4)(a) through (f)

(b) Until July 1, 2014, monies in the account may not be used to provide or subsidize direct operating costs of travel for purposes other than those described in Subsections (4)(a) through (f).

Stephen H. Urquhart, Chair

Mr. President: February 20, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 220, COHABITANT ABUSE PROCEDURES ACT AMENDMENTS, by Senator B. Goodfellow, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 1, Lines 14 through 16:

14 permits a court to issue an order to a person awaiting trial on a crime of domestic violence at the time that the charge is filed during any court hearing where the defendant is present, instead of at the time that the person is released from custody; and

2. Page 2, Lines 50 through 53:

50 (3) (a) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any defendant is charged with a crime involving domestic violence [is released from custody before trial], the court [authorizing the release] may, during any court hearing where the defendant is present, issue an order, pending trial; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 243, JUDICIAL PERFORMANCE EVALUATION COMMISSION MODIFICATIONS, by Senator D. C. Buttars, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

On motion of Senator Killpack, the committee reports were adopted. 1st Sub. H.B. 240, S.B. 75, H.B. 50, H.B. 261, as amended, S.B. 220, as amended, and
S.B. 243 were considered read the second time and placed on the Consent Calendar.

***

Mr. President: February 20, 2009

The Revenue and Taxation Committee has tabled S.B. 46, SCHOOL PROPERTY TAX EQUALIZATION AMENDMENTS, by Senator K. Morgan, and has returned it to the Rules Committee for filing.

Wayne L. Niederhauser, Chair

S.B. 46 was returned to the Rules Committee for filing.

INTRODUCTION OF BILLS

S.B. 188, Improvement District – Providing Electric Service (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 214, Office of Consumer Services Act (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 235, Redistribution of Sales and Use Tax Revenues and Property Tax Adjustment (J. Valentine), read the first time by short title and referred to the Rules Committee.

***

On motion of Senator Killpack, and at 10:35 a.m., the Senate recessed.

The Senate was called to order at 2:10 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 23, 2009

The House passed, S.B. 94, UNDERGROUND SEWER UTILITIES FACILITIES AMENDMENTS, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 95, MOBILE HOME PARK AMENDMENTS, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and
The House passed, **S.B. 99**, RENEWABLE ENERGY CERTIFICATE REVISIONS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**S.B. 94, S.B. 95, and S.B. 99** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

Mr. President: February 23, 2009

The House passed, as substituted and amended, **2nd Sub. H.B. 100**, DEPARTMENT OF CORRECTIONS – TRACKING AND REIMBURSEMENT OF INDIVIDUAL PRISONER COSTS, by Representative C. Wimmer, et al, and it is transmitted for consideration; and

The House passed **H.B. 205**, WATER SOURCE PROTECTION AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 207**, CONCURRENT ENROLLMENT AMENDMENTS, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 220**, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, by Representative M. Noel, and it is transmitted for consideration; and

The House passed **H.B. 254**, HEALTH PROFESSIONAL AUTHORITY – DEATH CERTIFICATES, by Representative B. Last, and it is transmitted for consideration; and

The House passed **H.J.R. 13**, JOINT RESOLUTION – TEACHER PERFORMANCE PAY, by Representative M. Poulson, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


**CONSENT CALENDAR**

**H.B. 279**, UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Bramble Christensen Davis Dayton
Goodfellow Greiner Hinkins Jenkins
Jones Killpack Knudson Liljenquist
Madsen Mayne McCoy Morgan
Niederhauser Okerlund Robles Romero
Stowell Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Bell Buttars Hillyard Stephenson

H.B. 279 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 91, INDIVIDUAL DEVELOPMENT ACCOUNT AMENDMENTS, was read the third time, explained by Senator Morgan, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Christensen Davis Dayton
Goodfellow Greiner Hinkins Jenkins
Jones Killpack Knudson Liljenquist
Madsen Mayne McCoy Morgan
Niederhauser Okerlund Robles Romero
Stowell Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Bell Buttars Hillyard Stephenson

H.B. 91 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 71, WITHHOLDING TAX AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Bramble Christensen Davis Dayton
Goodfellow Greiner Hinkins Jenkins
Jones Killpack Knudson Liljenquist
Madsen Mayne McCoy Morgan
Niederhauser Okerlund Robles Romero
Stowell Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Bell Buttars Hillyard Stephenson

H.B. 71 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 102, FALSE VEHICLE TITLE AND REGISTRATION PENALTIES, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Christensen Davis Dayton
Goodfellow Greiner Hinkins Jenkins
Jones Killpack Knudson Liljenquist
Madsen Mayne McCoy Morgan
Niederhauser Okerlund Robles Romero
Stephenson Stowell Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Bell Buttars Hillyard

H.B. 102 was returned to the House for further consideration.

***

H.B. 104, DRIVER LICENSE HEARING AMENDMENTS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bramble Christensen Davis Dayton
Goodfellow Greiner Hinkins Jenkins
Jones Killpack Knudson Liljenquist
Madsen Mayne McCoy Morgan
Niederhauser Okerlund Robles Romero
Stephenson Stowell Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators

Bell Buttars Hillyard

H.B. 104 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 51, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, was read the third time.

On motion of Senator Valentine, the bill was circled.

* * *

1st Sub. H.B. 92, REQUIREMENT TO WEAR HUNTER ORANGE AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell Buttars Christensen Davis
Dayton Goodfellow Greiner Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Romero
Stephenson Stowell Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators

Bramble Hillyard Robles
1st Sub. H.B. 92 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Stowell, the circle was removed from H.B. 51, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, and it was before the Senate.

Senator Valentine proposed the following amendment:

1. Page 4, Lines 92 through 106

   (iii) the fermented alcoholic beverage is manufactured and used for personal or family use and consumption; or

   (iv) the fermented alcoholic beverage is not for:

   (A) sale or offering for sale; or

   (B) consumption on a premise licensed by the commission.

   (c) An individual may store a fermented alcoholic beverage manufactured as provided

   in Subsection (6)(b) in the individual’s personal residence.

   (d) A fermented alcoholic beverage manufactured in accordance with Subsection (6)(b)

   may be removed from the premises where it is manufactured:

   (i) for personal or family use, including use at an organized event where fermented

   alcoholic beverages are judged as to taste and quality;

   (and)

   (ii) if the fermented alcoholic beverage is transported in compliance with Section

   41–6a–526; and

   (iii) if the fermented alcoholic beverage is removed only in the following
quantities:
(A) during a calendar year for personal and family use unrelated to an organized event where fermented alcoholic beverages are judged as to taste and quality:
(I) one liter of wine for each individual who is 21 years of age or older residing in the household;
(II) 72 ounces of heavy beer for each individual who is 21 years of age or older residing in the household; or
(III) 72 ounces of beer for each individual who is 21 years of age or older residing in the household; and
(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:
(I) one ounce of wine by volume;
(II) two ounces of heavy beer; or
(III) two ounces of beer.

(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).

Senator Valentine’s motion to amend passed on a voice vote. Senators Davis and Goodfellow commented and the bill passed on the following roll call:

**Yeas, 25; Nays, 2; Absent, 2.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

Dayton    Waddoups

**Absent or not voting were:** Senators

Bell     Hillyard
H.B. 51 was returned to the House for further consideration.

* * *

H.B. 235, DAM SAFETY AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bramble  Buttars  Christensen  Davis
Dayton  Goodfellow  Greiner  Hinkins
Jenkins  Jones  Killpack  Knudson
Madsen  Mayne  McCoy  Morgan
Niederhauser  Okerlund  Robles  Romero
Stephenson  Stowell  Urquhart  Valentine
Van Tassell  Waddoups

**Absent or not voting were:** Senators
Bell  Hillyard  Liljenquist

H.B. 235 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 233, AGGRAVATED SEXUAL ASSAULT AMENDMENTS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bramble  Buttars  Christensen  Davis
Dayton  Goodfellow  Greiner  Hinkins
Jenkins  Jones  Killpack  Knudson
Liljenquist  Madsen  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Robles
Romero  Stephenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

**Absent or not voting were:** Senators
Bell  Hillyard

H.B. 233 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
* * *

**H.B. 247**, AMENDMENTS TO EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**H.B. 247** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

**H.B. 78**, UTAH UNIFORM SECURITIES ACT MODIFICATIONS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**H.B. 78** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.


2nd Sub. H.B. 121, RETIRED VOLUNTEER HEALTH CARE PRACTITIONER, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting was: Senator Hillyard

2nd Sub. H.B. 121 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 83, PROPERTY TAX RELIEF PROGRAMS, was read the third time.

On motion of Senator Knudson, H.B. 83 was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 105, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting were: Senators
Hillyard       Stephenson

H.B. 105 was signed by the President of the Senate in open session and
returned to the House for the signature of the Speaker.

* * *

H.B. 253, MOTOR CARRIER PERMIT FEE AMENDMENTS, was read the
third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell            Bramble           Buttars          Christensen
Davis           Dayton           Goodfellow       Greiner
Hinkins         Jenkins          Jones            Killpack
Knudson         Liljenquist      Madsen           Mayne
McCoy           Morgan           Niederhauser    Okerlund
Robles          Romero           Urquhart        Valentine
Van Tassell     Waddoups

Absent or not voting were: Senators
Hillyard        Stephenson       Stowell

H.B. 253 was signed by the President of the Senate in open session and
returned to the House for the signature of the Speaker.

* * *

S.B. 39, IMMIGRATION AMENDMENTS, was read the third time,
explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell            Bramble           Buttars          Christensen
Dayton          Goodfellow       Greiner           Hillyard
Hinkins         Jenkins          Jones            Killpack
Knudson         Liljenquist      Madsen           Mayne
McCoy           Morgan           Niederhauser    Okerlund
Robles          Romero           Stephenson       Stowell
Urquhart        Valentine        Van Tassell     Waddoups
Absent or not voting was: Senator Davis

S.B. 39 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 102, SHARE THE ROAD SPECIAL GROUP LICENSE PLATE, was read the second time. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 7, Lines 197 through 206

   197 (5) The department shall distribute contributions in the account to one or more charitable organizations that:
   198 (a) are exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;
   199 (b) have as part of their primary mission the promotion and education of:
          (i) safe bicycle operation;
          (ii) safe motor vehicle operation around bicycles; and
          (iii) healthy lifestyles; and
   200 (c) do not receive funding from government sources; and
   201 (d) contribute to the start-up fee for the production and administrative costs for
   202 providing a Share the Road Bicycle Support special group license plate in accordance with
   203 Subsection 41-1a-418(2)(a).

2. Page 7, Line 209 through Page 8, Line 216:

   209 (b) An organization that receives a distribution from the department in accordance with
   210 Subsection (5) shall expend the distribution only to:
   211 (i) pay the costs of reordering Share the Road Bicycle Support special group license
(ii) produce and distribute educational and promotional materials on safe bicycle operation in Utah; (iii) conduct educational courses on bicycle operation and safety awareness; and (iv) produce and distribute educational and promotional materials to educate:

(A) bicyclists and motorists about safe bicycling, sharing the road, and obeying the law in Utah; and

(B) the public on healthy lifestyles;

(iii) participate in transportation planning that provides accommodations for safe bicycling;

(iv) promote a network of safe bicycling routes throughout the state; and

(v) provide other programs that promote bicycle safety.

Senator Niederhauser’s motion to amend passed on a voice vote. Senators Jones and Stephenson commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Killpack | Morgan |

***

**S.B. 51, RESTITUTION FUND ACCOUNT,** was read the second time. Senator Liljenquist explained the bill.

Senator Liljenquist proposed the following amendment:

1. Page 2, Line 45 through Page 3, Line 59
(4) (a) The attorney general, county attorney, municipal attorney, or district attorney may be authorized by the appropriate public treasurer to deposit restitution collected on behalf of crime victims into an interest bearing account in accordance with title 51, Chapter 7, State Money Management Act pending distribution of the funds.

(b) In the event restitution funds are deposited in an interest bearing account as provided under Subsection (4)(a), the attorney general, county attorney, municipal attorney, or district attorney shall:

(i) distribute any interest that accrues in the account to each crime victim on a pro rata basis; and

(ii) if all crime victims have been made whole and funds remain, distribute any remaining funds to the state Division of Finance for deposit to the Office of Crime Victims Reparations.

(c) Any interest bearing accounts used under this section must be non-speculative, fully insured, simple interest bearing accounts.

(d) This section does not prevent an independent judicial authority from collecting, holding, and distributing restitution.

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

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

**Voting in the affirmative were:** Senators

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S.B. 98, MOTOR FUEL THEFT PENALTIES, was read the second time. Senator Greiner explained the bill.

Senator Greiner proposed the following amendment:

1. Page 1, Lines 17 through 20
   
   driver license shall be suspended for a conviction of theft of motor vehicle fuel \(\rightarrow\)
   
   • 60 days for a first offense;
   
   • six months for a second offense; and
   
   • one year for a third or subsequent offense \(\rightarrow\) for 90 days; and

2. Page 4, Lines 106 through 109:

   (ii) A suspension under this section is \(\rightarrow\)
   
   • 60 days for a first offense;
   
   • six months for a second offense; and
   
   • one year for a third or subsequent offense \(\rightarrow\).

Senator Greiner’s motion to amend passed on a voice vote. Senators Hillyard and Stephenson commented. Senator Hinkins declared a conflict of interest. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Jenkins  Jones
Due to the request of a number of Senators, **H.B. 261**, AVIATION AMENDMENTS, was removed from the Consent Calendar and placed at the bottom of the Second Reading Calendar.

Due to the request of a number of Senators, **H.B. 261**, AVIATION AMENDMENTS, was removed from the Consent Calendar and placed at the bottom of the Second Reading Calendar.

**S.B. 128**, RAINWATER HARVESTING, was read the second time. Senator Jenkins explained the bill. Senators Greiner, Valentine, and McCoy commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

| Hinkins | McCoy | Robles |

**Absent or not voting was:** Senator

Killpack

**1st Sub. S.B. 131**, LAW ENFORCEMENT SERVICE IN LOCAL DISTRICTS AND INTERLOCAL ENTITIES, was read the second time.

On motion of Senator Jenkins, the following substitute bill replaced the original bill:
2nd Sub. S.B. 131 Law Enforcement Service in Local Districts and Interlocal Entities (S. Jenkins)

Senator Jenkins explained the bill.

Senator Jenkins proposed the following amendment:

1. Page 2, Line 29

   29 direction of the county sheriff;

   specifies that if a police interlocal entity or police local district
   enter an interlocal agreement for law enforcement service, the sheriff is
   not the chief executive officer of any entity created under that agreement,
   unless the agreement so provides, and that the sheriff provides law
   enforcement service under that agreement as provided in the
   agreement;

2. Page 10, Line 291:

   291 sheriff.

   (c) If a police interlocal entity or police local district enters an
   interlocal agreement with a public agency, as defined in Section
   11–13–103, for the provision of law enforcement service, the sheriff:

   (i) does not serve as the chief executive officer of any interlocal
   entity created under that interlocal agreement, unless the agreement
   provides for the sheriff to serve as the chief executive officer; and

   (ii) shall provide law enforcement service under that interlocal
   agreement as provided in the agreement.

3. Page 21, Lines 625 through 628:

   625 property tax revenue necessary

   (I) in the case of a fire district, to cover all of the costs associated
   with providing fire

   626 protection, paramedic, and emergency services:

   (Aa) for a participating county, in the
   unincorporated area of the county; and

   628 (II) in the case of a police district, to cover all the costs:

   (Aa) associated with providing law enforcement service:
(ii) for a participating county, in the unincorporated area of the county; and

(IIIi) for a participating municipality, in the municipality; and

(Bb) that the police district board designates as the costs to be funded by a property tax; and

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

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

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator Niederhauser

* * *

**S.B. 134, TRANSPORTATION FUNDING AMENDMENTS,** was read the second time. Senator Urquhart explained the bill.

Senator Urquhart proposed the following amendment:

1. Page 1, Lines 13 through 16

   13   ► prohibits the state, counties, and municipalities from spending project–specific funds allocated through a congressional authorization act for a transportation project that is eligible for funds apportioned to the state in support of the statewide transportation improvement program unless the specified project is included on the statewide transportation improvement program.

2. Page 2, Lines 37 through 39:
(2) A municipality may not spend project–specific funds that are allocated through an authorization act for a transportation–related project that is eligible for funds apportioned to the state in support of the statewide transportation improvement program unless the specified project is included on the statewide transportation improvement program.

3. Page 2, Lines 48 through 50:

(2) A county may not spend project–specific funds that are allocated through an authorization act for a transportation–related project that is eligible for funds apportioned to the state in support of the statewide transportation improvement program unless the specified project is included on the statewide transportation improvement program.

4. Page 3, Lines 64 through 67:

(b) The state, including any agency, department, or division of the state, may not spend project–specific funds that are allocated through an authorization act for a transportation–related project that is eligible for funds apportioned to the state in support of the statewide transportation improvement program unless the specified project is included on the statewide transportation improvement program.

Senator Urquhart’s motion to amend passed on a voice vote. Senator Okerlund commented. Senator Dayton declared a conflict of interest. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Buttars  Killpack

* * *

1st Sub. S.B. 132, INDIVIDUAL INCOME TAX CONTRIBUTION FOR METHAMPHETAMINE HOUSING RECONSTRUCTION AND REHABILITATION FUND, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bramble  Christensen  Davis  Dayton
Goodfellow  Greiner  Hillyard  Hinkins
Jones  Knudsen  Liljenquist  Madsen
Mayne  McCoy  Morgan  Niederhauser
Okerlund  Robles  Romero  Stephenson
Stowell  Urquhart  Valentine  Van Tassell
Waddoups

Voting in the negative was: Senator Jenkins

Absent or not voting were: Senators
Bell  Buttars  Killpack

* * *

S.B. 148, LOW–PROFIT LIMITED LIABILITY COMPANY ACT, was read the second time. Senator Hillyard explained the bill. Senator Jenkins commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bramble  Buttars  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Knudsen
Liljenquist  Madsen  McCoy  Morgan
Niederhauser  Okerlund  Robles  Romero
Stephenson  Stowell  Valentine  Van Tassell
Waddoups
Absent or not voting were: Senators
Bell    Killpack    Mayne    Urquhart

* * *

S.C.R. 2, CONCURRENT RESOLUTION – A CALL TO CIVILITY, was read the second time. Senator Valentine explained the bill. Senators Bramble and Romero commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Christensen
Davis   Dayton    Goodfellow  Greiner
Hillyard Hinkins  Jenkins    Jones
Killpack Knudson  Liljenquist Madsen
Mayne   McCoy     Morgan     Niederhauser
Okerlund Robles   Romero     Stephenson
Stowell Urquhart Valentine Van Tassell
Waddoups

INTRODUCTION OF BILLS

S.B. 210, Amendments to Property Tax (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 238, Coal Severance Tax (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 240, Utah Science Technology and Research Initiative Amendments (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 267, Landlord Disclosure Requirements (R. Romero), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Killpack and at 4:05 p.m., the Senate adjourned until 10:00 a.m., Tuesday, February 24, 2009.
The Senate was called to order at 10:10 a.m., with President Michael Waddoups presiding.

**Prayer** – Bishop Sam Ware, Monroe 2nd Ward, The Church of Jesus Christ of Latter-day Saints

**Pledge of Allegiance** – Senator Scott McCoy

**Roll Call** – All Senators present

**READING OF TITLES OF BILLS AND RESOLUTIONS**

(PLEASE REFER TO DAY 1, PAGE 73)

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 23, 2009

The House passed, as substituted and amended, **1st Sub. H.B. 126**, VOTER IDENTIFICATION FOR ELECTIONS, by Representative B. Daw, et al, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 150**, STATE BOARD OF EDUCATION MEMBER ELECTION PROCESS AMENDMENTS, by Representative C. Moss, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 280**, INSURANCE CODE – CONTINUING EDUCATION, by Representative J. Bird, and it is transmitted for consideration; and

The House passed **H.B. 310**, AUTHORITY OF LIEUTENANT GOVERNOR TO PERFORM MARRIAGE, by Representative C. Wimmer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 126, 1st Sub. H.B. 150, 1st Sub. H.B. 280, and H.B. 310** were read the first time and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 23, 2009

The Rules Committee recommends assignment of the following bills to standing committees:
Education Committee
S.B. 240 Utah Science Technology and Research Initiative Amendments (Sen. S. Killpack)

Government Operations and Political Subdivisions Committee
S.B. 188 Improvement District – Providing Electric Service (Sen. D. Stowell)

Health and Human Services Committee

Judiciary, Law Enforcement, and Criminal Justice Committee
H.B. 329 Wrongful Death Claims (Rep. L. Fowlke) (Sen. C. Bramble)

Revenue and Taxation Committee
S.B. 235 Redistribution of Sales and Use Tax Revenues and Property Tax Adjustment (Sen. J. Valentine)
H.B. 140 Motor Vehicle Registration Fee Amendments (Rep. C. Frank)
S.B. 210 Amendments to Property Tax (Sen. C. Bramble)

Transportation, Public Utilities and Technology Committee
S.B. 214 Office of Consumer Services Act (Sen. J. Valentine)

Margaret Dayton
Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.
Mr. President:

February 23, 2009

The Business and Labor Committee reports a favorable recommendation on S.B. 211, BUILDING CODE AMENDMENTS, by Senator C. Bramble, with the following amendments:

1. Page 11, Lines 326 through 328:

326 (o) in accordance with Section 58–56–4, make a report to the Business and Labor

327 Interim Committee by:

(i) no later than November 30 of each year recommending any amendments to the currently adopted fire code; and

(ii) no later than November 30 in a year of a regularly scheduled update cycle of a nationally promulgated fire code recommending the adoption of.

328 amendment to, or repeal of {−a } the updated nationally promulgated fire code.

2. Page 17, Lines 519 through 520:

519 (d) { −An } If not formally adopted by the Legislature at its next annual general session, an adopted code adopted under this Subsection (4) is repealed effective at midnight on the last day that the Legislature adjourns sine die at its next annual general session.

3. Page 18, Lines 526 through 535:

526 (b) {− If the board adopts a fire code under Subsection (5)(a), the board shall file with the division:

527 (i) the text of the adopted fire code; and

529 (ii) an analysis that includes the specific reasons and justifications for its findings.

530 (e) {− The board shall {− in accordance with Subsection (5)(b) }:

531 (i) publish the adopted fire code; and
(ii) notify the Business and Labor Interim Committee of the adoption, including a copy of the board’s analysis described in Subsection (5)(b) of an analysis by the board identifying specific reasons and justifications for its findings.

(d) If not formally adopted by the Legislature at its next annual general session, a fire code adopted under this Subsection (5) is repealed effective at midnight on the last day that the Legislature adjourns sine die at its next annual general session.

The Business and Labor Committee reports a favorable recommendation on S.B. 268, TITLE AND ESCROW COMMISSION RELATED AMENDMENTS, by Senator J. Valentine; 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 8, Lines 216 through 219:

   216 (B) A preliminary notice attached to an untimely, but otherwise valid, notice of commencement is valid if there is also a valid and timely notice of commencement for the project to which the preliminary notice may attach filed by a party authorized in Section 38–1–31.

2. Page 9, Lines 268 through 269:

   268 (c) Subject to Subsection (2)(d), a person required by this section to give preliminary notice is only required to give one notice for each project.

The Business and Labor Committee reports a favorable recommendation on H.B. 271, WORKERS’ COMPENSATION – UNINSURED EMPLOYERS’ FUND, by Representative M. Morley, with the following amendments:

1. Page 1, Lines 23 through 25:
23 Other Special Clauses:
   This bill takes effect July 1, 2010.

24 This bill coordinates with H.B. 39, Utah Injured Worker Reemployment Act, to merge substantive amendments.

2. Page 25, Lines 750 through 752:

   750 If this H.B. 271 and H.B. 39, Utah Injured Worker Reemployment Act, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing for publication the Utah Code database that takes effect on July 1, 2010:

3. Page 25, Lines 766 through 767:

   766 (C) Title 34A, Chapter 3, Occupational Disease Act; or
   767 (D) Title 34A, Chapter 8a, Utah Injured Worker Reemployment Act.”

   Section 11. Effective date.
   This bill takes effect July 1, 2010.

   John L. Valentine, Chair

Mr. President: February 23, 2009

The Health and Human Services Committee reports a favorable recommendation on S.B. 217, DRUGS AMENDMENTS, by Senator P. Knudson, with the following amendments:

1. Page 3, Lines 67 through 72:

   67 (6) For any accident and health insurance policy that takes effect or is renewed after July 1, 2009, coverage for orally administered cancer chemotherapy treatments under a policy of accident and health insurance may not be subject to dollar limits, copayments, or deductibles that
apply to coverage for similar cancer chemotherapy treatments that are administered intravenously or by injection under the policy of accident or health insurance. ; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 42, ADOPTION REVISIONS, by Representative S. Allen; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 265, POSTMORTEM PROCEDURES AMENDMENTS, by Representative B. Daw.

D. Chris Buttars, Chair

Mr. President: February 23, 2009

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 29
   House Committee Amendments 1–28–2009:
   (1) As used in this section “School” means any public or private kindergarten.

2. Page 2, Line 31:
   (b) “School property” means real property owned or occupied by a public or private school, including real property temporarily occupied by students for a school activity or program.

3. Page 2, Line 33:
   (b) the ; and
The Education Committee reports a favorable recommendation on H.B. 287, UTAH EDUCATION NETWORK AMENDMENTS, by Representative K. Holdaway.

Curtis S. Bramble, Chair

Mr. President:

February 20, 2009

The Government Operations and Political Subdivisions Committee recommends S.B. 84, IMPACT FEES REVISIONS, by Senator G. Bell, be replaced and favorably recommends 1st Sub. S.B. 84, IMPACT FEES REVISIONS; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on 1st Sub. S.B. 106, ALCOHOLIC BEVERAGE CONTROL ACT RESTRICTIONS, by Senator S. McCoy; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 156, GIFTS AND MEAL PROVISIONS FOR PUBLIC OFFICIALS, by Senator G. Bell, with the following amendments:

1. Page 7, Lines 201 through 203:

   201 (C) an expenditure made for food or beverage {including the public official’s name}, if

   202 the aggregate daily expenditures benefitting the public official are greater than [$50; and] $25

   203 unless the food or beverage is provided in connection with an event to which:

2. Page 9, Lines 273 through 274:

   273 (b) Notwithstanding Subsection (1)(a), “gift” includes:

   (i) admission to a sporting, recreational, or artistic event whether as a spectator or a participant;

   (ii) cash;

   ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 162, USE OF CAMPAIGN FUNDS AMENDMENTS, by Senator J. Valentine, with the following amendments:

1. Page 2, Lines 42 through 44:
42 (4) (A) Except as provided in Subsection (4)(b) and Section 20A–11–402, a person who is no longer a state office candidate may not expend or transfer the monies in a campaign account in a manner that would cause the former state office candidate to recognize the monies as taxable income under federal tax law.

(b) A person who is no longer a state office candidate may transfer the monies in a campaign account in a manner that would cause the former state office candidate to recognize the monies as taxable income under federal tax law if the transfer is made to a campaign account for federal office.

2. Page 2, Line 58 through Page 3, Line 60:

58 (5) (A) Except as provided in Subsection (5)(b) and Section 20A–11–402, a person who is no longer a legislative office candidate may not expend or transfer the monies in a campaign account in a manner that would cause the former legislative office candidate to recognize the monies as taxable income under federal tax law.

(b) A person who is no longer a legislative office candidate may transfer the monies in a campaign account in a manner that would cause the former legislative office candidate to recognize the monies as taxable income under federal tax law if the transfer is made to a campaign account for federal office.

3. Page 3, Lines 76 through 78:

76 (4) (A) Except as provided in Subsection (4)(b), a person who is no longer an officeholder may not expend or transfer the monies in a campaign account in a manner that would cause the former officeholder to recognize the monies as taxable income under federal tax law.

(b) A person who is no longer an officeholder may transfer the monies in a campaign account in a manner that would cause the former officeholder to recognize the monies as taxable income under federal tax law if the transfer is made to a campaign account for federal office.

4. Page 4, Lines 94 through 96:
(5) {A} (a) Except as provided in Subsection (5)(a) and Section 20A-11-402, a person who is no longer a school board candidate may not expend or transfer the monies in a campaign account in a manner that would cause the former school board candidate to recognize the monies as taxable income under federal tax law.

(b) A person who is no longer a school board candidate may transfer the monies in a campaign account in a manner that would cause the former school board candidate to recognize the monies as taxable income under federal tax law if the transfer is made to a campaign account for federal office.

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 209, LAND USE, DEVELOPMENT, AND MANAGEMENT ACT AMENDMENTS, by Senator G. Bell; and

H.B. 118, ARCHIVES AND GRAMA REVISIONS, by Representative D. Aagard.

Peter C. Knudson, Chair


STANDING COMMITTEE REPORTS

Mr. President: February 23, 2009

The Health and Human Services Committee reports a favorable recommendation on H.B. 239, UTAH MEDICAL EXAMINER ACT – INVESTIGATION AND AUTOPSIES AMENDMENTS, by Representative C. Oda, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 289, BACKGROUND CHECKS FOR QUALIFYING
ENTITIES, by Representative S. Sandstrom, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

Mr. President: February 23, 2009

The Education Committee reports a favorable recommendation on S.B. 185, FEDERAL EDUCATION AGREEMENT REQUIREMENTS AMENDMENTS, by Senator M. Dayton, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 1, Lines 19 through 20:

   Other Special Clauses:

   20 {None} This bill provides an immediate effective date.

2. Page 5, Line 128:

   authorizations established by this part are necessary.

   Section 6. Effective date.

   If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor’s signature, or in the case of a veto, the date of veto override. ; and

The Education Committee reports a favorable recommendation on 1st Sub. H.B. 264, EDUCATOR EVALUATION AMENDMENTS, by Representative R. Menlove, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

On motion of Senator Killpack, the committee reports were adopted. H.B. 239, H.B. 289, S.B. 185, as amended, and 1st Sub. H.B. 264 were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 187, Alcohol Amendments (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 215, Justice for All Special Group License Plate (G. Bell), read the first time by short title and referred to the Rules Committee.
S.B. 241, Instructional Expenses Requirements (M. Madsen), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

1st Sub. S.B. 192, CORPORATION AND BUSINESS ENTITY RELATED AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell            Christensen       Dayton       Goodfellow
Greiner         Hillyard         Hinkins      Jenkins
Jones           Killpack         Knudson      Liljenquist
Mayne           Morgan           Niederhauser Okerlund
Robles          Romero           Stowell     Valentine
Van Tassell     Waddoups

Absent or not voting were: Senators
Bramble         Buttars          Davis        Madsen
McCoy           Stephenson       Urquhart

1st Sub. S.B. 192 was transmitted to the House for consideration.

* * *

1st Sub. S.C.R. 3, CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE WORK OF THE UTAH COUNCIL ON FINANCIAL AND ECONOMIC EDUCATION, was read the first, second and third time, explained by Senator Jones, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell            Christensen       Davis        Dayton
Goodfellow      Greiner          Hillyard    Hinkins
Jenkins         Jones            Killpack    Knudson
Liljenquist     Mayne           Morgan      Niederhauser
Okerlund        Robles          Romero     Stowell
Valentine       Van Tassell     Waddoups

Absent or not voting were: Senators
Bramble         Buttars          Madsen      McCoy
Stephenson      Urquhart
1st Sub. S.C.R. 3 was transmitted to the House for consideration.

* * *

On motion of Senator Valentine, H.B. 223, STATUTE OF LIMITATIONS AMENDMENTS, was read the third time and circled.

THIRD READING CALENDAR

S.B. 102, SHARE THE ROAD SPECIAL GROUP LICENSE PLATE, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Davis  Dayton  Goodfellow
Greiner  Hillyard  Hinkins  Jenkins
Jones  Killpack  Knudson  Liljenquist
Madsen  Mayne  McCoy  Morgan
Niederhauser  Okerlund  Robles  Romero
Stephenson  Stowell  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Bramble  Buttars  Christensen

S.B. 102 was transmitted to the House for consideration.

* * *

S.B. 51, RESTITUTION FUND ACCOUNT, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Christensen  Davis  Dayton
Goodfellow  Greiner  Hillyard  Hinkins
Jenkins  Jones  Killpack  Knudson
Liljenquist  Madsen  Mayne  Morgan
Okerlund  Robles  Romero  Stephenson
Stowell  Urquhart  Valentine  Van Tassell
Waddoups
Absent or not voting were: Senators
Bramble       Buttars       McCoy       Niederhauser

S.B. 51 was transmitted to the House for consideration.

***

On motion of Senator Greiner, S.B. 98, MOTOR FUEL THEFT PENALTIES, was read the third time and circled.

***

S.B. 128, RAINWATER HARVESTING, was read the third time and explained by Senator Jenkins.

Senator Jenkins proposed the following amendment:

1. Page 2, Lines 46 through 48

   46 (7) Notwithstanding the requirements of Section 73–3–2, a person may:

   47 (a) directly capture and store precipitation in an underground storage container:

   (i) with a maximum capacity of 2,500 gallons; and

   (ii) installed in accordance with relevant building codes adopted under Chapter 56, Title 58, Uniform Building Standards Act; and

Senator Jenkins’ motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators
Bell           Christensen       Davis       Dayton
Goodfellow     Greiner          Hilyard     Jenkins
Jones          Killpack         Knudson     Liljenquist
Madsen         Mayne            Morgan      Niederhauser
Okerlund       Robles           Romero      Stephenson
Stowell        Urquhart         Valentine   Waddoups

Voting in the negative were: Senators
Hinkins        McCoy

Absent or not voting were: Senators
Bramble       Buttars       Van Tassell

S.B. 128 was transmitted to the House for consideration.

***

On motion of Senator Jenkins, 2nd Sub. S.B. 131, LAW ENFORCEMENT SERVICE IN LOCAL DISTRICTS AND INTERLOCAL ENTITIES, was read the third time and circled.

***

S.B. 134, TRANSPORTATION FUNDING AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell       Christensen       Davis       Dayton
Goodfellow  Greiner         Hillyard    Hinkins
Jenkins     Jones           Killpack    Knudson
Liljenquist Madsen         Mayne       McCoy
Morgan      Niederhauser    Okerlund    Robles
Romero      Stephenson      Stowell     Urquhart
Valentine   Waddoups

Absent or not voting were: Senators
Bramble       Buttars       Van Tassell

S.B. 134 was transmitted to the House for consideration.

***

1st Sub. S.B. 132, INDIVIDUAL INCOME TAX CONTRIBUTION FOR METHAMPHETAMINE HOUSING RECONSTRUCTION AND REHABILITATION FUND, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators
Bell       Bramble       Christensen       Davis
Dayton     Goodfellow    Greiner         Hillyard
Voting in the negative were: Senators
Jenkins Stephenson

Absent or not voting were: Senators
Buttars Van Tassell

1st Sub. S.B. 132 was transmitted to the House for consideration.

* * *

S.B. 148, LOW–PROFIT LIMITED LIABILITY COMPANY ACT, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jones Knudson
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Jenkins Killpack

S.B. 148 was transmitted to the House for consideration.

* * *

S.C.R. 2, CONCURRENT RESOLUTION – A CALL TO CIVILITY, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.
Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Goodfellow Greiner Hillyard
Hinkins Jones Knudson Liljenquist
Madsen Mayne McCoy Morgan
Niederhauser Okerlund Robles Romero
Stephenson Stowell Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Dayton Jenkins Killpack

S.C.R. 2 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 137, PHYSICAL THERAPY PRACTICE ACT, was read the second time. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 2, Lines 47 through 48
   
   47 Other Special Clauses:
   
   48 {−None−} This bill takes effect on July 1, 2009.

2. Page 16, Lines 480 through 481
   Senate Committee Amendments 2−9−2009:
   
   480 (3) The duties and responsibilities of the board are described in Subsection (4) and
   481 Sections 58−21b through 58−21b−303.

3. Page 19, Line 556:
   

4. Page 19, Lines 566 through 575:
   
   566 (4) A license issued under this chapter expires on the expiration date indicated on the
license, unless the license is renewed under this section.

(5) Notwithstanding any other provision of this chapter, the division may, by rule, grant a temporary license, that expires on July 1, 2011, as a physical therapist assistant to an individual who:

(a) was working as a physical therapist assistant in Utah before July 1, 2009; and 

(b) complies with the requirements described in Subsections 58–24b–302(2)(a), (b), (c), (f), and (g).

Section 10. Section 58–24b–304 is enacted to read:

58–24b–304. Exemptions from licensure.

(1) In addition to the exemptions from licensure described in Section 58–1–307, as modified by Subsection 58–24b–302(5), a person may engage in acts that constitute the practice of physical therapy without a license issued under this chapter if:

(a) the person is licensed under another law of the state to engage in acts that constitute

the practice of physical therapy if that person does not

(i) claim to be a physical therapist; or

(ii) claim to be a provider of any type of physical therapy that is outside of the scope of practice of the license that is issued to the person; or

(iii) engage in any acts that constitute the practice of physical therapy that are outside of the scope of practice of the license that is issued to the person;

5. Page 22, Line 677

Senate Committee Amendments
2–9–2009:

677 (a) perform a physical therapy evaluation or assessment or diagnoses;

6. Page 26, Line 778

Senate Committee Amendments
2–9–2009:

778 (i) physical therapy, except to the extent that the word is used to describe conduct that a person is licensed to engage in under another law of the state;
7. Page 34, Lines 1026 through 1028:

1026  [(36)] (37) “Unanticipated outcome” means the outcome of a medical treatment or

1027 procedure that differs from an expected result.  

Section 24. Effective date. 
This bill takes effect on July 1, 2009.

1028 Section (24) 25 . Repealer.

Senator Niederhauser’s motion to amend passed on a voice vote. Senator Robles commented. The bill passed second reading, under suspension of the rules, on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell  Bramble  Buttars  Christensen  
Davis  Dayton  Goodfellow  Greiner  
Hillyard  Hinkins  Jenkins  Jones  
Knudson  Liljenquist  Madsen  Mayne  
McCoy  Morgan  Niederhauser  Okerlund  
Robles  Romero  Stephenson  Stowell  
Urquhart  Valentine  Van Tassell  Waddoups  

**Absent or not voting was:** Senator  
Killpack  

***  

On motion of Senator Jenkins, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Jenkins, the circle was removed from 2nd Sub. S.B. 131, LAW ENFORCEMENT SERVICE IN LOCAL DISTRICTS AND INTERLOCAL ENTITIES, and it was before the Senate. Senator Jenkins explained the bill.

Senator Bramble proposed the following amendment:

1. Page 1, Line 17
17 their approval if the local district is created to provide law enforcement service;
   \(\text{requires county and municipal legislative body approval of a property tax imposed by a police local district;}\)

2. Page 1, Line 20:

20 \(\text{modifies who appoints one member of a merit system commission for a first class county in}\)

3. Page 2, Line 29a
   Senate 2nd Reading Amendments 2–23–2009:

29a \(\text{specifies that if a police interlocal entity or police local district enters an interlocal}\)

4. Page 2, Line 33
   Senate 2nd Reading Amendments 2–23–2009:

33 \(\text{by agreement; limits application of some provisions to districts in counties of the first class;}\)

5. Page 2, Line 54
   Senate 2nd Reading Amendments 2–23–2009:

54 17B–1–505, as renumbered and amended by Laws of Utah 2007, Chapter 329
   17B–2a–903, as enacted by Laws of Utah 2007, Chapter 329

6. Page 11, Line 312:

312 county of the first class is a party; and

7. Page 11, Line 317:

317 17B–1–203 by the legislative body of a county of the first class, alone or with one or more other legislative

8. Page 18, Line 535:

535 17B–1–512(2)(a).
   Section 12. Section 17B–2A–903 is amended to read:
   17B–2a–903. Additional service area powers.
(1) In addition to the powers conferred on a service area under Section 17B–1–103, a service area:
   (a) may issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds, to carry out the purposes of the district;
   (b) that, until April 30, 2007, was a regional service area, may provide park, recreation, or parkway services, or any combination of those services; and
   (c) may, with the consent of the county in which the service area is located, provide planning and zoning service.

(2) A service area that provides law enforcement service may not levy a property tax or increase its certified tax rate, as defined in Section 59–2–924, without the prior approval of:
   (a) the legislative body of each municipality that is partly or entirely within the boundary of the service area; and
   (ii) the legislative body of the county with an unincorporated area within the boundary of the service area; or
   (b) a majority of the legislative bodies of all municipalities that are partly or entirely within the boundary of the service area; and
   (ii) two-thirds of the legislative body of the county with an unincorporated area within the boundary of the service area.

9. Page 21, Line 645
   Senate 2nd Reading Amendments
   2–23–2009:

   645 Area Act within a county of the first class:

   Renumber remaining sections accordingly.

Senator Bramble’s motion to amend passed on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Jenkins  Jones
Killpack  Knudson  Liljenquist  Madsen
Mayne  McCoy  Morgan  Niederhauser
S.B. 131 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 142, DISPOSITION OF A DEAD BODY, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Jenkins  Jones
Killpack  Knudson  Liljenquist  Madsen
Mayne  McCoy  Morgan  Niederhauser
Okerlund  Robles  Romero  Stowell
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Stephenson  Urquhart

S.B. 146, HOME SCHOOLING AMENDMENTS, was read the second time. Senator Madsen explained the bill. Senator Hinkins commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Killpack
Knudson  Liljenquist  Madsen  Mayne
McCoy  Morgan  Niederhauser  Okerlund
Robles  Romero  Stowell  Valentine
Waddoups

Absent or not voting were: Senators
Christensen  Stephenson  Urquhart  Van Tassell
**On motion of Senator Jenkins, S.B. 159, MATH EDUCATION INITIATIVE,** was read the second time and circled.

**S.B. 58, COLLECTION AND USE OF PRECIPITATION,** was read the second time. Senator McCoy explained the bill. Senators Jenkins, Hinkins, Madsen, and Valentine commented. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 6; Absent, 2.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

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**S.B. 54, UNIFORM LAW – UNIFORM ASSIGNMENT OF RENTS ACT,** was read the second time. Senator Romero explained the bill.

Senator Romero proposed the following amendment:

363 57–26–111, Effect of enforcement.

364 The enforcement of an assignment of rents by one or more of the methods identified in

365 Sections 57–26–107, 57–26–108, and 57–26–109, the application of proceeds by the assignee
under Section 57–26–112 after enforcement, the payment of expenses under Section 57–26–113,
or an action under Subsection 57–26–114(4) does not:

(1) make the assignee a purchaser in possession of the real property;

(2) make the assignee an agent of the assignor;

(3) constitute an election of remedies that precludes a later action to enforce the secured obligation;

(4) make the secured obligation unenforceable;

(5) limit any right available to the assignee with respect to the secured obligation;

(6) limit, waive, or bar any foreclosure or power of sale remedy under the security instrument;

(7) violate Section 78B–6–901; or

(8) bar a deficiency judgment pursuant to any law of this state governing or relating to deficiency judgments following the enforcement of any encumbrance, lien, or security interest.

2. Page 15, Lines 441 through 460:

57–26–115. Perfection and priority of assignee’s security interest in proceeds.

*** Some lines not shown ***

(3) Except as otherwise provided in Subsection (4), priority between an assignee’s security interest in identifiable proceeds and a conflicting interest is governed by the priority rules in Article 9.

(4) An assignee’s perfected security interest in identifiable cash proceeds is subordinate to a conflicting interest that is perfected by control under Article 9 but has priority over a conflicting interest that is perfected other than by control.

(5) An assignee’s perfected security interest in identifiable cash
proceeds is subordinate to a conflicting interest arising under a right of recoupment or setoff.

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

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**S.B. 56, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENT, was read the second time. Senator Killpack explained the bill.**

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

**1st Sub. S.B. 56 Military Installation Development Authority Amendments** (S. Killpack)

On motion of Senator Killpack, the bill was circled.

***

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

**AFTERNOON SESSION**

The Senate reassembled at 2:20 p.m., with President Waddoups presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 24, 2009

The House passed, **S.B. 108, TAX COMMISSION ADMINISTRATION, COLLECTION, AND ENFORCEMENT AMENDMENTS**, by Senator
W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 108 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 24, 2009

The House concurred in the Senate amendments and passed H.B. 24, TRAFFIC ACCIDENT CLEARANCE AMENDMENTS, by Representative E. Hutchings, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 102, FALSE VEHICLE TITLE AND REGISTRATION PENALTIES, by Representative P. Ray, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 24 and H.B. 102, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: February 24, 2009

The House passed H.B. 152, APPRAISAL MANAGEMENT COMPANY REGULATION, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 294, SURVIVAL ACTION UPON INJURY OR DEATH, by Representative K. McIff, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 352, ALCOHOLIC BEVERAGE RELATED AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed H.B. 375, LOCAL GOVERNMENT RECORDS AMENDMENTS, by Representative R. Wilcox, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 152, 1st Sub. H.B. 294, 1st Sub. H.B. 352, and H.B. 375 were read the first time and referred to the Rules Committee.
Mr. President:  

The House refused to concur with the Senate Amendments to H.B. 51, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, by Representative C. Johnson, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

RULES COMMITTEE REPORTS

To the Members of the Senate:  

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

**Business and Labor Committee**

S.B. 187  Alcohol Amendments (Sen. J. Valentine)

S.B. 267  Landlord Disclosure Requirements (Sen. R. Romero)

H.B. 72  Children’s Justice Center Amendments (Rep. L. Fowlke) 
          (Sen. C. Bramble)

                   (Sen. K. Van Tassell)

**Education Committee**

S.B. 241  Instructional Expenses Requirements (Sen. M. Madsen)


1st Sub. H.B. 207  Concurrent Enrollment Amendments (Rep. K. Holdaway) 
                   (Sen. M. Dayton)

H.J.R. 13  Joint Resolution – Teacher Performance Pay 
            (Rep. M. Poulson) (Sen. K. Morgan)

**Government Operations and Political Subdivisions Committee**

H.B. 17  Expedited Partner Therapy Treatment (Rep. J. Seelig) 
         (Sen. S. Urquhart)

          (Sen. D. Stowell)

                   (Sen. M. Madsen)

H.B. 310  Authority of Lieutenant Governor to Perform Marriage 
           (Rep. C. Wimmer) (Sen. R. Okerlund)
Health and Human Services Committee
H.B. 254 Health Professional Authority – Death Certificates
(Rep. B. Last) (Sen. S. Killpack)

Judiciary, Law Enforcement, and Criminal Justice Committee
H.B. 37 Violent Offenses Amendments (Rep. J. Seelig)
(Sen. J. Greiner)
2nd Sub. H.B. 100 Department of Corrections – Tracking and
Reimbursement of Individual Prisoner Costs
(Rep. C. Wimmer) (Sen. C. Bramble)
2nd Sub. H.B. 220 State Payment and Reimbursement to County
Correctional Facilities (Rep. M. Noel) (Sen. J. Greiner)

Natural Resources, Agriculture and Environment Committee
H.B. 205 Water Source Protection Amendments (Rep. M. Noel)
(Sen. S. Urquhart)

Revenue and Taxation Committee
S.B. 238 Coal Severance Tax (Sen. G. Davis)

Transportation, Public Utilities and Technology Committee
S.B. 215 Justice for All Special Group License Plate (Sen. G. Bell)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 24, 2009

The Government Operations and Political Subdivisions Committee reports a
favorable recommendation on S.B. 73, UNINCORPORATED AREAS
AMENDMENTS, by Senator K. Mayne; and

The Government Operations and Political Subdivisions Committee recommends S.B. 63, MODIFICATIONS TO RECORDING REQUIREMENTS – SUBDIVISIONS, by Senator R. Okerlund, be replaced and favorably recommends 1st Sub. S.B. 63, MODIFICATIONS TO RECORDING REQUIREMENTS with the following amendments:

1. Page 1, Lines 24 through 25:
provides that the absence of a certificate of written approval does not prohibit the county recorder from recording the document; } 

2. Page 2, Line 47:

\{-10−9a−605, as last amended by Laws of Utah 2006, Chapter 240−\}

3. Page 3, Line 57, Senate Committee Amendments, 2−18−09:

\{-17−27a−605, as last amended by Laws of Utah 2006, Chapter 240−\}

4. Page 6, Line 156 through Page 7, Line 189:
Delete lines 156−189

5. Page 18, Line 537, Senate Committee Amendments, 2−18−09, through Page 19, Line 571:
Delete lines 537−571

Renumber remaining sections accordingly; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 122, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, by Representative D. Aagard.

Peter C. Knudson, Chair

Mr. President: February 24, 2009

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 65, AMENDMENTS TO PROPERTY TAX NOTICE, PUBLIC HEARING, AND RESOLUTION PROVISIONS, by Senator D. Stowell; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 189, AMENDMENTS TO SALES AND USE TAX, by Senator W. Niederhauser; and
The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 190**, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN, by Senator W. Niederhauser.

Wayne L. Niederhauser, Chair

Mr. President: February 23, 2009

The Natural Resources, Agriculture, and Environment Committee recommends **S.B. 80**, FIRE LIABILITY MODIFICATIONS, by Senator M. Dayton, be replaced and favorably recommends **1st Sub. S.B. 80**, FIRE LIABILITY MODIFICATIONS.

Dennis E. Stowell, Chair

Mr. President: February 23, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 244**, LONG ARM JURISDICTION AMENDMENTS, by Senator W. Niederhauser; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.J.R. 21**, JOINT RESOLUTION ON COMBATING AND REDUCING GANG ACTIVITY, by Senator L. Robles, with the following amendments:

1. Page 3, Line 64:
   64 { academic } academics, targeted counseling, and employment programs as a means to enhance the future of ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 222**, UNBORN CHILD PAIN PREVENTION ACT, by Representative C. Wimmer; and

The Judiciary, 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.

Michael G. Waddoups,
President of the Senate

STANDING COMMITTEE REPORTS

Mr. President: February 24, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 291, COUNTY PERSONNEL AMENDMENTS, by Representative B. King, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 319, DISASTER RECOVERY FUNDING AMENDMENTS, by Representative C. Oda, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: February 23, 2009

The Natural Resources, Agriculture, and Environment Committee recommends H.C.R. 5, CONCURRENT RESOLUTION URGING THE REALIGNMENT OF AIR QUALITY REQUIREMENTS BY THE EPA, by Representative R. Menlove, be replaced and favorably recommends 1st Sub. H.C.R. 5, CONCURRENT RESOLUTION URGING THE REALIGNMENT OF AIR QUALITY REQUIREMENTS BY THE EPA and that it be considered read for the second time and placed on the Consent Calendar; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.C.R. 6, CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO CONGRESSIONAL EFFORTS TO EXPAND THE JURISDICTION OF THE CLEAN WATER ACT, by Representative M. Brown, and recommends it be considered read for the second time and placed on the Consent Calendar.

Dennis E. Stowell, Chair

Mr. President: February 23, 2009

The Judiciary, 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 considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 127, PERSONAL INJURY PROTECTION COVERAGE AMENDMENTS, by Representative T. Kiser, and recommends it be considered read for the second time and placed on the Consent Calendar; and
The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 228**, ASSAULT ON SERVICE MEMBER IN UNIFORM, by Representative E. Hutchings, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 295**, MONEY LAUNDERING AMENDMENTS, by Representative R. Wilcox, and recommends it be considered read for the second time and placed on the Consent Calendar.

Michael G. Waddoups,  
President of the Senate


### INTRODUCTION OF BILLS

**S.B. 193**, Salvage Vehicles Amendments (S. Urquhart), read the first time by short title and referred to the Rules Committee.

**S.B. 218**, Community Animal Shelter and Adoption Support Special Group License Plate (P. Knudson), read the first time by short title and referred to the Rules Committee.

**S.B. 270**, Gift Card Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

* * *

**H.B. 51**, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, was before the Senate.

On motion of Senator Stowell, the Senate voted to refuse to recede from its amendments to **H.B. 51**. President Waddoups appointed a conference committee consisting of Senators Stowell, Valentine, and Morgan to meet with a like committee from the House.

### THIRD READING CALENDAR

On motion of Senator Greiner, the circle was removed from **S.B. 98**, MOTOR FUEL THEFT PENALTIES, and it was before the Senate.
On motion of Senator Greiner, the bill was circled.

SECOND READING CALENDAR

S.B. 150, STATE ARMORY AMENDMENTS, was read the second time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

| Bell | Davis | Knudson |

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S.B. 14, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, was read the second time. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:9, Lines 261 through 262

261 (l) A motion picture company that claims a tax credit under Subsection (2)(k) shall

262 retain the tax certificate in accordance with Subsection 63M−1−1804(5)(d).

(3) The office may issue up to:

(a) $7,793,700 in tax credit certificates in a fiscal year under this part; and

(b) $2,206,300 in motion picture cash rebates in a fiscal year under this part.

Senator Hillyard’s motion to amend passed on a voice vote. Senators Greiner, Morgan, Jones, Jenkins, and Madsen commented. The bill passed second reading, under suspension of the rules, on the following roll call:
Y eas, 26; Nays, 0; Absent, 3.

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**S.B. 160. UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS,** was read the second time. Senator Jenkins explained the bill. Senator Christensen commented. The bill passed second reading on the following roll call:

Y eas, 26; Nays, 0; Absent, 3.

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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On motion of Senator Killpack, the circle was removed from **1st Sub. S.B. 56, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS,** and it was before the Senate. Senator Killpack explained the bill. The bill passed second reading on the following roll call:

Y eas, 25; Nays, 2; Absent, 2.
Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Liljenquist Madsen Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stowell Urquhart
Van Tassell

Voting in the negative were: Senators
Stephenson Waddoups

Absent or not voting were: Senators
Knudson Valentine

* * *

S.J.R. 10, ALTERNATIVE TRAINING CENTER JOINT RESOLUTION, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Liljenquist Madsen McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Knudson Mayne

* * *

On motion of Senator Davis, legislative staff was authorized to draft a bill regarding Judicial Conduct Commission.

* * *

1st Sub. S.B. 147, DRIVER LICENSE REVISIONS, was read the second time. Senator Hillyard explained the bill.
Senator Hillyard proposed the following amendment:

1. Page 1, Lines 19 through 22

19 • the Driver License Division receives written verification from the person’s
20 primary care physician that to the physician’s knowledge the person has not used
21 any narcotic drug or other controlled substance except as prescribed by a
22 licensed medical practitioner within the last three years and that
the physician is not aware of any physical, emotional, or mental
impairment that would affect the person’s ability to operate a motor
vehicle safely; and
2. Page 5, Lines 139 through 142:

139 (B) the division receives written verification from the person’s primary care physician
140 that:
141 (I) to the physician’s knowledge the person has not used any narcotic drug or other controlled
142 substance except as prescribed by a licensed medical practitioner within the last three years;
143 and
144 (II) the physician is not aware of any physical, emotional, or mental
impairment that would affect the person’s ability to operate a motor
vehicle safely.

Senator Hillyard’s motion to amend passed on a voice vote. Senators Buttars, Goodfellow, and Mayne commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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<td>Jenkins</td>
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<td>Urquhart</td>
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<td>Waddoups</td>
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</table>
Absent or not voting was: Senator Knudson

* * *

S.B. 149, PROHIBITION OF TEXT MESSAGING OR ELECTRONIC MAIL COMMUNICATION WHILE DRIVING, was read the second time. Senator Hillyard explained the bill.

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

1st Sub. S.B. 149 Prohibition of Text Messaging or Electronic Mail Communication While Driving (L. Hillyard)

Senator Hillyard proposed the following amendment:

1. Page 2, Lines 29 through 32

   29 provides that a judge {or justice} may order that a person’s driver license be suspended
   30 for three months upon conviction of the prohibition on using a handheld wireless
   31 communication device for text messaging or electronic mail communication while
   32 operating a moving motor vehicle;

2. Page 5, Lines 130 through 133:

   130 (5) Upon a conviction of the prohibition on using a handheld wireless communication
   131 device for text messaging or electronic mail communication while operating a moving motor
   132 vehicle under Section 41–6a–1716, a judge {or justice} may order a suspension of the convicted
   133 person’s license for a period of three months.

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

Yeas, 26; Nays, 2; Absent, 1.
Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Christensen
Davis   Goodfellow Greiner   Hillyard
Hinkins Jenkins   Jones     Killpack
Liljenquist Madsen   Mayne    McCoy
Morgan   Niederhauser Okerlund Robles
Romero   Stowell   Urquhart Valentine
Van Tassell Waddoups

Voting in the negative were: Senators
Dayton   Stephenson

Absent or not voting was: Senator
Knudson

* * *

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

The Senate was called to order at 3:45 p.m., with President Waddoups presiding.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 24, 2009

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

Business and Labor Committee
S.B. 270    Gift Card Amendments (Sen. W. Niederhauser)
H.B. 152    Appraisal Management Company Regulation
            (Rep. M. Morley) (Sen. J. Valentine)
1st Sub. H.B. 352 Alcoholic Beverage Related Amendments
            (Rep. J. Dunnigan) (Sen. J. Valentine)

Government Operations and Political Subdivisions Committee
H.B. 375    Local Government Records Amendments
            (Rep. R. Wilcox) (Sen. A. Christensen)

Judiciary, Law Enforcement, and Criminal Justice Committee
1st Sub. H.B. 294 Survival Action upon Injury or Death (Rep. K. McIff)
            (Sen. M. Waddoups)
Transportation, Public Utilities and Technology Committee

S.B. 193  Salvage Vehicles Amendments (Sen. S. Urquhart)
S.B. 218  Community Animal Shelter and Adoption Support
           Special Group License Plate (Sen. P. Knudson)

Margaret Dayton
Rules Committee Chair

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

SECOND READING CALENDAR

1st Sub. S.B. 116, CRIMINAL PENALTY AND PROSECUTION AMENDMENTS, was read the second time. Senator Liljenquist explained the bill. Senator McCoy commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell          Buttars          Christensen          Dayton
Greiner       Hinkins         Jenkins           Jones
Killpack      Liljenquist     Madsen           Mayne
McCoy         Morgan          Niederhauser      Okerlund
Robles        Romero          Stephenson      Urquhart
Valentine     Van Tassell     Waddoups

Absent or not voting were: Senators
Bramble       Davis           Goodfellow     Hillyard
Knudson       Stowell

* * *

S.B. 118, PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell          Bramble          Buttars           Christensen
Dayton       Goodfellow       Greiner           Hinkins
Jenkins      Liljenquist     Madsen           Mayne
McCoy        Morgan        Niederhauser        Okerlund
Robles       Romero        Stephenson        Stowell
Urquhart     Valentine     Van Tassell       Waddoups

Absent or not voting were: Senators
Davis        Hillyard      Jones          Killpack
Knudson

* * *

On motion of Senator Greiner, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Greiner, the circle was removed from S.B. 98, MOTOR FUEL THEFT PENALTIES, and it was before the Senate. Senator Greiner explained the bill.

Senator Greiner proposed the following amendment:

1. Page 1, Line 17
   Senate Committee Amendments
   2–4–2009

   17 driver license { shall —— —— } may be suspended for a conviction of theft of motor vehicle fuel $\Rightarrow$ [;]

2. Page 1, Line 20
   Senate Committee Amendments
   2–4–2009:

   20 one year for a third or subsequent offense for not more than 90 days $\Leftarrow$ ; and

3. Page 4, Lines 104 through 106
   Senate Committee Amendments
   2–4–2009:

   104 (d) (i) The division shall immediately suspend a person’s driver license { —— upon receiving }
   105 a record of } for conviction { —— for } of the offense of theft of motor vehicle fuel under Section 76–6–404.7 if the division receives:
(A) an order from the sentencing court requiring that the person’s driver license be suspended; and
(B) a record of the conviction

106  (ii)  {–A }  An order of suspension under this section is

4. Page 4, Line 109
Senate Committee Amendments
2–4–2009:

109  (C) one year for a third or subsequent offense] at the discretion of the sentencing court, and may not be for more than 90 days for each offense ❯є.

5. Page 6, Lines 156 through 157:

156  (3) In addition to the penalties for theft under Section 76–6–412, the sentencing court may order the suspension of the driver license of a

157  person convicted of theft of motor vehicle fuel} {shall be suspended}. The suspension may not be for more than 90 days as provided in Section

Senator Greiner’s motion to amend passed on a voice vote. Senator Hinkins declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Dayton  Goodfellow  Greiner  Hinkins
Jenkins  Liljenquist  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Robles
Romero  Stephenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Davis  Hillyard  Jones  Killpack
Knudson  Madsen

S.B. 98, as amended, was transmitted to the House for consideration.
On motion of Senator Bramble, the Senate voted to lift 2nd Sub. H.B. 100 from the Judiciary Standing Committee and assigning it to the Education Standing Committee.

SECOND READING CALENDAR

S.B. 133, ABUSE OR NEGLECT OF A DISABLED CHILD, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell     Bramble     Buttars     Christensen
Davis    Dayton      Goodfellow Greiner
Hinkins  Jones       Killpack  Liljenquist
Madsen   Mayne       McCoy     Morgan
Niederhauser Okerlund Robles Romero
Stephenson Stowell    Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Hillyard Jenkins Knudson

On motion of Senator Waddoups, the following corrected committee report was requested to be placed in the Senate Journal.

February 6, 2009

Mr. President:

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 133, ABUSE OR NEGLECT OF A DISABLED CHILD, by Senator J. Valentine, with the following amendments:

1. Page 1, Lines 14 through 15:

14  provides that a caretaker who intentionally, knowingly, or recklessly {or with criminal negligence } abuses or neglects a disabled child is guilty of a third degree felony.

2. Page 2, Line 45:
Any caretaker who intentionally, knowingly, or recklessly { or with criminal negligence }

D. Chris Buttars, Chair

S.B. 154, JUVENILE COURT JUDGE – FIFTH DISTRICT, was read the second time. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell Bramble Buttars Christensen
Dayton Goodfellow Greiner Hinkins
Jones Killpack Liljenquist Madsen
Mayne McCoy Morgan Niederhauser
Okerlund Robles Romero Stephenson
Stowell Urquhart Valentine Van Tassell
Waddoups

**Absent or not voting were:** Senators
Davis Hillyard Jenkins Knudson

S.B. 161, REPEAL OF MAXIMUM CHARGE TO PUBLISH LEGAL NOTICE, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell Bramble Buttars Christensen
Dayton Goodfellow Greiner Hinkins
Jenkins Jones Killpack Liljenquist
Madsen Mayne McCoy Morgan
Niederhauser Okerlund Robles Romero Stephenson
Van Tassell Waddoups

**Absent or not voting were:** Senators
Davis Hillyard Knudson
On motion of Senator Stephenson, the circle was removed from S.B. 159, MATH EDUCATION INITIATIVE, and it was before the Senate. Senator Stephenson explained the bill.

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

**1st Sub. S.B. 159 Math Education Initiative (H. Stephenson)**

The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 3; Absent, 3.**

**Voting in the affirmative were:** Senators

- Bell
- Bramble
- Buttars
- Christensen
- Davis
- Dayton
- Goodfellow
- Greiner
- Hinkins
- Jenkins
- Jones
- Liljenquist
- Madsen
- Mayne
- Morgan
- Niederhauser
- Okerlund
- Stephenson
- Stowell
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Voting in the negative were:** Senators

- McCoy
- Robles
- Romero

**Absent or not voting were:** Senators

- Hillyard
- Killpack
- Knudson

**S.B. 21, STATE AND LOCAL HEALTH AUTHORITIES AMENDMENTS,** was read the second time.

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

**1st Sub. S.B. 21 State and Local Health Authorities Amendments (D. Stowell)**
Senator Stowell explained the bill. Senator Robles commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

- Bramble
- Buttars
- Christensen
- Davis
- Dayton
- Goodfellow
- Greiner
- Hinkins
- Jenkins
- Jones
- Liljenquist
- Madsen
- Mayne
- McCoy
- Morgan
- Niederhauser
- Okerlund
- Robles
- Romero
- Stephenson
- Stowell
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators

- Bell
- Hillyard
- Killpack
- Knudson

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**S.B. 173, EMOTIONAL SUPPORT ANIMALS AND PSYCHIATRIC THERAPY ANIMALS,** was read the second time. Senator Dayton explained the bill. Senators McCoy and Bramble commented. The bill passed second reading on the following roll call:

**Yea, 21; Nays, 7; Absent, 1.**

**Voting in the affirmative were:** Senators

- Bell
- Bramble
- Buttars
- Christensen
- Dayton
- Greiner
- Hillyard
- Hinkins
- Jenkins
- Killpack
- Knudson
- Liljenquist
- Madsen
- Mayne
- Niederhauser
- Okerlund
- Stephenson
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Voting in the negative were:** Senators

- Davis
- Goodfellow
- Jones
- McCoy
- Morgan
- Robles
- Romero

**Absent or not voting was:** Senator

Stowell

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**S.B. 77, GRANTS FOR LICENSED TEACHERS AMENDMENTS,** was read the second time. Senator Madsen explained the bill. The bill passed second reading on the following roll call:
Yeas, 17; Nays, 8; Absent, 4.

Voting in the affirmative were: Senators

Bell  Christensen  Dayton  Greiner
Hillyard  Hinkins  Jenkins  Killpack
Knudson  Liljenquist  Madsen  Niederhauser
Okerlund  Stephenson  Urquhart  Valentine
Waddoups

Voting in the negative were: Senators

Davis  Goodfellow  Jones  Mayne
McCoy  Morgan  Robles  Romero

Absent or not voting were: Senators

Bramble  Buttars  Stowell  Van Tassell

* * *

S.B. 81, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, was read the second time.

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

1st Sub. S.B. 81 Concurrent Enrollment Program Amendments
(M. Dayton)

Senator Dayton explained the bill. Senators Hillyard, Jenkins, Valentine, Van Tassell, and Goodfellow commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Christensen  Davis  Dayton  Goodfellow
Greiner  Hillyard  Hinkins  Jenkins
Jones  Killpack  Knudson  Liljenquist
Madsen  Mayne  McCoy  Morgan
Niederhauser  Okerlund  Robles  Romero
Stephenson  Stowell  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators

Bell  Bramble  Buttars
**On motion of Senator Hillyard, the circle was removed from S.B. 167, AMENDMENTS TO UNIFORM DEBT−MANAGEMENT SERVICES, and it was before the Senate. Senator Hillyard explained the bill.**

Senator Hillyard proposed the following amendment:

1. Page 3, Line 65


   (3) (a) The administrator may waive or reduce the insurance requirement in Subsection 13–42–105 (2)(d) if the provider does not:

   (i) maintain control of a trust account or receive money paid by an individual pursuant to a plan for distribution to creditors;

   (ii) make payments to creditors on behalf of individuals;

   (iii) collect fees by means of automatic payment from individuals; and

   (iv) execute any powers of attorney that may be utilized by the provider to collect fees from or expend funds on behalf of an individual.

   (b) A waiver or reduction in insurance requirements allowed by the administrator under Subsection (3)(a) shall balance the reduction in risk posed by a provider meeting the stated requirements against any continued need for insurance against employee and director dishonesty.

2. Page 4, Lines 116 through 117:

   116 control.

   (6) (a) The administrator may waive or reduce the insurance requirement in Subsection 13–42–111 (1)(e) if the provider does not:

   (i) maintain control of a trust account or receive money paid by an individual pursuant to a plan for distribution to creditors;

   (ii) make payments to creditors on behalf of individuals;

   (iii) collect fees by means of automatic payment from individuals; and

   (iv) execute any powers of attorney that may be utilized by the provider to collect fees from or expend funds on behalf of an individual.

   (b) A waiver or reduction in insurance requirements allowed by the administrator under Subsection (6)(a) shall balance the reduction in risk posed by a provider meeting the stated requirements against any continued need for insurance against employee and director dishonesty.
Section 3. Section 13–42–114 is amended to read:

3. Page 6, Line 168:

168 (c) if the individual is to make regular, periodic payments to a creditor or a provider:

4. Page 12, Lines 340 through 341:

340 (5) An agreement may confer on a provider a power of attorney to settle the individual’s debt for no more than 50% of the outstanding amount of the debt. An agreement may

5. Page 16, Lines 483 through 490:

483 (6) (a) Except as otherwise provided in Subsections (3) and (4), if an agreement 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, with respect to each debt, 30% of the excess of the principal amount of the debt over the amount paid the creditor pursuant to the agreement, less to the extent it has not been credited against an earlier settlement fee:

489 (a) the fee charged pursuant to Subsection (4)(b)(i); and

490 (b) the aggregate of fees charged pursuant to Subsection (4)(b)(ii), one of the following applicable settlement fee limits in Subsection (6)(b) or (c), the terms of which shall be clearly disclosed in the agreement.

(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 15% of the principal amount of debt included in the agreement, including any fees charged under Subsections (4)(b)(i) and (ii).

(ii) The flat settlement fee authorized under this Subsection (6)(b) shall be assessed in equal monthly payments over no less than half of the...
length of the plan, as estimated at the plan’s inception, unless:

(A) accelerated by the individual; or
(B) until offers of settlement by creditors are obtained on at least
half of the outstanding debt included in the agreement.

(c)(i) With respect to agreements where fees are calculated as a
percentage of the amount saved by an individual, a settlement fee may
not exceed 30% of the excess of the outstanding amount of each debt over
the amount actually paid to the creditor, as calculated at the time of
settlement.

(ii) Settlement fees authorized under this Subsection (6)(c):
(A) shall become billable 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% of the principal amount of debt included in
the agreement at the agreement’s inception.

(d) A provider may not impose or receive fees under both
Subsections (6)(b) and (c).

6. Page 18, Lines 529 through 530:

529 settlement of a debt to the creditor unless, at the time of settlement,
the individual  ;

(i) receives a

530 certification by the creditor that the payment is in full settlement of
the debt ; or

(ii) is part of a payment plan that, upon completion, will lead to full
settlement of the debt ;

7. Page 20, Lines 598 through 599:

598 an easily comprehensible manner  ;

(a) the information specified in Subsections 13–42–117(4)(c)

599 and (d) ; and
(b) the provider’s settlement fee structure, consistent with the
limitations of Section 13–42–123 .

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

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

**Voting in the affirmative were:** Senators
Bell Christensen Davis Dayton
Goodfellow Greiner Hillyard Hinkins
Absent or not voting were: Senators
Bramble Butters

* * *

On motion of Senator Killpack and at 5:15 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 25, 2009.
The Senate was called to order at 10:10 a.m., with President Michael Waddoups presiding.

Prayer – Lynette Erickson, Senate Docket Clerk  
Pledge of Allegiance – Annette Moore, Secretary of the Senate  
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS  
(Please refer to Day 1, page 73)

COMMUNICATIONS FROM THE GOVERNOR

ADVISE AND CONSENT

Mr. President: February 9, 2009  
In accordance with Utah Code Ann. 67–1–1 and 67–1–2, I propose and transmit the following appointments:

**Utah Department of Public Safety:**  
Commissioner D. Lance Davenport is appointed to replace Commissioner Scott Duncan as Director of the Utah Department of Public Safety, See Utah Code Ann. 53–1–107.

**Utah Commission on Criminal and Juvenile Justice:**  

**Utah Department of Financial Institutions:**  
Commissioner G. Edward Leary is reappointed as Commissioner of the Utah Department of Financial Institutions, a term to expire on January 6, 2013. See Utah Code Ann. 7–1–202.

**Board of Pardons and Parole:**  
Robert S. Yeates is appointed to replace Cheryl Hansen as a member of the Board of Pardons and Parole, a term to expire on February 28, 2014. See Utah Code Ann. 77–27–2.
**Board of Water Resources:**
Blair R. Francis is reappointed as a member of the Board of Water Resources, a term to expire on January 1, 2013. See Utah Code Ann. 73–10–2.

Joseph Stewart Paulick is reappointed as a member of the Board of Water Resources, a term to expire on January 1, 2013. See Utah Code Ann. 73–10–2.

Neal Gawain Snow is appointed to replace D. Brad Hancock as a member of the Board of Water Resources, a term to expire on January 1, 2013. See Utah Code Ann. 73–10–2.

David Scott Humphreys is appointed to replace Ivan W. Flint as a member of the Board of Water Resources, a term to expire on January 1, 2013. See Utah Code Ann. 73–10–2.

**Jordan Valley Water Conservancy District Board of Directors:**
Ronald E. Sperry is appointed as a member of the Jordan Valley Water Conservancy District Board of Directors, a term to expire on January 31, 2013. See Utah Code Ann. 17A–2–1409.

**Permanent Community Impact Fund Board:**
Commissioner Bruce Adams is appointed to replace Commissioner Drew Cox Sitterud as a member of the Permanent Community Impact Fund Board, a term to expire on July 1, 2013. See Utah Code Ann. 9–4–304.

Mayor Kathleen L. Cooper is appointed to replace Commissioner William R. Harrison as a member of the Permanent Community Impact Fund Board, a term to expire on July 1, 2013. See Utah Code Ann. 9–4–304.

Commissioner Maloy D. Dodds is reappointed as a member of the Permanent Community Impact Fund Board, a term to expire on July 1, 2012. See Utah Code Ann. 9–4–304.

**Health Data Committee:**
Bill Crimm is appointed to replace Judy Ann Buffmire as a member of the Health Data Committee, a term to expire on June 30, 2012. See Utah Code Ann. 26–33a–103.

**Board of Oil, Gas, and Mining:**
James T. Jensen is appointed to replace Kent R. Peterson as a member of the Board of Oil, Gas, and Mining, a term to expire on March 1, 2013. See Utah Code Ann. 40–6–4.

Kelly Lynn Payne is appointed to replace Robert J. Bayer as a member of the Board of Oil, Gas, and Mining, a term to expire on March 1, 2013. See Utah Code Ann. 40–6–4.
Radiation Control Board:
Commissioner Colleen Johnson is appointed to replace Commissioner Joette E. Langianese as a member of the Radiation Control Board, a term to expire on July 1, 2010. See Utah Code Ann. 19–3–103.

Mr. President: February 18, 2009
The Senate Natural Resources, Agriculture, and Environment Confirmation Committee met on February 18, 2009 and reports a favorable recommendation for Commissioner Colleen Johnson to be confirmed as a member of the Radiation Control Board.

Dennis E. Stowell, Chair

Utah State Fair Corporation Board of Directors:
Steve Frischknecht is reappointed as a member of the Utah State Fair Corporation Board of Directors, a term to expire on December 1, 2012. See Utah Code Ann. 9–4–1104.

Board of the Utah Geological Survey:
Jack R. Hamilton is reappointed as a member of the Board of the Utah Geological Survey, a term to expire on March 1, 2013. See Utah Code Ann. 63–73–3.

William Dornan Loughlin is appointed to replace David B. Simon as a member of the Board of the Utah Geological Survey, a term to expire on March 1, 2013. See Utah Code Ann. 63–73–3.

Ellis Donald Harris, Jr. is appointed to replace Stephen B. Church as a member of the Board of the Utah Geological Survey, a term to expire on March 1, 2013. See Utah Code Ann. 63–73–3.

Tom Tripp is appointed to replace Geoffrey C. Bedell as a member of the Board of the Utah Geological Survey, a term to expire on March 1, 2013. See Utah Code Ann. 63–73–3.

Board of Substance Abuse and Mental Health:
Sabina T. Zunguze is appointed to replace Nora Thurgood Stephens as a member of the Board of Substance Abuse and Mental Health, a term to expire on September 1, 2012. See Utah Code Ann. 62A–15–106.

Board of Child and Family Services:
Savania Tsosie is appointed to replace Jan D. Watts as a member of the Board of Child and Family Services, a term to expire on July 1, 2012. See Utah Code Ann. 62A–1–107 & 62A–4a–102.
Robert Chet Loftis is appointed to replace Sterling Ray Church as a member of the Board of Child and Family Services, a term to expire on July 1, 2012. See Utah Code Ann. 62A–1–107 & 62A–4a–102.

**Drinking Water Board:**


Helen Vara Graber is reappointed as a member of the Drinking Water Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–4–103.


Betty G. Naylor is appointed to replace Anne N. Erickson as a member of the Drinking Water Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–4–103.

Terry Gene Beebe is appointed to replace Myron Bateman as a member of the Drinking Water Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–4–103.

**State Records Committee:**

Gary W. Ott is appointed to replace Robert D. Robertson as a member of the State Records Committee, a term to expire on July 1, 2010. See Utah Code Ann. 63–2–501.

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

Jon M. Huntsman, Jr.,
Governor

* * *

Senator Christensen moved to consent to the appointments as read by Leslie McLean. Senators Greiner and Okerlund commented. The motion passed on the following roll call:

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

**Voting in the affirmative were:** Senators

<table>
<thead>
<tr>
<th>Bell</th>
<th>Bramble</th>
<th>Buttars</th>
<th>Christensen</th>
</tr>
</thead>
<tbody>
<tr>
<td>Davis</td>
<td>Dayton</td>
<td>Goodfellow</td>
<td>Greiner</td>
</tr>
</tbody>
</table>
Absent or not voting were: Senators

Hillyard  Killpack  Knudson  Stephenson
Valentine  Van Tassell

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 24, 2009

The House passed, as substituted and amended, 1st Sub. H.B. 151, MOTOR VEHICLE FORFEITURE AMENDMENTS, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, H.B. 153, TRESPASS LAW AMENDMENTS, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 157, PROPERTY TAX ASSESSMENT AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed H.B. 202, SCHOOL DISTRICT TRAFFIC VIOLATION COMPLAINT PROCEDURES, by Representative W. Harper, and it is transmitted for consideration; and

The House passed H.B. 209, AMENDMENTS TO CRIMINAL APPEALS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed H.B. 221, COUNTY CORRECTIONAL FACILITIES FUNDING AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, 1st Sub. H.B. 237, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, H.B. 292, TRAFFIC VIOLATION AND CITATION AMENDMENTS, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 299, UNLAWFUL DETAINER AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and
The House passed **H.B. 317, CAPITAL FELONY AMENDMENTS**, by Representative C. Wimmer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


* * *

Mr. President:

The Speaker of the House has appointed a Conference Committee consisting of Representatives C. Johnson, G. Hughes, and C. Oda to meet with a like committee from the Senate to consider or amend **H.B. 51, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE**, by Representative C. Johnson.

Sandy D. Tenney, Chief Clerk

**INTRODUCTION OF BILLS**

**S.B. 234, Motor Vehicle Registration Fees** (R. Okerlund), read the first time by short title and referred to the Rules Committee.

**CONSENT CALENDAR**

On motion of Senator Madsen, the circle was removed from **H.B. 223, STATUTE OF LIMITATIONS AMENDMENTS**, and it was before the Senate. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell
Greiner
Madsen
Niederhauser
Stowell

Christensen
Hinkins
Mayne
Okerlund
Urquhart

Davis
Jenkins
McCoy
Robles
Waddoups

Dayton
Liljenquist
Morgan
Romero

**Absent or not voting were:** Senators

Bramble
Jones
Valentine

Buttars
Killpack
Van Tassell

Goodfellow
Knudson
Hillyard
Stephenson
H.B. 223 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

S.B. 137, PHYSICAL THERAPY PRACTICE ACT, was read the third time and explained by Senator Niederhauser.

Senator Niederhauser proposed the following amendment:

1. Page 17, Line 512
   512 (b) complete the application process, including payment of fees set by the division, in accordance with Section 63J–1–303, to recover the costs of administering the licensing requirements relating to physical therapist assistants;

2. Page 19, Lines 567a through 567f
   Senate 2nd Reading Amendments

   567a (5) Notwithstanding any other provision of this chapter, the division may, by rule, grant a temporary license, that expires on July 1, 2012, as a physical therapist assistant to an individual who:

   567b (a) was working as a physical therapist assistant in Utah before July 1, 2009; and

   567c (b) complies with the requirements described in Subsections 58–24b–302(2)(a), (b),

   567d (c), (f), and (g).

Senator Niederhauser’s motion to amend passed on a voice vote. Senators Bell, Stowell, and Robles commented and the bill passed on the following roll call:

Yeas, 21; Nays, 3; Absent, 5.

Voting in the affirmative were: Senators

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Morgan Niederhauser Okerlund Romero
Stephenson Stowell Urquhart Valentine
Waddoups

**Voting in the negative were:** Senators
Christensen Hinkins Robles

**Absent or not voting were:** Senators
Buttars Goodfellow Hillyard Knudson
Van Tassell

*S.B. 137* was transmitted to the House for consideration.

* ***

*S.B. 142*, *DISPOSITION OF A DEAD BODY*, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell Bramble Christensen Davis
Dayton Greiner Hinkins Jenkins
Jones Killpack Liljenquist Madsen
Mayne McCoy Morgan Niederhauser
Okerlund Robles Romero Stephenson
Stowell Urquhart Valentine Waddoups

**Absent or not voting were:** Senators
Buttars Goodfellow Hillyard Knudson
Van Tassell

*S.B. 142* was transmitted to the House for consideration.

* ***

*S.B. 146*, *HOME SCHOOLING AMENDMENTS*, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell Bramble Davis Dayton
Goodfellow Greiner Hinkins Jenkins
Absent or not voting were: Senators
Buttars Christensen Hillyard Knudson Van Tassell

S.B. 146 was transmitted to the House for consideration.

* * *

S.B. 58, COLLECTION AND USE OF PRECIPITATION, was read the third time and explained by Senator McCoy. Senators Stowell, Jenkins, and Okerlund commented and the bill passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Goodfellow Greiner Hinkins
Jones Killpack Liljenquist Madsen
Mayne McCoy Morgan Niederhauser
Okerlund Robles Romero Stephenson
Stowell Urquhart Valentine Waddoups

Voting in the negative were: Senators
Dayton Jenkins

Absent or not voting were: Senators
Hillyard Knudson Van Tassell

S.B. 58 was transmitted to the House for consideration.

* * *

S.B. 54, UNIFORM LAW – UNIFORM ASSIGNMENT OF RENTS ACT, was read the third time, explained by Senator Romero, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Absent or not voting were: Senators
Hillyard   Knudson   Van Tassell

S.B. 54 was transmitted to the House for consideration.

***

S.B. 150, STATE ARMORY AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell       Bramble    Buttars     Christensen
Dayton     Goodfellow Greiner    Hinkins
Jenkins    Jones      Killpack   Liljenquist
Madsen     Mayne      McCoy      Morgan
Niederhauser Okerlund   Robles    Romero
Stephenson Stowell     Urquhart  Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Davis       Hillyard   Knudson

S.B. 150 was transmitted to the House for consideration.

***

On motion of Senator Jenkins, S.B. 14, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, was read the third time and circled.

***

S.B. 160, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Bell  Bramble  Buttars  Christensen  
Davis  Dayton  Goodfellow  Greiner  
Hinkins  Jenkins  Jones  Killpack  
Liljenquist  Mayne  McCoy  Morgan  
Niederhauser  Okerlund  Robles  Romero  
Stephenson  Stowell  Urquhart  Valentine  
Van Tassell  Waddoups

**Absent or not voting were:** Senators

Hillyard  Knudson  Madsen

*S.B. 160* was transmitted to the House for consideration.

***

On motion of Senator Killpack, *1st Sub. S.B. 56, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS*, was read the third time and circled.

***

*S.J.R. 10, ALTERNATIVE TRAINING CENTER JOINT RESOLUTION*, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  Buttars  Christensen  Davis  
Dayton  Goodfellow  Greiner  Hinkins  
Jenkins  Jones  Killpack  Liljenquist  
Mayne  McCoy  Morgan  Niederhauser  
Okerlund  Robles  Romero  Stephenson  
Stowell  Urquhart  Valentine  Van Tassell  
Waddoups

**Absent or not voting were:** Senators

Bramble  Hillyard  Knudson  Madsen

*S.J.R. 10* was transmitted to the House for consideration.

***

On motion of Senator Valentine, *1st Sub. S.B. 147, DRIVER LICENSE REVISIONS*, was read the third time and circled.
On motion of Senator Valentine, 1st Sub. S.B. 149, PROHIBITION OF TEXT MESSAGING OR ELECTRONIC MAIL COMMUNICATION WHILE DRIVING, was read the third time and circled.

1st Sub. S.B. 116, CRIMINAL PENALTY AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell    Buttars    Christensen    Davis
Dayton  Goodfellow  Greiner  Hinkins
Jenkins Jones    Killpack    Liljenquist
Madsen McCoy    Morgan    Niederhauser
Okerlund Robles    Romero    Stephenson
Stowell Urquhart    Valentine    Van Tassell
Waddoups

Absent or not voting were: Senators

Bramble    Hillyard    Knudson    Mayne

1st Sub. S.B. 116 was transmitted to the House for consideration.

S.B. 118, PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS, was read the third time and explained by Senator Greiner.

Senator Greiner proposed the following amendment:

1. Page 1, Line 22

   street gang ; and
   exempts state agencies from liability if the minor is in the custody of the state at the time of the offense.

2. Page 3, Line 71:

   A parent or guardian is not liable under Subsection (1) or (2) if the parent or
3. Page 3, Line 74:

74 child, made a reasonable effort to restrain the child.

(8) The state and its agencies are not liable under Subsection (1) or
(2) if a state agency has legal or protective custody of the minor or has
guardianship of the minor at the time of the minor’s conduct in violation
of Subsection (1) or (2).

Senator Greiner’s motion to amend passed on a voice vote. Senator Romero
commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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*S.B. 118* was transmitted to the House for consideration.

* * *

*S.B. 133*, ABUSE OR NEGLECT OF A DISABLED CHILD, was read the
third time, explained by Senator Valentine, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 133 was transmitted to the House for consideration.

* * *

S.B. 154, JUVENILE COURT JUDGE – FIFTH DISTRICT, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 154 was transmitted to the House for consideration.

* * *

S.B. 161, REPEAL OF MAXIMUM CHARGE TO PUBLISH LEGAL NOTICE, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 161 was transmitted to the House for consideration.
1st Sub. S.B. 159, MATH EDUCATION INITIATIVE, was read the third time and explained by Senator Stephenson. Senators Romero and Buttars commented and the bill passed on the following roll call:

**Yeas, 19; Nays, 2; Absent, 8.**

**Voting in the affirmative were:** Senators
- Buttars
- Christensen
- Davis
- Dayton
- Greiner
- Hinkins
- Jenkins
- Jones
- Killpack
- Liljenquist
- Madsen
- Mayne
- McCoy
- Morgan
- Niederhauser
- Okerlund
- Stephenson
- Stowell
- Waddoups

**Voting in the negative was:** Senator
- Romero
- Robles

**Absent or not voting were:** Senators
- Bell
- Bramble
- Goodfellow
- Hillyard
- Knudson
- Urquhart
- Valentine
- Van Tassell

1st Sub. S.B. 159 was transmitted to the House for consideration.

***

1st Sub. S.B. 21, STATE AND LOCAL HEALTH AUTHORITIES AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
- Bell
- Buttars
- Christensen
- Davis
- Dayton
- Goodfellow
- Greiner
- Hillyard
- Hinkins
- Jones
- Killpack
- Liljenquist
- Madsen
- Mayne
- McCoy
- Morgan
- Niederhauser
- Okerlund
- Robles
- Romero
- Stephenson
- Stowell
- Urquhart
- Waddoups

**Absent or not voting were:** Senators
- Bramble
- Jenkins
- Knudson
- Valentine
- Van Tassell
1st Sub. S.B. 21 was transmitted to the House for consideration.

***

On motion of Senator Killpack, the circle was removed from 1st Sub. S.B. 56, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, and it was before the Senate.

On motion of Senator Killpack, the bill was circled.

***

S.B. 173, EMOTIONAL SUPPORT ANIMALS AND PSYCHIATRIC THERAPY ANIMALS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Yeas, 20; Nays, 8; Absent, 1.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting was:** Senator Bramble

S.B. 173 was transmitted to the House for consideration.

***

On motion of Senator Madsen, S.B. 77, GRANTS FOR LICENSED TEACHERS AMENDMENTS, was read the third time and circled.

***

On motion of Senator Hillyard, the circle was removed from S.B. 14, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, and it was before the Senate.
On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Hillyard, the circle was removed from 1st Sub. S.B. 147, DRIVER LICENSE REVISIONS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator Christensen

1st Sub. S.B. 147 was transmitted to the House for consideration.

* * *

On motion of Senator Hillyard, the circle was removed from 1st Sub. S.B. 149, PROHIBITION OF TEXT MESSAGING OR ELECTRONIC MAIL COMMUNICATION WHILE DRIVING, and it was before the Senate. Senator Hillyard explained the bill.

Senator Madsen proposed the following amendment:

1. Page 2, Lines 29 through 32
   Senate 2nd Reading Amendments

   29a provides that a judge Š [or justice] Š may order that a person’s driver license be suspended

   30 for three months upon conviction for a violation of the prohibition on using a handheld wireless
31 communication device for text messaging or electronic mail communication while
32 operating a moving motor vehicle;

2. Page 5, Lines 130 through 133
Senate 2nd Reading Amendments
2–24–2009:

130 (5) Upon a conviction for a violation of the prohibition on using a handheld wireless communication
131 device for text messaging or electronic mail communication while operating a moving motor
132 vehicle under Section 41–6a–1716, a judge or justice may order a suspension of the
132a convicted
133 person’s license for a period of three months.

Senator Madsen’s motion to amend passed on a voice vote. Senators Stephenson, Buttars, Dayton, and Greiner commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell            Buttars      Christensen    Davis
Goodfellow     Greiner      Hillyard      Hinkins
Jenkins        Jones        Killpack      Knudson
Liljenquist    Mayne       McCoy         Morgan
Niederhauser   Okerlund    Robles        Romero
Stowell        Urquhart    Valentine     Van Tassell
Waddoups       

**Voting in the negative was:** Senator
Dayton

**Absent or not voting were:** Senators
Bramble         Madsen       Stephenson

1st Sub. S.B. 149 was transmitted to the House for consideration.

* * *

On motion of Senator Killpack, under suspension of the rules, the Senate voted to move S.B. 156, GIFTS AND MEAL PROVISIONS FOR PUBLIC
OFFICIALS, and S.B. 162, USE OF CAMPAIGN FUNDS AMENDMENTS, to the top of the Second Reading Calendar.

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: February 24, 2009

The Joint Conference Committee comprised of Sens. D. Stowell, J. Valentine, and K. Morgan, and Reps. 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 \[\hat{s}\] [;]
   93 (A) \[\hat{s}\] personal or family use and consumption \[\hat{s}\] [; or]
   94 (B) , including use at \[\hat{s}\] 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; \[\hat{s}\] [and]
   105 (ii) if the fermented alcoholic beverage is transported in compliance with Section
106 41–6a–526 $\Rightarrow$ ; 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 that is unrelated to an organized event where fermented alcoholic beverages are judged as to taste and quality, the quantity that may be possessed at one time is:

106d (I) one liter of wine for each individual who is 21 years of age or older residing in the household;

106f (II) 72 ounces of heavy beer for each individual who is 21 years of age or older residing in the household; or

106h (III) 72 ounces of beer for each individual who is 21 years of age or older residing in the household; and

106j (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:

106l (I) one ounce of wine by volume;

106m (II) two ounces of heavy beer; or

106n (III) two ounces of beer. 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.
106p beverage under this Subsection (6) for personal or family use and consumption without

106q obtaining a license under this chapter, except that an individual who operates a brewery

106r under this chapter as an individual owner or in partnership with others, may remove beer

106s from the brewery for personal or family use in the amounts described in Subsection (6)(b)(ii)

Sen. Dennis Stowell and
Rep. Christine Johnson, Chairs

On motion of Senator Stowell, the Senate voted to adopt the committee report and the bill passed on the following roll call vote:

Y eas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators
Buttars Christensen Davis Goodfellow
Greiner Hillyard Hinkins Jones
Killpack Knudson Liljenquist Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Urquhart Valentine Van Tassell

Voting in the negative were: Senators
Bell Dayton Waddoups

Absent or not voting were: Senators
Bramble Jenkins Madsen

H.B. 51 was returned to the House for further consideration.

***

On motion of Senator Killpack, and at 12:00 noon, the Senate recessed.
AFTERNOON SESSION

The Senate reassembled at 2:35 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 25, 2009

The House passed, **S.B. 20**, LOCAL PUBLIC HEALTH EMERGENCY FUNDING, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 107**, COMMUNICATIONS AND MORTGAGE FRAUD PENALTY AMENDMENTS, by Senator D. Hinkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 111**, HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS, by Senator G. Davis, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 143**, SUNSET ACT AND REPEALERS REAUTHORIZATIONS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 9**, RESOLUTION HONORING THE UTAH LAW ENFORCEMENT MEMORIAL FOUNDATION, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**S.B. 20, 1st Sub. S.B. 107, S.B. 111, S.B. 143, and S.J.R. 9** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 25, 2009

The House passed, as substituted, **1st Sub. H.B. 156**, SUBDIVISION APPROVAL AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 170**, INSURANCE AND LIFE SETTLEMENT AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and
The House passed **H.B. 194**, EDUCATION POLICIES FOR MILITARY CHILDREN, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 204**, CONCEALED FIREARMS INSTRUCTORS AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 296**, SCHOOLS FOR THE DEAF AND BLIND AMENDMENTS, by Representative K. Sumsion, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 322**, TIRE RECYCLING FEE MODIFICATIONS, by Representative N. Hendrickson, and it is transmitted for consideration; and

The House passed **H.B. 345**, Elected OFFICIALS – RESTRICTIONS ON LOBBYING, by Representative B. Dee, et al, and it is transmitted for consideration; and

The House passed **H.B. 346**, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS AMENDMENTS, by Representative B. Dee, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


* * *

Mr. President: February 25, 2009

The House passed, as amended, **S.B. 50**, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE, by Senator B. Goodfellow, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 25, 2009

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

Transportation, Public Utilities and Technology Committee
S.B. 234  Motor Vehicle Registration Fees (Sen. R. Okerlund)

Workforce Services and Community and Economic Development Committee
H.B. 221  County Correctional Facilities Funding Amendments (Rep. M. Noel) (Sen. J. Greiner)
H.B. 292  Traffic Violation and Citation Amendments (Rep. D. Ipson) (Sen. S. Urquhart)

Margaret Dayton
Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 223, City and County Carbon Credits for Sequestration of Waste Stream Materials (R. Romero), read the first time by short title and referred to the Rules Committee.

S.B. 236, Uninsured and Underinsured Motorist Coverage Amendments (M. Madsen), read the first time by short title and referred to the Rules Committee.
THIRD READING CALENDAR

1st Sub. S.B. 81, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Butters Christensen Davis
Dayton Goodfellow Greiner Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Mayne McCoy Morgan
Niederhauser Okerlund Robles Romero
Stephenson Stowell Urquhart Van Tassell
Waddoups

Absent or not voting were: Senators
Bell Hillyard Madsen Valentine

1st Sub. S.B. 81 was transmitted to the House for consideration.

***

S.B. 167, AMENDMENTS TO UNIFORM DEBT–MANAGEMENT SERVICES ACT, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Butters Christensen
Davis Dayton Goodfellow Hillyard
Hinkins Jenkins Jones Killpack
Knudson Liljenquist Madsen Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Urquhart Van Tassell Waddoups

Absent or not voting were: Senators
Greiner Valentine

S.B. 167 was transmitted to the House for consideration.
On motion of Senator Killpack, the circle was removed from 1st Sub. S.B. 56, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, and it was before the Senate. Senator Killpack explained the bill.

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

2nd Sub. S.B. 56 Military Installation Development Authority Amendments (S. Killpack)

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble    Buttars    Christensen    Davis
Dayton     Goodfellow Greiner     Hillyard
Hinkins    Jenkins    Jones    Killpack
Knudson    Liljenquist    Madsen    Mayne
McCoy      Morgan    Niederhauser    Okerlund
Robles     Romero    Stephenson    Stowell
Urquhart    Valentine    Van Tassell    Waddoups

Absent or not voting was: Senator
Bell

2nd Sub. S.B. 56 was transmitted to the House for consideration.

On motion of Senator Madsen, the circle was removed from S.B. 77, GRANTS FOR LICENSED TEACHERS AMENDMENTS, and it was before the Senate. Senator Madsen explained the bill. Senators Okerlund and Morgan commented. The bill passed on the following roll call:

Yeas, 15; Nays, 12; Absent, 2.

Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Christensen
Dayton     Hillyard Jenkins    Killpack
Knudson    Liljenquist    Madsen    Niederhauser
Stephenson Urquhart    Waddoups
Voting in the negative were: Senators
Davis       Goodfellow       Hinkins       Jones
Mayne       McCoy           Morgan        Okerlund
Robles      Romero          Stowell       Van Tassell

Absent or not voting were: Senators
Greiner      Valentine

S.B. 77 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Bramble, the Senate voted to lift S.B. 199, EQUAL RECOGNITION OF SCHOOL PARENT GROUPS, to the top of the Second Reading Calendar.

S.B. 199, EQUAL RECOGNITION OF SCHOOL PARENT GROUPS, under suspension of the rules, was read the second time.

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

1st Sub. S.B. 199 Equal Recognition of School Parent Groups (C. Bramble)

Senator Bramble explained the bill. Senator Goodfellow commented.

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Buttars, the circle was removed from H.B. 113, SALVAGE VEHICLE TITLE AMENDMENTS, and it was before the Senate. Senator Buttars explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell          Bramble         Buttars       Christensen
Davis         Dayton         Goodfellow    Greiner
Hillyard      Hinkins        Jenkins       Jones
Killpack      Knudson        Liljenquist   Madsen
Mayne         Morgan         Niederhauser Okerlund
Robles        Romero         Stowell       Urquhart
Valentine     Van Tassell    Waddoups
Absent or not voting were: Senators
McCoy          Stephenson

***

S.B. 156, GIFTS AND MEAL PROVISIONS FOR PUBLIC OFFICIALS, under suspension of the rules, was read the second time. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

1. Page 7, Lines 204 through 205

   204 (I) all of the members of a standing or interim committee or official legislative task

   205 force, or a party caucus {—or other official body } are invited; or

2. Page 7, Line 213 through Page 8, Line 214:

   213 (I) all of the members of a standing or interim committee or official legislative task

   214 force, or a party caucus {—or other official body } are invited; or

Senator Bell’s motion to amend passed on a voice vote. Senators Jones, Hillyard, Valentine, and Goodfellow commented.

###

Senator Bell proposed the following amendment:

1. Page 7, Line 204:

   After “all of the members of” insert “the legislature.”

2. Page 7, Line 213:

   After “all of the members of” insert “the legislature.”

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

Senator McCoy made a motion to substitute the bill. The motion failed on the following roll call vote:

Yeas, 8; Nays, 20; Absent, 1.
Voting in the affirmative were: Senators
Hillyard    Jones        Mayne   McCoy
Morgan      Robles      Romero  Stephenson

Voting in the negative were: Senators
Bell        Buttars      Christensen  Davis
Dayton      Goodfellow  Greiner   Hinkins
Jenkins     Killpack    Knudson   Liljenquist
Madsen      Niederhauser  Okerlund  Stowell
Urquhart    Valentine   Van Tassell  Waddoups

Absent or not voting was: Senator Bramble

On motion of Senator Bell, under suspension of the rules, S.B. 156, GIFTS AND MEAL PROVISIONS FOR PUBLIC OFFICIALS, was considered read the second and third times. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell        Bramble      Christensen  Davis
Goodfellow  Greiner      Hillyard   Hinkins
Jenkins     Jones        Killpack   Knudson
Liljenquist Madsen      Mayne      McCoy
Morgan      Niederhauser  Okerlund   Robles
Romero      Stephenson   Stowell    Urquhart
Valentine   Van Tassell  Waddoups

S.B. 156 was transmitted to the House.

* * *

On motion of Senator Valentine, under suspension of the rules, S.B. 162, USE OF CAMPAIGN FUNDS AMENDMENTS, was considered read the second and third times. Senator Valentine explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell        Bramble      Christensen  Davis
Dayton      Goodfellow  Greiner   Hillyard
Voting in the negative was: Senator Buttars

S.B. 162 was transmitted to the House.

***

On motion of Senator Urquhart, the circle was removed from 2nd Sub. H.B. 243, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES, and it was before the Senate. Senator Urquhart explained the bill.

Senator Urquhart proposed the following amendment:

1. Page 9, Lines 264 through 265

   264 (f) This section does not apply to:

   265 (i) a condominium project containing a time period unit as defined in Section 57-8-1; 57-8-3;

2. Page 11, Lines 311 through 312:

   311 (6) This section does not apply to:

   312 (a) an association containing a time period unit as defined in Section 57-8-1; 57-8-3;

Senator Urquhart’s motion to amend passed on a voice vote. Senators Christensen and Mayne commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell  Buttars  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Knudson
Liljenquist  Madsen  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Romero
Stephenson  Stowell  Urquhart  Valentine
Van Tassell  Waddoups
Absent or not voting were: Senators
Bramble               Killpack               Robles

* * *

2nd Sub. H.B. 61, LOCAL GOVERNMENT ENTITY CHANGES, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell               Buttars               Christensen           Davis
Dayton             Goodfellow           Greiner               Hillyard
Hinkins            Jenkins              Jones                 Knudson
Liljenquist        Madsen               Mayne                McCoy
Morgan             Niederhauser          Okerlund             Robles
Romero             Stephenson           Stowell              Urquhart
Valentine          Van Tassell           Waddoups

Absent or not voting were: Senators
Bramble               Killpack

* * *

On motion of Senator Urquhart, the circle was removed from H.B. 278, B AND C ROADS FUND AMENDMENTS, and it was before the Senate. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 7; Absent, 2.

Voting in the affirmative were: Senators
Bell               Buttars               Christensen           Dayton
Greiner            Hillyard             Jenkins              Jones
Knudson            Liljenquist          Madsen               Mayne
Niederhauser       Okerlund             Stephenson           Stowell
Urquhart           Valentine           Van Tassell          Waddoups

Voting in the negative were: Senators
Davis               Goodfellow           Hinkins              McCoy
Morgan              Robles               Romero

Absent or not voting were: Senators
Bramble               Killpack
1st Sub. H.B. 68, DEVELOPMENT EXACTIONS, was read the second time.

On motion of Senator Bell, the bill was circled.

* * *

H.B. 26, CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS, was read the second time. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Dayton  Goodfellow  Greiner  Hinkins
Jenkins  Jones  Killpack  Knudsen
Liljenquist  Madsen  Mayne  Morgan
Niederhauser  Okerlund  Robles  Stephenson
Stowell  Urquhart  Valentine  Van Tassell
Waddoups

Voting in the negative were: Senators
McCoy  Romero

Absent or not voting were: Senators
Davis  Hillyard

* * *

On motion of Senator Bell, the circle was removed from 1st Sub. H.B. 68, DEVELOPMENT EXACTIONS, and it was before the Senate. Senator Bell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Buttars  Christensen  Dayton
Goodfellow  Greiner  Hinkins  Jenkins
Jones  Killpack  Knudsen  Liljenquist
Madsen  Mayne  McCoy  Morgan
Niederhauser  Okerlund  Robles  Romero
Stephenson  Stowell  Urquhart  Valentine
Van Tassell  Waddoups
Absent or not voting were: Senators
Bramble       Davis       Hillyard

* * *

On motion of Senator Killpack and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Thursday, February 26, 2009.
THIRTY–FIRST DAY
MORNING SESSION
February 26, 2009

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

Prayer – The Most Reverend John C. Wester, Bishop, Roman Catholic Diocese of Salt Lake City
Pledge of Allegiance – Senator Greg Bell
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

SPECIAL MUSICAL PRESENTATION

Sunset Junior High Choir, under the direction of Linda Zeeman, sang “The Star Spangled Banner,” “Let the Whole Creation Cry,” and “America the Beautiful.”

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 25, 2009

The House passed, as substituted, 2nd Sub. H.B. 107, ECONOMIC IMPACT OF ILLEGAL AliENS, by Representative S. Clark, and it is transmitted for consideration; and

The House passed, as substituted, 2nd Sub. H.B. 120, SNAKE VALLEY AQUIFER RESEARCH TEAM AND ADVISORY COUNCIL, by Representative B. Winn, and it is transmitted for consideration; and

The House passed, as amended, H.B. 195, UTAH UNIFORM PROBATE CODE – TRUST AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, H.B. 206, EMPLOYMENT SELECTION PROCEDURES, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted, 2nd Sub. H.B. 246, PROPERTY TAX – RESIDENTIAL EXEMPTION, by Representative G. Froerer, and it is transmitted for consideration; and
The House passed, as substituted and amended, 1st Sub. H.B. 283, ILLEGAL USE OF MOTOR VEHICLES, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, H.B. 309, COUNTY FISCAL PROCEDURES AMENDMENTS, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed H.B. 312, AMENDED CAMPAIGN FINANCE FILINGS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as amended, H.B. 323, AMENDMENTS REGARDING NOTICE ON UTAH PUBLIC NOTICE WEBSITE, by Representative B. Winn, and it is transmitted for consideration; and

The House passed, as amended, H.B. 328, TEACHER QUALITY AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


STANDING COMMITTEE REPORTS

Mr. President: February 25, 2009

The Business and Labor Committee recommends S.B. 208, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, by Senator S. Urquhart, be replaced and favorably recommends 1st Sub. S.B. 208, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS; and

The Business and Labor Committee reports a favorable recommendation on H.B. 129, ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS, by Representative C. Oda; and

John L. Valentine, Chair

Mr. President: February 25, 2009

The Health and Human Services Committee reports a favorable recommendation on S.B. 225, HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN, by Senator L. Robles, with the following amendments:
1. Page 1, Lines 18 through 21:

18 directs the Department of Health to amend the state Medicaid plan to provide Medicaid coverage, and 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 the child has been in the United States.

2. Page 2, Line 45:

45 federal law and rule, the department shall amend the state Medicaid plan to provide coverage; and

The Health and Human Services Committee reports a favorable recommendation on 1st Sub. H.B. 165, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, by Representative M. Newbold; and

The Health and Human Services Committee reports a favorable recommendation on 1st Sub. H.B. 188, HEALTH SYSTEM REFORM – INSURANCE MARKET, by Representative D. Clark, et al; and

The Health and Human Services Committee reports a favorable recommendation on 2nd Sub. H.B. 331, HEALTH REFORM – HEALTH INSURANCE COVERAGE IN STATE CONTRACTS, by Representative J. Dunnigan.

D. Chris Buttars, Chair

Mr. President: February 25, 2009

The Education Committee reports a favorable recommendation on S.B. 240, UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE AMENDMENTS, by Senator S. Killpack.

Curtis S. Bramble, Chair

Mr. President: February 25, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 205, WATER SOURCE PROTECTION AMENDMENTS, by Representative M. Noel; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on 1st Sub. H.J.R. 12, JOINT RESOLUTION
SUPPORTING HYDROGEN POWER FROM ADVANCED COAL AND CARBON CAPTURE AND SEQUESTRATION TECHNOLOGY, by Representative P. Painter.

Dennis E. Stowell, Chair


STANDING COMMITTEE REPORTS

Mr. President: February 25, 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 recommends it be considered read for the second time and placed on the Consent Calendar; and

The Business and Labor Committee reports a favorable recommendation on H.B. 320, COLLECTION AGENCY AMENDMENTS, by Representative R. C. Webb, and recommends it be considered read for the second time and placed on the Consent Calendar.

John L. Valentine, Chair

Mr. President: February 25, 2009

The Education Committee reports a favorable recommendation on 1st Sub. H.B. 210, POSTING OF COLLECTIVE BARGAINING AGREEMENTS BY SCHOOL DISTRICTS AND CHARTER SCHOOLS, by Representative K. Sumsion, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

On motion of Senator Jenkins, the committee reports were adopted. H.B. 286, H.B. 320, and 1st Sub. H.B. 210 were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 195, Public Employee Defined Contribution Amendments (D. Liljenquist), read the first time by short title and referred to the Rules Committee.
S.B. 216, Revisions to Military Installation Development Authority Act (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 224, Reuse of Industrial Byproduct (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 230, Construction Payment Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

**CONSENT CALENDAR**

1st Sub. H.B. 240, WANTON DISTRUCTION OF LIVESTOCK, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

**Voting in the affirmative were: Senators**

Bramble
Dayton
Hinkins
Knudson
Morgan
Romero
Valentine
Buttars
Goodfellow
Jenkins
Madsen
Niederhauser
Stephenson
Van Tassell
Christensen
Greiner
Jones
Mayne
Okerlund
Stowell
Waddoups
Davis
Hillyard
Killpack
McCoy
Robles
Urquhart

**Absent or not voting were:** Senators

Bell
Liljenquist

1st Sub. H.B. 240 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**S.B. 75, UTILITY AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:**

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

**Voting in the affirmative were:** Senators

Bramble
Dayton
Hinkins
Knudson
Morgan
Romero
Valentine
Buttars
Goodfellow
Jenkins
Madsen
Niederhauser
Stephenson
Van Tassell
Christensen
Greiner
Jones
Mayne
Okerlund
Stowell
Waddoups
Davis
Hillyard
Killpack
McCoy

**Absent or not voting were:** Senators

Bell
Liljenquist

* * *

S.B. 75, UTILITY AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bramble
Dayton
Hinkins
Knudson
Morgan
Romero
Valentine
Buttars
Goodfellow
Jenkins
Madsen
Niederhauser
Stephenson
Van Tassell
Christensen
Greiner
Jones
Mayne
Okerlund
Stowell
Waddoups
Davis
Hillyard
Killpack
McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Bell Liljenquist

S.B. 75 was transmitted to the House for consideration.

* * *

H.B. 50, FIREFIGHTER SPECIAL GROUP LICENSE PLATE AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yea, 26; Nay, 0; Absent, 3.

Voting in the affirmative were: Senators
Bramble Buttars Christensen Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Killpack
Knudson Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stowell Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Bell Liljenquist Romero

H.B. 50 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 220, COHABITANT ABUSE PROCEDURES ACT AMENDMENTS, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

Yea, 27; Nay, 0; Absent, 2.

Voting in the affirmative were: Senators
Bramble Buttars Christensen Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Killpack
Knudson               Madsen               Mayne               McCoy
Morgan                 Niederhauser       Okerlund           Robles
Romero                Stephenson               Stowell           Urquhart
Valentine             Van Tassell               Waddoups

Absent or not voting were: Senators
Bell                Liljenquist

S.B. 220 was transmitted to the House for consideration.

* * *

S.B. 243, JUDICIAL PERFORMANCE EVALUATION COMMISSION MODIFICATIONS, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble               Buttars               Christensen         Davis
Dayton                Goodfellow            Greiner            Hillyard
Hinkins               Jenkins               Jones              Killpack
Knudson               Madsen                Mayne              McCoy
Morgan                Niederhauser          Okerlund           Robles
Romero                Stephenson            Stowell            Urquhart
Valentine             Van Tassell            Waddoups

Absent or not voting were: Senators
Bell                Liljenquist

S.B. 243 was transmitted to the House for consideration.

CONCURRENCE CALENDAR

On motion of Senator Goodfellow, the Senate voted to concur in the House amendments to S.B. 50, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell               Bramble               Buttars               Christensen
Davis              Dayton                Goodfellow            Greiner
Hillyard           Hinkins               Jenkins              Jones
Absent or not voting was: Senator Madsen

S.B. 50 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 113, SALVAGE VEHICLE TITLE AMENDMENTS, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Knudson Liljenquist Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Urquhart Valentine Van Tassell Waddoups

Absent or not voting was: Senator Madsen

H.B. 113 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, 2nd Sub. H.B. 243, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES, was read the third time and circled.

* * *

2nd Sub. H.B. 61, LOCAL GOVERNMENT ENTITY CHANGES, was read the third time, explained by Senator Hillyard, and passed on the following roll call:
Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Knudson Liljenquist Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Urquhart Valentine Van Tassell Waddoups

Absent or not voting was: Senator
Madsen

2nd Sub. H.B. 61 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, the circle was removed from S.B. 14, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Knudson Liljenquist Madsen
Mayne McCoy Morgan Niederhauser
Okerlund Robles Romero Stephenson
Stowell Urquhart Valentine Van Tassell
Waddoups

S.B. 14 was transmitted to the House for consideration.

* * *

H.B. 278, B AND C ROADS FUNDS AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 21; Nays, 7; Absent, 1.
Voting in the affirmative were: Senators
Bell       Bramble       Buttars       Christensen
Dayton     Greiner       Hinkins      Jenkins
Jones      Killpack      Knudson      Liljenquist
Madsen     Niederhauser Okerlund     Stephenson
Stowell    Urquhart      Valentine    Van Tassell
Waddoups

Voting in the negative were: Senators
Davis      Goodfellow    Mayne        McCoy
Morgan     Robles        Romero

Absent or not voting was: Senator
Hillyard

H.B. 278 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 26, CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS, was read the third time and explained by Senator Madsen.

Senator McCoy proposed the following amendment:

1. Page 6, Line 182 through Page 7, Line 185

\[
\begin{align*}
182 & \quad (e) \text{“Exposed to” means that the child or vulnerable adult } \{- \text{ is able-to } \} ; \\
183 & \quad (i) \text{ is able to access or view } \hat{S} \rightarrow [a] \text{ an unlawfully possessed:} \\
183a & \quad (A) \leftarrow \hat{S} \text{ controlled substance } \hat{S} \rightarrow [s] ; \text{ or} \\
183b & \quad (B) \leftarrow \hat{S} \text{ chemical substance } \hat{S} \rightarrow [-or] ; \{ -or \}
\end{align*}
\]

183c \quad \{ -(-or) \} \leftarrow \hat{S} \quad (ii) \text{ has the reasonable capacity to access drug paraphernalia; or}

184 \quad \{ -(ii) \} \quad (iii) \text{ is able to smell an odor produced during, or as a result of, the manufacture or production of a}

185 \quad \text{controlled substance.}

Senator McCoy’s motion to amend passed on a voice vote. The bill passed on the following roll call:
Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

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Absent or not voting was: Senator Hillyard

H.B. 26, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 68, DEVELOPMENT EXACTIONS, was read the third time and explained by Senator Bell. Senator Madsen commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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1st Sub. H.B. 68, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

H.B. 29, SEX OFFENDERS’ CONTACT WITH CHILDREN, was read the second time. Senator Okerlund explained the bill.

Senator Okerlund proposed the following amendment:
1. Page 1, Line 21

21  • the sex offender:
    • has advised the parent or guardian that the sex offender is on the
      state sex offender registry and is required by law to have the written
      permission; and
    • the sex offender has in possession written permission
      from the child’s parent or

2. Page 14, Lines 420 through 425:

420 76–5–301.1, child kidnapping, unless:
421  (a) (i) the sex offender, prior to accompanying the child:
    (A) verbally advises the child’s parent or legal guardian that the
        sex offender is on the state sex offender registry and is required by state
        law to obtain written permission in order for the sex offender to
        accompany the child; and
    (B) requests that the child’s parent or legal guardian provide
        written authorization for the sex offender to accompany the child,
        including the specific dates and locations;
    (ii) the child’s parent or legal guardian has provided to the
        sex offender written
422  authorization, including the specific dates and locations, for the sex
423  offender to accompany the
424  child; and
425  { (ii) } (iii) the sex offender has possession of the
    written authorization and is accompanying
426  the child only at the dates and locations specified in the
    authorization;

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

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Liljenquist Madsen Mayne
McCoy    Morgan    Niederhauser    Okerlund  
Robles    Romero    Stephenson    Stowell  
Valentine  Waddoups  

Absent or not voting were: Senators  
Knudson    Urquhart    Van Tassell  

***  

H.B. 41, SEX OFFENDER REGISTRATION AMENDMENTS, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators  
Bell    Bramble    Buttars    Christensen  
Davis    Dayton    Goodfellow    Greiner  
Hillyard    Hinkins    Jenkins    Jones  
Killpack    Liljenquist    Madsen    Mayne  
McCoy    Morgan    Niederhauser    Okerlund  
Robles    Romero    Stephenson    Stowell  
Valentine  Waddoups  

Absent or not voting were: Senators  
Knudson    Urquhart    Van Tassell  

***  

2nd Sub. H.B. 59, SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS, was read the second time.

Senator Valentine proposed the following amendment:

1. Page 2, Line 51 through Page 3, Line 59

   51    (a) { name } names ;  
   52    (b) { address } addresses ;  

(c) local and long distance telephone connections;

   53    (c) records of session times and durations;  
   54    (d) length of service, including the start date and types of service utilized;
(f) telephone or other instrument
subscriber numbers or other subscriber identifiers, including any temporarily assigned network address; and
(g) means and sources of payment for the service described under this Subsection (2), including any credit card or bank account numbers of a subscriber to or a customer of the service.

2. Page 3, Line 62:

of the suspected sexual offense against a minor as described in the subpoena.

3. Page 3, Line 74:

may have regarding how to locate the Internet service provider that does own or control the Internet protocol

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

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

**Voting in the affirmative were:** Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Liljenquist Madsen Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Valentine Waddoups

**Absent or not voting were:** Senators
Knudson Urquhart Van Tassell

**H.B. 63, AMENDMENTS TO CHILD WELFARE,** was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:
Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

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Absent or not voting was: Senator

Killpack

***

H.B. 97, SEXUAL EXPLOITATION OF A MINOR, was read the second time. Senator Buttars explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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H.B. 119, POWERSPORT VEHICLE FRANCHISE ACT REVISIONS, was read the second time. Senator Bramble explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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Madsen        Mayne       McCoy        Morgan
Niederhauser  Okerlund    Robles       Romero
Stephenson    Stowell     Urquhart     Valentine
Van Tassell   Waddoupas  

Absent or not voting were: Senators
Buttars       Jenkins     Killpack

* * *

1st Sub. H.B. 35, HIGHER EDUCATION TAX CREDIT AND CONTRIBUTIONS, was read the second time. Senator Niederhauser explained the bill. Senator Goodfellow commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bramble       Christensen  Davis       Dayton
Goodfellow    Greiner      Hillyard    Hinkins
Jenkins       Jones        Knudson     Liljenquist
Madsen        Mayne        McCoy       Morgan
Niederhauser  Okerlund    Robles      Romero
Stephenson    Stowell      Urquhart    Valentine
Van Tassell   Waddoupas  

Absent or not voting were: Senators
Bell          Buttars      Killpack

On motion of Senator Knudsen, 1st Sub. H.B. 35 was placed on Third Reading Table due to fiscal impact.

On motion of Senator Knudsen, H.B.29 was placed on Third Reading Table due to fiscal impact.

On motion of Senator Knudsen, H.B. 97 was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 116, UNIFORM FEES ON CANOES, was read the second time. Senator Davis explained the bill. The bill passed second reading on the following roll call:
Yeas, 23; Nays, 2; Absent, 4.

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Goodfellow  Greiner  Hillyard  Hinkins
Jones  Knudson  Liljenquist  Mayne
McCoy  Morgan  Niederhauser  Okerlund
Robles  Romero  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

Voting in the negative were: Senators
Dayton  Jenkins

Absent or not voting were: Senators
Buttars  Killpack  Madsen  Stephenson

* * *

H.B. 218, FAMILY EMPLOYMENT PROGRAM AMENDMENTS, was read the second time. Senator Hinkins explained the bill. Senator Robles commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 8; Absent, 0.

Voting in the affirmative were: Senators
Bell  Christensen  Davis  Goodfellow
Hillyard  Hinkins  Jones  Killpack
Knudson  Liljenquist  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Robles
Romero  Stowell  Urquhart  Van Tassell
Waddoups

Voting in the negative were: Senators
Bramble  Buttars  Dayton  Greiner
Jenkins  Madsen  Stephenson  Valentine

* * *

H.B. 241, PRIORITY OF WATER RIGHTS, was read the second time. Senator Okerlund explained the bill. Senators Hillyard, Davis, Stowell, Christensen, Urquhart, and Hinkins commented. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 10; Absent, 1.
Voting in the affirmative were: Senators
Buttars Christensen Greiner Hinkins
Jenkins Killpack Knudson Liljenquist
Madsen Niederhauser Okerlund Romero
Stephenson Stowell Urquhart Valentine
Van Tassell Waddoups

Voting in the negative were: Senators
Bell Davis Dayton Goodfellow
Hillyard Jones Mayne McCoy
Morgan Robles

Absent or not voting was: Senator
Bramble

STANDING COMMITTEE REPORTS

Mr. President: February 26, 2009

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 235, REDISTRIBUTION OF SALES AND USE TAX REVENUES AND PROPERTY TAX ADJUSTMENT, by Senator J. Valentine, with the following amendments:

1. Page 1, Lines 16 through 17:

   16 {adjusts} allows a county’s property tax certified tax rate to be adjusted as a result of sales and use tax redistributions;

2. Page 6, Lines 164 through 179:

   164 (9) (a) Beginning on January 1, 2009, and ending on December 31, 2009, a county’s
   165 certified tax rate {shall} may be increased at the request of the county legislative body by the amount necessary to offset up to the total amount of
   166 sales and use taxes;
   167 (i) collected within the boundaries of the county;
   168 (A) including the sales and use taxes collected within the cities and towns within the
   169 county; and
(B) under Chapter 12, Part 2, Local Sales and Use Tax Act; and

(ii) that the commission redistributes:

(A) from an original recipient political subdivision as defined in Section 59-12-210.1
to a secondary recipient political subdivision as defined in Section 59-12-210.1;

(B) as a result of the review, recalculation, and corrected distribution of taxes due

from telecommunications providers initiated by the commission; and

(C) if the redistribution to the secondary recipient political subdivision occurs on or after July 1, 2008, but on or before June 15, 2009.

(b) Beginning on January 1, 2010, and ending on December 31, 2010, a county’s certified tax rate shall be decreased by the amount necessary to offset an increase made in accordance with Subsection (9)(a).

3. Page 11, Lines 315 through 319:

Subject to Subsection (3), the commission may make a redistribution to a secondary recipient political subdivision in an amount equal to the eligible portion of qualifying sales and use tax revenues if:

(a) the commission provides written notice to the following within 15 days before after the commission determines to make the redistribution:

Wayne L. Niederhauser, Chair

On motion of Senator Dayton, the committee report was adopted. S.B. 235, as amended, was placed on Second Reading Calendar.
On motion of Senator Killpack, and at 12:00 noon, the Senate recessed.

**AFTERNOON SESSION**

The Senate reassembled at 2:45 p.m., with President Waddoups presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 26, 2009

The House passed, 1st Sub. S.B. 36, SALES AND USE TAX AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 127, RETIREMENT AMENDMENTS, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 135, LOCAL DISTRICT TAXING AUTHORITY, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 158, CHILD SUPPORT – CASH MEDICAL SUPPORT, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 36, S.B. 127, 1st Sub. S.B. 135, and S.B. 158 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

**AFTERNOON SESSION**

Mr. President: February 26, 2009

The House adopted the Joint Conference Committee Report dated February 26, 2009, and passed H.B. 51, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, by Representative C. Johnson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 102, FALSE VEHICLE TITLE AND REGISTRATION PENALTIES, by Representative P. Ray, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 51 and H.B. 102 were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
* * *

Mr. President:  

The House passed, as substituted, **1st Sub. H.B. 110**, FINANCIAL TRANSACTION CARD OFFENSES, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 141**, BILLBOARD AMENDMENTS, by Representative C. Frank, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 142**, REPORTING ABUSE OR NEGLEcT OF THE ELDERLY OR DISABLED, by Representative L. Hemingway, and it is transmitted for consideration; and

The House passed **H.B. 184**, INCOME TAX CREDIT FOR A DISABLED DEPENDENT, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed **H.B. 351**, COURT FEES AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 387**, MOTORCYCLE HELMET AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.B. 390**, ABSENTEE BALLOT AMENDMENTS, by Representative J. Mathis, and it is transmitted for consideration.


**RULES COMMITTEE REPORTS**

To the Members of the Senate:  

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

**Business and Labor Committee**

**S.B. 166**  
Alcoholic Beverage Control Act – Days of Sale  
(Sen. S. McCoy)

**S.B. 230**  
Construction Payment Amendments (Sen. C. Bramble)

**H.B. 170**  
Insurance and Life Settlement Amendments  
(Rep. J. Dunnigan) (Sen. W. Niederhauser)
Education Committee
H.B. 194 Education Policies for Military Children
(Rep. R. Menlove) (Sen. M. Dayton)
H.B. 328 Teacher Quality Amendments (Rep. G. Hughes)
(Sen. H. Stephenson)

Government Operations and Political Subdivisions Committee
S.B. 223 City and County Carbon Credits for Sequestration of Waste Stream Materials (Sen. R. Romero)
(Sen. S. Urquhart)
H.B. 309 County Fiscal Procedures Amendments (Rep. C. Herrod)
(Sen. C. Bramble)

Health and Human Services Committee
1st Sub. H.B. 296 Schools for the Deaf and Blind Amendments
(Rep. K. Sumsion) (Sen. D. Liljenquist)

Natural Resources, Agriculture and Environment Committee
H.B. 322 Tire Recycling Fee Modifications (Rep. N. Hendrickson)
(Sen. K. Van Tassell)

Retirement and Independent Entities Committee
S.B. 195 Public Employee Defined Contribution Amendments
(Sen. D. Liljenquist)

Revenue and Taxation Committee
S.B. 224 Reuse of Industrial Byproduct (Sen. C. Bramble)
(Sen. D. Stowell)

Transportation, Public Utilities and Technology Committee
S.B. 236 Uninsured and Underinsured Motorist Coverage Amendments (Sen. M. Madsen)
Workforce Services and Community and Economic Development Committee

S.B. 216  Revisions to Military Installation Development Authority Act (Sen. M. Madsen)


Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President:  February 24, 2009

The Government Operations and Political Subdivisions Committee recommends S.B. 63, MODIFICATIONS TO RECORDING REQUIREMENTS – SUBDIVISIONS, by Senator R. Okerlund, be replaced and favorably recommends 1st Sub. S.B. 63, MODIFICATIONS TO RECORDING REQUIREMENTS with the following amendments:

1. Page 1, Lines 10 through 11:

10  This bill modifies county and municipal recording and related provisions – relating to the recording of subdivision plats – .

2. Page 1, Lines 24 through 25:

24  provides that the absence of a certificate of written approval does not prohibit the county recorder from recording the document; – }

3. Page 2, Line 47:

47  10–9a–605, as last amended by Laws of Utah 2006, Chapter 240 – }
4. Page 3, Line 57,
  Senate Committee Amendments, 2–18–09:

  57  \{17–27a–605, as last amended by Laws of Utah 2006, Chapter 240\}

5. Page 3, Line 65:

  65  38–9–4, as last amended by Laws of Utah 2008, Chapter 223

  REPEALS:
  10–8–8.5, as last amended by Laws of Utah 1993, Chapter 4

6. Page 5, Line 143:

  143  (i) the plat has been signed, dedicated, and acknowledged by each owner of record;

7. Page 6, Line 156 through Page 7, Line 189:
  Delete lines 156–189

8. Page 18, Line 525:

  525  (i) the plat has been signed, dedicated, and acknowledged by each owner of record;

9. Page 18, Line 537,
  Senate Committee Amendments, 2–18–09, through Page 19, Line 571:
  Delete lines 537–571

  Renumber remaining sections accordingly.

10. Page 26, Line 774:

  774  (c) contains a material misstatement or false claim.

  Section 22. Repealer.

  This bill repeals:
  Section 10–8–8.5, Effect of vacation or narrowing of street or alley; and

  The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 188, IMPROVEMENT DISTRICT – PROVIDING ELECTRIC SERVICE, by Senator D. Stowell; and

  The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 125, IMPACT FEE AMENDMENTS, by Representative K. Powell, with the following amendments:
1. Page 3, Line 74
   House Floor Amendments
   2–20–2009:

   74 be located; and

2. Page 3a, Lines 82a through 82d
   House Floor Amendments
   2–20–2009:

   82a \( \hat{H} \Rightarrow (VI) \) sent to each owner of an undeveloped parcel of
   property that is:

   82b (Aa) located within the boundary of the local political
   subdivision or within the

   82c jurisdiction of the private entity, as the case may be; and

   82d (Bb) larger than five acres in size; and \( \hat{H} \Rightarrow \)

3. Page 5, Line 121b
   House Floor Amendments
   2–20–2009:

   121b (A) \( \{\hat{H}\} \) placed on the Utah Public Notice Website
   created in Section 63F–1–701, if the

4. Page 5, Line 121d
   House Floor Amendments
   2–20–2009:

   121d \( \{\hat{H}\} \) \( (I) \) is required under Subsection
   52–4–203(3) to use that website to provide public

5. Page 5, Line 121f
   House Floor Amendments
   2–20–2009:

   121f \( \{\hat{H}\} \) \( (II) \) voluntarily chooses to place notice on
   that website despite not being required to do

6. Page 5, Line 121h
   House Floor Amendments
   2–20–2009:

   121h \( \{\hat{H}\} \) \( (B) \) if the local political subdivision does not
   provide notice on the Utah Public Notice
7. Page 5, Line 121j
House Floor Amendments
2–20–2009:

121j \{(Aa)\} \(\text{I}\) the registered agent of the Utah

8. Page 5, Lines 121l through 121m
House Floor Amendments
2–20–2009:

121l \{(Bb)\} \(\text{II}\) the registered agent of the Utah
Association of Realtors;

121m \{(Cc)\} \(\text{III}\) the registered agent of the Utah
Chapter of the Associated General Contractors of

9. Page 5, Lines 121o through 121s
House Floor Amendments
2–20–2009:

121o \{(Dd)\} \(\text{IV}\) the Utah office of AARP; and

121p \{(Ee)\} \(\text{V}\) the registered agent of the Utah
Taxpayers Association \(-\text{and }\) \;

121q \{(B)\} sent to each owner of an undeveloped parcel of
property that is:

121r \(\text{I}\) located within the boundary of the local political
subdivision; and

121s \(\text{II}\) larger than five acres in size. \}

10. Page 6, Line 161
House Floor Amendments
2–20–2009:

161 \{(A)\} \(\text{I}\) \{(Aa)\} on the Utah Public Notice Website
created in Section 63F–1–701, if the

11. Page 6, Line 161b
House Floor Amendments
2–20–2009:

161b \{(B)\} \(\text{Aa}\) is required under Subsection
52–4–203(3) to use that website to provide public notice

12. Page 6, Line 161d
House Floor Amendments
2–20–2009:
161d  \{\text{Bb}\}  voluntarily chooses to provide written notice on that website despite not being

13. Page 6, Line 161f
House Floor Amendments
2–20–2009:

161f  \{\text{Bb}\}  \{\text{II}\}  if the local political subdivision does not provide notice on the Utah Public Notice

14. Page 6, Lines 162 through 164
House Floor Amendments
2–20–2009:

162  \hat{\text{H}} \rightarrow \{\text{I}\}  \{\text{II}\}  \{\text{Aa}\}  \text{the registered agent of the Utah Home Builders Association;}

163  \hat{\text{H}} \rightarrow \{\text{II}\}  \{\text{IIii}\}  \{\text{Bb}\}  \text{the registered agent of the Utah Association of Realtors; [and]}

164  \hat{\text{H}} \rightarrow \{\text{III}\}  \{\text{IIIIii}\}  \{\text{Cc}\}  \text{the registered agent of the Utah Chapter of the Associated General}

15. Page 6, Line 167
House Floor Amendments
2–20–2009:

167  \{\text{VI}\}  \{\text{Viv}\}  \{\text{Dd}\}  \text{the Utah office of the American Association of Retired Persons}

16. Page 6, Lines 168 through 168d
House Floor Amendments
2–20–2009:

168  \hat{\text{H}} \rightarrow \{\text{VI}\}  \{\text{Viv}\}  \{\text{Fe}\}  \text{the registered agent of the Utah Taxpayers Association; [and]}

168a  \{\text{II}\}  to each owner of an undeveloped parcel of property that is:

168b  \{\text{Aa}\}  \text{located within the boundary of the local political subdivision or within the}

168c  \text{jurisdiction of the private entity, as the case may be; and}

168d  \{\text{Bb}\}  \text{larger than five acres in size; [} \hat{\text{H}}\text{]}

17. Page 7a, Lines 207 through 207c:

207  \hat{\text{H}} \rightarrow \{\text{ga}\}  \{\text{E}\}  \text{the registered agent of the Utah Taxpayers Association [} \hat{\text{H}}\text{] [} \hat{\text{H}}\text{] 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.

18. Page 8, Line 238
House Floor Amendments
2–20–2009:

(A) make a copy of the impact fee enactment available to the public;

(C) mail a written copy of the impact fee enactment to each owner of an undeveloped parcel of property that is:

(I) located within the boundary of the local political subdivision or within the jurisdiction of the private entity, as the case may be; and

(II) larger than five acres in size.

Peter C. Knudson, Chair

Mr. President: February 26, 2009

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 140, MOTOR VEHICLE REGISTRATION FEE AMENDMENTS, by Representative C. Frank.

Wayne L. Niederhauser, Chair

Mr. President: February 25, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 269, PUBLIC UTILITY EASEMENT AMENDMENTS, by Senator G. Bell, with the following amendments:

1. Page 1, Lines 16 through 18:

provides that a gas corporation’s or electric corporation’s failure to possess, occupy, or use a protected utility
17 easement does not diminish or extinguish the gas corporation’s or electric corporation’s rights under the easement.

2. Page 2, Lines 31 through 33:

31 (a) “Protected utility easement” means a recorded easement or right-of-way:
32 (i) for the use and installation of a utility facility; and
33 (ii) the ownership of which a gas corporation or electric corporation acquires and holds by any lawful means.

3. Page 3, Lines 60 through 65:

60 (6) A person may not acquire, whether by adverse possession, prescription, acquiescence, or otherwise, any right, title, or interest in a public utility easement or protected utility easement that is adverse to or interferes with a public utility’s full use of the easement for the purposes for which the easement was created.
64 (7) A gas corporation’s or electric corporation’s failure to possess, occupy, or use a protected utility easement does not diminish or extinguish any right that the gas corporation or electric corporation has under the easement; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 214, OFFICE OF CONSUMER SERVICES ACT, by Senator J. Valentine, with the following amendments:

1. Page 4, Lines 112 through 114:

112 (b) The director shall serve for a term of six years.
113 (c) For purposes of the individual who is the director on May 12, 2009, that
114 individual’s {four} six-year term is considered to begin on July 1, 2009.

Stephen H. Urquhart, Chair

Mr. President: February 25, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 136, SEX OFFENDER DEFINITION AMENDMENTS, by Representative P. Ray; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on 2nd Sub. H.B. 220, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, by Representative M. Noel.

Michael G. Waddoups,
President of the Senate

On motion of Senator Knudson, the committee reports were adopted. 1st Sub. S.B. 63, as corrected and amended, S.B. 188, H.B. 125, as amended, H.B. 140, S.B. 269, as amended, S.B. 214, as amended, H.B. 136, and 2nd Sub. H.B. 220 were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 26, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 297, BUDGETARY PROCEDURES ACT RECODIFICATION, by Representative R. Bigelow, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.J.R. 11, JOINT RESOLUTION EXPRESSING SUPPORT FOR AND RECOGNIZING THE VALUE OF LOCALLY ELECTED OFFICIALS, by Representative M. Brown, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: February 26, 2009

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 210, AMENDMENTS TO PROPERTY TAX, by Senator C. Bramble,
with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 3, Lines 79 through 84:

79  (6) {—For } (a) Except as provided in Subsection (6)(b), for calendar years beginning on or after January 1, 2009 and ending on or before December 31, 2010, the method for determining the fair market value of an aircraft, aircraft type, or mobile flight equipment assessed under this part is equal to:

81  {—(a) } (i) the value referenced in the Used Price for Avg Acft Wholesale column of the Airliner Price Guide by make, model, series, and year of manufacture; minus

83  {—(b) } (ii) 20% of the value described in Subsection (6)(a) (i).

(b) Notwithstanding Subsection (6)(a), for calendar years beginning on or after January 1, 2009 and ending on or before December 1, 2010, the method for determining the fair market value of an aircraft not listed in the Airliner Price Guide is equal to:

(i) the value references in the Average Wholesale column of the Aircraft Bluebook Price Digest by make, model, series, and year of manufacture; minus

(ii) 20% of the value described in Subsection (6)(b)(ii).

84  Section 2. Retrospective operation.

Wayne L. Niederhauser. Chair

Mr. President: February 25, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 193, SALVAGE VEHICLES AMENDMENTS, by Senator S. Urquhart, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

1. Page 1, Lines 20 through 22:

20  provides that {—a person—} an operator of a motor vehicle auction may only offer for sale, sell, or exchange five vehicles with
21 salvage certificates at or through a motor vehicle auction
{–annually–} in any 12 month period to an in–state
22 purchaser that does not have a salvage vehicle buyer license;

2. Page 1, Lines 26 through 27:

26 ► provides that {–a person–} an operator of a motor
vehicle auction may not offer for sale, sell, or exchange additional
27 vehicles with a salvage certificate to a purchaser if notified that the
purchaser has not titled

3. Page 3, Lines 87 through 89:

87 (d) {–A person } An operator of a motor vehicle
auction may only offer for sale, sell, or exchange five vehicles with a
salvage
88 certificate as defined in Section 41–1a–1001 at or through a motor
vehicle auction {–annually–} in any 12 month period to
89 an in–state purchaser that does not have a salvage vehicle buyer
license issued in accordance

4. Page 4, Lines 91 through 94:

91 (e) (i) An in–state purchaser of a vehicle with a salvage
certificate as defined in Section
92 41–1a–1001 that is purchased at or through a motor vehicle auction
shall title the vehicle within
93 15 days of the purchase if the purchaser does not have a salvage
vehicle buyer license, dealer license, body shop license, or dismantler
license issued in
94 accordance with Subsection 41–3–202 {–(15)–}.

5. Page 4, Lines 95 through 97:

95 (ii) {–A person } An operator of a motor vehicle
auction may not offer for sale, sell, or exchange additional vehicles
with a salvage
96 certificate as defined in Section 41–1a–1001 at or through a motor
vehicle auction to a purchaser if notified that the purchaser has
not titled previously purchased
97 vehicles with a salvage certificate as required under Subsection (3)(e)(i).

6. Page 7, Lines 191 through 195:

191 (vii) special plate violation; and 
192 (viii) failing to maintain a sign at a principal place of business; and 
193 (ix) failing to title a vehicle with a salvage certificate that is purchased at or through a motor vehicle auction within 15 days of the purchase as required under Subsection 41–3–201(3)(e).

7. Page 8, Line 215:

215 purchasers; and 
(x) failing to title a vehicle with a salvage certificate that is purchased at or through a motor vehicle auction within 15 days of the purchase as required under Subsection 41–3–201(3)(e).

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 112, VEHICLE TOWING AMENDMENTS, by Representative T. Kiser, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

1. Page 1, Lines 22 through 23:

22 was done without the vehicle, vessel, or outboard motor owner’s knowledge; 
23 grants the Department of Transportation rulemaking authority to set a maximum rate for an administrative fee that a tow truck motor carrier may charge for reporting the removal to the Motor Vehicle Division and providing notice of the removal to the registered owner and lienholder of the vehicle, vessel, or outboard motor; and

2. Page 8, Line 232:

232 law, related to incident safety, clean–up, and hazardous material handling;
234 by a tow truck motor carrier or impound yard; and
(d) set a maximum rate for an administrative fee that a tow truck
motor carrier may charge for reporting the removal as required under
Subsection (1)(a)(i) and providing notice of the removal to the registered
owner and lienholder of the vehicle, vessel, or outboard motor as
required in Subsection (1)(b).; and

The Transportation and Public Utilities and Technology Committee reports a
favorable recommendation on H.B. 324, MOTOR VEHICLE BUSINESS
REGULATION ACT AMENDMENTS, by Representative F. Gibson, and
recommends it be considered read for the second time and placed on the Consent
Calendar.

Stephen H. Urquhart, Chair

Mr. President: February 25, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a
favorable recommendation on S.B. 90, METAL THEFT AMENDMENTS AND
PENALTIES, by Senator J. Greiner, with the following amendments and
recommends it be considered read for the second time and placed on the Consent
Calendar.

1. Page 2, Lines 29 through 33:

29 ENACTS:

76–6–402.5, Utah Code Annotated 1953

30 76–6–412.5, Utah Code Annotated 1953

31 76–10–907.5, Utah Code Annotated 1953

32

33 Be it enacted by the Legislature of the state of Utah:
Section 1. Section 76–6–402.5 is enacted to read:
76–6–402.5. Defense regarding metal dealers.
It is a defense against a charge of theft under this part and a defense
against a civil claim for conversion if any dealer as defined in Section
76–10–901 has acted in compliance with Title 76, Chapter 10, Part 9,
Regulation of Metal Dealers.

2. Page 2, Lines 43 through 48:

43 As used in this part:

(1) “Catalytic converter” means a motor vehicle exhaust system
component that reduces vehicle emissions by breaking down harmful
exhaust emissions.
“Dealer” means any scrap metal processor or secondary metals dealer or recycler, but does not include junk dealers or solid waste management facilities as defined in Section 19–6–502.

“Ferrous metal” means a metal that contains significant quantities of iron or steel.

“Identification” means a form of positive identification issued by a governmental agency.

“Junk dealer” means all persons, firms, or corporations engaged in the business of buying or reselling regulated metals.

“Local law enforcement agency” means the law enforcement agency that has jurisdiction over the area.

“Nonferrous metal” includes items composed primarily of nonferrous metal, except as provided in Subsection (c).

“Regulated metal” means any item composed primarily of nonferrous metal, except as provided in Subsection (c).

ferrous metal, except as provided in Subsection (b)(ii) or (iv);

aluminum wire, siding, downspouts, or gutters;

(k) catalytic converters; and
wire that has been burned or that has the appearance of having been burned.

10. Page 7, Lines 187 through 190:

187 Section 5. Section 76–10–907.5 is enacted to read:
188 76–10–907.5. Transactions over $100 may not be in cash.
189 A dealer making a purchase of more than $100 worth of regulated metal in a single
190 transaction shall pay for the metal by check or money order, and may not pay by cash.

11. Page 1, Lines 22 through 23:

22 Other Special Clauses:
23 None This bill provides an immediate effective date.

12. Page 7, Line 190:

190 transaction shall pay for the metal by check or money order, and may not pay by cash.

Section 6. 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.

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 37, VIOLENT OFFENSES AMENDMENTS, by Representative J. Seelig, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 130, ASSET PRESERVATION AMENDMENTS, by Representative G. Hughes, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 138, EXPUNGEMENT OF RECORDS AMENDMENTS, by Representative Julie Fisher, and recommends it be considered read for the second time and placed on the Consent Calendar; and
The Judiciary, Law Enforcement, and Criminal Justice Committee recommends H.B. 329, WRONGFUL DEATH CLAIMS, by Representative L. Fowlke, be replaced and favorably recommends 1st Sub. H.B. 329, WRONGFUL DEATH CLAIMS and that it be considered read for the second time and placed on the Consent Calendar.

Michael G. Waddoups,
President of the Senate

On motion of Senator Killpack, the committee reports were adopted. H.B. 297, H.J.R. 11, S.B. 210, as amended, S.B. 193, as amended, H.B. 112, as amended, H.B. 324, S.B. 90, as amended, H.B. 37, H.B. 130, H.B. 138, and 1st Sub. H.B. 329 were considered read the second time and placed on the Consent Calendar.

SECOND READING CALENDAR

H.B. 69, GUARDIAN AD LITEM AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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<th>Buttars</th>
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Absent or not voting were: Senators

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SPECIAL PRESENTATION

A citation was read honoring the Great Salt Lake Council of the Boy Scouts of America.

* * *

H.B. 114, ABORTION LITIGATION TRUST ACCOUNT AMENDMENTS, was read the second time.
On motion of Senator Jenkins, the bill was circled.

***

**H.B. 32.** AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, was read the second time. Senator Stephenson explained the bill. Senators Greiner, Dayton, and Buttars commented. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 2; Absent, 6.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

| Dayton   | Greiner   |

**Absent or not voting were:** Senators

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On motion of Senator Madsen, the circle was removed from **H.B. 114.** ABORTION LITIGATION TRUST ACCOUNT AMENDMENTS, and it was before the Senate. Senator Madsen explained the bill. Senator McCoy commented. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 3; Absent, 4.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

| McCoy    | Robles    | Romero |


**Absent or not voting were:** Senators
Bell Davis Liljenquist Urquhart

* * *

**H.B. 261**, AVIATION AMENDMENTS, was read the second time. Senator Niederhauser explained the bill.

Senator Bramble proposed the following amendment:

1. Page 1, Line 24a:
   House Floor Amendments 2–17–2009
   Delete “until July 1, 2014”

2. Page 6, Line 169a:
   House Floor Amendments 2–17–2009
   Delete “until July 1, 2014”

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

**Yeas, 18; Nays, 5; Absent, 6.**

**Voting in the affirmative were:** Senators
Bramble Buttars Christensen Davis
Goodfellow Hillyard Hinkins Jenkins
Jones Killpack Knudson Niederhauser
Okerlund Romero Stephenson Stowell
Valentine Van Tassell

**Voting in the negative were:** Senators
Dayton Greiner McCoy Morgan Waddoups

**Absent or not voting were:** Senators
Bell Liljenquist Madsen Mayne Robles Urquhart

* * *

On motion of Senator Stephenson, the Senate voted to move to Third Reading Calendar.
THIRD READING CALENDAR

On motion of Senator Stephenson, the circle was removed from S.B. 43, INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS – CLAY’S LAW, and it was before the Senate. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 1, Lines 10 through 11
   Senate Committee Amendments
   2–13–2009

   10 This bill amends the Accident and Health Insurance part of the
   Insurance Code to

   11 (provide—) require an insurer that provides a health benefit
   plan to offer coverage for treatment of autism spectrum disorders.

2. Page 1, Lines 15 through 16
   Senate Committee Amendments
   2–13–2009:

   15 requires that [an accident or health insurance
   policy that provides a health benefit

   16 of an insurer that provides a health benefit plan shall
   (provide—) offer coverage for treatment of autism spectrum
   disorders;

3. Page 1, Line 19
   Senate Committee Amendments
   2–13–2009:

   19 required to be offered under this bill; and

4. Page 1, Lines 24 through 25
   Senate Committee Amendments
   2–13–2009:

   24 Other Special Clauses:

   25 This bill coordinates with H.B. 188 by
   providing substantive amendments.

5. Page 3, Lines 59 through 64:
(2) An accident or health insurance policy that provides a health insurance benefit shall offer coverage for treatment of autism spectrum disorders in accordance with the requirements of this section and rules made by the commissioner under this section.

(3) The commissioner shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that set minimum standards for the coverage, described in this bill, for the treatment of autism spectrum disorders.

Subject to Subsection (6), an insurer that offers a health benefit plan shall offer coverage for the provision of early intensive behavior for a person with an autism spectrum disorder of at least:

(a) $35,000 annually for a child who is less than nine years old; and

(b) $17,500 annually for a child who is at least nine years old, but less than 17 years old.

Section 2. Coordinating S.B. 43 with H.B. 188 — Substantive
amendments.
If this S.B. 43 and H.B. 188, Health System Reform – Insurance Market, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by:
(1) amending Subsection 31A–22–724(3)(b)(vi) to read as follows: “(vi) coverage mandates enacted after January 1, 2009, except:
(A) coverage mandates that are required by federal law; and
(B) the insurance mandate related to autism spectrum disorders, described in Section 31A–22–636.”; and
(2) amending Subsection 31A–30–109(1)(b)(ii) to read as follows: “(ii) excludes some or all of the mandates described in Subsection 31A–22–724(3), except for the mandate related to autism spectrum disorders, described in Section 31A–22–636.”.

Senator Stephenson’s motion to amend passed on a voice vote. Senators Jones, Christensen, Robles, and McCoy commented.

On motion of Senator Stephenson, the bill was circled.

SECOND READING CALENDAR

H.B. 154, STATE CONSTRUCTION REGISTRY AMENDMENTS, was read the second time. Senator Jenkins explained the bill. Senator Okerlund commented. The bill passed second reading on the following roll call:

Y eas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators
Bell  Buttars  Davis  Dayton
Goodfellow  Greiner  Hillyard  Hinkins
Jenkins  Jones  Knudson  Liljenquist
Madsen  Mayne  McCoy  Niederhauser
Okerlund  Robles  Romero  Stephenson
Stowell  Urquhart  Valentine  Van Tassell
Waddoups

Voting in the negative was: Senator Morgan

Absent or not voting were: Senators
Bramble  Christensen  Killpack
H.B. 271, WORKERS’ COMPENSATION – UNINSURED EMPLOYERS’ FUND, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
- Buttars
- Davis
- Dayton
- Goodfellow
- Greiner
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Liljenquist
- Madsen
- Mayne
- McCoy
- Morgan
- Niederhauser
- Okerlund
- Robles
- Romero
- Stephenson
- Stowell
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators
- Bell
- Bramble
- Christensen
- Killpack

* * *

On motion of Senator Killpack, the Senate voted to suspend the rules and consider Senate bills for the remainder of the day.

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

The Senate was called to order at 4:25 p.m., with President Waddoups presiding.

**SECOND READING CALENDAR**

S.B. 152, LEGISLATIVE MANAGEMENT POWERS, was read the second time. Senator Killpack explained the bill. Senator Romero declared a conflict of interest. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
- Bell
- Buttars
- Christensen
- Davis
- Dayton
- Goodfellow
- Greiner
- Hillyard
- Hinkins
- Jenkins
- Jones
- Killpack
- Knudson
- Liljenquist
- Madsen
- Mayne
- McCoy
- Morgan
- Okerlund
- Robles
- Romero
- Stowell
- Urquhart
- Valentine
- Van Tassell
- Waddoups
Absent or not voting were: Senators
Bramble  Niederhauser  Stephenson

***

S.B. 153, COUNTY AND MUNICIPAL LAND USE AMENDMENTS, was read the second time. Senator Madsen explained the bill. Senators Stowell and Bell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Buttars  Davis  Dayton
Goodfellow  Greiner  Hillyard  Hinkins
Jenkins  Jones  Killpack  Liljenquist
Madsen  Mayne  McCoy  Morgan
Okerlund  Robles  Romero  Stephenson
Stowell  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble  Christensen  Knudson  Niederhauser

***

S.B. 171, MUNICIPAL ANNEXATION AMENDMENTS, was read the second time.

On motion of Senator Jenkins, the bill was circled.

***

S.J.R. 6, LEGISLATOR COMMUNICATIONS WITH JUDICIARY AND EXECUTIVE BRANCH JOINT RULES RESOLUTION, was read the second time. Senator Valentine explained the bill. Senators Hillyard, Waddoups, Madsen, and Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Buttars  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Killpack
Knudson  Madsen  Mayne  McCoy
Morgan Okerlund Robles Romero
Stephenson Stowell Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Liljenquist Niederhauser

* * *

S.J.R. 8, JOINT RESOLUTION REGARDING ELIGIBILITY FOR LEGISLATIVE OFFICE, was read the second time. Senator McCoy explained the bill.

Senator McCoy proposed the following amendment:

1. Page 2, Line 44: 
   After “appointed” insert “to fill a midterm vacancy”

2. Page 2, Line 45: 
   After “appointment” insert “,” and delete “for a person appointed to a midterm vacancy.”

Senator McCoy’s motion to amend passed on a voice vote. Senator Okerlund declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Killpack
Knudson Liljenquist Madsen Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Urquhart Valentine Van Tassell Waddoups

Absent or not voting was: Senator
Buttars

* * *

S.B. 59, ALLOCATION AND APPORTIONMENT OF INCOME AND DEDUCTION OF A NET LOSS, was read the second time. Senator Stephenson explained the bill.
Senator Stephenson proposed the following amendment:

. Page 8, Lines 234 through 238

234 17. { Sales, other than sales of tangible personal property, are in this state if:
235 (a) the income−producing activity is performed in this state; or
236 (b) the income−producing activity is performed both in and outside this state and a
237 greater proportion of the income−producing activity is performed
238 in this state than in any other
239 state, based on costs of performance.−} Whether a receipt, rent,
royalty, or sale in connection with other than tangible personal property
is considered to be in this state is determined in accordance with Section
59−7−319.

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

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

Voting in the affirmative were: Senators

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Absent or not voting was: Senator

Buttars

***

S.B. 52, NEW MOTOR VEHICLE FRANCHISE AMENDMENTS, was
read the second time.

On motion of Senator Killpack, the following substitute bill replaced the
original bill:
2nd Sub. S.B. 52 New Motor Vehicle Franchise Amendments (S. Killpack)

Senator Killpack explained the bill. Senator Van Tassell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Knudson Liljenquist Madsen
Mayne Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Urquhart Valentine Van Tassell Waddoups

Absent or not voting was: Senator McCoy

***

S.B. 172, UNDERINSURED MOTORIST COVERAGE AMENDMENTS, was read the second time. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Knudson Liljenquist Madsen
Mayne Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Urquhart Valentine Van Tassell Waddoups

Absent or not voting was: Senator McCoy

***

On motion of Senator Killpack and at 5:15 p.m., the Senate adjourned until 9:00 a.m., Friday, February 27, 2009.
THIRTY–SECOND DAY
MORNING SESSION
February 27, 2009

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

Prayer – President Kevin Weaver, Kearns, Utah Stake
Pledge of Allegiance – Senator Scott Jenkins
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, page 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 26, 2009

The Speaker of the House has signed S.B. 50, Restricting the Movement of a Motor Vehicle, by Senator B. Goodfellow, and it is transmitted for the signature of the President; and

The House passed, S.B. 115, Payment of Mobile Home Park Relocation Expenses, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 50 and S.B. 115 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

Mr. President: February 26, 2009

The House passed, as substituted, 1st Sub. H.B. 164, Migratory Bird Production Areas, by Representative C. Oda, et al, and it is transmitted for consideration; and

The House passed H.B. 167, County Hospital Retirement Provisions, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, H.B. 197, Reauthorization of Administrative Rules, by Representative B. Ferry, and it is transmitted for consideration; and
The House passed, as substituted and amended, 1st Sub. H.B. 290, PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE, by Representative S. Clark, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 313, SOCIAL HOST LIABILITY ACT, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as amended, H.B. 314, DNA SAMPLE FOR CRIMINAL OFFENSES – AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed H.B. 325, OPTING OUT OF THE REAL ID ACT, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as amended, H.B. 327, BUILDING INSPECTOR AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

INTRODUCTION OF BILLS

S.B. 245, Uniform Fees on Motorcycles (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.B. 248, Tax Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 239, UTAH MEDICAL EXAMINER ACT – INVESTIGATION AND AUTOPSIES AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Christensen
Davis   Dayton     Goodfellow  Greiner
Hillyard  Hinkins  Jenkins  Jones
Killpack  Liljenquist  Madsen  Mayne
McCoy  Morgan  Niederhauser  Okerlund
Robles  Romero  Stephenson  Stowell
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting was: Senator
Knudson

**H.B. 239** was signed by the President of the Senate in open session and
returned to the House for the signature of the Speaker.

***

**H.B. 289**, BACKGROUND CHECKS FOR QUALIFYING ENTITIES, was
read the third time, explained by Senator Robles, and passed on the following roll
call:

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

**Voting in the affirmative were**: Senators
Bramble  Buttars  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Killpack  Knudson
Liljenquist  Madsen  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Robles
Romero  Stowell  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Bell  Jones  Stephenson

**H.B. 289** was signed by the President of the Senate in open session and
returned to the House for the signature of the Speaker.

***

**S.B. 185**, FEDERAL EDUCATION AGREEMENT REQUIREMENTS
AMENDMENTS, was read the third time, explained by Senator Dayton, and
passed on the following roll call:

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

**Voting in the affirmative were**: Senators
Buttars  Christensen  Dayton  Goodfellow
Greiner  Hillyard  Hinkins  Jenkins
S.B. 185 was transmitted to the House for consideration.

* * *

1st Sub. H.B. 264, EDUCATOR EVALUATION AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Buttars Christensen Davis Dayton
Goodfellow Greiner Hillyard Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Madsen Mayne McCoy
Morgan Okerlund Robles Romero
Stowell Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Bell Bramble Davis Niederhauser
Stephenson

1st Sub. H.B. 264 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 291, COUNTY PERSONNEL AMENDMENTS, was read the third time, explained by Senator Romero, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Buttars Christensen Davis Dayton
Goodfellow Greiner Hillyard Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Madsen Mayne McCoy
Morgan Okerlund Robles Romero
Stowell Urquhart Valentine Van Tassell
Waddoups
Absent or not voting were: Senators
Bell Bramble Niederhauser Stephenson

H.B. 291 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 319, DISASTER RECOVERY FUNDING AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Buttars Christensen Davis Dayton
Goodfellow Greiner Hillyard Hinkins
Jones Killpack Knudson Liljenquist
Madsen Mayne McCoy Morgan
Okerlund Robles Romero Stowell
Urquhart Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Bell Bramble Jenkins Niederhauser Stephenson

H.B. 319 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.C.R. 5, CONCURRENT RESOLUTION URGING THE REALIGNMENT OF AIR QUALITY NON–ATTAINMENT DESIGNATIONS BY THE EPA, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Buttars Christensen Davis
Dayton Goodfellow Greiner Hillyard
Hinkins  Jenkins  Jones  Killpack
Knudson  Liljenquist  Madsen  Mayne
McCoy  Morgan  Okerlund  Robles
Romero  Stowell  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Bramble  Niederhauser  Stephenson

1st Sub. H.C.R. 5, was returned to the House for further consideration.

* * *

H.C.R. 6, CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO CONGRESSIONAL EFFORTS TO EXPAND THE JURISDICTION OF THE CLEAN WATER ACT, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Jenkins  Jones
Killpack  Knudson  Liljenquist  Madsen
Mayne  McCoy  Morgan  Okerlund
Robles  Romero  Stephenson  Stowell
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting was: Senator
Niederhauser

H.C.R. 6 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 123, RETAIL AND LIBRARY THEFT AMENDMENTS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Jenkins  Jones
Killpack  Knudson  Liljenquist  Madsen
Mayne  McCoy  Morgan  Okerlund
Robles  Romero  Stephenson  Stowell
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting was: Senator
Niederhauser

H.B. 123 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Buttars, H.B. 127, PERSONAL INJURY PROTECTION COVERAGE AMENDMENTS, was read the third time and circled.

***

H.B. 228, ASSAULT ON SERVICE MEMBER IN UNIFORM, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Killpack
Knudson  Liljenquist  Madsen  Mayne
McCoy  Morgan  Robles  Romero
Stephenson  Stowell  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Davis  Niederhauser  Okerlund

H.B. 228 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 295, MONEY LAUNDERING AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Christensen
Dayton  Goodfellow Greiner    Hillyard
Hinkins Jenkins    Jones    Killpack
Knudson Liljenquist Madsen    Mayne
McCoy   Morgan    Robles    Romero
Stephenson Stowell    Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Davis   Niederhauser Okerlund

H.B. 295 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 41, SEX OFFENDER REGISTRATION AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Bramble    Christensen Dayton
Goodfellow Greiner    Hillyard Hinkins
Jenkins Jones    Killpack Knudson
Liljenquist Madsen    Mayne McCoy
Morgan Okerlund Robles Romero
Stephenson Stowell    Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Davis   Niederhauser

H.B. 41 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Urquhart, the circle was removed from 2nd Sub. H.B. 243, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES, and it was before the Senate.
On motion of Senator Urquhart, the following substitute bill replaced the original bill:

**3rd Sub. H.B. 243 Rental Restrictions on Condominiums and Common Interest Communities** (G. Froerer)

Senators Bell and Waddoups commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Niederhauser | Stephenson |

Senator Waddoups declared a conflict of interest.

**3rd Sub. H.B. 243** was returned to the House for further consideration.

***

On motion of Senator Bell, the Senate voted to move to the Consent Calendar.

**CONSENT CALENDAR**

On motion of Senator Bell, the circle was removed from **H.B. 127, PERSONAL INJURY PROTECTION COVERAGE AMENDMENTS**, and it was before the Senate. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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McCoy  Morgan  Okerlund  Robles
Romero  Stowell  Urquhart  Van Tassell
Waddoups

Absent or not voting were: Senators
Jones  Niederhauser  Stephenson  Valentine

H.B. 127 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Killpack, 2nd Sub. H.B. 59, SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS, was read the third time and circled.

***

H.B. 63, AMENDMENTS TO CHILD WELFARE, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Jenkins  Killpack
Knudson  Liljenquist  Madsen  Mayne
McCoy  Morgan  Okerlund  Robles
Romero  Stowell  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Jones  Niederhauser  Stephenson

H.B. 63 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Valentine, the circle was removed from 2nd Sub. H.B. 59, SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS, and it was before the Senate. The bill passed on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Jenkins  Killpack
Knudson  Liljenquist  Madsen  Mayne
McCoy  Morgan  Okerlund  Robles
Romero  Stowell  Urquhart  Valentine
Van Tassell  Waddoups

**Absent or not voting were:** Senators

Jones  Niederhauser  Stephenson

2nd Sub. H.B. 59 was returned to the House for further consideration.

***

H.B. 119, POWERSPORT VEHICLE FRANCHISE ACT REVISIONS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Jenkins  Killpack
Knudson  Liljenquist  Madsen  Mayne
McCoy  Morgan  Okerlund  Robles
Romero  Stowell  Urquhart  Valentine
Van Tassell  Waddoups

**Absent or not voting were:** Senators

Jones  Niederhauser  Stephenson

H.B. 119 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 116, UNIFORM FEES ON CANOES, was read the third time and explained by Senator Davis. Senator Greiner commented and the bill passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Christensen | Niederhauser |         |            |

H.B. 116 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 218, FAMILY EMPLOYMENT PROGRAM AMENDMENTS, was read the third time and explained by Senator Hinkins. Senators Madsen and Mayne commented and the bill passed on the following roll call:

Yeas, 18; Nays, 9; Absent, 2.

**Voting in the affirmative were:** Senators

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<tr>
<th>Bramble</th>
<th>Christensen</th>
<th>Davis</th>
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<td>Urquhart</td>
<td>Van Tassell</td>
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**Voting in the negative were:** Senators

<table>
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<th>Buttars</th>
<th>Dayton</th>
<th>Greiner</th>
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<td>Jenkins</td>
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<td>Valentine</td>
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</table>

**Absent or not voting were:** Senators

| Niederhauser | Waddoups |

H.B. 218, as amended, was returned to the House for further consideration.

* * *

H.B. 241, PRIORITY OF WATER RIGHTS, was read the third time and explained by Senator Okerlund. Senators Hillyard, Davis, and Stowell commented and the bill passed on the following roll call:
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Y eas, 19; Nays, 7; Absent, 3.

Voting in the affirmative were: Senators
Bell Buttars Christensen Davis
Goodfellow Hinkins Jenkins Jones
Killpack Knudson Liljenquist Madsen
Mayne Okerlund Romero Stephenson
Stowell Urquhart Van Tassell

Voting in the negative were: Senators
Greiner Hillyard McCoy Morgan
Robles Valentine Waddoups

Absent or not voting were: Senators
Bramble Dayton Niederhauser

H.B. 241, as amended, was returned to the House for further consideration.

SPECIAL PRESENTATION

A citation was read honoring residents of the Seville Living Center in Orem, Utah.

THIRD READING CALENDAR

H.B. 69, GUARDIAN AD LITEM AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Y eas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Bell Buttars Christensen Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jones Killpack Knudson
Liljenquist Madsen Mayne McCoy
Morgan Okerlund Robles Romero
Stephenson Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble Jenkins Niederhauser Stowell

H.B. 69, as amended, was returned to the House for further consideration.
** * * *

On motion of Senator Stephenson, H.B. 32, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, was read the third time and circled.

** * * *

On motion of Senator Hillyard, H.B. 114, ABORTION LITIGATION TRUST ACCOUNT AMENDMENTS, was read the third time and circled.

** * * *

On motion of Senator Bell, H.B. 261, AVIATION AMENDMENTS, was read the third time and circled.

** * * *

On motion of Senator Bell, H.B. 154, STATE CONSTRUCTION REGISTRY AMENDMENTS, was read the third time and circled.

** * * *

On motion of Senator Madsen, the circle was removed from H.B. 114, ABORTION LITIGATION TRUST ACCOUNT AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

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

** Voting in the affirmative were:** Senators

Bell Bramble Buttars Christensen
Dayton Goodfellow Greiner Hillyard
Hinkins Jones Killpack Knudson
Liljenquist Madsen Mayne Morgan
Okerlund Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups

** Voting in the negative were:** Senators

Davis McCoy Robles Romero

**Absent or not voting were:** Senators

Jenkins Niederhauser

H.B. 114 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
* * *

On motion of Senator Killpack, and at 10:30 a.m., the Senate sauntered.

The Senate was called to order at 10:45 a.m., with President Waddoups presiding.

* * *

H.B. 271, WORKERS’ COMPENSATION – UNINSURED EMPLOYERS’ FUND, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Killpack
Madsen Mayne McCoy Morgan
Okerlund Robles Romero Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Knudson Liljenquist Niederhauser
Stephenson Stowell

H.B. 271, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Jenkins, the circle was removed from H.B. 154, STATE CONSTRUCTION REGISTRY AMENDMENTS, and it was before the Senate.

Senator Jenkins proposed the following amendment:

1. Page 2, Lines 35 through 43

36  (1) (a) (i) Except as modified in Section 38–1–27, a person claiming benefits under this
37  chapter shall file for record with the county recorder of the county in which the property, or
some part of the property, is situated, a written notice to hold and claim a lien within no later than:

(A) 180 days after the day on which occurs final completion of the original contract if no notice of completion is filed under Section 38–1–33; or

(B) 90 days after the day on which a notice of completion is filed under Section 38–1–33 but not later than the time frame established in Subsection (1)(a)(i)(A).

Senator Jenkins’ motion to amend passed on a voice vote. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell
Bramble
Buttars
Christensen

Davis
Dayton
Goodfellow
Greiner

Hillyard
Hinkins
Jenkins
Jones

Knudson
Madsen
Mayne
McCoy

Okerlund
Robles
Romero
Urquhart

Valentine
Van Tassell
Waddoups

**Voting in the negative was:** Senator Morgan

**Absent or not voting were:** Senators

Killpack
Liljenquist
Niederhauser
Stephenson
Stowell

**H.B. 154** was returned to the House for further consideration.

***

On motion of Senator Killpack, **S.B. 152**, LEGISLATIVE MANAGEMENT POWERS, was read the third time and circled.

***

**S.B. 153**, COUNTY AND MUNICIPAL LAND AND USE AMENDMENTS, was read the third time, explained by Senator Madsen, and passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Knudson Liljenquist Madsen
Mayne McCoy Morgan Okerlund
Robles Romero Stowell Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Niederhauser Stephenson

S.B. 153 was transmitted to the House for consideration.

* * *

S.J.R. 6, LEGISLATOR COMMUNICATIONS WITH JUDICIARY AND EXECUTIVE BRANCH JOINT RULES RESOLUTION, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Knudson Liljenquist Madsen
Mayne McCoy Morgan Okerlund
Robles Romero Stephenson Stowell
Urquhart Valentine Van Tassell Waddoups

Absent or not voting was: Senator
Niederhauser

S.J.R. 6 was transmitted to the House for consideration.

* * *

S.J.R. 8, JOINT RESOLUTION REGARDING ELIGIBILITY FOR LEGISLATIVE OFFICE, was read the third time, explained by Senator McCoy, and passed on the following roll call:
Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators
- Bell
- Bramble
- Buttars
- Christensen
- Davis
- Dayton
- Goodfellow
- Greiner
- Hillyard
- Hinkins
- Jenkins
- Jones
- Killpack
- Knudson
- Liljenquist
- Madsen
- Mayne
- McCoy
- Morgan
- Okerlund
- Robles
- Romero
- Stephenson
- Stowell
- Urquhart
- Valentine
- Van Tassell
- Waddoups

Absent or not voting was: Senator Niederhauser

S.J.R. 8 was transmitted to the House for consideration.

SPECIAL PRESENTATION

A citation was read honoring fallen soldiers from Utah.

THIRD READING CALENDAR

S.B. 59, ALLOCATION AND APPORTIONMENT OF INCOME AND DEDUCTION OF A NET LOSS, was read the third time and explained by Senator Stephenson. Senators Valentine, Hillyard, and Niederhauser commented and the bill passed on the following roll call:

Yeas, 26; Nays, 2; Absent, 1.

Voting in the affirmative were: Senators
- Bell
- Bramble
- Buttars
- Davis
- Dayton
- Goodfellow
- Greiner
- Hillyard
- Hinkins
- Jenkins
- Jones
- Killpack
- Knudson
- Liljenquist
- Madsen
- Mayne
- McCoy
- Morgan
- Niederhauser
- Okerlund
- Robles
- Stephenson
- Stowell
- Urquhart
- Valentine
- Van Tassell
- Waddoups

Voting in the negative were: Senators
- Romero
- Valentine

Absent or not voting was: Senator Christensen
Senators Hinkins and Valentine declared conflicts of interest.

S.B. 59 was transmitted to the House for consideration.

* * *

2nd Sub. S.B. 52, NEW MOTOR VEHICLE FRANCHISE AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Buttars    Christensen    Davis
Goodfellow    Greiner    Hillyard    Hinkins
Jenkins    Jones    Killpack    Knudson
Liljenquist    Madsen    Mayne    McCoy
Morgan    Niederhauser    Okerlund    Robles
Romero    Stephenson    Stowell    Urquhart
Valentine    Van Tassell    Waddoups

Absent or not voting were: Senators
Bramble    Dayton

2nd Sub. S.B. 52 was transmitted to the House for consideration.

* * *

S.B. 172, UNDERINSURED MOTORIST COVERAGE AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Buttars    Christensen    Davis
Dayton    Goodfellow    Greiner    Hillyard
Hinkins    Jenkins    Jones    Knudson
Liljenquist    Madsen    Mayne    McCoy
Morgan    Niederhauser    Okerlund    Robles
Romero    Stephenson    Stowell    Urquhart
Valentine    Van Tassell    Waddoups

Absent or not voting were: Senators
Bramble    Killpack
S.B. 172 was transmitted to the House for consideration.

***

On motion of Senator Niederhauser, the circle was removed from H.B. 261, AVIATION AMENDMENTS, and it was before the Senate.

Senator Bramble proposed the following amendment:

1. Page 6, Line 169d:
   Senate Committee Amendments
   2–23–2009
   Delete “Until July 1, 2009” and insert “monies”

Senator Bramble’s motion to amend passed on a voice vote. Senate Greiner commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble  Buttars  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Killpack
Knudson  Liljenquist  Madsen  Mayne
McCoy  Niederhauser  Okerlund  Robles
Romero  Stephenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Bell  Morgan

H.B. 261 was returned to the House for further consideration.

***

On motion of Senator Killpack, the circle was removed from S.B. 152, LEGISLATIVE MANAGEMENT POWERS, and it was before the Senate. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 1, Lines 13 through 15

   13 provides, in statute, that the Legislative Management Committee has the authority
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14 to { authorize the Legislature’s initiation of, response to, intervention in, or
15 participation in certain proceedings that involve a core interest of
the Legislature—} direct the legislative general counsel in matters
involving the Legislature’s participation in litigation.

1. Page 3, Lines 68 through 71:

68 (4) The Legislature delegates to the Legislative Management
Committee the authority,
69 by means of a majority vote of the committee, to { initiate,
respond to, intervene in, or otherwise
70 participate in any judicial, administrative, or other proceeding on
behalf of and in the name of
71 the Legislature as a whole, in order to assert or defend an interest of
the Legislature. } direct the legislative general counsel in matters
involving the Legislature’s participation in litigation.

Senator Killpack’s motion to amend passed on a voice vote. The bill passed
on the following roll call:

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

Voting in the affirmative were: Senators

Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hinkins Jones Killpack Knudson
Liljenquist Madsen Mayne McCoy
Niederhauser Okerlund Robles Romero
Stephenson Stowell Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators

Hillyard Jenkins Morgan

S.B. 152 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 179, SAFETY BELT ENFORCEMENT AMENDMENTS, was read the
second time. Senator Bramble explained the bill. The bill passed second reading
on the following roll call:
Yeas, 24; Nays, 3; Absent, 2.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Goodfellow Greiner Hinkins
Jones Killpack Knudson Liljenquist
Mayne McCoy Morgan Niederhauser
Okerlund Robles Romero Stephenson
Stowell Urquhart Valentine Van Tassell

Voting in the negative were: Senators
Dayton Madsen Waddoups

Absent or not voting were: Senators
Hillyard Jenkins

* * *

1st Sub. S.B. 53, AWARDING OF ATTORNEY FEES, was read the second time. Senator Urquhart explained the bill.

Senator Liljenquist proposed the following amendment:

1. Page 1, Line 24 through Page 2, Line 26
Senate Committee Amendments
2–12–2009

24 78B–5–825.5. Attorney fees — Private attorney general doctrine disavowed.

25 A court may not award attorney fees under the private attorney general doctrine [as [as]

26 stated in Stewart v. Utah Public Service Commission, 885 P.2d 759 (1994), and its progeny] in any action filed after May 12, 2009

Senator Liljenquist’s motion to amend passed on a voice vote. Senators Bell, McCoy, and Okerlund commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Voting in the negative were: Senators
McCoy Morgan Robles

* * *

On motion of Senator Stephenson, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Stephenson, the circle was removed from S.B. 43, INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS – CLAY’S LAW, and it was before the Senate.

Senator Stephenson proposed the following amendment:

1. Page 1, Line 19
   Senate Committee Amendments
   2–13–2009

   19 required by this bill; {—and—} ” prohibits discrimination against a person who has an autism spectrum disorder as it relates to coverage by an insurer that provides accident and health insurance; and

2. Page 3, Line 78
   Senate Committee Amendments
   2–13–2009:

   78 for the preceding calendar year.
   (7) An insurer that provides accident and health insurance:
   (a) may not refuse to provide coverage to a person on the grounds that:
   (i) the person has an autism spectrum disorder; or
   (ii) the person is in need of medical care that results from an autism spectrum disorder; and
   (b) shall provide coverage to a person who has an autism spectrum disorder on the same terms, and at the same levels, as the insurer would provide to a similarly situated person who does not have an autism spectrum disorder.
Senator Stephenson’s motion to amend passed on a voice vote.

On motion of Senator Stephenson, the bill was circled.

***

On motion of Senator Bramble, the Senate voted to lift 1st Sub. H.B. 296, SCHOOLS FOR THE DEAF AND BLIND AMENDMENTS, from the Health and Human Services Committee and reassign it to the Education Committee.

***

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

AFTERNOON SESSION

The Senate reassembled at 2:05 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 27, 2009

The House passed, S.B. 139, EMPLOYER ELECTION RETIREMENT AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 139 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

***

Mr. President: February 27, 2009

The House concurred in the Senate amendments and passed H.B. 26, CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 68, DEVELOPMENT EXACTIONS, by Representative P. Painter, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 26 and 1st Sub. H.B. 68 were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
Mr. President: February 27, 2009

The House passed, as amended, **H.B. 245**, UTAH STATE 911 COMMITTEE AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 272**, UTAH SCENIC BYWAY DESIGNATION AMENDMENTS, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 399**, CHARITABLE CARE AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and

The House passed **H.B. 402**, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS, by Representative K. Garn, and it is transmitted for consideration; and

The House passed **H.C.R. 7**, CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO THE CONGRESSIONAL ENACTMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM, by Representative M. Brown, and it is transmitted for consideration; and

The House passed **H.J.R. 18**, JOINT RESOLUTION FOR LEGISLATIVE APPROPRIATION SUBCOMMITTEE NAME CHANGE, by Representative N. Hendrickson, and it is transmitted for consideration.


**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 27, 2009

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

**Business and Labor Committee**


**2nd Sub. H.B. 141**  Billboard Amendments (Rep. C. Frank)  (Sen. W. Niederhauser)
1st Sub. H.B. 313  Social Host Liability Act (Rep. E. Hutchings)  
(Sen. K. Mayne)

(Sen. D. Liljenquist)

Education Committee
S.B. 74  At-risk Student Provisions (Sen. L. Robles)
S.B. 113  Delayed Effective Date for Illegal Immigration Legislation (Sen. P. Jones)
H.B. 312  Amended Campaign Finance Filings (Rep. S. Allen)  
(Sen. S. McCoy)

Government Operations and Political Subdivisions Committee
S.B. 248  Tax Amendments (Sen. G. Bell)
H.B. 197  Reauthorization of Administrative Rules (Rep. B. Ferry)  
(Sen. H. Stephenson)
H.B. 390  Absentee Ballot Amendments (Rep. J. Mathis)  
(Sen. K. Van Tassell)

Health and Human Services Committee
H.B. 128  Electronic Prescribing Act (Rep. R. Menlove)  
(Sen. P. Knudson)
H.B. 142  Reporting Abuse or Neglect of the Elderly or Disabled  
(Rep. L. Hemingway) (Sen. G. Davis)

Judiciary, Law Enforcement, and Criminal Justice Committee
H.B. 314  Dna Sample for Criminal Offenses – Amendments  
(Rep. R. Greenwood) (Sen. J. Greiner)
H.B. 351  Court Fees Amendments (Rep. C. Oda) (Sen. J. Greiner)

Natural Resources, Agriculture and Environment Committee
(Sen. M. Dayton)

Retirement and Independent Entities Committee
H.B. 167  County Hospital Retirement Provisions (Rep. M. Noel)  
(Sen. D. Stowell)

Revenue and Taxation Committee
S.B. 245  Uniform Fees on Motorcycles (Sen. B. Goodfellow)
H.B. 184  Income Tax Credit for a Disabled Dependent  
(Rep. J. Dougall) (Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee

H.B. 325  Opting Out of the Real ID Act (Rep. S. Sandstrom)  
(Sen. M. Madsen)

H.B. 387  Motorcycle Helmet Amendments (Rep. R. Menlove)  
(Sen. S. Jenkins)

Margaret Dayton  
Rules Committee Chair

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

SECOND READING CALENDAR

On motion of Senator Bell, 1st Sub. S.B. 165, STATUTE OF LIMITATION REVISIONS, was read the second time and circled.

* * *

On motion of Senator Bell, S.B. 170, JUDICIARY AMENDMENTS, was read the second time and circled.

* * *

S.B. 176, CIVIL FEES IN COURTS OF RECORD AMENDMENTS, was read the second time. Senator Greiner explained the bill. Senators Waddoups and McCoy commented. The bill passed second reading on the following roll call:

Yea, 15; Nays, 11; Absent, 3.

Voting in the affirmative were: Senators
Bell  Christensen  Davis  Dayton
Greiner  Jenkins  Jones  Knudson
Liljenquist  Mayne  McCoy  Morgan
Niederhauser  Robles  Romero

Voting in the negative were: Senators
Bramble  Buttars  Hinkins  Madsen
Okerlund  Stephenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups
Absent or not voting were: Senators
Goodfellow    Hillyard    Killpack

* * *

On motion of Senator Bramble, the circle was removed from 1st Sub. S.B. 199, EQUAL RECOGNITION OF SCHOOL PARENT GROUPS, and it was before the Senate. Senator Bramble explained the bill. Senators Jones and Stowell commented.

On motion of Senator Bramble, under suspension of the rules, 1st Sub. S.B. 199, EQUAL RECOGNITION OF SCHOOL PARENT GROUPS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 21; Nays, 7; Absent, 1.

Voting in the affirmative were: Senators
Bramble      Buttars      Christensen    Dayton
Goodfellow   Jenkins      Jones         Killpack
Knudson      Madsen       Mayne         McCoy
Niederhauser Okerlund      Robles       Stephenson
Stowell      Urquhart     Valentine    Van Tassell
Waddoups

Voting in the negative were: Senators
Bell         Greiner       Hillyard    Hinkins
Liljenquist  Morgan       Romero

Absent or not voting was: Senator
Davis

1st Sub. S.B. 199 was transmitted to the House.

* * *

S.B. 182, CRIMINAL RESTITUTION AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators
Bell          Bramble    Buttars      Christensen
Davis        Dayton     Goodfellow  Greiner
Voting in the negative was: Senator Hillyard

Absent or not voting were: Senators
Jones Madsen

***

S.J.R. 12. JOINT RESOLUTION SUPPORTING EXPANSION OF CORRECTIONAL FACILITIES IN SAN JUAN COUNTY, was read the second time. Senator Hinkins explained the bill. Senators Van Tassell, Goodfellow, Okerlund, and Stowell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Killpack
Knudson Liljenquist Madsen Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Urquhart Van Tassell Waddoups

Absent or not voting were: Senators
Jones Valentine

***

On motion of Senator Hillyard, the circle was removed from S.B. 170, JUDICIARY AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 2, Line 44:
   Delete line 44
2. Page 15, Line 440–450:
Delete lines 440 to 450

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

###

Senator Hillyard proposed the following amendment:

1. Page 21, Lines 619 through 630

   619 Section 17. Section 78B–7–205 is amended to read:
   621 (1) If the court enters an ex parte child protective order or a child protective order, the
   622 court shall:
   623 (a) make reasonable efforts to ensure that the order is understood by the petitioner and
   624 the respondent, if present;
   625 (b) as soon as possible transmit the order to the county sheriff for service; { [ ] } and { [ ] }
   626 (c) by the end of the next business day after the order is entered, transmit electronically
   627 a copy of the order to any law enforcement agency designated by the petitioner and to the
   628 statewide domestic violence network described in Section 78B–7–113 { [ ] } ; and
   629 (d) transmit a copy of the order to the statewide domestic violence network described
   630 in Section 78B–7–113.

Senator Hillyard’s motion to amend passed second reading on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators
   Bell   Bramble   Buttars   Christensen
   Davis   Dayton   Goodfellow   Greiner
Hillyard  Hinkins  Jenkins  Killpack
Knudson  Liljenquist  Madsen  Mayne
McCoy  Morgan  Niederhauser  Okerlund
Robles  Romero  Stephenson  Stowell
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting was: Senator
Jones

***

On motion of Senator Madsen, the circle was removed from 1st Sub.
S.B. 165, STATUTE OF LIMITATIONS REVISIONS, and it was before the
Senate. Senator Madsen explained the bill. The bill passed second reading on the
following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Killpack  Knudson
Liljenquist  Madsen  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Robles
Romero  Stephenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Buttars  Jones

***

S.J.R. 14, JOINT RESOLUTION – CHALLENGING THE LEGALITY OF
A CONVICTION OR SENTENCE, was read the second time. Senator Bramble
explained the bill. Senators Greiner, Bell, Hillyard, Buttars, and Valentine
commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 6; Absent, 1.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Dayton  Greiner  Hinkins  Jenkins
Killpack  Knudson  Liljenquist  Madsen
Mayne  Niederhauser  Okerlund  Robles
Stephenson  Stowell  Urquhart  Valentine
Van Tassell  Waddoups
Voting in the negative were: Senators
Davis  Goodfellow  Hillyard  McCoy
Morgan  Romero

Absent or not voting was: Senator
Jones

***

S.B. 163, CONSTRUCTION TRADE EXEMPTION, was read the second time. Senator Urquhart explained the bill. Senator Mayne commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hinkins  Jenkins  Killpack  Liljenquist
Madsen  Mayne  McCoy  Morgan
Niederhauser  Okerlund  Robles  Romero
Stephenson  Stowell  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Hillyard  Jones  Knudson

***

S.B. 64, ADMINISTRATIVE RULES REVIEW COMMITTEE, was read the second time. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 3, Line 89 through Page 4, Line 92
   89 (8) (a) Independent of its power to review administrative rules, the committee may
   90 review any appropriation made by the Legislature, whether in an appropriations bill or
   91 otherwise, to ensure that the entity to which the funds were appropriated complies with any
Senator Stephenson’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell, Bramble, Christensen, Davis
Dayton, Goodfellow, Greiner, Hinkins
Jenkins, Killpack, Liljenquist, Mayne
McCoy, Morgan, Niederhauser, Okerlund
Robles, Romero, Stephenson, Stowell
Urquhart, Van Tassell

**Absent or not voting were:** Senators
Buttars, Hillyard, Jones, Knudson
Madsen, Valentine, Waddoups

---

**2nd Sub. S.B. 124, INDEMNIFICATION FOR DESIGN PROFESSIONAL SERVICES,** was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 1; Absent, 8.**

**Voting in the affirmative were:** Senators
Bell, Bramble, Christensen, Davis
Dayton, Goodfellow, Greiner, Hinkins
Jenkins, Killpack, Liljenquist, Mayne
McCoy, Morgan, Niederhauser, Okerlund
Robles, Romero, Stowell, Van Tassell
Voting in the negative was: Senator Stephenson

Absent or not voting were: Senators
Buttars  Hillyard  Jones  Knudson
Madsen  Urquhart  Valentine  Waddoups

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

INTENT LANGUAGE for 2nd Sub. S.B. 124

It is the intent of the Legislature that any contract with a design professional subject to this bill’s requirements should contain provisions identifying those persons or entities, whether by name or role, who are considered within the direct or indirect control or responsibility of the design professional.

* * *

S.B. 164, IN PERSON VOTER REGISTRATION, was read the second time. Senator McCoy explained the bill. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 1; Absent, 7.

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Dayton  Goodfellow  Greiner  Hinkins
Jenkins  Killpack  Liljenquist  Madsen
Mayne  McCoy  Morgan  Niederhauser
Robles  Romero  Stephenson

Voting in the negative was: Senator Stowell

Absent or not voting were: Senators
Buttars  Hillyard  Jones  Knudson
Urquhart  Valentine  Waddoups

* * *

On motion of Senator Stephenson, the Senate voted to move to Third Reading Calendar.
THIRD READING CALENDAR

On motion of Senator Stephenson, the circle was removed from S.B. 43, INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS – CLAY’S LAW, and it was before the Senate. Senator Stephenson explained the bill. Senators Christensen, Romero, Robles, Liljenquist, Killpack, and Davis commented. The bill passed on the following roll call:

**Yeas, 21; Nays, 4; Absent, 4.**

**Voting in the affirmative were:** Senators
Bell  Bramble  Buttars  Christensen
Davis  Goodfellow  Hinkins  Jenkins
Killpack  Liljenquist  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Robles
Romero  Stephenson  Stowell  Valentine
Van Tassell

**Voting in the negative were:** Senators
Dayton  Greiner  Madsen  Waddoups

**Absent or not voting were:** Senators
Hillyard  Jones  Knudson  Urquhart

S.B. 43 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Jenkins, the circle was removed from S.B. 171, MUNICIPAL ANNEXATION AMENDMENTS, and it was before the Senate.

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

**1st Sub. S.B. 171 Municipal Annexation Amendments** (S. Jenkins)

On motion of Senator Jenkins, the bill was circled.

On motion of Senator Killpack and at 4:10 p.m., the Senate adjourned until 9:30 a.m., Monday, March 2, 2009.
THIRTY–FIFTH DAY

MORNING SESSION

March 2, 2009

The Senate was called to order at 9:50 a.m., with President Michael Waddoups presiding.

Prayer – Pastor Mike Sanders, Washington Heights Baptist Church
Pledge of Allegiance – Senator Pat Jones
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, Page 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 27, 2009

The House passed, as amended, H.B. 89, PROSTHETIC LIMB HEALTH INSURANCE PARITY, by Representative D. Litvack, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 211, RETIREMENT INVESTMENT REPORTS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 259, CHANGES TO IMPACT FEES, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as substituted, 2nd Sub. H.B. 400, PETE SUAZO UTAH ATHLETIC COMMISSION AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, H.B. 418, DELINQUENT PROPERTY TAX AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and
The House passed **H.J.R. 22, JOINT RESOLUTION – UTAH’S MEDICAID ASSET TEST**, by Representative R. Chavez–Houck, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


**STANDING COMMITTEE REPORTS**

Mr. President: February 27, 2009


John L. Valentine, Chair

On motion of Senator Jenkins, the committee report was adopted. **S.B. 187** was placed on Second Reading Calendar.

**STANDING COMMITTEE REPORTS**

Mr. President: February 27, 2009

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 considered read for the second time and placed on the Consent Calendar; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 254, HEALTH PROFESSIONAL AUTHORITY – DEATH CERTIFICATES**, by Representative B. Last, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Human Services Committee reports a favorable recommendation on **H.J.R. 3, JOINT RESOLUTION SUPPORTING EFFORTS TO INCREASE AND IMPROVE CANCER TREATMENT, SCREENING, AND RESEARCH PROGRAMS**, by Representative S. Duckworth, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Human Services Committee reports a favorable recommendation on **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, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

On motion of Senator Jenkins, the committee reports were adopted. **H.B. 144, H.B. 254, H.J.R. 3, and H.J.R. 5** were considered read the second time and placed on the Consent Calendar.

**THIRD READING CALENDAR**

**S.B. 179, SAFETY BELT ENFORCEMENT AMENDMENTS,** was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 20; Nays, 6; Absent, 3.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

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**S.B. 179** was transmitted to the House for consideration.

***

**1st Sub. S.B. 53, AWARDING OF ATTORNEY FEES,** was read the third time, explained by Senator Urquhart, and passed on the following roll call:

**Yeas, 20; Nays, 8; Absent, 1.**

**Voting in the affirmative were:** Senators

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Voting in the negative were: Senators
Davis            Goodfellow    Mayne        McCoy
Morgan           Robles        Romero       Stephenson

Absent or not voting was: Senator Valentine

1st Sub. S.B. 53 was transmitted to the House for consideration.

On motion of Senator Greiner, S.B. 176, CIVIL FEES IN COURTS OF RECORD AMENDMENTS, was read the third time and circled.

S.B. 182, CRIMINAL RESTITUTION AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell             Bramble      Buttars      Dayton
Goodfellow       Greiner      Hillyard    Hinkins
Jenkins          Jones        Killpack    Knudson
Liljenquist      Madsen       Mayne       McCoy
Morgan           Niederhauser Okerlund    Robles
Romero           Stephenson   Stowell     Urquhart
Van Tassell      Waddoups

Absent or not voting were: Senators
Christensen      Davis        Valentine

S.B. 182 was transmitted to the House for consideration.

S.J.R. 12, JOINT RESOLUTION SUPPORTING EXPANSION OF CORRECTIONAL FACILITIES IN SAN JUAN COUNTY, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell             Bramble      Buttars      Dayton
Goodfellow       Greiner      Hillyard    Hinkins
S.J.R. 12 was transmitted to the House for consideration.

* * *

S.B. 170, JUDICIARY AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Knudson Liljenquist Madsen
Mayne McCoy Morgan Niederhauser
Okerlund Robles Romero Stephenson
Stowell Urquhart Van Tassell Waddoups

Absent or not voting was: Senator
Valentine

S.B. 170 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 165, STATUTE OF LIMITATION REVISIONS, was read the third time and explained by Senator Madsen.

Senator Madsen proposed the following amendment:

1. Page 1, Line 13:
   After “again” delete “if”

   Senator Madsen’s motion to amend passed on a voice vote. Senator Hillyard commented and the bill passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Christensen
Davis   Dayton     Goodfellow Greiner
Hillyard Hinkins    Jenkins  Jones
Knudson Liljenquist Madsen  Mayne
McCoy   Morgan     Niederhauser Okerlund
Robles  Romero     Stephenson Stowell
Urquhart Van Tassell Waddoups

Absent or not voting were: Senators
Killpack Valentine

1st Sub. S.B. 165 was transmitted to the House for consideration.

* * *

S.J.R. 14, JOINT RESOLUTION – CHALLENGING THE LEGALITY OF A CONVICTION OR SENTENCE, was read the third time and explained by Senator Bramble. Senators McCoy, Romero commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Christensen
Dayton  Greiner    Hinkins  Jenkins
Jones   Killpack   Knudson  Liljenquist
Madsen  Morgan     Niederhauser Okerlund
Robles  Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups

Voting in the negative were: Senators
Davis   Goodfellow Hillyard Mayne
McCoy   Romero

S.J.R. 14 was transmitted to the House for consideration.

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

INTENT LANGUAGE for S.J.R. 14

The Legislature intends that when S.J.R. 14 takes effect, all cases, including pending cases, in which a person challenges the legality of a conviction or
sentence will be governed by the amendment under S.J.R. 14. This means that any person challenging the legality of a conviction or sentence, including a person with a case pending at the time S.J.R. 14 takes effect, may challenge the legality of a conviction or sentence only as and to the extent provided by statute, subject to the exceptions stated in Article I, Section 30, Subsection (2), as enacted under S.J.R. 14.

***

On motion of Senator Urquhart, **S.B. 163, CONSTRUCTION TRADE EXEMPTION**, was read the third time and circled.

***

**S.B. 64, ADMINISTRATIVE RULES REVIEW COMMITTEE**, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

**Voting in the affirmative were: Senators**  
Bell  Bramble  Buttars  Christensen  
Davis  Dayton  Goodfellow  Greiner  
Hinkins  Jenkins  Jones  Killpack  
Knudson  Liljenquist  Madsen  Mayne  
McCoy  Morgan  Okerlund  Romero  
Stephenson  Stowell  Urquhart  Valentine  
Van Tassell  Waddoups

**Absent or not voting were:** Senators  
Hillyard  Niederhauser  Robles

**S.B. 64** was transmitted to the House for consideration.

***

**2nd Sub. S.B. 124, INDEMNIFICATION FOR DESIGN PROFESSIONAL SERVICES**, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators  
Bell  Buttars  Christensen  Davis  
Dayton  Goodfellow  Greiner  Hinkins
Jenkins  Jones  Killpack  Knudson
Liljenquist Madsen Mayne McCoy
Morgan  Niederhauser Okerlund Robles
Romero  Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups

**Absent or not voting were:** Senators
Bramble  Hillyard

2nd Sub. S.B. 124 was transmitted to the House for consideration.

***

S.B. 164, IN PERSON VOTER REGISTRATION, was read the third time and explained by Senator McCoy. Senators Stephenson and Buttars commented.

On motion of Senator McCoy, the bill was circled.

***

On motion of Senator Stephenson, the circle was removed from H.B. 32, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, and it was before the Senate. Senators Dayton and Jenkins commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell  Bramble  Buttars  Christensen
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Knudson
Liljenquist  Madsen  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Robles
Romero  Stephenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

**Absent or not voting were:** Senators
Davis  Killpack

H.B. 32 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Bell, the Senate voted to lift S.B. 184, CIVIL FILING FEES, to the top of the Second Reading Calendar.
S.B. 184, CIVIL FILING FEES, was read the second time.

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

1st Sub. S.B. 184 Civil Filing Fees (G. Bell)

The bill was placed back on the Second Reading Calendar under S.B. 183.

* * *

On motion of Senator Jenkins, the circle was removed from 1st Sub. S.B. 171, MUNICIPAL ANNEXATION AMENDMENTS, and it was before the Senate.

On motion of Senator Jenkins, the bill was circled.

* * *

On motion of Senator Madsen, the Senate voted to lift H.J.R. 1, RESOLUTION URGING THE WITHDRAWAL OF UNITED STATES’ WORLD TRADE ORGANIZATION COMMITMENT ON GAMBLING, from Rules and place it at the top of the Second Reading Calendar. Senator Hillyard commented.

H.J.R. 1, RESOLUTION URGING THE WITHDRAWAL OF UNITED STATES’ WORLD TRADE ORGANIZATION COMMITMENT ON GAMBLING, was read the second time.

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


On motion of Senator Madsen, the bill was circled.

* * *

S.B. 157, PROPERTY TAXATION AND REGISTRATION OF AIRCRAFT, was read the second time. Senator Madsen explained the bill.

Senator Madsen proposed the following amendment:

1. Page 2, Lines 54 through 58
For purposes of Subsection (1)(a)(iii), operating property of an air charter service does not include an aircraft that is:

- used by the air charter service for air charter; and
- owned by a person other than the air charter service.

For purposes of this Subsection (1)(b):

(A) “person” means a natural person, individual, corporation, organization, or other legal entity; and

(B) a person does not qualify as a person other than the air charter service as described in Subsection (1)(b)(i)(B) if the person is:

- a principal, owner, or member of the air charter service; or
- a legal entity that has a principal, owner, or member of the air charter service as a principal, owner, or member of the legal entity.

The commission shall assess and collect property tax on state-assessed commercial and state-assessed residential property.

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

**Voting in the affirmative were:** Senators

Bell, Bramble, Christensen, Davis
Dayton, Goodfellow, Greiner, Hillyard
Hinkins, Jenkins, Jones, Knudson
Liljenquist, Madsen, Mayne, McCoy
Morgan, Niederhauser, Okerlund, Robles
Romero, Stephenson, Stowell, Urquhart
Valentine, Waddoups

**Absent or not voting were:** Senators

Buttars, Killpack, Van Tassell

On motion of Senator Jenkins, the circle was removed from **1st Sub. S.B. 171, MUNICIPAL ANNEXATION AMENDMENTS**, and it was before the Senate.

Senator Jenkins proposed the following amendment:
1. Page 1, Line 25

25 annexation petition if the area is an unincorporated island or peninsula of 50 acres or less and the municipality and county

2. Page 10, Line 276:

276 (iii) (A) the area consists of:

(I) an unincorporated island within or an unincorporated peninsula contiguous to the municipality; and

(II) no more than 50 acres; and

Senator Jenkins’ motion to amend passed on a voice vote. Senator Jenkins explained the bill. Senator Bramble commented. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 4; Absent, 3.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

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**S.B. 169, GAMBLING AMENDMENTS, was read the second time. Senator Liljenquist explained the bill.**

Senator Liljenquist proposed the following amendment:

1. Page 1, Line 26 through Page 2, Line 28

26 { (1) “ Anything of value” includes inconvenience, effort, time, cost of mailing, and transportation expenses. }
“Fringe gambling” means any gambling, lottery, or video gaming device which

“Gambling” means risking anything of value for a return or risking

“Gambling bet” means money, checks, credit, or any other representation of

“Gambling device or record” means anything specifically designed for use in

“Gambling proceeds” means anything of value used in gambling.

“Lottery” means any scheme for the disposal or distribution of property by

Any gambling, lottery, video gaming device, or promotional game of chance which is made available to the public for a period of more than 90 days within a one-year period is fringe gambling.

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

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

Voting in the affirmative were: Senators
Bell
Buttars
Christensen
Davis
Dayton
Goodfellow
Greiner
Hillyard
Hinkins
Jenkins
Jones
Knudson
Liljenquist
Madsen
Mayne
McCoy
Morgan
Niederhauser
Okerlund
Robles
Romero
Stephenson
Stowell
Valentine
Waddoups
Voting in the **negative** was: Senator
Urquhart

**Absent or not voting were:** Senators
Bramble  Killpack  Van Tassell

**1st Sub. S.B. 180.** EXPUNGEMENT OF DIVISION OF CHILD AND FAMILY SERVICES RECORDS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the **affirmative were:** Senators
Bell  Buttars  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jones  Knudson  Madsen
Mayne  McCoy  Morgan  Niederhauser
Okerlund  Robles  Romero  Stephenson
Stowell  Urquhart  Valentine  Waddoups

**Absent or not voting were:** Senators
Bramble  Jenkins  Killpack  Liljenquist
Van Tassell

**S.B. 183.** VIOLATION OF A PROTECTIVE ORDER, was read the second time. Senator McCoy explained the bill. Senator Dayton commented. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

Voting in the **affirmative were:** Senators
Bell  Bramble  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Knudson
Liljenquist  Madsen  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Robles
Stephenson  Stowell  Urquhart  Valentine
Van Tassell  Waddoups

**Voting in the **negative was:** Senator
Romero
Absent or not voting were: Senators
Buttars        Killpack

***

1st Sub. S.B. 184, CIVIL FILING FEES, was before the Senate. Senator Bell explained the bill. Senators Buttars, Jones, and Bramble commented.

On motion of Senator Bramble, the bill was circled.

***

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

AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:  March 2, 2009
The House passed, S.B. 141, AVIATION FUEL TAX AMENDMENTS, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 141 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

***

Mr. President:  March 2, 2009
The House concurred in the Senate amendments and passed 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 President; and

The House concurred in the Senate amendments and passed H.B. 69, GUARDIAN AD LITEM AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 154, STATE CONSTRUCTION REGISTRY AMENDMENTS, by Representative M. Morley, and it is transmitted for the signature of the President; and
The House concurred in the Senate amendments and passed **H.B. 241**, PRIORITY OF WATER RIGHTS, by Representative K. Gibson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **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 President; and

The House concurred in the Senate amendments and passed **H.B. 261**, AVIATION AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 271**, WORKERS’ COMPENSATION – UNINSURED EMPLOYERS’ FUND, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **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 President.

Sandy D. Tenney, Chief Clerk


* * *

**Mr. President:** March 2, 2009

The House passed, as substituted and amended, **1st Sub. H.B. 64**, DETERRING ILLEGAL IMMIGRATION, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 192**, PERSONAL INJURY JUDGMENT INTEREST, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.B. 412**, ENERGY POLICY AMENDMENTS, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 413**, COUNTY AUTHORITY AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and
The House passed **H.J.R. 14**, JOINT RULES RESOLUTION – ETHICS TRAINING COURSE PROVISIONS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as amended, **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, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


**STANDING COMMITTEE REPORTS**

Mr. President: March 2, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 223**, CITY AND COUNTY CARBON CREDITS FOR SEQUESTRATION OF WASTE STREAM MATERIALS, by Senator R. Romero, with the following amendments:

1. Page 2, Lines 31 through 33:

   31 A municipality providing waste and garbage collection and disposal services that

   32 converts material to charcoal or biochar and sequesters the charcoal or biochar as fertilizer as part of the waste and garbage collection and

   33 disposal services may seek and sell or trade carbon credits on any market or exchange for carbon credits.

2. Page 4, Lines 91 through 93:

   91 (6) A county providing waste and garbage collection and disposal services that

   92 converts material to charcoal or biochar and sequesters the charcoal or biochar as fertilizer as part of the waste and garbage collection and

   93 disposal services may seek and sell or trade carbon credits on any market or exchange for carbon credits; and
The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 248**, TAX AMENDMENTS, by Senator G. Bell; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 108**, HORMONE RESTORATION AMENDMENTS, by Representative D. Aagard; and


Peter C. Knudson, Chair

Mr. President: March 2, 2009

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 216**, REVISIONS TO MILITARY INSTALLATION DEVELOPMENT AUTHORITY ACT, by Senator M. Madsen; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 317**, CAPITAL FELONY AMENDMENTS, by Representative C. Wimmer.

Mark B. Madsen, Chair

Mr. President: February 27, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 234**, MOTOR VEHICLE REGISTRATION FEES, by Senator R. Okerlund; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **1st Sub. H.B. 151**, MOTOR VEHICLE FORFEITURE AMENDMENTS, by Representative C. Herrod; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 202**, SCHOOL DISTRICT TRAFFIC VIOLATION COMPLAINT PROCEDURES, by Representative W. Harper.

Kevin Van Tassell, Chair

On motion of Senator Killpack, the committee reports were adopted. **S.B. 223**, as amended, **S.B. 248, H.B. 108, 1st Sub. H.B. 126, S.B. 216, H.B. 317,**
S.B. 234, 1st Sub. H.B. 151, and H.B. 202 were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: March 2, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 197, REAUTHORIZATION OF ADMINISTRATIVE RULES, by Representative B. Ferry, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 375, LOCAL GOVERNMENT RECORDS AMENDMENTS, by Representative R. Wilcox, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: March 2, 2009

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on H.B. 292, TRAFFIC VIOLATION AND CITATION AMENDMENTS, by Representative D. Ipson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

Mr. President: February 27, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 215, JUSTICE FOR ALL SPECIAL GROUP LICENSE PLATE, by Senator G. Bell, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 218, COMMUNITY ANIMAL SHELTER AND ADOPTION SUPPORT SPECIAL GROUP LICENSE PLATE, by Senator P. Knudson, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

1. Page 3, Lines 60 through 61:

60 animal shelters and animal adoptions; {and } (c) have a humane animal welfare facility located in a county of the
first class that:
   (i) has the capacity to hold at least 400 animals; and
   (ii) has a low cost spay and neuter clinic located on the premises of
the facility;
(d) employ:
   (i) at least one full−time veterinarian that administers a low cost
spay and neuter program;
   (ii) at least one full−time animal cruelty investigator that assists in
identifying animals for adoption;
   (iii) at least one full−time animal adoption transfer coordinator; and
   (iv) at least one full−time foster care coordinator; and

61 \{\text{(e)} \} \text{(e) contribute to the start−up fee for the}
production and administrative costs for

2. Page 3, Lines 69 through 73:

69 \text{(ii) pay the costs \{−of\}} \text{ associated with transferring}
animals to other animal adoption agencies, shelters, or rescue groups
throughout the state. \{−\}
70 \text{(iii) provide educational materials and publications on animal}
shelter and adoption
71 \text{programs; and}
72 \text{(iv) establish or administer other programs that provide or}
support animal shelters or
73 \text{animal adoptions. } \}

Kevin Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. \textbf{H.B. 197},
\textbf{H.B. 375, H.B. 292, S.B. 215,} and \textbf{S.B. 218,} as amended, were considered read the
second time and placed on the Consent Calendar.
Mr. President: February 27, 2009

The Transportation and Public Utilities and Technology Committee has returned S.B. 221, DEDICATION AND ABANDONMENT OF A HIGHWAY, by Senator M. Madsen, to the Rules Committee.

Kevin Van Tassell, Chair

INTRODUCTION OF BILLS

S.B. 271, Judicial Conduct Commission Amendments (G. Davis), read the first time by short title and referred to the Rules Committee.

S.J.R. 18, Joint Resolution on Fiscal Note Process (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

S.B. 29, SAFE DRINKING WATER ACT AMENDMENTS, was read the second time. Senator Stowell explained the bill.

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

1st Sub. S.B. 29 Safe Drinking Water Act Amendments (D. Stowell)

Senators Jones, McCoy, Buttars, Christensen, Knudson, and Okerlund commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators
Bramble       Buttars       Davis       Goodfellow
Hillyard      Hinkins      Jenkins     Jones
Killpack      Liljenquist  Madsen      Mayne
Okerlund      Robles       Stephenson  Stowell
Urquhart      Valentine    Van Tassell Waddoups

Voting in the negative were: Senators
Bell           Christensen  Dayton      Greiner
Knudson        McCoy        Morgan      Romero

Absent or not voting was: Senator
Niederhauser
INTRODUCTION OF BILLS

S.B. 5, Revenue Bond and Capital Facilities Authorizations (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

S.B. 78, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, was read the second time.

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

1st Sub. S.B. 78 Protection of Constitutionally Guaranteed Activities in Certain Private Venues (M. Madsen)

Senator Madsen explained the bill. Senators Valentine, Liljenquist, Stephenson, Jones, McCoy, and Romero commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Killpack  Knudson
Liljenquist  Madsen  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Stephenson
Stowell  Urquhart  Valentine  Van Tassell
Waddoups

Voting in the negative were: Senators
Jones  Robles  Romero

Absent or not voting was: Senator
Davis

***

On motion of Senator Stephenson, the Senate voted to recall H.B. 32, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, from the House for the purpose of an amendment.
On motion of Senator Stephenson, the Senate voted to reconsider its action on 
**H.B. 32.**

**H.B. 32.** AMENDMENTS TO AGENCY RULEMAKING REGARDING 
CRIMINAL PENALTIES, was before the Senate and explained by Senator 
Stephenson.

Senator Stephenson proposed the following amendment:

1. Page 1, Line 25  
   House Floor Amendments  
   2–4–2009

   25 {–None–} This bill coordinates with H.B. 11,  
   Recodification of Natural Resources Provisions, by providing  
   amendments.

2. Page 21b, Lines 632bk through 633  
   House Committee Amendments  
   1–27–2009:

   632bk legal and constitutional requirement s.

   **Section 14. Coordinating H.B. 32 and H.B. 11:**  
   If this H.B. 32 and H.B. 11, Recodification of Natural Resources  
   Provisions, both pass, it is the intent of the Legislature that the Office of  
   Legislative Research and General Counsel, in preparing the Utah Code  
   database for publication, shall change Section 63–11–17.3, which is  
   repealed and reenacted in this bill, so that the reenacted section reads:

   Unless otherwise provided in this title, a violation of any rule of the  
   Board of Parks and Recreation is an infraction.”

   633 Section $\Rightarrow [44] \{–45\} \{–16\} \Rightarrow$. Repealer.

Senator Stephenson’s motion to amend passed on a voice vote. The bill 
passed on the following roll call:

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

**Voting in the affirmative were:** Senators

<table>
<thead>
<tr>
<th>Bell</th>
<th>Bramble</th>
<th>Buttars</th>
<th>Christensen</th>
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<tr>
<td>Davis</td>
<td>Dayton</td>
<td>Goodfellow</td>
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<td>Hinkins</td>
<td>Jenkins</td>
<td>Jones</td>
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**Absent or not voting was:** Senator Hillyard

H.B. 32 was returned to the House for further consideration.

* * *

**S.C.R. 4, RESOLUTION SUPPORTING OBESITY AWARENESS,** was read the second time.

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

1st Sub. S.C.R. 4 Resolution Supporting Obesity Awareness (D.C. Buttars)

Senator Buttars explained the bill. Senator Romero commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell Bramble Buttars Christensen
Davis Goodfellow Greiner Hinkins
Jenkins Jones Liljenquist Madsen
Mayne McCoy Morgan Okerlund
Robles Romero Stephenson Stowell
Valentine Van Tassell Waddoups

**Voting in the negative was:** Senator Dayton

**Absent or not voting were:** Senators

Hillyard Killpack Knudson Niederhauser
Urquhart

* * *

**S.B. 186, AMENDMENTS TO STATE TAX COMMISSION PENALTY PROVISIONS,** was read the second time. Senator Stephenson explained the bill.
Senator Stephenson proposed the following amendment:

1. Page 2, Line 28

   28 This bill has retrospective operation to January 1, 2009. This bill coordinates with S.B. 108, Tax Commission Administration, Collection, and Enforcement Amendments, by providing substantive and technical amendments.

2. Page 4, Lines 92 through 97:

   92 (D) Section 19–6–410.5;
   (E) Section 19–6–714;
   93 (F) Section 19–6–805;
   94 (G) Section 40–6–14;
   95 (H) Section 69–2–5;
   96 (I) Section 69–2–5.5; or
   97 (J) Section 69–2–5.6; or

3. Page 20, Line 602: After Line 602 insert:

   Section 4.
   Coordinating S.B. 186 with S.B. 108 -- Substantive and technical amendments.
   If this S.B. 186 and S.B. 108, Tax Commission Administration, Collection, and Enforcement Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication as follows:
   (1) modify Subsection 59–1–401(3) as amended in this bill to read:
      "(3) (a) [If a] A person [fails to pay a tax, fee, or charge due, the person] is subject to a penalty [as provided in this Subsection (3),] for failure to pay a tax, fee, or charge if:
      [(b) (i) A penalty in the amount described in Subsection (3)(b)(ii) is imposed if:]
      [(A) a] (i) the person files a return [with respect to a nonqualifying obligation] on or before the due date for filing a return described in Subsection (2)(a), but fails to pay the [nonqualifying obligation] tax, fee, or charge due on the return on or before that due date;
      [(B) a] (ii) the person:
      [(I) (A) is subject to a penalty under Subsection (2)(b); and]
(II) (B) fails to pay [a nonqualifying obligation] the tax, fee, or charge due on a return within a 90−day period after the due date for filing a return described in Subsection (2)(a);

(iii) (A) the person is subject to a penalty under Subsection (2)(b); and

(B) the commission estimates an amount of tax due for that person in accordance with Subsection 59−1−1406(2);

[(C)−a] (−iii) (iv) the person:
[(D)−a] (A) is mailed a notice of deficiency; and
[(E)−a] (B) within a 30−day period after the day on which the notice of deficiency described in Subsection [(3)(b)(i)(C)(I)] (3)(a) (−iii) (iv) (A) is mailed:
[(F)−a] (I) does not file a petition for redetermination or a request for agency action; and
[(G)−a] (II) fails to pay [a nonqualifying obligation] the tax, fee, or charge due on a return;

[(D)(I)] (−iv) (v) the commission:
[(A)] (I) issues an order constituting final agency action resulting from a timely filed petition for redetermination or a timely filed request for agency action; or
[(B)] (II) is considered to have denied a request for reconsideration under Subsection 63G−4−302(3)(b) resulting from a timely filed petition for redetermination or a timely filed request for agency action; and

[(II)−a] (B) the person fails to pay [a nonqualifying obligation] the tax, fee, or charge due on a return within a 30−day period after the date the commission:
[(A)] (I) issues the order constituting final agency action described in Subsection [(3)(b)(i)(D)(I)(Aa)] (3)(a) (−iv) (A)(I); or
[(B)] (II) is considered to have denied the request for reconsideration described in Subsection [(3)(b)(i)(D)(I)(Bb)] (3)(a) (−iv) (v) (A)(II); or

[(E)] (vi) the person fails to pay [a nonqualifying obligation] the tax, fee, or charge within a 30−day period after the date of a final judicial decision resulting from a timely filed petition for judicial review.

[(ii)] (b) For purposes of Subsection [(3)(b)(i)] (3)(a), the penalty is an amount equal to the greater of:

(i) if the failure to pay a tax, fee, or charge as described in Subsection (3)(a) is with respect to an unactivated tax, fee, or charge:

(A) $20; or
(B) 10% of the unpaid [nonqualifying obligation] unactivated tax, fee, or charge due on the return[.]; or

[(c) (i) This Subsection (3)(c) applies to a penalty:]

[(A) imposed on or after the phase I activation date with respect to a phase I obligation; or]

[(B) imposed on or after the phase II activation date with respect to a phase II obligation.]

[(ii) (A) The penalty described in Subsection (3)(c)(ii)(B) applies if a person:]

[(I) with respect to a phase I obligation:]

[(Aa) files a return on or before the due date for filing a return described in Subsection (2)(a); and]

[(Bb) fails to pay the phase I obligation due on the return on or before the due date described in Subsection (2)(a); or]

[(II) with respect to a phase II obligation:]

[(Aa) files a return on or before the due date for filing a return described in Subsection (2)(a); and]

[(Bb) fails to pay the phase II obligation due on the return on or before the due date described in Subsection (2)(a).]

[(B) For purposes of Subsection (3)(c)(ii)(A), the penalty is an amount equal to the greater of:]

[(i) if the failure to pay a tax, fee, or charge as described in Subsection (3)(a) is with respect to an activated tax, fee, or charge, beginning on the activation date:

[(I) (A) $20; or

[(II) (Aa) (B) 2% of the unpaid [phase I obligation or phase II obligation] activated tax, fee, or charge due on the return if the [phase I obligation or phase II obligation] activated tax, fee, or charge due on the return is paid no later than five days after the due date for filing a return described in Subsection (2)(a);]

[(Bb) (II) 5% of the unpaid [phase I obligation or phase II obligation] activated tax, fee, or charge due on the return if the [phase I obligation or phase II obligation] activated tax, fee, or charge due on the return is paid more than five days after the due date for filing a return described in Subsection (2)(a) but no later than 15 days after that due date; or

[(Cc) (III) 10% of the unpaid [phase I obligation or phase II obligation] activated tax, fee, or charge due on the return if the [phase I obligation or phase II obligation] activated tax, fee, or charge due on the return is paid more than 15 days after the due date for filing a return described in Subsection (2)(a).

[(iii) (A) A person is subject to a penalty as provided in Subsection
(3)(c)(iii)(B) if the person:
(I) is subject to a penalty under Subsection (2)(c); and
(II) fails to pay a phase I obligation or phase II obligation due on a return within a 90−day period after the due date for filing a return described in Subsection (2)(a).
(B) For purposes of Subsection (3)(c)(iii)(A), the penalty is an amount equal to the greater of:
(I) $20; or
(II) (Aa) 2% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid no later than five days after the last day of the 90−day period described in Subsection (3)(c)(iii)(A)(II);
(Bb) 5% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than five days after the last day of the 90−day period described in Subsection (3)(c)(iii)(A)(II) but no later than 15 days after the last day of the 90−day period described in Subsection (3)(c)(iii)(A)(II); or
(Cc) 10% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than 15 days after the last day of the 90−day period described in Subsection (3)(c)(iii)(A)(II).
(iv) (A) A person is subject to a penalty as provided in Subsection (3)(c)(iv)(B) if the person:
(I) is mailed a notice of deficiency; and
(II) within a 30−day period after the day on which the notice of deficiency described in Subsection (3)(c)(iv)(A)(I) is mailed:
(Aa) does not file a petition for redetermination or a request for agency action; and
(Bb) fails to pay a phase I obligation or phase II obligation due on a return.
(B) For purposes of Subsection (3)(c)(iv)(A), the penalty is an amount equal to the greater of:
(I) $20; or
(II) (Aa) 2% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid no later than five days after the last day of the 30−day period described in Subsection (3)(c)(iv)(A)(II);
(Bb) 5% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than five days after the last day of the 30−day period described in Subsection (3)(c)(iv)(A)(II); or
(Cc) 10% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than 15 days after the last day of the 30−day period described in Subsection (3)(c)(iv)(A)(II).
described in Subsection (3)(c)(iv)(A)(II) but no later than 15 days after the last day of the 30-day period described in Subsection (3)(c)(iv)(A)(II); or
[(Cc) 10% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than 15 days after the last day of the 30-day period described in Subsection (3)(c)(iv)(A)(II).]
[(v) (A) A person is subject to a penalty as provided in Subsection (3)(e)(v)(B) if:
[(I) the commission:
[(Aa) issues an order constituting final agency action resulting from a timely filed petition for redetermination or a timely filed request for agency action; or
[(Bb) is considered to have denied a request for reconsideration under Subsection 63G-4-302(3)(b) resulting from a timely filed petition for redetermination or a timely filed request for agency action; and]
[(II) the person fails to pay a phase I obligation or phase II obligation due on a return within a 30-day period after the date the commission:] [(Aa) issues the order constituting final agency action described in Subsection (3)(c)(v)(A)(I)(Aa); or
[(Bb) is considered to have denied the request for reconsideration described in Subsection (3)(c)(v)(A)(I)(Bb).]
[(B) For purposes of Subsection (3)(c)(v)(A), the penalty is an amount equal to the greater of:]
[(I) $20; or
[(II) (Aa) 2% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid no later than five days after the last day of the 30-day period described in Subsection (3)(c)(v)(A)(II);]
[(Bb) 5% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than five days after the last day of the 30-day period described in Subsection (3)(c)(v)(A)(II) but no later than 15 days after the last day of the 30-day period described in Subsection (3)(c)(v)(A)(II); or]
[(Cc) 10% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than 15 days after the last day of the 30-day period described in Subsection (3)(c)(v)(A)(II).]
[(vi) (A) A person is subject to a penalty as provided in Subsection (3)(c)(vi)(B) if within a 30-day period after the date of a final judicial
decision resulting from a timely filed petition for judicial review, the person fails to pay a phase I obligation or phase II obligation.]

[(B) For purposes of Subsection (3)(e)(vi)(A), the penalty is an amount equal to the greater of:]

[(I) $20; or]

[(II) (Aa) 2% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid no later than five days after the last day of the 30–day period described in Subsection (3)(e)(vi)(A);]

[(Bb) 5% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than five days after the last day of the 30–day period described in Subsection (3)(e)(vi)(A) but no later than 15 days after the last day of the 30–day period described in Subsection (3)(e)(vi)(A); or]

[(Cc) 10% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than 15 days after the last day of the 30–day period described in Subsection (3)(e)(vi)(A).]

(2) modify Subsection 59–1–401(5)(b) as amended in this bill to read:

(b) For purposes of Subsection (5)(a), the penalty per month during the period of the extension of time for filing the return is:

(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 ; or

(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 .

(3) modify Subsection 59–1–401(7)(a) as amended in this bill to read:

(a) Additional penalties for [underpayments of tax] an underpayment of a tax, fee, or charge are as provided in this Subsection (7)(a).

(i) Except as provided in Subsection (7)(c), if any portion of an underpayment of a tax, fee, or charge is due to negligence, the penalty is 10% of the portion of the underpayment that is due to negligence .

(ii) Except as provided in Subsection (7)(d), if any portion of an underpayment of a tax, fee, or charge is due to intentional disregard of law or rule, the penalty is 15% of the entire underpayment.
(iii) For any portion of an underpayment is due to an intent to evade [the] a tax, fee, or charge, the penalty is the greater of $500 per period or 50% of the entire underpayment.

(iv) If any portion of an underpayment is due to fraud with intent to evade [the] a tax, fee, or charge, the penalty is the greater of $500 per period or 100% of the entire underpayment.”

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

**Yeas, 16; Nays, 0; Absent, 13.**

**Voting in the affirmative were:** Senators
Bell Christensen Goodfellow Greiner
Hinkins Jenkins Jones Mayne
Morgan Okerlund Robles Romero
Stephenson Stowell Valentine Waddoups

**Absent or not voting were:** Senators
Bramble Buttars Davis Dayton
Hillyard Killpack Knudson Liljenquist
Madsen McCoy Niederhauser Urquhart
Van Tassell

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**S.B. 67, MINERS’ SAFETY AND TRAINING,** was read the second time. Senator Robles explained the bill.

Senator Robles proposed the following amendment:

1. Page 2, Lines 46 through 47

   46 response and communication plans for major coal mine accidents in Utah; and

   47 (e) implement the notification requirements established under Subsection (2)(b) .

2. Page 2, Lines 48 through 50:

   48 (4) The office shall:

   (a) receive a report from a recipient of an appropriation to promote mine training and
safety; and

evaluate how effective an appropriation is in promoting mine training and safety.

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

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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***

**S.B. 68, MINING PROTECTION AMENDMENTS,** was read the second time.

On motion of Senator Killpack, the bill was circled.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: March 2, 2009

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

**Business and Labor Committee**


**Government Operations and Political Subdivisions Committee**

**S.J.R. 18** Joint Resolution on Fiscal Note Process (Sen. W. Niederhauser)
H.B. 245  Utah State 911 Committee Amendments (Rep. C. Oda)  
(Sen. J. Greiner)
(Sen. H. Stephenson)
1st Sub. H.B. 413  County Authority Amendments (Rep. R. Menlove)  
(Sen. P. Knudson)
H.J.R. 18  Joint Resolution for Legislative Appropriation  
Subcommittee Name Change (Rep. N. Hendrickson)  
(Sen. P. Knudson)

Health and Human Services Committee
1st Sub. H.B. 64  Deterring Illegal Immigration (Rep. B. Dee)  
(Sen. S. Jenkins)
H.B. 399  Charitable Care Amendments (Rep. B. Last)  
(Sen. R. Okerlund)
H.J.R. 25  Joint Resolution Urging Employers to Hire Only  
Individuals Who Are Authorized to Work in the United  
States (Rep. C. Herrod)  (Sen. G. Davis)

Retirement and Independent Entities Committee
(Sen. C. Bramble)

Revenue and Taxation Committee
S.B. 5  Revenue Bond and Capital Facilities Authorizations  
(Sen. W. Niederhauser)
(Sen. W. Niederhauser)

Workforce Services and Community and Economic Development  
Committee
S.B. 271  Judicial Conduct Commission Amendments  
(Sen. G. Davis)
(Sen. S. Jenkins)
H.C.R. 7  Concurrent Resolution Expressing Opposition to the Congressional Enactment of the National Landscape Conservation System (Rep. M. Brown) (Sen. R. Okerlund)  
Margaret Dayton  
Rules Committee Chair  
Report filed. On motion of Senator Dayton, the committee report was adopted.

***

On motion of Senator Killpack and at 4:00 p.m., the Senate adjourned until 9:00 a.m., Tuesday, March 3, 2009.
THIRTY–SIXTH DAY

MORNING SESSION

March 3, 2009

The Senate was called to order at 9:05 a.m., with President Michael Waddoups presiding.

Prayer – Elder Lance Wickman, Member of the First Quorum of Seventy, The Church of Jesus Christ of Latter–day Saints
Pledge of Allegiance – Senator Ross Romero
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President:          March 2, 2009

The House concurred in the Senate amendments and passed H.B. 218, FAMILY EMPLOYMENT PROGRAM AMENDMENTS, by Representative Janice Fisher, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 218 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:          March 2, 2009

The House passed H.B. 96, STATE RETIREMENT SYSTEM PARTICIPATION FOR CHARTER SCHOOLS, by Representative C. Watkins, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 132, SEXUAL ASSAULT VICTIM PROTOCOLS, by Representative J. Biskupski, and it is transmitted for consideration; and

The House passed H.B. 163, PROPERTY TRANSACTION AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 183**, NATIONAL ANIMAL IDENTIFICATION SYSTEM, by Representative M. Brown, and it is transmitted for consideration; and

The House passed **H.B. 355**, INDIGENT INMATE TRUST FUND AMENDMENTS, by Representative K. McIff, and it is transmitted for consideration; and

The House passed **H.B. 364**, BORDER AND NONRESIDENT STUDENT AMENDMENTS, by Representative D. Ipson, et al, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 401**, CUSTODY AND PARENT−TIME AMENDMENTS FOR SERVICE MEMBERS, by Representative T. Cosgrove, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


* * *

On motion of Senator Dayton, the Senate voted to lift **S.B. 236**, UNINSURED AND UNDERINSURED MOTORIST COVERAGE AMENDMENTS, from the Transportation, Public Utilities and Technology Committee and assign it to the Business and Labor Committee.

**CONSENT CALENDAR**

On motion of Senator Jenkins, **H.B. 286**, REGULATION OF LENDING BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS, was read the third time and circled.

* * *

**H.B. 320**, COLLECTION AGENCY AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell   Bramble   Buttars   Christensen

Davis   Dayton   Goodfellow   Greiner
Hinkins       Jenkins       Jones       Killpack
Liljenquist   Madsen       Mayne       McCoy
Morgan        Okerlund     Robles      Romero
Stephenson    Urquhart     Valentine   Van Tassell
Waddoups

Absent or not voting were: Senators
Hillyard      Knudson      Niederhauser Stowell

H.B. 320 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 210, POSTING OF COLLECTIVE BARGAINING AGREEMENTS BY SCHOOL DISTRICTS AND CHARTER SCHOOLS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators
Bell        Bramble       Buttars       Christensen
Davis       Dayton        Goodfellow   Greiner
Hillyard    Hinkins       Jenkins      Jones
Killpack    Liljenquist   Madsen       Mayne
McCoy       Morgan        Niederhauser Okerlund
Robles      Stephenson    Stowell      Urquhart
Valentine   Van Tassell   Waddoups

Voting in the negative was: Senator
Romero

Absent or not voting was: Senator
Knudson

1st Sub. H.B. 210 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 297, BUDGETARY PROCEDURES ACT RECODIFICATION, was read the third time, explained by Senator Hillyard, and passed on the following roll call:
Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators
Bell       Bramble       Buttars       Christensen
Davis      Dayton        Goodfellow    Greiner
Hillyard   Hinkins       Jenkins       Jones
Killpack   Knudson       Liljenquist   Madsen
Mayne      McCoy         Morgan        Niederhauser
Okerlund   Robles        Romero        Stephenson
Stowell    Urquhart      Valentine     Van Tassell
Waddoups

H.B. 297 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Hillyard, the circle was removed from H.B. 286, REGULATION OF LENDING BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell       Bramble       Buttars       Christensen
Davis      Dayton        Goodfellow    Greiner
Hillyard   Hinkins       Jenkins       Jones
Killpack   Knudson       Liljenquist   Madsen
Mayne      McCoy         Morgan        Niederhauser
Okerlund   Robles        Romero        Stephenson
Stowell    Urquhart      Valentine     Van Tassell
Waddoups

H.B. 286 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.J.R. 11, JOINT RESOLUTION EXPRESSING SUPPORT FOR AND RECOGNIZING THE VALUE OF LOCALLY ELECTED OFFICIALS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:
Yeas, 29; Nays, 0; Absent, 0.

**Voting in the affirmative were:** Senators

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**H.J.R. 11** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

**S.B. 210**, **AMENDMENTS TO PROPERTY TAX**, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Niederhauser | Stowell |

**S.B. 210** was transmitted to the House for consideration.

* * *

**S.B. 193**, **SALVAGE VEHICLES AMENDMENTS**, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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Voting in the negative were: Senators
McCoy Robles

S.B. 193 was transmitted to the House for consideration.

* * *

H.B. 112, VEHICLE TOWING AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Knudson Liljenquist Madsen
Mayne Morgan Niederhauser Okerlund
Romero Stephenson Stowell Urquhart
Stowell Urquhart Valentine Van Tassell
Waddoups

H.B. 112, as amended, was returned to the House for further consideration.

* * *

H.B. 324, MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hinkins Jenkins Jones Killpack
Knudson Liljenquist Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups
Absent or not voting were: Senators
Hillyard  Madsen

H.B. 324 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

S.B. 90, METAL THEFT AMENDMENTS AND PENALTIES, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yea, 28; Nay, 0; Not Voting, 1.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Jones  Killpack
Knudson  Liljenquist  Madsen  Mayne
McCoy  Morgan  Niederhauser  Okerlund
Robles  Romero  Stephenson  Stowell
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting was: Senator Jenkins

S.B. 90 was transmitted to the House for consideration.

***

H.B. 37, VIOLENT OFFENSES AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yea, 28; Nay, 0; Not Voting, 1.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Jones  Killpack
Knudson  Liljenquist  Madsen  Mayne
McCoy  Morgan  Niederhauser  Okerlund
Robles  Romero  Stephenson  Stowell
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting was: Senator Jenkins
H.B. 37 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 130, ASSET PRESERVATION AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Hillyard
Hinkins Jenkins Jones Killpack
Knudson Liljenquist Madsen Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Greiner Stowell

H.B. 130 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 138, EXPUNGEMENT OF RECORDS AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Goodfellow Hillyard Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Greiner
H.B. 138 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

1st Sub. H.B. 329, WRONGFUL DEATH CLAIMS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting was: Senator Greiner

1st Sub. H.B. 329, as amended, was returned to the House for further consideration.

THIRD READING CALENDAR

On motion of Senator Urquhart, the circle was removed from S.B. 163, CONSTRUCTION TRADE EXEMPTION, and it was before the Senate. Senator Urquhart explained the bill.

Senator Davis proposed the following amendment:

1. Page 3, Lines 82 through 86
   Senate Committee Amendments
   2–13–2009

   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
 Senators Davis’ motion to amend passed on a voice vote. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Hinkins
Jenkins  Jones  Killpack  Knudson
Liljenquist  Madsen  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Robles
Romero  Stephenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

**Absent or not voting were:** Senators
Greiner  Hillyard

S.B. 163 was transmitted to the House for consideration.

***

On motion of Senator McCoy, the circle was removed from S.B. 164, IN PERSON VOTER REGISTRATION, and it was before the Senate. Senator McCoy explained the bill.

Senator McCoy proposed the following amendment:

1. Page 2, Lines 28 through 32

28  (1)  (a)  Except as provided in Subsection (3), the county clerk shall register to vote all

29  persons who [present themselves] apply for registration [at the county clerk’s office during]

30  designated office hours] in person with the county clerk if those persons, on the date of the
Day 36656 SENATE JOURNAL

31 election, will be legally eligible to vote in a voting precinct in the county in accordance with
32 Section 20A–2–101.
(b) If a county clerk elects to register voters at locations other than the county clerk’s office, the county clerk shall ensure that the locations are approximately proportionately distributed based on population within the county.

Senator McCoy’s motion to amend passed on a voice vote. Senators Buttars, Bramble, and Madsen commented.

On motion of Senator McCoy, the bill was circled.

* * *

On motion of Senator Bramble, the Senate voted to lift S.B. 76, ENERGY AMENDMENTS, from the Transportation, Public Utilities and Technology Committee and reassign it to the Retirement and Independent Entities Committee.

* * *

S.B. 157, PROPERTY TAXATION AND REGISTRATION OF AIRCRAFT, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell
Dayton
Jenkins
Liljenquist
Morgan
Romero
Valentine

Bramble
Goodfellow
Jones
Madsen
Niederhauser
Stephenson
Van Tassell

Buttars
Greiner
Killpack
Mayne
Okerlund
Stowell
Waddoups

Davis
Hinkins
Knudson
McCoy
Robles
Urquhart

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

S.B. 157 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 171, MUNICIPAL ANNEXATION AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:
Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

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Voting in the negative were: Senators

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Absent or not voting were: Senators

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1st Sub. S.B. 171 was transmitted to the House for consideration.

* * *

S.B. 169, GAMBLING AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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S.B. 169 was transmitted to the House for consideration.

* * *

On motion of Senator Bell, 1st Sub. S.B. 180, EXPUNGEMENT OF DIVISION OF CHILD AND FAMILY SERVICES RECORDS, was read the third time and circled.
S.B. 183, VIOLATION OF PROTECTIVE ORDER, was read the third time, explained by Senator McCoy, and passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators
Bell  Buttars  Christensen  Davis
Dayton  Goodfellow  Greiner  Hinkins
Jenkins  Killpack  Knudson  Liljenquist
Madsen  Mayne  McCoy  Morgan
Niederhauser  Okerlund  Stephenson  Stowell
Urquhart  Valentine  Van Tassell  Waddoups

Voting in the negative were: Senators
Robles  Romero

Absent or not voting were: Senators
Bramble  Hillyard  Jones

S.B. 183 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 29, SAFE DRINKING WATER ACT AMENDMENTS, was read the third time and explained by Senator Stowell.

Senator Stowell proposed the following amendment:

1. Page 2, Line 33:
   After “corporation” insert “engaged in distributing water only to its share holders”

   Senator Stowell’s motion to amend passed on a voice vote. Senators Christensen, Buttars, and Jenkins commented and the bill passed on the following roll call:

Yeas, 17; Nays, 11; Absent, 1.

Voting in the affirmative were: Senators
Bramble  Buttars  Davis  Goodfellow
Hinkins  Jenkins  Jones  Killpack
Liljenquist  Madsen  Mayne  Niederhauser
Okerlund  Robles  Stowell  Urquhart
Van Tassell
Voting in the negative were: Senators
Bell Christensen Dayton Greiner
Hillyard Knudson McCoy Morgan
Romero Valentine Waddoups

Absent or not voting was: Senator
Stephenson

1st Sub. S.B. 29 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 78, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, was read the third time and explained by Senator Madsen.

Senator Liljenquist proposed the following amendment:

1. Page 6, Line 161

161 a storage location poses and undue burden.
(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 section, is not subject to this chapter.

Senator Liljenquist’s motion to amend passed on the following roll call:

Yeas, 18; Nays, 10; Absent, 1.

Voting in the affirmative were: Senators
Bell Davis Goodfellow Greiner
Hillyard Hinkins Jones Knudson
Liljenquist Mayne McCoy Morgan
Okerlund Robles Romero Stephenson
Urquhart Van Tassell

Voting in the negative were: Senators
Buttars Christensen Dayton Jenkins
Killpack Madsen Niederhauser Stowell
Valentine Waddoups

Absent or not voting was: Senator
Bramble
Senator Romero commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Christensen  
Davis  Dayton  Goodfellow  Greiner  
Hillyard  Hinkins  Jenkins  Killpack  
Knudson  Liljenquist  Madsen  Mayne  
Morgan  Niederhauser  Okerlund  Stephenson  
Stowell  Urquhart  Valentine  Van Tassell  
Waddoups

**Voting in the negative were:** Senators

Jones  McCoy  Robles  Romero  

1st Sub. S.B. 78 was transmitted to the House for consideration.

***

1st Sub. S.C.R. 4, RESOLUTION SUPPORTING OBESITY AWARENESS, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  Buttars  Davis  Greiner  
Hillyard  Hinkins  Jenkins  Jones  
Killpack  Knudson  Liljenquist  Madsen  
Mayne  McCoy  Morgan  Niederhauser  
Okerlund  Robles  Romero  Stephenson  
Stowell  Urquhart  Valentine  Van Tassell  
Waddoups

**Voting in the negative was:** Senator

Dayton

**Absent or not voting were:** Senators

Bramble  Christensen  Goodfellow

1st Sub. S.C.R. 4 was transmitted to the House for consideration.

***

On motion of Senator Hillyard, the circle was removed from 1st Sub. S.B. 180, EXPUNGEMENT OF DIVISION OF CHILD AND FAMILY
SERVICES RECORDS, and it was before the Senate. Senator Hillyard explained the bill. Senator Buttars commented. The bill passed on the following roll call:

**Yea, 27; Nay, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Christensen | Goodfellow |

1st Sub. S.B. 180 was transmitted to the House for consideration.

***

S.B. 186, AMENDMENTS TO STATE TAX COMMISSION PENALTY PROVISIONS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

**Yea, 25; Nay, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Bell | Buttars | Christensen | Van Tassell |

S.B. 186 was transmitted to the House for consideration.

***

S.B. 67, MINERS’ SAFETY AND TRAINING, was read the third time, explained by Senator Robles, and passed on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Bramble  Davis  Dayton  Goodfellow
Greiner  Hillyard  Hinkins  Jenkins
Jones  Killpack  Knudson  Liljenquist
Madsen  Mayne  McCoy  Morgan
Niederhauser  Okerlund  Robles  Romero
Stephenson  Stowell  Urquhart  Valentine
Waddoups

Absent or not voting were: Senators
Bell  Buttars  Christensen  Van Tassell

S.B. 67 was transmitted to the House for consideration.

* * *

On motion of Senator Greiner, the circle was removed from S.B. 176, CIVIL FEES IN COURTS OF RECORD AMENDMENTS, and it was before the Senate.

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

2nd Sub. S.B. 176 Civil Fees in Small Claims Courts Amendments
(J. Greiner)

2nd Sub. S.B. 176, CIVIL FEES IN SMALL CLAIMS COURTS AMENDMENTS, was considered read for the first, second, and third time. Senator Greiner explained the bill. Senators Hillyard and McCoy commented.

On motion of Senator Greiner, the bill was circled.

SECOND READING CALENDAR

On motion of Senator Bell, the circle was removed from 1st Sub. S.B. 184, CIVIL FILING FEES, and it was before the Senate. Senator Bell explained the bill. Senators Urquhart, Buttars, and Niederhauser commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Buttars  Christensen  Davis
Greiner  Jenkins  Jones  Knudson
Voting in the negative were: Senators
Bramble Goodfellow Hinkins Morgan
Niederhauser Stephenson Valentine Waddoups

Absent or not voting were: Senators
Dayton Hillyard Killpack Robles

* * *

1st Sub. S.J.R. 16, JOINT RESOLUTION SUPPORTING NUCLEAR POWER, was read the second time. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 6; Absent, 4.

Voting in the affirmative were: Senators
Bell Bramble Buttars Davis
Dayton Greiner Hillyard Hinkins
Jenkins Knudson Liljenquist Madsen
McCoy Niederhauser Okerlund Stowell
Urquhart Valentine Waddoups

Voting in the negative were: Senators
Goodfellow Jones Mayne Morgan
Romero Van Tassell

Absent or not voting were: Senators
Christensen Killpack Robles Stephenson

* * *

On motion of Senator Madsen, the circle was removed from 1st Sub. H.J.R. 1, RESOLUTION URGING THE WITHDRAWAL OF UNITED STATES’ WORLD TRADE ORGANIZATION COMMITMENT ON GAMBLING, and it was before the Senate. Senator Madsen explained the bill.

On motion of Senator Madsen, under suspension of the rules, 1st Sub. H.J.R. 1, RESOLUTION URGING THE WITHDRAWAL OF UNITED STATES’ WORLD TRADE ORGANIZATION COMMITMENT ON GAMBLING, was considered read the second and third times and passed on the following roll call:
Yeas, 23; Nays, 3; Absent, 3.

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Davis
Dayton  Goodfellow  Greiner  Hillyard
Jenkins  Jones  Knudson  Liljenquist
Madsen  Mayne  Morgan  Niederhauser
Okerlund  Stephenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

**Voting in the negative were:** Senators

Hinkins  McCoy  Romero

**Absent or not voting were:** Senators

Christensen  Killpack  Robles

1st Sub. H.J.R. 1 was returned to the House for further consideration.

***

**S.B. 69, PROOF OF CITIZENSHIP REQUIRED TO VOTE,** was read the second time.

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

1st Sub. S.B. 69 Proof of Citizenship Required to Vote (M. Madsen)

On motion of Senator Madsen, the bill was circled.

***

3rd Sub. S.B. 83, CONDEMNATION AMENDMENTS, was read the second time.

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

4th Sub. S.B. 83 Condemnation Amendments (D. Stowell)

Senator Stowell explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.
Voting in the affirmative were: Senators
Bell               Bramble            Buttars       Christensen
Davis             Dayton             Goodfellow    Greiner
Hillyard          Hinkins            Jones         Knudson
Madsen            Mayne              McCoy         Morgan
Niederhauser      Okerlund           Robles        Romero
Stowell           Urquhart           Valentine     Van Tassell
Waddoups

Absent or not voting were: Senators
Jenkins           Killpack           Liljenquist    Stephenson

***

S.B. 11, INCEST AMENDMENTS, was read the second time.

On motion of Senator Stowell, the bill was circled.

***

1st Sub. S.B. 155, ADOPTION EXCEPTION TO CUSTODY AND VISITATION FOR PERSONS OTHER THAN PARENTS, was read the second time. Senator Hillyard explained the bill. Senators Valentine, Mayne, and Buttars commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators
Bell               Bramble            Buttars       Christensen
Davis             Dayton             Greiner        Hillyard
Hinkins           Jenkins            Jones         Killpack
Knudson           Liljenquist        Madsen        Mayne
McCoy             Morgan             Niederhauser   Okerlund
Robles            Stowell            Urquhart      Valentine
Van Tassell       Waddoups

Voting in the negative was: Senator
Romero

Absent or not voting were: Senators
Goodfellow        Stephenson

***

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

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2009

The House passed, S.J.R. 17, HYDRAULIC FRACTURING JOINT RESOLUTION, by Senator D. Hinkins, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.J.R. 17 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

***

Mr. President: March 3, 2009

The House concurred in the Senate amendments and passed 1st Sub. H.B. 68, DEVELOPMENT EXACTIONS, by Representative P. Painter, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 68 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

Mr. President: March 3, 2009

The House passed, as substituted and amended, 1st Sub. H.B. 274, LOCAL GOVERNMENT FEES AND CHARGES, by Representative C. B. Wallis, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 308, WORKERS’ COMPENSATION – MOTOR CARRIERS, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed, as amended, H.B. 342, DISPROPORTIONATE RENTAL FEE AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as amended, H.B. 353, TRUTH IN ADVERTISING ACT AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 371**, TRANSPORTATION GOVERNANCE, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 410**, LEGISLATOR SALARY AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 456**, TOBACCO ACCESS RESTRICTIONS, by Representative B. Last, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


**STANDING COMMITTEE REPORTS**

Mr. President: March 2, 2009

The Business and Labor Committee reports a favorable recommendation on **S.B. 166**, ALCOHOLIC BEVERAGE CONTROL ACT – DAYS OF SALE, by Senator S. McCoy; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 230**, CONSTRUCTION PAYMENT AMENDMENTS, by Senator C. Bramble; and

The Business and Labor Committee recommends **S.B. 270**, GIFT CARD AMENDMENTS, by Senator W. Niederhauser, be replaced and favorably recommends **1st Sub. S.B. 270**, GIFT CARD AMENDMENTS with the following amendments:

1. Page 7, Lines 199 through 201:

   199    (b) a gift card that:
   200    (i) has attached to {−it} more than $25 {−when purchased}; and
   201    (ii) is not excluded from this chapter under Subsection (5); or

2. Page 8, Lines 214 through 215:

   214    (b) the records of the issuer do not show the address of the purchaser or recipient, but
do show that the gift certificate or credit memo was issued in Utah;

3. Page 8, Lines 224 through 228:

(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) monthly maintenance fee or charge; or

(ii) dormancy fee or charge.

The Business and Labor Committee reports a favorable recommendation on H.B. 152, APPRAISAL MANAGEMENT COMPANY REGULATION, by Representative M. Morley, with the following amendments:

1. Page 14, Line 423 through Page 15, Line 434:

(1) An appraisal management company required to be registered under this chapter, or a controlling person, employee, or agent of the appraisal management company may not influence or attempt to influence the development, reporting, or review of an appraisal through:

(a) coercion;

(b) extortion;

(c) collusion;

(d) compensation;

(e) instruction;

(f) inducement;

(g) intimidation;

(h) bribery; or

(i) any other manner that would constitute undue influence; and

The Business and Labor Committee reports a favorable recommendation on H.B. 170, INSURANCE AND LIFE SETTLEMENT AMENDMENTS, by Representative J. Dunnigan, with the following amendments:
1. Page 10, Lines 296 through 304h
House Floor Amendments
2–25–2009:

296 [(d) (iv)] a viatical life settlement provider, a viatical life settlement purchaser, a

financing entity, a related provider trust, or a special purpose entity from executing the execution:

297a (A) of any of the following with respect to the death benefit or ownership of any
portion of a viaticated settled policy as provided for in Section 31A–36–109:

298 [(i)] an assignment;

299 [(ii)] a sale;

300 [(iii)] a transfer;

301 [(iv)] a devise; or

302 [(v)]

303a (B) by any of the following:

304b (I) a life settlement provider;

304c (II) a life settlement purchaser;

304d (III) a financing entity;

304e (IV) a related provider trust;

304f (V) a special purpose entity; or

304g (VI) a qualified institutional buyer as defined in Rule 144A, 17 C.F.R.

304h Sec. 230.144A; or

(VII) an accredited investor as defined in Regulation D, Rule 501, 17 C.F.R. Sec. 230.501; and
The Business and Labor Committee reports a favorable recommendation on 1st Sub. H.B. 352, ALCOHOLIC BEVERAGE RELATED AMENDMENTS, by Representative J. Dunnigan.

John L. Valentine, Chair

Mr. President:

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, Lines 14 through 15

   House Committee Amendments 2–4–2009:

   14 requires a practitioner to provide each existing patient of the practitioner with the
   15 option to participate in electronic prescribing if the practitioner prescribes a drug or device for the patient on or after July 1, 2012; and

2. Page 4, Lines 107 through 109:

   107 (1) Subject to the provisions of this section, a practitioner shall provide each existing
   108 patient of the practitioner with the option of participating in electronic prescribing for
   109 prescriptions issued for the patient if the practitioner prescribes a drug or device for the patient on or after July 1, 2012; 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.

D. Chris Buttars, Chair

Mr. President:

The Education Committee reports a favorable recommendation on S.B. 74, AT–RISK STUDENT PROVISIONS, by Senator L. Robles, with the following amendments:

1. Page 2, Lines 53 through 55:

   53 (1) In addition to the individual schools that participate in the gang prevention and intervention program
established under Section 53A–15–601 for at–risk students, a local school board or governing board of a charter school shall enact policies to ensure the following at all public schools;

2. Page 2, Line 58 through Page 3, Line 59:

(b) a student who participates in gang activities may be excluded from participation in extracurricular activities, including interscholastic athletics, as determined by school

3. Page 3, Line 62:

notification and appropriate administrative and law enforcement actions, which may include obtaining

4. Page 3, Line 64:

(d) if a serious gang–related incident, as determined by the school administrator in consultation with local law enforcement, occurs on school property, at school related

5. Page 3, Line 67:

(i) informing them, in general terms, about the incident, but removing all personally identifiable information about students from the notice;

6. Page 4, Line 90:

through school websites, handbooks, letters to parents and guardians, or other reasonable; and

The Education Committee reports a favorable recommendation on S.B. 241, INSTRUCTIONAL EXPENSES REQUIREMENTS, by Senator M. Madsen, with the following amendments:

1. Page 1, Line 17:

Education; provides an exemption for small school districts; and

2. Page 2, Line 50:

of receiving the request.

(4) The provisions under this section do not apply to a school district with an enrollment of less than 5,000 students; and
The Education Committee reports a favorable recommendation on 2nd Sub. H.B. 100, DEPARTMENT OF CORRECTIONS – TRACKING AND REIMBURSEMENT OF INDIVIDUAL PRISONER COSTS, by Representative C. Wimmer, et al, with the following amendments:

1. Page 3, Line 77
   House Floor Amendments
   2–23–2009:

   77 (2) { In order to } (a) To fulfill { this } the responsibility under Subsection (1), the { boards } State Board of Education and the

2. Page 3, Line 79
   House Floor Amendments
   2–23–2009:

   79 public agencies to provide educational and related administrative services. Contracts for postsecondary education and training shall be under Subsection (2)(b).

   (b)(i) The contract under Subsection (2)(a) to provide postsecondary education and training shall be with a community college if the correctional facility is located within the service region of a community college, except under Subsection (2)(b)(ii).

   (ii) If the community college under Subsection (2)(b)(i) declines to provide the education and training or cannot meet reasonable contractual terms for providing the education and training as specified by the Utah Department of Corrections, postsecondary education and training under Subsection (2)(a) may be procured through other appropriate private or public agencies.

3. Page 7, Line 193
   House Floor Amendments
   2–23–2009:

   193 offenders and inmates as defined in Section 64–13–1.

   (3) Funds appropriated from the Prison Telephone Surcharge Account may only be used by the Department purposes under Subsections 53A–1–403.5(3)(a)(i) and (iv); and

The Education Committee reports a favorable recommendation on 1st Sub. H.B. 296, SCHOOLS FOR THE DEAF AND BLIND AMENDMENTS, by Representative K. Sumision, et al; and
The Education Committee reports a favorable recommendation on H.B. 328, TEACHER QUALITY AMENDMENTS, by Representative G. Hughes.

Curtis S. Bramble, Chair

Mr. President:

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 224, REUSE OF INDUSTRIAL BYPRODUCT, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on 1st Sub. H.B. 157, PROPERTY TAX ASSESSMENT AMENDMENTS, by Representative W. Harper; and

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 184, INCOME TAX CREDIT FOR A DISABLED DEPENDENT, by Representative J. Dougall.

Wayne L. Niederhauser, Chair

Mr. President:

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on 2nd Sub. H.B. 120, SNAKE VALLEY AQUIFER RESEARCH TEAM AND ADVISORY COUNCIL, by Representative B. Winn; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on 1st Sub. H.B. 164, MIGRATORY BIRD PRODUCTION AREAS, by Representative C. Oda, with the following amendments:

1. Page 9, Lines 243 through 244:

   243 (a) remove land from a migratory bird production area {—if removal of the land would
   244 not result in a migratory bird production area of less than 300 contiguous acres } ; or

2. Page 9, Lines 252 through 256:

   252 (c) if land is being added to the migratory bird production area, an affidavit signed by the owner or owners {—}
   253 (i) indicating that the land is removed from the migratory bird production area; or
indicating that the land (ii) is added to the migratory bird production area; and

(A) meets the description provided in Subsection 23–28–201(1)(b)(iii).

3. Page 9, Line 259:

migratory bird production area is located.

(4) If removing land from a migratory bird production area results in a migratory bird production area of less than 300 contiguous acres:

(a) the migratory bird production area ceases to exist; and
(b) the landowner shall:

(i) notify each landowner within the former migratory bird production area; and

(ii) file the revision notice required by this section for the entire migratory bird production area.

4. Page 11, Line 322:

Notwithstanding Title 78B, Chapter 6, Part 5, Eminent Domain and except as provided by Subsection (2), the state, a state

5. Page 11, Line 325:

(a) the condemnation does not have an unreasonable adverse effect upon the migratory

6. Page 11, Line 327:

(b) there is no reasonable and prudent alternative to the condemnation.

(2) Real property within a migratory bird production area may be condemned in accordance with Title 78B, Chapter 6, Part 5, Eminent Domain, for an international airport:

(a) located within a county of the first class; and

(b) that has a United States customs office on its premises. ; 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, Lines 16 through 17

House Committee Amendments

2–17–2009:
16 Other Special Clauses:
   {None} This bill takes effect on July 1, 2009.

2. Page 2, Line 34:
   (b) 22.5 inches to and including 24.5 inches is $2.
   Section 2. Effective date.
   This bill takes effect on July 1, 2009.

Dennis E. Stowell, Chair

Mr. President: March 3, 2009

The Transportation and Public Utilities and Technology Committee recommends S.B. 41, SITING OF HIGH VOLTAGE POWER LINE ACT, by Senator P. Knudson, be replaced and favorably recommends 2nd Sub. S.B. 41, SITING OF HIGH VOLTAGE POWER LINE ACT.

Kevin Van Tassell, Chair

Mr. President: March 3, 2009

The Retirement and Independent Entities Committee reports a favorable recommendation on S.B. 195, PUBLIC EMPLOYEE DEFINED CONTRIBUTION AMENDMENTS, by Senator D. Liljenquist, with the following amendments:

1. Page 1, Lines 15 through 17:
   15 suspends, for the period of July 1, 2009 through June 30, 2010 only, one-half of the 1.5%
   16 employer defined contribution made on behalf of those employees in the Public
   17 Employees’ Noncontributory Retirement System;

2. Page 3, Lines 74 through 78:
   74 (8) (a) Notwithstanding any other provision of this section, for the period that starts
   75 with the beginning of the pay period which starting date falls most closely to July 1, 2009 and
   76 ending at the end of the pay period which end date falls most closely to June 30, 2010, one-half of the
77 participating employer contribution to a qualified defined contribution plan under Subsections
78 (1)(a) and (b) is suspended for an active member, except for an active member:

Daniel R. Liljenquist, Chair


STANDING COMMITTEE REPORTS

Mr. President: March 2, 2009

The Business and Labor Committee reports a favorable recommendation on H.B. 72, CHILDREN’S JUSTICE CENTER AMENDMENTS, by Representative L. Fowlke, and recommends it be considered read for the second time and placed on the Consent Calendar.

John L. Valentine, Chair

Mr. President: March 2, 2009

The Education Committee reports a favorable recommendation on H.B. 194, EDUCATION POLICIES FOR MILITARY CHILDREN, by Representative R. Menlove, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

Mr. President: March 2, 2009

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 245, UNIFORM FEES ON MOTORCYCLES, by Senator B. Goodfellow, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 3, Lines 66 through 74:

66 (g) “Other motorcycle” means a motor vehicle that:
(i) is:
(A) a motorcycle as defined in Section 41–1a–102; and
(B) designed primarily for use and operation over unimproved terrain;
(ii) is required to be registered in accordance with Title 41, Chapter 1a, Part 2,
Registration; and
(iii) has:
(A) an engine with \(\geq 201\) cubic centimeters displacement or more; or
(B) a motor that produces more than five horsepower.

2. Page 5, Lines 142 through 151:

[(t)(m)(i)] “Small motor vehicle” means:

(A) a motor vehicle that:

-{(A)–} (I) is required to be registered in accordance with Title 41, Motor Vehicles; and
-{(B)–} (II) has:

-{(I)–} (Aa) an engine with 150 or less cubic centimeters displacement; or
-{(II)–} (Bb) a motor that produces five or less horsepower; or

(B) a motorcycle as defined in Section 41–1a–102 that:

(I) is required to be registered in accordance with Title 41, Motor Vehicles; and

-{(II)–} (B) has:

(Aa) an engine with 200 or less cubic centimeters displacement; or

(Bb) a motor that produces five or less horsepower; and

(ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
commission may by rule develop a process for an owner of a motor vehicle or motorcycle to certify whether:

(A) the motor vehicle has:

-{(A)–} (I) an engine with 150 or less cubic centimeters displacement; or
Day 3678 SENATE JOURNAL

151 \{ –(B) –\} (II) a motor that produces five or less horsepower \{ –\}; or
(B) the motorcycle has:
(I) an engine with 200 or less cubic centimeters displacement; or
(II) a motor that produces five or less horsepower.

3. Page 6, Lines 152 through 164:

152 (n) “Small street motorcycle” means a motor vehicle that:
153 (i) is:
154 (A) a motorcycle as defined in Section 41–1a–102; and
155 (B) designed primarily for use and operation on highways;
156 (ii) is required to be registered in accordance with Title 41, Chapter 1a, Part 2;
157 Registration; and
158 (iii) has \{ –\}
159 (A) \{ –(B) \} (A) \{ –151 \} 201 cubic centimeters displacement or more; and
160 \{ –(II) \} (B) \{ –650 \} 750 cubic centimeters displacement or less \{ –or \}
161 \{ –(B) \} a motor that produces:
162 (I) more than five horsepower; and
163 (II) seven horsepower or less.

4. Page 6, Lines 172 through 181:

172 \[(v)\] (p) “Street motorcycle” means a motor vehicle that:
173 (i) is:
174 (A) a motorcycle as defined in Section 41–1a–102; and
175 (B) designed primarily for use and operation on highways;
176 (ii) is required to be registered in accordance with Title 41, Chapter 1a, Part 2,
177 Registration; and
178 (iii) has:
(A) an engine with [more than 150] cubic centimeters displacement or more; or

(B) a motor that produces more than [five] horsepower.

"Tangible personal property owner" means a person that owns an item of

Wayne L. Niederhauser

Mr. President:

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 considered read for the second time and placed on the Consent Calendar.

Daniel R. Liljenquist, Chair

On motion of Senator Jenkins, the committee reports were adopted. H.B. 72, H.B. 194, S.B. 245, as amended, and H.B. 167 were considered read the second time and placed on the Consent Calendar.

SECOND READING CALENDAR

On motion of Senator Stowell, the circle was removed from S.B. 11, INCEST AMENDMENTS, and it was before the Senate.

Senator Stowell proposed the following amendment:

1. Page 1, Line 15

   increases the statute of limitations for prosecution from four to eight years, and requires the crime be reported within four years after it occurs.

2. Page 2, Line 35:

   (ii) incest shall be commenced within eight years after the offense is committed, if within four years after its commission the offense is reported to a law enforcement agency.

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

**Voting in the affirmative were:** Senators
Bell, Bramble, Buttars, Christensen
Davis, Dayton, Goodfellow, Greiner
Hillyard, Hinkins, Jenkins, Jones
Killpack, Knudson, Madsen, Mayne
McCoy, Morgan, Niederhauser, Okerlund
Robles, Romero, Stephenson, Stowell
Urquhart, Van Tassell, Waddoups

**Absent or not voting were:** Senators
Liljenquist, Valentine

* * *

On motion of Senator Knudson, **S.B. 79, HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS**, was read the second time and circled.

* * *

**S.B. 82, LOCAL HEALTH AUTHORITY FUNDING AMENDMENTS**, was read the second time. Senator Stowell explained the bill. Senator Okerlund commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell, Bramble, Buttars, Christensen
Davis, Dayton, Goodfellow, Greiner
Hinkins, Jenkins, Jones, Killpack
Knudson, Madsen, Mayne, McCoy
Morgan, Niederhauser, Okerlund, Robles
Romero, Stephenson, Stowell, Urquhart
Van Tassell, Waddoups

**Absent or not voting were:** Senators
Hillyard, Liljenquist

* * *

**S.B. 213, RESTAURANT NUTRITION LABELING**, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:
Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators
Bell, Buttars, Christensen, Davis
Dayton, Goodfellow, Greiner, Hillyard
Hinkins, Jenkins, Jones, Knudson
Madsen, Mayne, McCoy, Niederhauser
Okerlund, Robles, Romero, Stephenson
Stowell, Urquhart, Valentine, Van Tassell
Waddoups

Voting in the negative was: Senator Morgan

Absent or not voting were: Senators
Bramble, Killpack, Liljenquist

** **

S.B. 61, HOME SCHOOL AND PRIVATE SCHOOL STUDENTS’ PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, was read the second time. Senator Madsen explained the bill. Senators Waddoups, Morgan, and Buttars commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 10; Absent, 2.

Voting in the affirmative were: Senators
Bell, Bramble, Buttars, Christensen
Davis, Dayton, Hinkins, Jenkins
Killpack, Knudson, Madsen, Niederhauser
Okerlund, Stephenson, Urquhart, Valentine
Waddoups

Voting in the negative were: Senators
Goodfellow, Greiner, Hillyard, Jones
Mayne, McCoy, Morgan, Robles
Romero, Stowell

Absent or not voting were: Senators
Liljenquist, Van Tassell

** **

S.B. 205, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS, was read the second time. Senator Bramble explained the bill.
Senator Bramble proposed the following amendment:

1. Page 1, Line 13

13 modifies the definitions of “base taxable value,” “inactive airport site,” “inactive industrial site,” and “project

2. Page 1, Line 26 through Page 2, Line 28:

26 extends the length of time that an agency may be authorized to be paid tax
27 increment under an urban renewal project area budget for an inactive industrial site
28 or an inactive airport site from 15 to 20 years;—}

3. Page 2, Line 42:

42 the effective date of this bill ; and

4. Page 2, Line 47:

47 This bill provides an immediate effective date.

5. Page 11, Lines 329 through 330:

329 (ii) “Industrial property” means private real property
330 (A) over half of which is located within the boundary of a town, as defined in Section 10−1−104; and

6. Page 11, Lines 331 through 332:

331 (B) comprises some or all of an inactive industrial site.
332 (b) Subject to Subsection (4)(b)(ii), a county agency may undertake urban renewal, economic development, or
property submits a written request to the county agency to do so.

(ii) A county agency may not include a perimeter portion within a project area without the approval of the city in which the perimeter portion is located.

8. Page 19, Line 556:

856 industrial site or inactive airport site, at least 60% of tax increment for at least 15 to 20 years; or

9. Page 19, Line 584:

584 on or after May 11, 2009; or

10. Page 22, Lines 651 through 653:

651 (a) An agency may not use tax increment to pay the debt service of or any other amount related to a bond issued or

652 other obligation incurred if the bond was issued or the obligation was incurred:

(i) by an interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation Act;

(ii) on or after May 11, 2009 if the bond is issued or the obligation is incurred; and

(iii) to finance a telecommunication facility.

(b) Subsection (8)(a) may not be construed to prohibit the refinancing, restatement, or refunding of a bond issued before the effective date of this bill.

11. Page 25, Line 744:

744 An agency that uses tax increment on or after May 11, 2009 to pay for communication

12. Page 25, Line 747:

747 provider of communication service with respect to the communication infrastructure or communication facility for which the tax increment is used; and

13. Page 28, Line 856:

856 (b) An urban renewal project area budget adopted on or after May 11, 2009 shall specify:
14. Page 31, Line 941:

(b) An economic development project area budget adopted on or after May 11, 2009 the effective date of this bill shall

15. Page 32, Line 977:

on or after May 1, 2000 but before May 12, 2009 the effective date of this bill.

16. Page 32, Line 979:

project area budget adopted on or after May 1, 2000 but before May 12, 2009 the effective date of this bill that provides for

17. Page 32, Line 987:

development project area budgets adopted on or after May 1, 2002 but before May 12, 2009 the effective date of this bill, if

18. Page 34, Lines 1031 through 1032:

(3) A resolution adopted or interlocal agreement entered under Subsection (2) on or after May 11, 2009 the effective date of this bill shall specify:

19. Page 37, Line 1116:

resolution approved or an interlocal agreement adopted under Section 17C–4–201.

Section 22. 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.

Section 23. 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 language “the effective date of this bill” with the bill’s actual effective date.
Senator Bramble’s motion to amend passed on a voice vote. Senator Davis commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator Romero

**Absent or not voting were:** Senators

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On motion of Senator Knudson, the circle was removed from S.B. 79, HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, and it was before the Senate. Senator Knudson explained the bill. Senators Valentine, McCoy, Dayton, Liljenquist, Buttars, Robles, Hillyard, Jones, Stephenson, Romero, Niederhauser, and Goodfellow commented. Senators Jones, Goodfellow, and Bramble declared conflicts of interest. The bill passed second reading on the following roll call:

**Yea, 16; Nays, 12; Absent, 1.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting was:** Senator Hillyard
On motion of Senator Killpack and at 4:45 p.m., the Senate adjourned until 9:00 a.m., Wednesday, March 4, 2009.
THIRTY-SEVENTH DAY

MORNING SESSION

March 4, 2009

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

Prayer – Reverend Sean Parker Dennison, South Valley Unitarian Universalist Society
Pledge of Allegiance – Senator Karen Mayne
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2009

The House passed, as substituted and amended, 4th Sub. H.B. 148, VICTIM RIGHTS AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed H.B. 334, WRITING ASSESSMENT AND INSTRUCTION, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed as amended, H.B. 349, HEAVY BEER AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed H.B. 432, HIGHER EDUCATION BUDGET AUTHORITY AMENDMENTS, by Representative K. Holdaway, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. 4th Sub. H.B. 148, H.B. 334, H.B. 349, and H.B. 432 were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: March 3, 2009

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee deleted S.B. 32, WRONGFUL DEATH AMENDMENTS, by
Senator S. McCoy, and replaced it with 1st Sub. S.B. 32, WRONGFUL DEATH AMENDMENTS, and has returned it to the Rules Committee without recommendation; and

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 45, CONCEALED FIREARM PERMIT FOR RETIRED PEACE OFFICER, by Senator B. Goodfellow, to the Rules Committee without recommendation; and

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 125, INTEREST ON PERSONAL INJURY JUDGMENTS, by Senator R. Okerlund, to the Rules Committee without recommendation; and

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 181, CRIMINAL PROSECUTION AMENDMENTS, by Senator D. Liljenquist, to the Rules Committee without recommendation; and

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 227, CONCEALED FIREARM PERMIT FEES AMENDMENTS, by Senator S. McCoy, to the Rules Committee without recommendation; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned 1st Sub. H.B. 294, SURVIVAL ACTION UPON INJURY OR DEATH, by Representative K. McIff, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned H.B. 314, DNA SAMPLE FOR CRIMINAL OFFENSES – AMENDMENTS, by Representative R. Greenwood, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned H.B. 351, COURT FEES AMENDMENTS, by Representative C. Oda, to the Rules Committee.

Scott K. Jenkins, Chair

On motion of Senator Killpack, the committee reports were adopted. 1st Sub. S.B. 32, S.B. 45, S.B. 125, S.B. 181, S.B. 227, 1st Sub. H.B. 294, H.B. 314, and H.B. 351 were returned to the Rules Committee.
Senator Dayton made the motion that any bills which have not been reported out of Senate Standing Committees after the conclusion of their last scheduled meeting be reported back to the Rules Committee. The motion passed.

**THIRD READING CALENDAR**

On motion of Senator Bell, **1st Sub. S.B. 184**, CIVIL FILING FEES, was read the third time and circled.

**1st Sub. S.J.R. 16**, JOINT RESOLUTION SUPPORTING NUCLEAR POWER, was read the third time and explained by Senator Hinkins. Senators Valentine, Romero, Van Tassell, Stowell, Buttars, and Jones commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**1st Sub. S.J.R. 16** was transmitted to the House for consideration.

**4th Sub. S.B. 83**, CONDEMNATION AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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Absent or not voting was: Senator Killpack

4th Sub. S.B. 83 was transmitted to the House for consideration.

* * *

On motion of Senator Greiner, the circle was removed from 2nd Sub. S.B. 176, CIVIL FEES IN SMALL CLAIMS COURTS AMENDMENTS, and it was before the Senate.

Senator Greiner proposed the following amendment:

1. Page 1, Lines 12 through 17

12 This bill:

13 increases the jurisdictional amount for small claims court to $12,500;

14 increases the filing fee for a small claims affidavit from $45 to $75 if the claim, exclusive of court costs, interest, and attorney fees is $2,000 or less;

15 increases the filing fee for a small claims affidavit from $70 to $110 if the claim, exclusive of court costs, interest, and attorney fees is between $2,000 and $7,500;

2. Page 1, Line 22 through Page 2, Line 26:

22 increases the filing fee for a small claims counter affidavit from $35 to $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 if the
claim, exclusive of court costs, interest, and attorney fees is between $2,000 and
$7,500;

3. Page 2, Line 55 through Page 3, Line 59:

(c) The fee for filing a small claims affidavit is:

(i) [\$45] {\$55} \$75 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is $2,000 or less; [and]

(ii) [\$70] {\$90} \$110 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;

4. Page 3, Lines 75 through 79:

(e) The fee for filing a small claims counter affidavit is:

(i) [\$35] {\$45} \$65 if the claim for relief exclusive of court costs, interest, and attorney fees is $2,000 or less; [and]

(ii) [\$50] {\$70} \$90 if the claim for relief exclusive of court costs, interest, and attorney fees is greater than $2,000[•], but less than $7,500;

Senator Greiner’s motion to amend passed on a voice vote. Senator Greiner explained the bill. Senators Urquhart, Waddoups, and Mayne commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell, Bramble, Buttars, Christensen

Davis, Dayton, Goodfellow, Greiner

Jenkins, Jones, Knudson, Liljenquist

Madsen, Mayne, McCoy, Morgan

Niederhauser, Okerlund, Robles, Romero

Urquhart, Van Tassell

**Voting in the negative were:** Senators

Hillyard, Hinkins, Stephenson, Stowell

Waddoups
Absent or not voting were: Senators
Killpack      Valentine

2nd Sub. S.B. 176 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 155, ADOPTION EXCEPTION TO CUSTODY AND VISITATION FOR PERSONS OTHER THAN PARENTS, was read the third time and explained by Senator Hillyard. Senator Romero commented and the bill passed on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators
Bell           Bramble      Buttars      Christensen
Davis          Dayton       Goodfellow  Greiner
Hillyard       Hinkins      Jenkins     Jones
Liljenquist    Madsen       Mayne       Morgan
Niederhauser   Okerlund     Robles      Stephenson
Stowell        Urquhart     Waddoups

Voting in the negative were: Senators
Knudson        McCoy        Romero

Absent or not voting were: Senators
Killpack      Valentine      Van Tassell

1st Sub. S.B. 155 was transmitted to the House for consideration.

* * *

S.B. 11, INCEST AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell           Bramble      Buttars      Christensen
Davis          Dayton       Goodfellow  Greiner
Hinkins        Jenkins      Jones       Killpack
Knudson        Liljenquist  Madsen      Mayne
McCoy          Morgan       Niederhauser Okerlund
Robles         Romero       Stephenson  Stowell
Urquhart       Van Tassell  Waddoups
Absent or not voting were: Senators
Hillyard Valentine

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

***

S.B. 82, LOCAL HEALTH AUTHORITY FUNDING AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hinkins Jenkins Jones Killpack
Knudson Liljenquist Madsen Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Urquhart Valentine Van Tassell Waddoups

Absent or not voting was: Senator
Hillyard

S.B. 82 was transmitted to the House for consideration.

***

On motion of Senator Bell, the circle was removed from 1st Sub. S.B. 184, CIVIL FILING FEES, and it was before the Senate. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

1. Page 5, Lines 127 through 141

127 (aa) The Judicial Council shall by rule establish a schedule of fees for copies of
128 documents and forms and for the search and retrieval of records under Title 63G, Chapter 2,
129 Government Records Access and Management Act. Fees under this Subsection (1)(aa) shall be
credited to the court as a reimbursement of expenditures.

(bb) Any motion or other written application to the court for an order that does not have a fee established by this section is $10.

There is no fee for services or the filing of documents not listed in this section or otherwise provided by law.

Except as provided in this section, all fees collected under this section are paid to the General Fund. Except as provided in this section, all fees shall be paid at the time the clerk accepts the pleading for filing or performs the requested service.

The filing fees under this section may not be charged to the state, its agencies, or political subdivisions filing or defending any action. In judgments awarded in favor of the state, its agencies, or political subdivisions, except the Office of Recovery Services, the court shall order the filing fees and collection costs to be paid by the judgment debtor. The sums collected under this Subsection (1) shall be applied to the fees after credit to the judgment, order, fine, tax, lien, or other penalty and costs permitted by law.

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

On motion of Senator Bell, the bill was circled.

***

S.B. 213, RESTAURANT NUTRITION LABELING, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell         Bramble         Buttars         Christensen
Davis        Dayton          Greiner         Hinkins
Absent or not voting were: Senators

Goodfellow        Hillyard        Knudson

S.B. 213 was transmitted to the House for consideration.

* * *

S.B. 61, HOME SCHOOL AND PRIVATE SCHOOL STUDENTS’ PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, was read the third time and explained by Senator Madsen. Senator Morgan commented and the bill failed on the following roll call:

**Yeas, 13; Nays, 16; Absent, 0.**

Voting in the affirmative were: Senators

Bramble        Buttars        Christensen        Dayton
Jenkins        Killpack       Knudson         Madsen
Niederhauser       Stephenson       Urquhart       Valentine
Waddoups

Voting in the negative were: Senators

Bell        Davis        Goodfellow        Greiner
Hillyard    Hinkins       Jones          Liljenquist
Mayne        McCoy        Morgan         Okerlund
Robles        Romero        Stowell        Van Tassell

S.B. 61 was filed.

* * *

S.B. 205, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell        Bramble        Buttars        Davis
Dayton    Goodfellow        Greiner        Hillyard
Hinkins Jenkins Jones Killpack
Knudson Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Stephenson Stowell Valentine Van Tassell
Waddoups

Voting in the negative was: Senator
Romero

Absent or not voting were: Senators
Christensen Liljenquist Urquhart

S.B. 205 was transmitted to the House for consideration.

* * *

On motion of Senator Knudson, S.B. 79, HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, was read the third time and circled.

SECOND READING CALENDAR

H.B. 42, ADOPTION REVISIONS, was read the second time.

On motion of Senator Jenkins, the bill was circled.

* * *

H.B. 265, POSTMORTEM PROCEDURES AMENDMENTS, was read the second time. Senator Robles explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators
Bell Bramble Buttars Davis
Goodfellow Greiner Hillyard Hinkins
Jenkins Jones Killpack Knudson
Mayne McCoy Morgan Niederhauser
Okerlund Robles Romero Stephenson
Stowell Valentine Van Tassell Waddoups

Voting in the negative was: Senator
Dayton
Absent or not voting were: Senators
Christensen  Liljenquist  Madsen  Urquhart

* * *

H.B. 244, DISRUPTION OF SCHOOL ACTIVITIES, was read the second time.

On motion of Senator Jenkins, the bill was circled.

* * *

H.B. 287, UTAH EDUCATION NETWORK AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Buttars  Davis  Dayton
Goodfellow  Hillyard  Hinkins  Jenkins
Jones  Killpack  Knudson  Mayne
McCoy  Morgan  Niederhauser  Okerlund
Robles  Romero  Stephenson  Stowell
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Bramble  Christensen  Greiner  Liljenquist
Madsen  Urquhart

* * *

H.B. 118, ARCHIVES AND GRAMA REVISIONS, was read the second time. Senator Goodfellow explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Buttars  Davis  Goodfellow
Hillyard  Hinkins  Jenkins  Jones
Killpack  Knudson  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Robles
Romero  Stephenson  Stowell  Valentine
Van Tassell  Waddoups
Absent or not voting were: Senators
Bramble Christensen Dayton Greiner
Liljenquist Madsen Urquhart

***

On motion of Senator Jenkins, H.B. 122, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, was read the second time and circled.

***

H.B. 222, UNBORN CHILD PAIN PREVENTION ACT, was read the second time. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment:

1. Page 1, Lines 14 through 19

   14 performed shall, except when a medical emergency exists and there is not adequate time to comply with the requirements of this bill, be informed (of any) that, upon the woman’s request, an anesthetic or analgesic will be administered to the unborn child, either directly or through the woman, to alleviate organic pain to the unborn child; and of any medical risks to the woman associated with the

   15 alleviate organic pain to the unborn child; and

   16 anesthetic or analgesic (unless:

   17 a medical emergency exists; or

   18 the abortion is being performed to save the life of the woman or to prevent grave damage to her medical health);}

2. Page 1, Line 26:

   26 includes information (from both sides of the issue) relating to the ability of an

3. Page 2, Lines 32 through 36:

   32 anesthetic or analgesic, unless
33 { a medical emergency exists; { or } and
there is not adequate time to comply with the requirements of this bill; and
34 { the physician informs the woman that the physician, or the facility at which the
abortion is to be performed, cannot or does not provide the service of
35 administering an anesthetic or analgesic to an unborn child; and } }

4. Page 2, Lines 40 through 41:

40 Other Special Clauses:
41 { None } This bill coordinates with H.B. 90 by providing substantive and technical amendments.

5. Page 3, Lines 63 through 64

House Floor Amendments 2–5–2009:
63 informs the woman { of }:
64 (i) consistent with Subsection (3)(a), of the nature of the proposed abortion procedure or

6. Page 3, Line 68

House Floor Amendments 2–5–2009:
68 (ii) of the probable gestational age and a description of the development of the unborn

7. Page 3, Line 70

House Floor Amendments 2–5–2009:
70 (iii) of the medical risks associated with carrying her child to term; and

8. Page 3, Lines 73 through 75

House Floor Amendments 2–5–2009:
73 (A) { any } that, upon the woman’s request, an anesthetic or analgesic { that would } will be administered to the
unborn child, either directly or through the woman, to eliminate or alleviate organic pain to the unborn child that may be caused by the particular method of abortion to be employed; and

(B) of any medical risks to the woman that are associated with

9. Page 4, Line 119 through Page 5, Line 121:

(b) The information described in Subsection (2)(a)(iv) may be omitted from the information required to be provided to a pregnant woman under this section if:

(i) the abortion is performed for a reason described in Subsection 76−302(2)(a) or (d);

(ii) due to a serious medical emergency, time does not permit compliance with the requirement to provide the information described in Subsection (2)(a)(iv).

10. Page 6, Lines 161 through 165:

(8) A physician is not guilty of violating this section for failure to furnish any of the information described in Subsections (2)(a)(i) through (iii) or (2)(b) through (f), if, in the physician’s professional judgment, the abortion was to prevent the birth of a child who would have been born with grave defects.

11. Page 8, Line 223

House Floor Amendments 2−5−2009:

(8) brochure that contains truthful, nonmisleading information on both sides of the issue regarding:

12. Page 8, Lines 232 through 236

House Floor Amendments 2−5−2009:
(b) A person or facility is not required to provide the information described in Subsection (2)(a) to a patient or potential patient, unless the abortion is to be performed:

(i) on an unborn child who is at least 20 weeks gestational age at the time of the abortion;

(ii) on an unborn child who is at least 20 weeks gestational age at the time of the abortion, if:

(A) the abortion is being performed for a reason other than a reason described in Subsection 76–7–302(2)(a) or (d); and

(B) due to a serious medical emergency, time does not permit compliance with the requirement to provide the information described in Subsection (2)(a).

13. Page 9, Line 274 through Page 10, Line 283:

A physician who performs an abortion of an unborn child who is at least 20 weeks gestational age shall administer an anesthetic or analgesic to eliminate or alleviate organic pain to the unborn child that may be caused by the particular method of abortion to be employed, if the woman having the abortion consents to the administration of an anesthetic or analgesic to the unborn child, unless:

(1) the physician is prevented from administering the anesthetic or analgesic by a medical emergency; or

(2) prior to performing the abortion, the physician informs the woman that the physician, or the facility at which the abortion is to be performed, cannot or does not provide the service of administering an anesthetic or analgesic to an unborn child.
14. Page 10, Line 288:

After line 288 insert:


If this H.B. 222 and H.B. 90, Abortion Law Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by modifying:

(1) Subsection 76–7–305(3)(b)(ii)(A) to read as follows:

“(ii)(A) the abortion is being performed for a reason described in Subsection 76–7–302(3)(b)(i); and “; and

(2) Subsection 76–7–305.5(2)(b)(ii)(A) to read as follows:

“(A) the abortion is being performed for a reason described in Subsection 76–7–302(3)(b)(i); and “; “

Senator Buttars’ motion to amend passed on a voice vote.

On motion of Senator Buttars, the bill was circled.

***

H.B. 275, DOMESTIC VIOLENCE IN PRESENCE OF A CHILD AMENDMENTS, was read the second time.

On motion of Senator Greiner, the bill was circled.

***

On motion of Senator Greiner, the circle was removed from H.B. 244, DISRUPTION OF SCHOOL ACTIVITIES, and it was before the Senate. Senator Greiner explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 1, Line 11

   House Committee Amendments
   1–28–2009

   This bill:
   ► provides a definition of school property, which includes certain areas where school programs or activities are being conducted;

2. Page 2, Lines 31a through 31b

   Senate Committee Amendments
   2–24–2009:
(b) “School property” means real property:

(i) that is owned or occupied by a public or private school;

(ii) (A) that is temporarily occupied by students for a school–related activity or program; and

(B) regarding which, during the time the activity or program is being conducted, the main use of the real property is allocated to participants in the activity or program, including real property temporarily occupied by students for a school activity or

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

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

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator Jenkins

**Absent or not voting were:** Senators

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

The Senate was called to order at 10:55 a.m., with President Waddoups presiding.

**On motion of Senator Dayton, the circle was removed from H.B. 275, DOMESTIC VIOLENCE IN PRESENCE OF A CHILD AMENDMENTS, and it was before the Senate. Senator Dayton explained the bill. The bill passed second reading on the following roll call:**
Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators
Bell Christensen Davis Dayton
Greiner Hinkins Jenkins Jones
Knudson Liljenquist Madsen Mayne
McCoy Morgan Okerlund Robles
Romero Urquhart Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Buttars Goodfellow Hillyard
Killpack Niederhauser Stephenson Stowell
Valentine

* * *

H.B. 129, ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS, was read the second time. Senator Davis explained the bill.

Senator Davis proposed the following amendment:

1. Page 7, Line 207 through Page 8, Line 216
   House Committee Amendments
   2–9–2009

207  (1) Subject to the other provisions of this section, a retail licensee to whom a minor is liable under Section 32A–14b–201 may bring
208  an action in a court of competent jurisdiction to collect the amount described in Section
209  32A–14b–201.
210  (2) The action allowed under this section may be brought against:
211  (a) the minor; or
212  (b) if the minor is less than 18 years of age, a parent or guardian of the minor.
213  (3) An action under this chapter may not be commenced more than two years after the
214  day on which the applicable fine is imposed by the commission.
215  (4) Nothing in this chapter precludes a cause of action or additional recovery against a
(5) Notwithstanding the other provisions of this part:
(a) the state or an agency of the state is not liable under this part when a
state agency has legal or protective custody of, or has guardianship of a
minor at the time:
(i) the minor engages in conduct with regard to a violation related to a
minor; or
(ii) an applicable fine is imposed on the retail licensee by the
commission; and
(b) a retail liquor licensee may not bring an action against the state or an
agency of the state under the circumstances described in Subsection
(5)(a).

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

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

Voting in the affirmative were: Senators

Bell  Buttars  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Knudson
Liljenquist  Madsen  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Robles
Romero  Stowell  Urquhart  Van Tassell
Waddoups

Absent or not voting were: Senators

Bramble  Killpack  Stephenson  Valentine

On motion of Senator Knudson, H.B. 129 was placed on Third Reading Table
due to fiscal impact.

* * *

On motion of Senator Buttars, the circle was removed from H.B. 222,
UNBORN CHILD PAIN PREVENTION ACT, and it was before the Senate.
Senator Buttars explained the bill. Senators McCoy, Romero, and Jenkins
commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators

Bell  Bramble  Buttars  Christensen
Dayton  Greiner  Hillyard  Hinkins
On motion of Senator Bramble, the circle was removed from H.B. 122, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 1, Lines 21 through 23
   House Floor Amendments 2–18–2009

   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 a preponderance
   of the evidence or by clear and convincing evidence, as
   applicable, that the public
   23a interest favoring access to the record outweighs the interest
   favoring restriction of access to the
   23b record ; and

2. Page 18, Lines 546 through 550
   House Floor Amendments 2–18–2009:

   546 Section 5. Section 63G–2–406 is enacted to read:
   547 63G–2–406. Evidentiary standards for release of certain enforcement and litigation records.
[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).] {Records that are} (1) A record that is 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 a preponderance of the evidence, that the public interest favoring access outweighs the interest favoring restriction of access.

(2) A record that is classified as protected under Subsection 65G-2-305(10) 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) 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.

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

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

Romero
Absent or not voting was: Senator Killpack

***

On motion of Senator Knudson, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Knudson, H.B. 265 was placed on Third Reading Table due to fiscal impact.

SECOND READING CALENDAR

1st Sub. H.B. 165, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, was read the second time.

On motion of Senator Bell, the bill was circled.

***

On motion of Senator Jenkins, and at 11:40 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:45 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2009

The House passed, 1st Sub. S.B. 21, STATE AND LOCAL HEALTH AUTHORITIES AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 116, CRIMINAL PENALTY AMENDMENTS, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 120, WORKERS’ COMPENSATION ACT – MEDICAL REPORTS, by Senator K. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 133, ABUSE OR NEGLECT OF A DISABLED CHILD, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and
The House passed, **S.B. 152**, LEGISLATIVE MANAGEMENT POWERS, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 156**, GIFTS AND MEAL PROVISIONS FOR PUBLIC OFFICIALS, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 162**, USE OF CAMPAIGN FUNDS AMENDMENTS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 165**, STATUTE OF LIMITATION REVISIONS, by Senator M. Madsen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 173**, EMOTIONAL SUPPORT ANIMALS AND PSYCHIATRIC THERAPY ANIMALS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**1st Sub. S.B. 21, 1st Sub. S.B. 116, S.B. 120, S.B. 133, S.B. 152, S.B. 156, S.B. 162, 1st Sub. S.B. 165, and S.B. 173** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

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Mr. President:

The House concurred in the Senate amendments and passed **H.B. 32**, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, by Representative B. Ferry, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 112**, VEHICLE TOWING AMENDMENTS, by Representative T. Kiser, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 329**, WRONGFUL DEATH CLAIMS, by Representative L. Fowlke, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.J.R. 1**, 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 President.

Sandy D. Tenney, Chief Clerk

H.B. 32, H.B. 112, 1st Sub. H.B. 329, and 1st Sub. H.J.R. 1, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 4, 2009

The House passed H.B. 449, VETERANS NURSING HOME AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed H.C.R. 9, CONCURRENT RESOLUTION HONORING DON PEAY, by Representative B. Dee, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 449 and H.C.R. 9 were read the first time and referred to the Rules Committee.

* * *

Mr. President: March 4, 2009

The House passed, as amended, S.B. 39, IMMIGRATION AMENDMENTS, by Senator S. Jenkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

STANDING COMMITTEE REPORTS

Mr. President: March 4, 2009

The Business and Labor Committee reports a favorable recommendation on S.B. 236, UNINSURED AND UNDERINSURED MOTORIST COVERAGE AMENDMENTS, by Senator M. Madsen; and

The Business and Labor Committee reports a favorable recommendation on 1st Sub. H.B. 110, FINANCIAL TRANSACTION CARD OFFENSES, by Representative Julie Fisher; and

The Business and Labor Committee reports a favorable recommendation on 1st Sub. H.B. 280, INSURANCE CODE – CONTINUING EDUCATION, by Representative J. Bird; and
The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 313**, SOCIAL HOST LIABILITY ACT, by Representative E. Hutchings.

John L. Valentine, Chair

Mr. President: March 3, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 156**, SUBDIVISION APPROVAL AMENDMENTS, by Representative R. C. Webb; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 259**, CHANGES TO IMPACT FEES, by Representative S. Sandstrom, with the following amendments:

1. Page 15, Lines 443 through 445:

   443 (i) the school is intended to replace another school, whether on the same or a different parcel;  
   444 (ii) the new school creates no greater demand or need for public facilities than the school being replaced; and  
   445 (iii) the new school and the school being replaced are both within:

Peter C. Knudson, Chair

Mr. President: March 3, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 5**, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, by Senator W. Niederhauser; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 418**, DELINQUENT PROPERTY TAX AMENDMENTS, by Representative G. Froerer.

Wayne L. Niederhauser, Chair

Mr. President: March 3, 2009

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **1st Sub. H.B. 283**, ILLEGAL USE OF MOTOR VEHICLES, by Representative M. Noel, with the following amendments:
Day 377: SENATE JOURNAL

1. Page 5, Lines 145 through 146
   House Floor Amendments
   2–25–2009:

   145 (ii) require the person to pay restitution not to exceed $500 for any damage caused by
   146 the unlawful motor vehicle travel; and

2. Page 6, Lines 173 through 174:

   173 (b) require the person to pay restitution not to exceed $500 for damage caused by the
   174 unlawful motor vehicle use; and

3. Page 6, Lines 179 through 180:

   179 (a) impose a fine not to exceed $1,000; and
   180 (b) require the person to pay restitution not to exceed $1,000 for damage caused by the; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on H.B. 412, ENERGY POLICY AMENDMENTS, by Representative R. Barrus, with the following amendments:

1. Page 3, Line 75:
   After “long-term” insert “wholesale”; and

The Workforce Services and Community and Economic Development 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.

Mark B. Madsen, Chair

Mr. President: March 4, 2009

The Health and Human Services Committee reports a favorable recommendation on 1st Sub. H.B. 64, DETERRING ILLEGAL IMMIGRATION, by Representative B. Dee; and
The Health and Human Services Committee reports a favorable recommendation on **H.B. 399**, CHARITABLE CARE AMENDMENTS, by Representative B. Last.

D. Chris Buttars, Chair


**STANDING COMMITTEE REPORTS**

Mr. President: March 4, 2009

The Business and Labor Committee reports a favorable recommendation on **H.B. 192**, PERSONAL INJURY JUDGMENT INTEREST, by Representative J. Dunnigan, and recommends it be considered read for the second time and placed on the Consent Calendar.

John L. Valentine, Chair

Mr. President: March 3, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 18**, JOINT RESOLUTION ON FISCAL NOTE PROCESS, by Senator W. Niederhauser, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 245**, UTAH STATE 911 COMMITTEE AMENDMENTS, by Representative C. Oda, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 310**, AUTHORITY OF LIEUTENANT GOVERNOR TO PERFORM MARRIAGE, by Representative C. Wimmer, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 323**, AMENDMENTS REGARDING NOTICE ON UTAH PUBLIC NOTICE WEBSITE, by Representative B. Winn, and recommends it be considered read for the second time and placed on the Consent Calendar; and
The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 390, ABSENTEE BALLOT AMENDMENTS, by Representative J. Mathis, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on 1st Sub. H.B. 413, COUNTY AUTHORITY AMENDMENTS, by Representative R. Menlove, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.J.R. 18, JOINT RESOLUTION FOR LEGISLATIVE APPROPRIATION SUBCOMMITTEE NAME CHANGE, by Representative N. Hendrickson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: March 3, 2009

The Workforce Services and Community and Economic Development Committee recommends S.B. 271, JUDICIAL CONDUCT COMMISSION AMENDMENTS, by Senator G. Davis, be replaced and favorably recommends 1st Sub. S.B. 271, JUDICIAL CONDUCT COMMISSION AMENDMENTS and that it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

On motion of Senator Davis, the committee reports were adopted. H.B. 192, S.J.R. 18, H.B. 245, H.B. 310, H.B. 323, H.B. 390, 1st Sub. H.B. 413, H.J.R. 18, and 1st Sub. S.B. 271 were considered read the second time and placed on the Consent Calendar.

On motion of Senator Davis, the Senate voted to lift 1st Sub. S.B. 271 from the Consent Calendar and placed it at the top of the Second Reading Calendar.

* * *

Mr. President: March 4, 2009

With committee review, the Business and Labor Committee has returned S.B. 267, LANDLORD DISCLOSURE REQUIREMENTS, by Senator R. Romero, to the Rules Committee without recommendation; and

The Business and Labor Committee has returned 2nd Sub. H.B. 141, BILLBOARD AMENDMENTS, by Representative C. Frank, to the Rules Committee; and
Without committee review, the Business and Labor Committee has returned **H.B. 327**, BUILDING INSPECTOR AMENDMENTS, by Representative D. Aagard, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **2nd Sub. H.B. 400**, PETE SUAZO UTAH ATHLETIC COMMISSION AMENDMENTS, by Representative C. Oda, to the Rules Committee; and

The Business and Labor Committee has returned **H.B. 402**, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS, by Representative K. Garn, to the Rules Committee.

John L. Valentine, Chair

Mr. President: March 4, 2009

Without committee review, the Health and Human Services Committee has returned **S.B. 86**, AMENDMENTS TO PREFERRED DRUG LIST, by Senator A. Christensen, to the Rules Committee; and

Without committee review, the Health and Human Services Committee has returned **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, to the Rules Committee.

D. Chris Buttars, Chair

Mr. President: March 3, 2009

With committee review, the Education Committee has returned **S.B. 109**, LOCAL SCHOOL FUNDING LEGISLATIVE TASK FORCE, by Senator D. C. Buttars, to the Rules Committee and recommends the bill be referred to interim study; and

With committee review, the Education Committee has returned **S.B. 113**, DELAYED EFFECTIVE DATE FOR ILLEGAL IMMIGRATION LEGISLATION, by Senator P. Jones, to the Rules Committee without recommendation; and

With committee review, the Education Committee has returned **S.B. 123**, SCHOOL DISTRICT DIVISION PROCESS, by Senator L. Hillyard, to the Rules Committee without recommendation with the following amendments:

1. Page 5, Lines 128 through 142:

   128 (5) (a) If a proposal submitted under Subsection (2)(a)(iii) is certified under Subsection
(2)(f) or (g), the legislative body of each county in which part of the proposed new school district is located shall submit the proposal to the respective clerk of each county to be voted on:

(i) (A) by the legal voters residing within the [proposed new] existing school district if the student enrollment in the proposed new school district is greater than or equal to 15,000 students or 25 percent of the student enrollment of the existing school district; and

(B) by the legal voters residing within the proposed new school district boundaries if the student enrollment in the proposed new school district is less than 15,000 students or 25 percent of the student enrollment of the existing district;

(ii) in accordance with the procedures and requirements applicable to a regular general election under Title 20A, Election Code; and

(iii) at the next regular general election or municipal general election, whichever is first.

(b) (i) If a majority of the legal voters voting on the proposal at an election under Subsection (5)(a) vote in favor of the creation of the new district:

(A) each county legislative body shall, within 60 days after the canvass date, file with the lieutenant governor the written notice, with the accompanying map or plat, required under ; and

Without committee review, the Education Committee has returned S.B. 177, NEW SCHOOL DISTRICT AMENDMENTS, by Senator D. C. Buttars, to the Rules Committee; and

With committee review, the Education Committee has returned 1st Sub. H.B. 150, STATE BOARD OF EDUCATION MEMBER ELECTION PROCESS AMENDMENTS, by Representative C. Moss, et al, to the Rules Committee without recommendation; and
Without committee review, the Education Committee has returned 1st Sub. H.B. 207, CONCURRENT ENROLLMENT AMENDMENTS, by Representative K. Holdaway, to the Rules Committee; and

With committee review, the Education Committee has returned H.B. 238, EXEMPTION OF UNIVERSITY HOUSING FROM EVICTION LAWS, by Representative K. Holdaway, to the Rules Committee without recommendation; and

With committee review, the Education Committee has returned H.B. 312, AMENDED CAMPAIGN FINANCE FILINGS, by Representative S. Allen, to the Rules Committee without recommendation; and

Without committee review, the Education Committee has returned H.J.R. 13, JOINT RESOLUTION − TEACHER PERFORMANCE PAY, by Representative M. Poulson, et al, to the Rules Committee.

Curtis S. Bramble, Chair

Mr. President: March 3, 2009

With committee review, the Revenue and Taxation Committee deleted S.B. 47, GRANT IN LIEU OF PROPERTY TAXES ACT, by Senator G. Davis, and replaced it with 1st Sub. S.B. 47, COUNTY REGIONAL FACILITIES PROPERTY TAX, and has returned it to the Rules Committee without recommendation; and

With committee review, the Revenue and Taxation Committee has returned S.B. 130, INCOME TAX CREDIT − CONTRIBUTIONS FOR WHICH FEDERAL MATCHING MONIES ARE OFFERED, by Senator S. McCoy, to the Rules Committee with a recommendation that it be referred to interim study; and

Without committee review, the Revenue and Taxation Committee has returned S.B. 238, COAL SEVERANCE TAX, by Senator G. Davis, to the Rules Committee; and

With committee review, the Revenue and Taxation Committee has returned 2nd Sub. H.B. 246, PROPERTY TAX − RESIDENTIAL EXEMPTION, by Representative G. Froerer, to the Rules Committee without recommendation.

Wayne L. Niederhauser, Chair

Mr. President: March 4, 2009

Without committee review, the Workforce Services and Community and Economic Development Committee has returned H.B. 195, UTAH UNIFORM
PROBATE CODE – TRUST AMENDMENTS, by Representative R. Lockhart, to the Rules Committee; and

Without committee review, the Workforce Services and Community and Economic Development Committee has returned **1st Sub. H.B. 204**, CONCEALED FIREARMS INSTRUCTORS AMENDMENTS, by Representative C. Oda, to the Rules Committee; and

Without committee review, the Workforce Services and Community and Economic Development Committee has returned **H.B. 206**, EMPLOYMENT SELECTION PROCEDURES, by Representative W. Harper, to the Rules Committee; and

Without committee review, the Workforce Services and Community and Economic Development Committee has returned **H.B. 209**, AMENDMENTS TO CRIMINAL APPEALS, by Representative Julie Fisher, to the Rules Committee; and

Without committee review, the Workforce Services and Community and Economic Development Committee has returned **H.B. 221**, COUNTY CORRECTIONAL FACILITIES FUNDING AMENDMENTS, by Representative M. Noel, to the Rules Committee; and

Without committee review, the Workforce Services and Community and Economic Development Committee has returned **1st Sub. H.B. 237**, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT, by Representative C. Herrod, to the Rules Committee; and

Without committee review, the Workforce Services and Community and Economic Development Committee has returned **1st Sub. H.B. 299**, UNLAWFUL DETAINER AMENDMENTS, by Representative G. Froerer, to the Rules Committee.

Mark B. Madsen, Chair

Mr. President: March 3, 2009

Without committee review, the Transportation and Public Utilities and Technology Committee has returned **S.B. 151**, DRIVER LICENSE DEFENSIVE DRIVING COURSE AMENDMENTS, by Senator K. Van Tassell, to the Rules Committee; and

Without committee review, the Transportation and Public Utilities and Technology Committee has returned **S.B. 178**, CLASS B AND C ROADS AMENDMENTS, by Senator K. Van Tassell, to the Rules Committee; and
Without committee review, the Transportation and Public Utilities and Technology Committee has returned 1st Sub. H.B. 290, PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE, by Representative S. Clark, to the Rules Committee; and

Without committee review, the Transportation and Public Utilities and Technology Committee has returned H.B. 325, OPTING OUT OF THE REAL ID ACT, by Representative S. Sandstrom, to the Rules Committee; and

Without committee review, the Transportation and Public Utilities and Technology Committee has returned H.B. 387, MOTORCYCLE HELMET AMENDMENTS, by Representative R. Menlove, to the Rules Committee.

Stephen H. Urquhart, Chair


SECOND READING CALENDAR

On motion of Senator Bell, 1st Sub. H.B. 188, HEALTH SYSTEM REFORM – INSURANCE MARKET, was read the second time and circled.

***

On motion of Senator Davis, 2nd Sub. H.B. 331, HEALTH REFORM – HEALTH INSURANCE COVERAGE IN STATE CONTRACTS, was read the second time and circled.

***

On motion of Senator Urquhart, H.B. 205, WATER SOURCE PROTECTION AMENDMENTS, was read the second time and circled.

***

On motion of Senator Knudson, the Senate voted to move to Third Reading Calendar.
THIRD READING CALENDAR

On motion of Senator Knudson, the circle was removed from S.B. 79, HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, and it was before the Senate.

Senator Valentine made a motion to substitute the bill. The motion failed on the following roll call vote:

**Yeas, 12; Nays, 15; Absent, 2.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

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Senator Stephenson made a motion for the Senate to reconsider its action on the substitute bill. The motion passed on a voice vote.

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

2nd Sub. S.B. 79 Health Reform – Medical Malpractice Amendments (J. Valentine)

The motion passed on the following roll call vote:

**Yeas, 16; Nays, 13; Absent, 0.**

**Voting in the affirmative were:** Senators

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Voting in the negative were: Senators
Dayton            Hinkins             Jenkins            Jones
Killpack          Knudson            Liljenquist         Madsen
Niederhauser      Okerlund           Stowell            Urquhart
Waddoups

Senators Romero and Bell commented.

On motion of Senator Knudson, the bill was circled.

SPECIAL PRESENTATION

A citation was given to Utah’s Mother of the Year and Young Mother of the Year, Danielle Kennington and Dixie Clifford.

STANDING COMMITTEE REPORTS

Mr. President: March 4, 2009

Without committee review, the Government Operations and Political Subdivisions Committee has returned S.B. 60, DISTRICTS PROVIDING SERVICE TO TAXED PROPERTY, by Senator M. Waddoups, to the Rules Committee; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned H.B. 17, EXPEDITED PARTNER THERAPY TREATMENT, by Representative J. Seelig, to the Rules Committee; and

With committee review, the Government Operations and Political Subdivisions Committee has returned H.B. 48, BALLOT QUESTION AMENDMENTS, by Representative K. Grover, to the Rules Committee without recommendation; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned H.B. 309, COUNTY FISCAL PROCEDURES AMENDMENTS, by Representative C. Herrod, to the Rules Committee.

Peter C. Knudson, Chair

On motion of Senator Killpack, the committee reports were adopted. S.B. 60, H.B. 17, H.B. 48, and H.B. 309 were returned to the Rules Committee.
SECOND READING CALENDAR

On motion of Senator Liljenquist, the circle was removed from H.B. 42, ADOPTION REVISIONS, and it was before the Senate. Senator Liljenquist explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 1; Absent, 6.**

**Voting in the affirmative were:** Senators
Bell  Bramble  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Liljenquist
Madsen  Morgan  Niederhauser  Okerlund
Robles  Romero  Stephenson  Stowell
Valentine  Waddoups

**Voting in the negative was:** Senator
McCoy

**Absent or not voting were:** Senators
Buttars  Killpack  Knudson  Mayne
Urquhart  Van Tassell

* * *

On motion of Senator Bell, the circle was removed from 1st Sub. H.B. 165, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, and it was before the Senate.

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

**3rd Sub. H.B. 165 Health Reform – Administration Simplification**
(M. Newbold)

Senator Bell explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hinkins  Jenkins  Jones  Killpack
On motion of Senator Bell, the circle was removed from 1st Sub. H.B. 188, HEALTH SYSTEM REFORM – INSURANCE MARKET, and it was before the Senate.

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

2nd Sub. H.B. 188 Health System Reform – Insurance Market (D. Clark)

Senator Bell explained the bill. Senators Killpack, Stowell, Davis, Christensen, Buttars, Stephenson, and Niederhauser commented.

Senator Bell proposed the following amendment:

1. Page 18, Line 535

   535 law , provided that the insurer offers one plan under Subsection (2)(a) that covers the mandate enacted after January 1, 2009 ; and

2. Page 19, Lines 555 through 556:

   555 (c) beginning July 1, 2012 may offer products under Subsection (3)(a) that ;
   
   (i) are not

   556 subject to Subsection 31A–22–617(2); and
   
   (ii) are subject to the reimbursement requirements in Section 31A–8–501;

3. Page 19, Line 559:

   559 reimbursement level of at least 75% of tier one providers ; and

   (c) are not subject to coverage mandates enacted after January 1, 2009 that are not required by federal law, provided that an insurer offers one plan that covers a mandate enacted after January 1, 2009 ;
Senator Bell’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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On motion of Senator Jenkins, **2nd Sub. H.B. 188** was placed on Third Reading Table due to fiscal impact.

***

On motion of Senator Davis, the circle was removed from **2nd Sub. H.B. 331**, HEALTH REFORM – HEALTH INSURANCE COVERAGE IN STATE CONTRACTS, and it was before the Senate. Senator Davis explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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On motion of Senator Urquhart, the circle was removed from **H.B. 205**, WATER SOURCE PROTECTION AMENDMENTS, and it was before the
Senate. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
- Buttars
- Christensen
- Davis
- Dayton
- Goodfellow
- Hinkins
- Jenkins
- Jones
- Killpack
- Liljenquist
- Madsen
- Mayne
- McCoy
- Niederhauser
- Okerlund
- Robles
- Romero
- Stephenson
- Stowell
- Urquhart
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators
- Bell
- Bramble
- Greiner
- Hillyard
- Knudson
- Morgan
- Valentine

***

1st Sub. H.J.R. 12, JOINT RESOLUTION SUPPORTING HYDROGEN POWER FROM ADVANCED COAL AND CARBON CAPTURE AND SEQUESTRATION TECHNOLOGY, was read the second time. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
- Buttars
- Christensen
- Davis
- Dayton
- Goodfellow
- Hinkins
- Jenkins
- Jones
- Killpack
- Liljenquist
- Madsen
- Mayne
- McCoy
- Morgan
- Niederhauser
- Okerlund
- Robles
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- Stowell
- Urquhart
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators
- Bell
- Bramble
- Greiner
- Hillyard
- Knudson
- Valentine

***

On motion of Senator Liljenquist, H.B. 125, IMPACT FEE AMENDMENTS, was read the second time and circled.

***

On motion of Senator Liljenquist, H.B. 140, MOTOR VEHICLE REGISTRATION FEE AMENDMENTS, was read the second time and circled.
**H.B. 136, SEX OFFENDER DEFINITION AMENDMENTS**, was read the second time. Senator Buttars explained the bill. Senator McCoy commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Greiner | Hillyard | Knudson | Valentine |

**H.B. 108, HORMONE RESTORATION AMENDMENTS**, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

Dayton
Absent or not voting were: Senators
Greiner    Hillyard   Knudson   Valentine

***

1st Sub. H.B. 126, VOTER IDENTIFICATION FOR ELECTIONS, was read the second time.

On motion of Senator Madsen, the bill was circled.

***

H.B. 317, CAPITAL FELONY AMENDMENTS, was read the second time.

On motion of Senator Madsen, the bill was circled.

***

1st Sub. H.B. 151, MOTOR VEHICLE FORFEITURE AMENDMENTS, was read the second time. Senator Killpack explained the bill. Senators Waddoups, Jenkins, and Buttars commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell        Bramble  Buttars    Christensen
Davis       Dayton    Goodfellow Greiner
Jenkins     Jones     Killpack  Liljenquist
Madsen      Mayne     McCoy     Morgan
Niederhauser Okerlund  Romero    Stephenson
Stowell     Urquhart  Valentine Van Tassell
Waddoups

Voting in the negative was: Senator
Hinkins

Absent or not voting were: Senators
Hillyard    Knudson    Robles

***

On motion of Senator Greiner, the circle was removed from 2nd Sub. H.B. 220, STATE PAYMENT AND REIMBURSEMENT TO COUNTY
CORRECTIONAL FACILITIES, and it was before the Senate. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

**Y eas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Christensen  
Davis  Dayton  Goodfellow  Greiner  
Hinkins  Jenkins  Jones  Killpack  
Liljenquist  Madsen  Mayne  McCoy  
Morgan  Okerlund  Robles  Romero  
Stephenson  Stowell  Urquhart  Van Tassell  
Waddoups

**Absent or not voting were:** Senators

Hillyard  Knudson  Niederhauser  Valentine

On motion of Senator Greiner, **2nd Sub. H.B. 220** was placed on Third Reading Table due to fiscal impact.

***

On motion of Senator Killpack, the Senate voted to lift **S.B. 73**, UNINCORPORATED AREAS AMENDMENTS, to the top of the Second Reading Calendar.

***

On motion of Senator Killpack and at 5:10 p.m., the Senate adjourned until 9:00 a.m., Thursday, March 5, 2009.
THIRTY-EIGHTH DAY
MORNING SESSION
March 5, 2009

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

Prayer – President David Jensen, Counselor in the Eagle Mountain Stake, The Church of Jesus Christ of Latter-day Saints

Pledge of Allegiance – Senator Luz Robles

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2009

The House passed, 1st Sub. S.B. 29, SAFE DRINKING WATER ACT AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 53, AWARDING OF ATTORNEY FEES, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 90, METAL THEFT AMENDMENTS AND PENALTIES, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 98, MOTOR FUEL THEFT PENALTIES, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 102, SHARE THE ROAD SPECIAL GROUP LICENSE PLATE, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 121, WORKERS’ COMPENSATION – ATTORNEY FEES, by Senator K. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and
The House passed, 2nd Sub. S.B. 124, INDEMNIFICATION FOR DESIGN PROFESSIONAL SERVICES, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 160, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 170, JUDICIARY AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 29, 1st Sub. S.B. 53, S.B. 90, S.B. 98, S.B. 102, S.B. 121, 2nd Sub. S.B. 124, S.B. 160, and S.B. 170 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 4, 2009

The House passed H.B. 302, DISTRIBUTION OF TOBACCO SETTLEMENT MONIES AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as amended, H.B. 444, BUDGET IMPLEMENTATION ADJUSTMENTS – TOBACCO SETTLEMENT FUNDS, by Representative R. Bigelow, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 302 and H.B. 444 were read the first time and referred to the Rules Committee.

* * *

Mr. President: March 4, 2009

The House passed, as amended, S.B. 35, SALES AND USE TAX DEFINITIONS RELATING TO PROPERTY, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House passed, as amended, 2nd Sub. S.B. 56, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, by Senator S. Killpack, and it is transmitted for further consideration; and
The House passed, as amended, **S.B. 118**, PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS, by Senator J. Greiner, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

**CONSENT CALENDAR**

**H.B. 144**, MEDICAL LANGUAGE INTERPRETER ACT, was read the third time, explained by Senator Christensen, and passed on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Bramble | Hillyard | Knudson | Liljenquist |
| McCoy | Niederhauser | Robles | Urquhart |
| Valentine | | | |

**H.B. 144** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

**H.B. 254**, HEALTH PROFESSIONAL AUTHORITY – DEATH CERTIFICATES, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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Voting in the negative was: Senator Dayton

Absent or not voting were: Senators Hillyard, Knudson, McCoy

H.B. 254 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.J.R. 3, JOINT RESOLUTION SUPPORTING EFFORTS TO INCREASE AND IMPROVE CANCER TREATMENT, SCREENING, AND RESEARCH PROGRAMS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators Bell, Bramble, Buttars, Christensen, Davis, Dayton, Goodfellow, Greiner, Hillyard, Hinkins, Jenkins, Jones, Killpack, Knudson, Mayne, McCoy, Morgan, Niederhauser, Okerlund, Robles, Romero, Stephenson, Urquhart, Van Tassell, Waddoups

Absent or not voting were: Senators Liljenquist, Madsen, Stowell, Valentine

H.J.R. 3 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.J.R. 5, JOINT RESOLUTION SUPPORTING NEEDED IMPROVEMENTS IN THE NAVAJO NATION’S ABILITY TO COLLECT AND TRACK CHILD SUPPORT PAYMENTS, was read the third time, explained by Senator , and passed on the following roll call:
Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hinkins Jones Liljenquist Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Urquhart
Van Tassell Waddoups

Absent or not voting were: Senators
Hillyard Jenkins Killpack Knudson
Madsen Stowell Valentine

1st Sub. H.J.R. 5 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Stephenson, the Senate voted to lift H.B. 197, REAUTHORIZATION OF ADMINISTRATIVE RULES, from the Consent Calendar and place it at the top of the Second Reading Calendar.

***

H.B. 375, LOCAL GOVERNMENT RECORDS AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jones Killpack
Knudson Liljenquist Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Jenkins Madsen Stowell Urquhart

H.B. 375 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
H.B. 292, TRAFFIC VIOLATION AND CITATION AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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H.B. 292 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**S.B. 215, JUSTICE FOR ALL SPECIAL GROUP LICENSE PLATE, was read the third time, explained by Senator Bell, and passed on the following roll call:**

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 215 was transmitted to the House for consideration.
**S.B. 218, COMMUNITY ANIMAL SHELTER AND ADOPTION SUPPORT SPECIAL GROUP LICENSE PLATE, was read the third time, explained by Senator Knudson, and passed on the following roll call:**

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**S.B. 218 was transmitted to the House for consideration.**

**STANDING COMMITTEE REPORTS**

**Mr. President:** March 5, 2009

The Retirement and Independent Entities Committee recommends **S.B. 76, ENERGY AMENDMENTS, by Senator C. Bramble, be replaced and favorably recommends 3rd Sub. S.B. 76, ENERGY AMENDMENTS.**

Daniel R. Liljenquist, Chair

On motion of Senator Bell, the committee report was adopted. **3rd Sub. S.B. 76** was placed on Second Reading Calendar.

**Mr. President:** March 5, 2009

The Retirement and Independent Entities Committee reports a favorable recommendation on **1st Sub. H.B. 211, RETIREMENT INVESTMENT REPORTS, by Representative Julie Fisher, and recommends it be considered read for the second time and placed on the Consent Calendar.**

Daniel R. Liljenquist, Chair

On motion of Senator Bell, the committee report was adopted. **1st Sub. H.B. 211** was considered read the second time and placed on the Consent Calendar.
THIRD READING CALENDAR

H.B. 287, UTAH EDUCATION NETWORK AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell   Buttars   Davis   Dayton
Goodfellow   Greiner   Hillyard   Hinkins
Jenkins   Jones   Madsen   Mayne
McCoy   Morgan   Niederhauser   Okerlund
Robles   Romero   Stowell   Urquhart
Valentine   Van Tassell   Waddoups

Absent or not voting were: Senators
Bramble   Christensen   Killpack   Knudson
Liljenquist   Stephenson

H.B. 287 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 118, ARCHIVES AND GRAMA REVISIONS, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell   Buttars   Davis   Dayton
Goodfellow   Greiner   Hillyard   Hinkins
Jenkins   Jones   Liljenquist   Madsen
Mayne   McCoy   Morgan   Niederhauser
Okerlund   Robles   Romero   Stephenson
Stowell   Urquhart   Valentine   Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble   Christensen   Killpack   Knudson

H.B. 118 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
On motion of Senator Greiner, **H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, was read the third time and circled.

**H.B. 275**, DOMESTIC VIOLENCE IN PRESENCE OF A CHILD AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

- Bell
- Bramble
- Buttars
- Christensen
- Davis
- Dayton
- Goodfellow
- Hinkins
- Jenkins
- Jones
- Knudson
- Liljenquist
- Madsen
- Mayne
- McCoy
- Morgan
- Niederhauser
- Okerlund
- Robles
- Romero
- Stephenson
- Stowell
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators

- Greiner
- Hillyard
- Killpack

**H.B. 275** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**H.B. 222**, UNBORN CHILD PAIN PREVENTION, was read the third time and explained by Senator Buttars.

Senator Buttars proposed the following amendment:

1. Page 1, Lines 14b through 15
   Senate 2nd Reading Amendments
   3–4–2009

   14b • that, upon the woman’s request, an Š anesthetic or analgesic Š [that would] will

   14c be administered to the unborn child, {−either− directly or−} through the woman, to Š eliminate or
alleviate organic pain to the unborn child and

2. Page 3, Lines 73 through 74

Senate 2nd Reading Amendments
3–4–2009:

73 (A) that, upon the woman’s request, an anesthetic or analgesic [that]
73a would] will be administered to the unborn child, {either directly or } through the woman, to
73b eliminate or alleviate organic pain to the
74 unborn child that may be caused by the particular method of abortion to be employed; and

Senator Buttars’ motion to amend passed on a voice vote. Senator McCoy commented and the bill passed on the following roll call:

Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Dayton Greiner Hinkins Jenkins
Jones Knudson Liljenquist Madsen
Mayne Morgan Niederhauser Okerlund
Stephenson Stowell Urquhart Valentine
Van Tassell Waddoups

Voting in the negative were: Senators
Davis McCoy Robles Romero

Absent or not voting were: Senators
Goodfellow Hillyard Killpack

H.B. 222, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Bramble, H.B. 122, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Jenkins, H.B. 42, ADOPTION REVISIONS, was read the third time and circled.
3rd Sub. H.B. 165, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell      Bramble      Buttars      Davis
Dayton    Goodfellow  Greiner      Hinkins
Jenkins   Jones        Knudson     Liljenquist
Madsen    Morgan       Niederhauser Okerlund
Robles    Romero       Stephenson  Stowell
Urquhart  Valentine   Van Tassell Waddoups

Absent or not voting were: Senators
Christensen  Hillyard  Killpack  Mayne
McCoy

3rd Sub. H.B. 165, as amended, was returned to the House for further consideration.

* * *

2nd Sub. H.B. 331, HEALTH REFORM – HEALTH INSURANCE COVERAGE IN STATE CONTRACTS, was read the third time, explained by Senator Davis, and passed on the following roll call:

Yeas, 17; Nays, 6; Absent, 6.

Voting in the affirmative were: Senators
Bell      Davis       Goodfellow  Hinkins
Jones     Liljenquist Madsen     Mayne
Morgan    Niederhauser Okerlund  Robles
Romero    Stowell     Urquhart   Van Tassell
Waddoups

Voting in the negative were: Senators
Bramble  Buttars      Dayton    Jenkins
Stephenson Valentine

Absent or not voting were: Senators
Christensen  Greiner  Hillyard  Killpack
Knudson     McCoy
2nd Sub. H.B. 331 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Liljenquist, the circle was removed from H.B. 42, ADOPTION REVISIONS, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

Voting in the affirmative were: Senators
Bramble  Buttars  Davis  Dayton  
Goodfellow  Greiner  Hinkins  Jenkins  
Jones  Knudson  Liljenquist  Madsen  
Mayne  Morgan  Niederhauser  Okerlund  
Robles  Romero  Stephenson  Stowell  
Urquhart  Valentine  Van Tassell  Waddoups

Voting in the negative was: Senator
McCoy

Absent or not voting were: Senators
Bell  Christensen  Hillyard  Killpack

H.B. 42 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 205, WATER SOURCE PROTECTION AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Davis  
Dayton  Goodfellow  Greiner  Hinkins  
Jenkins  Jones  Liljenquist  Madsen  
Mayne  McCoy  Morgan  Niederhauser  
Okerlund  Robles  Romero  Stephenson  
Stowell  Urquhart  Van Tassell  Waddoups

Absent or not voting were: Senators
Christensen  Hillyard  Killpack  Knudson  Valentine
H.B. 205 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

1st Sub. H.J.R. 12. JOINT RESOLUTION SUPPORTING HYDROGEN POWER FROM ADVANCED COAL AND CARBON CAPTURE AND SEQUESTRATION TECHNOLOGY, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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1st Sub. H.J.R. 12 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Greiner, the circle was removed from H.B. 244, DISRUPTION OF SCHOOL ACTIVITIES, and it was before the Senate.

Senator Jenkins proposed the following amendment:

1. Page 1, Line 16
   Senate 2nd Reading Amendments
   3–4–2009
   16 defendant’s presence on school property \( \text{\checkmark} \); requires that school property be posted and that the signs advise the public that entering the property while evading law enforcement is against the law; and

2. Page 2, Lines 31e through 32
   Senate 2nd Reading Amendments
   3–4–2009:
31e of the real property is allocated to participants in the activity or program. {–

31f including real property temporarily occupied by students for a school activity or

31c program. } ∈ê

32 (2) School property shall be posted by legible signs that provide notice to the public that:
   (a) the posted property is school property; and
   (b) if a person enters the school property while evading a law enforcement officer, the person is in violation of state law.

(3) A person is guilty of the class A misdemeanor of evading law enforcement while on

3. Page 2, Line 36
   Senate 2nd Reading Amendments
   3–4–2009:

   36 {−(3) } (4) It is not a defense that the person did not know that the person had entered onto

4. Page 2, Line 38
   Senate 2nd Reading Amendments
   3–4–2009:

   38 {−(4) } (5) As a part of the sentence for violation of this section, the court shall order the

5. Page 2, Line 40a
   Senate 2nd Reading Amendments
   3–4–2009:

   40a Ő⇒ {−(5) } (6) The offense under this section of evading law enforcement while on school property

Senator Jenkins’ motion to amend failed on a voice vote. Senators Jones and Bramble commented and the bill passed on the following roll call:

Yeas, 21; Nays, 4; Absent, 4.

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Goodfellow Greiner Hinkins
Jones Knudson Liljenquist Mayne
Voting in the negative were: Senators
Buttars Jenkins Madsen Waddoups

Absent or not voting were: Senators
Hillyard Killpack Niederhauser Van Tassell

H.B. 244 was returned to the House for further consideration.

* * *

H.B. 136, SEX OFFENDER DEFINITION AMENDMENTS, was read the third time and explained by Senator Buttars.

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

1st Sub. H.B. 136 Sex Offender Definition Amendments (P. Ray)

Senator McCoy commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hinkins Jenkins Jones Knudson
Liljenquist Madsen Mayne McCoy
Morgan Okerlund Robles Romero
Stephenson Stowell Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Hillyard Killpack Niederhauser

1st Sub. H.B. 136 was returned to the House for further consideration.

* * *

H.B. 108, HORMONE RESTORATION AMENDMENTS, was read the third time and explained by Senator Stowell. Senators Dayton, Christensen, Mayne, and Robles commented and the bill passed on the following roll call:
Yeas, 19; Nays, 6; Absent, 4.

Voting in the affirmative were: Senators
Bell Bramble Buttars Goodfellow
Hinkins Jenkins Jones Liljenquist
Madsen Mayne McCoy Morgan
Okerlund Robles Stephenson Stowell
Urquhart Van Tassell Waddoups

Voting in the negative were: Senators
Christensen Davis Dayton Hillyard
Knudson Romero

Absent or not voting were: Senators
Greiner Killpack Niederhauser Valentine

H.B. 108 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Christensen, 1st Sub. H.B. 151, MOTOR VEHICLE FORFEITURE AMENDMENTS, was read the third time and circled.

***

On motion of Senator Bramble, the Senate voted to lift S.B. 224, REUSE OF INDUSTRIAL BYPRODUCT, to the top of the Second Reading Calendar.

S.B. 224, REUSE OF INDUSTRIAL BYPRODUCT, was read the second time.

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

1st Sub. S.B. 224 Reuse of Industrial Byproduct (C. Bramble)

On motion of Senator Bramble, the bill was circled.

***

On motion of Senator Bramble, and at 10:50 a.m., the Senate sauntered.

The Senate was called to order at 11:10 a.m., with President Waddoups presiding.
SECOND READING CALENDAR

H.B. 197, REAUTHORIZATION OF ADMINISTRATIVE RULES, was read the second time.

On motion of Senator Jenkins, the bill was circled.

***

H.B. 202, SCHOOL DISTRICT TRAFFIC VIOLATION COMPLAINT PROCEDURES, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Christensen Dayton Goodfellow
Greiner Hinkins Jenkins Jones
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stowell Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Bell Buttars Davis Hillyard
Killpack Knudson Stephenson

***

On motion of Senator Madsen, the circle was removed from 1st Sub. H.B. 126, VOTER IDENTIFICATION FOR ELECTIONS, and it was before the Senate. Senator Madsen explained the bill. Senator McCoy commented. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 8; Absent, 3.

Voting in the affirmative were: Senators
Bramble Buttars Christensen Dayton
Greiner Hinkins Jenkins Knudson
Liljenquist Madsen Niederhauser Okerlund
Stephenson Stowell Urquhart Valentine
Van Tassell Waddoups

Voting in the negative were: Senators
Davis Goodfellow Jones Mayne
McCoy Morgan Robles Romero
Absent or not voting were: Senators
Bell  Hillyard  Killpack

* * *

On motion of Senator Madsen, the circle was removed from H.B. 317, CAPITAL FELONY AMENDMENTS, and it was before the Senate. Senator Madsen explained the bill.

Senator Madsen proposed the following amendment:

1. Page 1, Line 20

   76−3−206, as last amended by Laws of Utah 2001, Chapter 209
   76−3−207.7, as enacted by Laws of Utah 2007, Chapter 275

2. Page 2, Line 34:

   34 shall be heard in accordance with rules promulgated by the Utah State Supreme Court.

   Section 2. Section 76−3−207.7 is amended to read:
   76−3−207.7. First degree felony aggravated murder — Noncapital felony — Penalties — Sentenced by court.
   (1) A person who has pled guilty to or been convicted of first degree felony aggravated murder under Section 76−5−202 shall be sentenced by the court.
   (2) The sentence under this section shall be life in prison without parole or an indeterminate prison term of not less than 25 years and which may be for life.

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

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

Voting in the affirmative were: Senators
Bramble  Buttars  Christensen  Davis
Dayton  Goodfellow  Greiner  Hinkins
Jenkins  Jones  Knudson  Liljenquist
Madsen  Mayne  McCoy  Morgan
Niederhauser  Okerlund  Robles  Romero
Stephenson  Stowell  Urquhart  Valentine
Van Tassell  Waddoups
Absent or not voting were: Senators
Bell  Hillyard  Killpack

***

H.B. 152, APPRAISAL MANAGEMENT COMPANY REGULATION, was read the second time.

On motion of Senator Valentine, the bill was circled.

***

H.B. 170, INSURANCE AND LIFE SETTLEMENT AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bramble  Buttar  Christensen  Davis
Dayton  Goodfellow  Greiner  Hinkins
Jenkins  Jones  Knudson  Liljenquist
Madsen  Mayne  McCoy  Morgan
Niederhauser  Okerlund  Robles  Romero
Stephenson  Stowell  Urquhart  Valentine
Waddoups

Absent or not voting were: Senators
Bell  Hillyard  Killpack  Van Tassell

***

1st Sub. H.B. 352, ALCOHOLIC BEVERAGE RELATED AMENDMENTS, was read the second time. Senator Valentine explained the bill. Senator Waddoups commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Christensen  Davis  Dayton  Goodfellow
Greiner  Hillyard  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McCoy  Morgan  Niederhauser
Okerlund  Robles  Romero  Stephenson
Stowell  Urquhart  Valentine  Waddoups
Absent or not voting were: Senators
Bell  Bramble  Buttars  Killpack
Van Tassell

* * *

H.B. 128, ELECTRONIC PRESCRIBING ACT, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bramble  Christensen  Davis  Dayton
Goodfellow  Greiner  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McCoy  Morgan  Niederhauser
Okerlund  Robles  Romero  Stephenson
Stowell  Van Tassell  Waddoups

Absent or not voting were: Senators
Bell  Buttars  Hillyard  Killpack
Urquhart  Valentine

* * *

H.B. 142, REPORTING ABUSE OR NEGLECT OF THE ELDERLY OR DISABLED, was read the second time. Senator Davis explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bramble  Christensen  Davis  Dayton
Goodfellow  Greiner  Hillyard  Hinkins
Jenkins  Jones  Knudson  Madsen
Mayne  McCoy  Morgan  Niederhauser
Okerlund  Robles  Romero  Stephenson
Stowell  Van Tassell  Waddoups

Absent or not voting were: Senators
Bell  Buttars  Killpack  Liljenquist
Urquhart  Valentine
2nd Sub. H.B. 100, DEPARTMENT OF CORRECTIONS – TRACKING AND REIMBURSEMENT OF INDIVIDUAL PRISONER COSTS, was read the second time. Senator Bramble explained the bill. Senators Goodfellow, Jenkins, Romero, and Dayton commented. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 8; Absent, 2.**

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Dayton
Greiner  Hillyard  Hinkins  Knudson
Liljenquist  Madsen  Niederhauser  Okerlund
Robles  Stephenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

**Voting in the negative were:** Senators

Davis  Goodfellow  Jenkins  Jones
Mayne  McCoy  Morgan  Romero

**Absent or not voting were:** Senators

Christensen  Killpack

**On motion of Senator Knudson, the Senate voted to move to Third Reading Calendar.**

**THIRD READING CALENDAR**

On motion of Senator Knudson, the Senate voted to lift 2nd Sub. H.B. 188, HEALTH SYSTEM REFORM – INSURANCE MARKET, from the Third Reading Table and place it at the top of the Third Reading Calendar.

On motion of Senator Jenkins, and at 12:00 noon, the Senate recessed.
AFTERNOON SESSION

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2009

The House passed, 1st Sub. S.B. 15, WORKERS’ COMPENSATION PREMIUM ASSESSMENT AND RELATED FUNDING, by Senator K. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 54, UNIFORM LAW – UNIFORM ASSIGNMENT OF RENTS ACT, by Senator R. Romero, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 150, STATE ARMORY AMENDMENTS, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 153, COUNTY AND MUNICIPAL LAND USE AMENDMENTS, by Senator M. Madsen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 180, EXPUNGEMENT OF DIVISION OF CHILD AND FAMILY SERVICES RECORDS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.J.R. 10, ALTERNATIVE TRAINING CENTER JOINT RESOLUTION, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 15, S.B. 54, S.B. 150, S.B. 153, 1st Sub. S.B. 180, and S.J.R. 10 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

Mr. President: March 5, 2009

The House passed, as amended, H.B. 185, TRANSPORTATION AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 383**, WATER RIGHTS ADJUDICATION AMENDMENTS, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.J.R. 8**, JOINT RESOLUTION REGARDING SECRET BALLOT, by Representative C. Wimmer, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 185, H.B. 383**, and **1st Sub. H.J.R. 8** were read the first time and referred to the Rules Committee.

* * *

Mr. President: March 5, 2009

The House passed, as amended, **1st Sub. S.B. 81**, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, by Senator M. Dayton, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

**SECOND READING CALENDAR**

On motion of Senator Valentine, the circle was removed from **H.B. 152**, APPRAISAL MANAGEMENT COMPANY REGULATION, and it was before the Senate. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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1st. Sub. H.B. 296, SCHOOLS FOR THE DEAF AND BLIND AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Knudson Liljenquist Madsen
Mayne McCoy Morgan Niederhauser
Okerlund Robles Romero Stowell
Urquhart Valentine Van Tassell Waddoups

Absent or not voting was: Senator Stephenson

On motion of Senator Bramble, 1st Sub. H.B. 296 was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Valentine, the circle was removed from H.B. 140, MOTOR VEHICLE AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill. Senator Bramble commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Buttars Christensen Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Killpack
Knudson Liljenquist Madsen Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Urquhart Valentine Van Tassell Waddoups

Absent or not voting was: Senator Bell
On motion of Senator Valentine, **H.B. 140** was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Killpack, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Killpack, the circle was removed from **1st Sub. H.B. 151**, MOTOR VEHICLE FORFEITURE AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell   Bramble   Buttars   Christensen
Davis  Dayton    Goodfellow Greiner
Hillyard  Hinkins  Jenkins  Jones
Killpack  Knudson  Liljenquist Madsen
Mayne  McCoy     Morgan    Okerlund
Robles  Romero    Stephenson Stowell
Urquhart  Van Tassell Waddoups

**Absent or not voting were:** Senators

Niederhauser  Valentine

**1st Sub. H.B. 151** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, the circle was removed from **1st Sub. S.B. 184**, CIVIL FILING FEES, and it was before the Senate. Senator Bell explained the bill.

Senator McCoy proposed the following amendment:

1. Page 1, Line 24 through Page 2, Line 26

24 (1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a court of record not governed by another subsection is \[\$155\] \(\{\$310\} \) \$360 .
(b) The fee for filing a complaint or petition is:

2. Page 2, Lines 31 through 34:

31 (iii) [$155] {[$310]} $360 if the claim for damages or amount in interpleader is $10,000 or more;

33 (iv) [$155] {[$225]} $310 if the petition is filed under Title 30, Chapter 3, Divorce, or Title 30, Chapter 4, Separate Maintenance; and

3. Page 5, Lines 131 through 136

Senate 3rd Reading Amendments 3–4–2009:

131 (bb) Any motion or other written application to the court for an order that does not have a fee established by this section is $10.

131b There is no fee for services or the filing of documents not listed in this section or otherwise provided by law.

133 Except as provided in this section, all fees collected under this section are paid to the General Fund. Except as provided in this section, all fees shall be paid at the time the clerk accepts the pleading for filing or performs the requested service.

136 The filing fees under this section may not be charged to the state, its agencies, or

Senator McCoy’s motion to amend passed on a voice vote. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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Day 38 Thursday, March 5, 2009 755

McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Urquhart Van Tassell

**Voting in the negative were:** Senators
Goodfellow Waddoups

**Absent or not voting were:** Senators
Greiner Hillyard Killpack Madsen Valentine

1st Sub. S.B. 184 was transmitted to the House for consideration.

* * *

2nd Sub. H.B. 188, HEALTH SYSTEM REFORM – INSURANCE MARKET, was read the third time and explained by Senator Bell.

Senator Bell proposed the following amendment:

1. Page 33, Lines 989 through 990

   989 administrator for the placement of {health care insurance} a health benefit plan, other than a hospital confinement indemnity policy, unless prior to the customer’s purchase

   990 of {health care insurance} the health benefit plan the producer:

   Senator Bell’s motion to amend passed on a voice vote. Senators Romero, Van Tassell, Davis, Robles, Buttars, and Killpack commented and the bill passed on the following roll call:

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

   **Voting in the affirmative were:** Senators
    Bell Buttars Christensen Davis
    Goodfellow Greiner Hillyard Hinkins
    Jenkins Jones Killpack Knudson
    Liljenquist Madsen Mayne McCoy
    Morgan Niederhauser Okerlund Robles
    Romero Stephenson Stowell Urquhart
    Valentine Van Tassell Waddoups

   **Absent or not voting were:** Senators
    Bramble Dayton
2nd Sub. H.B. 188, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

H.B. 328, TEACHER QUALITY AMENDMENTS, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Buttars Christensen Davis
Dayton Greiner Hinkins Jenkins
Jones Killpack Knudson Liljenquist
Madsen Mayne McCoy Morgan
Niederhauser Okerlund Robles Stephenson
Stowell Urquhart Valentine Van Tassell
Waddoups

Voting in the negative was: Senator
Goodfellow

Absent or not voting were: Senators
Bramble Hillyard Romero

On motion of Senator Stephenson, H.B. 328 was placed on Third Reading Table due to fiscal impact.

***

1st Sub. H.B. 157, PROPERTY TAX ASSESSMENT AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senators Van Tassell and Okerlund commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Christensen Davis Dayton
Goodfellow Greiner Hinkins Jenkins
Jones Knudson Liljenquist Madsen
Mayne McCoy Morgan Niederhauser
Okerlund Robles Romero Stephenson
Stowell Van Tassell Waddoups
Absent or not voting were: Senators
Bell          Buttars          Hillyard          Killpack
Urquhart     Valentine

***

On motion of Senator Killpack, S.B. 73, UNINCORPORATED AREAS AMENDMENTS, will be considered Friday, March 6, 2009, at 10:00 a.m.

On motion of Senator Jenkins, under suspension of the rules, the Senate voted to consider Senate bills for the remainder of the day.

***

1st Sub. S.B. 271, JUDICIAL CONDUCT COMMISSION AMENDMENTS, was read the second time. Senator Davis explained the bill. Senator Buttars commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell          Buttars          Christensen          Davis
Dayton        Goodfellow       Greiner            Hinkins
Jenkins       Jones            Killpack          Knudson
Liljenquist   Madsen          Mayne              McCoy
Morgan        Niederhauser    Okerlund          Robles
Romero        Stephenson      Stowell          Valentine
Van Tassell   Waddoups

Absent or not voting were: Senators
Bramble       Hillyard          Urquhart

***

S.R. 6, SENATE RESOLUTION RECOGNIZING THE WORK DONE BY THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS, was read the second time. Senator Robles explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell          Buttars          Davis            Dayton
Goodfellow    Greiner          Hillyard        Hinkins
Absence or not voting were: Senators
Jenkins          Jones          Knudson          Liljenquist
Madsen          Mayne          McCoy           Morgan
Niederhauser    Okerlund       Robles          Romero
Stephenson      Stowell        Van Tassell     Waddoups

S.B. 70, DEPARTMENT OF ENVIRONMENTAL QUALITY AMENDMENTS, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators
Bell             Buttars         Dayton          Greiner
Hillyard        Hinkins         Jenkins         Jones
Killpack        Liljenquist     Madsen          Mayne
McCoy           Morgan          Niederhauser    Okerlund
Robles          Romero         Stephenson      Stowell
Urquhart        Valentine       Van Tassell     Waddoups

Voting in the negative was: Senator
Davis

Absent or not voting were: Senators
Bramble         Christensen     Killpack        Urquhart

1st Sub. S.B. 228. PROHIBITION ON INTERNET OR MAIL−ORDER SALES OF TOBACCO PRODUCTS, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell             Buttars         Dayton          Greiner
Hillyard        Hinkins         Jenkins         Jones
Killpack        Liljenquist     Madsen          Mayne
McCoy           Morgan          Niederhauser    Okerlund
Robles          Romero         Stephenson      Stowell
Urquhart        Valentine       Waddoups
Voting in the negative was: Senator Davis

Absent or not voting were: Senators
Bramble Christensen Goodfellow Knudson
Van Tassell

* * *

On motion of Senator Killpack, the Senate voted to lift the following bills from the Second Reading Calendar and Consent Calendar and return them to the Rules Committee for prioritization:


* * *

Senator Liljenquist made a motion for the Senate to reconsider its action on S.B. 61, HOME SCHOOL AND PRIVATE SCHOOL STUDENTS’ PARTICIPATION IN EXTRACURRICULAR ACTIVITIES. Senators Romero, Stowell, Buttars, Madsen, and Davis commented. The motion passed on the following roll call vote:

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

Voting in the affirmative were: Senators
Bramble Buttars Christensen Dayton
Hinkins Jenkins Killpack Knudson
Liljenquist Madsen Niederhauser Okerlund
Stephenson Stowell Urquhart Valentine
Waddoups

Voting in the negative were: Senators
Bell Davis Goodfellow Greiner
Hillyard Jones Mayne McCoy
Morgan Robles Romero Van Tassell

S.B. 61, HOME SCHOOL AND PRIVATE SCHOOL STUDENTS’ PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, was returned to the Third Reading Calendar and circled.
COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2009

The House passed, as substituted, 1st Sub. H.B. 143, VEHICLE TITLE, INSPECTION AND EMISSION TESTING EXEMPTIONS, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 145, WORKPLACE DRUG TESTING PROGRAMS, by Representative T. Beck, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 169, PUBLIC LANDS POLICY COORDINATION AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, H.B. 174, LICENSING OF VOCATIONAL REHABILITATION COUNSELORS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 357, FIREARMS AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as amended, H.B. 389, APPLICATIONS FOR A SMALL AMOUNT OF WATER, by Representative P. Painter, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


On motion of Senator Valentine and at 4:30 p.m., the Senate adjourned until 8:00 a.m., Friday, March 6, 2009.
The Senate was called to order at 8:20 a.m., with President Michael Waddoups presiding.

Prayer – Lowell Lieshman
Pledge of Allegiance – Senator Mark Madsen
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

SPECIAL MUSICAL PRESENTATION

A quartet from Parawan, Utah called One Voice sang “The Star Spangled Banner” and “Utah, We Love Thee”

CONSENT CALENDAR

S.B. 245, UNIFORM FEES ON MOTORCYCLES, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hinkins Jenkins Jones Killpack
Liljenquist Mayne McCoy Morgan
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Hillyard Knudson Madsen Niederhauser
Okerlund Robles

S.B. 245 was transmitted to the House for consideration.

* * *

S.J.R. 18, JOINT RESOLUTION ON FISCAL NOTE PROCESS, was read the third time.
On motion of Senator Killpack, the bill was circled.

**CONCURRENCE CALENDAR**

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to **S.B. 39**, IMMIGRATION AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**S.B. 39** was returned to the House for the signature of the Speaker.

** ***

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **S.B. 35**, SALES AND USE TAX DEFINITIONS RELATING TO PROPERTY. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 35 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 56, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators
- Bramble
- Buttars
- Christensen
- Davis
- Dayton
- Goodfellow
- Greiner
- Hinkins
- Jenkins
- Jones
- Killpack
- Liljenquist
- Madsen
- Mayne
- McCoy
- Morgan
- Niederhauser
- Okerlund
- Romero
- Stephenson
- Stowell
- Urquhart
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators
- Bell
- Hillyard
- Knudson
- Robles
- Valentine

2nd Sub. S.B. 56 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Greiner, the Senate voted to concur in the House amendments to S.B. 118, PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators
- Bramble
- Buttars
- Christensen
- Davis
- Dayton
- Goodfellow
- Greiner
- Hinkins
- Jenkins
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- Killpack
- Liljenquist
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- Mayne
- McCoy
- Morgan
- Niederhauser
- Okerlund
- Romero
- Stephenson
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- Van Tassell
- Waddoups

**Absent or not voting were:** Senators
- Bell
- Hillyard
- Knudson
- Robles
- Valentine
S.B. 118 was returned to the House for the signature of the Speaker.

* * *

1st Sub. S.B. 81, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, was before the Senate, explained by Senator Dayton.

On motion of Senator Dayton, the bill was circled.

CONSENT CALENDAR

On motion of Senator Niederhauser, the circle was removed from S.J.R. 18, JOINT RESOLUTION ON FISCAL NOT PROCESS, and it was before the Senate. Senator Niederhauser explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.J.R. 18 was transmitted to the House for consideration.

CONCURRENCE CALENDAR

On motion of Senator Dayton, the circle was removed from 1st Sub. S.B. 81, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, and it was before the Senate.

On motion of Senator Dayton, the Senate voted to concur in the House amendments to 1st Sub. S.B. 81, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 21; Nays, 2; Absent, 6.**
Voting in the affirmative were: Senators
Bramble  Buttars  Christensen  Davis
Dayton  Greiner  Hinkens  Jenkins
Killpack  Liljenquist  Madsen  Mayne
McCoy  Morgan  Niederhauser  Okerlund
Stephenson  Stowell  Urquhart  Van Tassell
Waddoups

Voting in the negative were: Senators
Jones  Romero

Absent or not voting were: Senators
Bell  Goodfellow  Hillyard  Knudson
Robles  Valentine

1st Sub. S.B. 81 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Madsen, the circle was removed from S.B. 61, HOME SCHOOL AND PRIVATE SCHOOL STUDENTS’ PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, and it was before the Senate.

Senator Madsen proposed the following amendment:

1. Page 4, Lines 96 through 98
   96  (g) To demonstrate a home school student’s compliance with scholastic eligibility
   97  requirements, the individual providing the primary instruction of a home school student shall
   98  submit an affidavit to the school principal that indicates:

2. Page 4, Lines 101 through 105:
   101  (h) A public school student who has been declared to be academically ineligible to
   102  participate in an extracurricular activity and who subsequently enrolls in a home school shall
   103  lose eligibility for participation in the extracurricular activity until
   104  the student:
   105  (i) demonstrates academic eligibility by providing test results or a portfolio of the
105 student’s work to the school principal, provided that a student may not reestablish academic eligibility under this Subsection (6)(h)(i) during the same activity season in which the student was declared to be academically ineligible;

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

On motion of Senator Madsen, the bill was circled.

* * *

H.B. 202, SCHOOL DISTRICT TRAFFIC VIOLATION COMPLAINT PROCEDURES, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Goodfellow Greiner Hinkins Jenkins
Jones Liljenquist Madsen Mayne
McCoy Morgan Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups

Voting in the negative was: Senator Dayton

Absent or not voting were: Senators
Davis Hillyard Killpack Knudson
Niederhauser

H.B. 202 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 126, VOTER IDENTIFICATION FOR ELECTIONS, was read the third time and explained by Senator Madsen. Senator McCoy commented.

On motion of Senator Madsen, the bill was circled.

* * *

H.B. 317, CAPITAL FELONY AMENDMENTS, was read the third time, explained by Senator Madsen, and passed on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hinkins Jenkins Jones Killpack
Liljenquist Madsen McCoy Morgan
Niederhauser Okerlund Robles Romero
Stephenson Stowell Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Hillyard Knudson Mayne

H.B. 317, as amended, was returned to the House for further consideration.

* * *

H.B. 170, INSURANCE AND LIFE SETTLEMENT AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Buttars Davis Dayton
Goodfellow Greiner Hinkins Jenkins
Jones Killpack Liljenquist Madsen
Mayne McCoy Morgan Niederhauser
Okerlund Robles Romero Stephenson
Stowell Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Bell Christensen Hillyard Knudson

H.B. 170, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Valentine, 1st Sub. H.B. 352, ALCOHOLIC BEVERAGE RELATED AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Killpack, H.B. 128, ELECTRONIC PRESCRIBING ACT, was read the third time and circled.
**H.B. 142**, REPORTING ABUSE OR NEGLECT OF THE ELDERLY OR DISABLED, was read the third time, explained by Senator Davis, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**H.B. 142** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**2nd Sub. H.B. 100**, DEPARTMENT OF CORRECTIONS – TRACKING AND REIMBURSEMENT OF INDIVIDUAL PRISONER COSTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**2nd Sub. H.B. 100**, as amended, was returned to the House for further consideration.
On motion of Senator Knudson, the circle was removed from **H.B. 128**, ELECTRONIC PRESCRIBING ACT, and it was before the Senate. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Christensen  
Davis  Dayton  Goodfellow  Greiner  
Hillyard  Hinkins  Jenkins  Jones  
Knudson  Liljenquist  Madsen  Mayne  
McCoy  Morgan  Niederhauser  Okerlund  
Robles  Romero  Stephenson  Stowell  
Urquhart  Valentine  Van Tassell  Waddoups

**Absent or not voting was:** Senator  
Killpack

**H.B. 128**, as amended, was returned to the House for further consideration.

* ***

**H.B. 152**, APPRAISAL MANAGEMENT COMPANY REGULATION, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Davis  
Dayton  Goodfellow  Greiner  Hillyard  
Hinkins  Jenkins  Jones  Knudson  
Liljenquist  Madsen  Mayne  McCoy  
Morgan  Niederhauser  Okerlund  Robles  
Romero  Stephenson  Stowell  Urquhart  
Valentine  Van Tassell  Waddoups

**Absent or not voting were:** Senators  
Christensen  Killpack

**H.B. 152**, as amended, was returned to the House for further consideration.
1st Sub. H.B. 157, PROPERTY TAX ASSESSMENT AMENDMENTS, was read the third time and explained by Senator Niederhauser. Senators Jenkins, Buttars, and Hillyard commented and the bill passed on the following roll call:

**Yeas, 21; Nays, 2; Absent, 6.**

**Voting in the affirmative were:** Senators
Bramble  Buttars  Christensen  Davis  
Dayton  Greiner  Hillyard  Hinkins  
Jenkins  Jones  Madsen  Niederhauser  
Okerlund  Robles  Romero  Stephenson  
Stowell  Urquhart  Valentine  Van Tassell  
Waddoups

**Voting in the negative were:** Senators
Goodfellow  Morgan

**Absent or not voting were:** Senators
Bell  Killpack  Knudson  Liljenquist  
Mayne  McCoy

1st Sub. H.B. 157 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**1st Sub. S.B. 271, JUDICIAL CONDUCT COMMISSION AMENDMENTS, was read the third time, explained by Senator Davis, and passed on the following roll call:**

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

**Voting in the affirmative were:** Senators
Buttars  Christensen  Davis  Dayton  
Goodfellow  Greiner  Hinkins  Jenkins  
Jones  Knudson  Madsen  Mayne  
Morgan  Niederhauser  Okerlund  Robles  
Romero  Stephenson  Stowell  Valentine  
Van Tassell  Waddoups

**Absent or not voting were:** Senators
Bell  Bramble  Hillyard  Killpack  
Liljenquist  McCoy  Urquhart
1st Sub. S.B. 271 was transmitted to the House for consideration.

* * *

S.R. 6, SENATE RESOLUTION RECOGNIZING THE WORK DONE BY THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS, was read the third time, explained by Senator Robles, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell   Bramble   Buttars   Christensen
Davis  Dayton    Goodfellow  Greiner
Hillyard  Hinkins   Jenkins   Jones
Killpack  Knudson   Madsen   Mayne
McCoy  Morgan   Niederhauser  Okerlund
Robles  Romero   Stephenson  Stowell
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Liljenquist  Urquhart

S.R. 6 was transmitted to the House for consideration.

* * *

S.B. 70, DEPARTMENT OF ENVIRONMENTAL QUALITY AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell   Bramble   Buttars   Christensen
Davis  Dayton    Goodfellow  Greiner
Hinkins  Jenkins   Jones   Killpack
Knudson  Liljenquist  Madsen   Mayne
McCoy  Morgan   Okerlund   Robles
Romero  Stowell   Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Hillyard  Niederhauser  Stephenson  Urquhart
S.B. 70 was transmitted to the House for consideration.

***

1st Sub. S.B. 228, PROHIBITION ON INTERNET OR MAIL−ORDER SALES OF TOBACCO PRODUCTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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1st Sub. S.B. 228 was transmitted to the House for consideration.

**SECOND READING CALENDAR**

On motion of Senator Killpack, S.B. 211, BUILDING CODE AMENDMENTS, was read the second time and circled.

***

On motion of Senator Valentine, S.B. 268, TITLE AND ESCROW COMMISSION RELATED AMENDMENTS, was read the second time and circled.

***

On motion of Senator Knudson, S.B. 217, DRUGS AMENDMENTS, was read the second time and circled.

***

On motion of Senator Killpack, 1st Sub. S.B. 84, IMPACT FEES REVISIONS, was read the second time and circled.
On motion of Senator Killpack, and at 9:45 a.m., the Senate sauntered.

The Senate was called to order at 10:00 a.m., with President Waddoups presiding.

**TIME CERTAIN CALENDAR**

**S.B. 73**, UNINCORPORATED AREAS AMENDMENTS, was read the second time. Senator Mayne explained the bill.

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

1st Sub. S.B. 73 Unincorporated Areas Amendments (K. Mayne)

Senators Jones, Niederhauser, Goodfellow and Buttars commented.

On motion of Senator Mayne, under suspension of the rules, 1st Sub. S.B. 73, UNINCORPORATED AREAS AMENDMENTS, was considered read the second and third times. Senator Mayne explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

- Bell
- Dayton
- Jenkins
- Madsen
- Niederhauser
- Stephenson
- Van Tassell
- Bramble
- Goodfellow
- Jones
- Mayne
- Okerlund
- Stowell
- Buttars
- Greiner
- Killpack
- McCoy
- Robles
- Urquhart
- Davis
- Hinkins
- Liljenquist
- Morgan
- Romero
- Valentine

**Absent or not voting were:** Senators

- Christensen
- Hillyard
- Knudson

1st Sub. S.B. 73 was transmitted to the House.

**SECOND READING CALENDAR**

On motion of Senator Bell, the circle was removed from 1st Sub. S.B. 84, IMPACT FEES REVISIONS, and it was before the Senate.
Senator Bell proposed the following amendment:

1. Page 1, Lines 12 through 13

12 {changes} modifies the definition of “development approval” for public entities that may develop without written authorization;

13 \{ modifies \}

2. Page 2, Lines 33 through 34:

33 Other Special Clauses:

34 \{ None \} This bill coordinates with H.B. 259, Changes to Impact Fees, by technically superseding and merging amendments.

This bill coordinates with H.B. 274, Local Government Fees and Charges, by technically superseding and merging amendments.

3. Page 4, Lines 88 through 92:

88 (4) “Development approval” means \{ modifies \} any written authorization from a local political subdivision that authorizes the commencement of development activity \{ modifies \} or

89 (a) except as provided in Subsection (4)(b), \{ modifies \} any written authorization from a local political subdivision.

90 (b) development activity, for a public entity that may develop without written authorization from a local political subdivision.

92 \{ modifies \}

4. Page 17, Line 511:

511 in the district office.


If this S.B. 84 and H.B. 259, Changes to Impact Fees, both pass, it is the intent of the Legislature that:

(1) the amendments to Subsections 11–36–201(1)(c) and (d) in this bill supersede the amendments to Subsections 11–36–201(1)(c) and (d) in H.B. 259, when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication; and

(2) the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, modify Subsection 11–36–202(6) to read:
“[(7)] (6) Notwithstanding any other provision of this chapter:
   (a) [a municipality imposing impact fees to fund fire trucks as of the effective date of this act may impose impact fees for fire trucks until July 1, 1997; and (b)] an impact fee to pay for a public safety facility that is a fire suppression vehicle may not be imposed [with respect to land that has a zoning designation other than commercial] on residential components of development[.];
   (b) an impact fee may not be imposed on a school district or charter school for a park, recreation facility, open space, or trail;
   (c) an impact fee may not be imposed on development activity that consists of the construction of a school, whether by a school district or a charter school, if:
      (i) the school is intended to replace another school, whether on the same or a different parcel; and
      (ii) the new school and the school being replaced are both within:
         (A) the boundary of the local political subdivision; or
         (B) the jurisdiction of the private entity; and
   (d) an impact fee may not be imposed on a school district or charter school unless:
      (i) the development resulting from the school district or charter school’s development activity directly results in a need for additional system improvements for which the impact fee is imposed; and
      (ii) the impact fee is calculated to cover only the school district or charter school’s proportionate share of the cost of those additional system improvements.”.

Section 10. Coordinating S.B. 84 with H.B. 274 — Technically superseding and merging amendments.

If this S.B. 84 and H.B. 274, Local Government Fees and Charges, both pass, it is the intent of the Legislature that:
   (1) the amendments to Subsections 11−36−201(1)(c) and (d) in this bill supersede the amendments to Subsections 11−36−201(1)(c) and (d) in H.B. 274, when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication; and
   (2) the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, modify Subsection 11−36−202(6) to read:
   “[(7)] (6) Notwithstanding any other provision of this chapter:
   (a) [a municipality imposing impact fees to fund fire trucks as of the effective date of this act may impose impact fees for fire trucks until July 1, 1997; and (b)] an impact fee to pay for a public safety facility that is a
fire suppression vehicle may not be imposed [with respect to land that has a zoning designation other than commercial] on residential components of development;]

(b) an impact fee for a road facility may be imposed on the state only if and to the extent that:

(i) the state’s development causes an impact on the road facility; and

(ii) the portion of the road facility related to an impact fee is not funded by the state or by the federal government; and

(c) to the extent that the impact fee includes a component for a law enforcement facility, the impact fee may not be imposed on development activity for:

(i) the Utah National Guard;

(ii) the Utah Highway Patrol; or

(iii) a state institution of higher education that has its own police force.”

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

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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1st Sub. S.B. 106, ALCOHOLIC BEVERAGE CONTROL ACT RESTRICTIONS, was read the second time. Senator McCoy explained the bill. Senators Valentine and Jones commented. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**
**Voting in the affirmative were:** Senators
Bell  Bramble  Buttars  Christensen
Davis  Goodfellow  Greiner  Hinkins
Jones  Killpack  Liljenquist  Madsen
Mayne  McCoy  Morgan  Niederhauser
Okerlund  Robles  Romero  Stephenson
Stowell  Urquhart  Valentine  Van Tassell
Waddoups

**Absent or not voting were:** Senators
Dayton  Hillyard  Jenkins  Knudson

***

**S.B. 209, LAND USE, DEVELOPMENT, AND MANAGEMENT ACT AMENDMENTS,** was read the second time.

On motion of Senator Bell, the bill was circled.

***

**1st Sub. S.B. 63, MODIFICATIONS TO RECORDING REQUIREMENTS,** was read the second time. Senator Okerlund explained the bill.

Senator Okerlund proposed the following amendment:

1. Page 1, Lines 13 through 21
   Senate Committee Amendments
   3–2–2009

   13 This bill:
   14 { autho } authorizes the county recorder to assign a different name
   15 if the name duplicates one already assigned to a subdivision on a
   16 requires landowners to sign and dedicate a plat;
   17 { autho } requires a surveyor making a plat to certify that the
   18 reference to the filing number of a record of survey map, rather than
   19 surveyor has completed a survey;
20 requires the filing of a surveyor’s affidavit by a surveyor who sets monuments.

21 during construction if that surveyor is not the same surveyor who made the plat.

2. Page 3, Lines 72 through 73
   Senate Committee Amendments
   3–2–2009:

   72 (1) Unless exempt under Section 10–9a–605 or excluded from the definition of
   subdivision under Section 10–9a–103, whenever any land is laid out and platted, the

3. Page 3, Line 75
   Senate Committee Amendments
   3–2–2009:

   75 (a) a subdivision name [or designation of the subdivision] that is distinct from any

4. Page 3, Line 77
   Senate Committee Amendments
   3–2–2009:

   77 (b) the boundaries, course, and dimensions of all of the parcels of ground divided,

5. Page 3, Line 81
   Senate Committee Amendments
   3–2–2009:

   81 (c) the lot or unit reference, block or building reference, street or site address,

6. Page 3, Line 84 through Page 4, Line 88
   Senate Committee Amendments
   3–2–2009:

   84 (d) every existing right-of-way and easement grant of record for underground
   facilities, as defined in Section 54–8a–2, and for other utility facilities.

   (b) The county recorder may assign a different name to a subdivision on a plat
submitted for recording if necessary to make the plat comply with the requirement of Subsection (1)(a)(i).

7. Page 4, Lines 104 through 118:

(ii) has completed a reference to the filing number of a record of a survey map of the existing property boundary described on the plat and filed in accordance with Section 17−23−17 and has verified all measurements; and (iii) has placed monuments as represented on the plat. and (iv) has indicated monuments to be set during construction.

(c) If a monument is set during construction by a surveyor other than the surveyor who made the plat, the surveyor setting the monument shall record a surveyor’s affidavit in the office of the county in which the property is located indicating: (i) that the surveyor setting the monument holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act; (ii) that each monument is set in the location specified on the plat; (iii) that the surveyor setting the monument has verified all measurements; (iv) the location of each street and lot monument that varies from the monuments specified on the plat; and (v) the physical description of each monument set.
Reinstate “(c)” and delete “(d)”

9. Page 15, Lines 454 through 455:

454 (1) Unless exempt under Section 17−27a−605 or excluded from the definition of subdivision under Section 17−27a−103, whenever any land is laid out and platted, the

10. Page 15, Line 457:

457 (a) a subdivision name [or designation of the subdivision] that is distinct from any

11. Page 15, Line 459:

459 (b) the boundaries, course, and dimensions of all of the parcels of ground divided,

12. Page 16, Line 463:

463 (c) the lot or unit reference, block or building reference, street or site address,

13. Page 16, Line 466:

466 (d) every existing right−of−way and easement grant of record for underground

14. Page 16, Lines 468 through 470:

468 The county recorder may assign a different name to a subdivision on a plat submitted for recording if necessary to make the plat comply with the requirement of Subsection (1)(a)(i).

15. Page 16, Line 486 through Page 17, Line 501:

486 (ii) has provided a reference to the filing number of a record of survey of the existing property boundary described on the plat and filed in accordance with Section 17−23−17 and has verified all measurements; and
(iii) has placed monuments as represented on the plat. (iv) has indicated monuments to be set during construction.

c) If a monument is set during construction by a surveyor other than the surveyor who made the plat, the surveyor setting the monument shall record a surveyor’s affidavit in the office of the county in which the property is located indicating:

(i) that the surveyor setting the monument holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;

(ii) that each monument is set in the location specified on the plat;

(iii) that the surveyor setting the monument has verified all measurements;

(iv) the location of each street and lot monument that varies from the monuments specified on the plat; and

(v) the physical description of each monument set.

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

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

### Voting in the affirmative were: Senators

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### Absent or not voting were: Senators

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On motion of Senator Bramble, the circle was removed from 1st Sub. S.B. 224, REUSE OF INDUSTRIAL BYPRODUCT, and it was before the Senate. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

On motion of Senator Bramble, the circle was removed from S.B. 211, BUILDING CODE AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**S.B. 65, AMENDMENTS TO PROPERTY TAX NOTICE, PUBLIC HEARING, AND RESOLUTION PROVISIONS, was read the second time. Senator Stowell explained the bill.**
Senator Stowell proposed the following amendment:

1. Page 1, Line 23

23    This bill provides revisor instructions.  
      This bill coordinates with H.B. 67, Public Hearings on Property Tax  
      Increases, and S.B. 208, Utah Public Notice Website Amendments, by  
      providing substantive and technical amendments.  
      This bill coordinates with H.B. 23, Certified Tax Rate Amendments,  
      by providing substantive and technical amendments.

2. Page 11, Lines 322 through 325:

322 year taxing entity’s annual budget is adopted; and  
      (B) before the calendar year taxing entity levies a tax rate that  
      exceeds the calendar year taxing entity’s certified tax rate:

323  (B) (I) provides notice by meeting the advertisement  
      requirements of Subsections (6)

324 and (7) (before the calendar year taxing entity levies a tax rate  
      that exceeds the calendar year  

325 taxing entity’s certified tax rate); or

3. Page 11, Line 331:

331 (Bb) before the calendar year taxing entity conducts the public  
      hearing meeting at which the

4. Page 11, Line 335:

335 (A) on or before the calendar year taxing entity conducts the public  
      hearing meeting at which

5. Page 13, Line 376:

376 (7) before the fiscal year taxing entity conducts the public  
      hearing meeting at which the fiscal year

6. Page 15, Lines 436 through 438:

436 (i) be run once each week for the two weeks [preceding the  
      adoption of the final] ;

437 (A) before a taxing entity conducts a public hearing at  
      which the taxing entity’s annual budget is
discussed; and

(B) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity’s certified tax rate; and

7. Page 15, Lines 445 through 446:

(f) (i) For purposes of Subsection (3)(a)(i)(A) or (4)(a), the form and content of an advertisement shall be substantially as follows:

8. Page 16, Lines 464 through 465:

[(3) The] (ii) For purposes of Subsection (3)(a)(i)(B)(I), the form and content of [the notice] an advertisement shall be substantially as follows:

9. Page 18, Line 524:

shall announce at that public hearing the scheduled time and place of the next public meeting at

10. Page 18, Line 530:

the next public meeting at which the taxing entity will consider adopting a resolution levying

11. Page 18, Line 535:

meet the notice requirements of Subsection (3)(a)(ii)(B)(I).

12. Page 35, Line 1073:

After Line 1073 insert:


If this S.B. 65, H.B. 67, Public Hearings on Property Tax Increases, and S.B. 208, Utah Public Notice Website, all pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication by:

(1) modifying Subsections 59–2–919(6) and (7) as amended in this bill in the version of the Utah Code database that takes effect on January 1, 2010
as follows:

(6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this section shall be published:

(i) in a newspaper or combination of newspapers of general circulation in the taxing entity until January 1, 2011; and

(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F–1–701.

(b) The advertisement described in this section shall:

(i) be no less than 1/4 page in size;

(ii) use type no smaller than 18 point; and

(iii) be surrounded by a 1/4-inch border.

(c) The advertisement described in this section may not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

(d) It is the intent of the Legislature that:

(i) whenever possible, the advertisement described in this section appear in a newspaper that is published at least one day per week; and

(ii) the newspaper or combination of newspapers selected:

(A) be of general interest and readership in the taxing entity; and

(B) not be of limited subject matter.

(e) (i) The advertisement described in this section shall:

(A) described in Subsection (6)(a)(i) shall:

(I) except as provided in Subsection (6)(e)(ii), be run once each week for the two weeks preceding the adoption of the final:

(Aa) before a taxing entity conducts a public hearing at which the taxing entity’s annual budget is discussed; and

(Bb) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity’s certified tax rate; and

(II) state that the taxing entity will meet on a certain day, time, and place fixed in the advertisement, which shall be not less than seven days after the day the first advertisement is published, for the purpose of hearing comments regarding any proposed increase and to explain the reasons for the proposed increase; or

(B) described in Subsection (6)(a)(ii) shall:

(I) be published two weeks:

(Aa) before a taxing entity conducts a public hearing at which the taxing
entity’s annual budget is discussed; and
(Bb) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity’s certified tax rate; and
(II) state that the taxing entity will meet on a certain day, time, and place fixed in the advertisement, which shall be not less than seven days after the day the first advertisement is published, for the purpose of hearing comments regarding any proposed increase and to explain the reasons for the proposed increase.
(ii) If a taxing entity’s public hearing information is published by the county auditor in accordance with Section 59–2–919.2, the taxing entity is not subject to the requirement to run the advertisement twice, as required by Subsection (6)(e)(i)(A), but shall run the advertisement once during the week;
(A) before the taxing entity conducts a public hearing at which the taxing entity’s annual budget is discussed; and
(B) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity’s certified tax rate.

[f] The meeting on the proposed increase may coincide with the hearing on the proposed budget of the taxing entity.]

(f) (i) For purposes of Subsection (3)(a)(i)(A) or (4)(a), the form and content of an advertisement shall be substantially as follows:

“NOTICE OF PROPOSED TAX INCREASE

(NAME OF TAXING ENTITY)

The (name of the taxing entity) is proposing to increase its property tax revenue.

• If the proposed budget is approved, this would be an increase of ______% above the (name of the taxing entity) property tax budgeted revenue for the prior year.

• The (name of the taxing entity) tax on a (insert the average value of a residence in the taxing entity rounded to the nearest thousand dollars) residence would increase from $______ to $_______, which is $_______ per year.

• The (name of the taxing entity) tax on a (insert the value of a business having the same value as the average value of a residence in the taxing entity) business would increase from $______ to $_______, which is $_______ per year.

• If the proposed budget is approved, (name of the taxing entity) would
increase its property tax budgeted revenue by ___% above last year’s property tax budgeted revenue excluding new growth.

All concerned citizens are invited to a public hearing on the tax increase.

PUBLIC HEARING

Date/Time: (date) (time)
Location: (name of meeting place and address of meeting place)
To obtain more information regarding the tax increase, citizens may contact the (name of the taxing entity) at (phone number of taxing entity)."

[(3) The (ii) For purposes of Subsection (3)(a)(i)(B)(I), the form and content of [the notice an advertisement shall be] substantially [to] as follows:

“NOTICE OF PROPOSED TAX INCREASE
(NAME OF TAXING ENTITY)

The (name of the taxing entity) is proposing to increase its property tax revenue.

If the proposed budget is approved, this would be an increase of _____% above the (name of the taxing entity) property tax budgeted revenue for the prior year.

• The (name of the taxing entity) tax on a (insert the average value of a residence in the taxing entity rounded to the nearest thousand dollars) residence would increase from $______ to $________, which is $_______ per year.

• The (name of the taxing entity) tax on a (insert the value of a business having the same value as the average value of a residence in the taxing entity) business would increase from $________ to $_______, which is $______ per year.

• If the proposed budget is approved, (name of the taxing entity) would increase its property tax budgeted revenue by ___% above last year’s property tax budgeted revenue excluding new growth.

(First name of taxing entity) property tax revenue from new growth and other sources will increase from $________________ to $________________.

All concerned citizens are invited to a public hearing on the tax increase.

PUBLIC HEARING

Date/Time: (date) (time)
Location: (name of meeting place and address of meeting place)
To obtain more information regarding the tax increase, citizens may contact the (name of the taxing entity) at (phone number of taxing entity). [(4)] (7) The commission:

(a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act, governing the joint use of one advertisement [under this section or Section 59–2–918] described in Subsection (6) by two or more taxing entities; and
(b) may[[], upon petition by any taxing entity,] authorize [either]:
(i) until January 1, 2011, the use of a weekly [newspapers] newspaper:
(A) in [counties] a county having both daily and weekly newspapers [where] if the weekly newspaper would provide equal or greater notice to the taxpayer; and
(B) if the county petitions the commission for the use of the weekly newspaper; or
(ii) the use by a taxing entity except for a calendar year taxing entity that provides the notice described in Subsection (3)(a)(i)(B)(II) of a commission[=]approved direct notice to each taxpayer if [the]:
(A) the cost of the advertisement would cause undue hardship; [and]
(B) the direct notice is different and separate from that provided for in Section 59–2–919.1[.]; and
(C) the taxing entity petitions the commission for the use of a commission approved direct notice. ; and
(2) modifying Section 59–2–919.2 enacted in H.B. 67 in the version of the Utah Code database that takes effect on January 1, 2010 as follows:
(a) in Subsection 59–2–919.2(1)(a), replace the references to “Subsection 59–2–919(7)” with “Subsection 59–2–919(8)(a)(i)”;
(b) in Subsection 59–2–919.2(1)(b), replace the reference to “advertisement” with “notice”;
(c) modify Subsection 59–2–919.2(2)(b)(ii) to read:
“(ii) the date, time, and location of the public hearing described in Subsection 59–2–919(8)(a)(i);”; and
(d) modify Subsection 59–2–919.2(4)(a) to read:
“(a) who attends the public hearing described in Subsection 59–2–919(8)(a)(i) of the taxing entity; or”; and
(e) modify Subsection 59–2–919.2(6) to read:
“(6) The publication of the list under this section does not remove or change the notice requirements of Section 59–2–919 for a taxing entity.”.

If this S.B. 65 and H.B. 67, Public Hearings on Property Tax Increases, both pass, it is the intent of the Legislature that the Office of Legislative
Research and General Counsel prepare the Utah Code database for publication by:
(1) modifying Subsection 59−2−919(6) as amended in this bill in the version of the Utah Code database that takes effect on January 1, 2010 as follows:

“(6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this section shall be published in a newspaper or combination of newspapers of general circulation in the taxing entity.

(b) The advertisement described in this section shall:
(i) be no less than 1/4 page in size;
(ii) use type no smaller than 18 point; and
(iii) be surrounded by a 1/4−inch border.
(c) The advertisement described in this section may not be placed in that portion of the newspaper where legal notices and classified advertisements appear.
(d) It is the intent of the Legislature that:
(i) whenever possible, the advertisement described in this section appear in a newspaper that is published at least one day per week; and
(ii) the newspaper or combination of newspapers selected:
(A) be of general interest and readership in the taxing entity; and
(B) not be of limited subject matter.
(e) (i) The advertisement described in this section shall:
{ (i)− (A) except as provided in Subsection (6)(e)(ii), be run once each week for the two weeks preceding the adoption of the final [ ]
(I) before a taxing entity conducts a public hearing at which the taxing entity’s annual budget is discussed; and
(II) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity’s certified tax rate; and
{ (ii)− (B) state that the taxing entity will meet on a certain day, time, and place fixed in the advertisement, which shall be not less than seven days after the day the first advertisement is published, for the purpose of hearing comments regarding any proposed increase and to explain the reasons for the proposed increase.
(ii) If a taxing entity’s public hearing information is published by the county auditor in accordance with Section 59−2−919.2, the taxing entity is not subject to the requirement to run the advertisement twice, as required by Subsection (6)(e)(i)(A), but shall run the advertisement once
during the week:
(A) before the taxing entity conducts a public hearing at which the taxing entity’s annual budget is discussed; and
(B) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity’s certified tax rate.

(f) The meeting on the proposed increase may coincide with the hearing on the proposed budget of the taxing entity.

(f) (i) For purposes of Subsection (3)(a)(i)(A) or (4)(a), the form and content of an advertisement shall be substantially as follows:

```
NOTICE OF PROPOSED TAX INCREASE
(NAME OF TAXING ENTITY)

The (name of the taxing entity) is proposing to increase its property tax revenue.

- If the proposed budget is approved, this would be an increase of ______% above the (name of the taxing entity) property tax budgeted revenue for the prior year.

- The (name of the taxing entity) tax on a (insert the average value of a residence in the taxing entity rounded to the nearest thousand dollars) residence would increase from $_____ to $______, which is $______ per year.

- The (name of the taxing entity) tax on a (insert the value of a business having the same value as the average value of a residence in the taxing entity) business would increase from $______ to $______, which is $______ per year.

- If the proposed budget is approved, (name of the taxing entity) would increase its property tax budgeted revenue by ___% above last year’s property tax budgeted revenue excluding new growth.

All concerned citizens are invited to a public hearing on the tax increase.

PUBLIC HEARING

Date/Time: (date) (time)
Location: (name of meeting place and address of meeting place)

To obtain more information regarding the tax increase, citizens may contact the (name of the taxing entity) at (phone number of taxing entity)."

[(3) The] (ii) For purposes of Subsection (3)(a)(i)(B)(I), the form and content of [the notice] an advertisement shall be substantially as follows:
“NOTICE OF PROPOSED TAX INCREASE
(NAME OF TAXING ENTITY)

The (name of the taxing entity) is proposing to increase its property tax revenue.

- If the proposed budget is approved, this would be an increase of _____% above the (name of the taxing entity) property tax budgeted revenue for the prior year. 
- The (name of the taxing entity) tax on a (insert the average value of a residence in the taxing entity rounded to the nearest thousand dollars) residence would increase from $_____ to $_______, which is $______ per year.
- The (name of the taxing entity) tax on a (insert the value of a business having the same value as the average value of a residence in the taxing entity) business would increase from $________ to $_______, which is $______ per year.
- If the proposed budget is approved, (name of the taxing entity) would increase its property tax budgeted revenue by ____% above last year’s property tax budgeted revenue excluding new growth.

(Name of taxing entity) property tax revenue from new growth and other sources will increase from $_______________ to $______________.

All concerned citizens are invited to a public hearing on the tax increase.

PUBLIC HEARING

Date/Time: (date) (time)
Location: (name of meeting place and address of meeting place)

To obtain more information regarding the tax increase, citizens may contact the (name of the taxing entity) at (phone number of taxing entity).

(2) modifying Section 59–2–919.2 enacted in H.B. 67 in the version of the Utah Code database that takes effect on January 1, 2010 as follows:
(a) in Subsection 59–2–919.2(1)(a), replace the references to “Subsection 59–2–919(7)” with “Subsection 59–2–919(8)(a)(i)”;
(b) in Subsection 59–2–919.2(1)(b), replace the reference to “advertisement” with “notice”;
(c) modify Subsection 59–2–919.2(2)(b)(ii) to read:
“(ii) the date, time, and location of the public hearing described in Subsection 59–2–919(8)(a)(i)”;
(d) modify Subsection 59–2–919.2(4)(a) to read:
“(a) who attends the public hearing described in Subsection
59–2–919(8)(a)(i) of the taxing entity; or”; and
(e) modify Subsection 59–2–919.2(6) to read:
“(6) The publication of the list under this section does not remove or change the notice requirements of Section 59–2–919 for a taxing entity.”.

Section 23. Coordinating S.B. 65 with S.B. 208 — Substantive and technical amendments.
If this S.B. 65 and S.B. 208, Utah Public Notice Website Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication by modifying Subsections 59–2–919(6) and (7) as amended in this bill in the version of the Utah Code database that takes effect on May 12, 2009 as follows:
“(6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this section shall be published:
(i) in a newspaper or combination of newspapers of general circulation in the taxing entity until January 1, 2011; and
(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F–1–701.
(b) The advertisement described in Subsection (6)(a)(i) shall:
(i) be no less than 1/4 page in size;
(ii) use type no smaller than 18 point; and
(iii) be surrounded by a 1/4–inch border.
(c) The advertisement described in Subsection (6)(a)(i) may not be placed in that portion of the newspaper where legal notices and classified advertisements appear.
(d) It is the intent of the Legislature that:
(i) whenever possible, the advertisement described in Subsection (6)(a)(i) appear in a newspaper that is published at least one day per week; and
(ii) the newspaper or combination of newspapers selected:
(A) be of general interest and readership in the taxing entity; and
(B) not be of limited subject matter.
(e) The advertisement described in Subsection (6)(a)(i) shall:
(i) be run once each week for the two weeks preceding the adoption of the final

before a taxing entity conducts a public hearing at which the taxing
entity’s annual budget is discussed; and
(II) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity’s certified tax rate; and

{ (ii) } (B) state that the taxing entity will meet on a certain day, time, and place fixed in the advertisement, which shall be not less than seven days after the day the first advertisement is published, for the purpose of hearing comments regarding any proposed increase and to explain the reasons for the proposed increase { (ii) } ; or
(ii) described in Subsection (6)(a)(ii) shall:
(A) be published two weeks:
(I) before a taxing entity conducts a public hearing at which the taxing entity’s annual budget is discussed; and
(II) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity’s certified tax rate; and
(B) state that the taxing entity will meet on a certain day, time, and place fixed in the advertisement, which shall be not less than seven days after the day the first advertisement is published, for the purpose of hearing comments regarding any proposed increase and to explain the reasons for the proposed increase.

(f) The meeting on the proposed increase may coincide with the hearing on the proposed budget of the taxing entity.

(f) (i) For purposes of Subsection (3)(a)(i)(A) or (4)(a), the form and content of an advertisement shall be substantially as follows:

“NOTICE OF PROPOSED TAX INCREASE
(NAME OF TAXING ENTITY)

The (name of the taxing entity) is proposing to increase its property tax revenue.
• If the proposed budget is approved, this would be an increase of _____% above the (name of the taxing entity) property tax budgeted revenue for the prior year.
• The (name of the taxing entity) tax on a (insert the average value of a residence in the taxing entity rounded to the nearest thousand dollars) residence would increase from $______ to $______, which is $______ per year.
• The (name of the taxing entity) tax on a (insert the value of a business having the same value as the average value of a residence in the taxing
entity) business would increase from $________ to $_______, which is $______ per year.

All concerned citizens are invited to a public hearing on the tax increase.

PUBLIC HEARING

Date/Time: (date) (time)
Location: (name of meeting place and address of meeting place)

To obtain more information regarding the tax increase, citizens may contact the (name of the taxing entity) at (phone number of taxing entity)."

[(3) The] (ii) For purposes of Subsection (3)(a)(i)(B)(I), the form and content of [the notice] an advertisement shall be {—} substantially {—} as follows:

“NOTICE OF PROPOSED TAX INCREASE

(NAME OF TAXING ENTITY)

The (name of the taxing entity) is proposing to increase its property tax revenue.

• If the proposed budget is approved, this would be an increase of _____% above the (name of the taxing entity) property tax budgeted revenue for the prior year.

• The (name of the taxing entity) tax on a (insert the average value of a residence in the taxing entity rounded to the nearest thousand dollars) residence would increase from $______ to $________, which is $_______ per year.

• The (name of the taxing entity) tax on a (insert the value of a business having the same value as the average value of a residence in the taxing entity) business would increase from $_______ to $______, which is $______ per year.

(Name of taxing entity) property tax revenue from new growth and other sources will increase from $_______________ to $______________.

All concerned citizens are invited to a public hearing on the tax increase.

PUBLIC HEARING

Date/Time: (date) (time)
Location: (name of meeting place and address of meeting place)

To obtain more information regarding the tax increase, citizens may contact the (name of the taxing entity) at (phone number of taxing entity).”

[(4)] (7) The commission:

(a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, governing the joint use of one
advertisement [under this section or Section 59–2–918] described in Subsection (6) by two or more taxing entities; and
(b) may[; upon petition by any taxing entity,] authorize [either]:
(i) until January 1, 2011, the use of a weekly [newspapers] newspaper:
(A) in [counties] a county having both daily and weekly newspapers [where] if the weekly newspaper would provide equal or greater notice to the taxpayer; and
(B) if the county petitions the commission for the use of the weekly newspaper; or
(ii) the use by a taxing entity except for a calendar year taxing entity that provides the notice described in Subsection (3)(a)(i)(B)(II) of a commission[=]approved direct notice to each taxpayer if [the]:
(A) the cost of the advertisement would cause undue hardship; [and]
(B) the direct notice is different and separate from that provided for in Section 59–2–919.1[.]; and
(C) the taxing entity petitions the commission for the use of a commission approved direct notice.


If this S.B. 65 and H.B. 23, Certified Tax Rate Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication by replacing the reference to “public notice and hearing requirements of Sections 59–2–918 and 59–2–919” in Subsection 59–2–924(3)(c)(viii)(B) as amended in H.B. 23 with “notice and public hearing provisions of Section 59–2–919”.

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

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

Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Christensen
Davis   Dayton    Goodfellow Greiner
Hinkins Jenkins Jones Killpack
Liljenquist Madsen Mayne McCoy
Absent or not voting were: Senators
Hillyard Knudson

On motion of Senator Buttars, the Senate voted to recall 1st Sub. H.B. 136, SEX OFFENDER DEFINITION AMENDMENTS, for the purpose of amending.

On motion of Senator Bell, the circle was removed from S.B. 209, LAND USE, DEVELOPMENT, AND MANAGEMENT ACT AMENDMENTS, and it was before the Senate. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

1. Page 2, Line 40

   40 {None} This bill coordinates with S.B. 63, Modifications to Recording Requirements, by technically and substantively superseding and merging amendments.

2. Page 16, Line 475:

   475 Section 10–8–8.5, Effect of vacation or narrowing of street or alley.


   If this S.B. 209 and S.B. 63, Modifications to Recording Requirements, both pass, it is the intent of the Legislature that:

   (1) the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, modify:

   (a) Subsection 10–9a–606(1)(b) to read:

      “(b) the separate ownership or conveyance is approved by the owners of at least 75% of the lots, units, and parcels on the plat, after the municipality gives its approval.“

   (b) Subsection 10–9a–608(1)(a) to read:

      “(1)(a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition with the land use authority to have some or
all of the plat vacated or amended."

(c) Subsection 10–9a–609(1)(a) to read:
“(a) there is good cause for the vacation or amendment; and”

(d) Subsection 17–27a–606(1)(b) to read:
“(b) the separate ownership or conveyance is approved by the owners of at least 75% of the lots, units, and parcels on the plat, after the county gives its approval.”

(e) Subsection 17–27a–608(1)(a) to read:
“(1)(a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition with the land use authority to have some or all of the plat vacated or amended.

(f) Subsection 17–27a–609(1)(a) to read:
“(a) there is good cause for the vacation or amendment; and”

(2)(a) the amendments to Section 10–9a–609.5 in this bill supersede the amendments to Section 10–9a–609.5 in S.B. 63, when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication, except that Subsection 10–9a–609.5(3), as enacted in S.B. 63, shall be inserted as a new Subsection 10–9a–609.5(3) and modified to read:
“(3) A legislative body may vacate some or all of a street, right–of–way, or easement by recording in the county recorder’s office an ordinance containing a legal description of the vacated street, right–of–way, or easement or the vacated portion of the street, right–of–way, or easement, as the case may be."

(b) the remaining subsections of Section 10–9a–609.5 shall be renumbered accordingly; and

(3)(a) the amendments to Section 17–27a–609.5 in this bill supersede the amendments to Section 17–27a–609.5 in S.B. 63, when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication, except that Subsection 17–27a–609.5(3), as enacted in S.B. 63, shall be inserted as a new Subsection 17–27a–609.5(3) and modified to read:
“(3) A legislative body may vacate some or all of a street, right–of–way, or easement by recording in the county recorder’s office an ordinance containing a legal description of the vacated street, right–of–way, or easement or the vacated portion of the street, right–of–way, or easement, as the case may be."

(b) the remaining subsections of Section 17–27a–609.5 shall be renumbered accordingly.
Senator Bell’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell  Buttars  Christensen  Davis
Dayton  Goodfellow  Greiner  Hinkins
Jenkins  Jones  Killpack  Knudson
Madsen  Mayne  McCoy  Morgan
Niederhauser  Okerlund  Robles  Romero
Stephenson  Stowell  Urquhart  Valentine
Van Tassell  Waddoups

**Absent or not voting were:** Senators
Bramble  Hillyard  Liljenquist

* * *

On motion of Senator Greiner, the Senate voted to recall **H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, for the purpose of amending.

* * *

**S.B. 189, AMENDMENTS TO SALES AND USE TAX,** was read the second time.

Senator Niederhauser proposed the following amendment:

1. **Page 1, Line 24**

24 This bill provides for retrospective operation.
This bill coordinates with H.B. 403, Sales and Use Tax and Income Tax Amendments, by technically merging the amendments.

2. **Page 26, Line 794:**

794 (b) have retrospective operation to July 1, 2008.
Section 4, Coordinating S.B. 189 with H.B. 403, Sales and Use Tax and Income Tax Amendments — Technically merging the amendments.
If this S.B. 189 and H.B. 403, Sales and Use Tax and Income Tax Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the version of the Utah Code database that takes effect on July 1, 2009 for publication by
modifying Subsection 59–12–2003(4) to read:

“(4) The state may not impose a tax under this part on the sales and uses described in Section 59–12–104 to the extent the sales and uses are exempt from taxation under Section 59–12–104.”

Senator Niederhauser’s motion to amend passed on a voice vote. Senator Niederhauser explained the bill. The bill passed second reading, under suspension of the rules, on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell          Buttars        Christensen        Davis
Dayton        Goodfellow     Greiner           Hillyard
Hinkins       Jenkins        Jones            Killpack
Knudson       Madsen         Mayne            McCoy
Morgan        Niederhauser   Okerlund         Robles
Romero        Stowell        Urquhart        Valentine
Van Tassell   Waddoups

**Absent or not voting were:** Senators
Bramble       Liljenquist    Stephenson

***

On motion of Senator Niederhauser, **S.B. 190, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN**, was read the second time and circled.

***

On motion of Senator Dayton, **1st Sub. S.B. 80, FIRE LIABILITY MODIFICATIONS**, was read the second time and circled.

***

**S.B. 244, LONG ARM JURISDICTION AMENDMENTS**, was read the second time. Senator Niederhauser explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Buttars        Christensen  Davis        Dayton
Goodfellow     Greiner      Hinkins    Jenkins
S.J.R. 21, JOINT RESOLUTION ON COMBATING AND REDUCING GANG ACTIVITY, was read the second time. Senator Robles explained the bill. Senators Mayne and Greiner commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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<tr>
<th>Bell</th>
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**Absent or not voting were:** Senators

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* * *

On motion of Senator Dayton, the circle was removed from 1st Sub. S.B. 80, FIRE LIABILITY MODIFICATIONS, and it was before the Senate.

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

**4th Sub. S. B. 80 Fire Liability Modifications** (M. Dayton)

Senator Dayton explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**
Voting in the affirmative were: Senators
Bell          Buttars          Christensen          Davis
Dayton       Goodfellow       Greiner           Hinkins
Jenkins      Jones            Knudsen         Liljenquist
Madsen       Mayne           McCoy            Morgan
Niederhauser  Okerlund       Robles           Romero
Stowell      Urquhart        Valentine        Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble      Hillyard        Killpack       Stephenson

* * *

On motion of Senator Niederhauser, the circle was removed from S.B. 190,
ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN, and it was before
the Senate.

Senator Niederhauser proposed the following amendment:

1. Page 3, Lines 79 through 80

    79 the municipality shall pay just compensation { for outdoor
    advertising and all associated property 
    80 rights pertaining to the outdoor advertising } to the billboard
    owner in an amount that is the greater of:

2. Page 3, Lines 86 through 89:

    86 (A) the { consideration of the } present value, at a fair
    market capitalization rate, of the greater of:
    87 (I) { past } actual annual revenue, less
    annual rent expense; and
    88 (II) projected future annual revenue, less annual rent
    expense;
    89 (B) any { property } other right associated with the
    billboard structure that is acquired;

3. Page 4, Lines 91 through 94:

    91 (D) damage to the economic unit { consisting of:
    92 (I) the billboard structure actually taken; and
93 (II) remaining property, contiguous and not contiguous, to the outdoor advertising sign
94 company’s interest } described in Subsection 72–7–510(3)(b), of which the billboard owner’s interest is a part .

4. Page 6, Lines 175 through 176:

175 shall pay just compensation {–for outdoor advertising and all associated property rights pertaining
176 to the outdoor advertising } to the billboard owner in an amount that is the greater of:

5. Page 6, Line 182 through Page 7, Line 185:

182 (A) the {–consideration of the } present value, at a fair market capitalization rate, of the greater of:
183 (I) {–past } actual annual revenue, less annual rent expense; and
184 (II) projected future annual revenue, less annual rent expense;
185 (B) any {–property } other right associated with the billboard structure that is acquired;

5. Page 7, Lines 187 through 190:

187 (D) damage to the economic unit {–consisting of:
188 (I) the billboard structure actually taken; and
189 (II) remaining property, contiguous and not contiguous, to the outdoor advertising sign
190 company’s interest } described in Subsection 72–7–510(3)(b), of which the billboard owner’s interest is a part .

Senator Niederhauser’s motion to amend passed on a voice vote. Senator Niederhauser explained the bill. Senators Jones and Buttars commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 1; Absent, 8.

Voting in the affirmative were: Senators
Bramble  Buttars  Christensen  Davis
Dayton  Goodfellow  Greiner  Hinkins
Voting in the negative was: Senator Jones

Absent or not voting were: Senators
Bell    Hillyard    Killpack    Knudson
Robles  Stephenson  Urquhart  Valentine

* * *

On motion of Senator Jenkins, S.B. 208, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Jenkins, S.B. 225, HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN, was read the second time and circled.

* * *

On motion of Senator Jenkins, S.B. 240, UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE AMENDMENTS, was read the second time and circled.

* * *

Senator Morgan made the motion to lift S.B. 46, SCHOOL PROPERTY TAX EQUALIZATION AMENDMENTS, from Rules and place it at the top of the Second Reading Calendar for the purpose of substitution. Senators Bramble, Jones, and Jenkins commented and the motion passed on the following roll call:

Yeas, 15; Nays, 11; Absent, 3.

Voting in the affirmative were: Senators
Davis    Dayton    Goodfellow  Greiner
Jones    Liljenquist  Madsen    Mayne
McCoy    Morgan    Niederhauser  Robles
Romero   Stephenson  Waddoups

Voting in the negative were: Senators
Bramble  Buttars    Christensen  Hillyard
Hinkins  Jenkins    Killpack    Okerlund
Stowell  Urquhart  Van Tassell
Absent or not voting were: Senators
Bell               Knudson               Valentine

S.B. 46 was placed on the Second Reading Calendar.

***

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

AFTERNOON SESSION

The Senate reassembled at 2:45 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 6, 2009
The House requests the return of H.B. 185, TRANSPORTATION AMENDMENTS, by Representative W. Harper, for correction.

Sandy D. Tenney, Chief Clerk

H.B. 185, was returned to the House for correction.

***

Mr. President: March 6, 2009
The Speaker of the House has signed S.B. 35, SALES AND USE TAX DEFINITIONS RELATING TO PROPERTY, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 39, IMMIGRATION AMENDMENTS, by Senator S. Jenkins, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 2nd Sub. S.B. 56, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, by Senator S. Killpack, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 1st Sub. S.B. 81, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, by Senator M. Dayton, and it is transmitted for the signature of the President; and

The House passed, S.B. 87, PREFERRED DRUG LIST REVISIONS, by Senator A. Christensen, which has been signed by the Speaker and it is transmitted for the signature of the President; and
The Speaker of the House has signed S.B. 118, PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS, by Senator J. Greiner, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 35, S.B. 39, 2nd Sub. S.B. 56, 1st Sub. S.B. 81, S.B. 87, and S.B. 118 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

Mr. President: March 6, 2009

The House concurred in the Senate amendments and passed 3rd Sub. H.B. 165, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, by Representative M. Newbold, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 222, UNBORN CHILD PAIN PREVENTION ACT, by Representative C. Wimmer, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

3rd Sub. H.B. 165 and H.B. 222 were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

Mr. President: March 6, 2009

The House passed, as amended, H.B. 201, MUNICIPAL DISINCORPORATION AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 311, UTAH STATE RAILROAD MUSEUM AUTHORITY, by Representative N. Hansen, and it is transmitted for consideration; and

The House passed H.B. 392, NATURAL GAS FOR VEHICLES, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed, as amended, H.B. 430, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS, by Representative K. Garn, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. 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, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 356, BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed H.B. 384, PUBLIC LEWDNESS AMENDMENTS, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed, as amended, H.B. 179, STATE-OWNED LAND AMENDMENTS, by Representative K. Gibson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


***

Mr. President: March 6, 2009

The House passed, as amended, 1st Sub. S.B. 192, CORPORATION AND BUSINESS ENTITY RELATED AMENDMENTS, by Senator L. Hillyard, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

***

Mr. President: March 6, 2009

The House transmits 1st Sub. H.B. 136, SEX OFFENDER DEFINITION AMENDMENTS, by Representative P. Ray, for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Third Reading Calendar.
Mr. President: March 6, 2009

The House refused to concur with the Senate Amendments to H.B. 244, DISRUPTION OF SCHOOL ACTIVITIES, by Representative C. Moss, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Greiner, the Senate voted to refuse to recede from its amendments to H.B. 244. President Waddoups appointed a conference committee consisting of Senators Greiner, Goodfellow, and Morgan to meet with a like committee from the House.

INTRODUCTION OF BILLS

S.B. 260, Housing Relief Restricted Special Revenue Fund (S. Jenkins), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Jenkins, legislative staff was authorized to draft a bill regarding housing stimulus money.

On motion of Senator Jenkins, legislative staff was authorized to draft a bill regarding youth driver license enforcement. Senator Jones commented.

On motion of Senator Dayton, legislative staff was authorized to draft a bill regarding adjusting the dates on the legislative calendar.

SECOND READING CALENDAR

S.B. 235, REDISTRIBUTION OF SALES AND USE TAX REVENUES AND PROPERTY TAX ADJUSTMENT, was read the second time.

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

1st Sub. S.B. 235 Redistribution of Sales and Use Tax Revenues and Property Tax Adjustment (J. Valentine)

Senator Valentine proposed the following amendment:

1. Page 6, Lines 170 through 174

   170 (2) Subject to Subsection (3), the commission may make a redistribution to a secondary
recipient political subdivision in an amount equal to the eligible portion of qualifying sales and use tax revenues if:

(a) the commission provides written notice to the following {at least 30} within 15 days {before} after the commission {makes} determines to make the redistribution:

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

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

**Voting in the affirmative were:** Senators

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<tr>
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**Absent or not voting were:** Senators

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On motion of Senator Valentine, the Senate voted to lift S.B. 214 to the top of the Second Reading Calendar.

S.B. 214, OFFICE OF CONSUMER SERVICES ACT, was read the second time. Senator Valentine explained the bill.

Senator Valentine proposed the following amendment:

1. Page 1, Lines 15 through 17

   15 ► establishes a director of the office, including:
   16 • addressing appointment; {and—}
   17 • addressing terms; and
   • addressing removal;
Senate Committee Amendments
2–26–2009:

[(1) (2) (a) The governor shall appoint, with the [concurrence of the Committee of Consumer Services] 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. 

[(2) This person shall:]

(b) The director shall serve for a term of [four] six years.

(c) For purposes of the individual who is the director on May 12, 2009, that individual’s [four] six –year term is considered to begin on July 1, 2009.

(d) The governor may remove the director for cause.

***

Senator Valentine’s motion to amend passed on a voice vote. Senators Davis and McCoy commented. The bill passed second reading on the following roll call:

**Yeas, 18; Nays, 5; Absent, 6.**

**Voting in the affirmative were:** Senators

- Buttars
- Christensen
- Davis
- Dayton
- Greiner
- Hillyard
- Hinkins
- Jenkins
- Killpack
- Knudson
- Madsen
- Niederhauser
- Okerlund
- Stowell
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Voting in the negative were:** Senators

- Jones
- McCoy
- Morgan
- Robles
- Romero

**Absent or not voting were:** Senators

- Bell
- Bramble
- Goodfellow
- Liljenquist
- Mayne
- Stephenson
On motion of Senator Urquhart, the circle was removed from **S.B. 208**, **UTAH PUBLIC NOTICE WEBSITE AMENDMENTS**, and it was before the Senate.

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

**2nd Sub. S.B. 208 Utah Public Notice Website Amendments** (S. Urquhart)

Senator Urquhart explained the bill. Senators Hillyard, Jones, Davis, and Romero commented. The bill passed second reading on the following roll call:

**Yeas, 18; Nays, 8; Absent, 3.**

**Voting in the affirmative were:** Senators
Bell  Buttars  Christensen  Dayton  Hillyard  Hinkins  Jenkins  Killpack  Knudson  Liljenquist  Madsen  Niederhauser  Okerlund  Stephenson  Stowell  Urquhart  Van Tassell  Waddoups

**Voting in the negative were:** Senators
Davis  Goodfellow  Jones  Mayne  McCoy  Morgan  Robles  Romero

**Absent or not voting were:** Senators
Bramble  Greiner  Valentine

On motion of Senator Killpack, the Senate voted to lift **1st Sub. H.J.R. 8**, **JOINT RESOLUTION REGARDING SECRET BALLOT**, from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Knudson, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Knudson, the Senate voted to lift **H.B. 29**, **H.B. 97**, and **H.B. 265** from the Third Reading Table and place them on the Third Reading Calendar.
SECOND READING CALENDAR

On motion of Senator Killpack, the Senate voted to consider a House bill on a Senate day.

* * *

1st Sub. H.J.R. 8, JOINT RESOLUTION REGARDING SECRET BALLOT, was read the second time. Senator Stephenson explained the bill. Senators Robles, McCoy, Goodfellow, Romero, Davis, and Mayne commented.

On motion of Senator Stephenson, under suspension of the rules, 1st Sub. H.J.R. 8, JOINT RESOLUTION REGARDING SECRET BALLOT, was considered read the second and third times and passed on the following roll call:

**Yeas, 21; Nays, 8; Absent, 0.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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1st Sub. H.J.R. 8 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, University of Utah President, Michael Young spoke in Committee of the Whole. An honorary degree was presented to Senator Peter Knudson.

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 6, 2009


Sandy D. Tenney, Chief Clerk
Communications filed. H.B. 185 was referred to the Rules Committee.
Mr. President: March 6, 2009

The House passed **H.B. 425**, CARSON SMITH SCHOLARSHIP PROGRAM AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 425** was read the first time and referred to the Rules Committee.

Mr. President: March 6, 2009

The Speaker of the House has appointed a Conference Committee consisting of Representatives C. Moss, G. Hughes, and K. Holdaway to meet with a like committee from the Senate to consider or amend **H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, by Representative C. Moss.

Sandy D. Tenney, Chief Clerk

***

On motion of Senator Killpack and at 4:35 p.m., the Senate adjourned until 8:00 a.m., Monday, March 9, 2009.
The Senate was called to order at 8:20 a.m., with President Michael Waddoups presiding.

Prayer – Major General Brian L. Tarbet, Adjutant General, Utah National Guard

Pledge of Allegiance – Senator David Hinkins

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

INTRODUCTION OF BILLS

S.B. 2, New Fiscal Year Supplemental Appropriations Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

H.B. 29, SEX OFFENDERS’ CONTACT WITH CHILDREN, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Killpack
Knudson Liljenquist Madsen Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stowell Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Davis Stephenson Urquhart

H.B. 29, as amended, was returned to the House for further consideration.
CONCURRENCE CALENDAR

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to 1st Sub. S.B. 192, CORPORATION AND BUSINESS ENTITY RELATED AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Knudson Liljenquist Madsen
Mayne McCoy Morgan Niederhauser
Okerlund Robles Romero Stowell
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Stephenson Urquhart

1st Sub. S.B. 192 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 97, SEXUAL EXPLOITATION OF A MINOR, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Knudson Liljenquist Madsen
Mayne McCoy Morgan Okerlund
Robles Romero Stowell Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Niederhauser Stephenson

H.B. 97 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
H.B. 265, POSTMORTEM PROCEDURES AMENDMENTS, was read the third time and explained by Senator Robles. Senators Greiner, Jenkins, Buttars, and Christensen commented and the bill passed on the following roll call:

Y eas, 22; Nays, 6; Absent, 1.

Voting in the affirmative were: Senators
Bramble Buttars Christensen Davis
Goodfellow Hinkins Jones Killpack
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Van Tassell

Voting in the negative were: Senators
Bell Dayton Greiner Jenkins
Knudson Waddoups

Absent or not voting was: Senator
Hillyard

HB. 265 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 136, SEX OFFENDER DEFINITION AMENDMENTS, was read the third time and explained by Senator Buttars.

Senator Buttars proposed the following amendment:

1. Page 7, Line 186:
   Delete “three” and insert “four”

   Senator Buttars’ motion to amend passed on a voice vote. The bill passed on the following roll call:

Y eas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
1st Sub. H.B. 136, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Knudson, the circle was removed from 2nd Sub.
S.B. 79, HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, and it was before the Senate.

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

3rd Sub. S.B. 79 Health Reform – Medical Malpractice Amendments
(P. Knudson)

Senator Knudson explained the bill. Senators Valentine, Romero, Christensen, and Jones commented. The bill passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

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Voting in the negative was: Senator Dayton

Absent or not voting were: Senators

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3rd Sub. S.B. 79 was transmitted to the House for consideration.
1st Sub. S.B. 84, IMPACT FEES REVISIONS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Hinkins
Jenkins  Jones  Killpack  Knudson
Liljenquist  Madsen  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Robles
Romero  Stephenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

**Absent or not voting were:** Senators
Greiner  Hillyard

1st Sub. S.B. 84 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 106, ALCOHOLIC BEVERAGE CONTROL ACT RESTRICTIONS, was read the third time, explained by Senator McCoy, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Hinkins
Jenkins  Jones  Killpack  Knudson
Liljenquist  Madsen  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Robles
Romero  Stephenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

**Absent or not voting were:** Senators
Greiner  Hillyard

1st Sub. S.B. 106 was transmitted to the House for consideration.

* * *

On motion of Senator Madsen, the circle was removed from 1st Sub. H.B. 126, VOTER IDENTIFICATION FOR ELECTIONS, and it was before the Senate.
On motion of Senator McCoy, the following substitute bill replaced the original bill:

**2nd Sub. H.B. 126 Voter Identification for Elections** (B. Daw)

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**2nd Sub. H.B. 126** was returned to the House for further consideration.

***

On motion of Senator Greiner, the Senate voted to lift **S.B. 90, METAL THEFT AMENDMENTS AND PENALTIES**, from enrolling and place it at the top of the Third Reading Calendar.

**S.B. 90, METAL THEFT AMENDMENTS AND PENALTIES**, was before the Senate, explained by Senator Greiner, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 90 was transmitted to the House.

***

1st Sub. S.B. 63, MODIFICATIONS TO RECORDING REQUIREMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

Y eas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Hillyard
Hinkins Jenkins Jones Killpack
Knudson Liljenquist Madsen Mayne
McCoy Morgan Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Greiner Niederhauser

1st Sub. S.B. 63 was transmitted to the House for consideration.

***

1st Sub. S.B. 224, REUSE OF INDUSTRIAL BYPRODUCT, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Hillyard
Hinkins Jenkins Jones Killpack
Knudson Liljenquist Madsen Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Urquhart Valentine Van Tassell Waddoups

Absent or not voting was: Senator
Greiner

1st Sub. S.B. 224 was transmitted to the House for consideration.
S.B. 211, BUILDING CODE AMENDMENTS, was read the third time and explained by Senator Bramble. Senator McCoy, Hillyard, and Jenkins commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Killpack
Knudson  Liljenquist  Madsen  Mayne
McCoy  Morgan  Okerlund  Robles
Romero  Stephenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Christensen  Niederhauser

S.B. 211 was transmitted to the House for consideration.

* * *

S.B. 65, AMENDMENTS TO PROPERTY TAX NOTICE, PUBLIC HEARING, AND RESOLUTION PROVISIONS, was read the third time and explained by Senator Stowell.

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


Senator Stowell explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Buttars  Davis  Dayton
Goodfellow  Hillyard  Hinkins  Jenkins
Jones  Killpack  Knudson  Liljenquist
Madsen  Mayne  McCoy  Morgan
Okerlund  Robles  Romero  Stephenson
Stowell  Urquhart  Valentine  Van Tassell
Waddoups
Absent or not voting were: Senators
Bramble Christensen Greiner Niederhauser

1st Sub. S.B. 65 was transmitted to the House for consideration.

* * *

S.B. 209, LAND USE, DEVELOPMENT, AND MANAGEMENT ACT AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Buttars Davis Dayton
Goodfellow Greiner Hinkins Jenkins
Jones Killpack Knudson Liljenquist
Madsen Mayne McCoy Morgan
Niederhauser Okerlund Robles Romero
Stephenson Stowell Urquhart Valentine
Waddoups

Absent or not voting were: Senators
Bramble Christensen Hillyard Van Tassell

S.B. 209 was transmitted to the House for consideration.

* * *

S.B. 189, AMENDMENTS TO SALES AND USE TAX, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Buttars Davis Dayton
Goodfellow Greiner Hinkins Jenkins
Jones Killpack Knudson Liljenquist
Madsen Mayne McCoy Morgan
Niederhauser Okerlund Robles Romero
Stephenson Stowell Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Christensen Hillyard
S.B. 189 was transmitted to the House for consideration.

* * *

S.B. 244, LONG ARM JURISDICTION AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Buttars    Davis    Dayton
Goodfellow    Greiner    Hinkins    Jenkins
Jones    Killpack    Liljenquist    Madsen
Mayne    McCoy    Morgan    Niederhauser
Okerlund    Robles    Romero    Stephenson
Stowell    Urquhart    Valentine    Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble    Christensen    Hillyard    Knudson

S.B. 244 was transmitted to the House for consideration.

* * *

S.J.R. 21, JOINT RESOLUTION ON COMBATING AND REDUCING GANG ACTIVITY, was read the third time, explained by Senator Robles, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Buttars    Dayton    Goodfellow
Greiner    Hillyard    Hinkins    Jones
Killpack    Liljenquist    Madsen    Mayne
McCoy    Morgan    Niederhauser    Okerlund
Robles    Romero    Stephenson    Stowell
Urquhart    Van Tassell    Waddoups

Absent or not voting were: Senators
Bramble    Christensen    Davis    Jenkins
Knudson    Valentine

S.J.R. 21 was transmitted to the House for consideration.
4th Sub. S.B. 80, FIRE LIABILITY MODIFICATIONS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senator Bramble

4th Sub. S.B. 80 was transmitted to the House for consideration.

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On motion of Senator Niederhauser, S.B. 190, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN, was read the third time and circled.

---

1st Sub. S.B. 235, REDISTRIBUTION OF SALES AND USE TAX REVENUES, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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1st Sub. S.B. 235 was transmitted to the House for consideration.

* * *

S.B. 214, OFFICE OF CONSUMER SERVICES ACT, was read the third time and explained by Senator Valentine. Senator Bell commented and the bill passed on the following roll call:

Yeas, 21; Nays, 8; Absent, 0.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Dayton  Greiner  Hillyard  Hinkins
Jenkins  Killpack  Knudson  Liljenquist
Madsen  Niederhauser  Okerlund  Stephenson
Stowell  Urquhart  Valentine  Van Tassell
Waddoups

Voting in the negative were: Senators
Davis  Goodfellow  Jones  Mayne
McCoy  Morgan  Robles  Romero

S.B. 214 was transmitted to the House for consideration.

* * *

2nd Sub. S.B. 208, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, was read the third time and explained by Senator Urquhart. Senator Bramble commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Dayton  Greiner  Hillyard  Hinkins
Jenkins  Killpack  Knudson  Liljenquist
Madsen  Niederhauser  Okerlund  Stephenson
Stowell  Urquhart  Waddoups

Voting in the negative were: Senators
Davis  Goodfellow  Jones  Mayne
McCoy  Morgan  Robles  Romero
Valentine  Van Tassell
2nd Sub. S.B. 208 was transmitted to the House for consideration.

***

On motion of Senator Hillyard, the Senate voted to lift S.B. 2, NEW FISCAL YEAR APPROPRIATIONS ACT, from Rules and place it at the top of the Second Reading Calendar.

***

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

The Senate was called to order at 10:55 a.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 9, 2009

The House concurred in the Senate amendments and passed 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 President; and

The House concurred in the Senate amendments and passed H.B. 128, ELECTRONIC PRESCRIBING ACT, by Representative R. Menlove, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 152, APPRAISAL MANAGEMENT COMPANY REGULATION, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 170, INSURANCE AND LIFE SETTLEMENT AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 188, HEALTH SYSTEM REFORM − INSURANCE MARKET, by Representative D. Clark, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 317, CAPITAL FELONY AMENDMENTS, by Representative C. Wimmer, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. H.B. 100, H.B. 128, H.B. 152, H.B. 170, 2nd Sub. H.B. 188, and H.B. 317 were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
Mr. President: March 9, 2009

The House passed, as substituted, **1st Sub. H.B. 337**, CHOOSE LIFE SPECIAL GROUP LICENSE PLATE, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 450**, TRADEMARK AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.J.R. 9**, JOINT RESOLUTION ON COST–EFFECTIVE ENERGY EFFICIENCY AND UTILITY DEMAND–SIDE MANAGEMENT, by Representative R. Barrus, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 337**, **H.B. 450**, and **1st Sub. H.J.R. 9** were read the first time and referred to the Rules Committee.

**THIRD READING CALENDAR**

On motion of Senator Niederhauser, the circle was removed from **S.B. 190**, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN, and it was before the Senate. Senator Niederhauser explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Jones  Killpack
Knudson  Liljenquist  Madsen  McCoy
Morgan  Niederhauser  Okerlund  Robles
Romero  Stephenson  Stowell  Urquhart
Valentine  Waddoups

**Absent or not voting were:** Senators

Jenkins  Mayne  Van Tassell

**S.B. 190** was transmitted to the House for consideration.

**SECOND READING CALENDAR**

On motion of Senator Valentine, the Senate voted to lift **S.B. 187**, ALCOHOL AMENDMENTS, to the top of the Second Reading Calendar.
S.B. 187, ALCOHOL AMENDMENTS, was read the second time.

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

1st Sub. S.B. 187 Alcohol Amendments (J. Valentine)

On motion of Senator Valentine, the bill was circled.

* * *

S.B. 188, IMPROVEMENT DISTRICT – PROVIDING ELECTRIC SERVICE, was read the second time. Senator Stowell explained the bill. Senator Niederhauser commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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S.B. 2, NEW FISCAL YEAR APPROPRIATIONS ACT, was read the second time.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Killpack, the circle was removed from S.B. 68, MINING PROTECTION AMENDMENTS, and it was before the Senate.

On motion of Senator Killpack, the following substitute bill replaced the original bill:
1st Sub. S.B. 68 Mining Protection Amendments (S. Killpack)

Senator Killpack proposed the following amendment:

1. Page 11, Line 317
   
   317 (b) may be changed to another mining use without losing its status as a vested mining use.

2. Page 11, Line 335:
   
   335 (i) is contiguous or related in mineralization to surface or subsurface land or a mineral

3. Page 12, Line 362:
   
   362 regularly scheduled available meeting that is more than five ten days after receiving the notice under

Senator Killpack’s motion to amend passed on a voice vote. The bill passed on the following roll call:

**Yeas, 24; Nays, 2; Absent, 3.**

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Christensen
Davis  Dayton  Greiner  Hillyard
Hinkins  Jenkins  Jones  Killpack
Liljenquist  Madsen  Mayne  Niederhauser
Okerlund  Romero  Stephenson  Stowell
Urquhart  Valentine  Van Tassell  Waddoups

**Voting in the negative were:** Senators

McCoy  Morgan

**Absent or not voting were:** Senators

Goodfellow  Knudson  Robles

* * *

S.B. 223, CITY AND COUNTY CARBON CREDITS FOR SEQUESTRATION OF WASTE STREAM MATERIALS, was read the second time. Senator Romero explained the bill. Senators Jenkins, Niederhauser, Buttars, and Dayton commented. The bill failed second reading on the following roll call:

**Yeas, 9; Nays, 17; Absent, 3.**
Voting in the affirmative were: Senators
Davis        Goodfellow  Jones        Knudson
Mayne        McCoy       Morgan       Robles
Romero

Voting in the negative were: Senators
Bell         Buttars     Christensen  Dayton
Greiner      Hillyard    Hinkins      Jenkins
Killpack     Liljenquist Madsen      Niederhauser
Okerlund     Stephenson  Stowell      Urquhart
Waddoups

Absent or not voting were: Senators
Bramble      Valentine   Van Tassell

The bill was filed.

SPECIAL PRESENTATION

A citation was read honoring the Utah Department of Transportation Dive Team, Grand County Sheriff’s Office, Grand County Sheriff’s Office Search and Rescue Team, Utah Department of Natural Resources, Moab Valley Police Department and the U.S. National Park Service.

SECOND READING CALENDAR

S.B. 269, PUBLIC UTILITY EASEMENT AMENDMENTS, was read the second time. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

1. Page 3, Lines 65 through 65a
   Senate Committee Amendments
   2–26–2009

   65 does not diminish or extinguish any right that the gas corporation
   Š⇒ or electric corporation ⇐Š

   65a has under the easement.
   (8) Nothing in this section may be construed to affect the right of a
   condemnor to condemn a public utility easement as provided by law.

   Senator Bell’s motion to amend passed on a voice vote. The bill passed
   second reading on the following roll call:
Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Goodfellow Greiner Jenkins
Jones Killpack Knudson Liljenquist
Madsen Mayne McCoy Morgan
Okerlund Robles Romero Stephenson
Stowell Urquhart Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Hillyard Hinkins Niederhauser
Valentine

* * *

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

AFTERNOON SESSION

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 9, 2009

The Speaker of the House has signed 1st Sub. S.B. 192, CORPORATION AND BUSINESS ENTITY RELATED AMENDMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 192 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 9, 2009

The House passed H.B. 101, ASSERTIVE COMMUNITY MENTAL HEALTH TREATMENT PILOT PROGRAM, by Representative C. Moss, and it is transmitted for consideration; and

The House passed, as amended, H.B. 171, LEGAL IMMIGRANT CHILDREN HEALTH CARE AMENDMENTS, by Representative K. Holdaway, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 276**, CUSTODIAL INTERFERENCE AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 340**, RESPIRE CARE ASSISTANCE FUND, by Representative J. Draxler, and it is transmitted for consideration; and

The House passed **H.B. 362**, GOVERNMENT RECORDS AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

**INTRODUCTION OF BILLS**

**S.B. 257**, Disaster Recovery Fund Funding Modifications (L. Hillyard), read the first time by short title and referred to the Rules Committee.

**S.B. 258**, Medicaid Drug Program Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

**S.B. 259**, Public Safety Restricted Account Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

**S.J.R. 22**, Resolution Approving Contract for Construction of Utah Science Technology and Research Initiative Centers (L. Hillyard), read the first time by short title and referred to the Rules Committee.

**S.J.R. 23**, Joint Rules Resolution Date Changes (M. Dayton), read the first time by short title and referred to the Rules Committee.

**JOINT CONFERENCE COMMITTEE REPORT**

Mr. President:

the Joint Conference Committee comprised of Sens. J. Greiner, B. Goodfellow, and K. Morgan, and Reps. C. Moss, G. Hughes, and K. Holdaway, recommends **H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, by
Representative C. Moss, be replaced and favorably recommenda 1st Sub. H.B. 244, DISRUPTION OF SCHOOL ACTIVITIES.

Sen. Jon Greiner and Rep. Carol Moss, Chairs

**1st Sub. H.B. 244, DISRUPTION OF SCHOOL ACTIVITIES,** was before the Senate, explained by Senator Greiner, and passed on the following roll call:

**Yeas, 21; Nays, 3; Absent, 5.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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1st Sub. H.B. 244 was returned to the House.

***

On motion of Senator Killpack, under suspension of the rules, the Senate voted to consider bills on the Second Reading Calendar read for the second and third time.

***

On motion of Senator Bramble, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Bramble, the circle was removed from H.B. 122, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:
Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Jenkins  Jones
Killpack  Knudson  Liljenquist  Madsen
Mayne  Morgan  Okerlund  Robles
Stephenson  Valentine  Van Tassell  Waddoups

Voting in the negative were: Senators
McCoy  Romero

Absent or not voting were: Senators
Niederhauser  Stowell  Urquhart

H.B. 122 was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 9, 2009

The House passed H.J.R. 28, JOINT RESOLUTION HONORING THE BATTLESHIP USS UTAH ON ITS 100TH ANNIVERSARY, by Representative Julie Fisher, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.J.R. 28 was read the first time and referred to the Rules Committee.

On motion of Senator Knudson, under suspension of the rules, the Senate voted to lift H.J.R. 28 from the Rules Committee and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Knudson, under suspension of the rules, H.J.R. 28, JOINT RESOLUTION HONORING THE BATTLESHIP USS UTAH ON ITS 100TH ANNIVERSARY, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Buttars  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins    Jenkins    Jones    Killpack
Knudson    Liljenquist    Madsen    Mayne
McCoy    Morgan    Okerlund    Robles
Romero    Stephenson    Stowell    Valentine
Van Tassell    Waddoups

Absent or not voting were: Senators
Bramble    Niederhauser    Urquhart

H.J.R. 28 was signed by the President of the Senate in open session and
returned to the House for the signature of the Speaker.

* * *

On motion of Senator Robles, the circle was removed from S.B. 225,
HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN, and it was
before the Senate. Senator Robles explained the bill. Senators Knudson and
Stowell commented. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 6; Absent, 4.

Voting in the affirmative were: Senators
Bell    Buttars    Davis    Goodfellow
Hillyard    Jenkins    Jones    Killpack
Knudson    Liljenquist    Mayne    McCoy
Morgan    Okerlund    Robles    Romero
Stowell    Valentine    Van Tassell

Voting in the negative were: Senators
Dayton    Greiner    Hinkins    Madsen
Stephenson    Waddoups

Absent or not voting were: Senators
Bramble    Christensen    Niederhauser    Urquhart

* * *

On motion of Senator Madsen, under suspension of the rules, S.B. 216,
REVISIONS TO MILITARY INSTALLATION DEVELOPMENT AUTHORITY ACT, was considered read the second and third times. Senator
Madsen explained the bill.

Senator Killpack proposed the following amendment:
1. Page 1, Line 21

21 This bill { provides an immediate effective date } takes effect October 1, 2009.

2. Page 6, Lines 159 through 162:

159 { If approved by two-thirds of all the members elected to each house, this bill takes effect
160 upon approval by the governor, or the day following the constitutional time limit of Utah
161 Constitution Article VII, Section 8, without the governor’s signature, or in the case of a veto,
162 the date of veto override } This bill takes effect October 1, 2009.

Senator Killpack’s motion to amend passed on a voice vote. Senators Jones and Romero commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bramble           Buttars           Christensen         Dayton
Greiner           Hillyard         Hinkins            Killpack
Knudson           Liljenquist       Madsen             Morgan
Niederhauser      Okerlund          Stephenson        Stowell
Urquhart          Valentine         Waddoups

**Voting in the negative were:** Senators
Bell              Davis             Goodfellow          Jenkins
Jones             Mayne             McCoy              Robles
Romero           Van Tassell

S.B. 216 was transmitted to the House.

***

On motion of Senator Okerlund, S.B. 234, MOTOR VEHICLE REGISTRATION FEES, was read the second time and circled.

***

On motion of Senator McCoy, under suspension of the rules, S.B. 166, ALCOHOLIC BEVERAGE CONTROL ACT, was considered read the second
and third times. Senator McCoy explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator Buttars

**Absent or not voting were:** Senators

| Christensen | Morgan |

**S.B. 166** was transmitted to the House.

* * *

On motion of Senator Valentine, the circle was removed from **1st Sub. S.B. 187, ALCOHOL AMENDMENTS**, and it was before the Senate. Senator Valentine explained the bill.

Senator Valentine proposed the following amendment:

1. **Page 191, Lines 5894 through 5909**

   5894  (1) This bill takes effect on May 12, 2009 except:
   5895  (a) the amendments in this bill to the following take effect on July 1, 2009:
   5896  (i) Section 32A−5−101;
   5897  (ii) Section 32A−5−102, except for Subsection 32A−5−102(1)(j);
   5898  (iii) Section 32A−5−103 (Effective 07/01/09);
   5899  (iv) Section 32A−5−104;
   5900  (v) Section 32A−5−106; {−and }
(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;

(b) the amendments in this bill to the following take effect on January 1, 2010:

(i) Section 32A–4–102;
(ii) Section 32A–4–202;
(iii) Section 32A–4–303;
(iv) Section 32A–4–402;
(v) Section 32A–10–202; and
(vi) Section 32A–14a–102 and

(c) Subsection 32A–5–102(1)(j) takes effect on July 1, 2010.

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

S.B. 187, ALCOHOL AMENDMENTS, was considered read the second and third times. Senator Valentine explained the bill. Senators McCoy, Romero, and Van Tassell commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Butteras  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Killpack
Knudson  Liljenquist  Madsen  Mayne
McCoy  Morgan  Niederhauser  Okerlund
Robles  Romero  Stephenson  Stowell
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting was: Senator
Bramble
1st Sub. S.B. 187 was transmitted to the House.

INTRODUCTION OF BILLS

S.B. 201, General Obligation Bond Authorization Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 272, Driver License Sanction Amendments (S. Jenkins), read the first time by short title and referred to the Rules Committee.

***

On motion of Senator Dayton, the Senate voted to lift the following bills from the Rules Committee and place them at the top of the Second Reading Calendar:


***

On motion of Senator Jenkins, under suspension of the rules, S.B. 272, DRIVER LICENSE SANCTIONS AMENDMENTS, was considered read the second and third times. Senator Jenkins explained the bill. Senators Greiner and Valentine commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell   Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Hillyard
Hinkins  Jenkins  Jones  Killpack
Knudson  Liljenquist  Madsen  Mayne
McCoy  Morgan  Niederhauser  Okerlund
Robles  Romero  Stephenson  Stowell
Urquhart  Valentine  Van Tassell  Waddoups

Voting in the negative was: Senator Greiner

S.B. 272 was transmitted to the House.

***

On motion of Senator Niederhauser, under suspension of the rules, S.B. 201, GENERAL OBLIGATION BOND AUTHORIZATION AMENDMENTS, was
considered read the second and third times. Senator Niederhauser explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

Bramble             Goodfellow

*S.B. 201* was transmitted to the House.

***

On motion of Senator Hillyard, under suspension of the rules, *S.B. 257*, DISASTER RECOVERY FUND FUNDING MODIFICATIONS, was considered read the second and third times. Senator Hillyard explained the bill. Senator Romero commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

Bramble             Goodfellow             Madsen             Niederhauser

Valentine

*S.B. 257* was transmitted to the House.

***

On motion of Senator Hillyard, under suspension of the rules, *S.B. 258*, MEDICAID DRUG PROGRAM AMENDMENTS, was considered read the
second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**S.B. 258** was transmitted to the House.

***

On motion of Senator Hillyard, under suspension of the rules, **S.B. 259**, PUBLIC SAFETY RESTRICTED ACCOUNT AMENDMENTS, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**S.B. 259** was transmitted to the House.

***

On motion of Senator Jenkins, under suspension of the rules, **S.B. 260**, HOUSING RELIEF RESTRICTED SPECIAL REVENUE FUND, was
considered read the second and third times. Senator Jenkins explained the bill. Senators Mayne and Greiner commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  Christensen  Davis  Goodfellow  
Greiner  Hillyard  Jenkins  Jones  
Killpack  Knudson  Liljenquist  Mayne  
McCoy  Morgan  Niederhauser  Okerlund  
Robles  Romero  Stowell  Urquhart  
Van Tassell  Waddoups

**Voting in the negative were:** Senators

Buttars  Dayton  Hinkins  Madsen  
Stephenson

**Absent or not voting were:** Senators

Bramble  Valentine

*S.B. 260* was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, *S.J.R. 22, RESOLUTION APPROVING CONTRACT FOR CONSTRUCTION OF UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE CENTERS,* was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

**Yeas, 24; Nays, 2; Absent, 3.**

**Voting in the affirmative were:** Senators

Bell  Christensen  Davis  Goodfellow  
Greiner  Hillyard  Hinkins  Jenkins  
Jones  Killpack  Knudson  Liljenquist  
Mayne  McCoy  Morgan  Niederhauser  
Okerlund  Robles  Romero  Stephenson  
Stowell  Urquhart  Van Tassell  Waddoups

**Voting in the negative were:** Senators

Buttars  Dayton
Absent or not voting were: Senators
Bramble Madsen Valentine

S.J.R. 22 was transmitted to the House.

* * *

On motion of Senator Dayton, under suspension of the rules, S.J.R. 23, JOINT RULES RESOLUTION DATE CHANGES, was considered read the second and third times. Senator Dayton explained the bill. Senator Davis commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Buttars Christensen Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Knudson
Liljenquist Mayne McCoy Morgan
Niederhauser Okerlund Robles Romero
Stephenson Stowell Urquhart Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble Killpack Madsen Valentine

S.J.R. 23 was transmitted to the House.

* * *

On motion of Senator Hillyard, S.B. 230, CONSTRUCTION PAYMENT AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Hillyard, the circle was removed from S.B. 2, NEW FISCAL YEAR APPROPRIATIONS ACT, and it was before the Senate.

Senator Hillyard proposed the following amendment:

1. Page 16, Line 570: Delete “GFR” and insert “General Fund Restricted”
2. Page 24, Line 891: Delete “270,000” and insert “1,225,000”
Senator Hillyard’s motion to amend passed on a voice vote. Senator Hillyard explained the bill.

On motion of Senator Hillyard, under suspension of the rules, S.B. 2, NEW FISCAL YEAR APPROPRIATIONS ACT, was considered read the second and third times. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  Buttars  Christensen  Davis  
Dayton  Goodfellow  Greiner  Hillyard  
Hinkins  Jenkins  Jones  Knudson  
Liljenquist  Mayne  Morgan  Niederhauser  
Okerlund  Robles  Romero  Stephenson  
Stowell  Urquhart  Valentine  Van Tassell  
Waddoups

**Voting in the negative was:** Senator

McCoy

**Absent or not voting were:** Senators

Bramble  Killpack  Madsen

S.B. 2 was transmitted to the House.

***

On motion of Senator Niederhauser, under suspension of the rules, 1st Sub. S.B. 270, GIFT CARD AMENDMENTS, was considered read the second and
third times. Senator Niederhauser explained the bill. Senator Jones commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  Bramble  Christensen  Davis  
Dayton  Goodfellow  Greiner  Hinkins  
Jones  Killpack  Knudson  Liljenquist  
Mayne  McCoy  Morgan  Niederhauser  
Okerlund  Robles  Romero  Stephenson  
Stowell  Urquhart  Valentine  Van Tassell  
Waddoups

**Absent or not voting were:** Senators

Buttars  Hillyard  Jenkins  Madsen

* * *  

On motion of Senator Bramble, the circle was removed from **S.B. 230, CONSTRUCTION PAYMENT AMENDMENTS**, and it was before the Senate.

Senator Bramble proposed the following amendment:

1. Page 6, Lines 153 through 159

   153  (1) (a) Upon final completion of a construction project **and in accordance with Section**
   154  38-1-40:
   155  (i) an owner of a construction project or an original contractor {→} may {→} {→**shall**} file a notice
   156  of completion with the database; {and} or
   157  (ii) a lender that has provided financing for the construction project, a surety that has
   158  provided bonding for the construction project, or a title company issuing a title insurance
   159  policy on the construction project, {→} may {→} {→**shall**} file a notice of completion.
2. Page 8, Lines 216 through 219:

216  (1) An owner, as defined in Section 14–2–1, or a contractor of a commercial nonresidential construction project shall file a notice of intent to file a notice of completion with the database in accordance with the provisions of Section 38–1–33 if:

219  (a) the completion of performance time under the contract is greater than 120 days;

3. Page 8, Lines 223 through 225:

223  (2) The notice of intent described in Subsection (1) shall be filed at least 45 days before the day on which the owner or contractor of a commercial nonresidential construction project files or could have filed a notice of completion under Section 38–1–33.

4. Page 8, Lines 229 through 233:

229  (a) that includes:

230  (i) the total amount remaining due under the contract

231  (ii) a purchase order or agreement relating to the person’s labor, materials, and services;

232  and

233  (iii) a separate statement of all known amounts or categories of work in dispute; and

5. Page 8, Lines 240 through 242:

240  (b) A demand for adequate assurance as described in Subsection (4)(a) may include a request for a statement from the owner, contractor, or subcontractor that the owner, contractor, or subcontractor has sufficient funds dedicated and available to pay for all sums due or that will become due

6. Page 9, Line 261:
261 payment of the remaining contract balance claimed by the person seeking adequate assurance for completion of the construction project, including:

7. Page 10, Lines 277 through 278:

277 (7) A court shall award reasonable attorney fees to a prevailing party for an action upon a payment bond brought under this section.

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

On motion of Senator Bramble, under suspension of the rules, S.B. 230, CONSTRUCTION PAYMENT AMENDMENTS, was considered read the second and third times. Senator Romero declared a conflict of interest. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell  Bramble  Christensen  Davis
Dayton  Goodfellow  Greiner  Hinkins
Jenkins  Jones  Killpack  Knudson
Liljenquist  Madsen  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Robles
Romero  Stephenson  Stowell  Valentine
Van Tassell  Waddoups

**Absent or not voting were:** Senators
Buttars  Hillyard  Urquhart

S.B. 230 was transmitted to the House.

***

On motion of Senator Robles, under suspension of the rules, S.B. 74, AT–RISK STUDENT PROVISIONS, was considered read the second and third times. Senator Robles explained the bill. Senator Dayton commented. The bill passed on the following roll call:

**Yeas, 24; Nays, 3; Absent, 2.**

**Voting in the affirmative were:** Senators
Bell  Bramble  Buttars  Christensen
Davis  Goodfellow  Greiner  Hillyard
Voting in the negative were: Senators
Dayton Jenkins Madsen

Absent or not voting were: Senators
Urquhart Valentine

S.B. 74 was transmitted to the House.

***

On motion of Senator Madsen, under suspension of the rules, S.B. 241, INSTRUCTION EXPENSES REQUIREMENTS, was considered read the second and third times. Senator Madsen explained the bill. Senators Greiner, Hillyard, and Jones commented. The bill failed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Buttars Dayton Jenkins
Killpack Liljenquist Madsen Niederhauser
Stephenson Stowell Valentine Waddoups

Voting in the negative were: Senators
Bell Christensen Davis Goodfellow
Greiner Hillyard Hinkins Jones
Knudson Mayne McCoy Morgan
Okerlund Robles Romero Urquhart
Van Tassell

S.B. 241 was filed.

***

2nd Sub. S.B. 41, SITING OF HIGH VOLTAGE POWER LINE ACT, was read the second time.

On motion of Senator Knudson, the following substitute bill replaced the original bill:
3rd Sub. S.B. 41 Siting of High Voltage Power Line Act (P. Knudson)

On motion of Senator Knudson, under suspension of the rules, 3rd Sub. S.B. 41, SITING OF HIGH VOLTAGE POWER LINE ACT, was considered read the second and third times. Senator Knudson explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stowell Valentine Van Tassell
Waddoups

**Absent or not voting were:** Senators
Greiner Hillyard Stephenson Urquhart

3rd Sub. S.B. 41 was transmitted to the House.

***

On motion of Senator Liljenquist, S.B. 195, PUBLIC EMPLOYEE DEFINED CONTRIBUTION AMENDMENTS, was read the second time and circled.

***

On motion of Senator Madsen, S.B. 236, UNINSURED AND UNDERINSURED MOTORIST COVERAGE AMENDMENTS, was read the second time and circled.

***

On motion of Senator Madsen, the circle was removed from 1st Sub. S.B. 69, PROOF OF CITIZENSHIP REQUIRED TO VOTE, and it was before the Senate. Senator Madsen explained the bill.

Senator Madsen proposed the following amendment:

1. Page 13, Lines 391 through 395
391 ENROLLMENT LIST;  { OR }

392 (H) OTHER DOCUMENTATION ESTABLISHING THAT YOU ARE A MEMBER

393 OF A FEDERALLY RECOGNIZED INDIAN TRIBE OR BAND, ALASKAN NATIVE

394 VILLAGE, OR OTHER TRIBE RECOGNIZED BY FEDERAL LAW OR FORMALLY ACKNOWLEDGED BY A STATE { OR }

(J) AN OFFICIAL STATEMENT FROM THE FEDERAL SOCIAL SECURITY ADMINISTRATION INDICATING THAT YOU ARE A CITIZEN.

2. Page 17, Lines 511 through 512:

511 enrollment list;  { OR }

512 (ix) other documentation establishing that the applicant is a member of a tribe { OR } or

(x) an official statement from the federal Social Security Administration indicating that the applicant is a citizen.

3. Page 40, Lines 1208 through 1212:

1208 ENROLLMENT LIST;  { OR }

1209 (I) OTHER DOCUMENTATION ESTABLISHING THAT YOU ARE A MEMBER

1210 OF A FEDERALLY RECOGNIZED INDIAN TRIBE OR BAND, ALASKAN NATIVE

1211 VILLAGE, OR OTHER TRIBE RECOGNIZED BY FEDERAL LAW OR FORMALLY ACKNOWLEDGED BY A STATE { OR }

(J) AN OFFICIAL STATEMENT FROM THE FEDERAL SOCIAL SECURITY ADMINISTRATION INDICATING THAT YOU ARE A CITIZEN.

4. Page 42, Lines 1283 through 1284:

1283 enrollment list;  { OR }

1284 (x) other documentation establishing that the applicant is a member of a tribe { OR }
(xi) an official statement from the federal Social Security Administration indicating that the applicant is a citizen.

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

On motion of Senator Madsen, under suspension of the rules, 1st Sub. S.B. 69, PROOF OF CITIZENSHIP REQUIRED TO VOTE, was considered read the second and third times. Senator Madsen explained the bill. Senator Robles commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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1st Sub. S.B. 69 was transmitted to the House.

* * *

On motion of Senator Niederhauser, under suspension of the rules, S.B. 5, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, was considered read the second and third times. Senator Niederhauser explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Bell  Knudson

S.B. 5 was transmitted to the House.

***

On motion of Senator Bramble, under suspension of the rules, 3rd Sub. S.B. 76, ENERGY AMENDMENTS, was considered read the second and third times. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 17, Lines 496 through 499

496  63H–2–503. Audits.
497   { The authority shall comply with the audit requirements of Title 51, Chapter 2a.
498    Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act. }
499    (1) The state auditor may audit or contract with an independent certified public accountant to audit the books and accounts of the authority, including compliance with this chapter;
      (2) The authority shall reimburse the state auditor from the authority’s available moneys for the actual and necessary costs of an audit conducted under Subsection (1).

Senator Bramble’s motion to amend passed on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble  Buttars  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jones  Killpack  Liljenquist
Madsen  Mayne  McCoy  Morgan
Niederhauser  Okerlund  Robles  Romero
Stowell  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Bell  Jenkins  Knudson  Stephenson
3rd Sub. S.B. 76 was transmitted to the House.

THIRD READING CALENDAR

On motion of Senator Killpack, under suspension of the rules, the Senate voted to consider rules under the line on the Third Reading Calendar

* * *

S.B. 188, IMPROVEMENT DISTRICT – PROVIDING ELECTRIC SERVICE, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Greiner Hinkins
Jenkins Jones Killpack Liljenquist
Madsen Mayne McCoy Morgan
Niederhauser Okerlund Robles Romero
Stephenson Stowell Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Goodfellow Hillyard Knudson

S.B. 188 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 68, MINING PROTECTION AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Liljenquist Madsen Mayne
Niederhauser Okerlund Romero Stephenson
Stowell Urquhart Valentine Van Tassell
Waddoups
Voting in the negative were: Senators
McCoy          Morgan          Robles

Absent or not voting was: Senator
Knudson

1st Sub. S.B. 68 was transmitted to the House for consideration.

* * *

S.B. 269, PUBLIC UTILITY EASEMENT AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell              Bramble          Buttars          Christensen
Davis             Dayton           Goodfellow       Greiner
Hillyard          Hinkins         Jenkins          Jones
Killpack          Knudson         Liljenquist      Madsen
Mayne             McCoy           Morgan           Niederhauser
Okerlund          Robles          Romero           Stowell
Van Tassell       Waddoups

Absent or not voting were: Senators
Stephenson        Urquhart        Valentine

S.B. 269 was transmitted to the House for consideration.

* * *

S.B. 225, HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN, was read the third time, explained by Senator Robles, and passed on the following roll call:

Yeas, 15; Nays, 14; Absent, 0.

Voting in the affirmative were: Senators
Bell              Davis           Goodfellow       Hillyard
Jones             Liljenquist     Mayne           McCoy
Morgan            Robles          Romero          Stowell
Urquhart          Valentine       Van Tassell

Voting in the negative were: Senators
Bramble          Buttars         Christensen      Dayton
Greiner           Hinkins         Jenkins          Killpack
Knudson           Madsen          Niederhauser    Okerlund
Stephenson        Waddoups
S.B. 225 was transmitted to the House for consideration.

* * *

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 9, 2009

The House 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 the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 244 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 9, 2009

The House passed, as amended, H.B. 173, OUTDOOR GUIDES AND OUTFITTERS LICENSING ACT, by Representative E. Vickers, and it is transmitted for consideration; and

The House passed, as amended, H.B. 198, MARRIAGE LICENSE FEE AMENDMENTS, by Representative C. Johnson, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 256, LIVESTOCK WATERING RIGHTS AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed H.B. 307, TOURISM MARKETING PERFORMANCE ACCOUNT AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 326, FORCIBLE ENTRY AND DETAINER AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as amended, H.B. 333, MOTOR VEHICLE IMPOUND AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 347, ALCOHOLIC BEVERAGE CONTROL ACT MODIFICATIONS, by Representative G. Hughes, and it is transmitted for consideration; and
The House passed, as substituted and amended, **1st Sub. H.B. 370**, DISABLED PARKING VIOLATION AMENDMENTS, by Representative S. Mascaro, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 376**, REVISIONS TO ALCOHOLIC BEVERAGE CONTROL ACT, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed **H.B. 377**, JUDICIAL CODE AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed **H.B. 378**, CIRCUIT BREAKER AMENDMENTS, by Representative T. Cosgrove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 379**, ENVIRONMENTAL LITIGATION BOND, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 404**, DISCLOSURE OF REAL PROPERTY, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed **H.B. 411**, UTAH TECHNOLOGY GOVERNANCE ACT AMENDMENTS, by Representative S. Clark, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 437**, OBSTRUCTION OF NATURAL RESOURCE OR AGRICULTURAL PRODUCTION, by Representative M. Noel, and it is transmitted for consideration; and

The House passed **H.B. 445**, HEALTH PROGRAM REVISIONS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 451**, PUBLIC EMPLOYEES’ BENEFIT AND INSURANCE PROGRAM AMENDMENTS, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 457**, TRUTH IN MUSIC, by Representative G. Hughes, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

H.B. 437, H.B. 445, H.B. 451, and H.B. 457 were read the first time and referred to the Rules Committee.

***

On motion of Senator Killpack, the Senate voted to lift the following bills from Rules and place them on the Consent Calendar:


On motion of Senator Killpack, the Senate voted to lift the following bill from the Third Reading Table it on the Third Reading Calendar: H.B. 129

On motion of Senator Killpack, the Senate voted to lift the following bills from Rules and place them on the top of the Second Reading Calendar:


***

On motion of Senator Killpack and at 6:20 p.m., the Senate adjourned until 8:00 a.m., Tuesday, March 10, 2009.
FORTY-THIRD DAY
MORNING SESSION
March 10, 2009

The Senate was called to order at 8:25 a.m., with President Michael Waddoups presiding.

Prayer – Reverend Alan Borcher, Light of the Valley Lutheran Church, Riverton
Pledge of Allegiance – Senator Jon Greiner
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

CONSENT CALENDAR

H.B. 72, CHILDREN’S JUSTICE CENTER AMENDMENTS, was read the third time.

On motion of Senator Christensen, the bill was circled.

* * *

H.B. 194, EDUCATION POLICIES FOR MILITARY CHILDREN, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Buttars  Christensen  Davis
Dayton  Goodfellow  Greiner  Hinkins
Jones  Killpack  Knudsen  Liljenquist
Mayne  Morgan  Niederhauser  Okerlund
Robles  Romero  Stephenson  Stowell
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Bramble  Hillyard  Jenkins  Madsen
McCoy
H.B. 194 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 167, COUNTY HOSPITAL RETIREMENT PROVISIONS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
- Bell
- Bramble
- Buttars
- Christensen
- Davis
- Dayton
- Goodfellow
- Greiner
- Hinkins
- Jenkins
- Jones
- Killpack
- Knudson
- Liljenquist
- Mayne
- Morgan
- Niederhauser
- Okerlund
- Robles
- Romero
- Stephenson
- Stowell
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators
- Hillyard
- Madsen
- McCoy

H.B. 167 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 192, PERSONAL INJURY JUDGMENT INTEREST, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
- Bell
- Bramble
- Buttars
- Christensen
- Davis
- Dayton
- Goodfellow
- Greiner
- Hinkins
- Jenkins
- Jones
- Killpack
- Knudson
- Liljenquist
- Mayne
- Morgan
- Niederhauser
- Okerlund
- Robles
- Romero
- Stephenson
- Stowell
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators
- Hillyard
- Madsen
- McCoy
H.B. 192 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 245, UTAH STATE 911 COMMITTEE AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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H.B. 245 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 310, AUTHORITY OF THE LIEUTENANT GOVERNOR TO PERFORM MARRIAGES, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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H.B. 310 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 323, AMENDMENTS REGARDING NOTICE ON UTAH PUBLIC NOTICE WEBSITE, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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H.B. 323 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 413, COUNTY AUTHORITY AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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1st Sub. H.B. 413 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.J.R. 18, JOINT RESOLUTION FOR LEGISLATIVE APPROPRIATION SUBCOMMITTEE NAME CHANGE, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Killpack Knudson
Liljenquist Mayne McCoy Morgan
Niederhauser Okerlund Romero Stephenson
Stowell Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Christensen Jones Madsen Robles

H.J.R. 18 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 211, RETIREMENT INVESTMENT REPORTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Killpack Knudson
Liljenquist Mayne McCoy Morgan
Niederhauser Okerlund Romero Stephenson
Stowell Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Christensen Jones Madsen Robles
1st Sub. H.B. 211 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the circle was removed from H.B. 72, CHILDREN’S JUSTICE CENTER AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell    Bramble    Buttars    Davis
Dayton  Goodfellow  Greiner    Hillyard
Hinkins Jenkins    Jones    Killpack
Liljenquist Mayne    McCoy    Morgan
Niederhauser Okerlund  Romero    Stephenson
Stowell Urquhart    Valentine Van Tassell
Waddoups

**Absent or not voting were:** Senators

Christensen Knudson  Madsen    Robles

H.B. 72 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**THIRD READING CALENDAR**

H.B. 129, ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS, was read the third time, explained by Senator Davis, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell    Bramble    Buttars    Christensen
Davis  Dayton    Goodfellow    Greiner
Hillyard  Hinkins    Jenkins    Jones
Killpack Knudson    Liljenquist    Mayne
McCoy Morgan    Niederhauser    Okerlund
Robles Romero    Stephenson    Stowell
Urquhart Valentine    Van Tassell Waddoups

**Absent or not voting was:** Senator

Madsen
H.B. 129, as amended, was returned to the House for further consideration.

INTRODUCTION OF BILLS

S.B. 202, Drug Offender Reform Act Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Stephenson, H.B. 197, REAUTHORIZATION OF ADMINISTRATIVE RULES, was read the second time and circled.

* * *

H.B. 345, ELECTED OFFICIALS – RESTRICTIONS ON LOBBYING, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 9; Absent, 1.

Voting in the affirmative were: Senators
Bell               Christensen               Greiner               Hillyard
Hinkins            Jones                    Killpack              Liljenquist
Mayne             McCoy                    Morgan                Niederhauser
Okerlund          Robles                   Romero                Urquhart
Valentine       Van Tassell               Waddoups

Voting in the negative were: Senators
Bramble          Buttars                   Davis                  Dayton
Goodfellow        Jenkins                  Knudson               Stephenson
Stowell

Absent or not voting was: Senator
Madsen

* * *

H.B. 346, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS AMENDMENTS, was read the second time.

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

1st Sub. H.B. 346 Campaign and Financial Reporting Requirements Amendments (B. Dee)
Senator Bell explained the bill. Senators Hillyard, Bramble, Buttars, Greiner, Goodfellow, Mayne, Madsen, and Valentine commented.

On motion of Senator Bell, the bill was circled.

***

H.B. 302, DISTRIBUTION OF TOBACCO SETTLEMENT MONIES AMENDMENTS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 4; Absent, 1.**

**Voting in the affirmative were:** Senators
Bell                  Bramble             Buttars            Christensen
Davis                 Dayton              Goodfellow         Greiner
Hillyard              Hinkins             Jenkins            Jones
Killpack              Knudson             Liljenquist        Madsen
Mayne                 Niederhauser        Okerlund           Stephenson
Stowell               Urquhart            Van Tassell        Waddoups

**Voting in the negative were:** Senators
McCoy                 Morgan              Robles             Romero

**Absent or not voting was:** Senator
Valentine

***

On motion of Senator Hillyard, H.B. 444, BUDGET IMPLEMENTATION ADJUSTMENTS – TOBACCO SETTLEMENT FUNDS, was read the second time and circled.

***

On motion of Senator Killpack, H.B. 402, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS, was read the second time and circled.

***

1st Sub. H.B. 274, LOCAL GOVERNMENT FEES AND CHARGES, was read the second time. Senator Jenkins explained the bill. Senator Buttars commented. The bill passed second reading on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bell, Buttars, Christensen, Davis
Dayton, Goodfellow, Greiner, Hillyard
Hinkins, Jenkins, Jones, Killpack
Knudson, Liljenquist, Madsen, Mayne
McCoy, Morgan, Niederhauser, Okerlund
Robles, Romero, Stephenson, Stowell
Urquhart, Van Tassell, Waddoups

Absent or not voting were: Senators
Bramble, Valentine

* * *

On motion of Senator Urquhart, under suspension of the rules, H.B. 364, BORDER AND NONRESIDENT STUDENT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell, Christensen, Davis, Dayton
Greiner, Hillyard, Hinkins, Jones
Killpack, Knudson, Liljenquist, Madsen
Mayne, McCoy, Morgan, Niederhauser
Okerlund, Robles, Romero, Stowell
Urquhart, Valentine, Van Tassell, Waddoups

Absent or not voting were: Senators
Bramble, Buttars, Goodfellow, Jenkins
Stephenson

H.B. 364 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 410, LEGISLATOR SALARY AMENDMENTS, was read the second time. Senator Hillyard explained the bill. Senators Buttars, Bell, Romero, Jones, Valentine, Morgan, and Davis commented. The bill passed second reading on the following roll call:
Yeas, 22; Nays, 5; Absent, 2.

**Voting in the affirmative were:** Senators
Bell       Christensen     Dayton     Greiner
Hillyard   Hinkins        Jenkins    Jones
Killpack   Liljenquist    Mayne      McCoy
Morgan     Niederhauser   Okerlund   Robles
Romero     Stephenson     Stowell    Valentine
Van Tassell Waddoups

**Voting in the negative were:** Senators
Buttars    Davis          Goodfellow Knudson
Madsen

**Absent or not voting were:** Senators
Bramble    Urquhart

* * *

1st Sub. H.B. 64, DETERRING ILLEGAL IMMIGRATION, was read the second time. Senator Jenkins explained the bill. Senators Greiner, Valentine, Buttars, McCoy, Romero, and Robles commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

**Voting in the affirmative were:** Senators
Bell       Christensen     Davis      Dayton
Goodfellow Greiner        Hinkins    Jenkins
Jones      Killpack       Knudson    Liljenquist
Madsen     Mayne          McCoy      Morgan
Niederhauser Okerlund     Robles     Stowell
Urquhart   Valentine     Van Tassell Waddoups

**Voting in the negative was:** Senator
Romero

**Absent or not voting were:** Senators
Bramble    Buttars        Hillyard  Stephenson

* * *

1st Sub. H.B. 132, SEXUAL ASSAULT VICTIM PROTOCOLS, was read the second time.
On motion of Senator Valentine, the bill was circled.

* * *

H.J.R. 14, JOINT RULES RESOLUTION – ETHICS TRAINING COURSE PROVISIONS, was read the second time. Senator Bell explained the bill. Senators Romero, Valentine, Jones, and McCoy commented. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator Waddoups

**Absent or not voting were:** Senators

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On motion of Senator Valentine, the circle was removed from 1st Sub. H.B. 132, SEXUAL ASSAULT VICTIM PROTOCOLS, and it was before the Senate. Senator Valentine explained the bill. Senator Robles commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Bell Bramble

***

On motion of Senator Hillyard, the Senate voted to lift S.B. 202, DRUG OFFENDER REFORM ACT AMENDMENTS, from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Hillyard, S.B. 202, DRUG OFFENDER REFORM ACT AMENDMENTS, was read the second time and circled.

***

H.B. 432, HIGHER EDUCATION BUDGET AUTHORITY AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Buttars Christensen Dayton Goodfellow
Greiner Hillyard Hinkins Jenkins
Jones Killpack Knudson Liljenquist
Madsen Mayne McCoy Morgan
Niederhauser Okerlund Robles Romero
Stephenson Stowell Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Bell Bramble Davis

***

On motion of Senator Killpack, H.B. 371, TRANSPORTATION GOVERNANCE, was read the second time and circled.

***

H.B. 153, TRESPASS LAW AMENDMENTS, was read the second time. Senator Stowell explained the bill.

Senator Stowell proposed the following amendment:
1. Page 1, Line 12

12 ◄ creates the offense of criminal trespass on agricultural or range lands;
    ◄ creates the offense of cutting the fencing of agricultural or range lands;

2. Page 2, Line 38

House Floor Amendments 2–24–2009:

38 (2) A person is guilty of the class B misdemeanor criminal offense of criminal trespass on agricultural or range land and is liable for

3. Page 2, Line 48

House Floor Amendments 2–24–2009:

(3) A person is guilty of the class B misdemeanor criminal offense of cutting the fencing of agricultural or range land if the person willfully cuts any fencing as described under Subsection (2)(b).

48 { (3) A violation of Subsection (2) is a class B misdemeanor. }

4. Page 2, Line 50

House Floor Amendments 2–24–2009:

50 any violation of Subsection (2) or (3) may also be liable for:

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

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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On motion of Senator Killpack, the circle was removed from **H.B. 402, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS**, and it was before the Senate. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. **Page 1, Line 16**
   
   16 in residential dwellings against anyone other than the occupant of the dwelling, subject to an exception for new construction; and

2. **Page 2, Line 36**:
   
   36 {→A} (1) Subject to Subsection (2), a municipality may not enforce an ordinance, rule, or regulation requiring the

3. **Page 2, Line 38**:
   
   38 anyone other than the occupant of the dwelling.

   (2) Subsection (1) may not be construed to affect:

   (a) a developer’s obligation to comply with a building code that requires the installation of a carbon monoxide detector as part of new construction; or

   (b) a municipality’s ability to require a developer to comply with a building code that requires the installation of a carbon monoxide detector as part of new construction.

4. **Page 2, Line 42**:

   42 {→A} (1) Subject to Subsection (2), a county may not enforce an ordinance, rule, or regulation requiring the installation or

4. **Page 2, Line 44**:

   44 the occupant of the dwelling.

   (2) Subsection (1) may not be construed to affect:

   (a) a developer’s obligation to comply with a building code that requires the installation of a carbon monoxide detector as part of new construction; or

   (b) a county’s ability to require a developer to comply with a building code that requires the installation of a carbon monoxide detector as part of new construction.

Senator Killpack’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:
Day 43  Tuesday, March 10, 2009

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

Voting in the affirmative were: Senators
Bell          Davis          Dayton          Goodfellow
Greiner       Hinkins       Jenkins       Jones
Killpack     Liljenquist    Madsen        Mayne
McCoy          Morgan       Okerlund     Robles
Romero       Stephenson    Stowell       Urquhart
Van Tassell  Waddoups

Absent or not voting were: Senators
Bramble       Buttars        Christensen    Hillyard
Knudson       Niederhauser  Valentine

COMMUNICATIONS FROM THE HOUSE

Mr. President:                     March 10, 2009

The House concurred in the Senate amendments and passed H.B. 29, SEX OFFENDERS’ CONTACT WITH CHILDREN, by Representative R. Greenwood, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 126, VOTER IDENTIFICATION FOR ELECTIONS, by Representative B. Daw, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 136, SEX OFFENDER DEFINITION AMENDMENTS, by Representative P. Ray, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 29, 2nd Sub. H.B. 126, and 1st Sub. H.B. 136 were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

Mr. President:                     March 10, 2009

The House passed H.B. 2, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed H.B. 447, UTAH EMERGENCY MEDICAL SERVICES SYSTEM ACT AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and
The House passed **H.B. 455**, COURT SECURITY RESTRICTED ACCOUNT, by Representative E. Hutchings, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 2**, **H.B. 447**, and **H.B. 455** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Killpack, and at 10:45 a.m., the Senate recessed.

**AFTERNOON SESSION**

The Senate reassembled at 2:30 p.m., with President Waddoups presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 10, 2009

The House passed, **S.B. 2**, NEW FISCAL YEAR APPROPRIATIONS ACT, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **3rd Sub. S.B. 79**, HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**S.B. 2** and **3rd Sub. S.B. 79** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 10, 2009

The House passed **H.B. 4**, GENERAL OBLIGATION BONDS AUTHORIZATIONS, by Representative S. Clark, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 124**, INSURANCE COVERAGE FOR EOSINOPHILIC GASTROINTESTINAL DISORDERS AND SHORT BOWEL SYNDROME, by Representative C. Johnson, and it is transmitted for consideration; and

The House passed **H.B. 306**, HEALTH AND HUMAN SERVICES–RELATED COMMISSION, COMMITTEE, AND COUNCIL
AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 373**, AMENDMENTS TO DEPARTMENT OF CORRECTIONS’ OPERATIONS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 391**, BUDGETARY PROCEDURES ACT REVISIONS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 436**, STATE PROHIBITION OF SUDAN RELATED CONTRACTS, by Representative D. Litvack, and it is transmitted for consideration; and

The House passed **H.B. 446**, MEDICAID RESTRICTED ACCOUNT AMENDMENTS, by Representative R. Edwards, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.J.R. 17**, JOINT RESOLUTION URGING CONGRESSIONAL AND PRESIDENTIAL OPPOSITION TO FEDERAL BAILOUTS AND PROMOTION OF FISCAL RESPONSIBILITY, by Representative C. Frank, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


**INTRODUCTION OF BILLS**

**S.B. 239, Transportation Revisions** (S. Killpack), read the first time by short title and referred to the Rules Committee.

**SECOND READING CALENDAR**

On motion of Senator Hillyard, the circle was removed from **S.B. 202**, DRUG OFFENDER REFORM ACT AMENDMENTS, and it was before the Senate.

On motion of Senator Hillyard, under suspension of the rules, **S.B. 202**, DRUG OFFENDER REFORM ACT AMENDMENTS, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bramble Buttars Christensen Davis
Dayton Goodfellow Greiner Hillyard
Jenkins Jones Killpack Knudson
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Bell Hinkins

S.B. 202 was transmitted to the House.

* * *

On motion of Senator Urquhart, the Senate voted to recall 1st Sub. S.B. 53, AWARDING OF ATTORNEY FEES, for the purpose of making a correction. The bill was placed on the Third Reading Calendar.

THIRD READING CALENDAR

1st Sub. S.B. 53, AWARDING OF ATTORNEY FEES, was before the Senate, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 18; Nays, 6; Absent, 5.

Voting in the affirmative were: Senators
Bramble Buttars Christensen Dayton
Greiner Jenkins Jones Killpack
Knudson Liljenquist Mayne Niederhauser
Okerlund Stephenson Stowell Urquhart
Valentine Waddoups

Voting in the negative were: Senators
Davis Goodfellow McCoy Morgan
Robles Romero

Absent or not voting were: Senators
Bell Hillyard Hinkins Madsen
Van Tassell
1st Sub. S.B. 53 was transmitted to the House.

On motion of Senator Killpack, the Senate voted to lift S.B. 239, TRANSPORTATION REVISIONS, from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Killpack, the Senate voted to lift the following bills from Rules and place them at the bottom of the Second Reading Calendar:


SECOND READING CALENDAR

On motion of Senator Stephenson, the circle was removed from H.B. 197, REAUTHORIZATION OF ADMINISTRATIVE RULES, and it was before the Senate. Senator Stephenson explained the bill. Senators Valentine and Goodfellow commented.

On motion of Senator Stephenson, under suspension of the rules, H.B. 197, REAUTHORIZATION OF ADMINISTRATIVE RULES, was considered read the second and third times and passed on the following roll call:

Yeas, 19; Nays, 7; Absent, 3.

Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Christensen
Dayton  Greiner    Jenkins    Killpack
Knudson Liljenquist Morgan    Niederhauser
Okerlund Stephenson    Stowell    Urquhart
Valentine Van Tassell    Waddoups

Voting in the negative were: Senators
Davis    Goodfellow    Jones    Mayne
McCoy    Robles    Romero

Absent or not voting were: Senators
Hillyard    Hinkins    Madsen

Senator Killpack declared a conflict of interest.

H.B. 197 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
On motion of Senator Killpack, S.B. 239, TRANSPORTATION REVISIONS, was read the second time and circled.

On motion of Senator Jenkins, 1st Sub. H.B. 299, UNLAWFUL DETAINER AMENDMENTS, was read the second time and circled.

On motion of Senator Bramble, H.B. 450, TRADEMARK AMENDMENTS, was read the second time and circled.

On motion of Senator Jenkins, the Senate voted to suspend the rules to consider bills below the line today.

H.B. 390, ABSENTEE BALLOT AMENDMENTS, was read the second time. Senator Van Tassell explained the bill. Senators Davis and McCoy commented. The bill passed second reading on the following roll call:

**Y eas, 17; Nays, 8; Absent, 4.**

**Voting in the affirmative were:** Senators

Bell    Bramble    Christensen    Dayton
Greiner  Hinkins    Jenkins    Killpack
Knudson  Liljenquist    Madsen    Niederhauser
Okerlund  Stephenson    Valentine    Van Tassell
Waddoups

**Voting in the negative were:** Senators

Davis    Goodfellow    Mayne    McCoy
Morgan    Robles    Romero    Stowell

**Absent or not voting were:** Senators

Buttars    Hillyard    Jones    Urquhart

On motion of Senator Bramble, H.B. 342, DISPROPORTIONATE RENTAL FEE AMENDMENTS, was read the second time and circled.
2nd Sub. H.B. 120, SNAKE VALLEY AQUIFER RESEARCH TEAM AND ADVISORY COUNCIL, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**3rd Sub. H.B. 346 Campaign and Financial Reporting Requirements Amendments (B. Dee)**

Senator Bell explained the bill. Senators Valentine and Mayne commented.

On motion of Senator Bell, under suspension of the rules, **3rd Sub. H.B. 346, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

**Yeas, 27; Nays, 1; Absent, 1.**

**Voting in the affirmative were:** Senators

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3rd Sub. H.B. 346 was returned to the House for further consideration.

* * *

H.B. 399, CHARITABLE CARE AMENDMENTS, was read the second time. Senator Okerlund explained the bill.

Senator Okerlund proposed the following amendment:

1. Page 3, Lines 75 through 76
   a. House Committee Amendments
   b. 2–24–2009

   75 [H] {to} (III) [H] a charitable donation (to) that is restricted for charitable services at the health care facility {including a}

   75a charitable donation

   76 from a patient of the health care facility } [H] ; or

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

Y eas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bramble  Buttars  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jones  Killpack  Knudson
Liljenquist  Mayne  McCoy  Morgan
Niederhauser  Okerlund  Robles  Romero
Stephenson  Stowell  Urquhart  Valentine
Van Tassell  Waddoups
Absent or not voting were: Senators
Bell Jenkins Madsen

* * *

On motion of Senator Killpack, the circle was removed from H.B. 371, TRANSPORTATION GOVERNANCE, and it was before the Senate. Senator Killpack explained the bill. Senators Hillyard and Mayne commented.

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

1st Sub. H.B. 371 Transportation Governance (W. Harper)

The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Jenkins Jones Killpack Knudson
Liljenquist Mayne McCoy Morgan
Niederhauser Okerlund Romero Stephenson
Stowell Urquhart Valentine Van Tassell
Waddoups

Voting in the negative was: Senator Hinkins

Absent or not voting were: Senators
Hillyard Madsen Robles

* * *

H.B. 412, ENERGY POLICY AMENDMENTS, was read the second time. Senator Jenkins explained the bill. Senators Jones, McCoy, Valentine, Bramble, and Romero commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 9; Absent, 3.

Voting in the affirmative were: Senators
Bramble Buttars Christensen Dayton
Greiner Hillyard Hinkins Jenkins
Day 43880 SENATE JOURNAL

{List of senators voting in the negative is presented here.}

Voting in the negative were: Senators

{List of senators absent or not voting is presented here.}

Absent or not voting were: Senators

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2009

The House passed, 1st Sub. S.B. 271, JUDICIAL CONDUCT COMMISSION AMENDMENTS, by Senator G. Davis, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 271 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

SECOND READING CALENDAR

On motion of Senator Bramble, the circle was removed from H.B. 342, DISPROPORTIONATE RENTAL FEE AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

{List of senators voting in the affirmative is presented here.}

Absent or not voting were: Senators

{List of senators absent or not voting is presented here.}
** * * *

On motion of Senator Killpack, **H.B. 430**, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS, was read the second time and circled.

** * * *

**H.B. 384**, PUBLIC LEWDNESS AMENDMENTS, was read the second time. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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On motion of Senator Knudson, **H.B. 384** was placed on Third Reading Table due to fiscal impact.

** * * *

**H.B. 383**, WATER RIGHTS ADJUDICATION AMENDMENTS, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Buttars      Dayton       Goodfellow       Madsen

** **

H.B. 163, PROPERTY TRANSACTION AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell           Bramble       Christensen       Davis
Greiner        Hillyard      Hinkins          Jenkins
Jones          Killpack      Knudson          Liljenquist
Mayne          McCoy         Niederhauser     Okerlund
Robles         Romero        Stowell          Urquhart
Valentine      Van Tassell   Waddoups         

Absent or not voting were: Senators
Buttars        Dayton        Goodfellow       Madsen
Morgan         Stephenson

** **

H.B. 179, STATE-OWNED LAND AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

** **

1st Sub. H.B. 357, FIREARMS AMENDMENTS, was read the second time. Senator Madsen explained the bill.

On motion of Senator Madsen, the bill was circled.

** **

H.B. 449, VETERANS NURSING HOME AMENDMENTS, was read the second time.

On motion of Senator Dayton, the bill was circled.

** **

H.B. 14, MATERIAL HARMFUL TO MINORS AMENDMENTS, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:
Day 43  Tuesday, March 10, 2009  883

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

Voting in the affirmative were: Senators
Bell       Buttars       Christensen       Davis
Dayton     Goodfellow   Greiner         Hillyard
Hinkins    Jenkins      Jones           Killpack
Knudson    Liljenquist  Madsen         Mayne
McCoy      Morgan       Niederhauser   Okerlund
Robles     Romero       Stephenson     Stowell
Urquhart   Valentine    Waddoups

Absent or not voting were: Senators
Bramble    Van Tassell

* * *

On motion of Senator Killpack, the circle was removed from S.B. 239, TRANSPORTATION REVISIONS, and it was before the Senate under the suspension of the rules. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 7, Lines 189 through 190

189    (1) (a) The total amount of bonds issued under this section may not exceed

190   \{ -$2,186,000,000 \} $2,207,000,000

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

On motion of Senator Killpack, under suspension of the rules, S.B. 239, TRANSPORTATION REVISIONS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators
Bell       Bramble       Buttars       Christensen
Davis      Dayton       Goodfellow   Greiner
Hillyard   Hinkins      Jenkins      Jones
Killpack   Knudson      Liljenquist  Madsen
Mayne      Morgan       Niederhauser Okerlund
Robles     Romero       Stephenson   Urquhart
Valentine  Van Tassell  Waddoups

* * *
Voting in the negative was: Senator McCoy

Absent or not voting was: Senator Stowell

S.B. 239 was transmitted to the House.

* * *

On motion of Senator Bramble, the circle was removed from H.B. 179, STATE-OWNED LAND AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. Senators Valentine and Robles commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Christensen
Davis   Dayton     Greiner    Hillyard
Jenkins Killpack Knudson Liljenquist
Mayne   McCoy      Niederhauser Okerlund
Stephenson Stowell Urquhart Valentine
Van Tassell Waddoups

Voting in the negative were: Senators
Hinkins  Jones     Morgan     Robles
Romero

Absent or not voting were: Senators
Goodfellow  Madsen

* * *

On motion of Senator Dayton, the circle was removed from H.B. 449, VETERANS NURSING HOME AMENDMENTS, and it was before the Senate. Senator Dayton explained the bill.

On motion of Senator Dayton, under suspension of the rules, H.B. 449, VETERANS NURSING HOME AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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


Voting in the affirmative were: Senators

Bell  Bramble  Christensen  Davis  
Dayton  Goodfellow  Greiner  Hinkins  
Jenkins  Jones  Knudson  Mayne  
McCoy  Morgan  Niederhauser  Okerlund  
Robles  Romero  Stephenson  Stowell  
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators

Buttars  Hillyard  Killpack  Liljenquist  
Madsen

H.B. 449 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

2nd Sub. H.B. 141, BILLBOARD AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senator Bramble commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell  Bramble  Buttars  Christensen  
Davis  Dayton  Goodfellow  Greiner  
Hinkins  Jenkins  Jones  Knudson  
Liljenquist  Mayne  McCoy  Morgan  
Niederhauser  Okerlund  Robles  Romero  
Stephenson  Stowell  Urquhart  Valentine  
Van Tassell  Waddoups

Absent or not voting were: Senators

Hillyard  Killpack  Madsen

***

1st Sub. H.B. 308, WORKERS’ COMPENSATION – MOTOR CARRIERS, was read the second time. Senator Urquhart explained the bill.

Senator Urquhart proposed the following amendment:

1. Page 5, Line 144 through Page 6, Line 166
“Occupational accident related insurance” means insurance to provide protection against economic losses resulting from:

(A) a medical condition including:
   (I) a medical care expense; or
   (II) the risk of disability;
(B) accident; or
(C) occupational disease.

(ii) “Occupational accident related insurance”:

(A) includes a contract with disability contingencies including:
   (I) an income replacement contract;
   (II) a health care contract;
   (III) an expense reimbursement contract;
   (IV) a credit accident and health contract;
   (V) a continuing care contract; and
   (VI) a long−term care contract; and
(B) may provide:
   (I) hospital coverage;
   (II) surgical coverage;
   (III) medical coverage;
   (IV) loss of income coverage;
   (V) prescription drug coverage;
   (VI) dental coverage; or
   (VII) vision coverage.

that provides the following coverage for an injury sustained in the course of working under a written agreement described in Subsection (5)(e)(iii):

(i) disability benefits;
(ii) death benefits;
(iii) medical expense benefits, which include:
   (A) hospital coverage;
   (B) surgical coverage;
(C) prescription drug coverage; and
(D) dental coverage.

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

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

**Voting in the affirmative were:** Senators

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**H.B. 185, TRANSPORTATION AMENDMENTS,** was read the second time.

On motion of Senator Jenkins, the bill was circled.

***

**H.B. 389, APPLICATIONS FOR A SMALL AMOUNT OF WATER,** was read the second time. Senator Stowell explained the bill. Senators Van Tassell and Okerlund commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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1st Sub. H.B. 439, AMENDMENTS TO CITY OR TOWN SALES AND USE TAX FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES, was read the second time.

On motion of Senator Goodfellow, the bill was circled.

H.B. 198, MARRIAGE LICENSE FEE AMENDMENTS, was read the second time. Senator Bell explained the bill. Senators Christensen and Valentine commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 5; Absent, 4.

Voting in the affirmative were: Senators
Bell  Christensen  Davis  Goodfellow
Greiner  Hinkins  Jones  Knudson
Liljenquist  Madsen  Mayne  McCoy
Morgan  Robles  Romero  Stephenson
Stowell  Urquhart  Valentine  Waddoups

Voting in the negative were: Senators
Dayton  Jenkins  Killpack  Niederhauser
Okerlund

Absent or not voting were: Senators
Bramble  Buttars  Hillyard  Van Tassell

On motion of Senator Madsen, the circle was removed from 1st Sub. H.B. 357, FIREARMS AMENDMENTS, and it was before the Senate.

On motion of Senator Madsen, the bill was circled.

H.B. 195, UTAH UNIFORM PROBATE CODE − TRUST AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.
Voting in the affirmative were: Senators
Bell     Buttars     Christensen     Davis
Dayton   Goodfellow  Hinkins       Jenkins
Jones    Killpack    Knudson       Liljenquist
Madsen   Mayne      McCoy         Morgan
Niederhauser  Okerlund  Robles       Romero
Stephenson  Stowell   Urquhart     Valentine
Waddoups

Absent or not voting were: Senators
Bramble  Greiner     Hillyard     Van Tassell

COMMUNICATIONS FROM THE HOUSE

Mr. President:            March 10, 2009

The House passed, **2nd Sub. S.B. 52**, NEW MOTOR VEHICLE FRANCHISE AMENDMENTS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 53**, AWARDING OF ATTORNEY FEES, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **4th Sub. S.B. 83**, CONDEMNATION AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 90**, METAL THEFT AMENDMENTS AND PENALTIES, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 134**, TRANSPORTATION FUNDING AMENDMENTS, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 146**, HOME SCHOOLING AMENDMENTS, by Senator M. Madsen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 182**, CRIMINAL RESTITUTION AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 210**, AMENDMENTS TO PROPERTY TAX, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and
The House passed, **S.C.R. 2**, CONCURRENT RESOLUTION – A CALL TO CIVILITY, by Senator J. Valentine, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.C.R. 3**, CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE WORK OF THE UTAH COUNCIL ON FINANCIAL AND ECONOMIC EDUCATION, by Senator P. Jones, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.C.R. 4**, RESOLUTION SUPPORTING OBESITY AWARENESS, by Senator D. C. Buttars, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.J.R. 16**, JOINT RESOLUTION SUPPORTING NUCLEAR POWER, by Senator D. Hinkins, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk


***

Mr. President: March 10, 2009

The House passed, as amended, **H.B. 316**, TIME LIMITATION FOR PROSECUTION OF ENVIRONMENTAL CRIMES, by Representative C. Wimmer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 316** was read the first time and referred to the Rules Committee.

***

Mr. President: March 10, 2009

The House passed, as amended, **1st Sub. S.B. 147**, DRIVER LICENSE REVISIONS, by Senator L. Hillyard, and it is transmitted for further consideration; and
The House passed, as amended, **S.B. 161**, REPEAL OF MAXIMUM CHARGE TO PUBLISH LEGAL NOTICE, by Senator K. Van Tassell, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

**Mr. President:** March 10, 2009


Sandy D. Tenney, Chief Clerk

The bill will be filed.

**SECOND READING CALENDAR**

On motion of Senator Madsen, the circle was removed from **1st Sub. H.B. 357**, FIREARMS AMENDMENTS, and it was before the Senate. Senator Madsen explained the bill.

Senator Madsen proposed the following amendment:

1. **Page 3, Lines 64 through 66**

   64 (c) in a posted prohibited area.

   (2) Subsection (1)(a) does not apply to a minor under 18 years of age, since a minor under 18 years of age may not carry a loaded firearm in or on a vehicle.

   65 (3) A violation of this section is a class B misdemeanor.

   66 Section 3. Section 76–10–511 is amended to read:

2. **Page 3, Lines 69 through 72**:

   69 Except for persons described in Section 76–10–503 and **18 U.S.C. Sec. 922(g)** and as otherwise prescribed in this part, a person

   70 may have a loaded firearm [at his]

   71 (1) at the person’s place of residence, including any temporary residence or camp[.] or
Senator Madsen’s motion to amend passed on a voice vote.

###

Senator Madsen proposed the following amendment:

1. Page 3, Lines 64 through 65

64 (c) in a posted prohibited area.

65 (2) Notwithstanding Subsection (1)(a)(i) and (ii), a person may not possess a loaded rifle, shotgun, or muzzle-loading rifle in a vehicle.

(3) A violation of this section is a class B misdemeanor.

Senator Madsen’s motion to amend passed on a voice vote. Senators Valentine, Christensen, Buttars, Goodfellow, Hinkins, Mayne, Bell, and Jones commented.

On motion of Senator Madsen, under suspension of the rules, **1st Sub. H.B. 357, FIREARMS AMENDMENTS**, was considered read the second and third times. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting was:** Senator

Hillyard

**1st Sub. H.B. 357** was returned to the House for further consideration.

***

On motion of Senator Killpack, the Senate voted to lift the following bills from Rules and place them on the Second Reading Calendar:

On motion of Senator Killpack and at 6:00 p.m., the Senate adjourned until 8:00 a.m., Wednesday, March 11, 2009.
FORTY-FOURTH DAY
MORNING SESSION
March 11, 2009

The Senate was called to order at 8:40 a.m., with President Michael Waddoups presiding.

Prayer – Alma Evans, Parowan, Utah
Pledge of Allegiance – Senator Margaret Dayton
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 8)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2009

The House passed, S.B. 11, INCEST AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 155, ADOPTION EXCEPTION TO CUSTODY AND VISITATION FOR PERSONS OTHER THAN PARENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 171, MUNICIPAL ANNEXATION AMENDMENTS, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 185, FEDERAL EDUCATION AGREEMENT REQUIREMENTS AMENDMENTS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 220, COHABITANT ABUSE PROCEDURES ACT AMENDMENTS, by Senator B. Goodfellow, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 11, 1st Sub. S.B. 155, 1st Sub. S.B. 171, S.B. 185, and S.B. 220 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.
Mr. President:

The House passed, as amended, 1st Sub. S.B. 78, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, by Senator M. Madsen, et al, and it is transmitted for further consideration; and

The House passed, as amended, S.B. 148, LOW−PROFIT LIMITED LIABILITY COMPANY ACT, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House passed, as amended, S.B. 167, AMENDMENTS TO UNIFORM DEBT−MANAGEMENT SERVICES ACT, by Senator L. Hillyard, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

CONCURRENCE CALENDAR

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to 1st Sub. S.B. 147, DRIVER LICENSE REVISIONS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble       Buttars       Christensen       Davis
Dayton        Greiner       Hillyard       Hinkins
Jenkins       Jones         Killpack       Knudson
Liljenquist   Madsen       Mayne         McCoy
Morgan        Niederhauser  Okerlund       Robles
Romero        Stephenson    Stowell       Urquhart
Valentine     Van Tassell   Waddoups

Absent or not voting were: Senators
Bell          Goodfellow

1st Sub. S.B. 147 was returned to the House for the signature of the Speaker.

On motion of Senator Van Tassell, the Senate voted to concur in the House amendments to S.B. 161, REPEAL OF MAXIMUM CHARGE TO PUBLISH LEGAL NOTICE. The bill, as amended, passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bramble Buttars Christensen Davis
Dayton Greiner Hillyard Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Bell Goodfellow

S.B. 161 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Jenkins, H.B. 345, ELECTED OFFICIALS – RESTRICTIONS ON LOBBYING, was read the third time and circled.

* * *

H.B. 302, DISTRIBUTION OF TOBACCO SETTLEMENT MONIES AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Greiner Hillyard
Hinkins Jenkins Jones Killpack
Knudson Liljenquist Madsen Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Urquhart Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Goodfellow Valentine

H.B. 302 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
1st Sub. H.B. 274, LOCAL GOVERNMENT FEES AND CHARGES, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

- Bell
- Bramble
- Buttars
- Christensen
- Davis
- Dayton
- Greiner
- Hillyard
- Hinkins
- Jenkins
- Jones
- Killpack
- Knudson
- Liljenquist
- Mayne
- McCoy
- Morgan
- Niederhauser
- Okerlund
- Romero
- Stephenson
- Stowell
- Urquhart
- Waddoups

**Absent or not voting were:** Senators

- Goodfellow
- Madsen
- Robles
- Valentine
- Van Tassell

1st Sub. H.B. 274 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**Yeas, 16; Nays, 13; Absent, 0.**

**Voting in the affirmative were:** Senators

- Bell
- Christensen
- Hillyard
- Jones
- Killpack
- Liljenquist
- Mayne
- McCoy
- Morgan
- Niederhauser
- Robles
- Romero
- Urquhart
- Van Tassell
- Waddoups

**Voting in the negative were:** Senators

- Bramble
- Buttars
- Davis
- Dayton
- Goodfellow
- Greiner
- Hinkins
- Jenkins
- Knudson
- Madsen
- Okerlund
- Stephenson
- Stowell
H.B. 345 was signed by the President of the Senate in open session and
returned to the House for the signature of the Speaker.

* * *

H.B. 410, LEGISLATOR SALARY AMENDMENTS, was read the third
time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Dayton
Goodfellow Greiner Hillyard Hinkins
Jenkins Jones Killpack Liljenquist
Mayne McCoy Morgan Niederhauser
Okerlund Robles Romero Stephenson
Stowell Urquhart Valentine Van Tassell
Waddoups

Voting in the negative were: Senators
Buttars Davis Knudson Madsen

H.B. 410 was signed by the President of the Senate in open session and
returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 64, DETERRING ILLEGAL IMMIGRATION, was read the
third time and explained by Senator Jenkins. Senators Greiner, Robles, and
Stowell commented.

Senator Romero proposed the following amendment:

1. Page 2, Lines 42 through 44
   House Committee Amendments
   2–26–2009

42 (1) (a) The Office of the Attorney General is authorized to
administer and coordinate the
43 operation of a multi-agency strike force to combat violent and
other major felony crimes
43a committed
within the state that are associated with illegal immigration and human trafficking.

(b) For purposes of this section, “violent and other major felony crimes” means:

(i) those felonies referred to in Subsection 76–3–203.5(1)(c)(i);
(ii) money laundering under Sections 76–10–1903 and 76–10–1904;
(iii) felonies involving the smuggling, distribution, or use of illegal drugs; and
(iv) felonies committed by members of gangs.

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

On motion of Senator Jenkins, the bill was circled.

***

H.J.R. 14, JOINT RULES RESOLUTION – ETHICS TRAINING COURSE PROVISIONS, was read the third time and explained by Senator Bell.

Senator Bell proposed the following amendment:

1. Page 1, Line 11

   completion of an ethics training course for legislators and lobbyists.

2. Page 1, Line 15:

   maintain an ethics training course for members of the Legislature and lobbyists;

3. Page 1, Lines 16 through 17:

   requires that training materials and exercises be available on the Internet to legislators, lobbyists, and to the public;

4. Page 1, Line 18:

   provides that the course be designed to assist legislators and lobbyists in understanding and

5. Page 1, Line 20:

   requires that provisions be included to verify when a legislator or lobbyist has successfully
6. Page 1, Line 22:

22 requires that legislators and lobbyists complete the course annually or as directed by the

7. Page 2, Line 36:

36 maintain an ethics training course for members of the Legislature and lobbyists.

8. Page 2, Lines 38 through 39:

38 available on the Internet to legislators, lobbyists, and to the public.

39 (3) The ethics training course shall be designed to assist legislators and lobbyists in understanding

9. Page 2, Line 42:

42 (4) The ethics training course shall include provisions for verifying when a legislator or lobbyist

10. Page 2, Line 44:

44 (5) A legislator or lobbyist shall successfully complete the key training exercises of the ethics

11. Page 2, Line 45:

45 training course once each year or as directed by the Legislative Management Committee.

(6) A lobbyist who does not complete the training required by this rule is subject to an ethics complaint under Senate or House rule.

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

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

**Voting in the affirmative were:** Senators

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Voting in the negative were: Senators
Buttars       Dayton       Stowell       Waddoups

Absent or not voting were: Senators
Jenkins       Niederhauser

H.J.R. 14, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 132, SEXUAL ASSAULT VICTIM PROTOCOLS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell          Bramble       Buttars       Christensen
Davis         Goodfellow    Greiner       Hillyard
Hinkins       Jones         Killpack      Knudson
Liljenquist   Madsen        Mayne        McCoy
Morgan        Okerlund      Robles       Romero
Stephenson    Stowell       Urquhart     Valentine
Van Tassell

Absent or not voting were: Senators
Dayton       Jenkins       Niederhauser       Waddoups

1st Sub. H.B. 132 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 432, HIGHER EDUCATION BUDGET AUTHORITY AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell          Bramble       Christensen       Davis
Dayton       Goodfellow    Greiner       Hillyard
Hinkins      Jones         Killpack      Knudson
Liljenquist  Madsen        Mayne        McCoy
H.B. 432 was signed by the President of the Senate in open session and
returned to the House for the signature of the Speaker.

***

On motion of Senator Greiner, H.B. 153, TRESPASS LAW
AMENDMENTS, was read the third time and circled.

***

H.B. 402, ENFORCEMENT OF CARBON MONOXIDE DETECTOR
REQUIREMENTS, was read the third time.

On motion of Senator Killpack, the bill was circled.

***

H.B. 390, ABSENTEE BALLOT AMENDMENTS, was read the third time
and explained by Senator Van Tassell. Senators Davis and McCoy commented and
the bill passed on the following roll call:

Yeas, 18; Nays, 9; Absent, 2.

Voting in the affirmative were: Senators
Buttars Christensen Dayton Greiner
Hillyard Hinkins Jenkins Killpack
Knudson Liljenquist Madsen Okerlund
Stephenson Stowell Urquhart Valentine
Van Tassell Waddoups

Voting in the negative were: Senators
Bell Davis Goodfellow Jones
Mayne McCoy Morgan Robles
Romero

Absent or not voting were: Senators
Bramble Niederhauser
H.B. 390 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, the circle was removed from H.B. 402, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS, and it was before the Senate.

Senator Killpack proposed the following amendment:

1. Page 2, Line 38b:
   Delete “developer’s” and insert “building permit applicant’s”

2. Page 2, Line 38d:
   Delete “developer” and insert “building permit applicant”

3. Page 2, Line 44b:
   Delete “developer’s” and insert “building permit applicant’s”

4. Page 2, Line 44d:
   Delete “developer” and insert “building permit applicant”

Senator Killpack’s motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators
Bell       Buttars       Christensen     Davis
Dayton     Goodfellow   Hinkins        Jones
Killpack   Knudson      Liljenquist    Madsen
Mayne      McCoy        Morgan         Niederhauser
Okerlund   Robles       Romero         Stephenson
Stowell    Valentine    Van Tassell    Waddoups

Voting in the negative was: Senator
Greiner

Absent or not voting were: Senators
Bramble    Hillyard     Jenkins       Urquhart

H.B. 402 was returned to the House for further consideration.
On motion of Senator Stowell, the circle was removed from **H.B. 153**, TRESPASS LAW AMENDMENTS, and it was before the Senate.

Senator Christensen proposed the following amendment:

1. Page 1, Line 12a:
   After “cutting” insert “destroying, or rendering ineffective”

2. Page 2, Line 48a:
   After “cutting” insert “destroying, or rendering ineffective”

3. Page 2, Line 48b:
   After “cuts” insert “destroys, or renders ineffective”

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

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators
- Bell
- Buttars
- Christensen
- Davis
- Dayton
- Goodfellow
- Greiner
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- McCoy
- Morgan
- Okerlund
- Robles
- Romero
- Stephenson
- Stowell
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators
- Bramble
- Killpack
- Liljenquist
- Niederhauser
- Urquhart

**H.B. 153** was returned to the House for further consideration.

**---**

**2nd Sub. H.B. 120**, SNAKE VALLEY AQUIFER RESEARCH TEAM AND ADVISORY COUNCIL, was read the third time, explained by Senator Stowell, and passed on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators
- Bell
- Christensen
- Davis
- Dayton
- Goodfellow
- Greiner
- Hillyard
- Hinkins
- Madsen
- Mayne
- McCoy
- Morgan
- Okerlund
- Robles
- Romero
- Stephenson
- Stowell
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators
- Bramble
- Killpack
- Liljenquist
- Niederhauser
- Urquhart
Jenkins    Jones    Knudson    Madsen
McCoy      Morgan    Okerlund    Robles
Romero     Stowell   Valentine    Waddoups

Absent or not voting were: Senators
Bramble    Buttars    Killpack    Liljenquist
Mayne      Niederhauser    Stephenson    Urquhart
Van Tassell

2nd Sub. H.B. 120 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 399, CHARITABLE CARE AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

Yeas, 18; Nays, 0; Absent, 11.

Voting in the affirmative were: Senators
Bell    Christensen    Dayton    Goodfellow
Greiner    Hinkins    Jenkins    Jones
Knudson    Madsen    McCoy    Morgan
Okerlund    Robles    Romero    Stowell
Valentine    Waddoups

Absent or not voting were: Senators
Bramble    Buttars    Davis    Hillyard
Killpack    Liljenquist    Mayne    Niederhauser
Stephenson    Urquhart    Van Tassell

H.B. 399, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 371, TRANSPORTATION GOVERNANCE, was read the third time.

On motion of Senator Jenkins, the bill was circled.

* * *

H.B. 412, ENERGY POLICY AMENDMENTS, was read the third time and explained by Senator Jenkins. Senators Jones, McCoy, Okerlund, and Buttars commented.
Senator Romero proposed the following amendment:

1. Page 3, Line 59:
   Delete: “including a bill or resolution, or”

Senator Romero’s motion to amend passed on a voice vote. The bill passed on the following roll call:

**Yeas, 22; Nays, 4; Absent, 3.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

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**H.B. 412**, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Killpack, and at 10:45 a.m., the Senate sauntered.

The Senate was called to order at 11:00 a.m., with President Waddoups presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 11, 2009

The House passed, **S.B. 5**, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 201**, GENERAL OBLIGATION BOND AUTHORIZATION AMENDMENTS, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and
The House passed, **S.B. 202**, DRUG OFFENDER REFORM ACT AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 257**, DISASTER RECOVERY FUND FUNDING MODIFICATIONS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 259**, PUBLIC SAFETY RESTRICTED ACCOUNT AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 22**, RESOLUTION APPROVING CONTRACT FOR CONSTRUCTION OF UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE CENTERS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**S.B. 5, S.B. 201, S.B. 202, S.B. 257, S.B. 259, and S.J.R. 22** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

Mr. President: March 11, 2009

The House concurred in the Senate amendments and passed **H.B. 129**, ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS, by Representative C. Oda, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 346**, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS AMENDMENTS, by Representative B. Dee, et al, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**H.B. 129 and 3rd Sub. H.B. 346** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
Mr. President: March 11, 2009

The House passed, as amended, **H.J.R. 21**, MASTER STUDY RESOLUTION, by Representative K. Garn, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.J.R. 21** was read the first time and referred to the Rules Committee.

**THIRD READING CALENDAR**

**H.B. 342**, DISPROPORTIONATE RENTAL FEE AMENDMENTS, was read the third time and explained by Senator Bramble. Senator McCoy commented and the bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Killpack
Knudson  Liljenquist  Madsen  Mayne
McCoy  Morgan  Okerlund  Robles
Romero  Stephenson  Stowell  Valentine
Van Tassell  Waddoups

**Absent or not voting were:** Senators

Christensen  Niederhauser  Urquhart

**H.B. 342** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, the Senate voted to lift **H.J.R. 21**, MASTER STUDY RESOLUTION, from Rules and place it at the top of the Second Reading Calendar.

* * *

**H.B. 383**, WATER RIGHTS ADJUDICATION AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:
Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Jenkins  Jones
Killpack  Knudson  Liljenquist  Madsen
Mayne  McCoy  Morgan  Okerlund
Robles  Romero  Stephenson  Stowell
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting was: Senator
Niederhauser

H.B. 383 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 163, PROPERTY TRANSACTION AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hinkins  Jenkins  Jones  Knudson
Liljenquist  Mayne  McCoy  Morgan
Okerlund  Robles  Romero  Stephenson
Stowell  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Hillyard  Killpack  Madsen  Niederhauser

H.B. 163 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Greiner, the Senate voted to lift 2nd Sub. H.B. 220, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, from the Third Reading Table and place it at the top of the Third Reading Calendar.
2nd Sub. H.B. 220, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, was read the third time and explained by Senator Greiner.

Senator Greiner proposed the following amendment:

1. Page 1, Lines 21 through 22

   grants rulemaking authority to the Utah Commission on Criminal and Juvenile Justice;

   provides that the Utah Commission on Criminal and Juvenile Justice shall adjust the amount to be paid to the counties for housing state probationary inmates or state parole inmates to ensure that the total amount of the payments made does not exceed the amount appropriated by the Legislature for the payments.

2. Page 4, Line 95:

   Subsection (2).

   (c) Notwithstanding any other provision of this section, CCJJ shall adjust the amount of the payments described in Subsection (7)(b), on a pro rata basis, to ensure that the total amount of the payments made does not exceed the amount appropriated by the Legislature for the payments.

Senator Greiner’s motion to amend passed on a voice vote. Senators Valentine and Hillyard commented and the bill passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator Goodfellow
Absent or not voting were: Senators
Madsen    Niederhauser

2nd Sub. H.B. 220, as amended, was returned to the House for further consideration.

* * *

H.B. 14, MATERIAL HARMFUL TO MINORS AMENDMENTS, was read the third time and explained by Senator Bell. Senator Dayton commented and the bill passed on the following roll call:

Yeas, 22; Nays, 2; Absent, 5.

Voting in the affirmative were: Senators
Bell     Bramble     Buttars     Christensen
Davis    Goodfellow Greiner    Hillyard
Jenkins  Jones       Killpack    Liljenquist
Mayne    McCoy       Morgan     Okerlund
Robles   Romero      Stephenson Stowell
Urquhart Van Tassell

Voting in the negative were: Senators
Dayton   Hinkins

Absent or not voting were: Senators
Knudson  Madsen    Niederhauser Valentine
Waddoups

H.B. 14 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 179, STATE-OWNED LAND AMENDMENTS, was read the third time and explained by Senator Bramble. Senators Morgan, Robles, and McCoy commented and the bill passed on the following roll call:

Yeas, 21; Nays, 8; Absent, 0.

Voting in the affirmative were: Senators
Bell     Bramble     Buttars     Christensen
Davis    Dayton      Greiner    Hillyard
Killpack Knudson    Liljenquist Madsen
Voting in the negative were: Senators
Goodfellow Hinkins Jenkins Jones
McCoy Morgan Robles Romero

Senator Niederhauser declared a conflict of interest.

H.B. 179 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2009

The House passed, S.B. 51, RESTITUTION FUND ACCOUNT, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 140, FINANCIAL INSTITUTIONS DISCLOSURE OF RECORDS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 157, PROPERTY TAXATION AND REGISTRATION OF AIRCRAFT, by Senator M. Madsen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 184, CIVIL FILING FEES, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President.

S.B. 51, S.B. 140, S.B. 157, and 1st Sub. S.B. 184 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 11, 2009

The House passed, as amended, 1st Sub. S.B. 84, IMPACT FEES REVISIONS, by Senator G. Bell, and it is transmitted for further consideration; and
The House passed, as amended, **S.B. 137**, PHYSICAL THERAPY PRACTICE ACT, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 163**, CONSTRUCTION TRADE EXEMPTION, by Senator S. Urquhart, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

**THIRD READING CALENDAR**

On motion of Senator Bramble, the Senate voted to lift **1st Sub. H.B. 296**, SCHOOLS FOR THE DEAF AND BLIND AMENDMENTS, from the Third Reading Table and place it on the Third Reading Calendar.

**1st Sub. H.B. 296**, SCHOOLS FOR THE DEAF AND BLIND AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**1st Sub. H.B. 296** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Killpack, under suspension of the rules, the Senate voted to lift the following bills and place them on the top of the Second Reading Calendar:

* * *

On motion of Senator Killpack, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:10 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 11, 2009

The House passed, **1st Sub. S.B. 23**, INCOME TAXATION OF PASS-THROUGH ENTITIES AND PASS-THROUGH ENTITY TAXPAYERS, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 147**, DRIVER LICENSE REVISIONS, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **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 President; and

The House passed, **S.B. 216**, REVISIONS TO MILITARY INSTALLATION DEVELOPMENT AUTHORITY ACT, by Senator M. Madsen, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**1st Sub. S.B. 23, 1st Sub. S.B. 147, S.B. 161, and S.B. 216** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

March 11, 2009

The House passed, as amended, **S.B. 75**, UTILITY AMENDMENTS, by Senator S. Urquhart, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.
CONCURRENCE CALENDAR

1st Sub. S.B. 78, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, was before the Senate.

On motion of Senator Hillyard, the bill was circled.

***

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to S.B. 148, LOW-PROFIT LIMITED LIABILITY COMPANY ACT. The bill, as amended, passed on the following roll call:

Y eas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators
Bell Christensen Dayton Greiner
Hillyard Hinkins Jenkins Jones
Killpack Knudson Liljenquist Madsen
Mayne McCoy Morgan Okerlund
Robles Romero Stephenson Stowell
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Buttars Davis Goodfellow
Niederhauser Urquhart

S.B. 148 was returned to the House for the signature of the Speaker.

***

On motion of Senator Madsen, the circle was removed from 1st Sub. S.B. 78, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, and it was before the Senate.

On motion of Senator Madsen, the Senate refused to concur in the House amendments. 1st Sub. S.B. 78 was returned to the House.

***

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to S.B. 167, AMENDMENTS TO UNIFORM DEBT-MANAGEMENT SERVICES ACT. The bill, as amended, passed on the following roll call:
Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators
Bell               Buttars            Christensen      Davis
Dayton            Goodfellow         Greiner          Hillyard
Hinkins           Jenkins            Jones            Liljenquist
Madsen            Mayne              McCoy            Morgan
Niederhauser      Okerlund           Robles          Romero
Stephenson        Stowell            Van Tassell     Waddoups

Absent or not voting were: Senators
Bramble           Killpack          Knudson          Urquhart
Valentine

S.B. 167 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, the Senate voted to concur in the House amendments to 1st Sub. S.B. 84, IMPACT FEES REVISIONS. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Bell               Buttars            Christensen      Davis
Dayton            Goodfellow         Greiner          Hillyard
Hinkins           Jenkins            Jones            Knudson
Liljenquist       Madsen             Mayne            McCoy
Morgan            Niederhauser       Okerlund         Robles
Romero            Stephenson         Stowell          Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble           Killpack          Urquhart         Valentine

1st Sub. S.B. 84 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to S.B. 137, PHYSICAL THERAPY PRACTICE ACT. The bill, as amended, passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bell Buttsars Christensen Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Killpack
Knudson Liljenquist Madsen Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Urquhart Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Valentine

S.B. 137 was returned to the House for the signature of the Speaker.

***

On motion of Senator Urquhart, the Senate refused to concur in the House amendments to S.B. 163, CONSTRUCTION TRADE EXEMPTION. S.B. 163 was returned to the House.

***

On motion of Senator Urquhart, the Senate voted to concur in the House amendments to S.B. 75, UTILITY AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Bell Buttsars Christensen Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Killpack
Knudson Liljenquist McCoy Morgan
Niederhauser Okerlund Robles Romero
Stephenson Stowell Urquhart Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble Madsen Mayne Valentine

S.B. 75 was returned to the House for the signature of the Speaker.
SECOND READING CALENDAR

On motion of Senator Killpack, the Senate voted to lift H.J.R. 21, MASTER STUDY RESOLUTION, to the top of the Second Reading Calendar.

On motion of Senator Killpack, under suspension of the rules, H.J.R. 21, MASTER STUDY RESOLUTION, was considered read the second and third times and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

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<td>Robles</td>
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<td>Van Tassell</td>
<td>Waddoups</td>
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**Absent or not voting were:** Senators

<table>
<thead>
<tr>
<th>Madsen</th>
<th>Mayne</th>
<th>Valentine</th>
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H.J.R. 21 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, the Senate voted to recall 1st Sub. S.B. 184, CIVIL FILING FEES, from enrolling.

THIRD READING CALENDAR

2nd Sub. H.B. 141, BILLBOARD AMENDMENTS, was read the third time and explained by Senator Niederhauser. Senators Hillyard, Bell, and McCoy commented.

On motion of Senator Bell, the bill was circled.

* * *

On motion of Senator Jenkins, the circle was removed from 1st Sub. H.B. 64, DETERRING ILLEGAL IMMIGRATION, and it was before the Senate.
Senator Jenkins proposed the following amendment:

1. Page 2, Lines 26 through 29

   26 This bill appropriates:

   27 [as an ongoing appropriation subject to future budget constraints,] $891,000 from [the General Fund “Federal Funds – American Recovery and Reinvestment Act (HR 1, 111th United States Congress)” for fiscal years 2009 and 2010 only, to the Commission on Criminal and Juvenile Justice.]

   28 Other Special Clauses:

2. Page 3, Lines 65 through 68:

   65 Section 3. Appropriation.

   66 [As an ongoing appropriation subject to future budget constraints, there is appropriated from the General Fund “Federal Funds – American Recovery and Reinvestment Act (HR 1, 111th United States Congress)” for fiscal years 2009 and 2010 only, $891,000 to the Commission on Criminal and Juvenile Justice to help fund the efforts of the multi-agency strike force referred to in Section 67–55–22.7.]

Senator Jenkins’ motion to amend passed on a voice vote.

###

Senator Romero proposed the following amendment:

1. Page 2, Lines 42 through 44

   [House Committee Amendments 2–26–2009]

   42 (1) (a) The Office of the Attorney General is authorized to administer and coordinate the operation of a multi-agency strike force to combat violent and other major felony crimes

###
committed

within the state that are associated with illegal immigration and human trafficking.

(b) For purposes of this section, “violent and other major felony crimes” means:

(i) those felonies referred to in Subsection 76–3–203.5(1)(c)(i);
(ii) money laundering under Sections 76–10–1903 and 76–10–1904;
(iii) felonies involving the smuggling, distribution, or use of illegal drugs; and
(iv) felonies committed by members of gangs.

Senator Romero’s motion to amend failed on a voice vote. Senators McCoy, Romero, Greiner, Buttars, and Robles commented and the bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Jenkins  Jones
Killpack  Knudson  Liljenquist  Mayne
McCoy  Morgan  Niederhauser  Okerlund
Robles  Romero  Stephenson  Stowell
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting was: Senator
Madsen

1st Sub. H.B. 64, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 308, WORKERS’ COMPENSATION – MOTOR CARRIERS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard     Hinkins     Jenkins     Jones
Killpack     Knudson    Liljenquist  Madsen
Mayne       McCoy      Morgan      Niederhauser
Okerlund     Robles     Romero      Stephenson
Stowell     Urquhart    Valentine    Van Tassell
Waddoups

1st Sub. H.B. 308, as amended, was returned to the House for further consideration.

***

H.B. 389, APPLICATIONS FOR A SMALL AMOUNT OF WATER, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators
Bell          Bramble     Buttars     Christensen
Davis         Dayton      Goodfellow  Greiner
Hillyard      Hinkins     Jenkins     Jones
Killpack      Knudson     Liljenquist Madsen
Mayne         McCoy       Morgan      Niederhauser
Okerlund      Robles      Romero      Stephenson
Stowell       Urquhart    Valentine    Van Tassell
Waddoups

H.B. 389 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 198, MARRIAGE LICENSE FEE AMENDMENTS, was read the third time and explained by Senator Bell. Senator Hillyard commented and the bill passed on the following roll call:

Yeas, 15; Nays, 14; Absent, 0.

Voting in the affirmative were: Senators
Bell          Buttars     Christensen  Davis
Goodfellow    Jones       Knudson     Liljenquist
Mayne         McCoy       Morgan      Robles
Romero        Urquhart    Van Tassell
Voting in the negative were: Senators

Bramble  Dayton  Greiner  Hillyard
Hinkins  Jenkins  Killpack  Madsen
Niederhauser  Okerlund  Stephenson  Stowell
Valentine  Waddoups

H.B. 198 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 195, UTAH UNIFORM PROBATE CODE – TRUST AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Jenkins  Jones
Killpack  Knudson  Liljenquist  Madsen
Mayne  McCoy  Morgan  Niederhauser
Okerlund  Robles  Romero  Stephenson
Stowell  Urquhart  Valentine  Van Tassell
Waddoups

H.B. 195 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

On motion of Senator Niederhauser, the Senate voted to include the following intent language in the Senate Journal:

INTENT LANGUAGE FOR H.B. 195

It is the intent of the legislature that passage of this act is for the following purposes: To expand the definition of “trust” in the Uniform Probate Code to include health savings accounts; To clarify that a depository health savings account is established retroactive to the first day an individual is covered by a high deductible health plan, provided that the health savings account is opened by a fiduciary trustee or non–fiduciary custodian by the time prescribed by law, without extensions, for filing the account holder’s federal income tax return for that year; and to clarify that enrollment by an individual in a high deductible health plan, as defined in Section 223 of the Internal Revenue Code, is sufficient
evidence of such individual’s intent and affirmation to open a depository health savings account.

* * *

On motion of Senator Killpack, the circle was removed from 1st Sub. H.B. 371, TRANSPORTATION GOVERNANCE, and it was before the Senate.

Senator Stowell proposed the following amendment:

1. Page 15, Lines 440 through 441

   440 (b) Beginning with the appointment of commissioners on or after July 1, 2009 and subject to the restriction in Subsection (2)(d), the
   selection of commissioners shall be as follows:

2. Page 15, Line 449:

   449 fourth, fifth, or sixth class.

   (d) No more than two commissioners appointed under Subsection (2)(b) may be selected from any one of the four regions established by the department.

Senator Stowell’s motion to amend passed on a voice vote. The bill passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

Bell  Buttars  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Jenkins  Jones  Killpack  Knudson
Liljenquist  Madsen  McCoy  Morgan
Niederhauser  Okerlund  Robles  Romero
Stephenson  Stowell  Urquhart  Valentine
Van Tassell  Waddoups

**Voting in the negative was:** Senator

Hinkins

**Absent or not voting were:** Senators

Bramble  Mayne
1st Sub. H.B. 371 was and returned to the House for further consideration.

SECOND READING CALENDAR

H.B. 2, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, was read the second time.

On motion of Senator Stephenson, the following substitute bill replaced the original bill:

1st Sub. H.B. 2 Minimum School Program Budget Amendments
(H. Stephenson)

Senator Stephenson proposed the following amendment:

1. Page 1, Lines 13 through 14

   ► establishes a ceiling for the state contribution to the Minimum School Program for fiscal year 2009–10 of \( -$2,138,232,586 \) \( = $2,137,932,586 \);

2. Page 1, Lines 22 through 24:

   ► the following Minimum School Program monies:

   • \( -$2,031,884,786 \) \( = $2,031,584,786 \) from the Uniform School Fund for fiscal year 2009–10;

3. Page 5, Lines 125 through 139:

   (4) (a) (i) [Except as provided in Subsection (4)(a)(ii), a] A school district shall allocate a portion of school district revenues for each resident student of the school district who is enrolled in a charter school on October 1 \( \{ – \} \) equal to 25\% of the lesser of \( \{ – \} \) \( \{ \text{as follows:} \} \)

   (A) in fiscal years 2008–09 and 2009–10, the allocation shall equal 25\% of the lesser of:

   \( \{ \} \) \( \{ \} \) \( \{ \} \) \( \} \)

   \( \{ \} \) \( \{ \} \) \( \{ \} \) \( \} \) \( \} \) \( \} \) district per pupil local revenues; or
130 (B) charter school students’ average local revenues.

131 In fiscal year 2010–11, the allocation shall equal 50% of the lesser of:

132 (I) district per pupil local revenues; or

133 (II) charter school students’ average local revenues;

134 In fiscal year 2011–12, the allocation shall equal 75% of the lesser of:

135 (I) district per pupil local revenues; or

136 (II) charter school students’ average local revenues; and

137 Beginning in fiscal year 2012–13, the allocation shall equal 100% of the lesser of:

138 (I) district per pupil local revenues; or

139 (II) charter school students’ average local revenues.

4. Page 7, Lines 205 through 207:

205 (1) The total contribution of the state toward the cost of the minimum school program may not exceed the sum of $2,497,012,086 for the fiscal year beginning July 1, 2008, except as otherwise provided by the Legislature through supplemental

5. Page 9, Line 261:

261 Teacher Salary Supplement Restricted Account, $4,300,000; $3,700,000;

Senator Stephenson’s motion to amend passed on a voice vote.

Senator Stephenson proposed the following amendment:

1. Page 1, Lines 13 through 14

establishes a ceiling for the state contribution to the Minimum School Program for
14 fiscal year 2009–10 of \{\$2,138,232,586\} \\
\$2,137,352,586 ;

2. Page 1, Lines 22 through 24:

22 This bill appropriates:
23 \[\text{the following Minimum School Program monies:}\]
24 \[\text{\{\$2,031,884,786\} \$2,031,004,786 from the Uniform School Fund for fiscal year 2009–10;}\]

3. Page 2, Lines 32 through 35:

32 (H.R. 1, 111th Congress) for fiscal year 2008–09 only; \{\text{and}\}
33 \[\text{the following School Building Program monies:}\]
34 \[\text{\$22,499,700 from the Uniform School Fund for fiscal year 2009–10; and}\]
35 \[\text{\$3,171,700 from the Uniform School Fund for fiscal year 2008–09 only \{\text{and}\} ; and}\]
35 \[\text{\$580,000 as an ongoing appropriation to the State Board of Education to fund salary adjustments for educators at the Utah Schools for the Deaf and the Blind.}\]

4. Page 7, Lines 205 through 207:

205 (1) The total contribution of the state toward the cost of the minimum school program
206 may not exceed the sum of \{\$2,497,012,086\} \\
\{\$2,138,232,586 \} \$2,137,352,586 for the fiscal year beginning July \\
207 1, [2008] 2009, except as otherwise provided by the Legislature through supplemental

5. Page 8, Line 237:

237 [(n)] (m) Social Security and retirement programs, \{\$349,906,049 \{\$349,906,049 \} \$349,906,049 \} \$13,987,831", \$13,407,831 ;

6. Page 23, Line 687:

687 \$91,200,000.

Section 17. Ongoing appropriation.
As an ongoing appropriation subject to future budget constraints, there is appropriated from the Uniform Fund for fiscal year 2009–10, $580,000 to the State Board of Education to fund salary adjustments for educators at the Utah Schools for the Deaf and the Blind as provided in Section 53A–25–111 or Section 53A–25b–402.

renumber remaining sections accordingly

Senator Stephenson’s motion to amend passed on a voice vote. Senators Hillyard, McCoy, Goodfellow, Bell, and Morgan commented.

On motion of Senator Stephenson, under suspension of the rules, 1st Sub. H.B. 2, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 15; Nays, 9; Absent, 5.

Voting in the affirmative were: Senators
Bell Christensen Dayton Greiner
Killpack Liljenquist Madsen Niederhauser
Okerlund Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups

Voting in the negative were: Senators
Davis Goodfellow Hinkins Jones
Mayne McCoy Morgan Robles
Romero

Absent or not voting were: Senators
Bramble Buttars Hillyard Jenkins
Knudson

Senator Killpack declared a conflict of interest.

1st Sub. H.B. 2, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Killpack, the Senate voted to place the following bills on the Second Reading Calendar under H.B. 447:

On motion of Senator Killpack, and at 4:00 p.m., the Senate sauntered.

The Senate was called to order at 4:20 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2009

The House passed, 3rd Sub. S.B. 41, SITING OF HIGH VOLTAGE POWER LINE ACT, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

3rd Sub. S.B. 41 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

***

Mr. President: March 11, 2009

The House concurred in the Senate amendments and passed H.B. 153, TRESPASS LAW AMENDMENTS, by Representative J. Mathis, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 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 President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 357, FIREARMS AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 399, CHARITABLE CARE AMENDMENTS, by Representative B. Last, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 402, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS, by Representative K. Garn, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.J.R. 14, JOINT RULES RESOLUTION – ETHICS TRAINING COURSE PROVISIONS,
by Representative L. Fowlke, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 153, 2nd Sub. H.B. 220, 1st Sub. H.B. 357, H.B. 399, H.B. 402, and H.J.R. 14, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 11, 2009

The House requests the return of 1st Sub. S.B. 23, INCOME TAXATION OF PASS−THROUGH ENTITIES AND PASS−THROUGH ENTITY TAXPAYERS, by Senator W. Niederhauser, for reconsideration.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 23 was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Niederhauser, under suspension of the rules, H.B. 4, GENERAL OBLIGATION BONDS AUTHORIZATIONS, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators
Bell Buttars Christensen Davis
Dayton Goodfellow Greiner Hillyard
Jenkins Jones Killpack Knudson
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups

Voting in the negative was: Senator
Hinkins

Absent or not voting was: Senator
Bramble

H.B. 4 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
On motion of Senator Hillyard, under suspension of the rules, **H.B. 306, HEALTH AND HUMAN SERVICES–RELATED COMMISSION, COMMITTEE, AND COUNCIL AMENDMENTS**, was considered read the second and third times. Senators Robles and Christensen commented and the bill passed on the following roll call:

**Yeas, 23; Nays, 2; Absent, 4.**

**Voting in the affirmative were:** Senators

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<th>Buttars</th>
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**Voting in the negative were:** Senators

| Hinkins | Robles |

**Absent or not voting were:** Senators

| Bell      | Bramble | Madsen | Stephenson |

**H.B. 306** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**On motion of Senator Jenkins, the Senate voted to recall and reconsider 1st Sub. S.B. 171, MUNICIPAL ANNEXATION AMENDMENTS, from the House for the purpose of correcting an amendment.**

**1st Sub. S.B. 171, MUNICIPAL ANNEXATION AMENDMENTS,** was before the Senate, explained by Senator Jenkins, and passed, under suspension of the rules, on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

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<td>Liljenquist</td>
<td>Madsen</td>
<td>Mayne</td>
<td>McCoy</td>
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On motion of Senator Jenkins, the Senate voted to recall and reconsider **1st Sub. S.B. 171, MUNICIPAL ANNEXATION AMENDMENTS, from the House for the purpose of correcting an amendment.**
Absent or not voting were: Senators
Bell Bramble Niederhauser Stephenson

1st Sub. S.B. 171 was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, H.B. 307, TOURISM MARKETING PERFORMANCE ACCOUNT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 21; Nays, 2; Absent, 6.

Voting in the affirmative were: Senators
Buttars Christensen Davis Dayton
Goodfellow Greiner Hillyard Jenkins
Jones Killpack Knudson Liljenquist
Madsen Mayne McCoy Okerlund
Robles Romero Urquhart Valentine
Van Tassell

Voting in the negative were: Senators
Hinkins Morgan

Absent or not voting were: Senators
Bell Bramble Niederhauser Stephenson
Stowell Waddoups

H.B. 307 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Greiner, under suspension of the rules, H.B. 373, AMENDMENTS TO DEPARTMENT OF CORRECTIONS’ OPERATIONS, was considered read the second and third times and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.
Voting in the affirmative were: Senators
Buttars Christensen Davis Dayton
Greiner Hillyard Hinkins Jenkins
Jones Killpack Knudson Madsen
Mayne McCoy Morgan Niederhauser
Okerlund Robles Romero Stowell
Urquhart Valentine

Absent or not voting were: Senators
Bell Bramble Goodfellow Liljenquist
Stephenson Van Tassell Waddoups

H.B. 373 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Romero, the Senate voted to reconsider its action on H.B. 412 on the following roll call vote:

Yeas, 24; Nays, 3; Absent, 2.

Voting in the affirmative were: Senators
Bramble Buttars Christensen Davis
Goodfellow Greiner Hillyard Jenkins
Jones Killpack Madsen Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Urquhart Valentine Van Tassell Waddoups

Voting in the negative were: Senators
Dayton Hinkins Knudson

Absent or not voting were: Senators
Bell Liljenquist

H.B. 412, ENERGY POLICY AMENDMENTS, was before the Senate, explained by Senator Romero.

Senator Romero proposed the following amendment:

1. Page 2, Line 59:
   Delete “legislative action”
Senator Romero’s motion to amend passed on a voice vote. The bill passed on the following roll call:

**Yeas, 21; Nays, 4; Absent, 4.**

**Voting in the affirmative were:** Senators
- Buttars
- Christensen
- Davis
- Dayton
- Greiner
- Hillyard
- Hinkins
- Jenkins
- Killpack
- Knudson
- Madsen
- Mayne
- Niederhauser
- Okerlund
- Romero
- Stephenson
- Stowell
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Voting in the negative were:** Senators
- Goodfellow
- Jones
- Morgan
- Robles

**Absent or not voting were:** Senators
- Bell
- Bramble
- Liljenquist
- McCoy

**H.B. 412** was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, **H.B. 445**, HEALTH PROGRAM REVISIONS, was considered read the second and third times. Senator Morgan commented and the bill passed on the following roll call:

**Yeas, 16; Nays, 6; Absent, 7.**

**Voting in the affirmative were:** Senators
- Buttars
- Christensen
- Davis
- Dayton
- Hillyard
- Jenkins
- Jones
- Killpack
- Knudson
- Okerlund
- Stephenson
- Stowell
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Voting in the negative were:** Senators
- Goodfellow
- Hinkins
- Mayne
- Morgan
- Robles
- Romero

**Absent or not voting were:** Senators
- Bell
- Bramble
- Greiner
- Liljenquist
- Madsen
- McCoy
- Niederhauser

**H.B. 445** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
On motion of Senator Killpack, the Senate voted to lift H.B. 185, TRANSPORTATION AMENDMENTS, to the top of the Second Reading Calendar.

On motion of Senator Killpack, the circle was removed from H.B. 185, TRANSPORTATION AMENDMENTS, and it was before the Senate.

On motion of Senator Killpack, the following substitute bill replaced the original bill:

1st Sub. H.B. 185 Transportation Amendments (W. Harper)

On motion of Senator Killpack, under suspension of the rules, 1st Sub. H.B. 185, TRANSPORTATION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Voting in the affirmative were: Senators
Buttars Christensen Davis Dayton
Goodfellow Hillyard Hinkins Jenkins
Jones Killpack Knudson Liljenquist
Mayne Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Urquhart Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Bell Bramble Greiner Madsen
McCoy

1st Sub. H.B. 185 was and returned to the House for further consideration.

On motion of Senator Hillyard, under suspension of the rules, H.B. 446, MEDICAID RESTRICTED ACCOUNT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Bell Buttars Davis Dayton
Goodfellow Hillyard Hinkins Jenkins
Absent or not voting were: Senators
Bramble Christensen Greiner Madsen

H.B. 446 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, under suspension of the rules, H.B. 447, UTAH EMERGENCY MEDICAL SERVICES SYSTEM ACT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Dayton Hillyard Hinkins Jenkins
Jones Killpack Knudson Liljenquist
Mayne McCoy Morgan Niederhauser
Okerlund Robles Romero Stephenson
Stowell Urquhart Valentine Van Tassell
Waddoups

Voting in the negative were: Senators
Davis Goodfellow

Absent or not voting were: Senators
Greiner Madsen

H.B. 447 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, 1st Sub. H.B. 290, PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE, was read the second time and circled.
On motion of Senator Bell, the circle was removed from S.B. 248, TAX AMENDMENTS, and it was before the Senate.

On motion of Senator Bell, the following substitute bill replaced the original bill:

1st Sub. S.B. 248 Tax Amendments (G. Bell)

On motion of Senator Bell, under suspension of the rules, 1st Sub. S.B. 248, TAX AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

Y eas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Christensen
Davis  Dayton     Goodfellow Greiner
Hinkins Jenkins    Jones    Mayne
McCoy  Morgan     Niederhauser Okerlund
Robles Romero     Stephenson Stowell
Urquhart Valentine Van Tassell

Absent or not voting were: Senators
Hillyard Killpack     Knudson    Liljenquist
Madsen Waddoups

1st Sub. S.B. 248 was transmitted to the House.

* * *

On motion of Senator Okerlund, under suspension of the rules, H.B. 355, INDIGENT INMATE TRUST FUND AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Y eas, 16; Nays, 2; Absent, 11.

Voting in the affirmative were: Senators
Bramble Christensen Davis Goodfellow
Greiner Hinkins    Liljenquist McCoy
Morgan Niederhauser Okerlund Stephenson
Stowell Urquhart Valentine Van Tassell
Voting in the negative were: Senators
Dayton Madsen

Absent or not voting were: Senators
Bell Buttars Hillyard Jenkins
Jones Killpack Knudson Mayne
Robles Romero Waddoups

H.B. 355 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 378, CIRCUIT BREAKER AMENDMENTS, was read the second time. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 1, Lines 13 through 18

13  decreases a claimant’s household income by $1,000 for each dependent claimed a dependant that the claimant is eligible to claim
14  the claimant’s federal taxes for purposes of qualifying for a homeowner’s credit for a
15  maximum household income decrease of $1,000 ;
16  decreases a claimant’s household income by $1,000 for each dependent claimed a dependant that the claimant is eligible to claim
17  the claimant’s federal taxes for purposes of qualifying for a renter’s credit for a
18  maximum household income decrease of $1,000 ; and

2. Page 2, Line 56 through Page 3, Line 63:

56  (4) (a) Subject to Subsection (4)(b), for purposes of calculating a claimant’s household
57  income to determine the amount of the claimant’s homeowner’s credit under Subsection (1), a
claimant’s household income shall be decreased by $1,000 for each dependent with respect to whom a claimant is eligible to make a deduction as allowed as a personal exemption deduction on the claimant’s federal individual income tax return for the taxable year for which the household income is calculated.

(b) For purposes of Subsection (4)(a):

(i) the maximum amount a claimant’s household income may be decreased is $1,000.

3. Page 4, Lines 98 through 105:

(6) (a) Subject to Subsection (6)(b), for purposes of calculating a claimant’s household income to determine the amount of the claimant’s renter’s credit under Subsection (1), a claimant’s household income shall be decreased by $1,000 for each dependent with respect to whom a claimant is eligible to make a deduction as allowed as a personal exemption deduction on the claimant’s federal individual income tax return for the taxable year for which the household income is calculated.

(b) For purposes of Subsection (6)(a):

(i) the maximum amount a claimant’s household income may be decreased is $1,000.

Senator Niederhauser’s motion to amend passed on a voice vote. Senator Greiner commented.

On motion of Senator Niederhauser, the bill was circled.

* * * 

On motion of Senator Niederhauser, and at 5:25 p.m., the Senate sauntered.

The Senate was called to order at 5:40 p.m., with President Waddoups presiding.
On motion of Senator Niederhauser, the circle was removed from H.B. 378, CIRCUIT BREAKER AMENDMENTS, and it was before the Senate.

On motion of Senator Niederhauser, under suspension of the rules, H.B. 378, CIRCUIT BREAKER AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 19; Nays, 0; Absent, 10.**

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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H.B. 378, as amended, was returned to the House for further consideration.

On motion of Senator Greiner, under suspension of the rules, H.B. 455, COURT SECURITY RESTRICTED ACCOUNT, was considered read the second and third times and passed on the following roll call:

**Yeas, 19; Nays, 0; Absent, 10.**

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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H.B. 455 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 174, LICENSING OF VOCATIONAL REHABILITATION COUNSELORS, was read the second time.

On motion of Senator Van Tassell, the bill was circled.

***

On motion of Senator Valentine, 1st Sub. H.B. 356, BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS, was read the second time and circled.

***

2nd Sub. H.B. 400, PETE SUAZO UTAH ATHLETIC COMMISSION AMENDMENTS, was read the second time. Senator Stephenson explained the bill. Senator Greiner commented.

On motion of Senator Stephenson, the bill was circled.

***

On motion of Senator Killpack, the circle was removed from S.B. 240, UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE AMENDMENTS, and it was before the Senate.

On motion of Senator Killpack, the following substitute bill replaced the original bill:

1st Sub. S.B. 240 Utah Science Technology and Research Initiative Amendments (S. Killpack)

Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 2, Line 39:
   Reinstate “eight” and delete “seven”

2. Page 2, Line 41:
   Reinstate “two” and delete “three”
Senator Killpack’s motion to amend passed on a voice vote.

On motion of Senator Killpack, under suspension of the rules, **1st Sub. S.B. 240**, UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**1st Sub. S.B. 240** was transmitted to the House.

* * *

On motion of Senator Stephenson, the circle was removed from **2nd Sub. H.B. 400**, PETE SUAZO UTAH ATHLETIC COMMISSION AMENDMENTS, and it was before the Senate.

On motion of Senator Stephenson, under suspension of the rules, **2nd Sub. H.B. 400**, PETE SUAZO UTAH ATHLETIC COMMISSION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

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* * *
Absent or not voting were: Senators
Bramble Liljenquist Niederhauser

2nd Sub. H.B. 400 was signed by the President of the Senate in open session
and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, the circle was removed from 1st Sub. H.B. 299,
UNLAWFUL DETAINER AMENDMENTS, and it was before the Senate.
Senators Jones, Robles, Van Tassell, and McCoy commented.

On motion of Senator Bell, the following substitute bill replaced the original
bill:

3rd Sub. H.B. 299 Unlawful Detainer Amendments (G. Froerer)

On motion of Senator Bell, under suspension of the rules, 3rd Sub. H.B. 299,
UNLAWFUL DETAINER AMENDMENTS, was considered read the second and
third times and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Goodfellow Greiner Hinkins
Jenkins Jones Madsen Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Urquhart Valentine Van Tassell

Absent or not voting were: Senators
Buttars Hillyard Killpack Knudson
Liljenquist Waddoups

3rd Sub. H.B. 299, as amended, was returned to the House for further
consideration.

* * *

On motion of Senator Urquhart, under suspension of the rules, H.B. 17,
EXPEDITED PARTNER THERAPY TREATMENT, was considered read the
second and third times.
Senator Dayton proposed the following amendment:

1. Page 1, Line 22

- makes conforming changes to the Pharmacy Practices Act; 
  - provides immunity from medical malpractice actions for a practitioner who uses expedited partner therapy; and

2. Page 3, Line 83:

- and the partner under Section 58−17b−613.

(5)(a) The legislature finds that the prevention and treatment of sexually transmitted diseases in the state is a compelling public health issue.

(b) A practitioner or licensee under this chapter is not liable for a medical malpractice action if the use of expedited partner therapy is in compliance with this section, except for those acts which are grossly negligent or willful and wanton.

Senator Dayton’s motion to amend passed on a voice vote. Senators McCoy, Valentine, and Greiner commented and the bill passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators
Bell            Bramble            Christensen            Davis
Dayton         Greiner            Hinkins              Jenkins
Jones           Liljenquist       Madsen             Mayne
McCoy           Morgan            Okerlund             Robles
Romero          Stephenson        Stowell           Urquhart
Valentine       Van Tassell

**Absent or not voting were:** Senators
Buttars         Goodfellow        Hillyard           Killpack
Knudson         Niederhauser     Waddoups

_H.B. 17_ was returned to the House for further consideration.

***

On motion of Senator Stephenson, _1st Sub. H.B. 259_, PROHIBITION OF IMPACT FEES ON SCHOOL DISTRICTS AND CHARTER SCHOOLS, was read the second time and circled.
On motion of Senator Bell, the circle was removed from 1st Sub. H.B. 356, BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS, and it was before the Senate.

On motion of Senator Bell, under suspension of the rules, 1st Sub. H.B. 356, BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 18; Nays, 0; Absent, 11.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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1st Sub. H.B. 356 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 11, 2009

The House refuses to recede from its amendments to 1st Sub. S.B. 78, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, by Senator M. Madsen, et al, and has appointed a Conference Committee consisting of Representatives C. Oda, C. Wimmer, and C. Watkins to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Bramble, the Senate voted to refuse to recede from its amendments to 1st Sub. S.B. 78. President Waddoups appointed a conference
committee consisting of Senators Madsen, Dayton, and Mayne to meet with a like committee from the House.

SECOND READING CALENDAR

On motion of Senator Van Tassell, H.B. 456, TOBACCO ACCESS RESTRICTIONS, was read the second time and circled.

* * *

On motion of Senator Urquhart, under suspension of the rules, 1st Sub. H.B. 156, SUBDIVISION APPROVAL AMENDMENTS, was considered read the second and third times.

Senator Van Tassell proposed the following amendment:

1. Page 1, Line 12

   12  authorizes an owner of a contiguous parcel of agricultural land within a county of the third, fourth, fifth, or

2. Page 3, Line 60:

   60  (4) (a) As used in this Subsection (4) {“minor”} ;

   (i) “Applicable land”;

   (A) means the agricultural land sought to be divided under this Subsection (4) by a minor subdivision; and

   (B) includes land previously divided from the agricultural land by a minor subdivision.

   (ii) “Minor subdivision” means a division of a single, contiguous parcel of

3. Page 3, Lines 62 through 63:

   62  parcel per 100 acres of {agricultural} applicable land.

   63  (b) (i) Notwithstanding Sections 17–27a–603 and 17–27a–604, an owner of agricultural

4. Page 3, Lines 65 through 66:

   65  the county in which the land is located ;

   (A) a recordable deed describing by metes and bounds each

   66  parcel divided from the agricultural land ; and

   (B) a notice of the creation of a minor subdivision, containing the
legal description of each parcel divided from the agricultural land.

(ii) An owner of agricultural land may not make a minor subdivision if the minor subdivision would result in the applicable land having more than one minor subdivision parcel per 100 acres of applicable land.

Senator Van Tassell’s motion to amend passed on a voice vote. The bill passed on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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1st Sub. H.B. 156 was returned to the House for further consideration.

* * *

1st Sub. H.B. 283, ILLEGAL USE OF MOTOR VEHICLES, was read the second time.

On motion of Senator Urquhart, the following substitute bill replaced the original bill:

2nd Sub. H.B. 283 Illegal Use of Motor Vehicles (M. Noel)

Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Dayton  Goodfellow  Hillyard  Killpack
Liljenquist  Madsen  Mayne  Niederhauser

* * *

On motion of Senator Niederhauser, the circle was removed from 1st Sub. H.B. 456, TOBACCO ACCESS RESTRICTIONS, and it was before the Senate.

On motion of Senator Niederhauser, under suspension of the rules, 1st Sub. H.B. 456, TOBACCO ACCESS RESTRICTIONS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Knudson
Liljenquist  McCoy  Morgan  Niederhauser
Okerlund  Robles  Romero  Stephenson
Stowell  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Dayton  Killpack  Madsen  Mayne

1st Sub. H.B. 456 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, the circle was removed from H.B. 444, BUDGET IMPLEMENTATION ADJUSTMENTS – TOBACCO SETTLEMENT FUNDS, and it was before the Senate.

On motion of Senator Hillyard, the following substitute bill replaced the original bill:

1st Sub. H.B. 444 Budget Implementation Adjustments – Tobacco Settlement Funds (R. Bigelow)
Senator Hillyard proposed the following amendment:

1. Page 3, Line 65:
   After “programs” delete “500,000 of” and delete line 66.

Senator Hillyard’s motion to amend passed on a voice vote.

###

Senator Valentine proposed the following amendment:

1. Page 1, Lines 14 through 21
   
   14 This bill:
   
   * * * Some lines not shown * * *
   
   17 ◗ eliminates the drug board pilot program in the Department of Human Services; {and—}
   
   18 ◗ increases funding to the Department of Health for the Children’s Health Insurance
   
   19 Program ; and
   
   ◗ makes several one–time appropriations .
   
   20 Monies Appropriated in this Bill:
   
   21 {–None–} This bill appropriates:

   ◗ $500,000 to the Department of Health for tobacco cessation programs;
   
   ◗ $1,600,000 to the Division of Arts and Museums for two separate children’s museums; and
   
   ◗ $400,000 to the Division of Housing and Community Development for the Shakespeare Festival.

2. Page 5, Lines 134 through 135:

   134 (iv) if the program is a tobacco cessation program, the report required in Section
   
   135 51–9–203.

Section 3, Appropriation.
There is appropriated from the Tobacco Settlement Restricted Account for fiscal year 2009–2010 only:

(1) $500,000 to the Department of Health for tobacco reduction and cessation programs;

(2) $800,000 to the Division of Arts and Museums – Museum
Services for the Library Square Foundation for Art, culture and Sciences for the Leonardo Children’s Museum;

(3) $800,000 to the Division of Arts and Museums – Museum Services for the Museum of Natural Curiosity at Thanksgiving Point; and

(4) $400,000 to the Division of Housing and Community Development – Community Assistance for the Shakespeare Festival.

Renumber the remaining sections accordingly.

Senator Valentine’s motion to amend passed on a voice vote.

Senators Bramble, Stowell, McCoy, Okerlund, Liljenquist, and Knudson commented.

On motion of Senator Hillyard, under suspension of the rules, 1st Sub. H.B. 444, BUDGET IMPLEMENTATION ADJUSTMENTS – TOBACCO SETTLEMENT FUNDS, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 4; Absent, 0.**

**Voting in the affirmative were:** Senators

Bell, Bramble, Buttars, Davis
Dayton, Goodfellow, Greiner, Hillyard
Jenkins, Jones, Killpack, Knudson
Liljenquist, Madsen, Mayne, McCoy
Morgan, Okerlund, Robles, Stephenson
Stowell, Urquhart, Valentine, Van Tassell
Waddoups

**Voting in the negative were:** Senators

Christensen, Hinkins, Niederhauser, Romero

1st Sub. H.B. 444 was returned to the House for further consideration.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 11, 2009

The House passed, 1st Sub. S.B. 73, UNINCORPORATED AREAS AMENDMENTS, by Senator K. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 75, UTILITY AMENDMENTS, by Senator S. Urquhart, and it is transmitted for the signature of the President; and
The Speaker of the House has signed 1st Sub. S.B. 84, IMPACT FEES REVISIONS, by Senator G. Bell, and it is transmitted for the signature of the President; and

The House passed, S.B. 91, ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 137, PHYSICAL THERAPY PRACTICE ACT, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 148, LOW−PROFIT LIMITED LIABILITY COMPANY ACT, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 167, AMENDMENTS TO UNIFORM DEBT−MANAGEMENT SERVICES ACT, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The House passed, S.B. 239, TRANSPORTATION REVISIONS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 183, VIOLATION OF PROTECTIVE ORDER, by Senator S. McCoy, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 73, S.B. 75, 1st Sub. S.B. 84, S.B. 91, S.B. 137, S.B. 148, S.B. 167, S.B. 239, and S.B. 183 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 11, 2009

The House passed, as amended, 1st Sub. S.B. 18, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS, by Senator W. Niederhauser, et al, and it is transmitted for further consideration; and

The House passed, as amended, S.B. 57, LOCAL OPTION TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS, by Senator R. Okerlund, and it is transmitted for further consideration; and
The House passed, as amended, **1st Sub. S.B. 68, MINING PROTECTION AMENDMENTS**, by Senator S. Killpack, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President: 

March 11, 2009

The House has rejected **S.B. 48, TEACHER LICENSING BY COMPETENCY AMENDMENTS**, by Senator D. C. Buttars, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

**S.B. 48** was filed

* * *

On motion of Senator Killpack and at 7:15 p.m., the Senate adjourned until 8:00 a.m., Thursday, March 12, 2009.
FORTY–FIFTH DAY
MORNING SESSION
March 12, 2009

The Senate was called to order at 8:20 a.m., with President Michael Waddoups presiding.

Prayer – Senator Greg Bell
Pledge of Allegiance – Senator Wayne Niederhauser
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

SPECIAL MUSICAL PRESENTATION

Brian Allen sang “The Star Spangled Banner”

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2009

The House passed, S.B. 70, DEPARTMENT OF ENVIRONMENTAL QUALITY AMENDMENTS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 4th Sub. S.B. 80, FIRE LIABILITY MODIFICATIONS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 142, DISPOSITION OF A DEAD BODY, by Senator A. Christensen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 171, MUNICIPAL ANNEXATION AMENDMENTS, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 248, TAX AMENDMENTS, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 70, 4th Sub. S.B. 80, S.B. 142, 1st Sub. S.B. 171, and 1st Sub. S.B. 248 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.
Mr. President: March 11, 2009

The House concurred in the Senate amendments and passed 1st Sub. H.B. 64, DETERRING ILLEGAL IMMIGRATION, by Representative B. Dee, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 308, WORKERS’ COMPENSATION – MOTOR CARRIERS, by Representative D. Ipson, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 64 and 1st Sub. H.B. 308, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

Mr. President: March 11, 2009

The House passed, as amended, H.J.R. 29, LEGISLATIVE DIRECTION TO THE PUBLIC EMPLOYEES’ BENEFIT AND INSURANCE PROGRAM, by Representative B. Dee, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.J.R. 29 was read the first time and referred to the Rules Committee.

Mr. President: March 11, 2009

The House passed, as amended, 1st Sub. S.B. 187, ALCOHOL AMENDMENTS, by Senator J. Valentine, and it is transmitted for further consideration; and

The House passed, as amended, S.B. 193, SALVAGE VEHICLES AMENDMENTS, by Senator S. Urquhart, and it is transmitted for further consideration; and

The House passed, as amended, 3rd Sub. S.B. 208, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, by Senator S. Urquhart, et al, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.
Mr. President: March 11, 2009

The House refuses to recede from its amendments to **S.B. 163**, CONSTRUCTION TRADE EXEMPTION, by Senator S. Urquhart, and has appointed a Conference Committee consisting of Representatives K. Grover, C. Herrod, and J. Gowans to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Urquhart, the Senate voted to refuse to recede from its amendments to **S.B. 163**. President Waddoups appointed a conference committee consisting of Senators Urquhart, Liljenquist, and Davis to meet with a like committee from the House.

***

Mr. President: March 11, 2009

The House refused to concur with the Senate Amendments to **1st Sub. H.B. 371**, TRANSPORTATION GOVERNANCE, by Representative W. Harper, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Killpack, the Senate voted to refuse to recede from its amendments to **1st Sub. H.B. 371**. President Waddoups appointed a conference committee consisting of Senators Killpack, Niederhauser, and Mayne to meet with a like committee from the House.

***

Mr. President: March 11, 2009

The House adopted the Joint Conference Committee Report dated March 11, 2009, 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 further consideration.

Sandy D. Tenney, Chief Clerk

Mr. President: March 11, 2009

The Joint Conference Committee comprised of Sens. Mark B. Madsen, Margaret Dayton, and Karen Mayne, and Reps. 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.**

Sen. Mark B. Madsen
and Rep. Curtis Oda, Chairs

On motion of Senator Madsen, the Senate voted to adopt the Joint Conference Committee Report and the bill passed on the following roll call:

**Yeas, 22; Nays, 3; Absent, 4.**

**Voting in the affirmative were:** Senators
Bell           Buttars       Christensen   Davis
Dayton        Goodfellow    Greiner       Hillyard
Hinkins       Jones         Killpack      Knudson
Liljenquist   Madsen        Mayne         Niederhauser
Okerlund      Stephenson    Stowell       Urquhart
Valentine     Waddoups

**Voting in the negative were:** Senators
McCoy         Robles        Romero

**Absent or not voting were:** Senators
Bramble       Jenkins        Morgan       Van Tassell

**2nd Sub. S.B. 78** was returned to the House for the signature of the Speaker.

**CONCURRENCE CALENDAR**

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **1st Sub. S.B. 18, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS.** The bill, as amended, passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators
Bell           Buttars       Christensen   Davis
Dayton        Goodfellow    Hillyard      Hinkins
Jenkins       Jones         Killpack      Knudson
Liljenquist   Mayne         McCoy         Morgan
Absent or not voting were: Senators
Bramble Greiner Madsen Van Tassell

1st Sub. S.B. 18 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Okerlund, the Senate voted to concur in the House amendments to S.B. 57, LOCAL OPTION TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Bell Buttars Christensen Davis
Dayton Goodfellow Hillyard Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Mayne McCoy Morgan
Niederhauser Okerlund Robles Romero
Stephenson Stowell Urquhart Valentine
Waddoups

Absent or not voting were: Senators
Bramble Greiner Madsen Van Tassell

S.B. 57 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, the Senate voted to concur in the House amendments to 1st Sub. S.B. 68, MINING PROTECTION AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 22; Nays, 3; Absent, 4.

Voting in the affirmative were: Senators
Bell Buttars Christensen Davis
Dayton Goodfellow Hillyard Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Mayne McCoy Morgan
Niederhauser Okerlund Robles Romero
Stephenson Stowell Urquhart Valentine
Waddoups
Voting in the negative were: Senators
McCoy Morgan Robles

Absent or not voting were: Senators
Bramble Greiner Madsen Van Tassell

1st Sub. S.B. 68 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

2nd Sub. H.B. 283, ILLEGAL USE OF MOTOR VEHICLES, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators
Bell Buttars Davis Dayton
Goodfellow Hillyard Hinkins Jenkins
Jones Killpack Knudson Liljenquist
Mayne McCoy Morgan Niederhauser
Okerlund Robles Romero Stephenson
Stowell Urquhart Valentine Waddoups

Absent or not voting were: Senators
Bramble Christensen Greiner Madsen
Van Tassell

2nd Sub. H.B. 283, as amended, was returned to the House for further consideration.

***

On motion of Senator Niederhauser, the Senate voted to remove H.B. 20, REPEAL OF CERTAIN INCOME TAX CREDITS AND CONTRIBUTIONS, from the Third Reading Table and place it on the Third Reading Calendar.

H.B. 20, REPEAL OF CERTAIN INCOME TAX CREDITS AND CONTRIBUTIONS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Bell        Buttars        Christensen        Davis
Dayton      Goodfellow    Hillyard        Hinkins
Jenkins     Jones          Killpack        Knudson
Liljenquist Mayne         McCoy          Morgan
Niederhauser Okerlund      Robles         Romero
Stephenson  Stowell       Urquhart        Valentine
Waddoups

Absent or not voting were: Senators
Bramble       Greiner       Madsen       Van Tassell

H.B. 20 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the circle was removed from 2nd Sub. H.B. 141, BILLBOARD AMENDMENTS, and it was before the Senate.

Senator Bell proposed the following amendment:

1. Page 15, Line 443

443 lanes, or feeder systems, from or to another federal, state, county, city, or other route.

(11) “Interstate billboard” means a billboard that is intended to be viewed from a highway that is an interstate.

2. Page 15, Line 451:

451 direction.

(14) “Noninterstate billboard” means a billboard that is intended to be viewed from a street or highway that is not an interstate.

3. Page 17, Line 520:

520 (ii) (A) for an interstate billboard, 500 feet from the base of the billboard \[ \left\{ \frac{1}{\pi} \right\} \]; or

(B) for a noninterstate billboard, 300 feet from the base of the billboard.

Senator Bell’s motion to amend failed on the following roll call:
Yeas, 7; Nays, 19; Absent, 3.

**Voting in the affirmative were:** Senators

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Senators Buttars and Valentine commented and the bill passed on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

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2nd Sub. H. B. 141, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, the circle was removed from 1st Sub. H.B. 352, ALCOHOLIC BEVERAGE RELATED AMENDMENTS, and it was before the Senate.
Senator Valentine proposed the following amendment:

1. Page 13, Lines 378 through 379

378  {-(i) }  (ii)(A)  a peace officer, examiner, or investigator; and

379  {-(ii) }  (B)  employed by a nondepartment enforcement agency.

2. Page 13, Line 396 through Page 14, Line 399:

396  (2)  {-(If) }  (a) Subject to Subsection (2)(b), if an investigator is permitted by another provision of this chapter to inspect a book or record of a private club licensee, in addition to any other rights under this title, the investigator may inspect, have a copy of, or otherwise review any record of the private club licensee.

(b) An investigator who is a peace officer may not inspect, have a copy of, or otherwise review a visual recording described in Subsection (2)(a) without probable cause.

3. Page 14, Lines 406 through 407:

406  {-(i) }  (ii)(A)  a peace officer, examiner, or investigator; and

407  {-(ii) }  (B)  employed by a nondepartment enforcement agency.

4. Page 14, Lines 424 through 427:

424  (2)  {-(If) }  (a) Subject to Subsection (2)(b), if an investigator is permitted by another provision of this chapter to inspect a book or record of a on-premise beer retailer licensee that is a tavern, in addition to any other rights under this title, the investigator may inspect, have a copy of, or otherwise review any record of the tavern that is a visual recording of the operations of the tavern.

(b) An investigator who is a peace officer may not inspect, have a copy of,
or otherwise review a visual recording described in Subsection (2)(a) without probable cause.

Senator Valentine’s motion to amend passed on a voice vote. Senators Buttars and Mayne commented and the bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

- Bell
- Bramble
- Buttars
- Christensen
- Davis
- Dayton
- Goodfellow
- Greiner
- Hillyard
- Hinkins
- Jenkins
- Jones
- Killpack
- Knudson
- Liljenquist
- Mayne
- McCoy
- Morgan
- Niederhauser
- Okerlund
- Robles
- Romero
- Stephenson
- Stowell
- Urquhart
- Valentine
- Waddoups

**Absent or not voting were:** Senators

- Madsen
- Van Tassell

**1st Sub. H.B. 352** was returned to the House for further consideration.

**SECOND READING CALENDAR**

On motion of Senator Hillyard, the circle was removed from **1st Sub. H.B. 290, PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE**, and it was before the Senate.

On motion of Senator Hillyard, the following substitute bill replaced the original bill:

**3rd Sub. H.B. 290 Prohibition of Wireless Communication Device Use in a Motor Vehicle** (S. Clark)

Senator Hillyard explained the bill.

Senator Stowell proposed the following amendment:

1. Page 1, Line 24 through Page 2, Line 25

24 operating a moving motor vehicle;

> provides that enforcement of a violation of this section shall only be as a secondary action when the vehicle has been detained for a suspected violation of another offense:
2. Page 3, Line 85:

85 (B) the commission of the offense upon which the current conviction is based.

(5) Enforcement of this section by a state or local law enforcement officer shall be only as a secondary action when the vehicle has been detained for a suspected violation by any person in the vehicle of Title 41, Motor Vehicles, other than this section, or for another offense.

Senator Stowell’s motion to amend failed on a voice vote. Senator Greiner commented.

On motion of Senator Hillyard, under suspension of the rules, 3rd Sub. H.B. 290, PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE, was considered read the second and third times and passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators
Bell Bramble Buttars Christensen
Davis Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Killpack
Knudson Liljenquist Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Waddoups

**Voting in the negative was:** Senator Dayton

**Absent or not voting were:** Senators
Madsen Van Tassell

3rd Sub. H.B. 290 was and returned to the House for further consideration.

***

On motion of Senator Knudson, the circle was removed from H.B. 174, LICENSING OF VOCATIONAL REHABILITATION COUNSELORS, and it was before the Senate.

Senator Knudson proposed the following amendment:
1. Page 4, Lines 98 through 100
   House Committee Amendments
   3–3–2009
   
   98 (a) submit an application in a form as prescribed by the division;
   99 (b) pay a fee determined by the department under Section 63J–1–303 to recover the costs of administering licensing requirements relating to vocational rehabilitation counselors;
   100 (c) be of good moral character;

2. Page 4, Lines 102a through 102b
   House Committee Amendments
   3–3–2009:

   102a (e) provide satisfactory evidence of having 4,000 hours of disability related work experience under the supervision of a

3. Page 4, Lines 106 through 106a
   House Committee Amendments
   3–3–2009:

   106 (2) Beginning January 1, 2010, and ending December 31, 2010, an applicant is not required to verify that the 4,000 hours of work experience required under Subsection (1)(e)

4. Page 4, Lines 106g through 106h
   House Committee Amendments
   3–3–2009:

   106g (b) at least ten years experience in vocational rehabilitation counseling or a disability related field;

5. Page 4a, Lines 112 through 117c
   House Committee Amendments
   3–3–2009:

   112 (1) The division shall issue each license under this chapter in accordance with a two-year annual renewal cycle established by rule.
The division may extend or shorten a renewal cycle by as much as one year to maintain an established renewal cycle or to change an established renewal cycle.

Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58–1–308.

Each person holding a license under this chapter as a vocational rehabilitation counselor shall complete in each period of licensure a program of qualifying continuing professional education in accordance with standards defined by rule.

Senator Knudson’s motion to amend passed on a voice vote.

On motion of Senator Knudson, under suspension of the rules, H.B. 174, LICENSING OF VOCATIONAL REHABILITATION COUNSELORS, was considered read the second and third times and passed on the following roll call:

**Yeas, 21; Nays, 3; Absent, 5.**

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Christensen

Goodfellow  Greiner  Hinkins  Jones

Killpack  Knudson  Liljenquist  Mayne

McCoy  Morgan  Niederhauser  Okerlund

Robles  Romero  Stowell  Urquhart

Waddoups

**Voting in the negative were:** Senators

Dayton  Jenkins  Stephenson

**Absent or not voting were:** Senators

Davis  Hillyard  Madsen  Valentine

Van Tassell

H.B. 174, as amended, was returned to the House for further consideration.

On motion of Senator Killpack, the Senate voted to suspend the rules for the remainder of the day and bills on the Second Reading Calendar be considered read for the second and third time.
On motion of Senator Killpack, the circle was removed from H.B. 430, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS, and it was before the Senate.

Senator Killpack proposed the following amendment:

1. Page 6, Line 181 through Page 7, Line 183

181 (6) “Renewable energy” means the energy generation as defined in Subsection 182 10–19–102(1) and includes generation powered by nuclear fuel.

183 (7) “Renewable energy development zone” means a renewable energy development

Senator Killpack’s motion to amend passed on a voice vote.

On motion of Senator Killpack, under suspension of the rules, H.B. 430, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators
Bell Bramble Buttars Christensen
Davis Dayton Greiner Hillyard
Hinkins Jenkins Jones Killpack
Knudson Madsen Mayne Morgan
Niederhauser Okerlund Romero Stephenson
Stowell Urquhart Valentine Waddoups

**Voting in the negative was:** Senator McCoy

**Absent or not voting were:** Senators
Goodfellow Liljenquist Robles Van Tassell

H.B. 430, as amended, was returned to the House for further consideration.

**Yeas, 24; Nays, 1; Absent, 4.**

On motion of Senator Greiner, the Senate voted to reconsider its action on S.B. 90.
S.B. 90, METAL THEFT AMENDMENTS AND PENALTIES, was before the Senate, explained by Senator Greiner, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

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S.B. 90 was transmitted to the House.

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On motion of Senator Christensen, the Senate voted to lift H.B. 173 to the top of the Second Reading Calendar.

**H.B. 173, OUTDOOR GUIDES AND OUTFITTERS LICENSING ACT,** was read the second time.

On motion of Senator Christensen, the following substitute bill replaced the original bill:

**1st Sub. H.B. 173 Outdoor Guides and Outfitters Licensing Act**
(E. Vickers)

On motion of Senator Christensen, under suspension of the rules, **1st Sub. H.B. 173, OUTDOOR GUIDES AND OUTFITTERS LICENSING ACT,** was considered read the second and third times and failed on the following roll call:

**Yeas, 13; Nays, 10; Absent, 6.**

**Voting in the affirmative were:** Senators

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Voting in the negative were: Senators
Dayton  Hinkins  Jenkins  Killpack
Morgan  Okerlund  Stephenson  Stowell
Urquhart  Waddoups

Absent or not voting were: Senators
Buttars  Hillyard  Knudson  Robles
Valentine  Van Tassell

1st Sub. H.B. 173 was filed.

***

On motion of Senator Dayton, 1st Sub. H.B. 294, SURVIVAL ACTION UPON INJURY OR DEATH, was read the second time and circled.

***

On motion of Senator Dayton, H.B. 209, AMENDMENTS TO CRIMINAL APPEALS, was read the second time and circled.

***

On motion of Senator Bramble, under suspension of the rules, H.B. 425, CARSON SMITH SCHOLARSHIP PROGRAM AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Y eas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators
Bell  Bramble  Davis  Dayton
Goodfellow  Greiner  Hillyard  Hinkins
Jenkins  Jones  Liljenquist  Madsen
Mayne  McCoy  Morgan  Niederhauser
Okerlund  Robles  Romero  Stephenson
Stowell  Urquhart  Waddoups

Absent or not voting were: Senators
Buttars  Christensen  Killpack  Knudson
Valentine  Van Tassell

H.B. 425 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
On motion of Senator Urquhart, under suspension of the rules, H.B. 392, NATURAL GAS FOR VEHICLES, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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H.B. 392 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 12, 2009

The House concurred in the Senate amendments and passed 1st Sub. H.B. 2, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, by Representative M. Newbold, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 2, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

*****

Mr. President: March 12, 2009

The Speaker of the House has appointed a Conference Committee consisting of Representatives W. Harper, J. Dougall, and N. Hendrickson to meet with a like
committee from the Senate to consider or amend 1st Sub. H.B. 371, TRANSPORTATION GOVERNANCE, by Representative W. Harper.

Sandy D. Tenney, Chief Clerk

* * *

Mr. President:


Sandy D. Tenney, Chief Clerk

Communications filed. H.C.R. 10 was read the first time and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Madsen, the Senate voted to lift H.C.R. 10, CONCURRENT RESOLUTION HONORING THE LIFE AND CONTRIBUTIONS OF LARRY H. MILLER, from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Madsen, under suspension of the rules, H.C.R. 10, CONCURRENT RESOLUTION HONORING THE LIFE AND CONTRIBUTIONS OF LARRY H. MILLER, was considered read the second and third times and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Bell  Bramble  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Killpack
Knudson  Liljenquist  Madsen  Mayne
Morgan  Niederhauser  Okerlund  Robles
Romero  Stephenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

**Absent or not voting were:** Senators

Buttars  McCoy

H.C.R. 10 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
COMMITTEE OF THE WHOLE

On motion of Senator Madsen, Gail Miller spoke in Committee of the Whole.

On motion of Senator Jenkins, the Committee of the Whole was dissolved.

* * *

1st Sub. H.B. 313, SOCIAL HOST LIABILITY ACT, was read the second time.

Senator Mayne proposed the following amendment:

1. Page 3, Lines 60 through 64

   60 (7) “Underage drinking gathering” means a gathering of two or more individuals:

   61 (a) at which {service to or consumption of } an individual knowingly serves, aids in the service of, or allows the service of an alcoholic beverage {by } to an underage person

   62 {occurs } ; and

   63 (b) to which an emergency response provider is required to respond, except for a

   64 response related solely to providing medical care at the location of the gathering.

2. Page 3, Lines 81 through 82:

   81 (5) An individual who violates Subsection (1) is liable under this part regardless of

   82 whether the individual is present at an underage drinking gathering.

   (6) If a minor is issued a citation under this section, the minor’s parent or legal guardian may not be held liable for an amount of civil penalty imposed on the minor as a result of the minor’s citation.

Senator Mayne’s motion to amend passed on a voice vote.

On motion of Senator Mayne, under suspension of the rules, 1st Sub. H.B. 313, SOCIAL HOST LIABILITY ACT, was considered read the second and third times and passed on the following roll call:
Yeas, 24; Nays, 0;Absent, 5.

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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1st Sub. H.B. 313 was returned to the House for further consideration.

***

2nd Sub. H.B. 272. UTAH SCENIC BYWAY DESIGNATION AMENDMENTS, was read the second time.

On motion of Senator Valentine, the following substitute bill replaced the original bill:

3rd Sub. H.B. 272 Utah Scenic Byway Designation Amendments

(C. Herrod)

Senator Valentine proposed the following amendment:

1. Page 3, Line 79

79 (2) (a) The committee shall consist of the following members:

2. Page 4, Lines 93 through 94:

93 identified in Subsection (2)(a) and (ii) one local government tourism representative appointed by the governor:

94 [(c)] [(ii)] (iii) a representative from the [private sector selected by the state entities identified]

3. Page 4, Line 96:

96 [(iii)] (iv) three local elected officials from a county, city, or town within the state appointed
4. Page 4, Line 98:

98 {-(iv) } (v) a member from the House of Representatives appointed by the speaker of the

5. Page 4, Line 100:

100 {-(v) } (vi) a member from the Senate appointed by the president of the Senate.

6. Page 4, Line 104:

104 made under Subsection (2)(a)(i), (ii), {-(iii) } (iii), or (iv) adjust the length of terms to ensure that the terms

7. Page 4, Line 107:

107 (d) (i) The appointments made under Subsection (2)(a) {-(iv) } (v) and (2)(a) {-(v) } (vi) by the speaker

8. Page 4, Lines 110 through 111:

110 appointments made under Subsections (2)(a) {-(iv) } (v) and (2)(a) {-(v) } (vi) as follows:

111 (A) if the speaker appoints a member under (2)(a) {-(iv) } (v), the next appointment made by

9. Page 4, Line 114:

114 (B) if the president appoints a member under (2)(a) {-(v) } (vi), the next appointment made by

10. Page 5, Lines 119 through 120:

119 (b) The members appointed under Subsections (2)(a)[(v), (vi), (vii), and (viii)][(i) {-(D) } (E)

120 through (H) serve as nonvoting, ex officio members of the committee.

11. Page 7, Line 181:

181 (i) a person or another entity , with the consent of any landowners affected by the segmentation, has requested the segmentation of a portion of a road or

12. Page 7, Line 190:
190 upon the request of a person or another entity, with the consent of any landowners affected by the segmentation, that person or entity may appeal the denial of the

Senator Valentine’s motion to amend passed on a voice vote.

On motion of Senator Valentine, the bill was circled.

* * *

On motion of Senator Liljenquist, under suspension of the rules, H.B. 327, BUILDING INSPECTOR AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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H.B. 327 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, under suspension of the rules, 1st Sub. H.B. 401, CUSTODY AND PARENT−TIME AMENDMENTS FOR SERVICE MEMBERS, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 1; Absent, 3.**

**Voting in the affirmative were:** Senators

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Voting in the negative was: Senator Dayton

Absent or not voting were: Senators Bramble Killpack McCoy

1st Sub. H.B. 401 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, the circle was removed from H.B. 209, AMENDMENTS TO CRIMINAL APPEALS, and it was before the Senate.

On motion of Senator Valentine, under suspension of the rules, H.B. 209, AMENDMENTS TO CRIMINAL APPEALS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators Bell Bramble Buttars Davis Dayton Goodfellow Greiner Hillyard Hinkins Jenkins Jones Knudson Liljenquist Mayne Morgan Niederhauser Okerlund Robles Romero Stephenson Stowell Urquhart Valentine Van Tassell Waddoups

Absent or not voting were: Senators Christensen Killpack Madsen McCoy

H.B. 209 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jones, under suspension of the rules, 1st Sub. H.J.R. 9, JOINT RESOLUTION ON COST–EFFECTIVE ENERGY EFFICIENCY AND
UTILITY DEMAND–SIDE MANAGEMENT, was considered read the second and third times and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Bramble   | Christensen | Knudson |

1st Sub. H.J.R. 9 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Killpack, and at 10:30 a.m., the Senate sauntered.

The Senate was called to order at 10:55 a.m., with President Waddoups presiding.

***

On motion of Senator Waddoups, the circle was removed from 1st Sub. H.B. 294, SURVIVAL ACTION UPON INJURY OR DEATH, and it was before the Senate.

On motion of Senator Waddoups, under suspension of the rules, 1st Sub. H.B. 294, SURVIVAL ACTION UPON INJURY OR DEATH, was considered read the second and third times and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Buttars       Davis       Jenkins       Niederhauser
Stephenson

1st Sub. H.B. 294 was signed by the President of the Senate in open session
and returned to the House for the signature of the Speaker.

***

On motion of Senator Valentine, H.B. 183, NATIONAL ANIMAL
IDENTIFICATION SYSTEM, was read the second time and circled.

***

On motion of Senator Hillyard, under suspension of the rules, H.B. 251,
JOINT CUSTODY AMENDMENTS, was considered read the second and third
times and passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators
Bell          Buttars      Christensen    Davis
Goodfellow    Greiner      Hillyard      Hinkins
Jenkins       Jones        Killpack      Knudson
Liljenquist   Madsen       Mayne         McCoy
Morgan        Okerlund     Robles        Romero
Stephenson    Stowell      Urquhart     Valentine
Van Tassell   Waddoups

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators
Bramble       Niederhauser

H.B. 251 was signed by the President of the Senate in open session and
returned to the House for the signature of the Speaker.

***

On motion of Senator Dayton, the Senate voted to lift H.C.R. 9,
CONCURRENT RESOLUTION HONORING DON PEAY, from Rules and place
it at the top of the Second Reading Calendar.
On motion of Senator Dayton, under suspension of the rules, **H.C.R. 9, CONCURRENT RESOLUTION HONORING DON PEAY**, was considered read the second and third times. Senators Stowell, Valentine, Christensen, Van Tassell, Jenkins, Romero, Stephenson, Liljenquist, and Bell and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Bramble | Mayne | Waddoups |

**H.C.R. 9** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Okerlund, under suspension of the rules, the Senate voted to reconsider its action on **1st Sub. H.B. 173**.

**1st Sub. H.B. 173, HUNTING GUIDES AND OUTFITTERS LICENSING ACT**, was before the Senate, explained by Senator Christensen. Senators Jenkins, Stowell, and Okerlund commented.

On motion of Senator Christensen, under suspension of the rules, **1st Sub. H.B. 173, HUNTING GUIDES AND OUTFITTERS LICENSING ACT**, was considered read the second and third times and passed on the following roll call:

**Yeas, 24; Nays, 4; Absent, 1.**

**Voting in the affirmative were:** Senators

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Voting in the negative were: Senators
Hinkins  Madsen  Stephenson  Stowell

Absent or not voting was: Senator
Hillyard

1st Sub. H.B. 173 was returned to the House for further consideration.

ADVISE AND CONSENT

COMMUNICATIONS FROM THE GOVERNOR

Mr. President: January 20, 2009
In accordance with Utah Code 67–1–1 and 67–1–2, (2008) I propose and transmit the following appointment:

SECOND DISTRICT COURT
Mark R. DeCaria is appointed as a Judge of the Second District Court. See Utah const. ant. VIII, 8; Utah Code 78A–10–101.

Thank you for your timely consideration and confirmation of the above appointment.

Jon M. Huntsman, Jr.
Governor

* * *

Mr. President: March 10, 2009
The Senate Judicial Confirmation Committee met on March 10, 2009, and reports a favorable recommendation for Mr. Mark R. DeCaria to be confirmed to the position of Judge in the Second District Court.

Scott K. Jenkins, Chair

On motion of Senator Valentine, the Senate voted to approve of the above appointment on the following roll call:

Yeas, 24; Nays, 3; Absent, 2.

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Dayton  Goodfellow  Greiner  Hinkins
Jenkins  Jones  Killpack  Knudson
Liljenquist  Mayne  McCoy  Morgan
Niederhauser  Okerlund  Robles  Romero
Stowell  Valentine  Van Tassell  Waddoups
Voting in the negative were: Senators
Madsen    Stephenson    Urquhart

Absent or not voting were: Senators
Buttars    Hillyard

COMMITTEE OF THE WHOLE

On motion of Senator Valentine, Judge Mark R. DeCaria spoke in Committee of the Whole. Senators Greiner and Valentine commented.

On motion of Senator Valentine, the Committee of the Whole was dissolved.

* * *

Mr. President: March 8, 2009

In accordance with Utah Code Ann. 67−1−1 and 67−1−2, I propose and transmit the following appointments:

Public Service Commission:
Ted Boyer is reappointed as a member of the Public Service Commission, a term to expire on March 1, 2015. See Utah Code Ann. 54−1−1.5.

Mr. President: March 5, 2009

The Senate Transportation and Public Utilities and Technology Confirmation Committee met on March 5, 2009 and reports a favorable recommendation for Mr. Ted Boyer as a member of the Public Service Commission.

Stephen Urquhart, Chair

Board of State History:
Claudia F. Berry is reappointed as a member of the State Board of History, a term to expire on April 1, 2013. See Utah Code Ann. 9−8−204.

Dr. Martha Sonntag Bradley is reappointed as a member of the State Board of History, a term to expire on April 1, 2013. See Utah Code Ann. 9−8−204.

Scott R. Christensen is reappointed as a member of the State Board of History, a term to expire on April 1, 2013. See Utah Code Ann. 9−8−204.

Michael W. Homer is reappointed as a member of the State Board of History, a term to expire on April 1, 2013. See Utah Code Ann. 9−8−204.

Max J. Smith is reappointed as a member of the State Board of History, a term to expire on April 1, 2013. See Utah Code Ann. 9−8−204.
Mark K. Winder is reappointed as a member of the State Board of History, a term to expire on April 1, 2013. See Utah Code Ann. 9–8–204.

**Central Utah Water Conservancy District Board of Directors:**
Dallin W. Jensen is appointed to replace the late Gary D. Palmer as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire on January 1, 2012. See Utah Code Ann. 17A–2–1409.

**Air Quality Board:**
Nan W. Bunker is reappointed as a member of the Air Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–2–103.

Joel Edward Elstein is reappointed as a member of the Air Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–2–103.

Kerry Elizabeth Kelly is appointed to replace James R. Horrocks as a member of the Air Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–2–103.

Brent Capener Bradford is appointed to replace Stead Burwell as a member of the Air Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–2–103.

**Real Estate Appraiser Licensing and Certification Board:**
Jeanette H. Payne is appointed to replace Ambria L. Spencer as a member of the Real Estate Appraiser Licensing and Certification Board, a term to expire on July 1, 2010. See Utah Code Ann. 61–2b–7.

**Health Facility Committee:**
Dr. Lynn Taylor Dayton is appointed to replace Dr. Paul Clayton as a member of the Health Facility Committee, a term to expire on July 1, 2012. See Utah Code Ann. 26–1–7 & 26–21–3.

James Gary Sheets, II is appointed to as a member of the Health Facility Committee, a term to expire on July 1, 2012. See Utah Code Ann. 26–1–7 & 26–21–3.

Jeffrey Love is appointed to as a member of the Health Facility Committee, a term to expire on July 1, 2012. See Utah Code Ann. 26–1–7 & 26–21–3.

**Utah Horse Racing Commission:**
David Bruce Giles is reappointed as a member of the Utah Horse Racing Commission, a term to expire on December 31, 2012. See Utah Code Ann. 4–38–3. Mr. Giles resides in Congressional District 1.
Dennis Ray Hunter is reappointed as a member of the Utah Horse Racing Commission, a term to expire on December 31, 2012. See Utah Code Ann. 4–38–3. Mr. Hunter resides in Congressional District 1.

Don J. Edmunds is reappointed as a member of the Utah Horse Racing Commission, a term to expire on December 31, 2012. See Utah Code Ann. 4–38–3. Mr. Giles resides in Congressional District 3.

Gary D. Allred is appointed to replace Senator David P. Hinkins as a member of the Utah Horse Racing Commission, a term to expire on December 31, 2012. See Utah Code Ann. 4–38–3. Mr. Allred resides in Congressional District 2.

Stuart Sprouse is appointed to replace Don R. Randall as a member of the Utah Horse Racing Commission, a term to expire on December 31, 2012. See Utah Code Ann. 4–38–3. Mr. Giles resides in Congressional District 3.

**Board of Oil, Gas, and Mining:**

Jake Y. Harouny is reappointed as a member of the Board of Oil, Gas, and Mining, a term to expire on March 1, 2013. See Utah Code Ann. 40–6–4. Mr. Harouny is a Republican.

Jean M. Semborski is reappointed as a member of the Board of Oil, Gas, and Mining, a term to expire on March 1, 2013. See Utah Code Ann. 40–6–4. Ms. Semborski is an Independent.

**State Board of Regents:**

Brent L. Brown is appointed to replace Joel Wright as a member of the State Board of Regents, a term to expire on June 30, 2011. See Utah Code Ann. 53B–1–104.

Mr. President: March 11, 2009

The Senate Education Confirmation Committee met on March 11, 2009 and reports a favorable recommendation for Mr. Brent L. Brown as a member of the State Board of Regents.

Curtis S. Bramble, Chair

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr., Governor

On motion of Senator Valentine, the Senate voted to waive the 15–day requirement on the submittals dated February 26 and March 3, 2009, proposing appointments to various boards and commissions within state government.
On motion of Senator Valentine, the Senate voted to approve of the above appointments on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Buttars   | Hillyard |

**COMMITTEE OF THE WHOLE**

On motion of Senator Valentine, Brent Brown, spoke in Committee of the Whole.

On motion of Senator Valentine, the Committee of the Whole was dissolved.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 12, 2009

The Speaker of the House has signed **S.B. 18**,** UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS**, by Senator W. Niederhauser, et al, and it is transmitted for the signature of the President; and

The House passed, **S.B. 28**, **PROHIBITED ACTIVITIES OF GANG OFFENDERS**, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 57**, **LOCAL OPTION TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS**, by Senator R. Okerlund, and it is transmitted for the signature of the President; and

The House passed, **S.B. 66**, **HIGHWAY DESIGNATION AMENDMENTS**, by Senator D. Hinkins, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and
The Speaker of the House has signed 1st Sub. S.B. 68, MINING PROTECTION AMENDMENTS, by Senator S. Killpack, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 2nd Sub. S.B. 78, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, by Senator M. Madsen, and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 240, UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE AMENDMENTS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.J.R. 8, JOINT RESOLUTION REGARDING ELIGIBILITY FOR LEGISLATIVE OFFICE, by Senator S. McCoy, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 18, S.B. 28, S.B. 57, S.B. 66, 1st Sub. S.B. 68, 2nd Sub. S.B. 78, 1st Sub. S.B. 240, and S.J.R. 8 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 12, 2009

The House passed, as amended, 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 further consideration; and

The House passed, as amended, S.B. 172, UNDERINSURED MOTORIST COVERAGE AMENDMENTS, by Senator S. Urquhart, and it is transmitted for further consideration; and

The House passed, as amended, 2nd Sub. S.B. 176, CIVIL FEES IN SMALL CLAIMS COURTS AMENDMENTS, by Senator J. Greiner, and it is transmitted for further consideration; and

The House passed, as amended, S.B. 186, AMENDMENTS TO STATE TAX COMMISSION PENALTY PROVISIONS, by Senator H. Stephenson, and it is transmitted for further consideration; and

The House substituted, amended, and passed, 2nd Sub. S.B. 260, HOUSING RELIEF RESTRICTED SPECIAL REVENUE FUND, by Senator S. Jenkins, and it is transmitted for further consideration; and
The House passed, as amended, S.B. 269, PUBLIC UTILITY EASEMENT AMENDMENTS, by Senator G. Bell, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

On motion of Senator Killpack, the Senate voted to lift H.B. 328 from the Third Reading Table and place it at the top of the Third Reading Calendar.

On motion of Senator Killpack, the Senate voted to lift 1st Sub. H.B. 256 and 1st Sub. H.B. 169 to the top of the Second Reading Calendar.

On motion of Senator Killpack, the Senate voted to place the following bills at the bottom of the Second Reading Calendar:


* * *

On motion of Senator Killpack, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:30 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House passed, S.B. 205, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 209, LAND USE, DEVELOPMENT, AND MANAGEMENT ACT AMENDMENTS, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President

Sandy D. Tenney, Chief Clerk

S.B. 205 and S.B. 209 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.
Mr. President: March 12, 2009

The House passed, as amended, S.B. 190, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN, by Senator W. Niederhauser, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

Mr. President: March 12, 2009

The House 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 further consideration.

Sandy D. Tenney, Chief Clerk

The Joint Conference Committee comprised of Sens. Urquhart, Liljenquist, and Davis, and Reps. 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 Š⇒ within a six month period ⇐Ŝ 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 Š⇒ [single item] component of an

   18a electrical or plumbing system ⇐Ŝ such as a
Day 45986
SENATE JOURNAL

19 faucet, toilet, fixture, [plug,] device, outlet, [plug,] 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) [plug,] must
83 be performed by [a licensed journeyman electrician or journeyman plumber except as]
84 otherwise provided in this section;]
85 [plug,] 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) [plug,] may [plug,] must [plug,] be performed by [plug,] a licensed journeyman electrician or
87a plumber or an individual referred to in Subsection (1)(h)(ii)(A)(I), if the
87a1 project involves a [plug,] component of the system [plug,]
88 such as a faucet, toilet, fixture, [plug,] device, outlet [plug,] or electrical switch;

3. Page 4, Lines 104 through 105b
House Floor Amendments
3–11–2009:

104 licensed by the division; [plug,] and
105 (G) [plug,] installation, repair, or replacement of a radon mitigation system or a soil
105a 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

Sen. Steve Urquhart and
Rep. Keith Grover, Chairs

On motion of Senator Urquhart, the Senate voted to adopt the Joint
Conference Committee Report and the bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**S.B. 163** was returned to the House for their action.

***

Mr. President: March 12, 2009

The House has rejected **S.J.R. 14**, JOINT RESOLUTION –
CHALLENGING THE LEGALITY OF A CONVICTION OR SENTENCE, by
Senator C. Bramble, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

**S.J.R. 14** was filed.

**CONCURRENCE CALENDAR**

On motion of Senator Valentine, the Senate voted to concur in the House
amendments to **1st Sub. S.B. 187**, ALCOHOL AMENDMENTS. The bill, as
amended, passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**
Voting in the affirmative were: Senators
Bell       Bramble     Davis       Dayton
Goodfellow Hillyard   Hinkins     Jenkins
Jones      Knudson     Liljenquist Madsen
Mayne      McCoy       Morgan     Niederhauser
Okerlund   Robles      Romero     Stephenson
Stowell    Urquhart    Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Buttars    Christensen Greiner    Killpack

1st Sub. S.B. 187 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Urquhart, the Senate voted to concur in the House amendments to S.B. 193, SALVAGE VEHICLES AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators
Bell       Bramble     Buttars     Christensen
Davis      Dayton      Goodfellow Hillyard
Hinkins    Jenkins     Jones      Knudson
Liljenquist Madsen     Mayne     Morgan
Niederhauser Okerlund   Romero     Stephenson
Stowell    Urquhart    Van Tassell Waddoups

Voting in the negative were: Senators
McCoy      Robles

Absent or not voting were: Senators
Greiner    Killpack    Valentine

S.B. 193 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Urquhart, the Senate voted to concur in the House amendments to 3rd Sub. S.B. 208, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS. Senators Romero and Mayne commented. The bill, as amended, passed on the following roll call:
Yeas, 16; Nays, 10; Absent, 3.

Voting in the affirmative were: Senators
Bell Buttars Christensen Dayton
Greiner Hillyard Hinkins Jenkins
Liljenquist Madsen Niederhauser Okerlund
Stephenson Stowell Urquhart Waddoups

Voting in the negative were: Senators
Davis Goodfellow Jones Knudson
Mayne McCoy Morgan Robles
Romero Van Tassell

Absent or not voting were: Senators
Bramble Killpack Valentine

3rd Sub. S.B. 208 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to 1st Sub. S.B. 23, INCOME TAXATION OF PASS–THROUGH ENTITIES AND PASS–THROUGH ENTITY TAXPAYERS. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Bell Buttars Christensen Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Knudson
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Killpack Valentine

1st Sub. S.B. 23 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Urquhart, the Senate voted to concur in the House amendments to S.B. 172, UNDERINSURED MOTORIST COVERAGE AMENDMENTS. The bill, as amended, passed on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Bell          Buttars          Christensen          Dayton
Goodfellow    Greiner          Hillyard          Hinkins
Jenkins       Jones            Killpack          Knudson
Liljenquist   Madsen          Mayne            McCoy
Morgan        Niederhauser    Okerlund          Robles
Romero        Stephenson      Stowell          Urquhart
Van Tassell   Waddoups

Absent or not voting were: Senators
Bramble       Davis            Valentine

S.B. 172 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Greiner, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 176, CIVIL FEES IN SMALL CLAIMS COURTS AMENDMENTS. Senators Waddoups and Urquhart commented. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators
Bell          Bramble          Buttars          Christensen
Davis         Dayton          Goodfellow        Greiner
Hillyard      Hinkins         Jenkins          Jones
Killpack      Knudson         Liljenquist       Madsen
Mayne         McCoy           Morgan           Niederhauser
Okerlund      Romero          Stephenson       Stowell
Urquhart      Valentine       Van Tassell      Waddoups

Absent or not voting was: Senator
Robles

2nd Sub. S.B. 176 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stephenson, the Senate voted to concur in the House amendments to S.B. 186, AMENDMENTS TO STATE TAX COMMISSION PENALTY PROVISIONS. Senator Niederhauser commented. The bill, as amended, passed on the following roll call:
Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Knudson Liljenquist Madsen
Mayne McCoy Morgan Niederhauser
Okerlund Romero Stephenson Stowell
Urquhart Valentine Van Tassell Waddoups

Absent or not voting was: Senator Robles

S.B. 186 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 260, HOUSING RELIEF RESTRICTED SPECIAL REVENUE FUND. Senators McCoy and Niederhauser commented. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Knudson Liljenquist Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Urquhart Valentine Van Tassell Waddoups

Absent or not voting was: Senator Madsen

2nd Sub. S.B. 260 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, the Senate voted to concur in the House amendments to S.B. 269, PUBLIC UTILITY EASEMENT AMENDMENTS. The bill, as amended, passed on the following roll call:
Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators
Bell      Bramble     Buttars     Christensen
Davis     Dayton      Goodfellow  Greiner
Hillyard  Hinkins     Jenkins     Jones
Killpack  Knudson     Liljenquist Mayne
McCoy     Morgan      Niederhauser Okerlund
Robles    Romero      Stephenson  Stowell
Urquhart  Valentine   Van Tassell Waddoups

Absent or not voting was: Senator Madsen

S.B. 269 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 328, TEACHER QUALITY AMENDMENTS, was read the third time and explained by Senator Stephenson. Senators Goodfellow, Buttars, Romero, and Robles commented and the bill passed on the following roll call:

Yeas, 18; Nays, 10; Absent, 1.

Voting in the affirmative were: Senators
Bell      Bramble     Buttars     Christensen
Dayton    Greiner     Hillyard   Jenkins
Killpack  Knudson     Liljenquist Niederhauser
Okerlund  Stephenson  Stowell    Urquhart
Valentine Waddoups

Voting in the negative were: Senators
Davis     Goodfellow  Hinkins    Jones
Mayne     McCoy       Morgan     Robles
Romero    Van Tassell

Absent or not voting was: Senator Madsen

H.B. 328 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House concurred in the Senate amendments and passed H.B. 17, EXPEDITED PARTNER THERAPY TREATMENT, by Representative J. Seelig, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 156, SUBDIVISION APPROVAL AMENDMENTS, by Representative R. C. Webb, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 412, ENERGY POLICY AMENDMENTS, by Representative R. Barrus, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 17, 1st Sub. H.B. 156, and H.B. 412, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 12, 2009

The House refused to concur with the Senate Amendments to H.B. 122, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, by Representative D. Aagard, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Bramble, the Senate voted to refuse to recede from its amendments to H.B. 122. President Waddoups appointed a conference committee consisting of Senators Bramble, Bell and McCoy to meet with a like committee from the House.

THIRD READING CALENDAR

On motion of Senator Niederhauser, the Senate voted to lift 1st Sub. H.B. 35, HIGHER EDUCATION TAX CREDIT AND CONTRIBUTION, from the Third Reading Table and place it on the Third Reading Calendar.

1st Sub. H.B. 35, HIGHER EDUCATION TAX CREDIT AND CONTRIBUTION, was read the third time.

On motion of Senator Niederhauser, the following substitute bill replaced the original bill:
3rd Sub. H.B. 35 Higher Education Tax Credit and Contribution (J. Dougall)

On motion of Senator Niederhauser, under suspension of the rules, 3rd Sub. H.B. 35, HIGHER EDUCATION TAX CREDIT AND CONTRIBUTION, was considered read the first, second and third times and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators
- Bell
- Dayton
- Hinkins
- Liljenquist
- Niederhauser
- Stowell

- Buttars
- Goodfellow
- Jenkins
- Mayne
- Okerlund
- Urquhart

- Christensen
- Greiner
- Jones
- McCoy
- Romero
- Van Tassell

- Davis
- Hillyard
- Knudson
- Morgan
- Stephenson
- Waddoups

**Absent or not voting were:** Senators
- Bramble
- Killpack
- Madsen
- Robles
- Valentine

3rd Sub. H.B. 35 was returned to the House for further consideration.

**JOINT CONFERENCE COMMITTEE REPORT**

Mr. President: March 12, 2009


On motion of Senator Killpack, the Senate voted to adopt the Joint Conference Committee Report and the bill passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators
- Bell
- Greiner
- Jenkins

- Davis
- Jones
- Killpack

- Dayton
- Goodfellow
- Jones

- Niederhauser
- Stowell

SECOND READING CALENDAR

On motion of Senator Stephenson, the circle was removed from 1st Sub. H.B. 259, CHANGES TO IMPACT FEES, and it was before the Senate.

On motion of Senator Stephenson, the following substitute bill replaced the original bill:

2nd Sub. H.B. 259 Changes to Impact Fees (S. Sandstrom)

On motion of Senator Stephenson, under suspension of the rules, 2nd Sub. H.B. 259, CHANGES TO IMPACT FEES, was considered read the first, second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators
Bell Buttars Christensen Davis
Dayton Goodfellow Greiner Jenkins
Jones Killpack Knudson Liljenquist
Mayne McCoy Morgan Niederhauser
Okerlund Robles Romero Stephenson
Stowell Urquhart Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Hillyard Hinkins Madsen
Valentine

2nd Sub. H.B. 259 was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House concurred in the Senate amendments and passed H.B. 174, LICENSING OF VOCATIONAL REHABILITATION COUNSELORS, by
Representative R. Menlove, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 283, ILLEGAL USE OF MOTOR VEHICLES, by Representative M. Noel, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 3rd Sub. H.B. 290, PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE, by Representative S. Clark, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 3rd Sub. H.B. 299, UNLAWFUL DETAINER AMENDMENTS, by Representative G. Froerer, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 174, 2nd Sub. H.B. 283, 3rd Sub. H.B. 290, and 3rd Sub. H.B. 299, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

Mr. President: March 12, 2009

The House refused to concur with the Senate Amendments to 1st Sub. H.B. 185, TRANSPORTATION AMENDMENTS, by Representative W. Harper, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Killpack, the Senate voted to refuse to recede from its amendments to 1st Sub. H.B. 185. President Waddoups appointed a conference committee consisting of Senators Killpack, Niederhauser, and McCoy to meet with a like committee from the House.

***

Mr. President: March 12, 2009

The House refused to concur with the Senate Amendments to H.B. 378, CIRCUIT BREAKER AMENDMENTS, by Representative T. Cosgrove, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Hillyard, the Senate voted to refuse to recede from its amendments to H.B. 378. President Waddoups appointed a conference committee consisting of Senators Hillyard, Knudsen, and Goodfellow to meet with a like committee from the House.
SECOND READING CALENDAR

On motion of Senator Van Tassell, the circle was removed from H.B. 183, NATIONAL ANIMAL IDENTIFICATION SYSTEM, and it was before the Senate. Senator Van Tassell explained the bill. Senator Christensen commented.

On motion of Senator Van Tassell, under suspension of the rules, H.B. 183, NATIONAL ANIMAL IDENTIFICATION SYSTEM, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Bell    Buttars    Christensen    Davis
Dayton  Goodfellow Greiner   Hillyard
Hinkins Jenkins  Jones   Killpack
Knudson Liljenquist Madsen   Mayne
Morgan   Okerlund   Robles   Romero
Stephenson Stowell    Urquhart Veteran
Van Tassell Waddoups

Absent or not voting were: Senators
Bramble McCoy Niederhauser

H.B. 183 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SPECIAL PRESENTATION

Students from the Kindred Spirits School performed for the Senate.

INTRODUCTION OF BILLS

S.B. 3, Appropriations Adjustments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

***

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift S.B. 3, APPROPRIATIONS ADJUSTMENTS, from Rules and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

S.B. 3, Appropriations Adjustments, was read the second time.
On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Hillyard, the Senate voted to lift 1st Sub. H.B. 340 to the top of the Second Reading Calendar.

On motion of Senator Hillyard, under suspension of the rules, 1st Sub. H.B. 340, RESPITE CARE ASSISTANCE FUND, was considered read the second and third times and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

<table>
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<tr>
<th>Buttars</th>
<th>Hinkins</th>
<th>Niederhauser</th>
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1st Sub. H.B. 340 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, the Senate voted to lift H.B. 384 from the Third Reading Table and place it on the Third Reading Calendar.

* * *

On motion of Senator Killpack, the Senate voted to lift H.B. 377, JUDICIAL CODE AMENDMENTS, from Rules and place it on the Second Reading Calendar above H.B. 457.

On motion of Senator Killpack, and at 4:10 p.m., the Senate sauntered.

The Senate was called to order at 4:35 p.m., with President Waddoups presiding.
COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House concurred in the Senate amendments and passed 1st Sub. H.B. 173, HUNTING GUIDES AND OUTFITTERS LICENSING ACT, by Representative E. Vickers, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 313, SOCIAL HOST LIABILITY ACT, by Representative E. Hutchings, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 352, ALCOHOLIC BEVERAGE RELATED AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 430, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS, by Representative K. Garn, et al, and it is transmitted for the signature of the President; and

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 173, 1st Sub. H.B. 313, 1st Sub. H.B. 352, and H.B. 430, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

Mr. President: March 12, 2009

The House substituted and passed, 1st Sub. S.B. 14, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, by Senator L. Hillyard, et al, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

SECOND READING CALENDAR

On motion of Senator Stowell, under suspension of the rules, 1st Sub. H.B. 256, LIVESTOCK WATERING RIGHTS AMENDMENTS, was considered read the second and third times and passed on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hinkins Jenkins Jones Killpack
Knudson Liljenquist Madsen Mayne
McCoy Morgan Okerlund Robles
Romero Stephenson Stowell Urquhart
Van Tassell Waddoups

Absent or not voting were: Senators
Hillyard Niederhauser Valentine

1st Sub. H.B. 256 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, the Senate voted to lift the following bills from Rules and place them at the bottom of the Second Reading Calendar:


THIRD READING CALENDAR

H.B. 384, PUBLIC LEWDNESS AMENDMENTS, was read the third time and explained by Senator Urquhart. Senators Greiner, Romero, Bell, McCoy, Liljenquist, Buttars, Robles, and Madsen commented.

Senator Urquhart proposed the following amendment:

1. Page 1, Line 19

19 { --None-- } This bill coordinates with H.B. 136, Sex Offender Definition Amendments, by providing that specified amendments in this bill supersede amendments in H.B. 136.

2. Page 4, Line 91:

91 (ii) the person has previously been convicted of a violation of this section.

If this H.B. 384 and H.B. 136, Sex Offender Definition Amendments, both pass, it is the intent of the Legislature that the amendments to Subsection 76–9–702(2) in this bill supersede the amendments to Subsection 76–9–702(2) in H.B. 136 when the office of Legislative Research and General Counsel prepares the Utah Code Database for publication.

Senator Urquhart’s motion to amend passed on a voice vote. The bill passed on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators
Bell          Buttars          Christensen         Davis
Dayton       Goodfellow       Greiner             Hillyard
Hinkins      Jenkins          Jones               Liljenquist
Madsen       Mayne            Morgan              Okerlund
Robles       Romero           Stephenson         Stowell
Urquhart     Valentine        Van Tassell        Waddoups

**Voting in the negative was:** Senator McCoy

**Absent or not voting were:** Senators
Bramble      Killpack         Knudson            Niederhauser

H.B. 384, as amended, was returned to the House for further consideration.

**SECOND READING CALENDAR**

On motion of Senator Valentine, the circle was removed from 3rd Sub. H.B. 272, UTAH SCENIC BYWAY DESIGNATION AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill. Senator Stowell commented.

On motion of Senator Valentine, under suspension of the rules, 3rd Sub. H.B. 272, UTAH SCENIC BYWAY DESIGNATION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 17; Nays, 10; Absent, 2.**

**Voting in the affirmative were:** Senators
Buttars          Christensen         Davis          Dayton
Goodfellow       Jenkins           Jones          Killpack
Voting in the negative were: Senators
Bell  Greiner  Hillyard  Hinkins
Knudson  Morgan  Okerlund  Stowell
Urquhart  Van Tassell

Absent or not voting were: Senators
Bramble  Niederhauser

3rd Sub. H.B. 272 was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009
The House passed, as amended, 1st Sub. S.B. 224, REUSE OF INDUSTRIAL BYPRODUCT, by Senator C. Bramble, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

Mr. President: March 12, 2009
The Speaker of the House has appointed a Conference Committee consisting of Representatives D. Aagard, J. Dougall, and N. Hendrickson to meet with a like committee from the Senate to consider or amend H.B. 122, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, by Representative D. Aagard.

Sandy D. Tenney, Chief Clerk

* * *

Mr. President: March 12, 2009
The Speaker of the House has appointed a Conference Committee consisting of Representatives W. Harper, K. Garn, and D. Litvack to meet with a like
committee from the Senate to consider or amend **1st Sub. H.B. 185**, TRANSPORTATION AMENDMENTS, by Representative W. Harper.

  Sandy D. Tenney, Chief Clerk

  ***

  Mr. President: March 12, 2009
  
  The Speaker of the House has appointed a Conference Committee consisting of Representatives T. Cosgrove, G. Froerer, and M. Newbold to meet with a like committee from the Senate to consider or amend **H.B. 378**, CIRCUIT BREAKER AMENDMENTS, by Representative T. Cosgrove.

  Sandy D. Tenney, Chief Clerk

  ***

  Mr. President: March 12, 2009
  
  The House has rejected **S.B. 218**, COMMUNITY ANIMAL SHELTER AND ADOPTION SUPPORT SPECIAL GROUP LICENSE PLATE, by Senator P. Knudson, and it is transmitted for filing.

  Sandy D. Tenney, Chief Clerk

  **S.B. 218** was filed.

  **SECOND READING CALENDAR**

  **H.B. 353**, TRUTH IN ADVERTISING ACT AMENDMENTS, was read the second time. Senator Dayton explained the bill.

  Senator Dayton proposed the following amendment:

  1. Page 4a, Line 114k:
     After “person” insert “by presenting false age identification”

  Senator Dayton’s motion to amend passed on a voice vote.

    # # #

  Senator Romero proposed the following amendment:

  1. Page 3, Line 85:
     After“(g),” insert “knowingly”
2. Page 4, Line 114n:
After “(A)” insert “knowingly”

Senator Romero’s motion to amend failed on a voice vote. Senators McCoy, Valentine, Bramble, Romero, Bell, Butters, and Goodfellow commented.

On motion of Senator Dayton, under suspension of the rules, H.B. 353, TRUTH IN ADVERTISING ACT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 4; Absent, 0.**

**Voting in the affirmative were:** Senators
Bell
Dayton
Jenkins
Liljenquist
Niederhauser
Stowell
Waddoups
Bramble
Greiner
Jones
Madsen
Okerlund
Urquhart
Buttars
Hillyard
Killpack
Mayne
Robles
Valentine
Christensen
Hinkins
Knudson
Morgan
Stephenson
Van Tassell

**Voting in the negative were:** Senators

Davis
Goodfellow
McCoy
Romero

**H.B. 353** was returned to the House for further consideration.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 12, 2009

The House substituted, amended, and passed, 3rd Sub. S.B. 270, GIFT CARD AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House substituted and passed, 1st Sub. S.B. 189, AMENDMENTS TO SALES AND USE TAX, by Senator W. Niederhauser, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills was placed on the Concurrence Calendar.

**SECOND READING CALENDAR**

On motion of Senator Hillyard, the circle was removed from S.B. 3, APPROPRIATIONS ADJUSTMENTS, and it was before the Senate.
Senator Hillyard proposed the following amendment:

1. Page 52, Line 1938:
   After Line 1938 insert:
   “From General Fund Restricted – Prison Telephone Surcharge
   Account 1,500,000”

2. Page 52, Line 1940:
   Delete “(55,000)” and insert “1,445,000”

3. Page 77, Line 2884:
   Delete Line 2884

4. Page 77, Line 2886:
   Delete “1,481,100” and insert “481,100”

5. Page 77, Lines 2890–2896
   Delete Lines 2890–2896

Senator Hillyard’s motion to amend passed on a voice vote.

###

Senator Knudson proposed the following amendment:

1. Page 62, Line 2316 to 2322:
   Delete lines 2316 to 2322

Senator Knudson’s motion to amend passed on a voice vote.

###

Senator Jones proposed the following amendment:

1. Page 65, Line 2461:
   Delete “28,100” and insert “218,200”

2. Page 65, Line 2462:
   After Line 2462 insert:
   “From General Fund Restricted – Medicaid Restricted
   Account 76,000”

3. Page 66, Line 2465:
   After Line 2465 insert:
   “Other Optional Services 266,100”
Senator Jones’ motion to amend passed on a voice vote.

###

Senator Hillyard proposed the following amendment:

1. Page 54, Line 2008:
   After “Fund” delete “Restricted – Court Security Account”

Senator Hillyard’s motion to amend passed on a voice vote.

###

Senator Liljenquist proposed the following amendment:

1. Page 65, Line 2455:
   After Line 2455 insert:
   “From Federal Funds 1,000,000”

2. Page 65, Line 2456:
   After Line 2456 insert:
   “From General Fund Restricted – Medicaid Restricted Account 1,000,000”

3. Page 65, Line 2458:
   After Line 2458 insert:
   “Contracted Health Plans 2,000,000”

Senator Liljenquist’s motion to amend passed on a voice vote.

On motion of Senator Hillyard, under suspension of the rules, S.B. 3, APPROPRIATIONS ADJUSTMENTS, was considered read the second and third times. The bill passed on the following roll call:

**Yeas, 26; Nays, 2; Absent, 1.**

**Voting in the affirmative were:** Senators

- Bell
- Bramble
- Christensen
- Davis
- Dayton
- Greiner
- Hillyard
- Hinkins
- Jenkins
- Jones
- Killpack
- Knudson
- Liljenquist
- Madsen
- Mayne
- Morgan
- Niederhauser
- Okerlund
- Robles
- Romero
- Stephenson
- Stowell
- Urquhart
- Valentine
- Van Tassell
- Waddoups
Voting in the negative were: Senators
Goodfellow    McCoy

Absent or not voting was: Senator
Buttars

S.B. 3 was transmitted to the House.

**CONCURRENCE CALENDAR**

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to S.B. 190, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN. The bill, as amended, passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

Voting in the affirmative were: Senators
Bell          Bramble     Christensen   Davis
Dayton        Goodfellow  Greiner       Hillyard
Hinkins       Jenkins     Jones         Killpack
Knudson       Liljenquist Madsen       Mayne
McCoy         Morgan      Niederhauser Okerlund
Robles        Romero      Stephenson   Stowell
Urquhart      Valentine   Van Tassell Waddoups

Absent or not voting was: Senator
Buttars

S.B. 190 was returned to the House for the signature of the Speaker.

***

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to 3rd Sub. S.B. 270, GIFT CARD AMENDMENTS.

On motion of Senator Niederhauser, under suspension of the rules, the Senate voted to consider the bill for the first, second and third time. The bill, as amended, passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

Voting in the affirmative were: Senators
Bell          Bramble     Christensen   Davis
Dayton        Goodfellow  Greiner       Hillyard
3rd Sub. S.B. 270 was returned to the House for the signature of the Speaker.

***

On motion of Senator Killpack, the Senate voted to lift H.J.R. 29 to the top of the Second Reading Calendar.

***

On motion of Senator Killpack, and at 6:25 p.m., the Senate recessed.

EVENING SESSION

The Senate reassembled at 7:50 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The Speaker of the House has signed 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 President; and

The House passed, 3rd Sub. S.B. 76, ENERGY AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 163, CONSTRUCTION TRADE EXEMPTION, by Senator S. Urquhart, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 172, UNDERINSURED MOTORIST COVERAGE AMENDMENTS, by Senator S. Urquhart, and it is transmitted for the signature of the President; and
The Speaker of the House has signed **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 President; and

The Speaker of the House has signed **S.B. 186**, AMENDMENTS TO STATE TAX COMMISSION PENALTY PROVISIONS, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 187**, ALCOHOL AMENDMENTS, by Senator J. Valentine, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 193**, SALVAGE VEHICLES AMENDMENTS, by Senator S. Urquhart, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **3rd Sub. S.B. 208**, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, by Senator S. Urquhart, et al, and it is transmitted for the signature of the President; and

The House passed, **S.B. 211**, BUILDING CODE AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 235**, REDISTRIBUTION OF SALES AND USE TAX REVENUES, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 243**, JUDICIAL PERFORMANCE EVALUATION COMMISSION MODIFICATIONS, by Senator D. C. Buttars, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 244**, LONG ARM JURISDICTION AMENDMENTS, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 260**, HOUSING RELIEF RESTRICTED SPECIAL REVENUE FUND, by Senator S. Jenkins, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 269**, PUBLIC UTILITY EASEMENT AMENDMENTS, by Senator G. Bell, and it is transmitted for the signature of the President; and
The House passed, **S.J.R. 23**, JOINT RULES RESOLUTION DATE CHANGES, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk


Mr. President:

March 12, 2009

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 35**, HIGHER EDUCATION CONTRIBUTION, by Representative J. Dougall, and it is transmitted for the signature of the President; and

The House 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 the signature of the President.

Sandy D. Tenney, Chief Clerk

**3rd Sub. H.B. 35** and **2nd Sub. H.B. 371**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

Mr. President:

March 12, 2009

The House 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 the signature of the President.

Sandy D. Tenney, Chief Clerk

**JOINT CONFERENCE COMMITTEE REPORT**


Sen. Lyle Hillyard and
Rep. Tim Cosgrove, Chairs

On motion of Senator Hillyard, the Senate voted to adopt the Joint Conference Committee Report and the bill passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Dayton Greiner Hillyard Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Madsen Mayne McCoy
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Davis Goodfellow

1st Sub. H.B. 378 was returned to the House for further consideration.

Mr. President: March 12, 2009

The House has rejected 3rd Sub. S.B. 199, EQUAL RECOGNITION OF SCHOOL PARENT GROUPS, by Senator C. Bramble, and it is transmitted for filing.

3rd Sub. S.B. 199 was filed.

CONCURRENCE CALENDAR

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to 1st Sub. S.B. 14, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Dayton Greiner Hillyard Hinkins
Jenkins Jones Killpack Knudson
Madsen Mayne McCoy Morgan
Niederhauser Okerlund Robles Romero
Stephenson Stowell Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Davis Goodfellow Liljenquist
1st Sub. S.B. 14 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the Senate voted to concur in the House amendments to 1st Sub. S.B. 224, REUSE OF INDUSTRIAL BYPRODUCT. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Dayton Hillyard Hinkins Jenkins
Jones Killpack Knudsen Madsen
Mayne McCoy Morgan Niederhauser
Okerlund Robles Romero Stephenson
Stowell Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Davis Goodfellow Greiner Liljenquist

1st Sub. S.B. 224 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to 1st Sub. S.B. 189, AMENDMENTS TO SALES AND USE TAX. The bill, as amended, passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators
Buttars Christensen Dayton Greiner
Hillyard Hinkins Jenkins Jones
Killpack Knudsen Madsen Mayne
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Bell Bramble Davis Goodfellow
Liljenquist McCoy
1st Sub. S.B. 189 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Okerlund, H.J.R. 29, LEGISLATIVE DIRECTION TO THE PUBLIC EMPLOYEES’ BENEFIT AND INSURANCE PROGRAM, was read the second time and circled.

* * *

On motion of Senator Stowell, under suspension of the rules, 1st Sub. H.B. 169, PUBLIC LANDS POLICY COORDINATION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Buttars Christensen Davis Dayton
Goodfellow Greiner Hillyard Hinkins
Jenkins Jones Killpack Knudson
Liljenquist Madsen Mayne Morgan
Okerlund Robles Romero Stephenson
Stowell Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Bell Bramble McCoy Niederhauser

1st Sub. H.B. 169 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Liljenquist, the circle was removed from H.J.R. 29, LEGISLATIVE DIRECTION TO THE PUBLIC EMPLOYEES’ BENEFIT AND INSURANCE PROGRAM, and it was before the Senate. Senator Liljenquist explained the bill.

On motion of Senator Liljenquist, under suspension of the rules, H.J.R. 29, LEGISLATIVE DIRECTION TO THE PUBLIC EMPLOYEES’ BENEFIT AND INSURANCE PROGRAM, was considered read the second and third times. Senators Romero and Davis commented and the bill passed on the following roll call:
Yeas, 18; Nays, 2; Absent, 9.

**Voting in the affirmative were:** Senators
Buttars    Christensen    Davis    Dayton
Goodfellow Hillyard      Jenkins    Jones
Liljenquist Madsen       Mayne     Okerlund
Romero    Stowell        Urquhart  Valentine
Van Tassell Waddoups

**Voting in the negative were:** Senators
Morgan    Robles

**Absent or not voting were:** Senators
Bell     Bramble        Greiner  Hinkins
Killpack Knudson        McCoy    Niederhauser
Stephenson

H.J.R. 29 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Knudson, under suspension of the rules, 4th Sub. H.B. 148, VICTIM RIGHTS AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

**Voting in the affirmative were:** Senators
Buttars    Christensen    Davis    Dayton
Goodfellow Greiner        Hillyard  Hinkins
Jenkins    Jones          Knudson  Madsen
Mayne     Morgan         Okerlund  Romero
Stowell    Urquhart      Valentine Van Tassell
Waddoups

**Absent or not voting were:** Senators
Bell     Bramble        Killpack  Liljenquist
McCoy    Niederhauser  Robles    Stephenson

4th Sub. H.B. 148 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
On motion of Senator Valentine, the circle was removed from S.B. 268, TITLE AND ESCROW COMMISSION RELATED AMENDMENTS, and it was before the Senate.

On motion of Senator Valentine the enacting clause was struck.

On motion of Senator Van Tassell, under suspension of the rules, 1st Sub. H.B. 280, INSURANCE CODE – CONTINUING EDUCATION, was considered read the second and third times and passed on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**1st Sub. H.B. 280** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

On motion of Senator Stephenson, under suspension of the rules, H.B. 457, TRUTH IN MUSIC, was considered read the second and third times and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

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</table>
Absent or not voting were: Senators
Bell Bramble Goodfellow Hinkins
Killpack McCoy

Senator Urquhart declared a conflict of interest.

H.B. 457 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Jenkins, H.B. 377, JUDICIAL CODE AMENDMENTS, was read the second time and circled.

***

On motion of Senator Buttars, under suspension of the rules, 1st Sub. H.B. 404, DISCLOSURE OF REAL PROPERTY, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Buttars Christensen Davis Dayton
Goodfellow Greiner Hillyard Jenkins
Jones Killpack Knudson Liljenquist
Madsen Mayne Morgan Niederhauser
Okerlund Robles Romero Stephenson
Stowell Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Bell Bramble Hinkins McCoy

1st Sub. H.B. 404 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Killpack, H.B. 349, HEAVY BEER AMENDMENTS, was read the second time and circled.

***

On motion of Senator Killpack, the Senate voted to lift H.B. 164 to the top of the Second Reading Calendar.
H.B. 164, MIGRATORY BIRD PRODUCTION AREAS, was read the second time. Senator Mayne commented.

On motion of Senator Dayton, the following substitute bill replaced the original bill:

3rd Sub. H.B. 164 Migratory Bird Production Areas (C. Oda)

On motion of Senator Dayton, under suspension of the rules, 3rd Sub. H.B. 164, MIGRATORY BIRD PRODUCTION AREAS, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Killpack
Knudson Liljenquist Madsen Mayne
McCoy Morgan Niederhauser Okerlund
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Robles

3rd Sub. H.B. 164 was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

The House passed, S.B. 90, METAL THEFT AMENDMENTS AND PENALTIES, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 190, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 3rd Sub. S.B. 270, GIFT CARD AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 90, S.B. 190, and 3rd Sub. S.B. 270 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.
Mr. President: March 12, 2009

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 259, LOCAL GOVERNMENT AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 353, TRUTH IN ADVERTISING ACT AMENDMENTS, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 384, PUBLIC LEWDNESS AMENDMENTS, by Representative D. Ipson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 3rd Sub. H.B. 272, UTAH SCENIC BYWAY DESIGNATION AMENDMENTS, by Representative C. Herrod, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. H.B. 259, H.B. 353, H.B. 384, and 3rd Sub. H.B. 272, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, 1st Sub. H.B. 326, FORCIBLE ENTRY AND DETAINER AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell  Bramble  Davis  Dayton
Goodfellow  Greiner  Hillyard  Hinkins
Jenkins  Jones  Killpack  Knudson
Liljenquist  Madsen  Mayne  McCoy
Morgan  Niederhauser  Okerlund  Romero
Stephenson  Stowell  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators

Buttars  Christensen  Robles
**1st Sub. H.B. 326** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Bramble, under suspension of the rules, **H.B. 309**, COUNTY FISCAL PROCEDURES AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 23; Nays, 2; Absent, 4.**

**Voting in the affirmative were:** Senators

Bell  
Goodfellow  
Killpack  
McCoy  
Romero  
Valentine  
Bramble  
Greiner  
Knudson  
Morgan  
Stephenson  
Van Tassell  
Davis  
Hillyard  
Madsen  
Niederhauser  
Stowell  
Waddoups  
Dayton  
Jenkins  
Mayne  
Okerlund  
Urquhart

**Voting in the negative were:** Senators

Hinkins  
Jones

**Absent or not voting were:** Senators

Buttars  
Christensen  
Liljenquist  
Robles

**H.B. 309** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Stephenson, under suspension of the rules, **H.B. 334**, WRITING ASSESSMENT AND INSTRUCTION, was considered read the second and third times and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Bell  
Goodfellow  
Jones  
McCoy  
Romero  
Valentine  
Buttars  
Hillyard  
Killpack  
Morgan  
Stephenson  
Van Tassell  
Christensen  
Hinkins  
Knudson  
Niederhauser  
Stowell  
Waddoups  
Davis  
Jenkins  
Mayne  
Okerlund  
Urquhart
Absent or not voting were: Senators
Bramble       Dayton       Greiner       Liljenquist
Madsen       Robles

H.B. 334 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Urquhart, under suspension of the rules, H.B. 437, OBSTRUCTION OF NATURAL RESOURCE OR AGRICULTURAL PRODUCTION, was considered read the second and third times and passed on the following roll call:

Yeas, 21; Nays, 1; Absent, 7.

Voting in the affirmative were: Senators
Bell         Bramble       Christensen       Goodfellow
Hillyard     Hinkins       Jenkins        Jones
Killpack     Knudson       Mayne          Morgan
Niederhauser Okerlund     Romero        Stephenson
Stowell      Urquhart     Valentine     Van Tassell
Waddoups

Voting in the negative was: Senator
Davis

Absent or not voting were: Senators
Buttars       Dayton       Greiner       Liljenquist
Madsen       McCoy        Robles

H.B. 437 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Jenkins, 2nd Sub. H.B. 107, ECONOMIC IMPACT OF ILLEGAL ALIENS, was read the second time and circled.

***

On motion of Senator Valentine, under suspension of the rules, 1st Sub. H.B. 143, VEHICLE TITLE, INSPECTION AND EMISSION TESTING EXEMPTIONS, was considered read the second and third times and passed on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hinkins Jenkins Jones Knudson
Madsen Mayne McCoy Morgan
Niederhauser Okerlund Robles Romero
Stephenson Stowell Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Hillyard Killpack Liljenquist

1st Sub. H.B. 143 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, the circle was removed from H.B. 377, JUDICIAL CODE AMENDMENTS, and it was before the Senate.

On motion of Senator Bell, under suspension of the rules, H.B. 377, JUDICIAL CODE AMENDMENTS,, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Goodfellow Greiner Hinkins
Jenkins Jones Knudson Liljenquist
Madsen Mayne McCoy Niederhauser
Okerlund Robles Romero Stephenson
Stowell Urquhart Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Hillyard Killpack Morgan
Valentine

H.B. 377 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Dayton, H.B. 89, PROSTHETIC LIMB HEALTH INSURANCE PARITY, was read the second time and circled.
**H.B. 96**, STATE RETIREMENT SYSTEM PARTICIPATION FOR CHARTER SCHOOLS, was read the second time.

On motion of Senator Hinkins, the following substitute bill replaced the original bill:

1st Sub. H.B. 96 State Retirement System Participation for Charter Schools (C. Watkins)

On motion of Senator Hinkins, under suspension of the rules, 1st Sub. H.B. 96, STATE RETIREMENT SYSTEM PARTICIPATION FOR CHARTER SCHOOLS, was considered read the second and third times and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators
Bell  Bramble  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  McCoy  Morgan
Niederhauser  Okerlund  Robles  Romero
Stowell  Urquhart  Van Tassell  Waddoups

**Absent or not voting were:** Senators
Buttars  Killpack  Liljenquist  Stephenson
Valentine

1st Sub. H.B. 96 was to the House for further consideration.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 12, 2009

The House passed, S.B. 3, APPROPRIATIONS ADJUSTMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed 1st Sub. S.B. 14, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, by Senator L. Hillyard, et al, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 1st Sub. S.B. 189, AMENDMENTS TO SALES AND USE TAX, by Senator W. Niederhauser, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk
S.B. 3, 1st Sub. S.B. 14, and 1st Sub. S.B. 189 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

Mr. President: March 12, 2009

The House substituted and passed, 2nd Sub. S.B. 230, CONSTRUCTION PAYMENT AMENDMENTS, by Senator C. Bramble, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

***

On motion of Senator Hillyard, the Senate voted to lift H.B. 391 from Rules and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

H.B. 391, BUDGETARY PROCEDURES ACT REVISIONS, was read the second time.  
On motion of Senator Hillyard, the bill was circled.

***

On motion of Senator Jenkins, the circle was removed from 1st Sub. H.B. 107, ECONOMIC IMPACT OF ILLEGAL ALIENS, and it was before the Senate. Senators Waddoups, Valentine, and Robles commented

On motion of Senator Jenkins, the bill was circled.

***

On motion of Senator Killpack, and at 9:15 p.m., the Senate sauntered.  
The Senate was called to order at 9:35 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The Speaker of the House has signed 1st Sub. S.B. 224, REUSE OF INDUSTRIAL BYPRODUCT, by Senator C. Bramble, and it is transmitted for the signature of the President. 
Sandy D. Tenney, Chief Clerk


**1st Sub. S.B. 224** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 12, 2009

The House passed, as amended, **S.B. 169**, GAMBLING AMENDMENTS, by Senator D. Liljenquist, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

**SECOND READING CALENDAR**

On motion of Senator Hillyard, the circle was removed from **H.B. 391**, BUDGETARY PROCEDURES ACT REVISIONS, and it was before the Senate.

On motion of Senator Hillyard, under suspension of the rules, **H.B. 391**, BUDGETARY PROCEDURES ACT REVISIONS, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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**H.B. 391** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, under suspension of the rules, **1st Sub. H.B. 110**, FINANCIAL TRANSACTION CARD OFFENSES, was considered read the
second and third times. Senator Bramble commented and the bill passed on the following roll call:

**Yeas, 27; Nays, 0;Absent, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Madsen | Valentine |

1st Sub. H.B. 110 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**JOINT CONFERENCE COMMITTEE REPORT**


Sen. Sheldon Killpack
and Rep. Wayne Harper, Chairs

On motion of Senator Killpack, the Senate voted to adopt the Joint Conference Committee Report and the bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Jenkins Valentine

3rd Sub. H.B. 185 was returned to the House for further consideration.

CONCURRENCE CALENDAR

On motion of Senator Liljenquist, the Senate voted to concur in the House amendments to S.B. 169, GAMBLING AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Knudson Liljenquist Mayne
McCoy Morgan Niederhauser Okerlund
Robles Romero Stephenson Stowell
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Madsen Urquhart

S.B. 169 was returned to the House for the signature of the Speaker.

***

On motion of Senator Bramble, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 230, CONSTRUCTION PAYMENT AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Jones
Killpack Knudson Liljenquist Madsen
Mayne McCoy Morgan Niederhauser
Okerlund Romero Stephenson Stowell
Urquhart Valentine Van Tassell Waddoups
Absent or not voting was: Senator Robles

2nd Sub. S.B. 230 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Mayne, under suspension of the rules, H.B. 206, EMPLOYMENT SELECTION PROCEDURES, was considered read the second and third times and passed on the following roll call:

Y eas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Jenkins  Jones
Killpack  Knudson  Liljenquist  Madsen
Mayne  McCoy  Morgan  Niederhauser
Okerlund  Robles  Romero  Stephenson
Stowell  Urquhart  Valentine  Van Tassell
Waddoups

H.B. 206 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House passed, as substituted, 1st Sub. H.B. 178, HEALTH INSURANCE AND PROGRAM AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed H.J.R. 23, JOINT RULES RESOLUTION – EXECUTIVE APPROPRIATIONS COMMITTEE AMENDMENTS, by Representative B. Ferry, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. 1st Sub. H.B. 178 and H.J.R. 23 were read the first time and referred to the Rules Committee.

On motion of Senator Killpack, the Senate voted to lift 1st Sub. H.B. 178 and H.J.R. 23 to the top of the Second Reading Calendar.
SECOND READING CALENDAR

On motion of Senator Liljenquist, under suspension of the rules, 1st Sub. H.B. 178, HEALTH INSURANCE AND PROGRAM AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

**Voting in the affirmative were:** Senators

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1st Sub. H.B. 178 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Stephenson, under suspension of the rules, H.J.R. 23, JOINT RULES RESOLUTION – EXECUTIVE APPROPRIATIONS COMMITTEE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

**Voting in the affirmative were:** Senators

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H.J.R. 23 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
1st Sub. H.B. 237, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT, was read the second time. Senator Liljenquist explained the bill. Senator Hillyard commented.

On motion of Senator Liljenquist, the bill was circled.

On motion of Senator Greiner, under suspension of the rules, H.B. 411, UTAH TECHNOLOGY GOVERNANCE ACT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator Buttars

H.B. 411 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 12, 2009

The House concurred in the Senate amendments and passed 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 President; and

The House concurred in the Senate amendments and passed 3rd Sub. H.B. 164, MIGRATORY BIRD PRODUCTION AREAS, by Representative C. Oda, et al, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 96 and 3rd Sub. H.B. 164, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
Mr. President: March 12, 2009

The House passed, as amended, **S.B. 214, OFFICE OF CONSUMER SERVICES ACT**, by Senator J. Valentine, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

**SECOND READING CALENDAR**

On motion of Senator Liljenquist, the circle was removed from **1st Sub. H.B. 237, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT**, and it was before the Senate.

On motion of Senator Liljenquist, under suspension of the rules, **1st Sub. H.B. 237, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT**, was considered read the second and third times and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator Stowell

**1st Sub. H.B. 237** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**CONCURRENCE CALENDAR**

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **S.B. 214, OFFICE OF CONSUMER SERVICES ACT**. The bill, as amended, passed on the following roll call:
Yeas, 23; Nays, 2; Absent, 4.

Voting in the affirmative were: Senators
Bell                           Bramble    Christensen   Davis
Dayton                        Goodfellow Greiner      Hillyard
Jenkins                       Jones       Knudson       Liljenquist
Madsen                        Mayne       Niederhauser Okerlund
Robles                        Romero     Stephenson   Urquhart
Valentine                     Van Tassell Waddoups

Voting in the negative were: Senators
McCoy                         Morgan

Absent or not voting were: Senators
Buttars                       Hinkins    Killpack    Stowell

S.B. 214 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House adopted the Joint Conference Committee Report dated March 12, 2009, and passed 3rd Sub. H.B. 185, TRANSPORTATION AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House 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 the signature of the President.

Sandy D. Tenney, Chief Clerk

3rd Sub. H.B. 185 and 1st Sub. H.B. 378 were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

Mr. President: March 12, 2009

The House passed, 1st Sub. S.B. 228, PROHIBITION ON INTERNET OR MAIL−ORDER SALES OF TOBACCO PRODUCTS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 169, GAMBLING AMENDMENTS, by Senator D. Liljenquist, and it is transmitted for the signature of the President; and
The Speaker of the House has signed **2nd Sub. S.B. 230**, CONSTRUCTION PAYMENT AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**1st Sub. S.B. 228, S.B. 169, and 2nd Sub. S.B. 230** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

**SECOND READING CALENDAR**

On motion of Senator Robles, under suspension of the rules, **H.B. 436**, STATE PROHIBITION OF SUDAN RELATED CONTRACTS, was considered read the second and third times. Senators Bramble, Liljenquist, and Urquhart commented and the bill passed on the following roll call:

**Yeas, 24; Nays, 5; Absent, 0.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**H.B. 436** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 12, 2009

The House substituted, amended, 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 further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.
CONCURRENCE CALENDAR

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 272, DRIVER LICENSE SANCTIONS AND SENTENCING REQUIREMENTS FOR DRIVING UNDER THE INFLUENCE AND ALCOHOL RELATED OFFENSES. Senator Greiner commented. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bell               Bramble               Buttars               Christensen
Davis             Dayton                Greiner               Hillyard
Hinkins           Jenkins               Jones                 Killpack
Knudson           Liljenquist           Mayne                 McCoy
Morgan            Niederhauser          Okerlund              Robles
Romero            Stephenson            Stowell               Urquhart
Valentine         Van Tassell            Waddoups

Absent or not voting were: Senators
Goodfellow        Madsen

2nd Sub. S.B. 272 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House substituted and passed, 2nd Sub. S.J.R. 6, LEGISLATOR COMMUNICATIONS WITH JUDICIARY JOINT RULES RESOLUTION, by Senator J. Valentine, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

***

Mr. President: March 2, 2009

The House passed, 2nd Sub. S.B. 131, LAW ENFORCEMENT SERVICE IN LOCAL DISTRICTS AND INTERLOCAL ENTITIES, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 188, IMPROVEMENT DISTRICT – PROVIDING ELECTRIC SERVICE, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and
The House passed, S.B. 213, RESTAURANT NUTRITION LABELING, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 214, OFFICE OF CONSUMER SERVICES ACT, by Senator J. Valentine, and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 65, AMENDMENTS TO PROPERTY TAX NOTICE, PUBLIC HEARING, AND RESOLUTION PROVISIONS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President

Sandy D. Tenney, Chief Clerk

2nd Sub. S.B. 131, S.B. 188, S.B. 213, S.B. 214 and 1st Sub. S.B. 65 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 12, 2009

The House has rejected 1st Sub. S.B. 159, MATH EDUCATION INITIATIVE, by Senator H. Stephenson, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 159 was filed.

CONCURRENCE CALENDAR

On motion of Senator Valentine, the Senate voted to concur in the House amendments to 2nd Sub. S.J.R. 6, LEGISLATOR COMMUNICATIONS WITH JUDICIARY AND EXECUTIVE BRANCH JOINT RULES RESOLUTION. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Jenkins  Jones
Killpack  Knudson  Liljenquist  Madsen
Mayne  McCoy  Morgan  Niederhauser
Okerlund  Robles  Romero  Stephenson
Stowell  Valentine  Van Tassell  Waddoups
Absent or not voting was: Senator Urquhart

2nd. Sub. S.J.R. 6 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The Speaker of the House has signed 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 President; and

The Speaker of the House has signed 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 President.

Sandy D. Tenney, Chief Clerk

2nd Sub. S.J.R. 6 and 2nd Sub. S.B. 272 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

On motion of Senator Killpack, the Senate struck the enacting clause on all Senate bills and resolutions remaining on the calendar and with the Rules Committee and ordered them filed.

President Michael Waddoups directed Annette Moore and Leslie McLean to read, revise, and make minor corrections to the Daily Senate Journals and be responsible for certifying the indexed and bound copy as the accurate record of the proceedings of the 2009 General Session of the Fifty–Eighth Legislature.

President Waddoups appointed Senators John Valentine, Steve Urquhart, and Gene Davis to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Waddoups appointed Senators Peter Knudson, Margaret Dayton and Luz Robles to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Sheldon Killpack and Senator Patricia Jones expressed appreciation to the opposite party.

Senator Allen Christensen, Chairman of the Employee Committee, asked that all Senate employees stand and receive the thanks of the Senators. He also
expressed thanks to all the legislative employees serving in the Office of Legislative Research and General Counsel, Fiscal Analyst, Auditor General, and to the employees in Legislative Printing.

Senator Christensen also expressed appreciation to the Senate interns for the exceptional work they have done throughout the session.

On motion of Senator Christensen, the Senate voted to give each member of the Senate staff an additional 8 hours’ compensation at the rates established for each employee.

President Waddoups expressed appreciation to Senator Killpack, Senator Jenkins, Senator Bell, Senator Dayton, and Senator Lyle Hillyard for his excellent service as Appropriations Chairman and Senator Peter Knudson for his service as Appropriations Vice-Chairman.

Senator Knudson reported the House has been notified that the business of the Senate has concluded and the Senate is ready to adjourn sine die.

Senator Valentine reported that his committee, with a like committee from the House of Representatives had notified the Governor. The Governor asked that the committee convey to each house that he has no further business to bring before the legislature but that he would like to speak before each house prior to their adjournment sine die.

Governor Jon M. Huntsman Jr. made closing remarks and expressed appreciation to the Senate.

On motion of Senator Killpack and at 12:00 a.m., the Senate adjourned sine die.

SENATE STRUCK ENACTING CLAUSE
HOUSE BILLS AND RESOLUTIONS

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. 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)
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)

Annette Moore
Secretary of the Senate

HOUSE STRUCK ENACTING CLAUSE
SENATE BILLS AND RESOLUTIONS

Mr. President:

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 Tenney
Chief Clerk of the House

Mr. President: March 12, 2009

The Rules Committee recommends the enacting clause be stricken on the
following Senate Bills and Resolutions and they be filed:

S.B. 30  Enhancement of Truth in Advertising Act
          (Sen. M. Dayton)
1st Sub. S.B. 32  Wrongful Death Amendments (Sen. S. McCoy)
S.B. 34  Amendments to Sales and Use Tax Exemption for Certain
          Machinery, Equipment, or Parts (Sen. W. Niederhauser)
S.B. 42  Nuclear Power Distribution and Generation
          (Sen. S. McCoy)
S.B. 44  Coal Mining and Reclamation Amendments
          (Sen. G. Davis)
S.B. 45  Concealed Firearm Permit for Retired Peace Officer
          (Sen. B. Goodfellow)
S.B. 46  School Property Tax Equalization Amendments
          (Sen. K. Morgan)
1st Sub. S.B. 47  County Regional Facilities Property Tax (Sen. G. Davis)
S.B. 48  Teacher Licensing by Competency Amendments
          (Sen. D. C. Buttars)
S.B. 55  Governor’s Interagency Coordinating Council on Health
          Disparities and Economic Self–sufficiency
          (Sen. L. Robles)
S.B. 60  Districts Providing Service to Taxed Property  
(Sen. M. Waddoups)

S.B. 61  Home School and Private School Students’ Participation in Extracurricular Activities (Sen. M. Madsen)

S.B. 62  Insurance Coverage for Essential Medical Services  
(Sen. M. Waddoups)

S.B. 71  Forest Reserve Fund Amendments (Sen. R. Okerlund)

S.B. 72  Taxes on Motor Fuels (Sen. J. Valentine)

S.B. 86  Amendments to Preferred Drug List (Sen. A. Christensen)

S.B. 89  Public Safety Retirement Death Benefit Modifications  
(Sen. J. Greiner)

S.B. 96  Concealed Firearm Permit Residency Requirement  
(Sen. S. McCoy)

S.B. 101  State Ethics Commission (Sen. S. McCoy)

1st Sub. S.B. 106  Alcoholic Beverage Control Act Restrictions  
(Sen. S. McCoy)

S.B. 109  Local School Funding Legislative Task Force  
(Sen. D. C. Buttars)

S.B. 113  Delayed Effective Date for Illegal Immigration Legislation (Sen. P. Jones)

2nd Sub. S.B. 114  Tobacco Tax Amendments (Sen. A. Christensen)

S.B. 123  School District Division Process (Sen. L. Hillyard)

S.B. 125  Interest on Personal Injury Judgments (Sen. R. Okerlund)

S.B. 130  Income Tax Credit – Contributions for Which Federal Matching Monies Are Offered (Sen. S. McCoy)

S.B. 144  Pete Suazo Memorial Highway (Sen. L. Robles)

S.B. 151  Driver License Defensive Driving Course Amendments  
(Sen. K. Van Tassell)

1st Sub. S.B. 159  Math Education Initiative (Sen. H. Stephenson)

S.B. 164  In Person Voter Registration (Sen. S. McCoy)

S.B. 168  Alcoholic Beverage Control Act – Hours Restrictions  
(Sen. S. McCoy)

S.B. 174  Redistricting Commission (Sen. R. Romero)

S.B. 175  Signage Requirements Relating to Children and Animals in Parked Cars (Sen. K. Mayne)

S.B. 177  New School District Amendments (Sen. D. C. Buttars)

S.B. 178  Class B and C Roads Amendments (Sen. K. Van Tassell)

S.B. 181  Criminal Prosecution Amendments (Sen. D. Liljenquist)

S.B. 191  Life Insurance and Viatical Settlements Related Amendments (Sen. W. Niederhauser)

S.B. 194  Nondiscrimination Amendments (Sen. S. McCoy)
S.B. 195  Public Employee Defined Contribution Amendments  
(Sen. D. Liljenquist)

S.B. 196  Liquor Purchase Price for Licensees (Sen. S. McCoy)

S.B. 197  Alcoholic Beverage Resort License (Sen. S. McCoy)

S.B. 198  Escaped Property Tax Amendments (Sen. H. Stephenson)

3rd Sub. S.B. 199  Equal Recognition of School Parent Groups  
(Sen. C. Bramble)

S.B. 200  Consolidation of Certain Human Services Ombudsman  
Programs (Sen. L. Hillyard)

S.B. 203  Revisions to Transportation (Sen. S. Jenkins)

S.B. 204  Property Tax Deferrals (Sen. J. Valentine)

S.B. 206  Assignment of Officials for High School Athletic  
Activities (Sen. M. Madsen)

S.B. 212  Utah Common Interest Ownership Act (Sen. G. Bell)

S.B. 217  Drugs Amendments (Sen. P. Knudson)

S.B. 218  Community Animal Shelter and Adoption Support  
Special Group License Plate (Sen. P. Knudson)

S.B. 219  County Auditor Modifications (Sen. P. Knudson)

S.B. 221  Dedication and Abandonment of a Highway  
(Sen. M. Madsen)

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Margaret Dayton
Rules Committee Chair
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<td>Placed on calendar                                                    109</td>
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<td>Read the second time                                                  130</td>
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Transmitted to the House 211
Enacting Clause Stricken 1039

S.B. 120 — WORKERS’ COMPENSATION ACT – MEDICAL REPORTS (K. Mayne)
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Assigned to standing committee 124
Committee report adopted and placed on calendar 173
Read the second time 278
Read the third time 293
Amendments 293
Transmitted to the House 294
Signed by the President and transmitted to the Governor 709

S.B. 121 — WORKERS’ COMPENSATION – ATTORNEY FEES (K. Mayne)
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Assigned to standing committee 124
Committee report adopted and placed on calendar 173
Read the second time 278
Read the third time 294
Transmitted to the House 295
Signed by the President and transmitted to the Governor 730
S.B. 122 — UNIFORM STATE LAW – UNIFORM UNSWORN FOREIGN DECLARATIONS ACT (L. Hillyard)
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Assigned to standing committee ................................................... 124
Committee report adopted and placed on calendar .............................. 157
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Read the third time ........................................................................ 211
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S.B. 123 — SCHOOL DISTRICT DIVISION PROCESS (L. Hillyard)
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Returned to the Rules Committee .................................................... 719
Enacting Clause Stricken ................................................................. 1041

S.B. 124 — INDEMNIFICATION FOR DESIGN PROFESSIONAL SERVICES (G. Bell)
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Signed by the President and transmitted to the Governor .................... 730

S.B. 125 — INTEREST ON PERSONAL INJURY JUDGMENTS (R. Okerlund)
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Signed by the President and transmitted to the Governor ..................... 376

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Signed by the President and transmitted to the Governor ..................... 1034

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Signed by the President and transmitted to the Governor ................. 709
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- Read the first time by short title and referred to the Rules Committee: 126
- Assigned to standing committee: 154
- Committee report adopted and placed on calendar: 206
- Read the second time: 445
- Amendments: 445
- Read the third time: 462
- Transmitted to the House: 462
- Signed by the President and transmitted to the Governor: 890

### S.B. 135 — LOCAL DISTRICT TAXING AUTHORITY (C. Bramble)
- Read the first time by short title and referred to the Rules Committee: 126
- Assigned to standing committee: 153
- Committee report adopted and placed on calendar: 195
- Read the second time: 357
- Substituted: 357
- Read the third time: 365
- Circled: 365
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- Transmitted to the House: 367
- Signed by the President and transmitted to the Governor: 550

### S.B. 136 — DIESEL—POWERED MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM AMENDMENTS (G. Bell)
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- Assigned to standing committee: 154
- Read the second time and placed on Consent Calendar: 207
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- Signed by the President and transmitted to the Governor: 382

### S.B. 137 — PHYSICAL THERAPY PRACTICE ACT (W. Niederhauser)
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- Assigned to standing committee: 153
- Amendments: 245, 464, 504
- Committee report adopted and placed on calendar: 250
- Read the second time: 464
- Read the third time: 504
- Transmitted to the House: 505
- Placed on Concurrence Calendar: 913
- Concurrence: 916
- Returned to the House: 917
- Signed by the President and transmitted to the Governor: 950

### S.B. 138 — INTERNAL SERVICE FUND RATE COMMITTEE AMENDMENTS (J. Valentine)
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- Assigned to standing committee: 170
- Amendments: 250
- Read the second time and placed on Consent Calendar: 252
- Read the third time: 310
- Transmitted to the House: 311
- Signed by the President and transmitted to the Governor: 382

### S.B. 139 — EMPLOYER ELECTION RETIREMENT AMENDMENTS (C. Bramble)
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- Assigned to standing committee: 154
- Read the second time and placed on Consent Calendar: 252
- Read the third time: 315
- Transmitted to the House: 315
- Signed by the President and transmitted to the Governor: 601
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S.B. 141 — AVIATION FUEL TAX AMENDMENTS (W. Niederhauser)
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Assigned to standing committee ................................................. 154
Committee report adopted and placed on calendar .............................. 195
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Transmitted to the House .............................................................. 366
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S.B. 142 — DISPOSITION OF A DEAD BODY (A. Christensen)
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Assigned to standing committee ................................................. 153
Committee report adopted and placed on calendar .............................. 250
Read the second time .................................................................. 469
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Transmitted to the House .............................................................. 505
Signed by the President and transmitted to the Governor ....................... 952

S.B. 143 — SUNSET ACT AND REPEALERS REAUTHORIZATIONS (S. Killpack)
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Committee report adopted and placed on calendar .............................. 250
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Signed by the President and transmitted to the Governor ....................... 890
S.B. 150 — STATE ARMORY AMENDMENTS (S. Jenkins)
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Committee report adopted and placed on calendar ................................................................. 270
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S.B. 153 — COUNTY AND MUNICIPAL LAND USE AMENDMENTS (M. Madsen)
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Committee report adopted and placed on calendar ............................. 309
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S.B. 154 — JUVENILE COURT JUDGE — FIFTH DISTRICT (S. Urquhart)
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Assigned to standing committee ..................................................... 188
Committee report adopted and placed on calendar ............................. 270
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S.B. 156 — GIFTS AND MEAL PROVISIONS FOR PUBLIC OFFICIALS (G. Bell)
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Assigned to standing committee ..................................................... 189
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Committee report adopted and placed on calendar ............................. 349
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Signed by the President and transmitted to the Governor .................. 912
S.B. 158 — CHILD SUPPORT – CASH MEDICAL SUPPORT (G. Bell)
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Assigned to standing committee .................................................. 205
Read the second time and placed on Consent Calendar ....................... 252
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Signed by the President and transmitted to the Governor ..................... 550

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Enacting Clause Stricken ............................................................ 1041

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Assigned to standing committee ................................................... 206
Committee report adopted and placed on calendar ........................... 270
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Read the third time ................................................................... 507
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Signed by the President and transmitted to the Governor ..................... 730

S.B. 161 — REPEAL OF MAXIMUM CHARGE TO PUBLISH LEGAL NOTICE (K. Van Tassell)
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Amendments ........................................................................... 270
Committee report adopted and placed on calendar ............................ 270
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S.B. 162 — USE OF CAMPAIGN FUNDS AMENDMENTS (J. Valentine)
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Signed by the President and transmitted to the Governor ..................... 709
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<td>Assign to standing committee</td>
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<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td>Assign to standing committee</td>
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<td>S.B. 166</td>
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<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td>S.B. 167</td>
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S.B. 173 — EMOTIONAL SUPPORT ANIMALS AND PSYCHIATRIC
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S.B. 174 — REDISTRIBUTING COMMISSION (R. Romero)
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Assigned to standing committee ....................................................... 243
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Circled ................................................................................................................................................. 835
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H.B. 47 — CRIMINAL PROCEDURE – INVESTIGATION AMENDMENTS (P. Ray)
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Assigned to standing committee ......................................... 138
Read the second time and placed on Consent Calendar .......... 196
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Signed by the President and returned to the House ............. 255

H.B. 48 — BALLOT QUESTION AMENDMENTS (K. Grover)
Read for the first time and referred to the Rules Committee .......... 123
Assigned to standing committee ......................................... 153
Returned to the Rules Committee ....................................... 721
Enacting Clause Stricken .................................................. 1036
H.B. 49 — VOTER CHALLENGE AMENDMENTS (N. Hansen)
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Enacting Clause Stricken ................................................. 1036

H.B. 50 — FIREFIGHTER SPECIAL GROUP LICENSE PLATE AMENDMENTS (R. Menlove)
Read for the first time and referred to the Rules Committee ............... 152
Assigned to standing committee ........................................... 361
Read the second time and placed on Consent Calendar ......................... 427
Read the third time ................................................................ 536
Signed by the President and returned to the House ............................ 536

H.B. 51 — EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE (C. Johnson)
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Assigned to standing committee .............................................. 152
Committee report adopted and placed on calendar ............................ 330
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Signed by the President and returned to the House ......................... 550

H.B. 52 — INSURANCE CODE AMENDMENTS (J. Dunnigan)
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Assigned to standing committee ................................................. 153
Committee report adopted and placed on calendar ......................... 195
Read the second time ................................................................ 214
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Circled ................................................................................. 228
Uncircled ............................................................................ 231
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Signed by the President and returned to the House ......................... 263

H.B. 53 — DRIVER LICENSE AMENDMENTS — MOTOR DRIVEN CYCLES (T. Kiser)
Read for the first time and referred to the Rules Committee .......... 108
Assigned to standing committee ................................................. 138
Committee report adopted and placed on calendar ......................... 196
Read the second time ................................................................ 217
Circled ................................................................................. 217
Uncircled ............................................................................ 369
Read the third time .................................................................. 390
Amendments ................................................................. 390
Returned to the House ............................................................ 391
Signed by the President and returned to the House ......................... 420

H.B. 54 — AMENDMENTS TO VEHICLE REGISTRATION REQUIREMENTS (F. Gibson)
Read for the first time and referred to the Rules Committee .......... 123
Assigned to standing committee ................................................. 154
Committee report adopted and placed on calendar ......................... 224
Read the second time ................................................................ 297
Read the third time .................................................................. 319
Circled ................................................................................. 319
Uncircled ............................................................................ 416
Signed by the President and returned to the House ......................... 416
H.B. 55 — AMENDMENTS TO TOURISM, RECREATION, CULTURAL, CONVENTION, AND AIRPORT FACILITIES TAX ACT (W. Harper)
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Assigned to standing committee .................................................. 171
Read the second time and placed on Consent Calendar ......................... 225
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Signed by the President and returned to the House ............................. 292

H.B. 56 — DECLARATION OF CANDIDACY AMENDMENTS (D. Aagard)
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Assigned to standing committee .................................................. 137
Read the second time and placed on Consent Calendar ......................... 225
Read the third time ................................................................. 290
Circled .................................................................................. 290
Uncircled ............................................................................... 311
Signed by the President and returned to the House ............................. 311

H.B. 58 — SALES AND USE TAX – DETERMINING THE LOCATION OF CERTAIN TRANSACTIONS (W. Harper)
Read for the first time and referred to the Rules Committee ..................... 119
Assigned to standing committee .................................................. 138
Read the second time and placed on calendar ................................ 387
Amendments ........................................................................ 543
Read the third time ................................................................. 587
Circled .................................................................................. 587
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Returned to the House .............................................................. 627
Signed by the President and returned to the House ............................. 627

H.B. 59 — SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS (B. Daw)
Read for the first time and referred to the Rules Committee ..................... 242
Assigned to standing committee .................................................. 264
Committee report adopted and placed on calendar ............................. 387
Read the second time ................................................................. 543
Amendments ........................................................................ 587
Read the third time ................................................................. 587
Uncircled ............................................................................... 587
Returned to the House .............................................................. 627
Signed by the President and returned to the House ............................. 627

H.B. 60 — FAMILY PRESERVATION SERVICES AMENDMENTS (W. Harper)
Read for the first time and referred to the Rules Committee ..................... 165
Assigned to standing committee .................................................. 188
Committee report adopted and placed on calendar ............................. 250
Read the second time ................................................................. 298
Read the third time ................................................................. 319
Signed by the President and returned to the House ............................. 320

H.B. 61 — LOCAL GOVERNMENT ENTITY CHANGES (K. Holdaway)
Read for the first time and referred to the Rules Committee ..................... 286
Assigned to standing committee .................................................. 304
Committee report adopted and placed on calendar ............................. 387
Read the second time ................................................................. 528
Read the third time ................................................................. 538
Signed by the President and returned to the House ............................. 539

H.B. 62 — STATE WATER DEVELOPMENT COMMISSION AMENDMENTS (K. Gibson)
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Assigned to standing committee .................................................. 188
Amendments ........................................................................ 250
Committee report adopted and placed on calendar ............................. 250
Read the second time ................................................................. 299
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Signed by the President and returned to the House ............................. 359
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Read for the first time and referred to the Rules Committee .......... 187
Assigned to standing committee .................................... 205
Committee report adopted and placed on calendar ...................... 387
Read the second time .................................................. 544
Read the third time ..................................................... 587
Signed by the President and returned to the House ...................... 587

H.B. 64 — DETERRING ILLEGAL IMMIGRATION (B. Dee)
Read for the first time and referred to the Rules Committee .......... 628
Assigned to standing committee .................................... 644
Committee report adopted and placed on calendar ...................... 713
Returned to the Rules Committee .................................... 759
Placed on calendar ..................................................... 856
Read the second time .................................................. 866
Read the third time ..................................................... 898
Amendments .............................................................. 898, 919
Circled ................................................................. 899
Uncircled ............................................................... 918
Returned to the House .................................................. 920
Signed by the President and returned to the House ...................... 953

H.B. 65 — REPORTING OF CERTAIN TRANSACTIONS EXEMPT FROM SALES
AND USE TAXES (Julie Fisher)
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Assigned to standing committee .................................... 304
Read the second time and placed on Consent Calendar ................. 351
Read the third time ..................................................... 413
Signed by the President and returned to the House ...................... 413

H.B. 66 — PUBLIC HEARINGS ON PROPERTY TAX INCREASES (G. Froerer)
Read for the first time and referred to the Rules Committee .......... 169
Assigned to standing committee .................................... 189
Committee report adopted and placed on calendar ...................... 224
Read the second time .................................................. 297
Circled ................................................................. 297
Uncircled ............................................................... 372
Amendments .............................................................. 372
Read the third time ..................................................... 399
Returned to the House .................................................. 399
Signed by the President and returned to the House ...................... 420

H.B. 67 — DEVELOPMENT EXACTIONS (P. Painter)
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Assigned to standing committee .................................... 264
Amendments .............................................................. 384
Committee report adopted and placed on calendar ...................... 387
Read the second time .................................................. 529
Circled ................................................................. 529
Uncircled ............................................................... 529
Read the third time ..................................................... 541
Returned to the House .................................................. 541
Signed by the President and returned to the House ...................... 601, 666

H.B. 68 — GUARDIAN AD LITEM AMENDMENTS (W. Harper)
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Assigned to standing committee .................................... 205
Amendments .............................................................. 424
Committee report adopted and placed on calendar ...................... 425
Read the second time .................................................. 567
Read the third time ..................................................... 590
Returned to the House .................................................. 590
Signed by the President and returned to the House ...................... 627
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Read for the first time and referred to the Rules Committee .......... 264
Enacting Clause Stricken ........................................... 1036

H.B. 71 — WITHHOLDING TAX AMENDMENTS (E. Vickers)
Read for the first time and referred to the Rules Committee .......... 303
Assigned to standing committee .................................... 346
Read the second time and placed on Consent Calendar ............... 381
Read the third time ................................................. 430
Signed by the President and returned to the House .................... 431

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Assigned to standing committee .................................... 474
Read the second time and placed on Consent Calendar ............... 679
Returned to the Rules Committee .................................... 759
Placed on Consent Calendar .......................................... 856
Read the third time ................................................. 867
Circled .............................................................................
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Signed by the President and returned to the House .................... 862

H.B. 75 — UTAH COMMUNICATIONS AGENCY NETWORK AMENDMENTS (F. Hunsaker)
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Assigned to standing committee .................................... 153
Read the second time and placed on Consent Calendar ............... 310
Read the third time ................................................. 351
Signed by the President and returned to the House .................... 352

H.B. 76 — INCOME TAX CREDIT FOR MILITARY RETIRED PAY (S. Mascaro)
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H.B. 78 — UTAH UNIFORM SECURITIES ACT MODIFICATIONS (J. Bird)
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Read the second time ................................................. 405
Read the third time ................................................. 436
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Amendments ............................................................... 224
Read the second time ................................................. 298
Read the third time ................................................. 319
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Signed by the President and returned to the House .................... 359

H.B. 81 — HEALTH CARE PATIENT IDENTITY PROTECTION (S. Sandstrom)
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Assigned to standing committee .................................... 170
Read the second time and placed on Consent Calendar ............... 252
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Assigned to standing committee ................................................................. 304
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Returned to the House ........................................................................... 768
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H.B. 102 — FALSE VEHICLE TITLE AND REGISTRATION PENALTIES (P. Ray)
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Assigned to standing committee ................................................................. 304
Amendments ............................................................................................ 380
Read the second time and placed on Consent Calendar ...................... 381
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Returned to the House ........................................................................... 431
Signed by the President and returned to the House ............................. 473, 550

H.B. 104 — DRIVER LICENSE HEARING AMENDMENTS (R. Greenwood)
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Assigned to standing committee ................................................................. 305
Read the second time and placed on Consent Calendar ...................... 381
Read the third time ............................................................................. 431
Signed by the President and returned to the House ............................. 432
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Assigned to standing committee 304
Committee report adopted and placed on calendar 380
Read the second time 407
Read the third time 437
Signed by the President and returned to the House 438

H.B. 106 — CONTROLLED SUBSTANCE DATABASE AMENDMENTS (B. Dow)
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Assigned to standing committee 153
Read the second time and placed on Consent Calendar 272
Read the third time 334
Signed by the President and returned to the House 334

H.B. 107 — ECONOMIC IMPACT OF ILLEGAL ALIENS (S. Clark)
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Placed on calendar 984
Read the second time 1020
Circled 1020
Uncircled 1023
Circled 1023
Enacting Clause Stricken 1037

H.B. 108 — HORMONE RESTORATION AMENDMENTS (D. Aagard)
Read for the first time and referred to the Rules Committee 287
Assigned to standing committee 474
Committee report adopted and placed on calendar 629
Read the second time 726
Read the third time 743
Signed by the President and returned to the House 744

H.B. 110 — FINANCIAL TRANSACTION CARD OFFENSES (Julie Fisher)
Read for the first time and referred to the Rules Committee 551
Assigned to standing committee 602
Committee report adopted and placed on calendar 713
Returned to the Rules Committee 759
Placed on calendar 1000
Read the second and third time 1025
Signed by the President and returned to the House 1025

H.B. 112 — VEHICLE TOWING AMENDMENTS (T. Kiser)
Read for the first time and referred to the Rules Committee 411
Assigned to standing committee 422
Amendments 563
Read the second time and placed on Consent Calendar 567
Read the third time 651
Returned to the House 651
Signed by the President and returned to the House 710

H.B. 113 — SALVAGE VEHICLE TITLE AMENDMENTS (T. Kiser)
Read for the first time and referred to the Rules Committee 242
Assigned to standing committee 265
Committee report adopted and placed on calendar 349
Read the second time 404
Circled 404
Uncircled 524
Read the third time 538
Signed by the President and returned to the House 538
H.B. 114 — ABORTION LITIGATION TRUST ACCOUNT AMENDMENTS (K. Sumsion)
  Read for the first time and referred to the Rules Committee .................. 345
  Assigned to standing committee ........................................... 361
  Committee report adopted and placed on calendar .......................... 425
  Read the second time .......................................................... 567
  Circled ............................................................... 568, 591
  Uncircled ............................................................... 568, 591
  Read the third time ..................................................................... 591
  Signed by the President and returned to the House ......................... 591

H.B. 116 — UNIFORM FEES ON CANOES (M. Wheatley)
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  Assigned to standing committee .............................................. 378
  Committee report adopted and placed on calendar .......................... 425
  Read the second time .......................................................... 546
  Read the third time ..................................................................... 588
  Signed by the President and returned to the House ......................... 589

H.B. 118 — ARCHIVES AND GRAMA REVISIONS (D. Aagard)
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  Assigned to standing committee .............................................. 327
  Committee report adopted and placed on calendar .......................... 457
  Read the second time .......................................................... 697
  Read the third time ..................................................................... 736
  Signed by the President and returned to the House ......................... 736

H.B. 119 — POWERSPORT VEHICLE FRANCHISE ACT REVISIONS (J. Gowans)
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  Assigned to standing committee .............................................. 345
  Committee report adopted and placed on calendar .......................... 396
  Read the second time .......................................................... 545
  Read the third time ..................................................................... 588
  Signed by the President and returned to the House ......................... 588

H.B. 120 — SNAKE VALLEY AQUIFER RESEARCH TEAM AND ADVISORY
  COUNCIL (B. Winn)
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  Assigned to standing committee .............................................. 552
  Committee report adopted and placed on calendar .......................... 676
  Returned to the Rules Committee ............................................. 759
  Placed on calendar ............................................................... 875
  Read the second time .......................................................... 877
  Read the third time ..................................................................... 904
  Signed by the President and returned to the House ......................... 905

H.B. 121 — RETIRED VOLUNTEER HEALTH CARE PRACTITIONER ACT (M. Brown)
  Read for the first time and referred to the Rules Committee .............. 242
  Assigned to standing committee .............................................. 264
  Committee report adopted and placed on calendar .......................... 363
  Read the second time .......................................................... 406
  Read the third time ..................................................................... 437
  Signed by the President and returned to the House ......................... 437
H.B. 122 — GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT
AMENDMENTS (D. Aagard)
Read for the first time and referred to the Rules Committee .......... 383
Assigned to standing committee ..................................... 421
Committee report adopted and placed on calendar .................... 477
Read the second time .................................................. 698
Circled ........................................................................ 698, 738
Uncircled ....................................................................... 706, 832
Amendments ..................................................................... 706
Read the third time ........................................................ 738
Returned to the House ..................................................... 833
Enacting Clause Stricken ................................................ 1037

H.B. 123 — RETAIL AND LIBRARY THEFT AMENDMENTS (F. Gibson)
Read for the first time and referred to the Rules Committee .......... 264
Assigned to standing committee ......................................... 361
Read the second time and placed on Consent Calendar ............... 479
Read the third time ........................................................ 583
Signed by the President and returned to the House .................... 584

H.B. 124 — INSURANCE COVERAGE FOR EOSINOPHILIC GASTROINTESTINAL
DISORDERS AND SHORT BOWEL SYNDROME (C. Johnson)
Read for the first time and referred to the Rules Committee .......... 873
Placed on calendar ......................................................... 1000
Enacting Clause Stricken ................................................ 1037

H.B. 125 — IMPACT FEE AMENDMENTS (K. Powell)
Read for the first time and referred to the Rules Committee .......... 421
Assigned to standing committee ......................................... 450
Amendments ..................................................................... 554
Committee report adopted and placed on calendar .................... 560
Read the second time ..................................................... 725
Circled ........................................................................ 725
Returned to the Rules Committee ...................................... 759
Placed on calendar ......................................................... 1000
Enacting Clause Stricken ................................................ 1037

H.B. 126 — VOTER IDENTIFICATION FOR ELECTIONS (B. Daw)
Read for the first time and referred to the Rules Committee .......... 449
Assigned to standing committee ......................................... 474
Committee report adopted and placed on calendar .................... 629
Read the second time ..................................................... 727
Circled ........................................................................ 727, 766
Uncircled ....................................................................... 745, 817
Read the third time ........................................................ 766
Substituted ..................................................................... 818
Returned to the House .................................................... 818
Signed by the President and returned to the House ................. 871

H.B. 127 — PERSONAL INJURY PROTECTION COVERAGE AMENDMENTS (T. Kiser)
Read for the first time and referred to the Rules Committee .......... 281
Assigned to standing committee ......................................... 304
Read the second time and placed on Consent Calendar ............... 479
Read the third time ........................................................ 584
Circled ........................................................................ 584
Uncircled ....................................................................... 586
Signed by the President and returned to the House ................. 587
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Assigned to standing committee ........................................... 603
Amendments ........................................................................ 670
Committee report adopted and placed on calendar .......................... 676
Read the second time ................................................................ 748
Read the third time .................................................................. 767
Circled ................................................................................. 767
Uncircled .............................................................................. 769
Returned to the House ............................................................. 769
Signed by the President and returned to the House .......................... 825

H.B. 129 — ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS (C. Oda)
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Assigned to standing committee ................................................. 421
Committee report adopted and placed on calendar ......................... 534
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Amendments ........................................................................... 704
Tabled on Third Reading Calendar ............................................. 705
Placed on Third Reading Calendar .............................................. 856
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Returned to the House ............................................................. 863
Signed by the President and returned to the House .......................... 907

H.B. 130 — ASSET PRESERVATION AMENDMENTS (G. Hughes)
Read for the first time and referred to the Rules Committee ................. 377
Assigned to standing committee ................................................. 384
Read the second time and placed on Consent Calendar .................... 567
Read the third time .................................................................. 653
Signed by the President and returned to the House .......................... 653

H.B. 132 — SEXUAL ASSAULT VICTIM PROTOCOLS (J. Biskupski)
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Placed on calendar .................................................................... 856
Read the second time ................................................................ 866
Circled ................................................................................. 867
Uncircled .............................................................................. 867
Returned to the House ............................................................. 901
Signed by the President and returned to the House .......................... 901

H.B. 136 — SEX OFFENDER DEFINITION AMENDMENTS (P. Ray)
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Assigned to standing committee ................................................. 422
Committee report adopted and placed on calendar ......................... 560
Read the second time ................................................................ 726
Read the third time .................................................................. 743
Substituted ............................................................................. 743
Returned to the House ............................................................. 743
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Read the third time .................................................................. 815
Amendments ........................................................................... 815
Returned to the House ............................................................. 816
Signed by the President and returned to the House .......................... 871

H.B. 138 — EXPUNGEMENT OF RECORDS AMENDMENTS (Julie Fisher)
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<td>Uncircled: 649</td>
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<td>Signed by the President and returned to the House: 649</td>
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<td>H.B. 287</td>
<td>UTAH EDUCATION NETWORK AMENDMENTS (K. Holdaway)</td>
<td>Read for the first time and referred to the Rules Committee: 377</td>
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<td>Assigned to standing committee: 384</td>
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<td>Committee report adopted and placed on calendar: 457</td>
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<td>Read the second time: 697</td>
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<td>Signed by the President and returned to the House: 736</td>
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<td>H.B. 289</td>
<td>BACKGROUND CHECKS FOR QUALIFYING ENTITIES (S. Sandstrom)</td>
<td>Read for the first time and referred to the Rules Committee: 345</td>
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<td>Signed by the President and returned to the House: 580</td>
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H.B. 290 — PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE (S. Clark)
Read for the first time and referred to the Rules Committee ................................. 579
Assigned to standing committee ................................................................. 604
Returned to the Rules Committee ............................................................. 719
Placed on calendar ....................................................................................... 893
Read the second time .................................................................................... 935
Circled .............................................................................................................. 935
Uncircled ......................................................................................................... 961
Substituted ...................................................................................................... 961
Amendments .................................................................................................... 961
Read the second and third time .................................................................... 962
Returned to the House .................................................................................... 962
Signed by the President and returned to the House ........................................ 996

H.B. 291 — COUNTY PERSONNEL AMENDMENTS (B. King)
Read for the first time and referred to the Rules Committee ................. 345
Assigned to standing committee ................................................................. 361
Read the second time and placed on Consent Calendar ....................... 479
Read the third time ......................................................................................... 581
Signed by the President and returned to the House ....................................... 582

H.B. 292 — TRAFFIC VIOLATION AND CITATION AMENDMENTS (D. Ipson)
Read for the first time and referred to the Rules Committee ................. 503
Assigned to standing committee ................................................................. 521
Read the second time and placed on Consent Calendar ....................... 631
Read the third time ......................................................................................... 734
Signed by the President and returned to the House ....................................... 734

H.B. 294 — SURVIVAL ACTION UPON INJURY OR DEATH (K. McIff)
Read for the first time and referred to the Rules Committee ................. 473
Assigned to standing committee ................................................................. 485
Returned to the Rules Committee ............................................................... 688
Placed on calendar ......................................................................................... 893
Read the second time .................................................................................... 967
Circled .............................................................................................................. 967
Uncircled ......................................................................................................... 975
Signed by the President and returned to the House ....................................... 976

H.B. 295 — MONEY LAUNDERING AMENDMENTS (R. Wilcox)
Read for the first time and referred to the Rules Committee ................. 345
Assigned to standing committee ................................................................. 361
Read the second time and placed on Consent Calendar ....................... 479
Read the third time ......................................................................................... 584
Signed by the President and returned to the House ....................................... 585

H.B. 296 — SCHOOLS FOR THE DEAF AND BLIND AMENDMENTS (K. Sumsion)
Read for the first time and referred to the Rules Committee ................. 520
Assigned to standing committee ................................................................. 552
Committee report adopted and placed on calendar ................................ 676
Read the second time .................................................................................... 752
Tabled on Third Reading Calendar ............................................................ 752
Placed on Third Reading Calendar ............................................................ 913
Read the third time ......................................................................................... 913
Signed by the President and returned to the House ....................................... 913

H.B. 297 — BUDGETARY PROCEDURES ACT RECODIFICATION (R. Bigelow)
Read for the first time and referred to the Rules Committee ................. 421
Assigned to standing committee ................................................................. 450
Read the second time and placed on Consent Calendar ....................... 567
Read the third time ......................................................................................... 648
Signed by the President and returned to the House ....................................... 649
HOUSE BILLS

H.B. 298 — JUVENILE TRANSFERS FROM JUSTICE COURT (K. Melff)
Read for the first time and referred to the Rules Committee .................. 383
Placed on calendar ................................................. 1000
Enacting Clause Stricken ....................................... 1037

H.B. 299 — UNLAWFUL DETAINER AMENDMENTS (G. Froerer)
Read for the first time and referred to the Rules Committee .................. 503
Assigned to standing committee .................................. 521
Returned to the Rules Committee .................................. 719
Placed on calendar ................................................. 856
Read the second time .............................................. 876
Circled ................................................................. 876
Uncircled .............................................................. 942
Substituted ............................................................ 942
Read the second and third time .................................... 942
Returned to the House .............................................. 942
Signed by the President and returned to the House ................. 996

H.B. 300 — CAPITAL IMPROVEMENT APPROPRIATION MODIFICATION (R. Bigelow)
Read for the first time and referred to the Rules Committee .................. 165
Placed on calendar ................................................. 165
Read the second and third time .................................... 166
Signed by the President and returned to the House ................. 167

H.B. 301 — STATE DISASTER RECOVERY RESTRICTED ACCOUNT
AMENDMENTS (R. Bigelow)
Read for the first time and referred to the Rules Committee .................. 165
Placed on calendar ................................................. 165
Read the second and third time .................................... 167
Signed by the President and returned to the House ................. 168

H.B. 302 — DISTRIBUTION OF TOBACCO SETTLEMENT MONIES
AMENDMENTS (R. Bigelow)
Read for the first time and referred to the Rules Committee .................. 730
Placed on calendar ................................................. 856
Read the second time .............................................. 864
Read the third time ................................................ 896
Signed by the President and returned to the House ................. 896

H.B. 306 — HEALTH AND HUMAN SERVICES–RELATED COMMISSION, COMMITTEE,
AND COUNCIL AMENDMENTS (R. Bigelow)
Read for the first time and referred to the Rules Committee .................. 873
Placed on calendar ................................................. 914
Read the second and third time .................................... 930
Signed by the President and returned to the House ................. 930

H.B. 307 — TOURISM MARKETING PERFORMANCE ACCOUNT
AMENDMENTS (R. Bigelow)
Read for the first time and referred to the Rules Committee .................. 855
Placed on calendar ................................................. 914
Read the second and third time .................................... 931
Signed by the President and returned to the House ................. 931

H.B. 308 — WORKERS’ COMPENSATION – MOTOR CARRIERS (D. Ipson)
Read for the first time and referred to the Rules Committee .................. 667
Placed on calendar ................................................. 875
Read the second time .............................................. 885
Amendments .......................................................... 885
Read the third time ................................................ 920
Returned to the House .............................................. 921
Signed by the President and returned to the House ................. 953
H.B. 309 — COUNTY FISCAL PROCEDURES AMENDMENTS (C. Herrod)
Read for the first time and referred to the Rules Committee ..................... 532
Assigned to standing committee ......................................................... 552
Returned to the Rules Committee ...................................................... 721
Placed on calendar ............................................................................. 984
Read the second and third time .......................................................... 1019
Signed by the President and returned to the House ............................... 1019

H.B. 310 — AUTHORITY OF LIEUTENANT GOVERNOR TO
PERFORM MARRIAGE (C. Wimmer)
Read for the first time and referred to the Rules Committee ..................... 449
Assigned to standing committee ......................................................... 474
Read the second time and placed on Consent Calendar ............................ 714
Returned to the Rules Committee ...................................................... 759
Placed on Consent Calendar ................................................................ 856
Read the third time ............................................................................. 859
Signed by the President and returned to the House ............................... 860

H.B. 311 — UTAH STATE RAILROAD MUSEUM AUTHORITY (N. Hansen)
Read for the first time and referred to the Rules Committee ..................... 806
Enacting Clause Stricken ..................................................................... 1037

H.B. 312 — AMENDED CAMPAIGN FINANCE FILINGS (S. Allen)
Read for the first time and referred to the Rules Committee ..................... 532
Assigned to standing committee ......................................................... 603
Returned to the Rules Committee ...................................................... 719
Enacting Clause Stricken ..................................................................... 1037

H.B. 313 — SOCIAL HOST LIABILITY ACT (E. Hutchings)
Read for the first time and referred to the Rules Committee ..................... 579
Assigned to standing committee ......................................................... 603
Committee report adopted and placed on calendar ................................. 713
Returned to the Rules Committee ...................................................... 759
Placed on calendar ............................................................................. 893
Read the second time ........................................................................ 970
Amendments ..................................................................................... 970
Read the second and third time .......................................................... 970
Returned to the House ...................................................................... 971
Signed by the President and returned to the House ............................... 999

H.B. 314 — DNA SAMPLE FOR CRIMINAL OFFENSES – AMENDMENTS (R. Greenwood)
Read for the first time and referred to the Rules Committee ..................... 579
Assigned to standing committee ......................................................... 603
Returned to the Rules Committee ...................................................... 688
Enacting Clause Stricken ..................................................................... 1037

H.B. 316 — TIME LIMITATION FOR PROSECUTION OF ENVIRONMENTAL
CRIMES (C. Wimmer)
Read for the first time and referred to the Rules Committee ..................... 890
Enacting Clause Stricken ..................................................................... 1037

H.B. 317 — CAPITAL FELONY AMENDMENTS (C. Wimmer)
Read for the first time and referred to the Rules Committee ..................... 503
Assigned to standing committee ......................................................... 521
Committee report adopted and placed on calendar ................................. 629
Read the second time ........................................................................ 727
Circled ......................................................................................... 727
Uncircled ..................................................................................... 746
Amendments ................................................................................... 746
Read the third time ......................................................................... 766
Returned to the House ..................................................................... 767
Signed by the President and returned to the House ............................... 825
H.B. 319 — DISASTER RECOVERY FUNDING AMENDMENTS (C. Oda)
Read for the first time and referred to the Rules Committee .................. 377
Assigned to standing committee .................................................. 384
Read the second time and placed on Consent Calendar ...................... 479
Read the third time ................................................................. 582
Signed by the President and returned to the House ......................... 582

H.B. 320 — COLLECTION AGENCY AMENDMENTS (R. C. Webb)
Read for the first time and referred to the Rules Committee ............. 383
Assigned to standing committee ................................................. 421
Read the second time and placed on Consent Calendar ...................... 534
Read the third time ................................................................. 647
Signed by the President and returned to the House ......................... 648

H.B. 322 — TIRE RECYCLING FEE MODIFICATIONS (N. Hendrickson)
Read for the first time and referred to the Rules Committee ............. 520
Assigned to standing committee ................................................. 552
Amendments .............................................................................. 674
Committee report adopted and placed on calendar ......................... 676
Returned to the Rules Committee ................................................. 759
Enacting Clause Stricken ............................................................ 1037

H.B. 323 — AMENDMENTS REGARDING NOTICE ON UTAH PUBLIC
NOTICE WEBSITE (B. Winn)
Read for the first time and referred to the Rules Committee ............. 532
Assigned to standing committee ................................................. 552
Read the second time and placed on Consent Calendar ...................... 714
Returned to the Rules Committee ................................................. 759
Placed on Consent Calendar ....................................................... 856
Read the third time ................................................................. 860
Signed by the President and returned to the House ......................... 860

H.B. 324 — MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS (F. Gibson)
Read for the first time and referred to the Rules Committee ............. 421
Assigned to standing committee ................................................. 450
Read the second time and placed on Consent Calendar ...................... 567
Read the third time ................................................................. 651
Signed by the President and returned to the House ......................... 652

H.B. 325 — OPTING OUT OF THE REAL ID ACT (S. Sandstrom)
Read for the first time and referred to the Rules Committee ............. 579
Assigned to standing committee ................................................. 604
Returned to the Rules Committee ................................................. 719
Placed on calendar ................................................................. 1000
Enacting Clause Stricken ............................................................ 1037

H.B. 326 — FORCIBLE ENTRY AND DETAINER AMENDMENTS (L. Fowlke)
Read for the first time and referred to the Rules Committee ............. 855
Placed on calendar ................................................................. 984
Read the second and third time ................................................. 1018
Signed by the President and returned to the House ......................... 1019

H.B. 327 — BUILDING INSPECTOR AMENDMENTS (D. Aagard)
Read for the first time and referred to the Rules Committee ............. 579
Assigned to standing committee ................................................. 603
Returned to the Rules Committee ................................................. 719
Placed on calendar ................................................................. 893
Read the second and third time ................................................. 973
Signed by the President and returned to the House ......................... 973
H.B. 328 — TEACHER QUALITY AMENDMENTS (G. Hughes)
Read for the first time and referred to the Rules Committee .......... 532
Assigned to standing committee .................................... 552
Committee report adopted and placed on calendar ..................... 676
Read the third time .................................................. 756
Tabled on Third Reading Calendar ................................... 756
Placed on Third Reading Calendar .................................... 984
Read the third time .................................................. 992
Signed by the President and returned to the House ..................... 992

H.B. 329 — WRONGFUL DEATH CLAIMS (L. Fowlke)
Read for the first time and referred to the Rules Committee .......... 421
Assigned to standing committee .................................... 450
Substituted .............................................................. 567
Read the second time and placed on Consent Calendar ................. 567
Read the third time .................................................. 654
Returned to the House ................................................ 654
Signed by the President and returned to the House ..................... 710

H.B. 331 — HEALTH REFORM – HEALTH INSURANCE COVERAGE IN
STATE CONTRACTS (J. Dunnigan)
Read for the first time and referred to the Rules Committee .......... 393
Assigned to standing committee .................................... 422
Committee report adopted and placed on calendar ..................... 534
Read the second time .................................................. 719
Circled ................................................................. 719
Uncircled ............................................................... 724
Read the third time .................................................. 739
Signed by the President and returned to the House ..................... 740

H.B. 333 — MOTOR VEHICLE IMPOUND AMENDMENTS (C. Oda)
Read for the first time and referred to the Rules Committee .......... 855
Enacting Clause Stricken ............................................. 1038

H.B. 334 — WRITING ASSESSMENT AND INSTRUCTION (M. Newbold)
Read for the first time and referred to the Rules Committee .......... 687
Placed on calendar .................................................... 984
Read the second and third time ..................................... 1019
Signed by the President and returned to the House ..................... 1020

H.B. 337 — CHOOSE LIFE SPECIAL GROUP LICENSE PLATE (C. Herrod)
Read for the first time and referred to the Rules Committee .......... 826
Enacting Clause Stricken ............................................. 1038

H.B. 340 — RESPITE CARE ASSISTANCE FUND (J. Draxler)
Read for the first time and referred to the Rules Committee .......... 831
Placed on calendar .................................................... 893
Read the second and third time ..................................... 998
Signed by the President and returned to the House ..................... 998

H.B. 342 — DISPROPORTIONATE RENTAL FEE AMENDMENTS (G. Froerer)
Read for the first time and referred to the Rules Committee .......... 667
Placed on calendar .................................................... 875
Read the second time ................................................ 876
Circled ................................................................. 876
Uncircled ............................................................... 880
Read the third time .................................................. 908
Signed by the President and returned to the House ..................... 908
H.B. 345 — ELECTED OFFICIALS – RESTRICTIONS ON LOBBYING (B. Dee)
Read for the first time and referred to the Rules Committee .................. 520
Placed on calendar ................................................. 856
Read the second time ............................................. 863
Read the third time .................................................. 896
Circled ................................................................. 896
Uncircled ............................................................. 897
Signed by the President and returned to the House ................................. 898

H.B. 346 — CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS AMENDMENTS
(B. Dee)
Read for the first time and referred to the Rules Committee .................. 520
Read the second time ............................................. 863
Substituted .......................................................... 863, 877
Circled ................................................................. 864
Uncircled ............................................................. 877
Read the second and third time ........................................ 877
Returned to the House ............................................. 878
Signed by the President and returned to the House ................................. 907

H.B. 347 — ALCOHOLIC BEVERAGE CONTROL ACT MODIFICATIONS (G. Hughes)
Read for the first time and referred to the Rules Committee .................. 855
Enacting Clause Stricken .................................................................. 1038

H.B. 349 — HEAVY BEER AMENDMENTS (C. Oda)
Read for the first time and referred to the Rules Committee .................. 687
Placed on calendar ..................................................... 984
Read the second time ................................................. 1016
Circled ................................................................. 1016
Enacting Clause Stricken .................................................................. 1038

H.B. 351 — COURT FEES AMENDMENTS (C. Oda)
Read for the first time and referred to the Rules Committee .................. 551
Assigned to standing committee ..................................................... 603
Returned to the Rules Committee .................................................. 688
Enacting Clause Stricken .................................................................. 1038

H.B. 352 — ALCOHOLIC BEVERAGE RELATED AMENDMENTS (J. Dunnigan)
Read for the first time and referred to the Rules Committee .................. 473
Assigned to standing committee ..................................................... 485
Committee report adopted and placed on calendar ....................... 676
Read the second time ..................................................... 747
Read the third time ......................................................... 767
Circled ................................................................. 767
Uncircled ................................................................. 959
Amendments ........................................................................... 960
Returned to the House ......................................................... 961
Signed by the President and returned to the House ................................. 999

H.B. 353 — TRUTH IN ADVERTISING ACT AMENDMENTS (M. Morley)
Read for the first time and referred to the Rules Committee .................. 667
Placed on calendar ......................................................... 893
Read the second time ......................................................... 1003
Amendments ........................................................................ 1003
Read the second and third time .................................................... 1004
Returned to the House ......................................................... 1004
Signed by the President and returned to the House ................................. 1018

H.B. 355 — INDIGENT INMATE TRUST FUND AMENDMENTS (K. McIff)
Read for the first time and referred to the Rules Committee .................. 647
Placed on calendar .......................................................... 927
Read the second and third time .................................................... 936
Signed by the President and returned to the House ................................. 937
H.B. 356 — BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS (M. Newbold)
Read for the first time and referred to the Rules Committee .................. 806
Placed on calendar .................................................. 893
Read the second time ................................................. 940
Circled ................................................................. 940
Uncircled ............................................................ 944
Read the second and third time ...................................... 944
Signed by the President and returned to the House .................. 944

H.B. 357 — FIREARMS AMENDMENTS (S. Sandstrom)
Read for the first time and referred to the Rules Committee .................. 760
Placed on calendar .................................................. 875
Read the second time ................................................. 882
Circled ................................................................. 882, 888
Uncircled ............................................................ 888, 891
Amendments .......................................................... 891
Read the second and third time ...................................... 892
Returned to the House ............................................... 892
Signed by the President and returned to the House .......... 929

H.B. 362 — GOVERNMENT RECORDS AMENDMENTS (G. Hughes)
Read for the first time and referred to the Rules Committee .................. 831
Enacting Clause Stricken .......................................... 1038

H.B. 364 — BORDER AND NONRESIDENT STUDENT AMENDMENTS (D. Ipson)
Read for the first time and referred to the Rules Committee .................. 647
Placed on calendar .................................................. 856
Read the second and third time ...................................... 865
Signed by the President and returned to the House ........ 865

H.B. 370 — DISABLED PARKING VIOLATION AMENDMENTS (S. Mascaro)
Read for the first time and referred to the Rules Committee .................. 855
Placed on calendar .................................................. 1000
Enacting Clause Stricken .......................................... 1038

H.B. 371 — TRANSPORTATION GOVERNANCE (W. Harper)
Read for the first time and referred to the Rules Committee .................. 667
Placed on calendar .................................................. 856
Read the second time ................................................. 868
Circled ................................................................. 868, 905
Uncircled ............................................................ 879, 923
Substituted ............................................................ 879, 994
Read the third time ................................................... 905
Amendments .......................................................... 923
Returned to the House ............................................... 924
Refuse to Recede ................................................... 954
Joint Conference Committee Report .............................. 994
Returned to the House ............................................... 995
Signed by the President and returned to the House .......... 1010

H.B. 373 — AMENDMENTS TO DEPARTMENT OF CORRECTIONS’ OPERATIONS (P. Ray)
Read for the first time and referred to the Rules Committee .................. 873
Placed on calendar .................................................. 914
Read the second and third time ...................................... 931
Signed by the President and returned to the House .......... 932

H.B. 375 — LOCAL GOVERNMENT RECORDS AMENDMENTS (R. Wilcox)
Read for the first time and referred to the Rules Committee .................. 473
Assigned to standing committee .................................... 485
Read the second time and placed on Consent Calendar ........ 631
Read the third time ................................................... 733
Signed by the President and returned to the House .......... 733
H.B. 376 — REVISIONS TO ALCOHOLIC BEVERAGE CONTROL ACT (G. Hughes)
  Read for the first time and referred to the Rules Committee ............... 855
  Enacting Clause Stricken ...................................................... 1038

H.B. 377 — JUDICIAL CODE AMENDMENTS (D. Aagard)
  Read for the first time and referred to the Rules Committee ................ 855
  Placed on calendar ............................................................... 984, 998
  Read the second time ......................................................... 1016
  Circed .......................................................... 1016
  Uncircled .......................................................... 1021
  Read the second and third time ........................................... 1021
  Signed by the President and returned to the House ..................... 1021

H.B. 378 — CIRCUIT BREAKER AMENDMENTS (T. Cosgrove)
  Read for the first time and referred to the Rules Committee ................ 855
  Placed on calendar ............................................................... 927
  Read the second time ......................................................... 937
  Amendments ................................................................. 937
  Circed .......................................................... 938
  Uncircled .......................................................... 939
  Read the second and third time ........................................... 939
  Returned to the House ....................................................... 939
  Refuse to Recede ............................................................ 996
  Substituted ................................................................. 1010
  Joint Conference Committee Report ....................................... 1010
  Returned to the House ....................................................... 1011
  Signed by the President and returned to the House ..................... 1031

H.B. 379 — ENVIRONMENTAL LITIGATION BOND (M. Noel)
  Read for the first time and referred to the Rules Committee ................ 855
  Enacting Clause Stricken ...................................................... 1038

H.B. 383 — WATER RIGHTS ADJUDICATION AMENDMENTS (J. Gowans)
  Read for the first time and referred to the Rules Committee ................ 751
  Placed on calendar ............................................................... 875
  Read the second time ......................................................... 881
  Read the third time ........................................................... 908
  Signed by the President and returned to the House ..................... 909

H.B. 384 — PUBLIC LEWDNESS AMENDMENTS (D. Ipson)
  Read for the first time and referred to the Rules Committee ................ 806
  Placed on calendar ............................................................... 875
  Read the second time ......................................................... 881
  Tabled on Third Reading Calendar .......................................... 881
  Placed on Third Reading Calendar ......................................... 998
  Read the third time ........................................................... 1000
  Amendments ................................................................. 1000
  Returned to the House ....................................................... 1001
  Signed by the President and returned to the House ..................... 1018

H.B. 387 — MOTORCYCLE HELMET AMENDMENTS (R. Menlove)
  Read for the first time and referred to the Rules Committee ................ 551
  Assigned to standing committee ............................................. 604
  Returned to the Rules Committee .......................................... 719
  Enacting Clause Stricken ...................................................... 1038

H.B. 389 — APPLICATIONS FOR A SMALL AMOUNT OF WATER (P. Painter)
  Read for the first time and referred to the Rules Committee ................ 760
  Placed on calendar ............................................................... 875
  Read the second time ......................................................... 887
  Read the third time ........................................................... 921
  Signed by the President and returned to the House ..................... 921
H.B. 390 — ABSENTEE BALLOT AMENDMENTS (J. Mathis)
Read for the first time and referred to the Rules Committee .............. 551
Assigned to standing committee ............................................. 603
Read the second time and placed on Consent Calendar .................... 714
Returned to the Rules Committee ............................................. 759
Placed on Consent Calendar .................................................... 856
Read the second time ........................................................... 876
Read the third time ................................................................ 902
Signed by the President and returned to the House ......................... 903

H.B. 391 — BUDGETARY PROCEDURES ACT REVISIONS (R. Bigelow)
Read for the first time and referred to the Rules Committee ............... 873
Placed on calendar .................................................................. 1023
Read the second time ............................................................. 1023
Circled ...................................................................................... 1023
Uncircled .................................................................................. 1024
Read the second and third time ................................................ 1024
Signed by the President and returned to the House ......................... 1024

H.B. 392 — NATURAL GAS FOR VEHICLES (D. Ipson)
Read for the first time and referred to the Rules Committee ............... 806
Placed on calendar .................................................................. 893
Read the second and third time ................................................ 968
Signed by the President and returned to the House ......................... 968

H.B. 399 — CHARITABLE CARE AMENDMENTS (B. Last)
Read for the first time and referred to the Rules Committee ............... 602
Assigned to standing committee ................................................ 644
Committee report adopted and placed on calendar ......................... 713
Returned to the Rules Committee ............................................. 759
Placed on calendar .................................................................. 875
Read the second time ............................................................. 878
Amendments ............................................................................. 878
Read the third time ................................................................. 905
Returned to the House ............................................................. 905
Signed by the President and returned to the House ......................... 929

H.B. 400 — PETE SUAZO UTAH ATHLETIC COMMISSION AMENDMENTS (C. Oda)
Read for the first time and referred to the Rules Committee ............... 614
Assigned to standing committee ................................................ 643
Returned to the Rules Committee ............................................. 719
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S.B. 33  **Utility Transmission Corridor Siting Task Force**  S. Jenkins
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S.B. 34  **Amendments to Sales and Use Tax Exemption for Certain Machinery, Equipment, or Parts**  W. Niederhauser
Senate/ enacting clause struck on 3/12/2009

S.B. 35  **Sales and Use Tax Definitions Relating to Property**  W. Niederhauser
Governor Signed on 3/25/2009
Effective Date: 7/1/2009
S.B. 36  **Sales and Use Tax Amendments**  
Governor Signed on 3/24/2009  
Effective Date: 7/1/2009

S.B. 37  **Utah Substance Abuse and Anti-violence Coordinating Council Amendments**  
Governor Signed on 3/20/2009  
Effective Date: 5/12/2009

S.B. 38  **Severance Tax Amendments**  
Senate/ filed on 3/12/2009

S.B. 39  **Immigration Amendments**  
Governor Signed on 3/23/2009  
Effective Date: 7/1/2009

S.B. 40  **Lawful Presence Verification for Issuance of a Driver License or Identification Card**  
Governor Signed on 3/25/2009  
Effective Date: 1/1/2010

S.B. 41  **Siting of High Voltage Power Line Act**  
Governor Signed on 3/25/2009  
Effective Date: 5/12/2009

S.B. 42  **Nuclear Power Distribution and Generation**  
Senate/ enacting clause struck on 3/12/2009

S.B. 43  **Insurance Coverage for Autism Spectrum Disorders – Clay's Law**  
Senate/ filed on 3/12/2009

S.B. 44  **Coal Mining and Reclamation Amendments**  
Senate/ enacting clause struck on 3/12/2009

S.B. 45  **Concealed Firearm Permit for Retired Peace Officer**  
Senate/ enacting clause struck on 3/12/2009
S.B. 46  **School Property Tax Equalization Amendments**  K. Morgan
        Senate/ enacting clause struck on 3/12/2009

S.B. 47  **County Regional Facilities Property Tax**  G. Davis
        Senate/ enacting clause struck on 3/12/2009

S.B. 48  **Teacher Licensing by Competency Amendments**  D. Buttars
        Senate/ filed on 3/11/2009

S.B. 49  **Small Business Access to Justice Act**  R. Romero
        Senate/ filed on 3/12/2009

S.B. 50  **Restricting the Movement of a Motor Vehicle**  B. Goodfellow
        Governor Signed on 3/25/2009
        Effective Date: 5/12/2009

S.B. 51  **Restitution Fund Account**  D. Liljenquist
        Governor Signed on 3/20/2009
        Effective Date: 5/12/2009

S.B. 52  **New Motor Vehicle Franchise Amendments**  S. Killpack
        Governor Signed on 3/25/2009
        Effective Date: 3/25/2009

S.B. 53  **Awarding of Attorney Fees**  S. Urquhart
        Governor Signed on 3/30/2009
        Effective Date: 5/12/2009

S.B. 54  **Uniform Law – Uniform Assignment of Rents Act**  R. Romero
        Governor Signed on 3/23/2009
        Effective Date: 5/12/2009

S.B. 55  **Governor’s Interagency Coordinating Council on Health Disparities and Economic Self-sufficiency**  L. Robles
        Senate/ enacting clause struck on 3/12/2009
S.B. 56  Military Installation Development
Authority Amendments                  S. Killpack
Governor Signed on 3/20/2009
Effective Date: 3/20/2009

S.B. 57  Local Option Transportation Corridor
Preservation Fund Amendments            R. Okerlund
Governor Signed on 3/30/2009
Effective Date: 5/12/2009

S.B. 58  Collection and Use of Precipitation        S. McCoy
Senate/ filed on 3/12/2009

S.B. 59  Allocation and Apportionment of Income and
Deduction of a Net Loss                  H. Stephenson
Senate/ filed on 3/12/2009

S.B. 60  Districts Providing Service to Taxed Property
M. Waddoups
Senate/ enacting clause struck on 3/12/2009

S.B. 61  Home School and Private School Students’
Participation in Extracurricular Activities M. Madsen
Senate/ enacting clause struck on 3/12/2009

S.B. 62  Insurance Coverage for Essential
Medical Services                         M. Waddoups
Senate/ enacting clause struck on 3/12/2009

S.B. 63  Modifications to Recording Requirements  R. Okerlund
Senate/ filed on 3/12/2009

S.B. 64  Administrative Rules Review Committee  H. Stephenson
Senate/ filed on 3/12/2009
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<td>Miners’ Safety and Training</td>
<td>L. Robles</td>
<td>Senate/ filed on 3/12/2009</td>
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<td>S.B. 68</td>
<td>Mining Protection Amendments</td>
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<td>S.B. 69</td>
<td>Proof of Citizenship Required to Vote</td>
<td>M. Madsen</td>
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<td>S.B. 70</td>
<td>Department of Environmental Quality Amendments</td>
<td>M. Dayton</td>
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<td>S.B. 71</td>
<td>Forest Reserve Fund Amendments</td>
<td>R. Okerlund</td>
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<td>S.B. 72</td>
<td>Taxes on Motor Fuels</td>
<td>J. Valentine</td>
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<td>At–risk Student Provisions</td>
<td>L. Robles</td>
<td>Senate/ filed on 3/12/2009</td>
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S.B. 75  **Utility Amendments**  
Governor Signed on 3/25/2009  
Effective Date: 3/25/2009  

S. Urquhart

S.B. 76  **Energy Amendments**  
Governor Signed on 3/30/2009  
Effective Date: 5/12/2009  

C. Bramble

S.B. 77  **Grants for Licensed Teachers Amendments**  
Senate/ filed on 3/12/2009  

M. Madsen

S.B. 78  **Protection of Constitutionally Guaranteed Activities in Certain Private Venues**  
Governor Signed on 3/30/2009  
Effective Date: 5/12/2009  

M. Madsen

S.B. 79  **Health Reform – Medical Malpractice Amendments**  
Governor Signed on 3/11/2009  
Effective Date: 5/12/2009  

P. Knudson

S.B. 80  **Fire Liability Modifications**  
Governor Signed on 3/25/2009  
Effective Date: 5/12/2009  

M. Dayton

S.B. 81  **Concurrent Enrollment Program Amendments**  
Governor Signed on 3/25/2009  
Effective Date: 5/12/2009  

M. Dayton

S.B. 82  **Local Health Authority Funding Amendments**  
Senate/ filed on 3/12/2009  

D. Stowell

S.B. 83  **Condemnation Amendments**  
Governor Signed on 3/25/2009  
Effective Date: 5/12/2009  

D. Stowell

S.B. 84  **Impact Fees Revisions**  
Governor Signed on 3/25/2009  
Effective Date: 5/12/2009  

G. Bell
S.B. 85  **Homicide Amendments**  S. Urquhart
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 86  **Amendments to Preferred Drug List**  A. Christensen
Senate/ enacting clause struck on 3/12/2009

S.B. 87  **Preferred Drug List Revisions**  A. Christensen
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 88  **Administrative Rulemaking Act Amendments**  H. Stephenson
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 89  **Public Safety Retirement Death Benefit Modifications**  J. Greiner
Senate/ enacting clause struck on 3/12/2009

S.B. 90  **Metal Theft Amendments and Penalties**  J. Greiner
Governor Signed on 3/25/2009
Effective Date: 3/25/2009

S.B. 91  **Electronic Communication Harassment Amendment**  J. Greiner
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 92  **Local Governmental Cooperation in Education Matters**  P. Jones
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 93  **Building Authorities**  D. Stowell
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 94  **Underground Sewer Utilities Facilities Amendments**  J. Greiner
Governor Signed on 3/24/2009
Effective Date: 5/12/2009
S.B. 95  Mobile Home Park Amendments  S. Jenkins
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 96  Concealed Firearm Permit Residency Requirement  S. McCoy
Senate/ enacting clause struck on 3/12/2009

S.B. 97  Good Samaritan Act for Engineers  M. Waddoups
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 98  Motor Fuel Theft Penalties  J. Greiner
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

Governor Signed on 3/23/2009
Effective Date: 5/12/2009

S.B. 100  Financial and Economic Literacy Education Amendments  P. Jones
Governor Signed on 3/20/2009
Effective Date: 7/1/2009

S.B. 101  State Ethics Commission  S. McCoy
Senate/ enacting clause struck on 3/12/2009

S.B. 102  Share the Road Special Group License Plate  W. Niederhauser
Governor Signed on 3/30/2009
Effective Date: 10/1/2009

S.B. 103  Uniform Laws – Uniform Principal and Income Act Amendments  L. Hillyard
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 104  Higher Education Scholarship Program Amendments  L. Hillyard
Governor Signed on 3/25/2009
Effective Date: 5/12/2009
S.B. 105  **Engineering and Computer Science Initiative Amendments**
Governor Signed on 3/24/2009
Effective Date: 5/12/2009
L. Hillyard

S.B. 106  **Alcoholic Beverage Control Act Restrictions**
Senate/ enacting clause struck on 3/12/2009
S. McCoy

S.B. 107  **Communications and Mortgage Fraud Penalty Amendments**
Governor Signed on 3/24/2009
Effective Date: 5/12/2009
D. Hinkins

S.B. 108  **Tax Commission Administration, Collection, and Enforcement Amendments**
Governor Signed on 3/24/2009
Effective Date: 5/12/2009
W. Niederhauser

S.B. 109  **Local School Funding Legislative Task Force**
Senate/ enacting clause struck on 3/12/2009
D. Buttars

S.B. 110  **Oil and Gas Limitation of Actions Amendments**
Governor Signed on 3/25/2009
Effective Date: 5/12/2009
K. Van Tassell

S.B. 111  **Health Care Workforce Financial Assistance Program Amendments**
Governor Signed on 3/20/2009
Effective Date: 5/12/2009
G. Davis

S.B. 112  **Obstruction of Justice Amendment**
Governor Signed on 3/24/2009
Effective Date: 5/12/2009
R. Okerlund

S.B. 113  **Delayed Effective Date for Illegal Immigration Legislation**
Senate/ enacting clause struck on 3/12/2009
P. Jones
S.B. 114  **Tobacco Tax Amendments**  
A. Christensen  
Senate/ enacting clause struck on 3/12/2009

S.B. 115  **Payment of Mobile Home Park Relocation Expenses**  
W. Niederhauser  
Governor Signed on 3/20/2009  
Effective Date: 5/12/2009

S.B. 116  **Criminal Penalty Amendments**  
D. Liljenquist  
Governor Signed on 3/24/2009  
Effective Date: 5/12/2009

S.B. 117  **Advance Health Care Directive Act Amendments**  
A. Christensen  
Governor Signed on 3/20/2009  
Effective Date: 5/12/2009

S.B. 118  **Parental Responsibility for Juvenile Criminal Gang Offense Costs**  
J. Greiner  
Governor Signed on 3/25/2009  
Effective Date: 5/12/2009

S.B. 119  **Hospital Emergency Room Task Force**  
D. Buttars  
Senate/ filed on 3/12/2009

S.B. 120  **Workers’ Compensation Act – Medical Reports**  
K. Mayne  
Governor Signed on 3/24/2009  
Effective Date: 5/12/2009

S.B. 121  **Workers’ Compensation – Attorney Fees**  
K. Mayne  
Governor Signed on 3/24/2009  
Effective Date: 5/12/2009

S.B. 122  **Uniform State Law – Uniform Unsworn Foreign Declarations Act**  
L. Hillyard  
Governor Signed on 3/20/2009  
Effective Date: 5/12/2009

S.B. 123  **School District Division Process**  
L. Hillyard  
Senate/ enacting clause struck on 3/12/2009
S.B. 124  **Indemnification for Design Professional Services**  G. Bell
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 125  **Interest on Personal Injury Judgments**  R. Okerlund
Senate/ enacting clause struck on 3/12/2009

S.B. 126  **State Personnel Management Act Amendments**  D. Liljenquist
Governor Signed on 3/2/2009
Effective Date: 3/2/2009

S.B. 127  **Retirement Amendments**  D. Liljenquist
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 128  **Rainwater Harvesting**  S. Jenkins
Senate/ filed on 3/12/2009

S.B. 129  **Mental Health Therapist Grant and Scholarship Act Repeal**  D. Liljenquist
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 130  **Income Tax Credit – Contributions for Which Federal Matching Monies Are Offered**  S. McCoy
Senate/ enacting clause struck on

S.B. 131  **Law Enforcement Service in Local Districts and Interlocal Entities**  S. Jenkins
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 132  **Individual Income Tax Contribution for Methamphetamine Housing Reconstruction and Rehabilitation Fund**  K. Mayne
Senate/ filed on 3/12/2009

S.B. 133  **Abuse or Neglect of a Disabled Child**  J. Valentine
Governor Signed on 3/24/2009
Effective Date: 5/12/2009
S.B. 134  **Transportation Funding Amendments**  S. Urquhart  
Governor Signed on 3/25/2009  
Effective Date: 5/12/2009

S.B. 135  **Local District Taxing Authority**  C. Bramble  
Governor Signed on 3/20/2009  
Effective Date: 5/12/2009

S.B. 136  **Diesel–powered Motor Vehicle Emissions Inspection Program Amendments**  G. Bell  
Governor Signed on 3/25/2009  
Effective Date: 5/12/2009

S.B. 137  **Physical Therapy Practice Act**  W. Niederhauser  
Governor Signed on 3/24/2009  
Effective Date: 7/1/2009

S.B. 138  **Internal Service Fund Rate Committee Amendments**  J. Valentine  
Governor Signed on 3/20/2009  
Effective Date: 5/12/2009

S.B. 139  **Employer Election Retirement Amendments**  C. Bramble  
Governor Signed on 3/24/2009  
Effective Date: 5/12/2009

S.B. 140  **Financial Institutions Disclosure of Records**  M. Dayton  
Governor Signed on 3/30/2009  
Effective Date: 5/12/2009

S.B. 141  **Aviation Fuel Tax Amendments**  W. Niederhauser  
Governor Signed on 3/24/2009  
Effective Date: 7/1/2009

S.B. 142  **Disposition of a Dead Body**  A. Christensen  
Governor Signed on 3/24/2009  
Effective Date: 5/12/2009

S.B. 143  **Sunset Act and Repealers Reauthorizations**  S. Killpack  
Governor Signed on 3/25/2009  
Effective Date: 5/12/2009
S.B. 144  **Pete Suazo Memorial Highway**  
Senate/ enacting clause struck on 3/12/2009

S.B. 145  **Public Safety Retirees Death Benefit Revisions**  
Governor Signed on 3/24/2009  
Effective Date: 7/1/2009

S.B. 146  **Home Schooling Amendments**  
Governor Signed on 3/25/2009  
Effective Date: 5/12/2009

S.B. 147  **Driver License Revisions**  
Governor Signed on 3/20/2009  
Effective Date: 5/12/2009

S.B. 148  **Low–profit Limited Liability Company Act**  
Governor Signed on 3/23/2009  
Effective Date: 3/23/2009

S.B. 149  **Prohibition of Text Messaging or Electronic Mail Communication While Driving**  
Senate/ filed on 3/12/2009

S.B. 150  **State Armory Amendments**  
Governor Signed on 3/20/2009  
Effective Date: 5/12/2009

S.B. 151  **Driver License Defensive Driving Course Amendments**  
Senate/ enacting clause struck on 3/12/2009

S.B. 152  **Legislative Management Powers**  
Governor Signed on 3/20/2009  
Effective Date: 5/12/2009

S.B. 153  **County and Municipal Land Use Amendments**  
Governor Signed on 3/24/2009  
Effective Date: 5/12/2009
S.B. 154  **Juvenile Court Judge – Fifth District**  
Senate/ filed on 3/12/2009  
S. Urquhart

S.B. 155  **Adoption Exception to Custody and Visitation for Persons Other than Parents**  
Governor Signed on 3/20/2009  
Effective Date: 5/12/2009  
L. Hillyard

S.B. 156  **Gifts and Meal Provisions for Public Officials**  
Governor Signed on 3/20/2009  
Effective Date: 5/12/2009  
G. Bell

S.B. 157  **Property Taxation and Registration of Aircraft**  
Governor Signed on 3/24/2009  
Effective Date: 5/12/2009  
M. Madsen

S.B. 158  **Child Support – Cash Medical Support**  
Governor Signed on 3/23/2009  
Effective Date: 5/12/2009  
G. Bell

S.B. 159  **Math Education Initiative**  
Senate/ filed on 3/12/2009  
H. Stephenson

S.B. 160  **Utah Venture Capital Enhancement Act Amendments**  
Governor Signed on 3/23/2009  
Effective Date: 5/12/2009  
S. Jenkins

S.B. 161  **Repeal of Maximum Charge to Publish Legal Notice**  
Governor Signed on 3/23/2009  
Effective Date: 5/12/2009  
K. Van Tassell

S.B. 162  **Use of Campaign Funds Amendments**  
Governor Signed on 3/24/2009  
Effective Date: 5/12/2009  
J. Valentine

S.B. 163  **Construction Trade Exemption**  
Governor Signed on 3/24/2009  
Effective Date: 5/12/2009  
S. Urquhart
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<td><strong>In Person Voter Registration</strong></td>
<td>S. McCoy</td>
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<td>S.B. 166</td>
<td><strong>Alcoholic Beverage Control Act – Days of Sale</strong></td>
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<td>D. Liljenquist</td>
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<td>S. Jenkins</td>
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<td>M. Dayton</td>
<td>Governor Signed on 3/20/2009 Effective Date: 5/12/2009</td>
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R. Romero

S.B. 175 **Signage Requirements Relating to Children and Animals in Parked Cars**
Senate/ enacting clause struck on 3/12/2009

K. Mayne

S.B. 176 **Civil Fees in Small Claims Courts Amendments**
Governor Signed on 3/23/2009
Effective Date: 5/12/2009

J. Greiner

S.B. 177 **New School District Amendments**
Senate/ enacting clause struck on 3/12/2009

D. Buttars

S.B. 178 **Class B and C Roads Amendments**
Senate/ enacting clause struck on 3/12/2009

K. Van Tassell

S.B. 179 **Safety Belt Enforcement Amendments**
Senate/ filed on 3/12/2009

C. Bramble

S.B. 180 **Expungement of Division of Child and Family Services Records**
Governor Signed on 3/23/2009
Effective Date: 5/12/2009

L. Hillyard

S.B. 181 **Criminal Prosecution Amendments**
Senate/ enacting clause struck on 3/12/2009

D. Liljenquist

S.B. 182 **Criminal Restitution Amendments**
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

C. Bramble

S.B. 183 **Violation of Protective Order**
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S. McCoy

S.B. 184 **Civil Filing Fees**
Governor Signed on 3/23/2009
Effective Date: 5/12/2009

G. Bell
S.B. 185 Federal Education Agreement Requirements
    Amendments
    Governor Signed on 3/20/2009
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    M. Dayton

S.B. 186 Amendments to State Tax Commission
    Penalty Provisions
    Governor Signed on 3/25/2009
    Effective Date: 3/25/2009
    H. Stephenson

S.B. 187 Alcohol Amendments
    Governor Signed on 3/30/2009
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    J. Valentine

S.B. 188 Improvement District – Providing Electric Service
    Governor Signed on 3/30/2009
    Effective Date: 5/12/2009
    D. Stowell

S.B. 189 Amendments to Sales and Use Tax
    Governor Signed on 3/30/2009
    Effective Date: 3/30/2009
    W. Niederhauser

S.B. 190 Acquisition of a Billboard by Eminent Domain
    Governor Signed on 3/24/2009
    Effective Date: 5/12/2009
    W. Niederhauser

S.B. 191 Life Insurance and Viatical Settlements
    Related Amendments
    Bill Numbered by Title Without any Substance on
    W. Niederhauser

S.B. 192 Corporation and Business Entity
    Related Amendments
    Governor Signed on 3/30/2009
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    L. Hillyard

S.B. 193 Salvage Vehicles Amendments
    Governor Signed on 3/24/2009
    Effective Date: 5/12/2009
    S. Urquhart

S.B. 194 Nondiscrimination Amendments
    Senate/ enacting clause struck on 3/12/2009
    S. McCoy
S.B. 195  **Public Employee Defined Contribution Amendments**  
D. Liljenquist  
Senate/ enacting clause struck on 3/12/2009

S.B. 196  **Liquor Purchase Price for Licensees**  
S. McCoy  
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 197  **Alcoholic Beverage Resort License**  
S. McCoy  
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 198  **Escaped Property Tax Amendments**  
H. Stephenson  
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 199  **Equal Recognition of School Parent Groups**  
C. Bramble  
Senate/ filed on 3/12/2009

S.B. 200  **Consolidation of Certain Human Services Ombudsman Programs**  
L. Hillyard  
Bill Numbered by Title Without any Substance on

S.B. 201  **General Obligation Bond Authorization Amendments**  
W. Niederhauser  
Governor Signed on 3/23/2009  
Effective Date: 3/23/2009

S.B. 202  **Drug Offender Reform Act Amendments**  
L. Hillyard  
Governor Signed on 3/25/2009  
Effective Date: 7/1/2009

S.B. 203  **Revisions to Transportation**  
S. Jenkins  
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 204  **Property Tax Deferrals**  
J. Valentine  
Bill Numbered by Title Without any Substance on 2/7/2009
S.B. 205  Community Development and Renewal Agency Amendments  C. Bramble
Governor Signed on 3/30/2009
Effective Date: 3/30/2009

S.B. 206  Assignment of Officials for High School Athletic Activities  M. Madsen
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 207  Prohibition on Creation of Monopolies by Capitol Preservation Board  M. Madsen
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 208  Utah Public Notice Website Amendments  S. Urquhart
Governor Signed on 3/30/2009
Effective Date: 5/12/2009

S.B. 209  Land Use, Development, and Management Act Amendments  G. Bell
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 210  Amendments to Property Tax  C. Bramble
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 211  Building Code Amendments  C. Bramble
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 212  Utah Common Interest Ownership Act  G. Bell
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 213  Restaurant Nutrition Labeling  H. Stephenson
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 214  Office of Consumer Services Act  J. Valentine
Governor Signed on 3/24/2009
Effective Date: 5/12/2009
S.B. 215  **Justice for All Special Group License Plate**  [G. Bell]
Senate/ filed on 3/12/2009

S.B. 216  **Revisions to Military Installation Development Authority Act**  [M. Madsen]
Governor Signed on 3/31/2009
Effective Date: 10/1/2009

S.B. 217  **Drugs Amendments**  [P. Knudson]
Senate/ enacting clause struck on 3/12/2009

S.B. 218  **Community Animal Shelter and Adoption Support Special Group License Plate**  [P. Knudson]
Senate/ filed on 3/12/2009

S.B. 219  **County Auditor Modifications**  [P. Knudson]
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 220  **Cohabitant Abuse Procedures Act Amendments**  [B. Goodfellow]
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 221  **Dedication and Abandonment of a Highway**  [M. Madsen]
Senate/ enacting clause struck on 3/12/2009

S.B. 222  **Special Assessment Area Amendments**  [M. Madsen]
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 223  **City and County Carbon Credits for Sequestration of Waste Stream Materials**  [R. Romero]
Senate/ failed on 3/9/2009

S.B. 224  **Reuse of Industrial Byproduct**  [C. Bramble]
Governor Signed on 3/25/2009
Effective Date: 5/12/2009
S.B. 225  **Health Amendments for Legal Immigrant Children**  L. Robles
Senate/ filed on 3/12/2009

S.B. 226  **Foreclosure Amendments**  J. Valentine
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 227  **Concealed Firearm Permit Fees Amendments**  S. McCoy
Senate/ enacting clause struck on 3/12/2009

S.B. 228  **Prohibition on Internet or Mail-order Sales of Tobacco Products**  M. Dayton
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 229  **General Tax Amendments**  J. Valentine
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 230  **Construction Payment Amendments**  C. Bramble
Governor Signed on 3/24/2009
Effective Date: 10/1/2009

S.B. 231  **Telecommunications Universal Service Fund Revisions**  J. Valentine
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 232  **Income Tax Revisions**  J. Valentine
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 233  **Property Tax Modifications**  J. Valentine
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 234  **Motor Vehicle Registration Fees**  R. Okerlund
Senate/ enacting clause struck on 3/12/2009
S.B. 235  **Redistribution of Sales and Use Tax Revenues**  J. Valentine
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 236  **Uninsured and Underinsured Motorist Coverage Amendments**  M. Madsen
Senate/ enacting clause struck on 3/12/2009

S.B. 237  **Conviction Surcharge Amendments**  J. Greiner
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 238  **Coal Severance Tax**  G. Davis
Senate/ enacting clause struck on 3/12/2009

S.B. 239  **Transportation Revisions**  S. Killpack
Governor Signed on 3/24/2009
Effective Date: 7/1/2009

S.B. 240  **Utah Science Technology and Research Initiative Amendments**  S. Killpack
Governor Signed on 3/24/2009
Effective Date: 7/1/2009

S.B. 241  **Instructional Expenses Requirements**  M. Madsen
Senate/ failed on 3/9/2009

S.B. 242  **Contractor’s Licensing Amendments**  S. Jenkins
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 243  **Judicial Performance Evaluation Commission Modifications**  D. Buttars
Governor Signed on 3/24/2009
Effective Date: 3/24/2009

S.B. 244  **Long Arm Jurisdiction Amendments**  W. Niederhauser
Governor Signed on 3/25/2009
Effective Date: 5/12/2009
S.B. 245  **Uniform Fees on Motorcycles**  B. Goodfellow
Senate/ filed on 3/12/2009

S.B. 246  **School Amendments**  D. Buttars
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 247  **Rural Hospital Funding**  D. Stowell
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 248  **Tax Amendments**  G. Bell
Governor Signed on 3/24/2009
Effective Date: 3/24/2009

S.B. 249  **Utility Franchise Tax Amendments**  C. Bramble
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 250  **Government Law Modifications**  R. Romero
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 251  **Transportation Funding Modifications**  K. Mayne
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 252  **Disbursement of Federal Stimulus Funds**  S. Killpack
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 253  **Health and Human Services Modifications**  L. Robles
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 254  **Amendments to General Government**  G. Davis
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 255  **Amendments – General Government**  G. Davis
Bill Numbered by Title Without any Substance on 2/7/2009
S.B. 256 Adjustments to Implement Budget – 5 L. Hillyard
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 257 Disaster Recovery Fund Funding Modifications L. Hillyard
Governor Signed on 3/30/2009
Effective Date: 5/12/2009

S.B. 258 Medicaid Drug Program Amendments L. Hillyard
Senate/ filed on 3/12/2009

S.B. 259 Public Safety Restricted Account Amendments L. Hillyard
Governor Signed on 3/20/2009
Effective Date: 7/1/2009

S.B. 260 Housing Relief Restricted Special Revenue Fund S. Jenkins
Governor Signed on 3/19/2009
Effective Date: 3/19/2009

S.B. 261 Revisions to General Government S. Killpack
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 262 General Government Modifications G. Bell
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 263 Amendments to Tax S. Jenkins
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 264 Tax Modifications G. Bell
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 265 General Government Revisions J. Valentine
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 266 Sales Tax Amendments J. Valentine
Bill Numbered by Title Without any Substance on 2/7/2009
S.B. 267  **Landlord Disclosure Requirements**  R. Romero
Senate/ enacting clause struck on 3/12/2009

S.B. 268  **Title and Escrow Commission Related Amendments**  J. Valentine
Senate/ enacting clause struck on 3/12/2009

S.B. 269  **Public Utility Easement Amendments**  G. Bell
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 270  **Gift Card or Document Amendments**  W. Niederhauser
Governor Signed on 3/25/2009
Effective Date: 7/1/2011

S.B. 271  **Judicial Conduct Commission Amendments**  G. Davis
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 272  **Driver License Sanctions and Sentencing Requirements for Driving Under the Influence and Alcohol Related Offenses**  S. Jenkins
Governor Signed on 3/30/2009
Effective Date: 7/1/2009

S.C.R.  1  **Concurrent Resolution Requesting a Federal Waiver to Establish an Employer–sponsored Work Program**  S. Jenkins
Governor Signed on 3/2/2009
Effective Date: 3/2/2009

S.C.R.  2  **Concurrent Resolution – a Call to Civility**  J. Valentine
Governor Signed on 3/20/2009
Effective Date: 3/20/2009

S.C.R.  3  **Concurrent Resolution Expressing Support for the Work of the Utah Council on Financial and Economic Education**  P. Jones
Governor Signed on 3/20/2009
Effective Date: 3/20/2009
S.C.R. 4 Resolution Supporting Obesity Awareness  D. Buttars
Governor Declined to Sign on 4/1/2009

S.J.R. 1 Joint Resolution – Renewable Energy System  P. Jones
Senate/ to Lieutenant Governor on 2/24/2009
Effective Date: 2/19/2009

S.J.R. 2 Topaz Museum and Civil Liberties Learning Center Joint Resolution  D. Stowell
Senate/ to Lieutenant Governor on 2/18/2009
Effective Date: 2/12/2009

S.J.R. 3 Joint Resolution Approving Appointment of Legislative General Counsel  S. Killpack
Senate/ to Lieutenant Governor on 2/5/2009
Effective Date: 2/3/2009

S.J.R. 4 Recycling of Electronic Waste Joint Resolution  S. McCoy
Senate/ enrolled bill to Printing on 2/23/2009
Effective Date: 2/18/2009

S.J.R. 5 Joint Resolution Urging Presidential Support of Taiwan’s Participation in Specialized Agencies of the United Nations  M. Waddoups
Senate/ to Lieutenant Governor on 2/24/2009
Effective Date: 2/19/2009

S.J.R. 6 Legislator Communications with Judiciary Joint Rules Resolution  J. Valentine
Senate/ to Lieutenant Governor on 3/19/2009
Effective Date: 3/12/2009

S.J.R. 7 Joint Resolution Designating May 2009 as Utah Lions Club Eyesight Preservation Month  K. Mayne
Senate/ to Lieutenant Governor on 2/25/2009
Effective Date: 2/20/2009

S.J.R. 8 Joint Resolution Regarding Eligibility for Legislative Office  S. McCoy
Senate/ to Lieutenant Governor on 3/23/2009
Effective Date: 1/1/2011
S.J.R. 9 Resolution Honoring the Utah Law Enforcement Memorial Foundation
Senate/ to Lieutenant Governor on 2/27/2009
Effective Date: 2/25/2009
J. Greiner

S.J.R. 10 Alternative Training Center Joint Resolution
Senate/ to Lieutenant Governor on 3/19/2009
Effective Date: 3/5/2009
D. Stowell

S.J.R. 11 Joint Resolution Urging Football Playoff
Senate/ to Lieutenant Governor on 2/23/2009
Effective Date: 2/18/2009
S. Jenkins

S.J.R. 12 Joint Resolution Supporting Expansion of Correctional Facilities in San Juan County
Senate/ filed on 3/12/2009
D. Hinkins

S.J.R. 13 Resolution Amending Legislative Rules to Allow Abstaining from Voting
Senate/ enacting clause struck on 3/12/2009
C. Bramble

S.J.R. 14 Joint Resolution – Challenging the Legality of a Conviction or Sentence
Senate/ filed on 3/12/2009
C. Bramble

S.J.R. 15 Joint Rules Resolution — Legislative Ethics
Bill Numbered by Title Without any Substance on 2/7/2009
J. Valentine

S.J.R. 16 Joint Resolution Supporting Nuclear Power
Senate/ to Lieutenant Governor on 3/19/2009
Effective Date: 3/10/2009
D. Hinkins

S.J.R. 17 Hydraulic Fracturing Joint Resolution
Senate/ to Lieutenant Governor on 3/5/2009
Effective Date: 3/3/2009
D. Hinkins

S.J.R. 18 Joint Resolution on Fiscal Note Process
Senate/ filed on 3/12/2009
W. Niederhauser
S.J.R. 19 Joint Resolution Regarding Legislative Ethics
   Senate/ enacting clause struck on 3/12/2009

S.J.R. 20 Joint Resolution to Oppose Federal Card
   Check Legislation
   Bill Numbered by Title Without any Substance on
   D. Liljenquist

S.J.R. 21 Joint Resolution on Combating and
   Reducing Gang Activity
   L. Robles
   Senate/ filed on 3/12/2009

S.J.R. 22 Resolution Approving Contract for Construction
   of Utah Science Technology and Research
   Initiative Centers
   L. Hillyard
   Senate/ to Lieutenant Governor on 3/20/2009
   Effective Date: 3/11/2009

S.J.R. 23 Joint Rules Resolution Date Changes
   M. Dayton
   Senate/ to Lieutenant Governor on 3/19/2009
   Effective Date: 3/12/2009

S.R. 1 Ecumenical Patriarch Senate Resolution
   P. Jones
   Senate/ to Lieutenant Governor on 2/9/2009
   Effective Date: 2/5/2009

S.R. 2 Senate Resolution Supporting the Narrows
   Water Project in Central Utah
   R. Okerlund
   Senate/ to Lieutenant Governor on 2/9/2009
   Effective Date: 2/5/2009

S.R. 3 Resolution Designating September 2009 as
   Hydrocephalus Awareness Month and
   Urging National Registry
   G. Bell
   Senate/ to Lieutenant Governor on 2/24/2009
   Effective Date: 2/12/2009

S.R. 4 Senate Rules Resolution – Ethics Revisions
   G. Davis
   Senate/ enacting clause struck on 3/12/2009
S.R. 5  Senate Rules Resolution Allowing Abstaining from Voting  C. Bramble
Senate/ enacting clause struck on 3/12/2009

S.R. 6  Senate Resolution Recognizing the Work Done by the League of United Latin American Citizens  L. Robles
Senate/ to Lieutenant Governor on 3/18/2009
Effective Date: 3/6/2009
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STATE OF UTAH

SENATE JOURNAL

FIRST SPECIAL SESSION
OF THE
FIFTY–EIGHTH LEGISLATURE

Convened and Adjourned on Wednesday, May 20, 2009
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the First Special Session of the Fifty-Eighth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the First Special Session convening on Wednesday, May 20, 2009, and adjourning sine die the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk
Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr, the Senate of the Fifty–Eighth Legislature of the State of Utah met in the Senate Chamber of the State Capitol in a Special Session at 2:00 p.m. on Wednesday, May 20, 2009.

The Senate was called to order at 2:35 p.m., with President Michael Waddoups presiding.

Prayer – Senator John Valentine  
Pledge of Allegiance – Senator Brent Goodfellow  
Roll Call – All Senators present except Senator McCoy, excused.

Annette B. Moore read the following Proclamation and Certification:

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 State Capitol in Salt Lake City, Utah, this 15th day of May, 2009.

Jon M. Huntsman, Jr.
Governor
Gary R. Herbert
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a proclamation issued under the date of May 15th, 2009, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamations calling the Fifty-Eighth Legislature of the State of Utah into a First Special Session at the State Capitol Complex at Salt Lake City, Utah, on the 20th day of May, 2009, at 2:00 p.m., for the purposes named in the Proclamations.
I FURTHER TESTIFY THAT the membership of the Utah State Senate has not changed from that Certification of the 2009 General Session.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, this 18th day of May, 2009.

Gary R. Herbert
Lieutenant Governor

On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2009 General Session of the Fifty-Eighth Legislature as the rules for the First Special Session.

President Waddoups appointed a committee comprised of Senators Dennis Stowell, Dan Liljenquist, and Luz Robles to notify Governor Jon M. Huntsman, Jr. that the Senate is convened in the First Special Session in accordance with his proclamation and is organized and ready to receive any communication from him.

President Waddoups appointed a committee comprised of Senators Wayne Niederhauser, Howard Stephenson, and Karen Morgan to notify the House of Representatives that the Senate is organized and ready to do business.

Senator Niederhauser reported that the House has been notified.

Senator Stowell reported that the Governor has been notified.

On motion of Senator Dayton, and as provided by the Utah State Constitution and the Joint Rules of the Legislature, the Senate voted to suspend the reading of the titles of bills and resolutions on the Senate calendar as they are read for the first time and introduced and considered on Second Reading, Third Reading, and Consent Calendars. This suspension applies to all bills and resolutions introduced during this special legislative session, except that any senator may request the reading of the long title, short title, or both of any House of Senate bill or resolution.

INTRODUCTION OF BILLS

S.B. 1001, Forest Reserve Fund Amendments (R. Okerlund), read the first time by short title and referred to the Rules Committee.
S.B. 1002, Legal Notice Amendments (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 1003, Disposition of Registration Fee Revenues (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 1004, Supplemental Appropriations Adjustments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

***

On motion of Senator Killpack, under suspension of the rules, the Senate voted to place S.B. 1001, S.B. 1002, S.B. 1003, and S.B. 1004 on the Second Reading Calendar.

COMMUNICATIONS FROM THE HOUSE

Mr. President: May 20, 2009

The House passed H.B. 1001, SUBDIVISION APPROVAL AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 1001 was read the first time and referred to the Rules Committee.

***

On motion of Senator Killpack, under suspension of the rules, the Senate voted to lift H.B. 1001 from Rules and place it at the bottom of the Second Reading Calendar.

SECOND READING CALENDAR

S.B. 1001, FOREST RESERVE FUND AMENDMENTS, was read the second time. Senator Okerlund explained the bill.

On motion of Senator Okerlund, the following substitute bill replaced the original bill:

1st Sub. S.B. 1001 Forest Reserve Fund Amendments (R. Okerlund)

On motion of Senator Okerlund, under suspension of the rules, 1st Sub. S.B. 1001, FOREST RESERVE FUND AMENDMENTS, was considered read
the second and third times. Senator Okerlund explained the bill. Senator Valentine commented. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

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<tr>
<th>Bramble</th>
<th>Buttars</th>
<th>Christensen</th>
<th>Dayton</th>
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<td>Goodfellow</td>
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<td>Hillyard</td>
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<td>Van Tassell</td>
<td>Waddoups</td>
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**Absent or not voting were:** Senators

| Bell            | Davis      | McCoy       |

**1st Sub. S.B. 1001** was transmitted to the House.

***

**S.B. 1002, LEGAL NOTICE AMENDMENTS**, was read the second time. Senator Urquhart explained the bill.

On motion of Senator Urquhart, the following substitute bill replaced the original bill:

**1st Sub. S.B. 1002 Legal Notice Amendments** (S. Urquhart)

On motion of Senator Urquhart, under suspension of the rules, **1st Sub. S.B. 1002, LEGAL NOTICE AMENDMENTS**, was considered read the second and third times. Senator Urquhart explained the bill. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

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<td>Valentine</td>
<td>Van Tassell</td>
<td>Waddoups</td>
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Absent or not voting were: Senators
Bell McCoy

1st Sub. S.B. 1002 was transmitted to the House.

***

On motion of Senator Killpack, under suspension of the rules, S.B. 1003, DISPOSITION OF REGISTRATION FEE REVENUES, was considered read the second and third times. Senator Killpack explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bramble Buttars Christensen Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Killpack
Knudson Liljenquist Madsen Mayne
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Bell McCoy

S.B. 1003 was transmitted to the House.

***

On motion of Senator Hillyard, under suspension of the rules, S.B. 1004, SUPPLEMENTAL APPROPRIATIONS ADJUSTMENTS, was considered read the second and third times. Senator Hillyard explained the bill. Senator Urquhart commented. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bramble Buttars Christensen Davis
Dayton Goodfellow Greiner Hillyard
Hinkins Jenkins Jones Killpack
Knudson Liljenquist Madsen Mayne
Morgan Niederhauser Okerlund Robles
Romero Stephenson Stowell Urquhart
Valentine Van Tassell Waddoups
Absent or not voting were: Senators
Bell McCoy

S.B. 1004 was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: May 20, 2009

The House passed, as substituted, 1st Sub. H.B. 1002, CONDITIONS FOR REQUESTING AND DISCLOSING INFORMATION UNDER EMPLOYMENT SELECTION PROCEDURES ACT, by Representative W. Harper, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. 1st Sub. H.B. 1002 was read the first time and referred to the Rules Committee.

On motion of Senator Killpack, under suspension of the rules, the Senate voted to lift 1st Sub. H.B. 1002 from Rules and place it at the bottom of the Second Reading Calendar.

ADVISE AND CONSENT

COMMUNICATIONS FROM THE GOVERNOR

Mr. President: May 5, 2009

In accordance with Utah Code Ann. 67–1–1 and 67–1–2, I propose and transmit the following appointments:

State Money Management Council:
Mark D. Watkins is appointed to replace Bruce Cohne as a member of the State Money Management Council, a term to expire on March 1, 2011. See Utah Code Ann. 51–7–16.

Mark O. McRae is appointed to replace Daniel A. Mule as a member of the State Money Management Council, a term to expire on March 1, 2011. See Utah Code Ann. 51–7–16.

Mark A. Altom is reappointed as a member of the State Money Management Council, a term to expire on March 1, 2013. See Utah Code Ann. 51–7–16.

Charles Richard Schwarz is reappointed as a member of the State Money Management Council, a term to expire on March 1, 2013. See Utah Code Ann. 51–7–16.
William W. Wallace is reappointed as a member of the State Money Management Council, a term to expire on March 1, 2013. See Utah Code Ann. 51–7–16.

**Defined Contribution Risk Adjustor Board:**

S. David Jackson is appointed as a member of the Defined Contribution Risk Adjustor Board, a term to expire on May 20, 2011. See Utah Code Ann. 31A–42–201.

Dennis Kunimura is appointed as a member of the Defined Contribution Risk Adjustor Board, a term to expire on May 20, 2011. See Utah Code Ann. 31A–42–201.


Mark A. Brown is appointed as a member of the Defined Contribution Risk Adjustor Board, a term to expire on May 20, 2013. See Utah Code Ann. 31A–42–201.


**Board of State History:**

Dr. Deanne Matheny is appointed to replace Claudia Berry as a member of the Board of State History, a term to expire on April 1, 2013. See Utah Code Ann. 9–8–204.

**Quality Growth Commission:**

Charles R. Duboc, Jr. is appointed to replace Kent Mitchell as a member of the Quality Growth Commission, a term to expire on April 15, 2011. See Utah Code Ann. 11–38–201.

David Mansell is appointed to replace Jaren L. Davis as a member of the Quality Growth Commission, a term to expire on April 15, 2013. See Utah Code Ann. 11–38–201.

JT Martin is appointed to replace Mayor Darrell H. Smith as a member of the Quality Growth Commission, a term to expire on March 1, 2013. See Utah Code Ann. 11–38–201.
Michael L. Kohler is reappointed as a member of the Quality Growth Commission, a term to expire on March 1, 2013. See Utah Code Ann. 11–38–201.

Flint F. Richards is reappointed as a member of the Quality Growth Commission, a term to expire on March 1, 2013. See Utah Code Ann. 11–38–201.

**Crime Victim Reparations Board:**

Rodney G. Snow is reappointed as a member of the Crime Victim Reparations Board, a term to expire on April 15, 2013. See Utah Code Ann. 63–25a–404.

Gretchen McNees is appointed to replace Louis S. Speth as a member of the Crime Victim Reparations Board, a term to expire on April 15, 2013. See Utah Code Ann. 63–25a–404.


**Upper Sevier Water Conservancy District Board of Directors:**

Deven Gass is appointed to replace Chris Fullmer as a member of the Upper Sevier Water Conservancy District Board of Directors, a term to expire on January 2, 2013. See Utah Code Ann. 17A–2–1409.

Delin Garn Roundy is appointed to replace Sheldon Proctor as a member of the Upper Sevier Water Conservancy District Board of Directors, a term to expire on January 2, 2012. See Utah Code Ann. 17A–2–1409.

S. Leland Riggs is reappointed as a member of the Upper Sevier Water Conservancy District Board of Directors, a term to expire on January 2, 2012. See Utah Code Ann. 17A–2–1409.

**Utah Commission on Uniform State Laws:**

Representative Lorie D. Fowlke is appointed to replace Rep. Greg Curtis as a member of the Utah Commission on Uniform State Laws, a term to expire on July 1, 2013. See Utah Code Ann. 68–4–5.

**Solid and Hazardous Waste Control Board:**

Larry A. Ellertson is appointed to replace Craig W. Anderson as a member of the Solid and Hazardous Waste Control Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–6–103.

Brad Mertz is appointed to replace Craig Forster as a member of the Solid and Hazardous Waste Control Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–6–103.
**Air Quality Board:**

Dr. Robert Paine is appointed to replace Dr. Wayne M. Samuelson as a member of the Air Quality Board, a term to expire on March 1, 2011. See Utah Code Ann. 19–2–103.

**Utah State Retirement Board:**

Jay R. Blain is appointed to replace Phyllis Sorenson as a member of the Utah State Retirement Board, a term to expire on July 1, 2011. See Utah Code Ann. 49–11–202.

**Water Quality Board:**

Darrel H. Mensel is reappointed as a member of the Water Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–5–103.

Gregory Leonard Rowley is reappointed as a member of the Water Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–5–103.

Paula Haye Doughty is reappointed as a member of the Water Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–5–103.

Merritt Karen Frey is reappointed as a member of the Water Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–5–103.

Mayor Lou Ann Newell Christensen is appointed to replace Mayor Joe L. Piccolo as a member of the Water Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–5–103.

**Board of Business and Economic Development:**


**Wildlife Board:**

William N. Fenimore is appointed to replace Lee E. Howard as a member of the Wildlife Board, a term to expire on August 15, 2015. See Utah Code Ann. 23–14–2.

Gary Jake Albrecht is appointed to replace Paul Niemeyer as a member of the Wildlife Board, a term to expire on August 15, 2015. See Utah Code Ann. 23–14–2.
Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr.
Governor

On motion of Senator Hillyard, the Senate voted to approve the appointments read by Leslie McLean on the following roll call vote:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators
Bramble  Buttars  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Killpack
Knudson  Liljenquist  Madsen  Mayne
Morgan  Niederhauser  Okerlund  Robles
Romero  Stephenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

**Absent or not voting were:** Senators
Bell  McCoy

**SECOND READING CALENDAR**

On motion of Senator Urquhart, under suspension of the rules, **H.B. 1001, SUBDIVISION APPROVAL AMENDMENTS**, was considered read the second and third times. Senator Hinkins commented and the bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators
Bramble  Buttars  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Killpack
Knudson  Liljenquist  Madsen  Mayne
Morgan  Niederhauser  Okerlund  Robles
Romero  Stephenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

**Absent or not voting were:** Senators
Bell  McCoy

**H.B. 1001** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
On motion of Senator Mayne, under suspension of the rules, **1st Sub. H.B. 1002**, CONDITIONS FOR REQUESTING AND DISCLOSING INFORMATION UNDER EMPLOYMENT SELECTION PROCEDURES ACT, was considered read the second and third times. Senator Valentine commented and the bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

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<tr>
<th>Bramble</th>
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**Absent or not voting were:** Senators

| Bell | McCoy |

**1st Sub. H.B. 1002** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: May 20, 2009

The House passed **H.B. 1003**, APPROPRIATIONS ADJUSTMENTS RELATED TO FEDERAL FUNDS, by Representative R. Bigelow, with the following amendments:

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”

8. 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”

9. 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”

10. 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.”

11. 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”

12. Page 5, Line 175
Delete “9,000,000” and insert “9,600,000”

13. Page 5, Line 177
Delete “9,000,000” and insert “9,600,000”

14. 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’
and it is transmitted to the Senate for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 1003** was read the first time and referred to the
Rules Committee.

On motion of Senator Killpack, under suspension of the rules, the Senate
voted to lift **H.B. 1003** from Rules and place it at the top of the Second Reading
Calendar.

On motion of Senator Hillyard, under suspension of the rules, **H.B. 1003**, APPROPRIATIONS ADJUSTMENTS RELATED TO FEDERAL FUNDS, was
considered read the second and third times and passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

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<td>Waddoups</td>
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**Voting in the negative was:** Senator

Madsen

**Absent or not voting were:** Senators

McCoy       Urquhart

**H.B. 1003** was signed by the President of the Senate in open session and
returned to the House for the signature of the Speaker.

***

On motion of Senator Killpack, and at 4:15 p.m., the Senate sauntered.

The Senate was called to order at 4:30 p.m., with President Waddoups
presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:  

May 20, 2009

The House passed, **1st Sub. S.B. 1001**, FOREST RESERVE FUND
AMENDMENTS, by Senator R. Okerlund, which has been signed by the Speaker
and it is transmitted for the signature of the President; and
The House passed, **1st Sub. S.B. 1002**, LEGAL NOTICE AMENDMENTS, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 1003**, DISPOSITION OF REGISTRATION FEE REVENUES, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 1004**, SUPPLEMENTAL APPROPRIATIONS ADJUSTMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**1st Sub. S.B. 1001, 1st Sub. S.B. 1002, S.B. 1003,** and **S.B. 1004** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

President Waddoups appointed Senators David Hinkins, Stephen Urquhart, and Karen Mayne to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Waddoups appointed Senators Margaret Dayton, Ralph Okerlund, and Brent Goodfellow to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Dayton reported the House has been notified that the business of the Senate has concluded and the Senate is ready to adjourn sine die.

Senator Mayne reported that his committee had notified the Governor. The Governor asked that the committee convey to the Senate that he has no further business to bring before the legislature.

On motion of Senator Killpack and at 4:40 p.m., the Senate adjourned sine die.
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STATE OF UTAH

SENATE JOURNAL

FIRST EXTRAORDINARY SESSION
OF THE
FIFTY-EIGHTH LEGISLATURE

Convened and Adjourned on
Wednesday, June 17, 2009
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the First Extraordinary Session of the Fifty-Eighth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the First Extraordinary Session convening on Wednesday, June 17, 2009, and adjourning sine die on the same day.

Annette B. Moore  
Secretary of the Senate

Leslie McLean  
Manager, Senate Services

Mary B. Andrus  
Journal Clerk
STATE OF UTAH

SENATE JOURNAL

FIRST EXTRAORDINARY SESSION
of the
FIFTY–EIGHTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Eighth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the First Extraordinary Session at 12:00 noon on Wednesday, June 17, 2009.

The Senate was called to order at 12:15 p.m. with President Michael Waddoups presiding.

Prayer – Senator Scott Jenkins

Pledge – Senator Lyle Hillyard

Annette Moore, Secretary of the Senate, read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2009 General Session of the 58th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 58th Legislature into a First Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 17th day of June, 2009 at 12:00 noon, for the following purpose:
For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2009 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF,
I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah.
Done at the Salt Lake Capitol in Salt Lake City, Utah, this 3rd day of June, 2009.

Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of June 3, 2009, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a First Extraordinary Session at the State Capitol, at Salt Lake City, Utah, on the 17th day of June, 2009, at 12:00 noon, for the purpose named in the Proclamation.
I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2009 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 4th day of June 2009.

Gary R. Herbert
Lieutenant Governor

Roll call – All Senators present, except Senators Buttars and Dayton, excused.

On motion of Senator Jones, the Senate voted to adopt the Senate Rules of the 2009 General Session of the Fifty-Eighth Legislature as the rules for the First Extraordinary Session.

President Waddoups appointed a committee comprised of Senators Curtis Bramble, Greg Bell, and Ross Romero to notify the Governor’s representative that the Senate is convened in the First Extraordinary Session in accordance with his proclamation.

Senator Bramble advised the Senate that the Governor’s representative has been notified of the convening of the First Extraordinary Session.

***

Leslie McLean read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President: May 5, 2009

In accordance with Utah Code Ann. 67–1–1 and 67–1–2, I propose and transmit the following appointments:

Transportation Commission:

Jeffrey D. Holt is appointed to replace Commissioner Glen E. Brown as a member of the Transportation Commission, a term to expire on April 1, 2015. See Utah Code Ann. 72–1–301.
Wayne K. Barlow is appointed to replace Commissioner Stephen M. Bodily as a member of the Transportation Commission, a term to expire on April 1, 2015. See Utah Code Ann. 72−1−301.

**Securities Commission:**

Laura Polacheck is appointed as a member of the Securities Commission, a term to expire on May 12, 2013. See Utah Code Ann. 61−1−18.5.

Eric Anthony Christiansen is appointed as a member of the Securities Commission, a term to expire on May 12, 2013. See Utah Code Ann. 61−1−18.5.

Jane E. Cameron is appointed as a member of the Securities Commission, a term to expire on May 12, 2013. See Utah Code Ann. 61−1−18.5.

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr.
Governor

***

Mr. President: June 17, 2009

The Senate Transportation and Public Utilities and Technology Confirmation Committee met on June 16, 2009 and reports favorable recommendations for Mr. Jeffrey D. Holt and Mr. Wayne K. Barlow as members of the Transportation Commission.

Stephen H. Urquhart, Chair

***

Mr. President: June 3, 2009

In accordance with Utah Code Ann. 67−1−1 and 67−1−2, I propose and transmit the following appointments:

**Utah State Retirement Board:**

Kathy Jones–Price is reappointed as a member of the Utah State Retirement Board, a term to expire on July 1, 2013. See Utah Code Ann. 49−11−202.

Phillip W. Clinger is reappointed as a member of the Utah State Retirement Board, a term to expire on July 1, 2013. See Utah Code Ann. 49−11−202.

John L. Lunt is reappointed as a member of the Utah State Retirement Board, a term to expire on July 1, 2013. See Utah Code Ann. 49−11−202.
**Title and Escrow Commission:**

Jerry M. Houghton is reappointed as a member of the Title and Escrow Commission, a term to expire on June 30, 2013. See Utah Code Ann. 31A–2–403.

**Utah State Fair Corporation Board of Directors:**

Gary Arrington is appointed to replace Lillian Bayles as a member of the Utah State Fair Corporation Board of Directors, a term to expire on December 1, 2012. See Utah Code Ann. 9–4–1104.

**Defined Contribution Risk Adjustor Board:**

Earl F. Hurst is appointed as a member of the Defined Contribution Risk Adjustor Board, a term to expire on June 30, 2013. See Utah Code Ann. 31A–42–201.

**Utah Comprehensive Health Insurance Pool Board of Directors:**

Michael Dean Bahr is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire on June 30, 2013. See Utah Code Ann. 31A–29–104.

Matthew Mark Minkevitch is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire on June 30, 2013. See Utah Code Ann. 31A–29–104.

Robert Hinckley Perry is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire on June 30, 2013. See Utah Code Ann. 31A–29–104.

Elizabeth Hunter is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire on June 30, 2013. See Utah Code Ann. 31A–29–104.

Dr. Douglas James Hasbrouck is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire on June 30, 2013. See Utah Code Ann. 31A–29–104.

**Solid and Hazardous Waste Control Board:**

Kevin R. Murray is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–6–103.

Dennis R. Riding is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–6–103.
Gary L. Mossor is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–6–103.

Scott Allen Bruce is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–6–103.


Securities Commission:
Tim Bangerter is appointed as a member of the Securities Commission, a term to expire on May 12, 2011. See Utah Code Ann. 61–1–18.5.

Michael C. O’Brien is appointed as a member of the Securities Commission, a term to expire on May 12, 2011. See Utah Code Ann. 61–1–18.5.

Utah State University Board of Trustees:
Douglas S. Foxley is reappointed as a member of the Utah State University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Ronald W. Jibson is reappointed as a member of the Utah State University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Robert Lynn Foley is reappointed as a member of the Utah State University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Susan D. Johnson is appointed to replace David Johnson III as a member of the Utah State University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Weber State University Board of Trustees:
James C. Beardall is reappointed as a member of the Weber State University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Kathryn Lindquist is reappointed as a member of the Weber State University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.
Jerry Stevenson is reappointed as a member of the Weber State University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Steve Starks is appointed to replace Steven Peterson as a member of the Weber State University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

University of Utah Board of Trustees:
Tim Anderson is reappointed as a member of the University of Utah Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

A. Scott Anderson is appointed to replace Hope Eccles as a member of the University of Utah Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Joyce P. Valdez is appointed to replace Scott Parker as a member of the University of Utah Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Lisa Eccles is appointed to replace Lorena Riff–Jenson as a member of the University of Utah Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Salt Lake Community College Board of Trustees:
Jesselie B. Anderson is reappointed as a member of the Salt Lake Community College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Larry Hancock is reappointed as a member of the Salt Lake Community College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Anna Kay Waddoups is reappointed as a member of the Salt Lake Community College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Karen Gail Saxton Miller is appointed to replace Dave Thomas as a member of the Salt Lake Community College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Utah Valley University Board of Trustees:
Carolyn H. Miller is reappointed as a member of the Utah Valley University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.
Doyle M. Mortimer is reappointed as a member of the Utah Valley University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Rebecca Marriott Champion is appointed to replace Timothy Clark as a member of the Utah Valley University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

**Southern Utah University Board of Trustees:**

Gayle Pollock is reappointed as a member of the Southern Utah University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Renn Zaphiropoulos is reappointed as a member of the Southern Utah University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Nina Barnes is appointed to replace Dane Leavitt as a member of the Southern Utah University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

**Snow College Board of Trustees:**

Theressa Alder is reappointed as a member of the Snow College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Eddie L. Cox is reappointed as a member of the Snow College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Mary Gardner Greathouse is reappointed as a member of the Snow College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Douglas L. Barton is appointed to replace Timothy Blackham as a member of the Snow College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

**College of Eastern Utah Board of Trustees:**

Neal Peacock is reappointed as a member of the College of Eastern Utah Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Erroll Holt is appointed to replace Dennis Dooley as a member of the College of Eastern Utah Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.
Jason Dunn is appointed to replace Senator David Hinkins as a member of the College of Eastern Utah Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

**Dixie State College Board of Trustees:**
Steve Caplin is reappointed as a member of the Dixie State College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Christopher A. Roybal is reappointed as a member of the Dixie State College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Elizabeth Rhodes Bingham is appointed to replace Shawn Shouthwick–King as a member of the Dixie State College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Jon Pike is appointed to replace D. Williams Ronnow as a member of the Dixie State College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Kathie Thayne is appointed to replace Vickie Reese Wilson as a member of the Dixie State College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

**Utah College of Applied Technology Board of Trustees:**
Jason P. Perry is appointed as a member of the Utah College of Applied Technology Board of Trustees, a term to expire on August 31, 2013. See Utah Code Ann. 53B–2a–103.

William A. Sederburg is appointed as a member of the Utah College of Applied Technology Board of Trustees, a term to expire on August 31, 2013. See Utah Code Ann. 53B–2a–103.

**State Board of Regents:**
Jed H. Pitcher is reappointed as a member of the State Board of Regents, a term to expire on June 30, 2013. See Utah Code Ann. 53B–1–104.

Bonnie Jean Beesley is reappointed as a member of the State Board of Regents, a term to expire on June 30, 2013. See Utah Code Ann. 53B–1–104.
Thank you for your timely consideration and confirmation of the above appointment.

Jon M. Huntsman, Jr.
Governor

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Mr. President: June 17, 2009

At its meeting today, the Senate Business and Labor Confirmation Committee voted unanimously to recommend that the Senate approve the nominations of the following to Securities Commission: Tim Bangerter, Jane E. Cameron, Erik Anthony Christiansen, Laura Polacheck, and Michael C. O’Brien.

Thank you for your consideration in this matter.

John L. Valentine, Chair

***

On motion of Senator Jenkins, the Senate voted to waive the 15–day requirement on the submittals dated June 3, 2009, for the purposes of acting on gubernatorial nominees.

Senator Hillyard moved to consent to the appointment as read by Leslie McLean. Senators Valentine and Urquhart commented. Senators Valentine and Greiner declared conflicts of interest. The motion passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

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<td>Waddoups</td>
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**Absent or not voting were:** Senators

| Buttars | Dayton | McCoy |

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President Waddoups directed the committee to wait upon the Governor’s representative to notify him that the Senate has concluded its business.
Senator Bramble reported that the committee had notified the Governor’s representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Killpack, and at 12:40 p.m., the Senate adjourned sine die.
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