

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. Mayne

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. If I could begin with a round of applause. 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 instill 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. [Singing led by Senator Dayton.] 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 aware 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 reevaluate 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 of 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 Tassell
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

**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

**EXECUTIVE OFFICES AND
CRIMINAL JUSTICE**

Sen. Jon Greiner, *Co-Chair*
Sen. Michael Waddoups
Sen. Scott McCoy

**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

**HEALTH AND HUMAN
SERVICES**

Sen. Allen Christensen, *Co-Chair*
Sen. Margaret Dayton
Sen. Dan Liljenquist
Sen. Patricia Jones

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

**RETIREMENT AND
INDEPENDENT ENTITIES**

Sen. Dan Liljenquist, *Co-Chair*
Sen. Curtis Bramble
Sen. Chris Buttars
Sen. Jon Greiner
Sen. Gene Davis
Sen. Brent Goodfellow

**TRANSPORTATION AND
ENVIRONMENTAL QUALITY**

Sen. Kevin Van Tassell, *Co-Chair*
Sen. Scott Jenkins
Sen. Peter Knudson
Sen. Mark Madsen
Sen. Luz Robles

LEGISLATIVE 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

* * *

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 Office of the Senate
Ric Cantrell	Chief Deputy of the Senate
Leslie O. McLean	Manager of Senate Services
Laura Barlow	Majority Assistant
Janeen M. Halverson	Minority Executive Assistant

Lynette Erickson	Docket Clerk
Greg Johnson	System Analyst
Mary Andrus	Journal Clerk
Rolayne Day	Secretarial Supervisor
Saundra Maeser	Rules Secretary
Jean Butler	Committee Secretary
Allison Volk	Committee Secretary
Karen C. Allred	Committee Secretary
Nicole Hiedrich	Committee Secretary
Lorna Wells	Committee Secretary
Cami Deavila	Committee Secretary
Robert L. Gardner	Sergeant At Arms
Leo Parry	Asst. Sergeant At Arms
Thomas R. Shepherd	Security
Frank Christensen	Security
Roger Winslow	Security
Glenn Hildebrand	Security
Paul Jacobs	Security
Jason Hildebrand	Security
Virgil Blair	Security
Steve Higham	Security
Cliff Park	Security
Dennis Bird	Security
Tori Buckmiller	Security
Gayle C. Petersen	Page Supervisor
Linda Cornaby	Asst. Page Supervisor
Sue Gaskill	Page
Kathryn Alldredge	Page
Deanne Evans	Page
Kristin Hopson	Page
Judy Paulson	Page
Sandra "Penny" Dunn	Page
Dianne Richards	Page
Jewel Doxey	Page
Margaret Pugsley	Page
Georgianna Knudson	Docket Clerk Aide
Eileen Miller	Public Address
	System/ComputerOperator
Macey Matthews	Receptionist – Senate Building
Richard Block	Computer Specialist
Paula Tew	Legislative Aide/Receptionist
Katherine Gardner	Hostess and 3rd House Aide

Pat Worthington	Hostess and 3rd House Aide
Vicky Barber	Public Information Officer
Rebecca Rawson	Public Information Officer
Ellen Schoffield	Public Information Officer

INTRODUCTION OF INTERNS

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

Sen. Greg Bell	Adam Stewart
Sen. Curtis Bramble	Doug Marsh
Sen. D. Chris Butters	Amelia Roper
Sen. Allen Christensen	Kristina Nielsen
Sen. Gene Davis	Reid Luzzader
Sen. Margaret Dayton	Buchanan Davis
Sen. Brent Goodfellow	Emily Bennett
Sen. Jon J. Greiner	Weston Long
Sen. Lyle Hillyard	Lenaye Howard
Sen. David Hinkins	Thomas Jarvis
Sen. Scott Jenkins	Stephen Loos
Sen. Patricia Jones	Michelle Taylor
Sen. Sheldon Killpack	Michael Fiske
Sen. Peter Knudson	Andrew Baker
Sen. Daniel Liljenquist	Matthew Ricks
Sen. Mark Madsen	Kristina Nielsen
Sen. Karen Mayne	Jessie France
Sen. Scott McCoy	Matthew Beckstead
Sen. Karen Morgan	Emily Bennett
Sen. Wayne Niederhauser	Matthew Ricks
Sen. Ralph Okerlund	Todd Nye
Sen. Luz Robles	Drew Martinez
Sen. Ross Romero	Scott Sizemore
Sen. Howard Stephenson	Martin Curran
Sen. Dennis Stowell	Todd Nye
Sen. Stephen H. Urquhart	Thomas Jarvis
Sen. John Valentine	Colby Green
Sen. Kevin Van Tassell	Weston Long
Pres. Michael Waddoups	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. 43, Insurance Coverage for Autism Spectrum Disorders – Clay’s Law (H. Stephenson), 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. 99, Renewable Energy Certificate Revisions (C. Bramble), 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.

* * *

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.

* * *

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

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, Winston Wilkinson, Director, Office for Civil Rights, U.S. Department of Health and Human Services spoke in Committee of the Whole in behalf of the Martin Luther King, Jr. Human Rights Commission.

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."

* * *

Newly elected Senators Urquhart, Morgan, Liljenquist, Okerlund, Hinkins, and Robles addressed the Senate.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 26, 2009

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.

PAGE INDEX (DAY 1)

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. 16

Placed on calendar 29

S.B. 11 — INCEST AMENDMENTS (*D. Stowell*)

Read the first time by short title and referred to the Rules Committee. 16

S.B. 12 — DUI AMENDMENTS (*S. Killpack*)

Read the first time by short title and referred to the Rules Committee. 16

Placed on calendar 29

S.B. 13 — ADMINISTERING SUBSTANCES TO WILDLIFE (*M. Dayton*)

Read the first time by short title and referred to the Rules Committee. 16

Placed on calendar 29

S.B. 14 — FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS (*L. Hillyard*)

Read the first time by short title and referred to the Rules Committee. 16

Assigned to standing committee 29

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. 16

Assigned to standing committee 28

S.B. 16 — PROHIBITED GANG ACTIVITY (*J. Greiner*)
 Read the first time by short title and referred to the Rules Committee. 16
 Placed on calendar 29

S.B. 17 — SURFACE COAL MINING AMENDMENTS (*D. Stowell*)
 Read the first time by short title and referred to the Rules Committee. 16
 Placed on calendar 29

S.B. 18 — UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS (*W. Niederhauser*)
 Read the first time by short title and referred to the Rules Committee. 16
 Placed on calendar 29

S.B. 19 — CRIMINAL OFFENSE PENALTIES AMENDMENT (*J. Greiner*)
 Read the first time by short title and referred to the Rules Committee. 16
 Placed on calendar 29

S.B. 20 — LOCAL PUBLIC HEALTH EMERGENCY FUNDING (*D. Stowell*)
 Read the first time by short title and referred to the Rules Committee. 16
 Assigned to standing committee 28

S.B. 21 — STATE AND LOCAL HEALTH AUTHORITIES AMENDMENTS (*D. Stowell*)
 Read the first time by short title and referred to the Rules Committee. 16
 Assigned to standing committee 28

S.B. 22 — STREET LEGAL ALL-TERRAIN VEHICLE AMENDMENTS (*S. Jenkins*)
 Read the first time by short title and referred to the Rules Committee. 16
 Placed on calendar 29

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. 17
 Assigned to standing committee 29

S.B. 24 — EARLY VOTING AMENDMENTS (*P. Knudson*)
 Read the first time by short title and referred to the Rules Committee. 17
 Placed on calendar 30

S.B. 25 — ONLINE VOTER REGISTRATION (*P. Knudson*)
 Read the first time by short title and referred to the Rules Committee. 17
 Placed on calendar 30

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. 17
 Placed on calendar 30

S.B. 27 — ELECTION LAW CHANGES (*P. Knudson*)
 Read the first time by short title and referred to the Rules Committee. 17
 Placed on calendar 30

S.B. 28 — PROHIBITED ACTIVITIES OF GANG OFFENDERS (*J. Greiner*)
 Read the first time by short title and referred to the Rules Committee. 17

S.B. 29 — SAFE DRINKING WATER ACT AMENDMENTS (*D. Stowell*)
 Read the first time by short title and referred to the Rules Committee. 17

S.B. 30 — ENHANCEMENT OF TRUTH IN ADVERTISING ACT (*M. Dayton*)
 Read the first time by short title and referred to the Rules Committee. 17

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. 17
 Assigned to standing committee 28

S.B. 32 — WRONGFUL DEATH AMENDMENTS (*S. McCoy*)
 Read the first time by short title and referred to the Rules Committee. 17
 Assigned to standing committee 28

S.B. 33 — UTILITY TRANSMISSION CORRIDOR SITING TASK FORCE (*S. Jenkins*)
 Read the first time by short title and referred to the Rules Committee. 17

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. 17

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. 17
 Assigned to standing committee 29

S.B. 36 — SALES AND USE TAX AMENDMENTS (*C. Bramble*)
 Read the first time by short title and referred to the Rules Committee. 17

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. 18

S.B. 38 — SEVERANCE TAX AMENDMENTS (*J. Valentine*)
 Read the first time by short title and referred to the Rules Committee. 18

S.B. 39 — IMMIGRATION AMENDMENTS (*S. Jenkins*)
 Read the first time by short title and referred to the Rules Committee. 18

S.B. 40 — LAWFUL PRESENCE VERIFICATION FOR ISSUANCE OF A DRIVER LICENSE OR IDENTIFICATION CARD (<i>C. Bramble</i>) Read the first time by short title and referred to the Rules Committee.	18
S.B. 41 — SITING OF HIGH VOLTAGE POWER LINE ACT (<i>P. Knudson</i>) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	18 29
S.B. 42 — NUCLEAR POWER DISTRIBUTION AND GENERATION (<i>S. McCoy</i>) Read the first time by short title and referred to the Rules Committee.	18
S.B. 43 — INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS — CLAY'S LAW (<i>H. Stephenson</i>) Read the first time by short title and referred to the Rules Committee.	18
S.B. 44 — COAL MINING AND RECLAMATION AMENDMENTS (<i>G. Davis</i>) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	18 29
S.B. 45 — CONCEALED FIREARM PERMIT FOR RETIRED PEACE OFFICER (<i>B. Goodfellow</i>) Read the first time by short title and referred to the Rules Committee.	18
S.B. 46 — SCHOOL PROPERTY TAX EQUALIZATION AMENDMENTS (<i>K. Morgan</i>) Read the first time by short title and referred to the Rules Committee.	18
S.B. 47 — GRANT IN LIEU OF PROPERTY TAXES ACT (<i>G. Davis</i>) Read the first time by short title and referred to the Rules Committee.	18
S.B. 85 — HOMICIDE AMENDMENTS (<i>S. Urquhart</i>) Read the first time by short title and referred to the Rules Committee.	18
S.B. 86 — AMENDMENTS TO PREFERRED DRUG LIST (<i>A. Christensen</i>) Read the first time by short title and referred to the Rules Committee.	18
S.B. 87 — PREFERRED DRUG LIST REVISIONS (<i>A. Christensen</i>) Read the first time by short title and referred to the Rules Committee.	18
S.B. 88 — ADMINISTRATIVE RULEMAKING ACT AMENDMENTS (<i>H. Stephenson</i>) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	19 28
S.B. 89 — PUBLIC SAFETY RETIREMENT DEATH BENEFIT MODIFICATIONS (<i>J. Greiner</i>) Read the first time by short title and referred to the Rules Committee.	19
S.B. 90 — METAL THEFT AMENDMENTS AND PENALTIES (<i>J. Greiner</i>) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	19 28
S.B. 91 — ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT (<i>J. Greiner</i>) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	19 28
S.B. 92 — LOCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS (<i>P. Jones</i>) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	19 28
S.B. 93 — BUILDING AUTHORITIES (<i>D. Stowell</i>) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	19 28
S.B. 94 — UNDERGROUND SEWER UTILITIES FACILITIES AMENDMENTS (<i>J. Greiner</i>) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	19 29
S.B. 95 — MOBILE HOME PARK AMENDMENTS (<i>S. Jenkins</i>) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	19 29
S.B. 96 — CONCEALED FIREARM PERMIT RESIDENCY REQUIREMENT (<i>S. McCoy</i>) Read the first time by short title and referred to the Rules Committee.	19
S.B. 97 — GOOD SAMARITAN ACT FOR ENGINEERS (<i>M. Waddoups</i>) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	19 28
S.B. 98 — MOTOR FUEL THEFT PENALTIES (<i>J. Greiner</i>) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	19 28
S.B. 99 — RENEWABLE ENERGY CERTIFICATE REVISIONS (<i>C. Bramble</i>) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	19 29
S.B. 100 — FINANCIAL AND ECONOMIC LITERACY EDUCATION AMENDMENTS (<i>P. Jones</i>) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	19 28
S.B. 101 — STATE ETHICS COMMISSION (<i>S. McCoy</i>) Read the first time by short title and referred to the Rules Committee.	19

S.B. 102 — SHARE THE ROAD SPECIAL GROUP LICENSE PLATE (<i>W. Niederhauser</i>) Read the first time by short title and referred to the Rules Committee.	19
S.B. 103 — UNIFORM LAWS – UNIFORM PRINCIPAL AND INCOME ACT AMENDMENTS (<i>L. Hillyard</i>) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	20 28
S.B. 104 — HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS (<i>L. Hillyard</i>) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	20 28
S.B. 105 — ENGINEERING AND COMPUTER SCIENCE INITIATIVE AMENDMENTS (<i>L. Hillyard</i>) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	20 28
S.B. 106 — ALCOHOLIC BEVERAGE CONTROL ACT RESTRICTIONS (<i>S. McCoy</i>) Read the first time by short title and referred to the Rules Committee.	20
S.B. 107 — COMMUNICATIONS FRAUD PENALTY AMENDMENTS (<i>D. Hinkins</i>) Read the first time by short title and referred to the Rules Committee.	20
S.B. 108 — TAX COMMISSION ADMINISTRATION, COLLECTION, AND ENFORCEMENT AMENDMENTS (<i>W. Niederhauser</i>) Read the first time by short title and referred to the Rules Committee.	20
S.B. 109 — LOCAL SCHOOL FUNDING LEGISLATIVE TASK FORCE (<i>D. C. Butters</i>) Read the first time by short title and referred to the Rules Committee.	20
S.B. 110 — OIL AND GAS LIMITATION OF ACTIONS AMENDMENTS (<i>K. Van Tassell</i>) Read the first time by short title and referred to the Rules Committee.	20
S.B. 111 — HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS (<i>G. Davis</i>) Read the first time by short title and referred to the Rules Committee.	20
S.B. 112 — OBSTRUCTION OF JUSTICE AMENDMENT (<i>R. Okerlund</i>) Read the first time by short title and referred to the Rules Committee.	20
S.B. 113 — DELAYED EFFECTIVE DATE FOR ILLEGAL IMMIGRATION LEGISLATION (<i>P. Jones</i>) Read the first time by short title and referred to the Rules Committee.	20
S.B. 114 — TOBACCO TAX AMENDMENTS (<i>A. Christensen</i>) Read the first time by short title and referred to the Rules Committee.	20
S.B. 115 — PAYMENT OF MOBILE HOME PARK RELOCATION EXPENSES (<i>W. Niederhauser</i>) Read the first time by short title and referred to the Rules Committee.	20
S.B. 116 — CRIMINAL PENALTY AND PROSECUTION AMENDMENTS (<i>D. Liljenquist</i>) Read the first time by short title and referred to the Rules Committee.	30
S.B. 117 — ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS (<i>A. Christensen</i>) Read the first time by short title and referred to the Rules Committee.	30
S.B. 118 — PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS (<i>J. Greiner</i>) Read the first time by short title and referred to the Rules Committee.	30
S.B. 119 — HOSPITAL EMERGENCY ROOM TASK FORCE (<i>D. C. Butters</i>) Read the first time by short title and referred to the Rules Committee.	30
S.C.R. 1 — CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER-SPONSORED WORK PROGRAM (<i>S. Jenkins</i>) Read the first time by short title and referred to the Rules Committee.	20
S.C.R. 2 — CONCURRENT RESOLUTION – A CALL TO CIVILITY (<i>J. Valentine</i>) Read the first time by short title and referred to the Rules Committee.	21
S.J.R. 1 — JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM (<i>P. Jones</i>) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	21 29
S.J.R. 2 — TOPAZ MUSEUM AND CIVIL LIBERTIES LEARNING CENTER JOINT RESOLUTION (<i>D. Stowell</i>) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	21 28
S.R. 1 — ECUMENICAL PATRIARCH SENATE RESOLUTION (<i>P. Jones</i>) Read the first time by short title and referred to the Rules Committee.	21
S.R. 2 — SENATE RESOLUTION SUPPORTING THE NARROWS WATER PROJECT IN CENTRAL UTAH (<i>R. Okerlund</i>) Read the first time by short title and referred to the Rules Committee.	21

