STATE OF UTAH

SENATE JOURNAL

NINTH EXTRAORDINARY SESSION OF THE FIFTY-EIGHTH LEGISLATURE

Convened and Adjourned on Wednesday, June 23, 2010
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Ninth 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 Ninth Extraordinary Session convening on Wednesday, June 23, 2010, 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

NINTH EXTRAORDINARY SESSION
of the
FIFTY-EIGHTH LEGISLATURE

The Senate of the Fifty-Eighth Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Ninth Extraordinary Session at 12:00 noon on Wednesday, June 23, 2010.

The Senate was called to order at 12:10 p.m. with President Michael G. Waddoups presiding.

Prayer – Senator Mark Madsen

Pledge – Senator Jon Greiner

Annette Moore, Secretary of the Senate, read the following communication:

PROCLAMATION

WHEREAS, since the close of the 2010 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 Senate in Extraordinary Session;

NOW, THEREFORE, I, GARY R. HERBERT, 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 the Ninth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 23rd day of June, 2010 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 2010 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 8th day of June, 2010.

Gary R. Herbert
Governor

Greg Bell
Lieutenant Governor

CERTIFICATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of June 8, 2010, and signed by Governor Gary R. Herbert, is a true and correct copy of the original Proclamation calling the Senate only into a Ninth Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 23rd day of June, 2010, 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 2010 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 22nd day of June 2010.

Greg Bell
Lieutenant Governor

Roll call – All Senators present except Senators Buttars and Romero, excused.

On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2010 General Session of the Fifty-Eighth Legislature as the rules for the Ninth Extraordinary Session.

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

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

COMMUNICATION FROM THE GOVERNOR

Mr. President:  

May 4, 2010

I am pleased to inform you that I have appointed Robert J. Dale as a Judge of the Second District Court, pursuant to Article VIII, Section 8 of the Utah Constitution and Utah Code Section 78A–10–101.
Thank you for your timely consideration and confirmation of Judge Dale.

Gary R. Herbert
Governor

* * *

Mr. President: June 9, 2010

The Senate Judicial Confirmation Committee met on June 9, 2010 and reports a favorable recommendation for Mr. Robert J. Dale to be confirmed to the position of Judge in the Second District Court.

Scott K. Jenkins, Chair

Senator Hillyard moved to consent to the appointment of Robert J. Dale. The motion passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators
Christensen Davis Dayton Goodfellow
Greiner Hillyard Hinkins Jenkins
Jones Knudson Liljenquist Madsen
Mayne McAdams Morgan Okerlund
Robles Stowell Urquhart Valentine
Waddoups

Absent or not voting were: Senators
Adams Bramble Buttars Niederhauser
Romero H. Stephenson J. Stevenson Van Tassell

* * *

Mr. President: May 10, 2010

I am pleased to inform you that I have appointed M. James Brady as a Judge of the Fourth District Court, pursuant to Article VIII, Section 8 of the Utah Constitution and Utah Code Section 78A–10–101.
Thank you for your timely consideration and confirmation of Judge Brady.

Gary R. Herbert
Governor

* * *

Mr. President:

June 16, 2010

The Senate Judicial Confirmation Committee met on June 14 and 16, 2010 and reports a favorable recommendation for Mr. M. James Brady to be confirmed to the position of Judge in the Fourth District Court.

Scott K. Jenkins, Chair

Senator Hillyard moved to consent to the appointment of M. James Brady. The motion passed on the following roll call:

Y eas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Christensen  Davis  Dayton  Goodfellow
Greiner  Hillyard  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Mayne
McAdams  Morgan  Niederhauser  Okerlund
Robles  Stowell  Urquhart  Valentine
Waddoups

Absent or not voting were: Senators

Adams  Bramble  Buttars  Madsen
Romero  H. Stephenson  J. Stevenson  Van Tassell

* * *

Mr. President:

May 28, 2010

I am pleased to inform you that I have appointed Thomas R. Lee as a Justice of the Utah Supreme Court, pursuant to Article VIII, Section 8 of the Utah Constitution and Utah Code Section 78A–10–101.
Thank you for your timely consideration and confirmation of Mr. Lee.

Gary R. Herbert
Governor

* * *

Mr. President: June 15, 2010

The Senate Judicial Confirmation Committee met on June 15, 2010 and reports a favorable recommendation for Mr. Thomas R. Lee to be confirmed to the position of Justice of the Utah Supreme Court.

Scott K. Jenkins, Chair

Senator Hillyard moved to consent to the appointment of Mr. Thomas R. Lee. The motion 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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<tr>
<td>H. Stephenson</td>
<td>J. Stevenson</td>
<td>Van Tassell</td>
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**COMMITTEE OF THE WHOLE**

On motion of Senator Jenkins, Judge Robert J. Dale, Judge M. James Brady, and Justice Thomas R. Lee spoke in Committee of the Whole.

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

**COMMUNICATION FROM THE GOVERNOR**

Mr. President: June 8, 2010

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

**State Board of Regents:**

Daniel Wayne Campbell is appointed to replace Anthony Morgan as a member of the State Board of Regents, the remaining portion of the term will expire June 30, 2013. See Utah Code Ann. 53B–1–104.
Real Estate Appraiser Licensing and Certification Board:
Daniel V. Brammer is appointed to replace Ronald M. Smith as a state–certified general appraiser member of the Real Estate Appraiser Licensing and Certification Board, a term to expire July 1, 2014. See Utah Code Ann. 61b–2b–7.

Workers Compensation Fund Board of Directors:
Dallas H. Bradford is reappointed as a member of the Workers Compensation Fund Board of Directors, a term to expire June 30, 2014. See Utah Code Ann. 31A–33–106.

Judd A. Turner is reappointed as a member of the Workers Compensation Fund Board of Directors, a term to expire June 30, 2011. See Utah Code Ann. 31A–33–106.

Board of Water Resources
James Arnold Lemmon is appointed to replace Harold Shirley as the Lower Colorado River District representative of the Board of Water Resources, the remaining portion of the term will expire January 1, 2011. See Utah Code Ann. 73–10–2.

Utah Radiation Control Board:
Colleen Johnson is reappointed as a member of the Utah Radiation Control Board, a term to expire July 1, 2014. See Utah Code Ann. 19–3–103.

Peter A. Jenkins is reappointed as a member of the Utah Radiation Control Board, a term to expire July 1, 2014. See Utah Code Ann. 19–3–103.


Richard Blake Codell is appointed to replace Elizabeth Goryunova as a general public member of the Utah Radiation Control Board, a term to expire July 1, 2014. See Utah Code Ann. 19–3–103.

Joan Card is appointed to replace Patrick Cone as a general public member of the Utah Radiation Control Board, a term to expire July 1, 2014. See Utah Code Ann. 19–3–103.

Judicial Conduct Commission:
Elaine E. Englehardt is reappointed as a member of the Judicial Conduct Commission, a term to expire June 30, 2014. See Utah Code Ann. 78A–11–103.
Great Salt Lake Advisory Council:
Dave Livermore is appointed to replace William Fenimore as a member of the Great Salt Lake Advisory Council, the remaining portion of the term will expire June 1, 2012. See Utah Code Ann. 73−30−201.

Department of Human Services:
Palmer DePaulis is appointed to replace Lisa–Michele Church as the Executive Director of the Utah Department of Human Services. See Utah Code Ann. 62A−1−108.

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

Gary R. Herbert
Governor

Mr. President: June 15, 2010

The Senate Health and Human Services Confirmation Committee met on June 15, 2010 and reports a favorable recommendation for Mr. Palmer DePaulis to be confirmed as Executive Director of the Department of Human Services.

Allen M. Christensen, Chair

* * *

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

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

Voting in the affirmative were: Senators
Christensen Davis Dayton Goodfellow
Greiner Hinkins Jenkins Jones
Knudson Liljenquist Madsen Mayne
McAdams Morgan Niederhauser Okerlund
Robles J. Stevenson Stowell Urquhart
Valentine Van Tassell Waddoups

Voting in the negative was: Senator
Hillyard

Absent or not voting were: Senators
Adams Bramble Buttars Romero
H. Stephenson

President Waddoups directed the committee to wait upon the Governor’s representative to notify him that the Senate has concluded its business.
Senator Valentine 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 Jenkins, and at 12:55 p.m., the Senate adjourned sine die.
STATE OF UTAH

SENATE JOURNAL

TENTH EXTRAORDINARY SESSION OF
THE
FIFTY-EIGHTH LEGISLATURE

Convened and Adjourned on
Wednesday, August 18, 2010
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Tenth 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 Tenth Extraordinary Session convening on Wednesday, August 18, 2010, 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

TENTH EXTRAORDINARY SESSION
of the
FIFTY–EIGHTH LEGISLATURE

The Senate of the Fifty–Eighth Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Tenth Extraordinary Session at 12:00 noon on Wednesday, August 18, 2010.

The Senate was called to order at 12:15 p.m. with President Michael G. Waddoups presiding.

Prayer – Senator Stuart Adams

Pledge – Senator Gene Davis

Annette Moore, Secretary of the Senate, read the following communication:

PROCLAMATION

WHEREAS, since the close of the 2010 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 Senate in Extraordinary Session;

NOW, THEREFORE, I, GARY R. HERBERT, 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 the Tenth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 18th day of August, 2010 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 2010 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 3rd day of August, 2010.

Gary R. Herbert
Governor

Greg Bell
Lieutenant Governor

CERTIFICATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of August 3, 2010, is a true and correct copy of the original Proclamation calling the Senate only into a Tenth Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 18th day of August, 2010, 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 2010 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 3rd day of August 2010.

Greg Bell
Lieutenant Governor

Roll call – All Senators present except Senators Jones and Morgan, excused.
On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2010 General Session of the Fifty-Eighth Legislature as the rules for the Tenth Extraordinary Session.

President Waddoups appointed a committee comprised of Senators Curtis Bramble, David Hinkins, and Brent Goodfellow to notify the Governor’s representative that the Senate is convened in the Tenth 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 Tenth Extraordinary Session.

COMMUNICATION FROM THE GOVERNOR

Mr. President: May 4, 2010

I am pleased to inform you that I have appointed Katherine Bernards–Goodman as a Judge of the Third District Court, pursuant to Article VIII, Section 8 of the Utah Constitution and Utah Code Section 78A–10–101.

Thank you for your timely consideration and confirmation of Ms. Bernards–Goodman.

Gary R. Herbert
Governor

***

Mr. President: August 9, 2010

The Senate Judicial Confirmation Committee met on August 9, 2010 and reports a favorable recommendation for Ms. Katherine Bernards–Goodman to be confirmed to the position of Judge in the Third District Court.

Scott K. Jenkins, Chair

Senator Hillyard moved to consent to the appointment of Katherine Bernards–Goodman. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams  Bramble  Buttars  Christensen
Davis  Dayton  Goodfellow  Greiner
Hillyard  Hinkins  Jenkins  Knudson
Liljenquist  Mayne  McAdams  Niederhauser
Okerlund  Robles  Romero  H. Stephenson
J. Stevenson  Stowell  Urquhart  Valentine
Van Tassell  Waddoups
Mr. President:

I am pleased to inform you that I have appointed Clark McClellan as a Judge of the Eighth District Court, pursuant to Article VIII, Section 8 of the Utah Constitution and Utah Code Section 78A−10−101.

Thank you for your timely consideration and confirmation of Mr. McClellan.

Gary R. Herbert
Governor

Mr. President:

The Senate Judicial Confirmation Committee met on August 9, 2010 and reports a favorable recommendation for Mr. Clark McClellan to be confirmed to the position of Judge in the Eighth District Court.

Scott K. Jenkins, Chair

Senator Hillyard moved to consent to the appointment of Clark McClellan. Senator Van Tassell declared a conflict of interest. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Knudson
Liljenquist Mayne McAdams Niederhauser
Okerlund Robles Romero J. Stevenson
Stowell Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators

Jones Madsen Morgan H. Stephenson

COMMITTEE OF THE WHOLE

On motion of Senator Jenkins, Judge Katherine Bernards−Goodman and Judge Clark McClellan spoke in Committee of the Whole.
On motion of Senator Jenkins, the Committee of the Whole was dissolved.

ADVISE AND CONSENT

Mr. President: August 3, 2010

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

State Records Committee:

Ernest Dee Rowley is appointed to replace Gary Ott as the Elected Official on the State Records Committee, a term to expire July 1, 2014. See Utah Code Ann. 63G–2–501.


Purchasing From Persons with Disabilities Advisory Board:


Real Estate Commission:

Gary R. Hancock is reappointed as a member on the Real Estate Commission, a term to expire June 30, 2014. See Utah Code Ann. 61–2f–103.

School and Institutional Trust Lands Board of Trustees:

Louis James Cononelos is appointed to replace John Y. Ferry as a member of the School and Institutional Trust Lands Board of Trustees, a term to expire July 1, 2016. See Utah Code Ann. 53C–1–202.

Defined Contribution Risk Adjuster Board of Directors:

M. Curt Howell is appointed to replace Earl F. Hurst as the Director who represents an insurer that has a small percentage of lives in the defined contribution market on the Defined Contribution Risk Adjuster Board of Directors, the remaining portion of the term will expire May 20, 2013. See Utah Code Ann. 31A–42–201.

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

Gary R. Herbert
Governor

Senator Hillyard moved to consent to the appointments as read by Leslie McLean. The motion passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner
Hillyard Hinkins Jenkins Knudson
Liljenquist Madsen Mayne McAdams
Niederhauser Okerlund Robles Romero
H. Stephenson J. Stevenson Stowell Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Jones Morgan

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 Jenkins, and at 12:40 p.m., the Senate adjourned sine die.
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Eleventh 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 Eleventh Extraordinary Session convening on Wednesday, September 15, 2010, 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-EIGHTH LEGISLATURE

The Senate of the Fifty-Eighth Legislature of the State of Utah met in the
Senate Chamber at the State Capitol Complex in the Eleventh Extraordinary
Session at 1:30 p.m. on Wednesday, September 15, 2010.

The Senate was called to order at 2:00 p.m. with President Michael G.
Waddoups presiding.

Prayer – Senator Brent Goodfellow

Pledge – Senator Curtis Bramble

SPECIAL CITATION

A citation was read honoring Salt Lake City Police Officer Uppsen Downes

***

Annette Moore, Secretary of the Senate, read the following communication:

PROCLAMATION

WHEREAS, since the close of the 2010 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 Senate in
Extraordinary Session;

NOW, THEREFORE, I, GARY R. HERBERT, 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 the
Eleventh Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the
15th day of September, 2010 at 1:30 p.m., 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 2010 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 1st day of September, 2010.

Gary R. Herbert
Governor

Greg Bell
Lieutenant Governor

CERTIFICATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of September 1, 2010, 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 15th day of September, 2010, at 1:30 p.m., 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 2010 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 1st day of September 2010.

Greg Bell
Lieutenant Governor

Roll call – All Senators present except Senator Buttars, excused.
On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of
the 2010 General Session of the Fifty-Eighth Legislature as the rules for the
Eleventh Extraordinary Session.

President Waddoups appointed a committee comprised of Senators Dan
Liljenquist, Kevin Van Tassell, and Karen Morgan to notify the Governor’s
representative that the Senate is convened in the Eleventh Extraordinary Session
in accordance with his proclamation.

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

COMMUNICATION FROM THE GOVERNOR

Mr. President: July 21, 2010

I am pleased to inform you that I have appointed David R. Hamilton as a
Judge of the Second District Court, pursuant to Article VIII, Section 8 of the Utah

Thank you for your timely consideration and confirmation of Mr. Hamilton.

Gary R. Herbert
Governor

* * *

Mr. President: September 1, 2010

The Senate Judicial Confirmation Committee met on September 1, 2010 and
reports a favorable recommendation for Mr. David R. Hamilton to be confirmed to
the position of Judge in the Second District Court.

Scott K. Jenkins, Chair

Senator Hillyard moved to consent to the appointment of David R. Hamilton.
The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

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<th>Davis</th>
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<td>Valentine</td>
<td>Van Tassell</td>
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Absent or not voting were: Senators
Buttars       H. Stephenson

***

Mr. President:       June 24, 2010

I am pleased to inform you that I have appointed Michelle E. Heward as a Judge of the Second District Juvenile Court, pursuant to Article VIII, Section 8 of the Utah Constitution and Utah Code Section 78A−10−101.

Thank you for your timely consideration and confirmation of Ms. Heward.

Gary R. Herbert
Governor

***

Mr. President:       September 9, 2010

The Senate Judicial Confirmation Committee met on August 31 2010 and reports a favorable recommendation for Ms. Michelle E. Heward to be confirmed to the position of Judge in the Second District Juvenile Court.

Scott K. Jenkins, Chair

Senator Hillyard moved to consent to the appointment of Michelle E. Heward. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams       Bramble       Christensen       Davis
Dayton     Goodfellow     Greiner        Hillyard
Hinkins     Jenkins       Jones          Knudson
Liljenquist Madsen       Mayne        McAdams
Morgan      Niederhauser  Okerlund     Robles
Romero      J. Stevenson  Stowell       Urquhart
Valentine  Van Tassell   Waddoups

Absent or not voting were: Senators
Buttars       H. Stephenson

***

Mr. President:       July 21, 2010

I am pleased to inform you that I have appointed Noel S. Hyde as a Judge of the Second District Court, pursuant to Article VIII, Section 8 of the Utah Constitution and Utah Code Section 78A−10−101.
Thank you for your timely consideration and confirmation of Mr. Hyde.

Gary R. Herbert
Governor

***

Mr. President: September 1, 2010

The Senate Judicial Confirmation Committee met on August 31, 2010 and reports a favorable recommendation for Mr. Noel S. Hyde to be confirmed to the position of Judge in the Second District Court.

Scott K. Jenkins, Chair

Senator Hillyard moved to consent to the appointment of Noel S. Hyde. Senator Valentine commented. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams        Bramble        Christensen       Davis
Dayton       Goodfellow    Greiner          Hillyard
Hinkins      Jenkins       Jones           Knudson
Liljenquist  Madsen       Mayne           McAdams
Morgan       Niederhauser  Okerlund        Robles
Romero       J. Stevenson  Stowell        Urquhart
Valentine    Van Tassell   Waddoups

Absent or not voting were: Senators
Buttars      H. Stephenson

***

Mr. President: July 21, 2010

I am pleased to inform you that I have appointed Jeffrey J. Noland as a Judge of the Second District Juvenile Court, pursuant to Article VIII, Section 8 of the Utah Constitution and Utah Code Section 78A-10-101.
Thank you for your timely consideration and confirmation of Mr. Noland.

Gary R. Herbert
Governor

***

Mr. President: September 1, 2010

The Senate Judicial Confirmation Committee met on September 1, 2010 and reports a favorable recommendation for Mr. Jeffrey J. Noland to be confirmed to the position of Judge in the Second District Juvenile Court.

Scott K. Jenkins, Chair

Senator Hillyard moved to consent to the appointment of Jeffrey J. Noland. The motion passed on the following roll call:

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

**Voting in the affirmative were:** Senators

- Adams
- Dayton
- Hinkins
- Liljenquist
- Morgan
- Romero
- Valentine

- Bramble
- Goodfellow
- Jenkins
- Madsen
- Niederhauser
- J. Stevenson
- Van Tassell

- Christensen
- Greiner
- Jones
- Mayne
- Okerlund
- Stowell
- Waddoups

- Davis
- Hillyard
- Knudson
- McAdams
- Robles
- Urquhart

**Absent or not voting were:** Senators

- Buttars
- H. Stephenson

***

Mr. President: July 27, 2010

I am pleased to inform you that I have appointed Karla Staheli as a Judge of the Fifth District Juvenile Court, pursuant to Article VIII, Section 8 of the Utah Constitution and Utah Code Section 78A–10–101.
Thank you for your timely consideration and confirmation of Ms. Staheli.

Gary R. Herbert
Governor

* * *

Mr. President: September 1, 2010

The Senate Judicial Confirmation Committee met on August 31, 2010 and reports a favorable recommendation for Ms. Karla Staheli to be confirmed to the position of Judge in the Fifth District Juvenile Court.

Scott K. Jenkins, Chair

Senator Hillyard moved to consent to the appointment of Karla Staheli. The motion passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Buttars | H. Stephenson |

**COMMITTEE OF THE WHOLE**

On motion of Senator Jenkins, Judge Michelle E Heward, Judge Karla Staheli, Judge David R. Hamilton, Judge Noel S. Hyde, and Judge Jeffrey J. Noland spoke in Committee of the Whole.

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

**ADVISE AND CONSENT**

Mr. President: September 1, 2010

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

**Alcoholic Beverage Control Commission:**

Kathleen Collinwood is appointed to replace Bobbie Coray as a member of the Alcoholic Beverage Control Commission, a term to expire July 1, 2014. See Utah Code Annotated 32A–1–106.
Utah State Retirement Board:
Sheri Nelson is appointed to replace Larry W. Evans as the Utah Public Employee’s Association representative, the remaining portion of the term will expire July 1, 2011. See Utah Code Annotated 49–11–202.

Scott G. Berryessa is appointed to replace Jay R. Blain as the Utah Education Association representative, the remaining portion of the term will expire July 1, 2011. See Utah Code Annotated 49–11–202.

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

Gary R. Herbert
Governor

On motion of Senator Jenkins, the Senate voted to waive the 15–day requirement on communications received September 1, 2010, for the purpose of acting on gubernatorial nominees.

Senator Hillyard moved to consent to the appointments 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

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**Absent or not voting were:** Senators

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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 Liljenquist 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 Jenkins, and at 2:55 p.m., the Senate adjourned sine die.
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Twelfth 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 Twelfth Extraordinary Session convening on Wednesday, October 20, 2010, 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
The Senate of the Fifty–Eighth Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Twelfth Extraordinary Session at 1:30 p.m. on Wednesday, October 20, 2010.

The Senate was called to order at 2:00 p.m. with President Michael G. Waddoups presiding.

Prayer – Senator Luz Robles

Pledge – Senator David Hinkins

***

Annette Moore, Secretary of the Senate, read the following communication:

PROCLAMATION

WHEREAS, since the close of the 2010 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 Senate in Extraordinary Session;

NOW, THEREFORE, I, GARY R. HERBERT, 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 the Twelfth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 20th day of October, 2010 at 1:30 p.m., 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 2010 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 5th day of October, 2010.

Gary R. Herbert
Governor

Greg Bell
Lieutenant Governor

CERTIFICATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of October 5, 2010, is a true and correct copy of the original Proclamation calling the Senate only into a Twelfth Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 20th day of October, 2010, at 1:30 p.m., 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 2010 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 6th day of October 2010.

Greg Bell
Lieutenant Governor

Roll call – All Senators present except Senator Knudson, excused.
On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2010 General Session of the Fifty-Eighth Legislature as the rules for the Twelfth Extraordinary Session.

President Waddoups appointed a committee comprised of Senators Jerry Stevenson, Stuart Adams, and Ben McAdams to notify the Governor’s representative that the Senate is convened in the Twelfth Extraordinary Session in accordance with his proclamation.

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

ADVISE AND CONSENT

Mr. President: October 5, 2010

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

Utah Digital Health Service Commission:

Douglas James Hasbrouck is appointed to replace Joseph Grant Cramer as the Physician Representative on the Utah Digital Health Service Commission, a term to expire October 1, 2013. See Utah Code Annotated 26–9f–103.

Henry Wallace Gardner is appointed to replace Rulon J. Barlow as the Digital Health Care Representative on the Utah Digital Health Service Commission, a term to expire October 1, 2013. See Utah Code Annotated 26–9f–103.

Deborah LaMarche is reappointed as a member on the Utah Digital Health Service Commission, a term to expire October 1, 2013. See Utah Code Annotated 26–9f–103.

R. Chet Loftis is reappointed as a member on the Utah Digital Health Service Commission, a term to expire October 1, 2013. See Utah Code Annotated 26–9f–103.

Dennis D. Moser is reappointed as a member on the Utah Digital Health Service Commission, a term to expire October 1, 2013. See Utah Code Annotated 26–9f–103.

Utah Arts Council Board of Directors:

Philipp Malzl is appointed as the Community Representative on the Utah Arts Council Board of Directors, a term to expire July 1, 2014. See Utah Code Annotated 9–6–204.
Health Data Committee:

Gordon Crabtree is appointed to replace G. Kirk Olsen as the Hospital Representative on the Health Data Committee, the remaining portion of the term will expire June 30, 2012. See Utah Code Annotated 26–33a–103.

Lauren Opal Florence is appointed to replace Kim A. Bateman as the Licensed Physician on the Health Data Committee, a term to expire June 30, 2014. See Utah Code Annotated 26–33a–103.

Utah Conservation Commission:

Douglas D. Bateman is appointed to replace Ben A. Thurgood as a member on the Utah Conservation Commission; the remaining portion of the term will expire May 8, 2012. See Utah Code Annotated 4–18–4.

Douglas Guy Pace is appointed to replace Randy A. Greenhalgh as a member on the Utah Conservation Commission; the remaining portion of the term will expire May 8, 2012. See Utah Code Annotated 4–18–4.

Paul B. Leishman is reappointed as a member on the Utah Conservation Commission, a term to expire May 8, 2014. See Utah Code Annotated 4–18–4.

Wendell Stembridge is reappointed as a member on the Utah Conservation Commission, a term to expire May 8, 2014. See Utah Code Annotated 4–18–4.

Utah Capital Investment Board:

Taylor Randall is appointed to replace Lonnie M. Bullard as a member on the Utah Capital Investment Board, a term to expire November 1, 2014. See Utah Code Annotated 63M–1–1205.

Weber State Board of Trustees:

Kevin Sullivan is appointed to replace Jerry W. Stevenson as a member on the Weber State University Board of Trustees; the remaining portion of the term will expire June 30, 2013. See Utah Code Annotated 53B–2–104.

Utah State University Board of Trustees:

Frank Peczuh is appointed as a member on the Utah State University Board of Trustees, a term to expire June 30, 2014. See Utah Code Annotated 53B–18–1201.

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

Gary R. Herbert
Governor

Senator Hillyard moved to consent to the appointments 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

Adams  Bramble  Christensen  Davis
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Liljenquist
Madsen  Mayne  McAdams  Morgan
Niederhauser  Okerlund  Romero  H. Stephenson
J. Stevenson  Stowell  Urquhart  Valentine
Van Tassell  Waddoups

**Absent or not voting were:** Senators

Buttars  Knudson  Robles

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

Senator Stevenson 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 Jenkins, and at 2:10 p.m., the Senate adjourned sine die.
STATE OF UTAH

SENATE JOURNAL

SECOND SPECIAL SESSION
OF THE
FIFTY-EIGHTH LEGISLATURE

Convened and Adjourned on Wednesday, November 17, 2010
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Second 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 Second Special Session convening on Wednesday, November 17, 2010, 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 Gary R. Herbert, 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 1:00 p.m. on Wednesday, November 17, 2010.

The Senate was called to order at 2:00 p.m., with President Michael Waddoups presiding.

Prayer – Senator Pat Jones
Pledge of Allegiance – Senator Peter Knudson
Roll Call – All Senators present except Senator Davis, excused.

Annette Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the adjournment of the 2010 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, Gary R. Herbert, 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 Second Special Session at the Utah State Capitol, in Salt Lake City, Utah, on the 17th day of November 2010, at 1:00 p.m., for two purposes only:

(1) to exercise its statutory authority under Title 63J, Part 5, Federal Funds Procedures Act, relating to federal funds allocated by the United States Congress under the 2010 Education Jobs Fund bill; and
(2) for the Senate to consent to appointments made by the Governor since the close of the 2010 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 10th day of November, 2010.

Gary R. Herbert
Governor

CERTIFICATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a proclamation issued on the date of November 10th, 2010, and signed by Governor Gary R. Herbert, is a true and correct copy of the original Proclamations calling the Fifty-Eighth Legislature of the State of Utah into a Second Special Session at the State Capitol Complex at Salt Lake City, Utah, on the 17th day of November, 2010, at 1:00 p.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 2010 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 16th day of November, 2010.

Greg Bell
Lieutenant Governor

* * *

On motion of Senator Buttars, the Senate voted to adopt the Senate Rules of the 2010 General Session of the Fifty-Eighth Legislature as the rules for the Second Special Session.
President Waddoups appointed a committee comprised of Senators Howard Stephenson, Jon Greiner, and Brent Goodfellow to notify Governor Gary R. Herbert’s representative 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 Waddoups appointed a committee comprised of Senators David Hinkins, Mark Madsen, and Ben McAdams to notify the House of Representatives that the Senate is organized and ready to do business.

Representatives Fowlke, Gibson, and Riesen reported that the House of Representatives is organized and ready to do business.

Senator Hinkins reported that the House has been notified.

Senator Stephenson reported that the Governor’s representative has been notified.

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

ADVISE AND CONSENT

COMMUNICATIONS FROM THE GOVERNOR

Mr. President: October 19, 2010

I am pleased to inform you that I have appointed Charlene Barlow as a Judge of the Third District Court, pursuant to Article VIII, Section 8 of the Utah Constitution and Utah Code Section 78A–10–101.
Thank you for your timely consideration and confirmation of Ms. Barlow.

Gary R. Herbert  
Governor

Mr. President:

November 10, 2010

The Senate Judicial Confirmation Committee met on November 10, 2010 and reports a favorable recommendation for Ms. Carlene Barlow to be confirmed to the position of Judge in the Third District Court.

Scott K. Jenkins, Chair

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

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**Absent or not voting was:** Senator

Davis

***

Mr. President:  

October 19, 2010

I am pleased to inform you that I have appointed Andrew H. Stone as a Judge of the Third District Court, pursuant to Article VIII, Section 8 of the Utah Constitution and Utah Code Section 78A–10–101.

Thank you for your timely consideration and confirmation of Mr. Stone.

Gary R. Herbert  
Governor

Mr. President:  

November 10, 2010

The Senate Judicial Confirmation Committee met on November 10, 2010 and reports a favorable recommendation for Mr. Andrew H. Stone to be confirmed to the position of Judge in the Third District Court.

Scott K. Jenkins, Chair

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
Adams  Bramble  Buttars  Christensen
Dayton  Goodfellow  Greiner  Hillyard
Hinkins  Jenkins  Jones  Knudson
Liljenquist  Madsen  Mayne  McAdams
Morgan  Niederhauser  Okerlund  Robles
Romero  H. Stephenson  J. Stevenson  Stowell
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting was: Senator
Davis

* * *

Mr. President: November 2, 2010

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

Utah Valley University Board of Trustees:
Ronald K. Hawkins is appointed to replace Dan Campbell as a member of the Utah Valley University Board of Trustees, the remaining portion of the term will expire June 30, 2011.

State Tax Commission
R. Bruce Johnson is reappointed as a Commissioner on the State Tax Commission, a term to expire June 30, 2014. The Governor further designates Mr. Johnson as Chair of the State Tax Commission.

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

Gary R. Herbert
Governor

* * *

Mr. President: November 16, 2010

At its meeting today, the Senate Revenue and Taxation Confirmation Commission Committee voted unanimously to recommend that the Utah Senate approve the nomination of the following to the Utah State Tax Commission:
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

- Adams
- Bramble
- Buttars
- Christensen
- Dayton
- Goodfellow
- Greiner
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Liljenquist
- Madsen
- Mayne
- McAdams
- Morgan
- Niederhauser
- Okerlund
- Robles
- Romero
- H. Stephenson
- J. Stevenson
- Stowell
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting was:** Senator

- Davis

**COMMITTEE OF THE WHOLE**

On motion of Senator Jenkins, Judge Charlene Barlow and Judge Andrew H. Stone spoke in the Committee of the Whole.

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

**INTRODUCTION OF BILLS**

S.J.R. 201, Joint Rules Resolution – Appropriations Subcommittee Amendments (M. Dayton), read the first time by short title and referred to the Rules Committee.

On motion of Senator Jenkins, under suspension of the rules, S.J.R. 201, JOINT RULES RESOLUTION – APPROPRIATIONS SUBCOMMITTEE AMENDMENTS, was placed on the Second Reading Calendar for immediate consideration.

**SECOND READING CALENDAR**

On motion of Senator Dayton, under suspension of the rules, S.J.R. 201, JOINT RULES RESOLUTION – APPROPRIATIONS SUBCOMMITTEE AMENDMENTS, was considered read the second and third times. Senator
Dayton explained the bill. Senators Jones and Hillyard commented. 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

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**S.J.R. 201** was transmitted to the House.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: November 17, 2010

The House passed **H.J.R. 201**, JOINT RESOLUTION APPROVING ACCEPTANCE OF FEDERAL EDUCATION FUNDS, by Representative R. Lockhart, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.J.R. 201** were read the first time and referred to the Rules Committee.

On motion of Senator Jenkins, and at 2:45 p.m., the Senate sauntered.

The Senate was called to order at 3:45 p.m., with President Waddoups presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: November 17, 2010

The House passed, as amended, **S.J.R. 201**, JOINT RULES RESOLUTION – APPROPRIATIONS SUBCOMMITTEE 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 Dayton, the Senate voted to lift H.J.R. 201 from the Rules Committee and place it on the Second Reading Calendar.

H.J.R. 201, JOINT RULES RESOLUTION – APPROPRIATIONS SUBCOMMITTEE AMENDMENTS, was read the second time. Senator Hillyard explained the bill.

Senator Jones proposed the following amendment:

1. Page 2, Lines 37 through 38

37 directly to other educational entities in the state if the governor fails to apply for the funds;

WHEREAS, because of Utah’s and the nation’s prolonged economic downturn, Utah teachers have lost teacher work days, school days, professional development days, and quality teaching block grant days, have seen salary reductions, and in many cases have been laid off, thereby increasing class size in already overcrowded classrooms and adversely affecting the quality of public education throughout the state;

WHEREAS, acceptance by the state of $101,303,951 in federal funds under Public Law 111−226, Sec. 101 should assist the state’s public schools in retaining existing employees, thereby avoiding further layoffs in many school districts, in recalling or rehiring former employees, or in hiring new employees to provide early childhood, elementary, or secondary educational and related services to meet the needs of an ever growing student population;

38 WHEREAS, Section 63J−5−204 of the Utah Code requires that the Legislature approve

Senator Jones’ motion to amend failed on a voice vote. Senator Bramble commented.

Senator Buttars proposed a substitute bill. Senators Stephenson, Robles, McAdams, and Goodfellow commented. The motion to substitute failed on the following roll call vote:

Yeas, 8; Nays, 20; Absent, 1.

Voting in the affirmative were: Senators

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Voting in the negative were: Senators
Adams  Bramble  Christensen  Goodfellow
Hillyard  Jenkins  Jones  Knudson
Liljenquist  Mayne  McAdams  Morgan
Niederhauser  Okerlund  Robles  Romero
J. Stevenson  Valentine  Van Tassell  Waddoups

Absent or not voting was: Senator Davis

Senators Valentine, Madsen, Buttars, and Goodfellow commented.

On motion of Senator Hillyard, under suspension of the rules, H.J.R. 201, JOINT RESOLUTION APPROVING ACCEPTANCE OF FEDERAL EDUCATION FUNDS, was considered read the second and third times and passed on the following roll call:

Yeas, 22; Nays, 6; Absent, 1.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Goodfellow
Greiner  Hillyard  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Mayne
McAdams  Morgan  Niederhauser  Okerlund
Robles  Romero  J. Stevenson  Valentine
Van Tassell  Waddoups

Voting in the negative were: Senators
Buttars  Dayton  Madsen  H. Stephenson
Stowell  Urquhart

Absent or not voting was: Senator Davis

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.

CONCURRENCE CALENDAR

On motion of Senator Dayton, the Senate voted to concur in the House amendments to S.J.R. 201, JOINT RULES RESOLUTION – APPROPRIATIONS SUBCOMMITTEE AMENDMENTS. The bill, as amended, passed on the following roll call:
Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

<table>
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<tr>
<th>Adams</th>
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<td>Van Tassell</td>
<td>Waddoups</td>
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Absent or not voting was: Senator Davis

S.J.R. 201 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: November 17, 2010

The Speaker of the House has signed S.J.R. 201, JOINT RULES RESOLUTION – APPROPRIATIONS SUBCOMMITTEE AMENDMENTS, by Senator M. Dayton, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.J.R. 201 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

President Waddoups appointed Howard Stephenson, Jon Greiner, and Brent Goodfellow to join with a like committee from the House to wait upon the Governor’s representative and ask if he has any further business to bring before the Senate.

President Waddoups appointed Senators David Hinkins, Mark Madsen, and Ben McAdams to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Stephenson reported that his committee, with a like committee from the House notified the Governor’s representative that the Legislature has concluded its business and is ready to adjourn sine die.

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

On motion of Senator Jenkins and at 5:00 p.m., the Senate adjourned sine die.
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CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Thirteenth 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 Thirteenth Extraordinary Session convening on Tuesday, December 14, 2010, 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
The Senate of the Fifty-Eighth Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Thirteenth Extraordinary Session at 12:45 p.m. on Tuesday, December 14, 2010.

The Senate was called to order at 12:55 p.m. with President Michael G. Waddoups presiding.

Prayer – Senator Brent Goodfellow

Pledge – Senator Kevin Van Tassell

* * *

Annette Moore, Secretary of the Senate, read the following communication:

December 3, 2010

The governor has appointed Ms. Julie Lund as a Judge of the Third District Juvenile Court. This appointment was made on November 9, 2010. The Senate Judicial Confirmation Committee will interview Ms. Lund on December 8, 2010.

Article VIII, Section 8 of the Utah Constitution requires the Senate to consider and render a decision on each judicial appointment within 60 days of the date of appointment. This appointment will expire prior to Monday, January 24, 2011, the first day of the upcoming General Session.

Article VIII, Section 8 also provides that “If necessary, the Senate shall convene itself in extraordinary session for the purpose of considering judicial appointments.”

As President of the Senate, and by authority vested in me by Article VIII, Section 8, of Utah Constitution, I hereby call the Utah Senate into a Thirteenth Extraordinary Session on Tuesday, December 14, 2010, at 12:45 p.m. in the
Senate Chambers of the Utah State Capitol, for the purpose of considering the governor’s appointment of Ms. Julie Lund.

Michael G. Waddoups
President of the Senate

Roll call – All Senators present except Senators Bramble and Buttars, excused.

***

On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2010 General Session of the Fifty-Eighth Legislature as the rules for the Thirteenth Extraordinary Session.

ADVISE AND CONSENT

Mr. President:

November 9, 2010

I am pleased to inform you that I have appointed Julie Lund as a Judge of the Third District Juvenile court, pursuant to Article VIII, Section 8 of the Utah Constitution and Utah Code Section 78A–10–101.

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

Gary R. Herbert
Governor

***

Mr. President:

December 8, 2010

The Senate Judicial Confirmation Committee met on December 8, 2010 and reports a favorable recommendation for Ms. Julie Lund to be confirmed to the position of Judge in the Third District Juvenile Court.

Scott K. Jenkins, Chair

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

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

Voting in the affirmative were: Senators

Adams Christensen Davis Dayton
Goodfellow Hillyard Jenkins Jones
Knudson Liljenquist Madsen Mayne
McAdams Morgan Niederhauser Okerlund
Robles Romero H. Stephenson J. Stevenson
Stowell Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble Buttars Greiner Hinkins

COMMITTEE OF THE WHOLE

On motion of Senator Jenkins Judge Julie Lund, spoke in Committee of the Whole.

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

* * *

On motion of Senator Jenkins, and at 1:10 p.m., the Senate adjourned sine die.
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the 2011 General Session of the Fifty-Ninth 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 24, 2011, and adjourning sine die on Thursday, March 10, 2011.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk
The 2011 General Session of the Fifty-Ninth Legislature was lively as expected. Issues such as immigration, GRAMA (Government Records Access and Management Act), Medicaid, health insurance, and transportation—to name a few—generate strong opinions and emotions. However, the Utah Constitution requires the legislature to balance the budget—not an easy thing to do without tax increases and while addressing growth in public education and Medicaid. Balancing the budget required some difficult decisions, but they were necessary and became a major success for 2011.

In my opening remarks on the first day of the session I encouraged the members of the senate to honor and obey the Constitution and to think about how we can improve on what we have in order to make a positive mark on the pages of history. We have been criticized and we have been praised, but I believe we stood up for what is right and accomplished what will ultimately bring the most benefit to the people of this state.

The republicans and democrats had a good working relationship, and everyone contributed to the success of the session. It is never possible to make everyone happy, but overall I believe some good work was done. Utah is being recognized nationally for its work in the area of immigration legislation. There are other good things happening here as well. Utah was named the best–managed state in America—again. Forbes named Utah the best state for business. Utah is positioned to be #1 for an expected economic recovery. The Utah Retirement System is one of the top nine in the country. Utah has a AAA bond rating—the best in the country. Unemployment is at 7.5 percent compared with 9.4 percent nationally. Mortgage rates are down and real estate sales are beginning to pick up.

Highlights of the 2011 session can be found at http://le.utah.gov/session/2011/pdfdoc/selected highlights.pdf for those who are interested in more detailed information.

The Senate bid farewell in December to Brent Goodfellow (District #12) and Jon Greiner (District #18). We appreciate their service and wish them well as they leave public office. New to the Senate this year were Daniel Thatcher (District #12) and Stuart Reid (District #18) whom we welcomed into the body and enjoyed getting to know better.

Some things to look forward to in the coming months include redistricting and the appointment of a new senator to replace Chris Buttars who submitted his resignation on the last night of the session. His service during the past 11 years has been appreciated, and his dedication and hard work have not gone unnoticed.
SENATE LEADERSHIP

MAJORITY LEADERSHIP (Republican)

Scott Jenkins  
Majority Leader

Wayne Niederhauser  
Majority Whip

Peter Knudson  
Asst. Majority Whip

MINORITY LEADERSHIP (Democrat)

Ross Romero  
Minority Leader

Karen Morgan  
Minority Whip

Patricia Jones  
Asst. Minority Whip

SENATE STAFF

Annette B. Moore  
Secretary of the Senate

Leslie McLean  
Manager  
Senate Services

Mary Andrus  
Journal Clerk
SENATE LEADERSHIP
President of the Senate (R) ......................... Michael G. Waddoups
Majority Leader (R) ................................. Scott K. Jenkins
Majority Whip (R) ................................. Wayne L. Niederhauser
Assistant Majority Whip (R) ...................... Peter C. Knudson
Minority Leader (D) ............................... Ross I. Romero
Minority Whip (D) ................................. Karen Morgan
Assistant Minority Whip (D) ...................... Patricia Jones
Minority Caucus Manager (D) ...................... Ben McAdams

HOUSE LEADERSHIP
Speaker of the House (R) ......................... Rebecca Lockhart
Majority Leader (R) ............................... Brad L. Dee
Majority Whip (R) ................................. Gregory Hughes
Assistant Majority Whip (R) ..................... Ronda Menlove
Minority Leader (D) .............................. David Litvack
Minority Whip (D) ................................. Jennifer Seelig
Assistant Minority Whip (D) ..................... Brian King
Minority Caucus Manager (D) .................... Christine Watkins

STATE OFFICIALS
Governor ............................................. Gary R. Herbert
Lieutenant Governor ............................... Greg Bell
Attorney General ................................. Mark Shurtleff
Auditor .............................................. Auston Johnson
Treasurer ........................................... Richard Ellis

CONGRESSIONAL DELEGATION
Senator ............................................. Mike Lee
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 ............................................... Thomas R. Lee
Justice ............................................... Jill Parrish
Justice ............................................... Ronald E. Nehring
# MEMBERS OF THE SENATE

## Fifty-Ninth Legislature

<table>
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<tr>
<th>Senator</th>
<th>District</th>
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<td>Benjamin McAdams</td>
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STATE OF UTAH

SENATE JOURNAL
2011 GENERAL SESSION
of the
FIFTY–NINTH LEGISLATURE

FIRST DAY
MORNING SESSION

January 24, 2011

Pursuant to the provisions of the Constitution of the State of Utah, the Senators of the Fifty–Ninth Legislature of the State of Utah convened in General Session in the Senate Chamber on Monday, January 24, 2011, at ten o’clock a.m.

The Senate was called to order at 10:00 a.m., with the Honorable Clark Waddoups presiding.

PRAYER BY ELDER L. TOM PERRY,
MEMBER OF THE QUORUM OF THE TWELVE APOSTLES OF THE CHURCH OF JESUS CHRIST OF LATTER–DAY SAINTS

Oh God, Our Eternal Father in Heaven,

As thou knowest, we are gathered here this morning to convene the Utah State Senate in its opening session for this the year of 2011. We ask that thou will bless this noble body who have been selected by the people to represent them in the function of protecting and the making of laws by which the people of this state will be governed. We know these elected officials come to this great responsibility at great personal sacrifice of time away from their families, businesses, and other personal responsibilities. We ask that thou will give them the physical and mental strength to endure the pressures of this assignment.

We realize the great responsibility they carry to the people, representing the people of this state who have placed their trust in them to be by the people, for the people, and of the people, without loyalty of political parties, friends, or personal interests. Their election carries the will and the trust of the people they represent.

We are blessed to be governed in this great country of the United States of America who rule by law, the foundation of which is an inspired Constitution.
During the time of its formation, the founding fathers wanted to make certain it would guarantee our God−given right of liberty. Before final approval of this inspired document, the framers of the Constitution added the Bill of Rights which insures freedom of worship, freedom of speech, and the right to peaceable assemble. Our state of Utah has historically strengthened and supported this Constitution.

We are blessed to live in a state known for its industry, represented by our symbol, the beehive. We cherish our pioneer heritage and the contributions they made in building this great state. May we continue to emulate their example of integrity, of service, and their desire to always improve.

Now wilt thou bless these elected members, even beyond their natural abilities, as members of the Utah State Senate. Magnify and inspire them, with wisdom and judgment, that the decisions coming forth from this session will be for the good and blessing of all the people of this great state.

We humbly pray, in the name of Jesus Christ, amen.

**POSTING OF COLORS & PLEDGE OF ALLEGIANCE**

**UTAH NATIONAL GUARD**

Members of the Color Guard

Sgt. First Class Curt Hoepfner, NCOIC
Staff Sgt. Sarah Francis
Staff Sgt. Brian Koka
Staff Sgt. Gary Packer

Pledge of Allegiance – Colonel Scot Olsen

**SPECIAL MUSICAL PRESENTATION**

Utah State University Chamber Singers, under the direction of Dr. Cory Evans, Director of Choral Activities and Associate Professor of Choral Music Education, performed “The Star−Spangled Banner,” “At the River,” and “Ride the Chariot.”

On motion of Senator Scott Jenkins, the Senate thanked Elder Perry for delivering the invocation and requested his words to be spread upon the pages of the Senate Journal. He also expressed appreciation to the Utah Air National Guard, Colonel Scot Olson, for leading the Pledge of Allegiance, and to Dr. Cory
Evans and the Utah State University Chamber Singers for their participation in the opening of the Utah State Senate.

* * *

Leslie McLean read the following Certification of Membership of the 2011 General Session of the Fifty-Ninth Legislature.

CERTIFICATE OF MEMBERSHIP OF THE 2011 GENERAL SESSION OF THE UTAH STATE SENATE 59TH LEGISLATURE

In the General Election held within and for the State of Utah on Tuesday, November 2, 2010, the following named persons were chosen by the electors as members of the Legislature of the State of Utah to serve in the Utah Senate, each for a term of four years, beginning the first day of the 2011 general session. Subsequent to the canvass, I sent a Certificate of Election to each of the following

SECOND DISTRICT: County of Salt Lake
Ben McAdams
THIRD DISTRICT: County of Salt Lake
Gene Davis
FOURTH DISTRICT: County of Salt Lake
Patricia W. Jones
FIFTH DISTRICT: County of Salt Lake
Karen Mayne
SEVENTH DISTRICT: County of Salt Lake
Ross L. Romero
NINTH DISTRICT: County Salt Lake
Wayne Niederhauser
ELEVENTH DISTRICT: Counties of Salt Lake, Utah
Howard A. Stephenson
TWELFTH DISTRICT: Counties of Salt Lake, Tooele
Daniel W. Thatcher
FIFTEENTH DISTRICT: County of Utah
Margaret Dayton
SEVENTEENTH DISTRICT: Counties of Box Elder, Cache, Tooele
Peter C. Knudson
EIGHTEENTH DISTRICT: Counties of Davis, Weber
Stuart C. Reid
TWENTY–FIRST DISTRICT: County of Davis
Jerry W. Stevenson
TWENTY–SECOND DISTRICT: County of Davis
  J Stuart Adams
TWENTY–SEVENTH DISTRICT: Counties of Carbon, Emery, Grand, San Juan, Utah
  David P. Hinkins
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

Furthermore, in the 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 Utah Senate, each for a term of four years, beginning the first day of the 2009 annual general session. Subsequent to the canvass, I sent a Certificate of Election to each of the following:

FIRST DISTRICT: County of Salt Lake
  Luz Robles
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: Counties 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, Weber
  Allen M. Christensen
TWENTIETH DISTRICT: County of Weber
  Scott K. Jenkins
TWENTY–THIRD DISTRICT: County of Davis
  Daniel R. 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

Greg Bell
Lieutenant Governor

Communication filed.

* * *

Judge Clark Waddoups administered the Oath of Office to all re-elected and newly elected members of the Senate for the Fifty-Ninth Legislature.

Roll Call – All Senators present.

On motion of Senator Jenkins, the Senate voted to proceed with its organization and elect its president.

Judge Waddoups declared nominations for the office of President of the Senate were in order.

On motion of Senator Jenkins, Senator Michael G. Waddoups was nominated to serve as President of the Utah State Senate.

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

Judge Clark Waddoups administered the Oath of Office to the President of the Senate, Michael G. Waddoups.

On motion of Senator Jenkins, the Senate expressed appreciation to Judge Waddoups for taking time from his busy schedule to participate in the opening of the Utah State Senate.
WELCOMING REMARKS BY PRESIDENT WADDOUPS

First of all, thank you for your support and trust and the honor you have bestowed upon me. Booker T. Washington said, “It is wonderful when people believe in their leader. It’s more wonderful when the leader believes in the people.” Let me say, “I believe in you.” I’m convinced we’re going to have a good session, and we’ll get a lot of work done this year, and that the business of the State will go forward.

Sargent Shriver, who recently passed away, is quoted as saying “It is the most rewarding thing to be a civil servant.” Each of us has been elected to be servants. Let us serve for the right reasons this year.

A constituent recently sent me a treatise on government comparing our country with ancient Israel. Most of it came from a discourse by Samuel Langdon, one of the revolutionaries who was advocating for our new nation and for our U.S. Constitution.

Mr. Langdon quoted Deuteronomy, in the Bible, where God not only gave Israel the Ten Commandments, but a complete code of judicial laws. “Life and property were well guarded, and punishments were equitably adopted to the nature of the crime.”

Israel prospered and became rich in the land. So, with such a great beginning and such a wonderful system of laws, why did they fail? Why were they captured and disbursed throughout the world? Langdon then answers that question as follows: “They received their law from God, but they did not keep it.” He goes on to expound upon the rise and fall of Israel, and then compares their beginnings to the origin of this country for which they were advocating. He compared the 12 tribes of Israel to the 13 American Colonies, and he said, “I have presented you with the portrait of a nation, highly favored by heaven with civil and religious institutions, who yet, by not improving their advantages, forfeited their blessings and brought contempt and destruction to themselves.”

I, like Langdon, believe the United States is highly favored of Heaven, and our Constitution, though not carved in tablets of stone, was inspired by our maker. Today we took an oath to defend and obey the constitution. I adjure each of you to find out what it means to honor and obey the Constitution from our positions as legislators. Even though we are not taking the time to read it here on the floor as they did in Washington, I have recently read it again, and marvel at the wisdom and inspiration of our forefathers. I think we all could benefit by reviewing it again. George Washington himself acknowledged divine help as he fought for freedom, as he worked the Continental Congress, and again as he lead an infant nation destined to become the greatest nation in the world.
Samuel Langdon gave some good advice that is valid for us today because I believe it references qualities that you, as elected representatives of the people, possess. He said, “Fix your eyes upon men of good understanding and known honesty; men of knowledge, improved by experience, men who fear God, and hate covetousness; who love truth and righteousness, and sincerely wish the public welfare.” The author then asked if we should not strive to save our nation – and I add our state – from the plight that befell ancient Israel.

Our nation’s motto is “In God we Trust.” I’m convinced that with His help we can fulfill the trust that has been bestowed upon us by God and the electorate. “In God we Trust,” and I believe He is trusting in us. Trusting us to achieve great things in our state.

We hear much negativity in the world. In Arizona and Nevada the housing bust is pulling the states’ economies down and pushing their financial capabilities. Illinois just passed huge income tax and corporate tax increases to help them through the tough times. New York was recently named as the state with the worst economic outlook. Most all of New England has high taxes and a decreasing population to pay for their government services. Nationally, the average household debt is $115,375. Unemployment has been at 9% or above for the past 20 months. Everything seems to be bad in California from an unfunded pension plan to the issuing of IOUs to pay purveyors; high taxes and businesses closing their doors or relocating out of their state. Other examples abound.

How about Utah? There is much good in the news in Utah. Mortgage rates are down. Real Estate sales have begun to slowly pick up again. Car sales are increasing. Tourism is increasing, and visitors are coming to our state. Unemployment is at 7.5% compared to 9.4% nationally. Our state revenues are up $216 million dollars. Individuals are beginning to save again rather getting further in debt. Moody’s gives us a triple-A bond rating, the best nationally. Our triple-A bond rate is looked at with envy, and rightly so. GDP is increasing. Our exports are one of the few with a positive trade balance nationally. Utah tied MIT with spin-off companies and surpassed them with patents awarded. More citizens are getting an education. Again we have been named the best-managed state in America. Forbes named us the #1 state for business. The PEW Foundation said we are #1 for “sound government based on smart planning and effective performance management.” Beacon Hill says we are the #2 state for competitiveness. The ALEC–Laffer study says we are the #1 positioned state for expected economic recovery. The National Report Card on Fair School funding names Utah #1. PEW report on Funding retirement systems rates Utah in the top 9 solid systems. Our USEP educational savings plan is rated among the top 5 by Morning Star. CNBC lists us in the top 8 states for business. The University of Health Consortiums names the University of Utah Hospital #1. NHTSA rates Utah #1 lowest for
alcohol impaired driving fatalities. Government Technology grades Utah an “A.” Kauffman says we are #1 for Dynamic Economy. And it goes on.

I believe it is because we have many natural resources and great citizens. Alan Greenspan, while speaking of the abundance we enjoy, cautioned, “It is not that humans have become more greedy than in generations past, it is that the avenues to express greed have grown so enormously.” We can’t provide everything that we are asked to provide; we can provide the constitutionally authorized services we are expected to provide. We must live within our means. We will balance the budget. We must continue the direction we have begun.

What should we do to continue this? How can we improve upon what we have? The theme I have chosen this year is that we can each leave a mark. What we are doing here is making history. If we do not learn from history, we will not make history in a positive way, but rather, like the people of Israel, we will fail and be remembered as those who did not live up to the promise which we were given. This year we will impact all areas of our communities and the state. Transportation, infrastructure, buildings, health care, tourism, immigration, education – both public and higher, Medicaid, energy, alcohol policy, federalism and states rights, redistricting, ethics, environment, and guns. Pick one; MAKE YOUR MARK. We all have talents, and we can make history and leave a mark. Be careful, and leave a good mark.

I have studied cactus a bit this year. They can leave a MARK! I want to talk a little bit about cactus. There are all kinds of cactus. Tall ones, shorter ones, big ones, pretty ones with flowers, colored ones. Some are not so attractive and kind of ugly. Almost all of them have thorns; thorns that will leave a mark. You don’t want to get too close. Some are thick and can get you multiple times; kind of dangerous. Some are long and pointy and will leave a deep mark. Some are aggressive; you don’t want to get to close to those.

Some are very useful. Ric did a little research on the yucca for me. Let me tell you some things this cactus will do. It will blossom and be beautiful and provide food for insects. The stick that it grows can make a great spindle and a fire void for bow drill fires. Sharp leaf tips will refine your attention as you walk through the desert and get too close to them. Leaves provide great fiber for twist and cordage, using it with string for your snares. You can weave it thicker into foot ware or whatever else you need to tie together. You can use the green, wet fibers for soap. Roots are great for your hair. If you wrap a chunk of the root with a bandana and get it and then pound it slightly with a rock, or stick it under the suds or a stick until the suds come out, then use the suds for that silky desert glamour look. Also, the yucca provides shelter for animals and insects and other plants. Some of them just seem to
jump right out and get you as you walk by. This one did. As I was taking a picture, it hooked on to my slacks.

Finally, we are all like a cactus – we are spread out, but we are individually useful. We are going to be working as a team. As you go forward this year, we need to make a mark. Let’s make a good mark.

I want each of you to leave your mark on the pages of history this year. Do it in a positive way. Be remembered as one who made a difference. Be one who made a mark in the lives of our citizens. Be a David to the Goliath of bad government, and help continue the legacy of excellence and successes that make Utah #1. David, a smaller man than Goliath, used wisdom and determination and undertook the challenge of saving his people and his country. He made his mark right in the forehead of Goliath and is now remembered thousands of years later. Stand up for what is right. Stand up for our country and our constitution. Fulfill the oath of office you took today. Make a mark. I have a marker for each one of you today as a reminder that we are indeed making a mark. It’s a bookmark, and it has the Senate Seal on it. Each of you will be receiving one of those today. If you need more to share them, we have some extras. I want every staff member, every intern, every senator to have one as a reminder that we are to make a mark.

Today, from time to time, we may be criticized; we may be praised. Let me leave a quote that I think will calm our concerns and show us that no matter how we are perceived by others, that what we do is really ultimately what is important. This is by Abraham Lincoln. Abraham Lincoln said, “If I were to try to read, much less answer all the attacks made on me, this shop might as well close for any other business. I do the very best I know how – the very best I can; and I mean to keep doing so until the end. If the end brings me out all right, what is said against me won’t amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference.”

Fellow senators, let us each go out now and make our mark. Let’s make history. Thank you.

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On motion of Senator Niederhauser, the Senate voted to have President Waddoups’ remarks spread upon the pages of the Senate Journal.

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President Waddoups directed that the following be recorded in the Senate Journal as leaders for the 59th Legislature 2011 General Session:
On motion of Senator Dayton, the Senate voted to approve the Senate leadership.

Senators Romero and Jenkins delivered welcoming remarks.

* * *

President Waddoups appointed a Senate Rules Committee comprised of Senator Margaret Dayton, Chair, Senators D. Chris Buttars, Peter Knudson, Dan Liljenquist, Mark Madsen, Kevin Van Tassell, Patricia Jones, and Karen Mayne 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 2010 Senate Rules, Joint Rules and Interim Rules of the Fifty–Eighth Legislature were adopted with the understanding that changes to these rules for the Fifty–Ninth Legislature will be considered and adopted as soon as possible.

President Waddoups appointed Senators David Hinkins, Daniel Thatcher, and Luz Robles as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

President Waddoups appointed Senators Stuart Adams, Stuart Reid and Karen Mayne to join with a like committee from the House to notify Governor Herbert that the Legislature is organized for the 2011 General Session of the Fifty–Ninth Legislature and ready to do business.

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

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. The motion passed on the following roll call vote:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

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<tr>
<th>Bramble</th>
<th>Christensen</th>
<th>Davis</th>
<th>Dayton</th>
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<tr>
<td>Jenkins</td>
<td>Jones</td>
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<td>Madsen</td>
<td>McAdams</td>
<td>Morgan</td>
<td>Niederhauser</td>
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<td>Okerlund</td>
<td>Romero</td>
<td>H. Stephenson</td>
<td>J. Stevenson</td>
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<td>Stowell</td>
<td>Urquhart</td>
<td>Valentine</td>
<td>Van Tassell</td>
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<td>Waddoups</td>
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**Absent or not voting were:** Senators

<table>
<thead>
<tr>
<th>Adams</th>
<th>Buttars</th>
<th>Hillyard</th>
<th>Hinkins</th>
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<tr>
<td>Mayne</td>
<td>Reid</td>
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Senator Hinkins, 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 Adams, Chairman of the Committee to Notify the Governor, reported that His Excellency, Governor Gary R. Herbert, 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*
- Curtis Bramble
- David Hinkins
- Daniel Liljenquist
- Steve Urquhart
- Kevin Van Tassell
- Gene Davis
- Karen Mayne

**Education**

- Howard Stephenson, *Chair*
- Lyle Hillyard
- Wayne Niederhauser
- Jerry Stevenson
- Daniel Thatcher
- Karen Morgan
Natural Resources, Agriculture and Environment
Ralph Okerlund, Chair
Allen Christensen
Margaret Dayton
David Hinkins
Dennis Stowell
Gene Davis

Health and Human Services
D. Chris Buttars, Chair
Allen Christensen
Mark Madsen
Stuart Reid
Patricia Jones
Luz Robles

Workforce Services and Community and Economic Development
Stuart Reid, Chair
Ralph Okerlund
Jerry Stevenson
Michael Waddoups
Patricia Jones
Karen Morgan

Judiciary, Law Enforcement and Criminal Justice
Mark Madsen, Chair
Lyle W. Hillyard
Steve Urquhart
Michael Waddoups
Ben McAdams
Ross Romero

Revenue and Taxation
Curtis Bramble, Chair
Stuart Adams
Wayne Niederhauser
Howard Stephenson
Dennis Stowell
John Valentine
Benjamin McAdams
Ross Romero

Government Operations and Political Subdivisions
Peter Knudson, Chair
Margaret Dayton
Scott Jenkins
Daniel Thatcher
Luz Robles

Ethics
Daniel Liljenquist, Chair
Chris Buttars
Scott Jenkins
John Valentine
Karen Mayne
Benjamin McAdams
Karen Morgan
Luz Robles
TRANSPORTATION AND PUBLIC UTILITIES AND TECHNOLOGY
Kevin Van Tassell, Chair
Stuart Adams
Scott Jenkins
Peter Knudson
Karen Mayne

RETIREMENT AND INDEPENDENT ENTITIES
Daniel Liljenquist, Chair
Curtis Bramble
Stuart Reid
Daniel Thatcher
Karen Mayne
Luz Robles

SENATE RULES
Margaret Dayton, Chair
D. Chris Buttars, Vice Chair
Peter Knudson
Daniel Liljenquist
Mark Madsen
Kevin Van Tassell
Patricia Jones
Karen Mayne

SENATE MEMBERS JOINT APPROPRIATIONS SUBCOMMITTEES
2011 – 2012

EXECUTIVE APPROPRIATIONS COMMITTEE
Sen. Lyle Hillyard, Chair
Sen. Dennis Stowell, Vice Chair
Sen. Michael Waddoups
Sen. Scott Jenkins
Sen. Wayne Niederhauser
Sen. Peter Knudson
Sen. Ross Romero
Sen. Karen Morgan
Sen. Patricia Jones
Sen. Ben McAdams

BUSINESS, ECONOMIC DEVELOPMENT & LABOR
Sen. Jerry Stevenson, Co-Chair
Sen. Curtis Bramble
Sen. Ralph Okerlund
Sen. Stuart Reid
Sen. Steve Urquhart
Sen. Gene Davis

EXECUTIVE OFFICES AND CRIMINAL JUSTICE
Sen. Daniel Thatcher, Co-Chair
Sen. Peter Knudson
Sen. Howard Stephenson
Sen. John Valentine
Sen. Michael Waddoups
Sen. Ben McAdams
HIGHER EDUCATION
Sen. Steve Urquhart, Co-Chair
Sen. Scott Jenkins
Sen. Stuart Reid
Sen. Jerry Stevenson
Sen. John Valentine
Sen. Ross Romero

PUBLIC EDUCATION
Sen. Chris Buttars, Co-Chair
Sen. Stuart Adams
Sen. Lyle Hillyard
Sen. Mark Madsen
Sen. Howard Stephenson
Sen. Daniel Thatcher
Sen. Karen Morgan

INFRASTRUCTURE & GENERAL GOVERNMENT
Sen. Stuart Adams, Co-Chair
Sen. Lyle Hillyard
Sen. David Hinkins
Sen. Mark Madsen
Sen. Kevin Van Tassell
Sen. Karen Mayne

RETIREMENT & INDEPENDENT ENTITIES
Sen. Daniel Liljenquist, Co-Chair
Sen. Curtis Bramble
Sen. Stuart Reid
Sen. Daniel Thatcher
Sen. Karen Morgan
Sen. Luz Robles

NATURAL RESOURCES, AGRICULTURE & ENVIRONMENTAL QUALITY
Sen. David Hinkins, Co-Chair
Sen. Margaret Dayton
Sen. Ralph Okerlund
Sen. Dennis Stowell
Sen. Kevin Van Tassell
Sen. Gene Davis

SOCIAL SERVICES
Sen. Allen Christensen, Co-Chair
Sen. Margaret Dayton
Sen. Peter Knudson
Sen. Daniel Liljenquist
Sen. Wayne Niederhauser
Sen. Patricia Jones
Sen. Luz Robles
LEGISLATIVE MANAGEMENT COMMITTEE

Sen. Michael G. Waddoups Chair
Sen. Scott Jenkins
Sen. Wayne Niederhauser
Sen. Peter Knudson
Sen. Ross Romero
Sen. Karen Morgan
Sen. Patricia Jones
Sen. Ben McAdams

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

EMPLOYEE COMMITTEE REPORT

Senator Christensen introduced the Senate Staff.

Annette B. Moore Secretary and Chief Administrative Officer of the Senate
Ric Cantrell Chief Deputy of the Senate
Leslie O. McLean Manager of Senate Services
Dawn Frandsen Majority Executive Assistant
Janeen M. Halverson Minority Executive Assistant
Paula Tew Docket Clerk
Greg Johnson System Analyst
Mary Andrus Journal Clerk
Rolayne Day Secretarial Supervisor
Cynthia Millar Rules Secretary
Karen Allred Committee Secretary
Karen C. Allred Committee Secretary
Kathy Helgesen Committee Secretary
Jolene Morgan Committee Secretary
Lorna Wells Committee Secretary
Robert L. Gardner Sergeant At Arms
Thomas R. Shepherd Asst. Sergeant At Arms
Dennis Bird Security
Virgil Blair Security
Matthew Castillo Security
Frank Christensen Security
Steve Higham Security
INTRODUCTION OF INTERNS

Senator Karen Mayne introduced the Senate Interns for the 2011 General Session.

Sen. Stuart Adams
Sen. Curtis Bramble
Sen. D. Chris Buttars
Sen. Allen Christensen
Sen. Gene Davis
Sen. Margaret Dayton
Sen. Lyle Hillyard
Sen. David Hinkins
Sen. Scott Jenkins
Sen. Patricia Jones
Sen. Peter Knudson
Sen. Daniel Liljenquist

Dan Birdsall
Ryan Sims
Scott Loveless
David Ellis
William Espanol
Jordan Hess
Brandon Smith
Taylor Adams
Katie Jenkins
Molly Wheeler
Sam Barlow
Sydney Barfuss
INTRODUCTION OF BILLS

S.B. 1, Public Education Base Budget (D. C. Buttars), was read the first time by short title and referred to the Rules Committee.

S.B. 10, Local District Amendments (D. Stowell), was read the first time by short title and referred to the Rules Committee.

S.B. 11, Worker Classification Coordinated Enforcement (K. Mayne), was read the first time by short title and referred to the Rules Committee.

S.B. 12, Alcoholic Beverage Control Act – Modifications (J. Valentine), was read the first time by short title and referred to the Rules Committee.

S.B. 13, Per Diem and Travel Modifications (P. Knudson), was read the first time by short title and referred to the Rules Committee.
S.B. 14, Local Election Amendments (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.B. 15, Surety Requirements for Mining (D. Stowell), was read the first time by short title and referred to the Rules Committee.

S.B. 16, State Tax Commission Tax, Fee, or Charge Administration and Collection Amendments (W. Niederhauser), was read the first time by short title and referred to the Rules Committee.

S.B. 17, State Tax Commission Levy Process Using Depository Institution Data Match System (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 18, Election Administration by Election Officers (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.B. 19, Department of Workforce Services’ Regional Workforce Service Areas Amendments (P. Jones), was read the first time by short title and referred to the Rules Committee.

S.B. 20, Management of Water Rights Amendments (D. Stowell), was read the first time by short title and referred to the Rules Committee.

S.B. 21, Tax Revisions (W. Niederhauser), was read the first time by short title and referred to the Rules Committee.

S.B. 22, Corporate Franchise and Income Tax Amendments (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

S.B. 23, State Highway System Modifications (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

S.B. 24, Motor Vehicle Division Fee Amendments (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

S.B. 25, Share Certificates in Water Companies (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

S.B. 26, Water Law Modifications (M. Dayton), was read the first time by short title and referred to the Rules Committee.

S.B. 27, Sale of State Property (P. Knudson), was read the first time by short title and referred to the Rules Committee.
S.B. 28, Alcohol or Drug Related Offense Amendments (S. Jenkins), was read the first time by short title and referred to the Rules Committee.

S.B. 29, Uniform Driver License Act Amendments (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

S.B. 30, Extension of Recycling Market Development Zone Act and Related Tax Credits (J. Valentine), was read the first time by short title and referred to the Rules Committee.

S.B. 31, Rural Fast Track Program Amendments (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

S.B. 32, Agriculture Amendments (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

S.B. 33, Health Disparities and Related American Indian Programs (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

S.B. 34, Uniform Interstate Family Support Act (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 35, Construction Licensees Related Amendments (K. Mayne), was read the first time by short title and referred to the Rules Committee.

S.B. 36, Concealed Firearm Act Amendments (J. Valentine), was read the first time by short title and referred to the Rules Committee.

S.B. 37, Emergency Food Agency Amendments (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.B. 38, K–3 Reading Amendments (K. Morgan), was read the first time by short title and referred to the Rules Committee.

S.B. 39, Children’s Justice Center Program Amendments (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

S.B. 40, Employment Practices and Protection from Violence (P. Jones), was read the first time by short title and referred to the Rules Committee.

S.B. 41, Health Amendments for Legal Immigrant Children (L. Robles), was read the first time by short title and referred to the Rules Committee.
S.B. 94, Uniform Requirements for Constables (K. Mayne), was read the first time by short title and referred to the Rules Committee.

S.B. 95, Shareholder Action Without Meeting (B. McAdams), was read the first time by short title and referred to the Rules Committee.

S.B. 96, Alimony Amendments (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 97, Higher Education Mission Based Funding (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

S.B. 98, Securities Related Amendments (B. McAdams), was read the first time by short title and referred to the Rules Committee.

S.B. 99, Motor Vehicle Insurance – Named Driver Exclusion Amendments (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 100, Securities Whistleblower Program Act (B. McAdams), was read the first time by short title and referred to the Rules Committee.

S.B. 101, Utah Uniform Securities Act Enforcement (B. McAdams), was read the first time by short title and referred to the Rules Committee.

S.B. 102, Temporary Water Shortage Emergency – Military Facilities (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

S.B. 103, Utah False Claims Act Amendments (B. McAdams), was read the first time by short title and referred to the Rules Committee.

S.B. 104, Probate Law Amendments (J. Valentine), was read the first time by short title and referred to the Rules Committee.

S.B. 105, Legal Notice Publication Requirements (J. Valentine), was read the first time by short title and referred to the Rules Committee.

S.B. 106, Sexual Exploitation Amendments (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

S.B. 107, Higher Education Success Stipend Program (W. Niederhauser), was read the first time by short title and referred to the Rules Committee.
S.B. 108, Joint Use of Water Infrastructure (D. Stowell), was read the first time by short title and referred to the Rules Committee.

S.B. 109, Child Protection Registry Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 110, Driver License Suspension Amendments (D. C. Buttars), was read the first time by short title and referred to the Rules Committee.

S.B. 111, Utilities – Underground Facilities and Pipelines (S. Jenkins), was read the first time by short title and referred to the Rules Committee.

S.B. 112, Retirement System Divestment (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 113, Election District Boundaries (J. Valentine), was read the first time by short title and referred to the Rules Committee.

S.C.R. 1, Crisis Intervention Team Program Concurrent Resolution (P. Jones), was read the first time by short title and referred to the Rules Committee.

S.C.R. 2, Financial Responsibility Concurrent Resolution (P. Jones), was read the first time by short title and referred to the Rules Committee.

S.C.R. 3, Concurrent Resolution Supporting Continued Federal Funding of the Central Utah Project (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

S.C.R. 4, Communications Spectrum Translator System Concurrent Resolution (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

S.J.R. 1, Joint Resolution on State Board of Education Authority (D. C. Buttars), was read the first time by short title and referred to the Rules Committee.

S.J.R. 3, Adult Immunization Awareness Day Joint Resolution (K. Mayne), was read the first time by short title and referred to the Rules Committee.

S.J.R. 4, Joint Resolution Approving Scenic Byway Corridor Management Plan (D. Stowell), was read the first time by short title and referred to the Rules Committee.
S.J.R. 5, Joint Rules Resolution on Fiscal Note Process (W. Niederhauser), was read the first time by short title and referred to the Rules Committee.

S.J.R. 6, Joint Resolution Urging Congress to Limit the Freeze on Longer Combination Vehicle Use in the Western States (S. Jenkins), was read the first time by short title and referred to the Rules Committee.

S.J.R. 7, Fibromyalgia Awareness Day Joint Resolution (P. Knudson), was read the first time by short title and referred to the Rules Committee.

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

**AFTERNOON SESSION**

The Senate was called to order by President Michael Waddoups at 2:15 p.m.

**COMMITTEE OF THE WHOLE**

On motion of Senator Jenkins, the Legislature resolved itself into a Committee of the Whole for the purpose of hearing from Chief Justice Christine Durham, Utah Supreme Court.

**REMARKS BY CHIEF JUSTICE CHRISTINE M. DURHAM**

It is a pleasure to participate in Utah’s tradition of an annual invitation to the judiciary – the third branch – to report to the legislature on our circumstances, accomplishments and challenges. I appreciate the courtesy of the leadership of this body and the gracious attendance of its members.

I am joined this afternoon by the members of the Supreme Court: Associate Chief Justice Matthew Durrant, and associate justices Ronald Nehring, Jill Parrish and Thomas Lee. This is Justice Lee’s first opportunity to participate in this occasion, and I would like to express publicly the court’s appreciation for the work of the Governor and the Senate in bringing us up to a full complement and sending us such an able colleague. Justice Lee has already contributed to the efficiency and quality of our work and has become a friend as well as a colleague.

Also present today are the members of Utah’s Judicial Council, the governing body for the judicial branch, which had its regular monthly meeting this morning in Salt Lake City. The Council has constitutional authority for the Rules of Judicial Administration, the preparation and monitoring of the budget, and the development of policy for the judiciary, while the Supreme Court is responsible for rules of evidence and procedure and regulation of the practice of law. The Council members are elected by each of the trial and appellate court levels in the
state, along with one lawyer appointed by the State Bar, and dedicate a great deal of their time and talent to the oversight of Utah’s judiciary. I would also like to publicly recognize the work of the Council over the last two years in responding boldly to our fiscal challenges and charting a course that has been both responsible and innovative, as I will share with you in these remarks. The Administrative Office of the Courts, headed by the extremely able Dan Becker, serves as staff to the Judicial Council and is responsible for implementing Council policy throughout the state courts. The Justice Courts are locally operated and funded, but the Administrative Office provides technical and educational support to them, and they participate in the work of the Council.

I would like to use my time today to say a few words about the context in which state courts in general are functioning, and then to focus on our situation in Utah. I would be remiss, however, if I did not begin by emphasizing the degree to which we in the judiciary understand and appreciate the history of collaboration and support between our branch and yours in recent years. We know that you have faced unprecedented pressures in funding state government, and we are grateful for the fact that you and your staff have listened to our ideas, understood our mission and its import to the citizens of Utah, and been creative and extraordinarily helpful in finding ways to keep the courts open and functioning at the highest levels possible. We thank you.

In the last several decades, the almost exclusive focus in this country on study of the federal courts, which began in the middle of the last century, has shifted. It is increasingly understood that the state courts are the foundational institutions of our system of justice. This is true for two reasons: first, it is in the state courts that the legal problems of everyday American citizens are resolved, and second, the vast majority of all legal problems of any kind are dealt with in state courts. To illustrate the second point, there is a striking set of numbers I would like to share with you. For the most recent year for which we have final estimates, the total filings in all of the federal courts in the country (trial and appellate, including the U.S. Supreme Court), excluding bankruptcy cases, was approximately 385,000. For the same year filings in state courts, not including traffic cases, were over 47 million. What these numbers mean is that something over 95 percent of the cases filed in the United States are handled in the state courts. To bring this closer to home, every business day in Utah we have 4,500 new filings, or over 950,000 new cases every year. That’s about 1 case for every 2.8 citizens. Our annual filings in Utah are nearly three times the number of federal cases filed in all federal courts in the entire country.

Of even more significance, however, is the kind of cases these filings represent. State courts decide where children will live after divorce and how much is due for their support, whether a tenant is evicted, whether a small business can
collect its unpaid accounts, whether a property owner gets a zoning variance. It is in state courts that vulnerable citizens like children and the disabled can be protected from exploitation and abuse, that troubled families seek final resolution and fair disposition of their disputes, that persons who disrupt the social order by criminal behavior are held accountable, that property owners end disputes without violence, that commercial and business transactions gone awry get resolved, and that citizens can seek redress from government over-reaching when it occurs. This list could go on for pages—it is the merest summary of the kinds of human problems that depend on a fair and impartial forum, open to all, for their solutions.

Courts are not perfect; they are human institutions subject to the frailties of all such institutions. But in our constitutional democracy Americans have placed in them our best hopes for preserving a system of justice and the rule of law. One needs only to try to imagine life in their absence—or study places in the world where there are no fair and impartial courts—to understand how much we depend on them to preserve peace, order, safety, and the rights our constitutions and laws guarantee. That is the core mission of state courts; it requires constant vigilance to shore them up, preserve and protect them, and demand from them the highest standards of fairness, impartiality, and performance. Anything less risks the erosion of the quality of our civic life.

The formal mission of Utah’s state courts is “[t]o provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.” Although Article VIII of the Utah Constitution establishes the authority and structure of the judicial “department” of state government, Article I, Utah’s Declaration of Rights, contains a significant part of our constitutional charge, directed specifically to civil justice, in Section 11: “All courts shall be open, and every person for an injury done to him in his person, property or reputation, shall have remedy by due course of law, which shall be administered without denial or unnecessary delay....” This mission and this charge have informed our decision making in response to needed budget cuts in 2002, 2009 and 2010. We have attempted in our reductions and restructuring to honor our core constitutional functions, to maintain access to the courts with no “denial or delay.”

I do not want today to talk about our budget; instead I want to talk with you about our management of the public’s resources. The Utah Constitution informs our resource allocation, as do state statutes, but what do our citizens want and expect from us? What is good government when it comes to the operation of the courts? Our view is that good government implies, and the public demands, that we organize ourselves efficiently, that we focus our resources on functions that directly benefit the public, that we take advantage of the best research, information and technology to change and adapt our system to best practices, that we measure our productivity, and that we hold ourselves accountable to these
principles. We believe that we have done all of these things, that we are an example of good government.

As I have often mentioned, Utah’s court system is viewed nationally as a model for its governance structure, its development of performance standards and public reporting, and its innovation in using technology to improve efficiency and reduce costs. We are currently engaged in a major re-structuring of our “business model,” if I may use that term, and I would like to share some of the details with you today. We have in the past two to three years made the significant permanent cuts necessary to balance our budget, and we have identified a strategy to use what remains so as to achieve the greatest possible system efficiencies. In fact, we are in the process of making fundamental changes in almost every part of our court system. We have used the opportunity presented by the economic crisis to advance structural changes that might otherwise not have been possible or palatable and we have advanced innovative strategies at a pace that almost certainly would not have been feasible in normal times. We are changing how cases are filed, how clerks process them, how judges view them, how we communicate about them, and how they are litigated, heard and resolved.

As we make these fundamental changes, we are also very fortunate to be able to constantly measure the impact of the changes. We have a comprehensive set of performance measures that we use as a “dashboard” to indicate our speed, direction and productivity. These measures have been in place for several years now, and they allow us to quantify, rather than speculate about, the impact of recent resource cuts, resource allocation, and system restructuring. We believe these measures show that while our reduced resources and increased caseloads have negatively impacted court users, the restructuring and innovations that we are in the middle of are having the desired effect of mitigating that impact. For example, last year I talked about our clerical restructuring project, which replaced traditional hierarchal management structure with teams of “generalists” on the clerical staff. We also did away with the archaic practice of compensating clerks based on simple longevity, and instead now pay them based on demonstrated competency and skill acquisition. This has enabled us to provide the same service to more court users with fewer people. This year I want to mention two other major reform efforts, electronic access and civil practice reform.

As of today, our non-judicial workforce has been downsized permanently by nine percent, while our case filings—for the third straight year—are 16 percent above their pre-recession 2008 levels. Everyone is concerned these days about having to do more with less; in the courts we are worried about doing far more with much less. So what are we doing? It would be extremely difficult, I think, to find any operation more paper intensive than courts; tens of millions of pieces of paper are handled multiple times by multiple people in Utah’s courts annually. This is
about to change radically and rapidly as we move to what we are calling “e–everything.” Plans for this shift have been underway for some time, but our budget losses and personnel cuts have persuaded us to accelerate the process dramatically. We are moving to the use of an electronic record for all court business at all court levels—something that has yet to be done in any state court system. As you can imagine this is stressful for our judges, our court clerks, and particularly our information technology staff, but I am very proud of the dedication and innovation being shown throughout our system.

The electronic record project, amazing as it is, is only part of “e–everything.” The courts have already launched e–filing of civil cases; e–payment of fees, fines and restitution; e–documents; e–warrants and e–citations. All of these systems have been initiated statewide, so that even when a case is not filed electronically, its documents are being scanned for the creation of an electronic record. The courts have also completed development of a system for e–filing of criminal cases; and we will be ready to implement it as soon as the Prosecutors Information Management System (PIMS) is available for testing.

How will the electronic record change the way we do business? Clerks will no longer have to create paper files and manually input data; the file will be created automatically as electronic documents are entered. Electronic payments eliminate the need for manual bookkeeping; processing receipts, disbursements and recording all occur through a banking transaction. Clerks will no longer have to locate and pull voluminous paper files for court hearings or information retrieval; instead, the electronic record can be accessed instantaneously by multiple parties at multiple locations at any time. Preparation of trial court records for appellate review, which used to be a time–consuming task for court clerks, can now be done automatically and instantaneously. Among other things, the electronic record will mean significant savings in supplies and records storage equipment and space. For the court user and the average citizen, electronic access to court records means no more trips to the courthouse to conduct business that doesn’t require a hearing.

The next area I wanted to mention has to do with reforms in the arena of civil litigation. The Supreme Court’s Advisory Committee on the Rules of Civil Procedure has been working for the past two years on a radical restructuring of the process and theory of discovery in civil lawsuits. Discovery is the process by which parties obtain from each other the information and evidence they need to settle or try their cases, and it has become in recent decades the major cause of expense and delay in civil courts throughout the country. Our existing discovery rules are based on the federal rules, which were conceived at a time when copy machines didn’t even exist yet, let alone computers. Information looks very different now than it did then, so we are looking at major changes in the Rules of
Civil Procedure that we hope will streamline the process dramatically, reducing delay and cost, and thereby improving access to and confidence in the courts.

As dramatic as the civil litigation reform may be, I understand that it probably sounds like “inside baseball” to most of you, so let me give one final example of how we are fine tuning even our most effective programs to be sure they are as effective as they can be. As we have traveled the state meeting with many of you in your districts, one topic that came up in every area is drug courts. Out of curiosity, by a show of hands, how many of you have attended a drug court or spoken at a drug court hearing or graduation? For those who haven’t done so, you have an open invitation to attend one at any time. I promise you that you will feel your time was well spent.

Drug Courts, or in the broader description, Problem Solving Courts (which now include courts specializing in the needs of the mentally ill, veterans, the homeless and persons charged with DUI), are probably the biggest innovation in sentencing in the last hundred years. The idea is that sentencing needs to address the root cause of criminal behavior in order to affect recidivism. As you know, we operate these courts at all court levels, and the research now is very clear on these courts; they have the most effect on high risk/high need offenders, in other words our most serious, drug addicted defendants. On the national level, those involved in Problem Solving Courts have agreed on ten key components to drug court effectiveness.

By rule, courts must apply to the Judicial Council for initial approval to operate a Problem Solving Court. That process permits the Council to determine if the applicant is complying with the ten key components. In addition to the front−end oversight, the Judicial Council has also developed an ongoing certification process, involving one of our senior judges, who operated a drug court for many years, who is doing on−site observations of every drug court (we have 52 statewide) to determine if the court is operating as it should. Not only does this process provide oversight and assistance to these courts, but it also ensures that we are operating them in the most effective way possible.

Almost all of the state funding for drug courts comes through the Division of Substance Abuse and Mental Health, so we have worked very closely with them to be sure only the most effective drug court programs receive state support. I hope you agree that the process I described reflects the importance the Judicial Council places on program effectiveness and, while the funding doesn’t come to the courts, I suggest that drug courts are exactly the kind of proven, effective program that warrants the strong continuing support of this body.

For all the good news about these innovations and changes, however, I don’t want to minimize the pressures that they are exerting on all parts of our system,
and on litigants, lawyers and other court users. Our greatest strength is our people—judges, clerks, probation officers, and administrative staff. Our system for selecting judges provides our state with an outstanding judiciary. They are being relied upon to handle more and more cases, and are working hard not to let the additional work result in delay. Our judges and staff have responded in a way we can all be proud of. The major transitions in progress would be challenging in the best of times, and these are not the best of times. The complete transition will take several years, but we are well underway, with all the major components in place.

The status of these major changes is, however, dependent on our ability to continue to design, test and implement sweeping solutions to complicated problems and is therefore somewhat fragile. Our budget structure in the judicial branch leaves us with limited options. Ninety-three percent of our General Fund budget is people, so any further resource reductions would have to come from our existing court staff—the very resource we are depending on to implement our solutions. We know you are well aware of these challenges and we look forward to the work of the legislative session as we address them together.

Last year I reported that the state of our judiciary was strong, but challenged. This year I would amend that assessment by reporting that we are responding to the challenge by relying on the strength of our people and on a willingness to critique and change how we conduct court business. With your help, we will emerge from this difficult transition in a position to continue protecting access to our courts and delivering timely justice, while at the same time improving services with significantly fewer resources. We think that is our fundamental constitutional mission, and, perhaps more importantly, that is good government.

Thank you and our best wishes as you conduct the important work of our state for the next 45 days.

* * *

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

On motion of Senator Romero, the Senate voted to print the remarks of the Chief Justice of the Supreme Court on the pages of the Senate Journal.

RULES COMMITTEE REPORTS

To the Members of the Senate: January 24, 2011

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

**Business and Labor Committee**

S.B. 35  Construction Licensees Related Amendments
(Sen. K. Mayne)
S.B. 95  Shareholder Action Without Meeting (Sen. B. McAdams)
S.B. 98  Securities Related Amendments (Sen. B. McAdams)
S.B. 99  Motor Vehicle Insurance – Named Driver Exclusion Amendments (Sen. L. Hillyard)
S.B. 11  Worker Classification Coordinated Enforcement (Sen. K. Mayne)

Education Committee
S.B. 97  Higher Education Mission Based Funding (Sen. S. Urquhart)
S.B. 107  Higher Education Success Stipend Program (Sen. W. Niederhauser)
S.B. 38  K–3 Reading Amendments (Sen. K. Morgan)
S.J.R. 1  Joint Resolution on State Board of Education Authority (Sen. D. C. Buttars)

Government Operations and Political Subdivisions Committee
S.J.R. 5  Joint Rules Resolution on Fiscal Note Process (Sen. W. Niederhauser)
S.J.R. 6  Joint Resolution Urging Congress to Limit the Freeze on Longer Combination Vehicle Use in the Western States (Sen. S. Jenkins)

Health and Human Services Committee
S.B. 33  Health Disparities and Related American Indian Programs (Sen. K. Van Tassell)
S.C.R. 1  Crisis Intervention Team Program Concurrent Resolution (Sen. P. Jones)
S.J.R. 3  Adult Immunization Awareness Day Joint Resolution (Sen. K. Mayne)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 28  Alcohol or Drug Related Offense Amendments (Sen. S. Jenkins)
S.B. 34  Uniform Interstate Family Support Act (Sen. L. Hillyard)
S.B. 36  Concealed Firearm Act Amendments (Sen. J. Valentine)
S.B. 94  Uniform Requirements for Constables (Sen. K. Mayne)
S.B. 96  Alimony Amendments (Sen. L. Hillyard)
S.B. 104  Probate Law Amendments (Sen. J. Valentine)
S.B. 106  Sexual Exploitation Amendments (Sen. D. Hinkins)
Natural Resources, Agriculture and Environment Committee
S.B. 25  Share Certificates in Water Companies  
(Sen. R. Okerlund)
S.B. 32  Agriculture Amendments  
(Sen. R. Okerlund)
S.B. 102  Temporary Water Shortage Emergency – Military  
Facilities  
(Sen. R. Okerlund)
S.B. 108  Joint Use of Water Infrastructure  
(Sen. D. Stowell)

Revenue and Taxation Committee
S.B. 21  Tax Revisions  
(Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee
S.B. 105  Legal Notice Publication Requirements  
(Sen. J. Valentine)
S.B. 111  Utilities – Underground Facilities and Pipelines  
(Sen. S. Jenkins)
S.J.R. 4  Joint Resolution Approving Scenic Byway Corridor  
Management Plan  
(Sen. D. Stowell)

Workforce Services and Community and Economic Development Committee
S.B. 31  Rural Fast Track Program Amendments  
(Sen. R. Okerlund)
S.B. 37  Emergency Food Agency Amendments  
(Sen. P. Knudson)

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 24, 2011

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

S.B. 10  Local District Amendments  
(Sen. D. Stowell)
S.B. 12  Alcoholic Beverage Control Act – Modifications  
(Sen. J. Valentine)
S.B. 13  Per Diem and Travel Modifications  
(Sen. P. Knudson)
S.B. 14  Local Election Amendments  
(Sen. P. Knudson)
S.B. 15  Surety Requirements for Mining  
(Sen. D. Stowell)
S.B. 16  State Tax Commission Tax, Fee, or Charge Administration and Collection Amendments (Sen. W. Niederhauser)
S.B. 17  State Tax Commission Levy Process Using Depository Institution Data Match System (Sen. C. Bramble)
S.B. 18  Election Administration by Election Officers (Sen. P. Knudson)
S.B. 19  Department of Workforce Services’ Regional Workforce Service Areas Amendments (Sen. P. Jones)
S.B. 20  Management of Water Rights Amendments (Sen. D. Stowell)
S.B. 22  Corporate Franchise and Income Tax Amendments (Sen. J. S. Adams)
S.B. 23  State Highway System Modifications (Sen. K. Van Tassell)
S.B. 24  Motor Vehicle Division Fee Amendments (Sen. K. Van Tassell)
S.B. 26  Water Law Modifications (Sen. M. Dayton)
S.B. 27  Sale of State Property (Sen. P. Knudson)
S.B. 29  Uniform Driver License Act Amendments (Sen. K. Van Tassell)
S.B. 30  Extension of Recycling Market Development Zone Act and Related Tax Credits (Sen. J. Valentine)

Margaret Dayton
Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 93, Child Welfare Legislative Oversight Panel Reporting Amendments (A. Christensen), was read the first time by short title and referred to the Rules Committee.

S.B. 114, Municipal Prosecutorial Discretion (D. Thatcher), was read the first time by short title and referred to the Rules Committee.

S.B. 115, School Performance Reporting (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

S.B. 116, Homestead Exemption Modification (S. Urquhart), was read the first time by short title and referred to the Rules Committee.
S.C.R. 5, Bear Lake Concurrent Resolution (P. Knudson), was read the first time by short title and referred to the Rules Committee.

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On motion of Senator Davis, a time certain was set for Wednesday, January 26, 2011, at 11:00 a.m. for a presentation by the Girl Scouts.

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On motion of Senator Jenkins and at 2:45 p.m., the Senate adjourned until 10:00 a.m., Tuesday, January 25, 2011.
SECOND DAY

January 25, 2011

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

Prayer – Elder Carl Cook, 5th Quorum of the Seventy, Church of Jesus Christ of Latter-Day Saints
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 80)

STANDING COMMITTEE REPORTS

Mr. President: January 24, 2011

The Business and Labor Committee recommends S.B. 11, WORKER CLASSIFICATION COORDINATED ENFORCEMENT, by Senator K. Mayne, be replaced and favorably recommends 1st Sub. S.B. 11, WORKER CLASSIFICATION COORDINATED ENFORCEMENT; and

The Business and Labor Committee reports a favorable recommendation on S.B. 95, SHAREHOLDER ACTION WITHOUT MEETING, by Senator B. McAdams, with the following amendments:

1. Page 5, Lines 122 through 129:

122 (5) (6) Notwithstanding Subsection (1), directors may not be elected by written consent except by unanimous written consent of all shares entitled to vote for the election of directors.

124 (7) If not otherwise determined under Sections 16–10a–703 or 16–10a–707, the record date for determining shareholders entitled to take action without a meeting or entitled to be given notice under Subsection (2) [of action so taken] or (3) is the date the first shareholder delivers to the corporation a writing upon which the action is taken pursuant to Subsection (1).
Action taken under this section has the same effect as action taken at a meeting of shareholders and may be so described in any document.


John L. Valentine, Chair

Mr. President: January 24, 2011

The Education Committee reports a favorable recommendation on S.B. 107, HIGHER EDUCATION SUCCESS STIPEND PROGRAM, by Senator W. Niederhauser; and

The Education Committee reports a favorable recommendation on S.B. 38, K–3 READING AMENDMENTS, by Senator K. Morgan.

Howard Stephenson, Chair

On motion of Senator Stowell, the committee reports were adopted. The bills were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 42, Regulation of Sign Companies (P. Jones), was read the first time by short title and referred to the Rules Committee.

S.B. 43, Local District Fees (D. Thatcher), was read the first time by short title and referred to the Rules Committee.

S.B. 117, Community Association Act Amendments (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

S.B. 118, Multistate Highway Transportation Agreement Amendments (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

S.B. 10, LOCAL DISTRICT AMENDMENTS, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jenkins Jones Knudson Mayne
McAdams Morgan Niederhauser Okerlund
Reid Robles Romero J. Stevenson
Stowell Thatcher Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Liljenquist Madsen H. Stephenson

* * *

S.B. 12, ALCOHOLIC BEVERAGE CONTROL ACT – MODIFICATIONS, was read the second time. Senator Valentine 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
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jenkins Jones Knudson Liljenquist
Mayne McAdams Morgan Niederhauser
Okerlund Reid Robles Romero
H. Stephenson J. Stevenson Stowell Thatcher
Urquhart Valentine Van Tassell Waddoups

Absent or not voting was: Senator
Madsen

* * *

S.B. 13, PER DIEM AND TRAVEL MODIFICATIONS, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
S.B. 14, LOCAL ELECTION AMENDMENTS, was read the second time. Senator Knudson explained the bill.

Senator Knudson proposed the following amendment:

1. Page 20, Lines 609 through 613

   609 (3) A local district board may cancel an election as described in Section 17B–1–306 if:
   610 (a) (i) (A) any local district officers are elected in an at-large election; and
   611 (B) the number of local district officer candidates for the at-large local district offices,
   612 including any eligible write-in candidates under Section 20A–9–601, does not exceed the
   613 number of open at-large local district offices for which the candidates have filed; or

Senator Knudson’s motion to amend passed on a voice vote. 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

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Absent or not voting were: Senators

Madsen  Robles  H. Stephenson

***
Absent or not voting was: Senator Buttars

***

S.B. 15, SURETY REQUIREMENTS FOR MINING, was read the second
time. Senator Stowell explained the bill. Senator Valentine commented. Senator
Valentine 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
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jenkins Jones Knudson Liljenquist
Madsen Mayne McAdams Morgan
Niederhauser Okerlund Reid Robles
Romero H. Stephenson J. Stevenson Stowell
Thatcher Urquhart Valentine Waddoups

Absent or not voting was: Senator Van Tassell

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On motion of Senator Niederhauser, S.B. 16, STATE TAX COMMISSION
TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION
AMENDMENTS, was read the second time and circled.

***

S.B. 17, STATE TAX COMMISSION LEVY PROCESS USING
DEPOSITORY INSTITUTION DATA MATCH SYSTEM, 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
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jenkins Jones Knudson Liljenquist
Madsen Mayne McAdams Morgan
Niederhauser  Okerlund  Reid  Romero  
H. Stephenson  J. Stevenson  Stowell  Thatcher  
Urquhart  Valentine  Waddoups

Absent or not voting were: Senators
Robles  Van Tassell  

* * *

S.B. 18, ELECTION ADMINISTRATION BY ELECTION OFFICERS, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Buttars  Christensen  Davis  
Dayton  Hillyard  Hinkins  Jenkins  
Jones  Knudson  Liljenquist  Madsen  
Mayne  McAdams  Morgan  Niederhauser  
Okerlund  Reid  Romero  H. Stephenson  
J. Stevenson  Stowell  Thatcher  Urquhart  
Valentine  Waddoups

Absent or not voting were: Senators
Bramble  Robles  Van Tassell  

* * *

S.B. 19, DEPARTMENT OF WORKFORCE SERVICES’ REGIONAL WORKFORCE SERVICE AREAS AMENDMENTS, was read the second time. Senator Jones 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
Adams  Buttars  Christensen  Davis  
Dayton  Hillyard  Hinkins  Jenkins  
Jones  Knudson  Liljenquist  Madsen  
Mayne  McAdams  Morgan  Niederhauser  
Okerlund  Reid  Romero  H. Stephenson  
J. Stevenson  Stowell  Thatcher  Urquhart  
Valentine  Waddoups
Absent or not voting were: Senators
Bramble Robles Van Tassell

*S * *

S.B. 20, MANAGEMENT OF WATER RIGHTS AMENDMENTS, 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
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jenkins Jones Knudson Liljenquist
Madsen Mayne McAdams Morgan
Niederhauser Okerlund Reid Romero
H. Stephenson J. Stevenson Stowell Thatcher
Urquhart Valentine Waddoups

Absent or not voting were: Senators
Robles Van Tassell

*S * *

S.B. 22, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS, was read the second time. Senator Adams 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
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jenkins Jones Knudson Liljenquist
Mayne McAdams Morgan Niederhauser
Okerlund Reid Romero H. Stephenson
J. Stevenson Stowell Thatcher Urquhart
Urquhart Valentine Waddoups

Absent or not voting were: Senators
Madsen Robles Van Tassell

*S * *

On motion of Senator Okerlund, S.B. 23, STATE HIGHWAY SYSTEM MODIFICATIONS, was read the second time and circled.
On motion of Senator Okerlund, S.B. 24, MOTOR VEHICLE DIVISION FEE AMENDMENTS, was read the second time and circled.

S.B. 26, WATER LAW MODIFICATIONS, was read the second time. Senator Dayton 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

| Robles | Van Tassell |

S.B. 27, SALE OF STATE PROPERTY, was read the second time. 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

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**Absent or not voting were:** Senators

| Robles | Van Tassell |
* * *

On motion of Senator Okerlund, **S.B. 29**, UNIFORM DRIVER LICENSE ACT AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Valentine, **S.B. 30**, EXTENSION OF RECYCLING MARKET DEVELOPMENT ZONE ACT AND RELATED TAX CREDITS, was read the second time and circled.

**INTRODUCTION OF BILLS**

**S.B. 119, School District Superintendents Amendments** (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

**S.B. 120, Career Service Amendments** (D. Liljenquist), was read the first time by short title and referred to the Rules Committee.

**S.B. 121, New Automobile Franchise Act Amendments** (D. Liljenquist), was read the first time by short title and referred to the Rules Committee.

**S.J.R. 8, Ronald Reagan Day Joint Resolution** (D. Liljenquist), was read the first time by short title and referred to the Rules Committee.

**S.J.R. 9, Joint Resolution – Governance of Public and Higher Education** (S. Reid), was read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Jenkins and at 11:10 a.m., the Senate adjourned until 10:00 a.m., Wednesday, January 26, 2011.
THIRD DAY

January 26, 2011

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

Prayer – Mayor Joe Burgess, Cedar City, Utah
Pledge of Allegiance – Senator Mark Madsen
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, page 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 25, 2011

The House passed, as amended, **H.B. 12**, PERSONAL INJURY CLAIMS BY PERSONAL REPRESENTATIVE, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed **H.B. 14**, CATASTROPHIC MENTAL HEALTH COVERAGE – SUNSET ACT, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 15**, CONTROLLED SUBSTANCE DATABASE – LICENSING AMENDMENTS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed **H.B. 21**, STATUTORILY REQUIRED REPORTS AMENDMENTS, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed **H.B. 25**, MINERAL AND PETROLEUM LITERACY, by Representative J. Draxler, and it is transmitted for consideration; and

The House passed **H.B. 26**, HIGH OCCUPANCY TOLL LANE CUSTOMER INFORMATION, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed **H.B. 27**, WORKERS’ COMPENSATION RATE FILINGS, by Representative T. Kiser, and it is transmitted for consideration; and
The House passed **H.B. 28**, PENALTIES FOR UNAUTHORIZED USE OF RECORDS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed **H.B. 29**, BUSINESS ENTITY MERGERS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.B. 30**, ELECTION OFFICIALS’ FUNDS, by Representative N. Hendrickson, and it is transmitted for consideration; and

The House passed **H.B. 35**, SALES AND USE TAX ACT REVISIONS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 36**, ASSESSMENT, COLLECTIONS, AND REFUNDS ACT AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed **H.B. 38**, SEVERANCE TAX AMENDMENTS, by Representative E. Vickers, and it is transmitted for consideration; and

The House passed **H.B. 39**, WATER RIGHTS AMENDMENTS, by Representative J. Draxler, and it is transmitted for consideration; and

The House passed **H.B. 41**, STATE CAPITOL PRESERVATION BOARD FEE REVISIONS, by Representative N. Hendrickson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: January 25, 2011

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

**Business and Labor Committee**

**S.B. 40** Employment Practices and Protection from Violence (Sen. P. Jones)

**S.B. 42** Regulation of Sign Companies (Sen. P. Jones)

**S.B. 117** Community Association Act Amendments (Sen. S. Urquhart)

**S.B. 121** New Automobile Franchise Act Amendments (Sen. D. Liljenquist)
Education Committee
S.B. 115  School Performance Reporting (Sen. H. Stephenson)
S.B. 119  School District Superintendents Amendments
          (Sen. H. Stephenson)
S.J.R.  9  Joint Resolution – Governance of Public and Higher
          Education (Sen. S. Reid)

Government Operations and Political Subdivisions Committee
S.B. 114  Municipal Prosecutorial Discretion (Sen. D. Thatcher)
S.C.R.  5  Bear Lake Concurrent Resolution (Sen. P. Knudson)
S.J.R.  8  Ronald Reagan Day Joint Resolution (Sen. D. Liljenquist)

Health and Human Services Committee
S.B.  93  Child Welfare Legislative Oversight Panel Reporting
          Amendments (Sen. A. Christensen)
S.J.R.  7  Fibromyalgia Awareness Day Joint Resolution
          (Sen. P. Knudson)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B.  39  Children’s Justice Center Program Amendments
          (Sen. R. Okerlund)
S.B. 116  Homestead Exemption Modification (Sen. S. Urquhart)

Natural Resources, Agriculture and Environment Committee
S.C.R.  3  Concurrent Resolution Supporting Continued Federal
          Funding of the Central Utah Project (Sen. R. Okerlund)

Retirement and Independent Entities Committee
S.B. 112  Retirement System Divestment (Sen. C. Bramble)
S.B. 120  Career Service Amendments (Sen. D. Liljenquist)

Transportation, Public Utilities and Technology Committee
S.B. 110  Driver License Suspension Amendments
          (Sen. D. C. Buttars)
S.B. 118  Multistate Highway Transportation Agreement
          Amendments (Sen. K. Van Tassell)
S.C.R.  4  Communications Spectrum Translator System Concurrent
          Resolution (Sen. R. Okerlund)
Workforce Services and Community and Economic Development Committee

S.C.R. 2 Financial Responsibility Concurrent Resolution
(Sen. P. Jones)
Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 24, 2011

The Health and Human Services Committee recommends S.J.R. 3, ADULT IMMUNIZATION AWARENESS DAY JOINT RESOLUTION, by Senator K. Mayne, be replaced and favorably recommends 1st Sub. S.J.R. 3, ADULT IMMUNIZATION AWARENESS MONTH JOINT RESOLUTION.

D. Chris Buttars, Chair

Mr. President: January 25, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.J.R. 6, JOINT RESOLUTION URGING CONGRESS TO LIMIT THE FREEZE ON LONGER COMBINATION VEHICLE USE IN THE WESTERN STATES, by Senator S. Jenkins.

Peter C. Knudson, Chair

Mr. President: January 25, 2011

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 25, SHARE CERTIFICATES IN WATER COMPANIES, by Senator R. Okerlund; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 32, AGRICULTURE AMENDMENTS, by Senator R. Okerlund; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 102, TEMPORARY WATER SHORTAGE EMERGENCY – MILITARY FACILITIES, by Senator R. Okerlund.

Ralph Okerlund, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.
The Health and Human Services Committee reports a favorable recommendation on **S.B. 33**, HEALTH DISPARITIES AND RELATED AMERICAN INDIAN PROGRAMS, by Senator K. Van Tassell, 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.C.R. 1**, CRISIS INTERVENTION TEAM PROGRAM CONCURRENT RESOLUTION, by Senator P. Jones, 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 This resolution:
   15 recognizes the Crisis Intervention Team
   16 practice for law enforcement intervention with persons who have a mental illness;

2. Page 3, Lines 76 through 77:

   76 WHEREAS, Utah CIT law enforcement officers are provided with effective skills to
   77 interact with persons in psychiatric crisis and to assist with volatile situations;

D. Chris Buttars, Chair

Mr. President: January 25, 2011

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 31**, RURAL FAST TRACK PROGRAM AMENDMENTS, by Senator R. Okerlund, 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 **S.B. 37**, EMERGENCY
FOOD AGENCY AMENDMENTS, by Senator P. Knudson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Ralph Okerlund, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read for the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 7, Higher Education Base Budget (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

S.B. 8, Natural Resources, Agriculture, and Environmental Quality Base Budget (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

S.B. 9, Retirement and Independent Entities Base Budget (D. Liljenquist), was read the first time by short title and referred to the Rules Committee.

S.B. 44, State Commission Amendments (M. Dayton), was read the first time by short title and referred to the Rules Committee.

S.B. 45, Wireless Telephone Use Restriction for Minors in Vehicles (R. Romero), was read the first time by short title and referred to the Rules Committee.

S.B. 46, Higher Education Residency Requirements (M. Dayton), was read the first time by short title and referred to the Rules Committee.

S.B. 122, Tax Exemption for Cedar Band of Paiute Tribe (D. Stowell), was read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 10, LOCAL DISTRICT 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

Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Jenkins
Jones  Knudson  Liljenquist  Madsen
Senators

Mayne      McAdams      Morgan      Niederhauser
Okerlund   Reid         Robles      Romero
J. Stevenson Stowell     Thatcher    Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Hinkins     H. Stephenson

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

* * *

S.B. 12, ALCOHOLIC BEVERAGE CONTROL ACT – MODIFICATIONS, 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
Adams      Bramble     Buttars     Christensen
Davis      Dayton      Hillyard    Hinkins
Jenkins    Jones       Knudson     Liljenquist
Madsen     Mayne       Morgan      Niederhauser
Okerlund   Reid        Robles      Romero
J. Stevenson Stowell     Thatcher    Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
McAdams    H. Stephenson

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

* * *

S.B. 13, PER DIEM AND TRAVEL MODIFICATIONS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams      Bramble     Buttars     Christensen
Davis      Dayton      Hillyard    Hinkins
Jenkins    Jones       Knudson     Liljenquist
Madsen     Mayne       Morgan      Niederhauser
Absent or not voting were: Senators
McAdams     H. Stephenson

S.B. 13 was transmitted to the House for consideration.

* * *

S.B. 14, LOCAL ELECTION AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams       Bramble       Buttars       Christensen
Davis       Dayton        Hillyard     Hinkins
Jenkins     Jones         Knudson     Liljenquist
Madsen      Mayne         McAdams     Morgan
Niederhauser Okerlund     Reid         Robles
Romero      J. Stevenson   Stowell     Thatcher
Urquhart    Valentine     Van Tassell Waddoups

Absent or not voting was: Senator
H. Stephenson

S.B. 14 was transmitted to the House for consideration.

SPECIAL PRESENTATION

Senator Knudson presented a citation to the City of Perry, Utah, recognizing its 100th birthday.

THIRD READING CALENDAR

S.B. 15, SURETY REQUIREMENTS FOR MINING, was read the third time and explained by Senator Stowell. Senator Valentine commented. Senator Valentine declared a conflict of interest and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.
Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Hinkins
Jenkins  Jones  Knudson  Liljenquist
Madsen  Mayne  McAdams  Morgan
Niederhauser  Okerlund  Reid  Romero
J. Stevenson  Stowell  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Robles  H. Stephenson

S.B. 15 was transmitted to the House for consideration.

***

S.B. 17, STATE TAX COMMISSION LEVY PROCESS USING DEPOSITORY INSTITUTION DATA MATCH SYSTEM, 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
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Hinkins
Jenkins  Jones  Knudson  Liljenquist
Madsen  Mayne  McAdams  Morgan
Niederhauser  Okerlund  Reid  Romero
J. Stevenson  Stowell  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
McAdams  Robles

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

***

S.B. 18, ELECTION ADMINISTRATION BY ELECTION OFFICERS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.
Voting in the affirmative were: Senators

Adams    Bramble    Buttars    Christensen
Davis    Dayton    Hillyard    Hinkins
Jenkins    Jones    Knudsen    Liljenquist
Madsen    Mayne    McAdams    Morgan
Niederhauser    Okerlund    Reid    Robles
Romero    H. Stephenson    J. Stevenson    Stowell
Thatcher    Urquhart    Valentine    Van Tassell
Waddoups

S.B. 18 was transmitted to the House for consideration.

* * *

S.B. 19, DEPARTMENT OF WORKFORCE SERVICES’ REGIONAL WORKFORCE SERVICE AREAS AMENDMENTS, was read the third time and explained by Senator Jones.

Senator Jones proposed the following amendment:

1. Page 9, Lines 274 through 275

   274   a mechanism for getting consumer and public feedback on department programs in each economic service area;
   (b)   projected analysis of the workforce needs of employers and clients;
   275   (b)   policy standards in programs and process when required by statute or considered

2. Page 10, Lines 278 through 288:

   278   state outcome–based standards for measuring program performance to ensure equitable service to all clients;
   280   state oversight systems to review [regional] economic service area compliance with state policies;
   282   elements of [regional workforce services] economic service area plans that relate to statewide initiatives and programs;
strategies to ensure program responsiveness, universal access, unified case management;
strategies to eliminate unnecessary barriers to access services; and
strategies to provide assistance to employees facing employment dislocation and their employers.

Senator Jones’ motion to amend passed on a voice vote 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. 19, as amended, was transmitted to the House for consideration.

***

S.B. 20, MANAGEMENT OF WATER RIGHTS AMENDMENTS, was read the third time and explained by Senator Stowell. Senator Valentine 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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</table>
**S.B. 20** was transmitted to the House for consideration.

**SPECIAL PRESENTATION**

Senator Davis paid special recognition to the Girl Scouts of America. Senators Jones and Robles commented.

**THIRD READING CALENDAR**

**S.B. 22**, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Adams
Dayton
Jones
Mayne
Okerlund
H. Stephenson
Urquhart

Bramble
Hillyard
Knudson
McAdams
Reid
J. Stevenson
Valentine

Buttars
Hinkins
Liljenquist
Morgan
Robles
Stowell
Van Tassell

Christensen
Jenkins
Madsen
Niederhauser
Romero
Thatcher
Waddoups

**Absent or not voting was:** Senator

Davis

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

***

**S.B. 26**, WATER LAW MODIFICATIONS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Adams
Davis
Jenkins
Madsen
Niederhauser
Romero
Thatcher
Waddoups

Bramble
Dayton
Jones
Mayne
Okerlund
H. Stephenson
Urquhart

Buttars
Hillyard
Knudson
McAdams
Reid
J. Stevenson
Valentine

Christensen
Hinkins
Liljenquist
Morgan
Robles
Stowell
Van Tassell
S.B. 26 was transmitted to the House for consideration.

* * *

S.B. 27, SALE OF STATE PROPERTY, 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
- Adams
- Buttars
- Christensen
- Davis
- Dayton
- Hinkins
- Jenkins
- Jones
- Knudson
- Liljenquist
- Madsen
- Mayne
- McAdams
- Morgan
- Okerlund
- Reid
- Robles
- Romero
- H. Stephenson
- J. Stevenson
- Stowell
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators
- Bramble
- Hillyard
- Niederhauser

S.B. 27 was transmitted to the House for consideration.

**SPECIAL PRESENTATION**

Senators Van Tassell, Okerlund, and Stowell paid special recognition to fallen police officers from the State of Utah. They included Sgt. Franco Aguilar, Sevier County Sheriff’s Office; Brian B. Harris, Kane County Deputy; and Joshua Yazzie, Bureau of Indian Affairs. A moment of silence was observed by the Senate.

**SECOND READING CALENDAR**

1st Sub. S.B. 11, WORKER CLASSIFICATION COORDINATED ENFORCEMENT, 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
- Adams
- Bramble
- Buttars
- Christensen
- Davis
- Dayton
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- McAdams
- Morgan
- Okerlund
- Reid
Robles Romero J. Stevenson Stowell
Thatcher Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Hillyard Liljenquist Niederhauser H. Stephenson

* * *

S.B. 95, SHAREHOLDER ACTION WITHOUT MEETING, was read the second time. Senator McAdams 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
Adams Buttars Christensen Davis
Dayton Hillyard Hinkins Jenkins
Jones Knudson Liljenquist Madsen
Mayne McAdams Morgan Okerlund
Reid Robles Romero J. Stevenson
Stowell Thatcher Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Niederhauser H. Stephenson

SPECIAL PRESENTATION

Senator Hillyard presented citations to University of Utah and Utah State University students participating in the “Research on Capitol Hill” program and recognizing its 10-year anniversary.

SECOND READING CALENDAR

S.B. 99, MOTOR VEHICLE INSURANCE – NAMED DRIVER EXCLUSION AMENDMENTS, 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
Adams Buttars Christensen Davis
Dayton Hillyard Hinkins Jenkins
On motion of Senator Niederhauser, the circle was removed from S.B. 16, STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION AMENDMENTS, and it was before the Senate. Senator Niederhauser made the motion to return the bill to the Rules Committee.

**S.B. 107, HIGHER EDUCATION SUCCESS STIPEND PROGRAM, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:**

**Yeas, 27; Nays, 1; Absent, 1.**

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

Dayton

**Absent or not voting was:** Senator

H. Stephenson

On motion of Senator Jenkins and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Thursday, January 27, 2011.
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 Rebecca Lockhart, 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 Scott Jenkins, Wayne Niederhauser and Ross Romero, and Representatives Brad Dee, Greg Hughes, and David Litvack to notify Governor Gary R. Herbert that the 2011 General Session of the Fifty-Ninth 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 Scott Jenkins made a motion that the Legislature resolve into a Joint Convention and Committee of the Whole for the purpose of hearing Governor Herbert’s State—of—the—State address.

The Joint Committee escorted Governor Herbert to the House rostrum.

STATE—OF—THE—STATE ADDRESS
BY GOVERNOR GARY R. HERBERT

Lt. Governor Bell; President Waddoups; Speaker Lockhart; members of the Utah Legislature; members of my Cabinet; Utah Supreme Court Justices; the State’s First Lady, My wife Jeanette; and my fellow Utahns:

It is indeed an honor and a pleasure to join you in this historic chamber this evening. On the north wall of this room appears a tribute to the women of Utah and those who worked to secure the right of women to vote. Over the years many have pioneered the way in this hall, including our first female governor, Olene Walker. But tonight marks the first time a woman leads the Utah House of Representatives. I am delighted to be the first Governor to say, “Congratulations, Madame Speaker!”

It is fitting and right, at a time of international conflict, that we recognize those who defend and protect us, both on the battlefield abroad and here at home. We appreciate your sacrifice and we honor your service. One whose life was nearly lost is Brody Young, a State Park Ranger and, more importantly, husband of Wendy Young, and father to Stryder, Jade, and Jagger. On the night of November
19th, while on patrol at Poison Spider Mesa trailhead, he was shot nine times. I spoke with him earlier today. He is healing and his spirits are strong. While we highlight Brody for his heroism, we also acknowledge the service and sacrifice of all other public safety officers and their families. Tonight Brody and his family are watching this broadcast on television. Please join me in honoring Brody and all our dedicated peace officers.

Last night our President delivered the State of the Union; tonight, we focus on Utah. I am pleased to say that, despite our challenges, the state of our State is strong, and its course is sure. It is my desire that the actions we take in this capitol, this session, will keep our state on the road to recovery and return Utah to prosperity.

As I survey this great State of Utah, I recognize we have challenges and opportunities. While many states face multi−billion dollar deficits, we’re fortunate Utah’s budget, though difficult, is manageable. Our current unemployment is too high, and many households are hurting. Still, Utah’s unemployment rate continues to be better than the national average. I understand that more Utah families now rely on food stamps, and too many homes have been lost to foreclosure, and we’re not out of the woods yet. But the good news is the outlook is improving. Fewer people are filing new unemployment claims, housing starts are expected to increase and the market is showing increased consumer and business confidence.

As a state, we are focused on getting people back to work. We have made the tough choices. We streamlined services, we modernized, and we became more efficient. When I began my service to the State as Lt. Governor, there was one state employee for every 122 Utah residents, but thanks to the ability of our great state employees to do more with less, there is now one state employee for every 136 Utahns. We’ve done so while continuing to provide the basic services people need—while keeping taxes low.

My father was a building contractor. When he was building homes, he always made certain the foundation was strong, the walls were sturdy, and the roof never leaked. This session, we are tasked by the citizens— the people who hired us to do the job—to make certain the “house” we call Utah is solid and strong. Like any good contractor, before he took on a new project, my father asked a few basic questions: Are we following the blueprints? Will the project pencil out? Are we building what the customer wants? I’d like us to keep those questions in mind as we focus on the State’s road to recovery and our return to prosperity.

Like any sound structure, Utah’s future prosperity will be built upon four cornerstones—education, energy development, job creation, and Utah’s ability to
solve its own problems. EDUCATION is the first cornerstone because an educated workforce is not just critical, it is essential for a prosperous economy. One of Utah’s strengths is that we have the fastest growing population in the country. This impacts our classrooms. In the past two years alone, we added over 25,000 new elementary school students. But due to declining tax revenues, our schools and our teachers had to be innovative to absorb that growth. However, we can add only so much water to the soup without diluting the quality. This year we will add another 14,700 students.

However, the good news is that for the first time in three years, because of economic expansion, we have the opportunity to fund this growth in our public and charter schools. Therefore, in this legislative session, funding our children’s education MUST BE OUR NUMBER ONE BUDGET PRIORITY.

Last year at the State of the State, I announced the creation of my Education Excellence Commission. This Commission, which I chair, includes leaders and experts across the state and across all disciplines, including six of your fellow legislators. Together, we spent hundreds of hours developing this long-term action plan that you now have on your desks. The vision of this plan is that by the year 2020, 66% of Utahns, ages 20 to 64 will have a postsecondary degree or professional certification.

The pattern holds true from Dixie State to Utah State—higher education success translates into economic success. For example, the University of Utah is not just a new PAC-12 contender on the playing field, it is a national champion in the classroom and in the laboratory. Last year, the U of U surpassed MIT to take the top spot in the country for the number of start-up companies with their beginnings in university research. This extraordinary goal of 66% by 2020 is indeed ambitious—and it will not be accomplished overnight. But we must be bold and we must begin NOW.

That is why this action plan also includes eight specific proposals, the initial steps recommended unanimously by the Commission members, proposals that I ask you to address this session. These initiatives include ensuring reading proficiency by the third grade and matching classroom instruction to real-world jobs—especially in the areas of science, engineering and math.

The pathway to success in post-secondary education, which leads to economic prosperity as an adult, begins in elementary school as a child. That is why another of the eight proposals focuses on all-day kindergarten. I have listened as teachers and parents explain how this optional, Utah-crafted program helps our youngest, most at-risk students and improves their ability to meet their future
job-ready. I have also seen the data. The message is clear – investing in our children today benefits all of us tomorrow.

A second cornerstone of Utah’s economic viability is one that we have taken for granted far too long – low-cost and reliable supplies of ENERGY. Utah businesses compete better and are more successful because Utah has lower energy costs than most other states. Companies relocate to Utah – and, therefore, create jobs – because of Utah’s affordable and stable electricity. Indeed, the cost of electricity in Utah is among the lowest of any state and the price of a kilowatt–hour has held steady for the past twenty years.

Equally important, Utah’s energy industries create tens of thousands of jobs, and pour hundreds of millions of dollars into our economy. Tax revenues from energy–related jobs amounted to over 200 million dollars last year alone. Utah has been abundantly blessed with massive reserves of energy resources. We are a state that is largely energy independent. In fact, we are a net exporter of electricity. While many other states, and indeed our nation, have compromised or abandoned their energy independence, here in Utah, WE WILL NOT!

We simply cannot put the economic fate of future generations in peril by relying upon others for our energy needs. But in the world of energy, we must face new realities, we must confront new challenges, and we must envision and act upon new opportunities! Last year I called for the development of a ten–year strategic energy plan for Utah. To oversee the process, I assembled many of Utah’s brightest and most talented minds from the energy arena. We sought and received a strong public response from many stakeholders in public hearings around the state. Soon, each of you will receive the final report.

There are major energy challenges ahead. For example, too few capital improvements have been made to Utah’s energy infrastructure. Billions of dollars will be required to upgrade and expand Utah’s electricity generation and transmission systems. Our reliance upon traditional fuels is being challenged. Yes, renewable energies such as wind, solar, and geothermal, will play an expanding and important role. However, the “base load” – the very foundation of Utah’s energy–will, most assuredly, be provided by either fossil or nuclear fuels. Every state has to face that simple reality, and more than 30 states have chosen to include nuclear power in their energy portfolio. We must begin substantive debate and deliberation of whether there is a place for nuclear energy in Utah.

Just as I know of Utah’s extraordinary natural resources, I am convinced we have even greater human resources. In Utah, we have some of the best energy minds and the greatest expertise of any place in the world. Our universities and industries must rise to the occasion and create new technologies that will make our
traditional resources more economically and environmentally viable. In Utah, we have a spirit of technical innovation and pioneer determination that will enable us to keep energy affordable, supplies stable, and our economic future secure.

The third cornerstone essential to our return to prosperity is all about JOBS. My vision for economic development is that Utah will lead the nation as the best performing economy and be recognized as a premier global business destination. In Utah, we know it is the private sector, not government, that creates jobs. And those jobs are being created through the expansion of homegrown Utah companies, as well as new companies relocating to our state. Some of the most recognized businesses in the world now call Utah home – companies like Adobe, Proctor and Gamble, eBay, Litehouse Foods, Disney, Goldman Sachs, and the Royal Bank of Scotland, to name just a few. Additionally, local Utah businesses are expanding, like Petersen Inc, Nelson Laboratories, Lineagen, Merit Medical, Edwards Lifesciences, IMFlash, and Overstock.com.

To accelerate this job creation across the state, we must focus on three key areas: First, we must increase access to capital for our small and start up businesses. We must ensure that the Utah Fund of Funds, created by the Legislature three years ago, is focused on assisting UTAH companies. Second, we must expand our GLOBAL vision. Utah’s export growth is the strongest in the nation. To ensure a continued focus on international business, I challenge Lew Cramer and other international business leaders to double Utah exports in the next five years. Third, I urge the Legislature to pass Senator Ralph Okerlund’s Business Expansion and Retention bill to support companies throughout rural Utah. Utah has been recognized time and again as a pro-business state, including, for the first time in our state’s history, a #1 ranking from Forbes as the “Best State for Business and Careers” in America.

I am thrilled but not surprised – we are the best place for business because we have the best people for business. However, the competition is getting tougher. My fellow governors across the country have all promised to improve their state economies. They are gunning for Utah’s top spot for job growth. To stay ahead of the competition, we must refine, distinguish, and promote our competitive advantages.

One of those advantages is our unprecedented partnerships. I thank Senator Scott Jenkins for running legislation to create a Governor’s Economic Development Coordinating Council. This council will ensure that the collective efforts of government and the business community are focused on jobs, jobs and more JOBS. This collaboration will be further enhanced by the co-location of many economic development entities into a building, that I am pleased to
announce tonight, will be Utah’s own World Trade Center, located in downtown Salt Lake City.

Two of the most important ways government can nurture a business-friendly environment are 1) to keep taxes low, and 2) make regulation fair. Many states are raising taxes. In Utah, we are in the enviable position of being able to keep taxes low and still pay for essential services because we saved for a rainy day when times were good, knowing a storm would eventually come. Despite this ongoing economic gale, my budget maintains at least 110 million dollars in the Rainy Day Fund and reflects my commitment to keeping taxes low. Increasing taxes on our citizens and businesses will be counterproductive to economic recovery.

I understand that the purpose of government regulation is to maintain a level playing field. As a small business owner, I have also experienced the cost and frustration of over-reaching and irrational regulation. In order to separate regulations that serve an important purpose from those regulations that serve no purpose at all, I have asked each member of my Cabinet to review existing business regulations and determine which could be kept, which should be modified, and which will be eliminated.

Last year I created the Governor’s Commission to Optimize State Government, chaired by former Governor Norm Bangerter. Its mission was to conduct a performance audit of every aspect of state government. After a year long review, they said: “One thing is clear . . . Utahns can rest assured that their tax dollars are being spent efficiently and effectively.”

But the best managed state can do even better. That is why we are addressing all 56 Commission recommendations to make government even more efficient. I invite all citizens to follow the progress we are making at optimize.utah.gov, because the government of Utah belongs to the people of Utah.

The final cornerstone we must secure is the SPIRIT OF SELF-DETERMINATION, the ability to address Utah problems with Utah solutions. I firmly believe – If we as a state fail to vigorously fight to protect and defend our rights under the Constitution, those rights will invariably be seized and usurped by the federal government. I remind Washington, we are a state, not a colony, and I assure you, on my watch, Utah will not stand idly by.

In fact, we and 26 other states are asserting our right and our obligation to say no to an unconstitutional federal health care program. Over the past three years we have worked closely with you in the Legislature to create solutions to reform Utah’s health care system. We are also taking the lead to rein in outrageous cost increases in federally mandated entitlement programs, before those costs further impair our ability to fund education and other vital state services.
In the election last November, the people sent a message that federal domination must give way to mutual collaboration. Unfortunately, that message was promptly ignored. Two days before Christmas, while most of us were spending time with family and friends, federal officials at the US Department of Interior secretly prepared an order to announce a new wild lands designation on public lands. With NO public input, with NO state input, this pronouncement threatens years of collaboration and rural economic progress. Let me be clear – this process and the resulting policy are FLAT OUT WRONG!

I find it equally unacceptable that the federal government intrudes in Utah classrooms, while it fails to protect and secure our borders! On issues like immigration, where the federal government has abdicated its responsibility and stepped aside, we must step forward. We have been sent here by the voters to find solutions to tough issues. Immigration reform is but one example of how we must achieve a new level of collaboration, commitment, and initiative. As we undertake this work, let us never forget our obligation to respect each other – even when we disagree, to engage in civil dialogue, to temper passion with reason and let us remember our common goal to secure the best outcomes for all people of this great state.

Let me conclude by saying I get it. I am a parent. I am a grandparent. The challenges faced by every Utah family, including my own, are lively topics of discussion when our family gets together every Sunday for dinner. I know the pressures of providing for a family and the challenges of running a small family business. I still do the grocery shopping, and yes, I do know the cost of a gallon of milk. I know what it’s like to worry for my family, and I know what it’s like to worry for our state.

I get it – and I know that you get it, too. As elected officials, each of us has been given a mandate, and the voice of the Utah voter rings loud and clear: STRENGTHEN UTAH’S ECONOMY! The four cornerstones I have outlined tonight are straightforward. But none are easy. All will require strength and discipline, adherence to principles of frugality and common sense, and a spirit of collaboration, partnership and leadership. We are Utahns, and we are up to the challenge. My unrelenting belief in the people of Utah—in who we are, and what we stand for—is stronger than ever. Our house is well-built. The foundation is sturdy. And despite the economic storm, the roof isn’t leaking and the basement isn’t flooding.

My pledge to you tonight is that I will do not only the simple things; I will do the difficult things to enable growth and a return to prosperity. Education, energy development, job creation, and self-determination are at the heart of what has made America great. And they are the four cornerstones of Utah’s strength.
This is the State of our State, and I stand proudly for who we are and where we are going. I want to take time to thank you for your service and dedication. May God bless you in your efforts, and may God continue to bless America and the great State of Utah.

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

Representative Brad Dee 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 27, 2011.
FOURTH DAY

January 27, 2011

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

Prayer – Senator Luz Robles
Pledge of Allegiance – Senator Margaret Dayton
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, Page 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 26, 2011

The House passed H.B. 22, FIRE PREVENTION AND FIREWORKS ACT AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed H.B. 37, DETERMINATION OF STATE TAXABLE INCOME, by Representative E. Vickers, and it is transmitted for consideration; and

The House passed H.B. 44, ITALIAN–AMERICAN HERITAGE MONTH DESIGNATION, by Representative C. Watkins, and it is transmitted for consideration; and

The House passed H.B. 186, UTAH CODE TECHNICAL AMENDMENTS, by Representative B. Galvez, and it is transmitted for consideration; and

The House passed H.B. 215, FATALITY REVIEW ACT AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed H.B. 219, STATE FIREARM DESIGNATION, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed H.J.R. 9, NAVAJO CODE TALKERS’ JOINT RESOLUTION, by Representative C. Watkins, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time and referred to the Rules Committee.
RULES COMMITTEE REPORTS

To the Members of the Senate: January 26, 2011

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

Business and Labor Committee
H.B. 27 Workers’ Compensation Rate Filings (Rep. T. Kiser) (Sen. J. Valentine)
S.B. 100 Securities Whistleblower Program Act (Sen. B. McAdams)

Education Committee
S.B. 46 Higher Education Residency Requirements (Sen. M. Dayton)

Government Operations and Political Subdivisions Committee
S.B. 44 State Commission Amendments (Sen. M. Dayton)
H.B. 30 Election Officials’ Funds (Rep. N. Hendrickson) (Sen. P. Knudson)
H.B. 41 State Capitol Preservation Board Fee Revisions (Rep. N. Hendrickson) (Sen. G. Davis)

Health and Human Services Committee
H.B. 15 Controlled Substance Database – Licensing Amendments (Rep. B. Daw) (Sen. C. Bramble)

Judiciary, Law Enforcement, and Criminal Justice Committee

Natural Resources, Agriculture and Environment Committee
(Sen. R. Okerlund)

Revenue and Taxation Committee:
S.B. 16  State Tax Commission Tax, Fee, or Charge  
Administration and Collection Amendments  
(Sen. W. Niederhauser)
S.B. 122  Tax Exemption for Cedar Band of Paiute Tribe  
(Sen. D. Stowell)
(Sen. C. Bramble)
H.B. 36  Assessment, Collections, and Refunds Act Amendments  
(Sen. J. S. Adams)

Transportation, Public Utilities, and Technology Committee
H.B. 26  High Occupancy Toll Lane Customer Information  
H.B. 28  Penalties for Unauthorized Use of Records  
(Rep. R. Greenwood) (Sen. C. Bramble)

Margar Dayto  
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President:  
January 25, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 28, ALCOHOL OR DRUG RELATED OFFENSE AMENDMENTS, by Senator S. Jenkins, with the following amendments:

1. Page 20, Lines 599 through 605:

599    (a) for a person 19 years of age or older but under 21 years of age  
on the date of arrest:

600    (i) deny the person’s license [until the person is 21 years of age  
or for a period of 120
601 [days, whichever is longer] until the person complies with the provisions of Subsection (11)(b)(i) but for a period of not less than six months beginning on the 30th day after the date of arrest for a first offense under Subsection (2)(a) committed on or after July 1, 2009;

602 [(b)] (ii) suspend the person’s license until the person complies with the provisions of Subsection (11)(b)(i) and until the person is 21 years of age or for a period of two years, whichever is longer, beginning on the 30th day after the date of arrest for a second or subsequent offense under Subsection (2)(a):

2. Page 20, Lines 608 through 610:

608 [(c)] (iii) deny the person’s application for a license or learner’s permit until the person is 21 years of age or for a period of one year, whichever is longer, until the person complies with the provisions of Subsection (11)(b)(i) but for a period of not less than six months:

610 if:

3. Page 20, Lines 614 through 615:

614 [(d)] (iv) deny the person’s application for a license or learner’s permit until the person complies with the provisions of Subsection (11)(b)(i) and until the person is 21 years of age or for a period of two years, whichever is longer, if:

4. Page 21, Lines 629 through 634:

629 (b) for a person under 19 years of age on the date of arrest:

630 (i) deny the person’s license until the person complies with the provisions of Subsection (11)(b)(i) but for a period of not less than one year beginning on the 30th day after the date of arrest for a first offense under Subsection (2)(a) committed on or after July 1, 2009:

631 (ii) suspend the person’s license until the person complies with the provisions of Subsection (11)(b)(i) and until the person is 21 years of age or for a period of
two years, whichever is longer, beginning on the 30th day after the
date of arrest for a second
or subsequent offense under Subsection (2)(a):

5. Page 21, Lines 637 through 638:

(iii) deny the person’s application for a license or learner’s
permit until the person complies with the provisions of Subsection
(11)(b)(i) but for a period of \{two
years\} not less than one year if:

6. Page 21, Lines 642 through 643:

(iv) deny the person’s application for a license or learner’s
permit until the person complies with the provisions of Subsection
(11)(b)(i) and until the person is 21
years of age or for a period of two years, whichever is longer, if:

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a
favorable recommendation on S.B. 34, UNIFORM INTERSTATE FAMILY
SUPPORT ACT, by Senator L. Hillyard, with the following amendments:

1. Page 6, Lines 169 through 173:

“Responding state” means a state in which a
petition or comparable pleading for support or to determine parentage of a
child is filed or to which a
petition or comparable pleading is forwarded for filing from
another state or a
foreign country.

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends S.B. 36, CONCEALED FIREARM ACT AMENDMENTS, by Senator J. Valentine, be replaced and favorably recommends 1st Sub. S.B. 36, CONCEALED FIREARM ACT AMENDMENTS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends S.B. 94, UNIFORM REQUIREMENTS FOR CONSTABLES, by
Senator K. Mayne, be replaced and favorably recommends 1st Sub. S.B. 94, REQUIREMENTS FOR CONSTABLES.

Mark B. Madsen, Chair

Mr. President: January 26, 2011

The Business and Labor Committee recommends S.B. 35, CONSTRUCTION LICENSEES RELATED AMENDMENTS, by Senator K. Mayne, be replaced and favorably recommends 1st Sub. S.B. 35, CONSTRUCTION LICENSEES RELATED AMENDMENTS; and

The Business and Labor Committee reports a favorable recommendation on S.B. 42, REGULATION OF SIGN COMPANIES, by Senator P. Jones, with the following amendments:

1. Page 2, Line 39:

   (b) (i) As used in this Subsection (2)(b), “sign contractor”:
   (A) means a sign installation

2. Page 2, Line 41:

   division rules {−} ; and
   (B) does not include a sign installation contractor or nonelectrical outdoor advertising sign contractor, as classified and defined in division rules, that is subject to Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act.; and

The Business and Labor Committee reports a favorable recommendation on S.B. 121, NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS, by Senator D. Liljenquist.

John L. Valentine, Chair

Mr. President: January 26, 2011

The Education Committee reports a favorable recommendation on S.J.R. 1, JOINT RESOLUTION ON STATE BOARD OF EDUCATION AUTHORITY, by Senator D. C. Buttars; and
The Education Committee reports a favorable recommendation on **S.J.R. 9, JOINT RESOLUTION – GOVERNANCE OF PUBLIC AND HIGHER EDUCATION**, by Senator S. Reid.

Howard A. Stephenson, Chair

Mr. President: January 26, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 111, UTILITIES – UNDERGROUND FACILITIES AND PIPELINES**, by Senator S. Jenkins; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 118, MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT AMENDMENTS**, by Senator K. Van Tassell; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.C.R. 4, COMMUNICATIONS SPECTRUM TRANSLATOR SYSTEM CONCURRENT RESOLUTION**, by Senator R. Okerlund.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

**INTRODUCTION OF BILLS**

**S.B. 47, Driver License and Identification Card Amendments** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**S.B. 48, Alzheimer’s State Plan Task Force** (K. Morgan), was read the first time by short title and referred to the Rules Committee.

**S.B. 123, Restrictions on Lobbying Expenditures – Public Education** (S. Jenkins), was read the first time by short title and referred to the Rules Committee.

**S.B. 124, Leaving a Child Unattended in a Motor Vehicle** (B. McAdams), was read the first time by short title and referred to the Rules Committee.

**S.B. 125, Property Tax Exemption Amendments** (C. Bramble), was read the first time by short title and referred to the Rules Committee.
S.B. 126, Local District Service Amendments (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

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

S.B. 128, Regulatory Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 129, Licensing of Physician-educators (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

S.B. 130, Surplus Property Amendments (S. Reid), was read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

1st Sub. S.B. 11, WORKER CLASSIFICATION COORDINATED ENFORCEMENT, was read the third time and explained by Senator Mayne.

Senator Mayne proposed the following amendment:

1. Page 1, Lines 18 through 20

18 • addressing the sharing of information; and
19 { addresses closing of meetings; and }
20 ▶ makes technical and conforming amendments.

2. Page 2, Lines 26 through 27:

26 AMENDS:
27 { −52−4−205, as last amended by Laws of Utah 2010, Chapters 35, 60, and 239− }

3. Page 3, Lines 85 through 86:

85 { −(4) The council may close a meeting of the council in accordance with Title 52, Chapter 4, Open and Public Meetings Act. }

4. Page 5, Line 129 through Page 6, Line 179:

128 Section 5. Section 52−4−205 is amended to read
(1) Purposes of closed meetings.

(a) A closed meeting described under Section 52-4-204 may only be held for:

(b) discussion of the character, professional competence, or physical or mental health
of an individual;

(b) strategy sessions to discuss collective bargaining;

(e) strategy sessions to discuss pending or reasonably imminent litigation;

(d) strategy sessions to discuss the purchase, exchange, or lease of real property,
including any form of a water right or water shares, if public discussion of the transaction
would:

(i) disclose the appraisal or estimated value of the property under consideration; or

(ii) prevent the public body from completing the transaction on the best possible terms;

(e) strategy sessions to discuss the sale of real property, including any form of a water
right or water shares, if:

(i) public discussion of the transaction would;

(A) disclose the appraisal or estimated value of the property under consideration; or

(B) prevent the public body from completing the transaction on the best possible terms;

(ii) the public body previously gave public notice that the property would be offered for
sale; and

(iii) the terms of the sale are publicly disclosed before the public body approves the
sale;

(f) discussion regarding deployment of security personnel, devices, or systems;
(g) investigative proceedings regarding allegations of criminal misconduct;

(h) as relates to the Independent Legislative Ethics Commission, conducting business relating to the receipt or review of ethics complaints;

(i) as relates to an ethics committee of the Legislature, a purpose permitted under Subsection 52-4-204(1)(a)(iii)(B);

(j) as relates to a county legislative body, discussing commercial information as defined in Section 59-1-404; [or]

(k) as relates to the Worker Classification Coordinated Enforcement Council, created in Section 34-47-201, discussing a specific civil, criminal, or administrative action or audit if discussing the action or audit in an open meeting could reasonably be expected to:

(i) interfere with an investigation undertaken for purposes of enforcement, discipline, licensing, certification, or registration;

(ii) interfere with an audit, disciplinary, or enforcement proceeding;

(iii) create a danger of depriving a person of a right to a fair trial or impartial hearing;

(iv) disclose the identity of a source who is not generally known outside of government if disclosure would compromise the source; or

(v) disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts; or

(l) a purpose for which a meeting is required to be closed under Subsection (b).
The following meetings shall be closed:

(a) a meeting of the Health and Human Services Interim Committee to review a fatality review report described in Subsection 62A–16–301(1)(a), and the responses to the report described in Subsections 62A–16–301(2) and (4); and

(b) a meeting of the Child Welfare Legislative Oversight Panel to:

(i) review a fatality review report described in Subsection 62A–16–301(1)(a), and the responses to the report described in Subsections 62A–16–301(2) and (4); or

(ii) review and discuss an individual case, as described in Subsection 62A–4a–207(5).

(3) A public body may not interview a person applying to fill an elected position in a closed meeting.

Renumber remaining subsections accordingly

Senator Mayne’s motion to amend passed on a voice vote 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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<th>Adams</th>
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**Absent or not voting were:** Senators

| Buttars | Robles |

**1st Sub. S.B. 11** was transmitted to the House for consideration.

***

**S.B. 95,** SHAREHOLDER ACTION WITHOUT MEETING, was read the third time, explained by Senator McAdams, and passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Romero  H. Stephenson
J. Stevenson  Stowell  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Buttars  Robles

S.B. 95 was transmitted to the House for consideration.

* * *

S.B. 99, MOTOR VEHICLE INSURANCE – NAMED DRIVER EXCLUSION AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble  Christensen  Davis  Dayton
Hillyard  Hinkins  Jenkins  Jones
Knudson  Liljenquist  Madsen  Mayne
McAdams  Morgan  Niederhauser  Okerlund
Reid  Romero  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Adams  Buttars  Robles

S.B. 99 was transmitted to the House for consideration.

* * *

On motion of Senator Mayne, 1st Sub. S.J.R. 3, ADULT IMMUNIZATION AWARENESS MONTH JOINT RESOLUTION, will be considered Tuesday, February 8, 2011 at 11:00 a.m.
S.B. 107, HIGHER EDUCATION SUCCESS STIPEND PROGRAM, was read the third time and explained by Senator Niederhauser. 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. 107 was transmitted to the House for consideration.

**SECOND READING CALENDAR**

On motion of Senator Van Tassell, the circle was removed from S.B. 23, STATE HIGHWAY SYSTEM MODIFICATIONS, and it was before the Senate. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator

Madsen

* * *

On motion of Senator Van Tassell, the circle was removed from S.B. 24, MOTOR VEHICLE DIVISION FEE AMENDMENTS, and it was before the
Senate. Senator Van Tassell explained the bill. The bill passed second reading 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

| Adams | Madsen |

**On motion of Senator Van Tassell, the circle was removed from S.B. 29, UNIFORM DRIVER LICENSE ACT AMENDMENTS, and it was before the Senate. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:**

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Adams | Madsen |

**On motion of Senator Valentine, the circle was removed from S.B. 30, EXTENSION OF RECYCLING MARKET DEVELOPMENT ZONE ACT AND RELATED TAX CREDITS, and it was before the Senate. Senator Valentine explained the bill. On motion of Senator Valentine, the bill was returned to the Rules Committee.**
S.B. 38, K–3 READING AMENDMENTS, was read the second time. Senator Morgan 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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S.J.R. 6, JOINT RESOLUTION URGING CONGRESS TO LIMIT THE FREEZE ON LONGER COMBINATION VEHICLE USE IN THE WESTERN STATES, was read the second time. Senator Jenkins explained the bill. Senators Van Tassell and Buttars 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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S.B. 25, SHARE CERTIFICATES IN WATER COMPANIES, was read the second time. Senator Okerlund 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

Adams  Buttars  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones   Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Robles  Romero
H. Stephenson  J. Stevenson  Stowell  Thatcher
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting was: Senator

Bramble

***

S.B. 32, AGRICULTURE AMENDMENTS, was read the second time. Senator Okerlund 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

Adams  Buttars  Christensen  Davis
Hillyard  Hinkins  Jenkins  Jones
Knudson  Mayne  McAdams  Morgan
Niederhauser  Okerlund  Reid  Robles
Romero  H. Stephenson  J. Stevenson  Stowell
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators

Bramble  Dayton  Liljenquist  Madsen

***

On motion of Senator Okerlund, S.B. 102, TEMPORARY WATER SHORTAGE EMERGENCY – MILITARY FACILITIES, was read the second time and circled.

***

On motion of Senator Jenkins and at 11:15 a.m., the Senate adjourned until 10:00 a.m., Friday, January 28, 2011.
FIFTH DAY

January 28, 2011

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

Prayer – Elder Don Keyes, 5th Quorum of Seventy, Church of Jesus Christ of Latter–Day Saints
Pledge of Allegiance – Senator Jerry Stevenson
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 27, 2011

The House passed, as amended, H.B. 10, RENEWAL OF JUDGMENT ACT, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed H.B. 23, CONTROLLED SUBSTANCE MODIFICATIONS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed H.B. 43, ERRORS AND OMISSIONS COVERAGE FOR INSURANCE PRODUCERS, by Representative J. Bird, and it is transmitted for consideration; and

The House passed, as amended, H.B. 187, STATE FIRE CODE APPEALS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed H.B. 188, LABOR COMMISSION RELATED AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed H.B. 194, SERVICE CONTRACTS ACT AMENDMENTS, by Representative J. Anderson, and it is transmitted for consideration; and

The House passed H.B. 209, WORKERS’ COMPENSATION PREMIUM ASSESSMENT, by Representative M. Morley, and it is transmitted for consideration; and
The House passed **H.B. 213**, STATUTORY CONSTRUCTION AMENDMENTS, by Representative D. Brown, and it is transmitted for consideration; and

The House passed **H.B. 217**, APPOINTMENT OF DIRECTOR OF THE DIVISION OF HEALTH CARE FINANCING, by Representative D. Clark, and it is transmitted for consideration; and

The House passed **H.B. 218**, CLUBS IN PUBLIC SCHOOLS, by Representative S. Sandstrom, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: January 27, 2011

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

**Business and Labor Committee**

<table>
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<tr>
<th>Bill</th>
<th>Description</th>
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<tbody>
<tr>
<td>S.B. 128</td>
<td>Regulatory Amendments (Sen. C. Bramble)</td>
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<tr>
<td>H.B. 22</td>
<td>Fire Prevention and Fireworks Act Amendments</td>
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<td>(Rep. J. Dunnigan) (Sen. J. Valentine)</td>
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**Government Operations and Political Subdivisions Committee**

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<tr>
<td>S.B. 123</td>
<td>Restrictions on Lobbying Expenditures – Public Education (Sen. S. Jenkins)</td>
</tr>
<tr>
<td>S.B. 126</td>
<td>Local District Service Amendments (Sen. J. S. Adams)</td>
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<td>S.B. 130</td>
<td>Surplus Property Amendments (Sen. S. Reid)</td>
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**Health and Human Services Committee**

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<tr>
<td>S.B. 48</td>
<td>Alzheimer’s State Plan Task Force (Sen. K. Morgan)</td>
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<tr>
<td>S.B. 124</td>
<td>Leaving a Child Unattended in a Motor Vehicle</td>
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<td>(Sen. B. McAdams)</td>
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<td>(Sen. A. Christensen)</td>
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**Retirement and Independent Entities Committee**

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<tr>
<td>S.B. 127</td>
<td>Post Retirement Employment Amendments</td>
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<td>(Sen. D. Liljenquist)</td>
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Revenue and Taxation Committee
S.B. 30 Extension of Recycling Market Development Zone Act and Related Tax Credits (Sen. J. Valentine)
S.B. 125 Property Tax Exemption Amendments (Sen. C. Bramble)
H.B. 37 Determination of State Taxable Income (Rep. E. Vickers)
(Sen. J. S. Adams)

Workforce Services and Community and Economic Development Committee
H.B. 44 Italian–american Heritage Month Designation
(Rep. C. Watkins) (Sen. D. Hinkins)
H.B. 219 State Firearm Designation (Rep. C. Wimmer)
(Sen. M. Madsen)
H.J.R. 9 Navajo Code Talkers’ Joint Resolution (Rep. C. Watkins)
(Sen. D. Hinkins)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 27, 2011
The Business and Labor Committee reports a favorable recommendation on
H.B. 27, WORKERS’ COMPENSATION RATE FILINGS, by Representative T. Kiser; and

The Business and Labor Committee reports a favorable recommendation on
H.B. 29, BUSINESS ENTITY MERGERS, by Representative J. Dunnigan; and

John L. Valentine, Chair

Mr. President: January 27, 2011
The Education Committee reports a favorable recommendation on S.B. 46,
HIGHER EDUCATION RESIDENCY REQUIREMENTS, by Senator M. Dayton, with the following amendments:

1. Page 4, Line 90:

90 (C) the military parent’s Utah voter registration card dated a
reasonable period prior to application ;

Day 5 Friday, January 28, 2011
2. Page 4, Lines 93 through 94:

93  (E) a current Utah vehicle registration document with the
94  military parent's name as

owner of the vehicle dated a reasonable period prior to
application; or; and

The Education Committee reports a favorable recommendation on S.B. 115,
SCHOOL PERFORMANCE REPORTING, by Senator H. Stephenson; and

The Education Committee reports a favorable recommendation on S.B. 119,
SCHOOL DISTRICT SUPERINTENDENTS AMENDMENTS, by Senator
H. Stephenson.

Howard A. Stephenson, Chair

Mr. President: January 27, 2011

The Health and Human Services Committee reports a favorable
recommendation on S.B. 93, CHILD WELFARE LEGISLATIVE OVERSIGHT
PANEL REPORTING AMENDMENTS, by Senator A. Christensen.

D. Chris Buttars, Chair

Mr. President: January 27, 2011

The Government Operations and Political Subdivisions Committee reports a favorable
recommendation on H.B. 30, ELECTION OFFICIALS’ FUNDS, by
Representative N. Hendrickson; and

The Government Operations and Political Subdivisions Committee reports a favorable
recommendation on H.B. 41, STATE CAPITOL PRESERVATION
BOARD FEE REVISIONS, by Representative N. Hendrickson; and

The Government Operations and Political Subdivisions Committee reports a favorable
recommendation on S.B. 44, STATE COMMISSION
AMENDMENTS, by Senator M. Dayton; and

The Government Operations and Political Subdivisions Committee reports a favorable
recommendation on S.J.R. 5, JOINT RULES RESOLUTION ON
FISCAL NOTE PROCESS, by Senator W. Niederhauser, with the following
amendments:

1. Page 1, Lines 15 through 16:

15  provides for the placement of a performance note on
legislation that creates a new
provides that deadlines for fiscal notes and performance notes be calculated by business days rather than legislative days;

2. Page 2, Line 37:

Legislative Rules Affected:

AMENDS:

JR4−2−403

3. Page 2, Line 42:

Be it resolved by the Legislature of the state of Utah:

Section 1. JR4−2−403 is amended to read:

JR4−2−403. Fiscal Notes.

(1) (a) (i) When the Legislative Fiscal Analyst receives the electronic copy of the approved legislation from the Office of Legislative Research and General Counsel, that office shall, within three business days:

(A) review and analyze the legislation to determine its fiscal impact; and

(B) provide a fiscal note to the sponsor of the legislation.

(ii) The three day deadline for the preparation of the fiscal note may be extended if the Legislative Fiscal Analyst requests it, states the reasons for the delay, and informs the sponsor of the legislation of the delay.

(b) If the Legislative Fiscal Analyst determines that the legislation has no fiscal impact, the Legislative Fiscal Analyst may release the fiscal note immediately after the sponsor has received a copy of the fiscal note.

(c) The sponsor may:

(i) approve the release of the fiscal note;

(ii) direct that the fiscal note be held; or

(iii) if the sponsor disagrees with the fiscal note, contact the Legislative Fiscal Analyst to discuss that disagreement and provide evidence, data, or other information to support a revised fiscal note.

(d) If the sponsor does not contact the Legislative Fiscal Analyst with instructions about the fiscal note within one 24 hour legislative day, the Legislative Fiscal Analyst shall release the fiscal note.

(e) The Legislative Fiscal Analyst shall make the final determination on the fiscal note.

(f) The fiscal note shall be printed with the legislation.

(2) If an amendment or a substitute to legislation appears to substantively change the fiscal impact of the legislation, the Legislative
Fiscal Analyst shall prepare an amended fiscal note for the legislation.

(3) The fiscal note is not an official part of the legislation.

4. Page 6, Lines 156 through 157:

156 (6) The Legislative Auditor General may use the performance note in its review of new

157 programs and agencies under Section

\{35-12-15\} \(\text{36-12-15}\) .

Renumber remaining sections accordingly

Peter C. Knudson, Chair

Mr. President: January 27, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 39, CHILDREN’S JUSTICE CENTER PROGRAM AMENDMENTS, by Senator R. Okerlund; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 104, PROBATE LAW AMENDMENTS, by Senator J. Valentine.

Mark B. Madsen, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: January 27, 2011

The Business and Labor Committee recommends S.B. 98, SECURITIES RELATED AMENDMENTS, by Senator B. McAdams, be replaced and favorably recommends 1st Sub. S.B. 98, SECURITIES RELATED AMENDMENTS and that it be considered read for the second time and placed on the Consent Calendar.

John L. Valentine, Chair

Mr. President: January 27, 2011

The Health and Human Services Committee recommends S.J.R. 7, FIBROMYALGIA AWARENESS DAY JOINT RESOLUTION, by Senator P. Knudson, be replaced and favorably recommends 1st Sub. S.J.R. 7,
FIBROMYALGIA AWARENESS DAY JOINT RESOLUTION and that it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

Mr. President: January 26, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 106, SEXUAL EXPLOITATION AMENDMENTS, by Senator D. Hinkins, 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. The bills were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 49, Oversight of Bonding by Counties (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

S.B. 50, Enhanced Penalties for HIV Positive Offender Amendments (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

S.B. 51, Amendments to Local Sales and Use Taxes for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 131, Unincorporated Business Entity Uniform Acts (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 132, Sales and Use Tax Exemption for an Energy Efficient Stove or Energy Efficient Stove Fuel (G. Davis), was read the first time by short title and referred to the Rules Committee.

S.B. 133, Grand Jury Amendments (J. Valentine), was read the first time by short title and referred to the Rules Committee.

S.B. 134, Transparency in Health Care Provider Advertising (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

S.B. 135, Department of Public Safety Duties Amendments (D. Thatcher), was read the first time by short title and referred to the Rules Committee.
S.B. 136, Boating Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 137, Medicaid Amendments (A. Christensen), was read the first time by short title and referred to the Rules Committee.

S.C.R. 6, Concurrent Resolution Honoring the Sorenson Legacy Foundation (C. Bramble), was read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 23, STATE HIGHWAY SYSTEM MODIFICATIONS, 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
Adams   Bramble   Buttars   Christensen
Davis   Dayton   Hillyard  Hinkins
Jenkins Jones   Knudson  Liljenquist
Madsen  Mayne   Morgan   Niederhauser
Okerlund Reid   Romero  H. Stephenson
J. Stevenson Stowell  Thatcher  Urquhart
Van Tassell Waddoups

Absent or not voting were: Senators
McAdams  Robles  Valentine

S.B. 23 was transmitted to the House for consideration.

***

S.B. 24, MOTOR VEHICLE DIVISION FEE AMENDMENTS, 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
Adams   Christensen  Davis   Dayton
Hillyard Hinkins   Jenkins  Jones
Knudson  Liljenquist Madsen  Mayne
Morgan   Niederhauser Okerlund Reid
Romero  H. Stephenson J. Stevenson Stowell
Thatcher Urquhart  Van Tassell Waddoups
Absent or not voting were: Senators
Bramble       Buttars       McAdams       Robles
Valentine

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

* * *

S.B. 29, UNIFORM DRIVER LICENSE ACT 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
Adams       Bramble       Christensen       Davis
Dayton     Hillyard       Hinkins       Jenkins
Jones       Knudson       Liljenquist       Madsen
Mayne       McAdams       Morgan       Niederhauser
Okerlund     Reid       Romero       H. Stephenson
J. Stevenson    Stowell       Thatcher       Urquhart
Van Tassell    Waddoups

Absent or not voting were: Senators
Buttars       Robles       Valentine

S.B. 29 was transmitted to the House for consideration.

* * *

S.B. 38, K–3 READING AMENDMENTS, was read the third time, explained by Senator Morgan, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams       Bramble       Christensen       Davis
Dayton     Hillyard       Hinkins       Jenkins
Jones       Knudson       Liljenquist       Mayne
McAdams     Morgan       Okerlund       Reid
Romero     H. Stephenson       Stowell       Thatcher
Urquhart    Van Tassell       Waddoups

Absent or not voting were: Senators
Buttars       Madsen       Niederhauser       Robles
J. Stevenson    Valentine
S.B. 38 was transmitted to the House for consideration.

* * *

S.J.R. 6, JOINT RESOLUTION URGING CONGRESS TO LIMIT THE FREEZE ON LONGER COMBINATION VEHICLE USE IN THE WESTERN STATES, was read the third time and explained by Senator Jenkins. Senator Hinkins commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jenkins Jones Knudson Liljenquist
Madsen Mayne McAdams Niederhauser
Okerlund Reid Romero H. Stephenson
Stowell Thatcher Urquhart Van Tassell
Waddoups

Absent or not voting were: Senators
Morgan Robles J. Stevenson Valentine

S.J.R. 6 was transmitted to the House for consideration.

* * *

S.B. 25, SHARE CERTIFICATES IN WATER COMPANIES, 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
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jenkins Jones Knudson Liljenquist
Madsen Mayne McAdams Morgan
Niederhauser Okerlund Reid Romero
H. Stephenson Stowell Thatcher Urquhart
Van Tassell Waddoups

Absent or not voting were: Senators
Robles J. Stevenson Valentine
S.B. 25 was transmitted to the House for consideration.

* * *

S.B. 32, AGRICULTURE 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
- Adams
- Bramble
- Christensen
- Davis
- Dayton
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Liljenquist
- Madsen
- Mayne
- McAdams
- Morgan
- Niederhauser
- Okerlund
- Reid
- Romero
- H. Stephenson
- J. Stevenson
- Stowell
- Thatcher
- Urquhart
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators
- Buttars
- Robles
- Valentine

S.B. 32 was transmitted to the House for consideration.

**SECOND READING CALENDAR**

On motion of Senator Jenkins, S.B. 28, ALCOHOL OR DRUG RELATED OFFENSE AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Okerlund, the circle was removed from S.B. 102, TEMPORARY WATER SHORTAGE EMERGENCY – MILITARY FACILITIES, and it was before the Senate. Senator Okerlund explained the bill.

Senator Okerlund proposed the following amendment:

1. **Page 1, Line 13**
   
   13 This bill:
   
   defines “military facility”;

2. **Page 2, Lines 28 through 32:**

   28 (1) As used in this section (“temporary”) :
   
   (a) “Military facility” means an installation, base, air field, camp,
post, station, yard, center, or other facility owned, leased, or operated by, or under the jurisdiction of, the United States Department of Defense or the National Guard.

(b) “Temporary water shortage emergency” means a shortage of
water:

{ (a) } (i) whether caused by drought, manmade, or naturally caused;

{ (b) } (ii) for which the governor has declared an emergency; and

{ (c) } (iii) that may not exceed in duration more than two consecutive calendar years.

2. Page 2, Line 43:

(D) a military facility that was in operation on March 10, 2011; and

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

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

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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On motion of Senator Hillyard, S.B. 34, UNIFORM INTERSTATE FAMILY SUPPORT ACT, was read the second time and circled.

***

On motion of Senator Okerlund, 1st Sub. S.B. 36, CONCEALED FIREARM ACT AMENDMENTS, was read the second time and circled.
1st Sub. S.B. 94, REQUIREMENTS FOR CONSTABLES, was read the first and 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
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hinkins  Jenkins
Jones  Knudson  Madsen  Mayne
McAdams  Morgan  Niederhauser  Okerlund
Reid  Romero  H. Stephenson  J. Stevenson
Stowell  Thatcher  Waddoups

Absent or not voting were: Senators
Hillyard  Liljenquist  Robles  Urquhart
Valentine  Van Tassell

1st Sub. S.B. 35, CONSTRUCTION LICENSEES RELATED AMENDMENTS, was read the second time. Senator Mayne explained the bill. Senators Niederhauser, Bramble, Liljenquist, and Buttars commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Robles  Romero
H. Stephenson  J. Stevenson  Stowell  Thatcher
Urquhart  Van Tassell  Waddoups

Absent or not voting were: Senators
Hillyard  Valentine

S.B. 42, REGULATION OF SIGN COMPANIES, was read the second time. Senator Jones 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
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Robles  Romero
H. Stephenson  J. Stevenson  Stowell  Thatcher
Urquhart  Van Tassell  Waddoups

Absent or not voting were: Senators
Hillyard  Valentine

***

On motion of Senator Liljenquist, S.B. 121, NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS, was read the second time and circled.

***

On motion of Senator Buttars, S.J.R. 1, JOINT RESOLUTION ON STATE BOARD OF EDUCATION AUTHORITY, was read the second time and circled.

***

On motion of Senator Reid, S.J.R. 9, JOINT RESOLUTION – GOVERNANCE OF PUBLIC AND HIGHER EDUCATION, was read the second time and circled.

***

S.B. 111, UTILITIES – UNDERGROUND FACILITIES AND PIPELINES, was read the second time. Senator Jenkins explained the bill. Senator 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
Adams  Buttars  Christensen  Dayton
Hinkins  Jenkins  Jones  Knudson
Liljenquist  Madsen  McAdams  Morgan
Niederhauser  Okerlund  Reid  Robles
Romero  H. Stephenson  J. Stevenson  Stowell
Thatcher  Urquhart  Van Tassell  Waddoups
Absent or not voting were: Senators
Bramble Davis Hillyard Mayne Valentine

***

S.B. 118, MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT 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
Adams Bramble Christensen Dayton
Hinkins Jenkins Jones Knudson
Liljenquist Madsen Mayne McAdams
Morgan Niederhauser Okerlund Reid
Robles Romero H. Stephenson J. Stevenson
Stowell Thatcher Urquhart Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Davis Hillyard Valentine

***

S.C.R. 4, COMMUNICATIONS SPECTRUM TRANSLATOR SYSTEM CONCURRENT RESOLUTION, was read the second time. Senator Okerlund 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
Adams Bramble Christensen Davis
Dayton Hinkins Jenkins Jones
Knudson Liljenquist Madsen Mayne McAdams
Morgan Romero H. Stephenson J. Stevenson
Romero J. Stevenson Stowell
Stowell Thatcher Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Hillyard Niederhauser Robles
Senator Valentine proposed the following amendment:

1. Page 3, Lines 74 through 79

74  (4) (a) In addition to meeting the other qualifications for the issuance of a concealed firearm permit under this section, a nonresident applicant who resides in a state that recognizes the validity of the Utah permit or has reciprocity with Utah’s concealed firearm permit law shall:

75  (i) hold a current concealed firearm or concealed weapon permit issued by the appropriate permitting authority of the nonresident applicant’s state of residency

76  (ii) hold a current concealed firearm or concealed weapon permit issued by the

77  (iii) hold a current concealed firearm or concealed weapon permit issued by the

Senator Valentine’s motion to amend passed on a voice vote. Senators Dayton 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 Hillyard

**INTRODUCTION OF BILLS**

S.B. 52, Tortious Act Arbitration (S. Urquhart), was read the first time by short title and referred to the Rules Committee.
S.C.R. 7, Concurrent Resolution Opposing the Federal Restoring Our American Mustangs Act (D. Hinkins), was 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. 34, UNIFORM INTERSTATE FAMILY SUPPORT ACT, and it was before the Senate. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 1, Lines 20 through 21

   Other Special Clauses:

   This bill takes effect on July 1, 2013.

2. Page 36, Lines 1082 through 1083:

   (2) to register, recognize, enforce, or modify a prior support order, determination, or agreement, whenever issued or entered.

   Section 59. Effective Date.

   This bill takes effect on July 1, 2013.

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

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

Voting in the affirmative were: Senators

Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Hinkins
Jenkins  Jones  Knudson  Liljenquist
Madsen  Mayne  McAdams  Morgan
Niederhauser  Okerlund  Reid  Robles
Romero  H. Stephenson  J. Stevenson  Stowell
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups

* * *

On motion of Senator Jenkins and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Monday, January 31, 2011.
EIGHTH DAY

January 31, 2011

The Senate was called to order at 10:05 a.m., with President Michael Waddoups presiding.

Prayer – Senator Ralph Okerlund
Pledge of Allegiance – Senator Stuart Reid
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 28, 2011

The House passed, as substituted, 1st Sub. H.B. 24, CLEAN FUEL VEHICLE DECAL, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 34, DEPARTMENT OF TRANSPORTATION SETTLEMENT AGREEMENT AMENDMENTS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as amended, H.B. 45, VEHICLE IMPOUND AMENDMENTS, by Representative J. Peterson, and it is transmitted for consideration; and

The House passed H.B. 52, LIMITATION OF ACTIONS – CRIMINAL OFFENSES, by Representative B. Wilson, and it is transmitted for consideration; and

The House passed H.B. 56, EXPUNGEMENT AMENDMENTS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed H.B. 57, JOINT PROFESSIONAL SCHOOL OF VETERINARY MEDICINE, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed, as amended, H.B. 192, CONTROLLED SUBSTANCES ADVISORY COMMITTEE AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and
The House passed, as substituted, **1st Sub. H.B. 20**, ACCIDENT RESPONSIBILITY AMENDMENTS, by Representative C. Herrod, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: January 28, 2011

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

**Business and Labor Committee**

S.B. **101**  Utah Uniform Securities Act Enforcement  
(Sen. B. McAdams)

S.B. **109**  Child Protection Registry Amendments (Sen. C. Bramble)

H.B. **43**  Errors and Omissions Coverage for Insurance Producers  

H.B. **188**  Labor Commission Related Amendments  
(Rep. M. Morley) (Sen. K. Mayne)

H.B. **194**  Service Contracts Act Amendments (Rep. J. Anderson)  
(Sen. D. Thatcher)

H.B. **209**  Workers’ Compensation Premium Assessment  
(Rep. M. Morley) (Sen. K. Mayne)

**Education Committee**

H.B. **218**  Clubs in Public Schools (Rep. S. Sandstrom)  
(Sen. J. Valentine)

**Government Operations and Political Subdivisions Committee**

S.B. **49**  Oversight of Bonding by Counties (Sen. J. Stevenson)

H.B. **187**  State Fire Code Appeals (Rep. M. Morley)  
(Sen. J. S. Adams)

(Sen. S. Urquhart)

**Health and Human Services Committee**

S.B. **137**  Medicaid Amendments (Sen. A. Christensen)

H.B. **23**  Controlled Substance Modifications (Rep. G. Froerer)  
(Sen. A. Christensen)
H.B. 217  Appointment of Director of the Division of Health Care Financing (Rep. D. Clark) (Sen. W. Niederhauser)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 50  Enhanced Penalties for HIV Positive Offender Amendments (Sen. J. Stevenson)
S.B. 133  Grand Jury Amendments (Sen. J. Valentine)

Revenue and Taxation Committee
S.B. 132  Sales and Use Tax Exemption for an Energy Efficient Stove or Energy Efficient Stove Fuel (Sen. G. Davis)

Transportation, Public Utilities and Technology Committee
S.B. 47  Driver License and Identification Card Amendments (Sen. C. Bramble)
S.B. 136  Boating Amendments (Sen. C. Bramble)

Workforce Services and Community and Economic Development Committee
S.B. 134  Transparency in Health Care Provider Advertising (Sen. J. Stevenson)
S.C.R. 6  Concurrent Resolution Honoring the Sorenson Legacy Foundation (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 28, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 12, PERSONAL INJURY CLAIMS BY PERSONAL REPRESENTATIVE, by Representative T. Kiser.

Mark B. Madsen

Mr. President: January 28, 2011

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.C.R. 3, CONCURRENT RESOLUTION
SUPPORTING CONTINUED FEDERAL FUNDING OF THE CENTRAL UTAH PROJECT, by Senator R. Okerlund; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 25**, MINERAL AND PETROLEUM LITERACY, by Representative J. Draxler; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 39**, WATER RIGHTS AMENDMENTS, by Representative J. Draxler, with the following amendments:

1. Page 2, Line 52:

   52. (7) Every assignment of an application [which shall not be] that is not (—recorded—) filed as

2. Page 2, Line 55:

   55. the subsequent assignee’s own assignment [shall be] is first duly (—recorded—) filed.

   Ralph Okerlund, Chair

Mr. President: January 28, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.J.R. 4**, JOINT RESOLUTION APPROVING SCENIC BYWAY CORRIDOR MANAGEMENT PLAN, by Senator D. Stowell.

   Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

**INTRODUCTION OF BILLS**

S.B. 53, Eligibility for Interscholastic Activities in Secondary Schools (M. Madsen), was read the first time by short title and referred to the Rules Committee.

S.B. 54, Physician Supervision of Cosmetic Medical Procedures (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.B. 139, Revocation of Motor Vehicle Registration (S. Reid), was read the first time by short title and referred to the Rules Committee.
S.B. 140, State Charter School Board Amendments (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

S.B. 141, Burglary Offense Amendments (M. Madsen), was read the first time by short title and referred to the Rules Committee.

S.B. 142, Public Official Contact Information (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 33, HEALTH DISPARITIES AND RELATED AMERICAN INDIAN PROGRAMS, 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

Adams Christensen Davis Dayton
Hillyard Hinkins Jenkins Jones
Knudson Mayne McAdams Morgan
Niederhauser Okerlund Reid Robles
Romero H. Stephenson J. Stevenson Stowell
Urquhart Valentine Van Tassell Waddoups

**Absent or not voting were:** Senators

Bramble Buttars Liljenquist Madsen
Thatcher

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

***

S.C.R. 1, CRISIS INTERVENTION TEAM PROGRAM CONCURRENT RESOLUTION, was read the third time, explained by Senator Jones, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams Davis Dayton Hillyard
Hinkins Jenkins Jones Knudson
Mayne Morgan Niederhauser Okerlund
Reid Robles Romero H. Stephenson
J. Stevenson Stowell Thatcher Urquhart Valentine Van Tassell
Absent or not voting were: Senators
Bramble  Buttars  Christensen  Liljenquist
Madsen  McAdams  Waddoups

S.C.R. 1 was transmitted to the House for consideration.

***

S.B. 31, RURAL FAST TRACK PROGRAM AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators
Adams  Davis  Dayton  Hillyard
Hinkins  Jenkins  Jones  Knudson
Mayne  Morgan  Niederhauser  Okerlund
Reid  Romero  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Bramble  Buttars  Christensen  Liljenquist
Madsen  McAdams  Robles

S.B. 31 was transmitted to the House for consideration.

***

S.B. 37, EMERGENCY FOOD AGENCY AMENDMENTS, 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
Adams  Christensen  Davis  Dayton
Hillyard  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  Morgan
Niederhauser  Okerlund  Reid  Robles
Romero  H. Stephenson  J. Stevenson  Stowell
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble  Buttars  Liljenquist  McAdams
S.B. 37 was transmitted to the House for consideration.

THIRD READING CALENDAR

S.B. 102, TEMPORARY WATER SHORTAGE EMERGENCY – MILITARY FACILITIES, 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

Adams  
Christensen  
Davis  
Dayton  

Hillyard  
Hinkins  
Jenkins  
Jones  

Knudson  
Madsen  
Mayne  
McAdams  

Morgan  
Niederhauser  
Okerlund  
Reid  

Robles  
Romero  
H. Stephenson  
J. Stevenson  

Stowell  
Thatcher  
Urquhart  
Valentine  

Van Tassell  
Waddoups  

**Absent or not voting were:** Senators

Bramble  
Buttars  
Liljenquist  

S.B. 102 was transmitted to the House for consideration.

***

1st Sub. S.B. 94, REQUIREMENTS FOR CONSTABLES, was read the third time and explained by Senator Mayne. Senators Jenkins and Valentine commented.

On motion of Senator Mayne, the bill was circled.

***

1st Sub. S.B. 35, CONSTRUCTION LICENSEES RELATED AMENDMENTS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Adams  
Christensen  
Davis  
Dayton  

Hillyard  
Hinkins  
Jenkins  
Jones  

Knudson  
Madsen  
Mayne  
McAdams  

S.B. 37 was transmitted to the House for consideration.
Absent or not voting were: Senators
Bramble Buttars Liljenquist

1st Sub. S.B. 35 was transmitted to the House for consideration.
* * *

S.B. 42, REGULATION OF SIGN COMPANIES, was read the third time, explained by Senator Jones, and passed on the following roll call:

Voting in the affirmative were: Senators
Adams Buttars Christensen Davis Hillyard Hinkins Jenkins Knudson Madsen Mayne McAdams Morgan Niederhauser Okerlund Reid Robles Stowell Thatcher Urquhart Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Buttars Dayton Liljenquist

S.B. 42 was transmitted to the House for consideration.
* * *

S.B. 111, UTILITIES – UNDERGROUND FACILITIES AND PIPELINES, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Buttars Christensen Davis Dayon Hillyard Hinkins Jenkins Knudson Madsen Mayne McAdams Morgan Niederhauser Okerlund Reids Robles Stowell Thatcher Urquhart Valentine Van Tassell Waddoups
Reid Robles Romero H. Stephenson
J. Stevenson Stowell Thatcher Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Liljenquist

S.B. 111 was transmitted to the House for consideration.

* * *

S.B. 118, MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT 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
Adams Buttars Christensen Davis
Dayton Hillyard Hinkins Jenkins
Jones Knudson Madsen Mayne
McAdams Morgan Niederhauser Okerlund
Reid Robles Romero H. Stephenson
J. Stevenson Stowell Thatcher Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Liljenquist

S.B. 118 was transmitted to the House for consideration.

* * *

S.C.R. 4, COMMUNICATIONS SPECTRUM TRANSLATOR SYSTEM CONCURRENT RESOLUTION, 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
Adams Buttars Christensen Davis
Dayton Hillyard Hinkins Jenkins
Jones Knudson Mayne McAdams
Morgan Niederhauser Okerlund Reid
Robles        Romero        H. Stephenson        J. Stevenson
Stowell       Thatcher       Urquhart       Valentine
Van Tassell   Waddoups

Absent or not voting were: Senators
Bramble       Liljenquist       Madsen

S.C.R. 4 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 36, CONCEALED FIREARM ACT AMENDMENTS, was read the third time and explained by Senator Valentine. Senator Robles commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams        Buttars        Christensen        Davis
Dayton       Hillyard       Hinkins        Jenkins
Jones        Knudson        Madsen        Mayne
McAdams      Morgan         Niederhauser       Okerlund
Reid         Robles         Romero        H. Stephenson
J. Stevenson Stowell       Thatcher       Urquhart
Valentine    Van Tassell   Waddoups

Absent or not voting were: Senators
Bramble       Liljenquist

1st Sub. S.B. 36 was transmitted to the House for consideration.

* * *

S.B. 34, UNIFORM INTERSTATE FAMILY SUPPORT ACT, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams        Buttars        Christensen        Davis
Dayton       Hillyard       Hinkins        Jenkins
Jones        Knudson        Madsen        Mayne
Morgan       Niederhauser       Okerlund
Robles       Romero         H. Stephenson       J. Stevenson
Stowell      Thatcher       Urquhart       Valentine
Van Tassell  Waddoups
Absent or not voting were: Senators
Bramble Liljenquist Madsen

S.B. 34 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Dayton, S.B. 46, HIGHER EDUCATION RESIDENCY REQUIREMENTS, was read the second time and circled.

***

S.B. 115, SCHOOL PERFORMANCE REPORTING, 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
Buttars Christensen Davis Dayton
Hillyard Hinkins Jenkins Jones
Knudson Mayne McAdams Morgan
Niederhauser Okerlund Reid Robles
Romero H. Stephenson J. Stevenson Stowell
Thatcher Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Adams Bramble Liljenquist Madsen

***

S.B. 119, SCHOOL DISTRICT SUPERINTENDENT AMENDMENTS, was read the second time. Senator Stephenson explained the bill. Senators Hillyard, Buttars, 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
Buttars Christensen Davis Dayton
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne McAdams
Morgan Niederhauser Okerlund Reid
On motion of Senator Dayton, the circle was removed from S.B. 46, HIGHER EDUCATION RESIDENCY REQUIREMENTS, and it was before the Senate. Senator Dayton explained the bill. Senators Hillyard, Niederhauser, Valentine, and Buttars commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Adams  Buttars  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Madsen  Mayne
McAdams  Morgan  Niederhauser  Okerlund
Reid  Romero  H. Stephenson  J. Stevenson
Stowell  Thatcher  Valentine  Van Tassell
Waddoups

**Absent or not voting were:** Senators

Bramble  Liljenquist  Robles  Urquhart

**S.B. 93, CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL REPORTING 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

Adams  Buttars  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Madsen  Mayne
McAdams  Morgan  Niederhauser  Okerlund
Reid  Robles  Romero  H. Stephenson
J. Stevenson  Stowell  Thatcher  Valentine
Van Tassell  Waddoups
Absent or not voting were: Senators
Bramble  Liljenquist  Urquhart

***

On motion of Senator Dayton, S.B. 44, STATE COMMISSION AMENDMENTS, was read the second time and circled.

***

S.J.R. 5, JOINT RESOLUTION ON FISCAL NOTE PROCESS, was read the second time. Senator Niederhauser explained the bill. Senators McAdams, Davis, Robles, Knudson, and Romero commented.

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

1st Sub. S.J.R. 5 Joint Rules Resolution on Fiscal Note Process
(W. Niederhauser)

The bill passed second reading on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators
Adams  Davis  Dayton  Hillyard
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  McAdams  Morgan
Niederhauser  Okerlund  Reid  Robles
Romero  H. Stephenson  J. Stevenson  Stowell
Thatcher  Urquhart  Van Tassell  Waddoups

Voting in the negative were: Senators
Buttars  Christensen

Absent or not voting were: Senators
Bramble  Liljenquist  Valentine

INTRODUCTION OF BILLS

S.J.R. 10, Joint Resolution Closing Orem Court Facility (J. Valentine), was read the first time by short title and referred to the Rules Committee.

***

On motion of Senator Jenkins and at 12:00 noon., the Senate adjourned until 10:00 a.m., Tuesday, February 1, 2011.
NINTH DAY
February 1, 2011

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

Prayer – Reverend France Davis, Calvary Baptist
Pledge of Allegiance – Senator Steve Urquhart
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 31, 2011

The House passed H.B. 9, NATIONAL GUARD, VETERANS’ AFFAIRS, AND LEGISLATURE BASE BUDGET, by Representative M. Brown, and it is transmitted for consideration; and

The House passed, as substituted, 2nd Sub. H.B. 46, COUNTY RECORDER AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed H.B. 64, HUMAN BLOOD PROCUREMENT AND USE, by Representative S. Handy, and it is transmitted for consideration; and

The House passed H.B. 198, TOBACCO RELATED PENALTY AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed H.B. 201, TOBACCO LICENSING AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, H.B. 206, SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed H.B. 208, ADMINISTRATIVE SERVICES AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.
RULES COMMITTEE REPORTS

To the Members of the Senate: January 31, 2011

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

Business and Labor Committee
S.B. 139 Revocation of Motor Vehicle Registration  
(Sen. S. Reid)

Education Committee
S.B. 140 State Charter School Board Amendments  
(Sen. H. Stephenson)

Government Operations and Political Subdivisions Committee
S.B. 142 Public Official Contact Information (Sen. H. Stephenson)

Health and Human Services Committee
S.B. 54 Physician Supervision of Cosmetic Medical Procedures  
(Sen. P. Knudson)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 52 Tortious Act Arbitration (Sen. S. Urquhart)
S.B. 141 Burglary Offense Amendments (Sen. M. Madsen)
H.B. 52 Limitation of Actions – Criminal Offenses  
H.B. 192 Controlled Substances Advisory Committee Amendments  

Natural Resources, Agriculture and Environment Committee
H.B. 57 Joint Professional School of Veterinary Medicine  
(Rep. J. Mathis) (Sen. D. Stowell)

Transportation, Public Utilities and Technology Committee
(Sen. C. Bramble)
(Sen. K. Van Tassell)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 31, 2011

The Business and Labor Committee reports a favorable recommendation on H.B. 22, FIRE PREVENTION AND FIREWORKS ACT AMENDMENTS, by Representative J. Dunnigan; and

The Business and Labor Committee reports a favorable recommendation on H.B. 43, ERRORS AND OMISSIONS COVERAGE FOR INSURANCE PRODUCERS, by Representative J. Bird, with the following amendments:

1. Page 8, Lines 231 through 235:

   231  (5) Notwithstanding the other provisions of this section, a resident individual producer
   232  is exempt from the requirement to maintain coverage as provided in this section during a
   233  period in which the resident individual producer is not either:
   234      (a) appointed by an insurer under this title; or
   235      (b) designated by an agency under this title.

   (6) A limited lines producer is exempt from this section.

The Business and Labor Committee reports a favorable recommendation on H.B. 188, LABOR COMMISSION RELATED AMENDMENTS, by Representative M. Morley, with the following amendments:

1. Page 2, Lines 43 through 46:

   43      [(2)] (3) The rules made under this section shall protect the rights of the parties and include procedures to:
   44      (a) dispose of [cases] a case informally[;] or [to] expedite claims adjudication[;]
   45      (b) narrow issues[;] and
(c) simplify the methods of proof at hearings; and

The Business and Labor Committee reports a favorable recommendation on H.B. 209, WORKERS’ COMPENSATION PREMIUM ASSESSMENT, by Representative M. Morley.

John L. Valentine, Chair

Mr. President: January 31, 2011

The Education Committee reports a favorable recommendation on H.B. 218, CLUBS IN PUBLIC SCHOOLS, by Representative S. Sandstrom.

Howard A. Stephenson, Chair

Mr. President: January 31, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 49, OVERSIGHT OF BONDING BY COUNTIES, by Senator J. Stevenson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 114, MUNICIPAL PROSECUTORIAL DISCRETION, by Senator D. Thatcher; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 123, RESTRICTIONS ON LOBBYING EXPENDITURES – PUBLIC EDUCATION, by Senator S. Jenkins, with the following amendments:

1. Page 1, Line 17:
   After “to pay a” insert “contract”

2. Page 2, Line 44:
   Before the word “Lobbyist” insert “Contract”

3. Page 2, Line 49:
   After “to pay a” insert “contract”; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 126, LOCAL DISTRICT SERVICE AMENDMENTS, by Senator J. S. Adams; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.C.R. 5, BEAR LAKE CONCURRENT RESOLUTION, by Senator P. Knudson, with the following amendments:
1. Page 1, Lines 9 through 10:

9    This concurrent resolution of the Legislature and the Governor encourages state and
10    local governments surrounding the Bear Lake recreation area to work together to ensure

2. Page 1, Line 14:

14    recognizes that the beautiful Bear Lake recreation area is a treasure to be preserved;

3. Page 1, Lines 16 through 17:

16    by future development at Bear Lake and in the Bear Lake Valley to focus on
17    preserving the beauty, agricultural importance, environmental quality, and ecological balance of this natural

4. Page 1, Line 19:

19    encourages these governmental entities to preserve the Bear Lake recreation areas area

5. Page 1, Lines 21 through 22:

21    with the unique nature of Bear Lake in order to preserve the area’s beauty and utility for future
22    generations.

6. Page 2, Line 28:

28    points of interest belonging to and shared by these two great states;

7. Page 2, Line 36:

36    them;

WHEREAS, Bear Lake has been an important source of water for Northern Utah’s agricultural interests since the settlement and development of the region, is an important electric power generator, and has been and continues to be important to the development and preservation of wetland habitat;

8. Page 2, Line 48:
to encroach on the beauty, agricultural importance, environmental quality, and ecological balance of this natural

9. Page 2, Line 55:

55 at Bear Lake and in the Bear Lake Valley to focus on preserving the beauty, agricultural importance, environmental

10. Page 3, Lines 60 through 64:

60 should be allowed in order to preserve the area’s beauty and utility for future generations.

61 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Utah

62 Division of State Lands, the Utah Division of Parks and Recreation, the Utah Division of

63 Water Quality, the Utah Division of Water Rights, the Utah Department of Agriculture and Food, Rich County, Cache County, Box Elder County, Bear Lake County, the cities

64 of Woodruff, Randolph, Lake Town, and Garden City, the Utah League of Cities and Towns, the Utah Association of Counties; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 187, STATE FIRE CODE APPEALS, by Representative M. Morley.

Peter C. Knudson, Chair

Mr. President: January 31, 2011

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.C.R. 2, FINANCIAL RESPONSIBILITY CONCURRENT RESOLUTION, by Senator P. Jones, with the following amendments:

Page 5, line 142:

1. After “Economic Education,” insert “the Utah Broadcasters Association, AARP,”; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on H.J.R. 9, NAVAJO CODE TALKERS’ JOINT RESOLUTION, by Representative C. Watkins; and
The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on H.B. 219, STATE FIREARM DESIGNATION, by Representative C. Wimmer, with the following amendments:

1. Page 1, Line 13:

13 designates the John M. Browning M1911 automatic pistol as the state firearm.

2. Page 2, Line 37:

37 Utah’s state firearm is the John M. Browning M1911 automatic pistol.

Stuart C. Reid, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: January 28, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 21, STATUTORY REQUIRED REPORTS 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: January 31, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 186, UTAH CODE TECHNICAL AMENDMENTS, by Representative B. Galvez, 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. 213, STATUTORY CONSTRUCTION AMENDMENTS, by Representative D. Brown, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 12, Line 367:
2. Page 329, Line 10173:

10173  (a) the {plan of life insurance shall satisfy } insurer shall demonstrate to the satisfaction of the commissioner [must be satisfied] that the

3. Page 354, Line 10939:

10939 requirements of Chapter 21, {Underwriting Restrictions } Insurance Contracts in General set forth:

4. Page 485, Lines 15014 through 15015:

15014 Fund if so directed by the Legislature.

Section 343. Section 55–5–2 is amended to read:


(1) The {Division of Vocational Rehabilitation, Office of Public Instruction,} Division of Services for the Blind and Visually Impaired, Utah State Office of Rehabilitation is designated as the licensing agency for the purpose of carrying out {the provisions of this act, and shall} this chapter.

(2) The Division of Services for the Blind and Visually Impaired, shall:

{ (1) Take such steps as are necessary and proper } (a) take necessary steps to carry out the provisions of this {act.} chapter;

{ (2) With } (b) with the approval of the custodian having charge of the building, park or other property in which the vending stand or other enterprise is to be located, select a location for such stand or enterprise and the type of equipment to be provided {.};

{ (3) Construct } (c) construct and equip stands { at such place as may be deemed advisable } where blind persons may be trained under the supervision of the {Division of Vocational Rehabilitation } Division of Services for the Blind and Visually Impaired to carry on a business as a vending stand operator {.};

{ (4) Provide } (d) provide adequate supervision of
each person licensed to operate vending stands or other enterprises to ensure efficient and orderly management thereof; and

(5) Prescribe such rules and regulations as are necessary for the proper operation of vending stands or other enterprises.

Section 344. Effective date.

Mr. President: January 31, 2011

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on H.B. 44, ITALIAN–AMERICAN HERITAGE MONTH DESIGNATION, by Representative C. Watkins, and recommends it be considered read for the second time and placed on the Consent Calendar.

Stuart C. Reid, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 55, Electronic Signatures (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

S.B. 56, Office of the Property Rights Ombudsman Amendments (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

S.B. 57, Animal Control – Exception for Community Cat Management Initiative (D. Stowell), was read the first time by short title and referred to the Rules Committee.

S.B. 58, Crime Victims Reparations Revisions (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

S.C.R. 8, Concurrent Resolution Approving Solid Waste Facility Landfill Permit (W. Niederhauser), was read the first time by short title and referred to the Rules Committee.
On motion of Senator Hinkins, H.J.R. 9, NAVAJO CODE TALKERS’ JOINT RESOLUTION, will be considered Wednesday, February 9, 2011, at 11:00 a.m.

***

On motion of Senator Hillyard, the Senate voted to lift the following bills from the Rules Committee and place them on the top of the Second Reading Calendar: H.B. 9, S.B. 7, S.B. 8 and S.B. 9.

THIRD READING CALENDAR

On motion of Senator Mayne, the circle was removed from 1st Sub. S.B. 94, REQUIREMENTS FOR CONSTABLES, and it was before the Senate. 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

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Absent or not voting were: Senators

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1st Sub. S.B. 94 was transmitted to the House for consideration.

***

On motion of Senator Dayton, S.B. 115, SCHOOL PERFORMANCE REPORTING, was read the third time and circled.

***

On motion of Senator Stevenson, S.B. 119, SCHOOL DISTRICT SUPERINTENDENTS AMENDMENTS, was read the third time and circled.

***

S.B. 46, HIGHER EDUCATION RESIDENCY REQUIREMENTS, was read the third time and explained by Senator Dayton.
Senator Niederhauser proposed the following amendment:

1. Page 3, Line 78 through Page 4, Line 96

78 (c) Notwithstanding Subsection (3), an institution within the state system of higher education shall grant resident student status for tuition purposes to a child of a United States military person assigned to active duty if the child produces:

81 (i) one of the following:

82 (A) the military parent’s United States active duty military identification card;

83 (B) the child’s United States active duty military identification and privilege card; or

84 (C) a statement from the military parent’s current company commander stating that the

85 military parent is on active duty; and

86 (ii) one of the following:

87 (A) the military parent’s state of legal residence certificate with Utah listed as the

88 military parent’s home of record;

89 (B) the military parent’s Utah driver license;

90 (C) the military parent’s Utah voter registration card dated a reasonable period prior to application;

90a to application;

91 (D) a mortgage statement for a Utah residence listing the military parent’s name and

92 Utah address;

93 (E) a current Utah vehicle registration document with the military parent’s name as

94 owner of the vehicle dated a reasonable period prior to application;

95 (F) the military parent’s leave and earnings statement showing Utah as the state where
Senator Niederhauser’s motion to amend passed on a voice vote, 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

| Bramble     | Buttars |        |

S.B. 46, as amended, was transmitted to the House for consideration.

* * *

S.B. 93, CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL REPORTING AMENDMENTS, was read the third time, explained by Senator Christensen.

Senator Christensen proposed the following amendment:

1. Page 2, Line 58

58 (i) Subsection 78A–6–306(1) (a), regarding shelter hearings;

Senator Christensen’s motion to amend passed on a voice vote 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
Bramble Buttars

S.B. 93 was transmitted to the House for consideration.

***

1st Sub. S.J.R. 5, JOINT RULES RESOLUTION ON FISCAL NOTE PROCESS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Christensen Dayton Hillyard
Hinkins Jenkins Jones Knudson
Liljenquist Madsen Mayne McAdams
Morgan Niederhauser Okerlund Reid
Robles H. Stephenson J. Stevenson Stowell
Thatcher Urquhart Valentine Van Tassell
Waddoups

Voting in the negative were: Senators
Davis Romero

Absent or not voting were: Senators
Bramble Buttars

1st Sub. S.J.R. 5 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Hillyard, under suspension of the rules, H.B. 9, NATIONAL GUARD, VETERANS’ AFFAIRS, AND LEGISLATURE BASE BUDGET, 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
Adams Christensen Davis Dayton
Hillyard Hinkins Jenkins Jones
Knudson Liljenquist Madsen Mayne
Niederhauser Okerlund Reid H. Stephenson
J. Stevenson Stowell Thatcher Urquhart
Valentine Van Tassell Waddoups
Voting in the negative were: Senators
Morgan Robles Romero

Absent or not voting were: Senators
Bramble Buttars McAdams

H.B. 9 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 7, HIGHER EDUCATION BASE BUDGET, was read the second time.

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

1st Sub. S.B. 7 Higher Education Base Budget (S. Urquhart)

On motion of Senator Urquhart, under suspension of the rules, 1st Sub. S.B. 7, HIGHER EDUCATION BASE BUDGET, was considered read the second and third times. Senator Urquhart explained the bill. Senators Stephenson, Romero, Mayne, Jones, and Hillyard commented. The bill passed on the following roll call:

Yeas, 21; Nays, 7; Absent, 1.

Voting in the affirmative were: Senators
Adams Bramble Christensen Davis
Dayton Hillyard Hinkins Jenkins
Knudson Liljenquist Madsen Niederhauser
Okerlund Reid J. Stevenson Stowell
Thatcher Urquhart Valentine Van Tassell
Waddoups

Voting in the negative were: Senators
Jones Mayne McAdams Morgan
Robles Romero H. Stephenson

Absent or not voting was: Senator
Buttars

1st Sub. S.B. 7 was transmitted to the House.

* * *

S.B. 8, NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENTAL QUALITY BASE BUDGET, was read the second time.
On motion of Senator Hinkins, the following substitute bill replaced the original bill:

1st Sub. S.B. 8 Natural Resources, Agriculture, and Environment Quality Base Budget (D. Hinkins)

On motion of Senator Hinkins, under suspension of the rules, 1st Sub. S.B. 8, NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENTAL QUALITY BASE BUDGET, was considered read the second and third times. Senator Hinkins explained the bill. Senator Davis commented. The bill passed on the following roll call:

**Yeas, 24; Nays, 3; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams        Bramble        Christensen    Davis  
Dayton       Hillyard       Hinkins        Jenkins
Jones        Knudson        Liljenquist    Madsen  
Mayne        McAdams        Niederhauser   Okerlund  
Reid         H. Stephenson   J. Stevenson  Stowell  
Thatcher     Valentine      Van Tassell    Waddoups

**Voting in the negative were:** Senators

Morgan       Robles       Romero

**Absent or not voting were:** Senators

Buttars      Urquhart

1st Sub. S.B. 8 was transmitted to the House.

***

On motion of Senator Liljenquist, under suspension of the rules, S.B. 9, RETIREMENT AND INDEPENDENT ENTITIES BASE BUDGET, was considered read the second and third times. Senator Liljenquist explained the bill. Senator Davis commented. The bill passed on the following roll call:

**Yeas, 24; Nays, 3; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams        Bramble        Christensen    Davis  
Dayton       Hillyard       Hinkins        Jenkins
Jones        Knudson        Liljenquist    Madsen  
Mayne        McAdams        Niederhauser   Okerlund  
Reid         H. Stephenson   J. Stevenson  Stowell  
Thatcher     Valentine      Van Tassell    Waddoups
Voting in the negative were: Senators
Morgan               Robles               Romero

Absent or not voting were: Senators
Buttars               Urquhart

S.B. 9 was transmitted to the House.

COMMITTEE OF THE WHOLE


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

SECOND READING CALENDAR

On motion of Senator Liljenquist, the circle was removed from S.B. 121, NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS, and it was before the Senate.

Senator Liljenquist proposed the following amendment:

1. Page 14, Line 415:
   After “two” insert “aeronautical”

Senator Liljenquist’s motion to amend passed on a voice vote. Senator Liljenquist 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
Adams                Bramble              Christensen            Davis
Dayton               Hillyard             Hinkins               Jenkins
Jones                Knudson              Liljenquist            Mayne
Morgan               Niederhauser         Okerlund              Robles
Romero               J. Stevenson          Stowell               Urquhart
Valentine            Van Tassell           Waddoups

Absent or not voting were: Senators
Buttars               Madsen               McAdams               Reid
H. Stephenson         Thatcher
S.B. 39, CHILDREN’S JUSTICE CENTER PROGRAM AMENDMENTS, was read the second time. Senator Okerlund 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 Jenkins and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Wednesday, February 2, 2011.
TENTH DAY

February 2, 2011

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

Prayer – Reverend Kirk Thomas, Kingsbury Community Church, United Church of Christ

Pledge of Allegiance – Senator Stuart Adams

Roll Call – All Senators present except Senator Buttars, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 1, 2011

The House passed, as substituted, 1st Sub. H.B. 5, BUSINESS, ECONOMIC DEVELOPMENT, AND LABOR BASE BUDGET, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 6, EXECUTIVE OFFICES AND CRIMINAL JUSTICE BASE BUDGET, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 7, INFRASTRUCTURE AND GENERAL GOVERNMENT BASE BUDGET, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 8, SOCIAL SERVICES BASE BUDGET, by Representative D. Clark, and it is transmitted for consideration; and

The House passed H.B. 193, PUBLIC HIGHWAY DESIGNATION, by Representative C. Watkins, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: January 31, 2011

The Health and Human Services Committee reports a favorable recommendation on S.B. 48, ALZHEIMER’S STATE PLAN TASK FORCE, by Senator K. Morgan; and
The Health and Human Services Committee reports a favorable recommendation on S.B. 124, LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE, by Senator B. McAdams, with the following amendments:

1. Page 1, Lines 9 through 10:
   9 This bill amends the Utah Criminal Code by making it an infraction to leave a child unattended in an enclosed compartment of a motor vehicle.

2. Page 1, Lines 14 through 22:
   14 makes it a class C misdemeanor for a person who is responsible for a child under nine years of age to intentionally, recklessly, knowingly, or with criminal negligence leave a child in an enclosed compartment of a motor vehicle if:
   17 • the child is not supervised by a person who is at least 12 years old; and
   18 • the conditions present a risk to the child’s health or safety; and
   20 provides that this bill does not apply if the person’s conduct that constitutes a violation of this bill is punishable as a class B misdemeanor, a class A misdemeanor, or a felony.

3. Page 2, Lines 36 through 47:
   (b) “Enclosed compartment” means any enclosed area of a motor vehicle, including the passenger compartment, regardless of whether a door, window, or hatch is left open.
   36 (b) “Motor vehicle” means an automobile, truck, truck tractor, bus, or any other self-propelled vehicle.

(2) A person who is responsible for a child is guilty of a class C misdemeanor if:
39 (a) the person intentionally, recklessly, knowingly, or with criminal negligence leaves
40 the child in an enclosed compartment of a motor vehicle;
41 (b) the child is not supervised by a person who is at least 12 years old; and
42 (c) (i) the conditions present a risk to the child’s health or safety;
43 (ii) the engine of the motor vehicle is running; or
44 (iii) the keys to the motor vehicle are in the passenger compartment of the motor vehicle.
46 (3) This section does not apply if the person’s conduct that constitutes a violation of
47 this section is punishable as a class B misdemeanor, a class A misdemeanor, or a felony subject to a greater penalty under another provision of state law; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 15, CONTROLLED SUBSTANCE DATABASE – LICENSING AMENDMENTS, by Representative B. Daw; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 23, CONTROLLED SUBSTANCE MODIFICATIONS, by Representative G. Froerer; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 215, FATALITY REVIEW ACT AMENDMENTS, by Representative M. Newbold; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 217, APPOINTMENT OF DIRECTOR OF THE DIVISION OF HEALTH CARE FINANCING, by Representative D. Clark.

D. Chris Buttars, Chair

Mr. President: February 1, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 47, DRIVER LICENSE AND IDENTIFICATION CARD AMENDMENTS, by Senator C. Bramble; and
The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 110**, DRIVER LICENSE SUSPENSION AMENDMENTS, by Senator D. C. Buttars; and

The Transportation and Public Utilities and Technology Committee recommends **S.B. 136**, BOATING AMENDMENTS, by Senator C. Bramble, be replaced and favorably recommends **1st Sub. S.B. 136**, BOATING AMENDMENTS; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 26**, HIGH OCCUPANCY TOLL LANE CUSTOMER INFORMATION, by Representative Julie Fisher.

Kevin T. Van Tassell, Chair

Mr. President: February 1, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 142**, PUBLIC OFFICIAL CONTACT INFORMATION, by Senator H. Stephenson, with the following amendments:

1. Page 1, Line 17:
   After “reached” insert “directly”

2. Page 2, Line 47:
   After “reached” insert “directly”

3. Page 5, Line 148:
   After “reached” insert “directly”

4. Page 8, Line 224:
   After “reached” insert “directly”; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 8**, RONALD REAGAN DAY JOINT RESOLUTION, by Senator D. Liljenquist.

Peter C. Knudson, Chair

Mr. President: February 1, 2011

The Revenue and Taxation Committee recommends **S.B. 16**, STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION AMENDMENTS, by Senator W. Niederhauser, be replaced and favorably recommends **1st Sub. S.B. 16**, STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION AMENDMENTS; and
The Revenue and Taxation Committee recommends **S.B. 21**, TAX REVISIONS, by Senator W. Niederhauser, be replaced and favorably recommends **1st Sub. S.B. 21**, TAX REVISIONS; and

The Revenue and Taxation Committee recommends **S.B. 125**, PROPERTY TAX EXEMPTION AMENDMENTS, by Senator C. Bramble, be replaced and favorably recommends **1st Sub. S.B. 125**, PROPERTY TAX EXEMPTION AMENDMENTS; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 36**, ASSESSMENT, COLLECTIONS, AND REFUNDS ACT AMENDMENTS, by Representative T. Kiser; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 37**, DETERMINATION OF STATE TAXABLE INCOME, by Representative E. Vickers; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 38**, SEVERANCE TAX AMENDMENTS, by Representative E. Vickers.

Curtis S. Bramble, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

**INTRODUCTION OF BILLS**

**S.B. 59, School Grading System** (W. Niederhauser), was read the first time by short title and referred to the Rules Committee.

**S.B. 61, Prescription Drug Prescriber Training** (P. Jones), was read the first time by short title and referred to the Rules Committee.

**S.B. 143, Judiciary Amendments** (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

**S.B. 144, County Purchasing Agent Amendments** (M. Dayton), was read the first time by short title and referred to the Rules Committee.

**S.B. 145, Utah Educational Savings Plan Amendments** (W. Niederhauser), was read the first time by short title and referred to the Rules Committee.

**S.B. 146, Impact Fee Amendments** (J. Stevenson), was read the first time by short title and referred to the Rules Committee.
S.B. 147, Forgery Law Amendments (M. Madsen), was read the first time by short title and referred to the Rules Committee.

S.J.R. 11, Joint Resolution Expressing Opposition to Federal Restoring Our American Mustangs Act (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

1st Sub. S.B. 98, SECURITIES RELATED AMENDMENTS, was read the third time, explained by Senator McAdams, and passed on the following roll call:

\textbf{Yeas, 25; Nays, 0; Absent, 4.}

\textbf{Voting in the affirmative were:} Senators

\begin{tabular}{llll}
Bramble & Christensen & Davis & Dayton \\
Hillyard & Hinkins & Jenkins & Jones \\
Knudson & Liljenquist & Mayne & McAdams \\
Morgan & Niederhauser & Okerlund & Reid \\
Robles & Romero & H. Stephenson & J. Stevenson \\
Stowell & Thatcher & Urquhart & Van Tassell \\
Waddoups & & & \\
\end{tabular}

\textbf{Absent or not voting were:} Senators

\begin{tabular}{llll}
Adams & Buttars & Madsen & Valentine \\
\end{tabular}

1st Sub. S.B. 98 was transmitted to the House for consideration.

***

1st Sub. S.J.R. 7, FIBROMYALGIA AWARENESS DAY JOINT RESOLUTION, was read the third time, explained by Senator Knudson, and passed on the following roll call:

\textbf{Yeas, 26; Nays, 0; Absent, 3.}

\textbf{Voting in the affirmative were:} Senators

\begin{tabular}{llll}
Adams & Bramble & Christensen & Davis \\
Dayton & Hillyard & Hinkins & Jenkins \\
Jones & Knudson & Liljenquist & Mayne \\
McAdams & Morgan & Niederhauser & Okerlund \\
Reid & Robles & Romero & H. Stephenson \\
J. Stevenson & Stowell & Thatcher & Urquhart \\
Van Tassell & Waddoups & & \\
\end{tabular}
Absent or not voting were: Senators
Buttars          Madsen         Valentine

1st Sub. S.J.R. 7 was transmitted to the House for consideration.

***

S.B. 106, SEXUAL EXPLOITATION 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
Adams           Christensen  Davis           Dayton
Hillyard        Hinkins       Jenkins      Jones
Knudson         Liljenquist   Mayne         McAdams
Morgan          Niederhauser  Okerlund     Reid
Robles          Romero        H. Stephenson J. Stevenson
Stowell         Thatcher      Urquhart     Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble         Buttars       Madsen         Valentine

S.B. 106 was transmitted to the House for consideration.

***

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift the following bills from the Rules Committee and place them at the top of the Second Reading Calendar: S.B. 1, 1st Sub. H.B. 5, 1st Sub. H.B. 6, 1st Sub. H.B. 7, and 1st Sub. H.B. 8.

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

S.B. 1, PUBLIC EDUCATION BASE BUDGET, was read the second time.

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

1st Sub. S.B. 1 Public Education Base Budget (D. C. Buttars)
On motion of Senator Hillyard, under suspension of the rules, **1st Sub. S.B. 1**, PUBLIC EDUCATION BASE BUDGET, was considered read the second and third times. Senator Hillyard explained the bill. Senators Stephenson, Knudson, and Morgan commented. The bill passed on the following roll call:

**Yeas, 20; Nays, 7; 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. 1** was transmitted to the House.

* * *

On motion of Senator Hillyard, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

**S.B. 121**, NEW AUTOMOBILE FRANCHISE ACT 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
Buttars  H. Stephenson

S.B. 121 was transmitted to the House for consideration.

* * *

S.B. 39, CHILDREN’S JUSTICE CENTER PROGRAM 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
Adams  Bramble  Christensen  Davis
Dayton  Hinkins  Jenkins  Jones
Knudson  Liljenquist  Madsen  Mayne
McAdams  Morgan  Niederhauser  Okerlund
Reid  Robles  Romero  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Buttars  Hillyard  H. Stephenson

S.B. 39 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Stevenson, under suspension of the rules, 1st Sub. H.B. 5, BUSINESS, ECONOMIC DEVELOPMENT, AND LABOR BASE BUDGET, was considered read the second and third times. Senator Davis commented and the bill passed on the following roll call:

Yeas, 20; Nays, 5; Absent, 4.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Dayton  Hinkins  Jenkins  Knudson
Liljenquist  Madsen  Mayne  Niederhauser
Okerlund  Reid  J. Stevenson  Stowell
Thatcher  Valentine  Van Tassell  Waddoups

Voting in the negative were: Senators
Jones  McAdams  Morgan  Robles
Romero
Absent or not voting were: Senators
Buttars       Hillyard       H. Stephenson       Urquhart

1st Sub. H.B. 5 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Thatcher, under suspension of the rules, 1st Sub. H.B. 6, EXECUTIVE OFFICES AND CRIMINAL JUSTICE BASE BUDGET, was considered read the second and third times and passed on the following roll call:

Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators
Adams          Bramble       Christensen       Davis
Dayton         Hinkins       Jenkins          Knudson
Liljenquist    Madsen       Mayne            McAdams
Niederhauser   Okerlund      Reid             J. Stevenson
Stowell        Thatcher      Urquhart        Valentine
Van Tassell    Waddoups

Voting in the negative were: Senators
Jones          Morgan        Robles           Romero

Absent or not voting were: Senators
Buttars        Hillyard      H. Stephenson

1st Sub. H.B. 6 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 Adams, under suspension of the rules, 1st Sub. H.B. 7, INFRASTRUCTURE AND GENERAL GOVERNMENT BASE BUDGET, was considered read the second and third times and passed on the following roll call:

Yeas, 20; Nays, 3; Absent, 6.

Voting in the affirmative were: Senators
Adams          Christensen   Davis            Dayton
Jenkins        Jones         Knudson          Liljenquist
Madsen         Mayne         McAdams          Niederhauser
Okerlund       Reid          J. Stevenson    Stowell
Urquhart       Valentine     Van Tassell     Waddoups
Voting in the negative were: Senators
Morgan Robles Romero

Absent or not voting were: Senators
Bramble Buttars Hillyard Hinkins
H. Stephenson Thatcher

1st Sub. H.B. 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 Christensen, under suspension of the rules, 1st Sub. H.B. 8, SOCIAL SERVICES BASE BUDGET, was considered read the second and third times and passed on the following roll call:

Yeas, 20; Nays, 6; Absent, 3.

Voting in the affirmative were: Senators
Adams Bramble Christensen Davis
Dayton Hinkins Jenkins Knudson
Liljenquist Madsen Niederhauser Okerlund
Reid J. Stevenson Stowell Thatcher
Urquhart Valentine Van Tassell Waddoups

Voting in the negative were: Senators
Jones Mayne McAdams Morgan
Robles Romero

Absent or not voting were: Senators
Buttars Hillyard H. Stephenson

1st Sub. H.B. 8 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, under suspension of the rules, the Senate voted to move S.J.R. 8, RONALD REAGAN DAY JOINT RESOLUTION, to the top of the Second Reading Calendar. The Senate also voted to consider the bill on a House day and suspend the 24–hour rule.

On motion of Senator Liljenquist, under suspension of the rules, S.J.R. 8, RONALD REAGAN DAY JOINT RESOLUTION, was considered read the
second and third times. Senator Liljenquist explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Adams  Bramble  Christensen  Davis  
Dayton  Hinkins  Jenkins  Jones  
Knudson  Liljenquist  Madsen  Mayne  
McAdams  Morgan  Okerlund  Reid  
Romero  J. Stevenson  Stowell  Thatcher  
Urquhart  Valentine  Waddoups

**Absent or not voting were:** Senators

Buttars  Hillyard  Niederhauser  Robles  
H. Stephenson  Van Tassell

**S.J.R. 8** was transmitted to the House.

**SPECIAL RECOGNITION**

A special citation was read honoring the Utah Shakespeare Festival. Also honored were Fred Adams, Scott Phillips, and SUU President Michael Benson. Senators Morgan, Urquhart, Okerlund, Valentine, and Jones commented.

***

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. 115, SCHOOL PERFORMANCE REPORTING**, and it was before the Senate. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 1, Line 19

   19 schools {—} ; and
   
   requires the State Board of Education to publish on the State Board of Education’s website U−PASS school reports for the 2009−10 school year.
2. Page 5, Lines 124 through 127:

For a school year beginning with or after the 2010–11 school year, the State Board of Education, through the state superintendent of public instruction, shall issue its report annually by October 1 to include the required data from the previous school year or years as indicated in Subsections (2) and (3).

(b) The State Board of Education shall publish on the State Board of Education’s website U–PASS school reports for the 2009–10 school year that indicate the academic proficiency and progress of a school’s students and whether the school meets state standards of performance.

Senator Stephenson’s motion to amend passed on a voice vote. Senator Okerlund commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Bramble | Buttars | Hillyard | Niederhauser |

**S.B. 115** was transmitted to the House for consideration.

***

On motion of Senator Stephenson, the circle was removed from **S.B. 119, SCHOOL DISTRICT SUPERINTENDENTS AMENDMENTS**, and it was before the Senate.

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

**1st Sub. S.B. 119 School District Superintendents Amendments**

(H. Stephenson)
Senator Stephenson explained the bill. Senator Morgan commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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1st Sub. S.B. 119 was transmitted to the House for consideration.

***

On motion of Senator Jenkins and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Thursday, February 3, 2011.
ELEVENTH DAY

February 3, 2011

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

Prayer – Imam Muhammed Mehtar, Islamic Society of Greater Salt Lake
Pledge of Allegiance – Senator Gene Davis
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, Page 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 2, 2011

The House passed, 1st Sub. S.B. 1, PUBLIC EDUCATION BASE BUDGET, 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.B. 7, HIGHER EDUCATION BASE BUDGET, 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, 1st Sub. S.B. 8, NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENTAL QUALITY BASE BUDGET, 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. 9, RETIREMENT AND INDEPENDENT ENTITIES BASE BUDGET, 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. 12, ALCOHOLIC BEVERAGE CONTROL ACT – MODIFICATIONS, 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. 13, PER DIEM AND TRAVEL MODIFICATIONS, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 18, ELECTION ADMINISTRATION BY ELECTION OFFICERS, 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. 20**, MANAGEMENT OF WATER RIGHTS 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. 22**, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS, by Senator J. S. Adams, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 26**, WATER LAW MODIFICATIONS, 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

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 2, 2011

The House passed **H.B. 202**, DEATH PENALTY PROCEDURES AMENDMENTS, by Representative K. McIlff, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 211**, COMMUNITY SERVICE MEDICAID PILOT PROGRAM, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.J.R. 17**, JOINT RESOLUTION APPROVING COMPENSATION OF IN–SESSION EMPLOYEES, by Representative B. Dee, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: January 2, 2011

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

**Business and Labor Committee**

**S.B. 55** Electronic Signatures (Sen. S. Urquhart)
Education Committee
S.B. 59  School Grading System (Sen. W. Niederhauser)
S.B. 145  Utah Educational Savings Plan Amendments
          (Sen. W. Niederhauser)

Government Operations and Political Subdivisions Committee
S.B. 56  Office of the Property Rights Ombudsman Amendments
         (Sen. J. Stevenson)
S.B. 144  County Purchasing Agent Amendments (Sen. M. Dayton)
S.B. 146  Impact Fee Amendments (Sen. J. Stevenson)
                  (Sen. J. S. Adams)
          (Sen. K. Mayne)

Health and Human Services Committee
H.B. 64  Human Blood Procurement and Use (Rep. S. Handy)
         (Sen. P. Jones)
H.B. 198  Tobacco Related Penalty Amendments (Rep. P. Ray)
          (Sen. A. Christensen)
H.B. 201  Tobacco Licensing Amendments (Rep. P. Ray)
          (Sen. A. Christensen)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 143  Judiciary Amendments (Sen. L. Hillyard)
S.J.R. 10  Joint Resolution Closing Orem Court Facility
           (Sen. J. Valentine)
         (Sen. L. Hillyard)

Revenue and Taxation Committee
S.B. 58  Crime Victims Reparations Revisions (Sen. J. S. Adams)

Transportation, Public Utilities and Technology Committee
H.B. 45  Vehicle Impound Amendments (Rep. J. Peterson)
          (Sen. S. Reid)
H.B. 206 Special Group License Plate Amendments  

Margaret Dayton  
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 2, 2011

The Business and Labor Committee recommends S.B. 101, UTAH UNIFORM SECURITIES ACT ENFORCEMENT, by Senator B. McAdams, be replaced and favorably recommends 1st Sub. S.B. 101, UTAH UNIFORM SECURITIES ACT ENFORCEMENT; and

The Business and Labor Committee recommends S.B. 117, COMMUNITY ASSOCIATION ACT AMENDMENTS, by Senator S. Urquhart, be replaced and favorably recommends 1st Sub. S.B. 117, COMMUNITY ASSOCIATION ACT AMENDMENTS; and

The Business and Labor Committee reports a favorable recommendation on S.B. 139, REVOCATION OF MOTOR VEHICLE REGISTRATION, by Senator S. Reid.

John L. Valentine, Chair

Mr. President: February 2, 2011

The Education Committee reports a favorable recommendation on S.B. 140, STATE CHARTER SCHOOL BOARD AMENDMENTS, by Senator H. Stephenson.

Howard A. Stephenson, Chair

Mr. President: February 1, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 50, ENHANCED PENALTIES FOR HIV POSITIVE OFFENDER AMENDMENTS, by Senator J. Stevenson, with the following amendments:

1. Page 1, Lines 16 through 17:

   16 prostitute, or sexual solicitation, who {“knew or should have known” of the — } is HIV
17 positive {test results} , is guilty of a third degree felony;

2. Page 2, Lines 41 through 43:

41 A person who is an HIV positive individual {and} [has actual knowledge] {knew or should have known} {of that fact} [and has received written personal notice of the positive test results from a law enforcement agency pursuant to Section 76–10–1312] at the time of the offense and is convicted of:

3. Page 3, Lines 61 through 62:

61 (2) “HIV positive individual” means a person who {is HIV positive} [and has actual knowledge of his disease] has an HIV infection as determined under Subsection (1).

4. Page 3, Lines 77 through 79:

77 sentencing hearing in the presence of the judge and counsel only] by [the local law enforcement]

78 agency [{−} ] ;

(b) the Department of Corrections , for offenders confined in any state prison [{−or} ] ;

(c) the state Department of Health [{−} ] ; or

(d) {−by } an authorized representative of any of {these } the agencies listed in this Subsection (1) .; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 133, GRAND JURY AMENDMENTS, by Senator J. Valentine; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 141, BURGLARY OFFENSE AMENDMENTS, by Senator M. Madsen.

Mark B. Madsen, Chair

Mr. President: February 2, 2011

The Natural Resources, Agriculture, and Environment Committee recommends S.B. 108, JOINT USE OF WATER INFRASTRUCTURE, by
Senator D. Stowell, be replaced and favorably recommends 1st Sub. S.B. 108, JOINT USE OF A CANAL OR DITCH; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 57, JOINT PROFESSIONAL SCHOOL OF VETERINARY MEDICINE, by Representative J. Mathis.

Ralph Okerlund, Chair

Mr. President: February 2, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on 1st Sub. H.B. 20, ACCIDENT RESPONSIBILITY AMENDMENTS, by Representative C. Herrod; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on 1st Sub. H.B. 24, CLEAN FUEL VEHICLE DECAL, by Representative Julie Fisher; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on 1st Sub. H.B. 34, DEPARTMENT OF TRANSPORTATION SETTLEMENT AGREEMENT AMENDMENTS, by Representative Julie Fisher.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 60, Pilot Accountability Permit Program and Identity Related Amendments (L. Robles), was read the first time by short title and referred to the Rules Committee.

S.B. 62, Adoption Revisions (R. Romero), was read the first time by short title and referred to the Rules Committee.

S.B. 63, K–3 Reading Improvement Program Accountability (K. Morgan), was read the first time by short title and referred to the Rules Committee.

S.B. 148, Utah Fair Housing and Employment (B. McAdams), was read the first time by short title and referred to the Rules Committee.
S.B. 149, Qualifications for the Executive Director of the Department of Health (D. Liljenquist), was read the first time by short title and referred to the Rules Committee.

S.B. 150, Negligent Credentialing (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

S.B. 151, Real Estate Transactions and Securities (B. McAdams), was read the first time by short title and referred to the Rules Committee.

S.B. 152, Sex Offender Restrictions Amendments (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

S.B. 153, Sex Offender Registration Amendments (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

S.B. 154, Utah Fit Premises Act Modifications (B. McAdams), was read the first time by short title and referred to the Rules Committee.

S.C.R. 9, Philo T. Farnsworth Concurrent Resolution (D. Stowell), was read the first time by short title and referred to the Rules Committee.

S.J.R. 12, Joint Resolution – Immigration (S. Reid), was read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

H.B. 27, WORKERS’ COMPENSATION RATE FILINGS, 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

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Absent or not voting were: Senators

| Bramble | McAdams | Stowell |


SPECIAL RECOGNITION

Senator Van Tassell introduced and paid special recognition to the Native American Tribal Leaders from Utah. Senator Romero commented.

SECOND READING CALENDAR

H.B. 29, BUSINESS ENTITY MERGERS, was read the second time. Senator Stevenson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble Buttars Christensen Davis
Dayton Hillyard Jenkins Jones
Liljenquist Madsen Mayne McAdams
Morgan Niederhauser Okerlund Reid
Robles H. Stephenson J. Stevenson Stowell
Thatcher Urquhart Valentine Waddoups

Absent or not voting were: Senators

Adams Hinkins Knudson Romero
Van Tassell

* * *

On motion of Senator Hillyard, H.B. 30, ELECTION OFFICIALS’ FUNDS, was read the second time and circled.

* * *

H.B. 41, STATE CAPITOL PRESERVATION BOARD FEE REVISIONS, was read the second time. Senator Davis explained the bill. Senators Dayton and Madsen commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 3; Absent, 4.

Voting in the affirmative were: Senators

Buttars Christensen Davis Hillyard
Hinkins Jenkins Jones Knudson
Liljenquist Madsen Mayne McAdams
Niederhauser Okerlund Robles Romero
H. Stephenson J. Stevenson Stowell Thatcher
Valentine Waddoups
Voting in the negative were: Senators
Dayton Morgan Reid

Absent or not voting were: Senators
Adams Bramble Urquhart Van Tassell

***

On motion of Senator Knudson, the circle was removed from H.B. 30, ELECTION OFFICIALS’ FUNDS, and it was before the Senate. 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
Buttars Davis Dayton Hillyard
Jenkins Jones Knudson Liljenquist
Madsen Mayne McAdams Morgan
Niederhauser Okerlund Reid Robles
H. Stephenson J. Stevenson Stowell Thatcher
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Adams Bramble Christensen Hinkins
Romero Urquhart

***

H.B. 12, PERSONAL INJURY CLAIMS BY PERSONAL REPRESENTATIVE, was read the second time. Senator Hillyard 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
Hillyard Jenkins Jones Liljenquist
Mayne McAdams Morgan Niederhauser
Okerlund Reid Robles Romero
H. Stephenson J. Stevenson Stowell Thatcher
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Adams Bramble Hinkins Knudson
Madsen Urquhart
COMMITTEE OF THE WHOLE

On motion of Senator Morgan, U. S. Congressman Jim Matheson spoke in Committee of the Whole. Senators Jones, Niederhauser, Jenkins, Valentine, and Van Tassell commented.

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

SECOND READING CALENDAR

H.B. 25, MINERAL AND PETROLEUM LITERACY, was read the second time. Senator Dayton explained the bill. Senator Okerlund 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

| Christensen | Davis | Hinkins |

***

H.B. 39, WATER RIGHTS AMENDMENTS, was read the second time. Senator Okerlund 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
Christensen    Davis    Hinkins    Robles

* * *

H.B. 22, FIRE PREVENTION AND FIREWORKS ACT AMENDMENTS, was read the second time. Senator Valentine explained the bill. Senator Buttars commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bramble        Christensen       Dayton       Hillyard
Hinkins        Jenkins          Jones        Knudson
Liljenquist    Madsen           Mayne        McAdams
Morgan         Niederhauser     Okerlund     Reid
Robles         Romero          H. Stephenson  J. Stevenson
Urquhart       Valentine       Van Tassell  Waddoups

Voting in the negative was: Senator Buttars

Absent or not voting were: Senators
Adams           Davis           Stowell      Thatcher

* * *

H.B. 43, ERRORS AND OMISSIONS COVERAGE FOR INSURANCE PRODUCERS, 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
Bramble        Buttars         Christensen  Dayton
Hillyard       Hinkins         Jenkins      Jones
Knudson        Liljenquist     Madsen       Mayne
McAdams        Morgan          Niederhauser Okerlund
Reid           Robles          Romero       H. Stephenson
Stowell        Urquhart        Valentine    Van Tassell
Waddoups

Absent or not voting were: Senators
Adams           Davis           J. Stevenson  Thatcher
**H.B. 188, LABOR COMMISSION RELATED AMENDMENTS, was read the second time. Senator Mayne 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
- Adams
- Buttars
- Christensen
- Dayton
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Liljenquist
- Madsen
- Mayne
- McAdams
- Morgan
- Niederhauser
- Okerlund
- Reid
- Robles
- Romero
- H. Stephenson
- Stowell
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators
- Bramble
- Davis
- J. Stevenson

**On motion of Senator Jenkins and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Friday, February 4, 2011.**
The Senate was called to order at 10:10 a.m., with President Michael Waddoups presiding.

Prayer – Pastor Rob Bruendl, Trinity United Methodist Church
Pledge of Allegiance – Senator David Hinkins
Roll Call – All Senators present except Senator Robles, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, Page 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 3, 2011

The House passed, S.B. 33, HEALTH DISPARITIES AND RELATED AMERICAN INDIAN PROGRAMS, 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. 95, SHAREHOLDER ACTION WITHOUT MEETING, by Senator B. McAdams, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

Mr. President:

February 3, 2011

The House passed, as substituted, 1st Sub. H.B. 32, CAMPAIGN AND FINANCIAL REPORTING AMENDMENTS, by Representative K. Grover, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 40, BONDING REQUIREMENTS FOR GOVERNMENT OFFICERS AND EMPLOYEES, by Representative R. Wilcox, and it is transmitted for consideration; and

The House passed H.B. 67, STATE BONDING COMMISSION BONDING AUTHORITY, by Representative B. Last, and it is transmitted for consideration; and
The House passed, as substituted and amended, **1st Sub. H.B. 212**, CHARGES BY HEALTH PROVIDERS FOR MEDICAL RECORDS, by Representative F. Gibson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 214**, CONCEALED FIREARM PERMIT FEES, by Representative C. Oda, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

* * *

Mr. President: February 3, 2011

The House passed, as amended, **S.B. 14**, LOCAL ELECTION AMENDMENTS, by Senator P. Knudson, 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 3, 2011

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

**Business and Labor Committee**

S.B. 151 Real Estate Transactions and Securities (Sen. B. McAdams)

**Education Committee**

S.B. 63 K–3 Reading Improvement Program Accountability (Sen. K. Morgan)

**Government Operations and Political Subdivisions Committee**

S.B. 149 Qualifications for the Executive Director of the Department of Health (Sen. D. Liljenquist)

S.J.R. 12 Joint Resolution – Immigration (Sen. S. Reid)

**Health and Human Services Committee**

S.B. 62 Adoption Revisions (Sen. R. Romero)
H.B. 211 Community Service Medicaid Pilot Program  
(Rep. R. Menlove) (Sen. C. Bramble)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 152 Sex Offender Restrictions Amendments (Sen. D. Hinkins)
S.B. 153 Sex Offender Registration Amendments (Sen. D. Hinkins)
(Sen. L. Hillyard)

Transportation, Public Utilities and Technology Committee
S.B. 45 Wireless Telephone Use Restriction for Minors in  
Vehicles (Sen. R. Romero)

Revenue and Taxation Committee
S.B. 51 Amendments to Local Sales and Use Taxes for Botanical,  
Cultural, Recreational, and Zoological Organizations or  
Facilities (Sen. L. Hillyard)

Workforce Services and Community and Economic Development Committee
S.C.R. 9 Philo T. Farnsworth Concurrent Resolution  
(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 3, 2011

The Business and Labor Committee reports a favorable recommendation on  
S.B. 128, REGULATORY AMENDMENTS, by Senator C. Bramble.

John L. Valentine, Chair

Mr. President: February 3, 2011

The Transportation and Public Utilities and Technology Committee reports a  
favorable recommendation on H.B. 45, VEHICLE IMPOUND AMENDMENTS,  
by Representative J. Peterson, with the following amendments:

1. Page 2, Lines 46 through 49  
House Floor Amendments
1–28–2011:
(vii) (A) that the division or the peace officer has reason to believe has been involved
in an accident described in Section 41–6a–401, 41–6a–401.3.

(B) whose operator did not remain at the scene of the accident until the operator
fulfilled the requirements described in Section 41–6a–401 or

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 206, SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative W. Harper, with the following amendments:

1. Page 4, Lines 93 through 97f
House Committee Amendments
1–26–2011:

(ii) beginning on July 1, 2011, and for the issuance of a support special group license
plate authorized in Section 41–1a–422, at least 500 completed applications for the new type of
support special group license plate to be issued with all fees required under this part for the
support special group license plate issuance paid by each applicant.

(b) (i) Beginning on July 1, 2011, each participating organization shall collect and
hold applications for support special group license plates authorized in Section 41–1a–422 on or
after July 1, 2011, until it has received at least 500 applications.

(ii) Once a participating organization has received at least 500 applications, it shall
submit the applications, along with the necessary fees, to the division for the division to begin
working on the design and issuance of the new type of support special group license plate to be
2. Page 5, Lines 136 through 141a
House Committee Amendments
1–26–2011:

136  (4) (a) Beginning on July 1, 2011, if a support special group license plate type

137  authorized in Section [41–1a–122] 41–1a–422  and issued on or after July 1, 2011, has less

137a  than \{-1,000\} 500 license

138  plates issued each year for a three consecutive year time period that begins on July 1, the

138a  division may

139  not issue that type of support special group license plate to a new applicant beginning on

140  January 1 of the following calendar year after the three consecutive year time period for which

141  that type of support special group license plate has less than \{-1,000\} 500 license plates issued each

141a  year

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 64, Workers’ Compensation Fund Subsidiary Amendments (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

S.B. 65, Statewide Online Education Program (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

S.B. 66, Military Leave for an Elected Official of a Political Subdivision (J. Valentine), was read the first time by short title and referred to the Rules Committee.
S.B. 67, Annual Eye Examination for Children in Grades Kindergarten Through Three (L. Robles), was read the first time by short title and referred to the Rules Committee.

S.B. 68, Solid Waste Amendments – Financial Assurance Requirements (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

S.B. 87, Marketable Record Title Amendments (S. Reid), was read the first time by short title and referred to the Rules Committee.

S.B. 88, Motor Vehicle Insurance – Settlement of Claims (G. Davis), was read the first time by short title and referred to the Rules Committee.

S.B. 89, Homeowner Association Reserve Account (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

S.B. 90, Board of Pardons Retirement Amendments (D. Liljenquist), was read the first time by short title and referred to the Rules Committee.

S.B. 91, Medical Practice Self Referral (D. C. Buttars), was read the first time by short title and referred to the Rules Committee.

S.B. 92, Private Security Services (M. Dayton), was read the first time by short title and referred to the Rules Committee.

S.B. 138, Driver License Qualification Amendments (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

S.J.R. 13, Joint Resolution – Request for Proposals (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

S.J.R. 14, Communications Device Usage Joint Resolution (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.J.R. 15, Alternative Careers and Skills for Women Joint Resolution (K. Mayne), was read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

On motion of Senator Niederhauser, H.B. 21, STATUTORILY REQUIRED REPORTS AMENDMENTS, was read the third time and circled.
H.B. 186, UTAH CODE TECHNICAL AMENDMENTS, was read the third time, explained by Senator Reid, and passed on the following roll call:

Y eas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators
Bramble Buttars Christensen Davis
Dayton Hinkins Jenkins Jones
Knudson Liljenquist Mayne Morgan
Niederhauser Okerlund Reid Romero
H. Stephenson Stowell Thatcher Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Adams Hillyard Madsen McAdams
Robles J. Stevenson

H.B. 186, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 213, STATUTORY CONSTRUCTION AMENDMENTS, 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
Bramble Buttars Christensen Davis
Dayton Hinkins Jenkins Jones
Knudson Mayne Morgan Niederhauser
Okerlund Reid Romero H. Stephenson
Stowell Thatcher Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Adams Hillyard Liljenquist Madsen
McAdams Robles J. Stevenson

H.B. 213, as amended, was returned to the House for further consideration.

* * *

H.B. 44, ITALIAN–AMERICAN HERITAGE MONTH DESIGNATION, 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
Bramble    Buttars     Christensen    Davis
Dayton     Hillyard    Hinkins       Jenkins
Jones      Knudson     Liljenquist    Mayne
Morgan     Niederhauser Okerlund    Reid
Romero     H. Stephenson Stowell      Thatcher
Urquhart   Valentine    Van Tassell   Waddoups

Absent or not voting were: Senators
Adams       Madsen      McAdams      Robles
J. Stevenson

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.

* * *

On motion of Senator Hillyard, the circle was removed from H.B. 21, STATUTORILY REQUIRED REPORTS AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble    Christensen    Davis       Dayton
Hillyard   Hinkins       Jenkins     Jones
Knudson    Liljenquist    Mayne       Morgan
Niederhauser Okerlund    Reid        Romero
H. Stephenson Stowell     Thatcher    Urquhart
Valentine  Van Tassell   Waddoups

Absent or not voting were: Senators
Adams       Buttars     Madsen      McAdams
Robles      J. Stevenson

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.

THIRD READING CALENDAR

H.B. 27, WORKER’S COMPENSATION RATE FILINGS, 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
Adams    Bramble    Buttars    Christensen
Davis    Dayton    Hillyard    Hinkins
Jenkins  Jones     Knudson    Liljenquist
Mayne    McAdams   Morgan     Niederhauser
Reid     Romero    H. Stephenson Stowell
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Madsen    Okerlund   Robles    J. Stevenson

H.B. 27 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Niederhauser, H.B. 29, BUSINESS ENTITY MERGERS, was read the third time and circled.

***

H.B. 41, STATE CAPITOL PRESERVATION BOARD FEE REVISIONS, was read the third time, explained by Senator Davis, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams    Bramble    Buttars    Christensen
Davis    Dayton    Hillyard    Hinkins
Jenkins  Jones     Knudson    Liljenquist
Mayne    McAdams   Morgan     Niederhauser
Okerlund Reid     Romero    H. Stephenson
Thatcher  Urquhart  Valentine  Waddoups

Absent or not voting were: Senators
Madsen    Robles    J. Stevenson    Stowell
Van Tassell

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.
H.B. 30, ELECTION OFFICIALS’ FUNDS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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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.

***

H.B. 12, PERSONAL INJURY CLAIMS BY PERSONAL REPRESENTATIVE, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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H.B. 12 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
H.B. 25, MINERAL AND PETROLEUM LITERACY, 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
Adams       Buttars       Christensen       Davis
Dayton      Hinkins       Jenkins          Jones
Knudson     Liljenquist   Mayne            McAdams
Morgan      Niederhauser  Okerlund         Reid
Romero      H. Stephenson  J. Stevenson     Stowell
Thatcher     Urquhart      Valentine        Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble      Hillyard      Madsen          Robles

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. 39, WATER RIGHTS AMENDMENTS, 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
Adams       Buttars       Christensen       Davis
Dayton      Hillyard      Hinkins          Jenkins
Jones       Knudson       Liljenquist      Mayne
McAdams     Morgan        Niederhauser     Okerlund
Reid        Romero        H. Stephenson    J. Stevenson
Stowell     Thatcher      Urquhart        Valentine
Waddoups

Absent or not voting were: Senators
Bramble      Madsen          Robles          Van Tassell

H.B. 39, as amended, was returned to the House for further consideration.

H.B. 22, FIRE PREVENTION AND FIREWORKS ACT AMENDMENTS, was read the third time and explained by Senator Valentine.
Senator Valentine proposed the following amendment:

1. Page 1, Lines 21 through 22

   21 Other Special Clauses:

   22 {None} This bill coordinates with H.B. 203, Codification of State Construction and Fire Codes, so that specific language in H.B. 203 supersedes specified amendments in this bill.

2. Page 1, Line 27:

   27 53–7–225, as renumbered and amended by Laws of Utah 1993, Chapter 234

   Utah Code Sections Affected by Coordination Clause:
   53–7–222, as last amended by Laws of Utah 2010, Chapters 61 and 324

3. Page 6, Line 180:

   180 [(3)] (2) Unclassified fireworks may not be sold, or offered for sale.

   (3) (a) As used in this section, “NFPA” means the edition of the National Fire Protection Association adopted by the state fire code.
   (b) For purposes of the portion of the state fire code that includes the amendments and additions to NFPA 1124, and subject to the amendments and additions made in the state fire code, the board shall:
      (i) by rule, adopt standards for the retail sales of consumer fireworks; and
      (ii) in adopting the standards described in Subsection (3)(a)(i), consider the applicable provisions of NFPA 1124, Chapter 7, Retail Sales of Consumer Fireworks.

4. Page 7, Line 194:

   194 [(d)] (c) the day before and on the Chinese New Year.


   If this H.B. 22, Fire Prevention and Fireworks Act Amendments, and H.B. 203, Codification of State Construction and Fire Codes, 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, not give effect to Subsection 53–7–222(3) enacted in this H.B. 22.

Senator Valentine’s motion to amend passed on a voice vote and the bill passed on the following roll call:
Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators
Adams Christensen Davis Dayton
Hillyard Hinkins Jenkins Jones
Knudson Liljenquist Mayne Morgan
Niederhauser Okerlund Reid Romero
H. Stephenson Stowell Thatcher Urquhart
Valentine Van Tassell Waddoups

Voting in the negative were: Senators
Buttars McAdams J. Stevenson

Absent or not voting were: Senators
Bramble Madsen Robles

H.B. 22, as amended, was returned to the House for further consideration.

* * *

H.B. 43, ERRORS AND OMISSIONS COVERAGE FOR INSURANCE PRODUCERS, 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
Adams Buttars Dayton Hillyard
Hinkins Jenkins Jones Knudson
Liljenquist Mayne McAdams Morgan
Niederhauser Okerlund Reid Romero
H. Stephenson J. Stevenson Stowell Thatcher
Urquhart Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Christensen Davis Madsen
Robles

H.B. 43, as amended, was returned to the House for further consideration.

* * *

H.B. 188, LABOR COMMISSION RELATED AMENDMENTS, 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
Adams                Buttars            Dayton            Hillyard
Hinkins              Jenkins            Jones             Knudson
Liljenquist          Mayne             McAdams           Morgan
Niederhauser         Okerlund          Reid              Romero
H. Stephenson        J. Stevenson       Stowell           Thatcher
Urquhart             Valentine          Waddoups

Absent or not voting were: Senators
Bramble              Christensen        Davis             Madsen
Robles               Van Tassell

H.B. 188, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Stevenson, the circle was removed from H.B. 29, BUSINESS ENTITY MERGERS, 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
Adams                Buttars            Dayton            Hillyard
Hinkins              Jenkins            Jones             Knudson
Liljenquist          Mayne             McAdams           Morgan
Niederhauser         Okerlund          Reid              Romero
H. Stephenson        J. Stevenson       Stowell           Thatcher
Urquhart             Valentine          Van Tassell       Waddoups

Absent or not voting were: Senators
Bramble              Christensen        Davis             Madsen
Robles               

H.B. 29 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 Jenkins, the circle was removed from S.B. 28, ALCOHOL OR DRUG RELATED OFFENSE AMENDMENTS, and it was before the Senate. Senator Jenkins explained the bill.
On motion of Senator Jenkins, the following substitute bill replaced the original bill:

**1st Sub. S.B. 28 Alcohol or Drug Related Offense Amendments**  
(S. Jenkins)

Senator Jenkins proposed the following amendment:

1. Page 5, Lines 142 through 148

   142 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the person has not unlawfully consumed alcohol during the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b); or

   145 (ii) is under 18 years of age and has the person’s parent or legal guardian provide an affidavit or sworn statement to the court certifying that to the parent or legal guardian’s knowledge the person has not unlawfully consumed alcohol during the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b).

2. Page 9, Lines 264 through 272:

   264 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the person has not consumed a controlled substance not prescribed by a practitioner for use by the person or unlawfully consumed alcohol during the suspension period imposed under Subsection (7)(a) or (8)(a); or

   268 (ii) is under 18 years of age and has the person’s parent or legal guardian provide an affidavit or other sworn statement to the court certifying that to the parent or legal guardian’s
knowledge the person has not consumed a controlled substance not prescribed by a practitioner
for use by the person or unlawfully consumed alcohol \( \text{in violation of Section 32B-4-409} \) during the suspension period
imposed under Subsection (7)(a) or (8)(a).

Senator Jenkins’ motion to amend passed on a voice vote.

On motion of Senator Jenkins, the bill was circled.

* * *

S.B. 104, PROBATE LAW AMENDMENTS, was read the second time. Senator Valentine 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
- Adams
- Buttars
- Christensen
- Davis
- Dayton
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Liljenquist
- Mayne
- McAdams
- Morgan
- Niederhauser
- Okerlund
- Reid
- Romero
- J. Stevenson
- Stowell
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups

Absent or not voting were: Senators
- Bramble
- Madsen
- Robles
- H. Stephenson

* * *

S.C.R. 3, CONCURRENT RESOLUTION SUPPORTING CONTINUED FEDERAL FUNDING OF THE CENTRAL UTAH PROJECT, was read the second time. Senator Okerlund explained the bill.

Senator Okerlund proposed the following amendment:

1. Page 1, Lines 25 through 27

25 WHEREAS, the purpose of the project was, and continues to be, the development of a portion of
26 Utah’s allocation of the upper Colorado River water for the benefit of counties in central and
27 south-central Utah and the people of the entire state;

2. Page 2, Lines 28 through 30:

28 WHEREAS, since 1965 Salt Lake, Wasatch, Uintah, Summit, Duchesne, Sanpete, Piute, Garfield, Juab, and Utah County citizens have been paying property taxes into the Central Utah Water Conservancy District in anticipation that they would receive irrigation water from the Central Utah Project, one of several original purposes of the project, as well as water to be used for municipal purposes;

3. Page 2, Lines 34 through 35:

34 WHEREAS, completion of the Central Utah Project and delivery of a portion of Utah’s allocation of the Colorado River water is vital to the continued, long-term prosperity of the state;

Senator Okerlund’s motion to amend passed on a voice vote. Senators Hinkins and McAdams commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Adams Bramble Buttars Davis
Dayton Hillyard Hinkins Jenkins
Jones Knudson Liljenquist Mayne
McAdams Morgan Niederhauser Okerlund
Reid Romero J. Stevenson Stowell
Thatcher Urquhart Valentine Van Tassell

**Absent or not voting were:** Senators

Christensen Madsen Robles H. Stephenson
Waddoups

***

**S.J.R. 4, JOINT RESOLUTION APPROVING SCENIC BYWAY CORRIDOR MANAGEMENT PLAN,** was read the second time. Senator Stowell explained the bill. Senators Niederhauser and Valentine commented. The bill passed second reading on the following roll call:
Yeas, 23; Nays, 1; Absent, 5.

Voting in the affirmative were: Senators
- Adams
- Buttars
- Christensen
- Davis
- Dayton
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Mayne
- McAdams
- Morgan
- Niederhauser
- Okerlund
- Reid
- Romero
- J. Stevenson
- Stowell
- Thatcher
- Urquhart
- Valentine
- Van Tassell

Voting in the negative was: Senator
- H. Stephenson

Absent or not voting were: Senators
- Bramble
- Liljenquist
- Madsen
- Robles
- Waddoups

***

S.B. 49, OVERSIGHT OF BONDING BY COUNTIES, was read the second time. Senator Stevenson 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
- Adams
- Buttars
- Christensen
- Davis
- Dayton
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Mayne
- Morgan
- Niederhauser
- Okerlund
- Reid
- H. Stephenson
- J. Stevenson
- Stowell
- Thatcher
- Urquhart
- Van Tassell

Absent or not voting were: Senators
- Bramble
- Liljenquist
- Madsen
- McAdams
- Robles
- Romero
- Valentine
- Waddoups

***

On motion of Senator Dayton, the circle was removed from S.B. 44, STATE COMMISSION AMENDMENTS, and it was before the Senate. Senator Dayton explained the bill.

Senator Dayton proposed the following amendment:
1. Page 3, Lines 62 through 63
   (1) the governor;

   62 (1) the Legislature in a joint resolution of the Legislature; or

   63 (2) the Legislative Management Committee.

2. Page 43, Lines 1328 through 1329:

   1328 (1) The commission shall advise the governor and the Legislature on proposals to amend the Utah Constitution, as requested by the governor or by the Legislature through a joint resolution of the Legislature.

   1329 Senator Dayton’s motion to amend passed on a voice vote. Senators Niederhauser, Hillyard, Jones, Valentine, Jones, Romero, McAdams, and Buttars commented.

   Senator Stephenson proposed a substitute bill. His motion to substitute failed on a voice vote. The bill passed second reading on the following roll call:

   **Yeas, 20; Nays, 6; Absent, 3.**

   **Voting in the affirmative were:** Senators
   
   Adams  Bramble  Buttars  Christensen
   Dayton  Hillyard  Hinkins  Jenkins
   Knudson  Niederhauser  Okerlund  Reid
   H. Stephenson  J. Stevenson  Stowell  Thatcher
   Urquhart  Valentine  Van Tassell  Waddoups

   **Voting in the negative were:** Senators
   
   Davis  Jones  Mayne  McAdams
   Morgan  Romero

   **Absent or not voting were:** Senators
   
   Liljenquist  Madsen  Robles

   **COMMITTEE OF THE WHOLE**

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

***

On motion of Senator Jenkins and at 12:30 p.m., the Senate adjourned until 10:00 a.m., Monday, February 14, 2011.
FIFTEENTH DAY

February 7, 2011

The Senate was called to order at 10:05 a.m., with President Michael Waddoups presiding.

Prayer – Pastor Curtis Price, First Baptist Church of Salt Lake
Pledge of Allegiance – Senator Karen Mayne
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, Page 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 4, 2011

The House passed, S.B. 15, SURETY REQUIREMENTS FOR MINING, 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

The bill 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, 2011

The House passed, as substituted, 2nd Sub. H.B. 18, HEALTH REFORM – COST CONTAINMENT, by Representative B. Daw, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 19, INSURANCE LAW RELATED AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed H.B. 60, PROHIBITING CONTRIBUTIONS DURING SPECIAL SESSION, by Representative P. Arent, and it is transmitted for consideration; and

The House passed H.B. 71, VICTIM RIGHTS AMENDMENTS, by Representative B. Wilson, and it is transmitted for consideration; and
The House passed, as substituted, **2nd Sub. H.B. 207**, JUVENILE AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 4, 2011

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

**Business and Labor Committee**

S.B. 64  Workers’ Compensation Fund Subsidiary Amendments
(Sen. J. S. Adams)
S.B. 87  Marketable Record Title Amendments (Sen. S. Reid)
S.B. 88  Motor Vehicle Insurance–Settlement of Claims
(Sen. G. Davis)
S.B. 89  Homeowner Association Reserve Account
(Sen. S. Urquhart)
S.B. 113  Election District Boundaries (Sen. J. Valentine)
S.B. 131  Unincorporated Business Entity Uniform Acts
(Sen. L. Hillyard)

**Education Committee**

S.B. 65  Statewide Online Education Program
(Sen. H. Stephenson)

**Government Operations and Political Subdivisions Committee**

S.B. 66  Military Leave for an Elected Official of a Political Subdivision (Sen. J. Valentine)
S.B. 92  Private Security Services (Sen. M. Dayton)
S.J.R. 13  Joint Resolution – Request for Proposals
(Sen. H. Stephenson)
1st Sub. H.B. 32  Campaign and Financial Reporting Amendments
H.B. 67  State Bonding Commission Bonding Authority
(Rep. B. Last) (Sen. D. Stowell)
Health and Human Services Committee
S.B. 61 Prescription Drug Prescriber Training (Sen. P. Jones)
S.B. 91 Medical Practice Self Referral (Sen. D. C. Buttars)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 147 Forgery Law Amendments (Sen. M. Madsen)
H.B. 214 Concealed Firearm Permit Fees (Rep. C. Oda)
(Sen. M. Madsen)

Natural Resources, Agriculture and Environment Committee
S.B. 68 Solid Waste Amendments – Financial Assurance Requirements (Sen. K. Van Tassell)

Retirement and Independent Entities Committee
S.B. 90 Board of Pardons Retirement Amendments (Sen. D. Liljenquist)

Transportation, Public Utilities and Technology Committee
S.B. 138 Driver License Qualification Amendments (Sen. S. Urquhart)
S.J.R. 14 Communications Device Usage Joint Resolution (Sen. C. Bramble)
H.B. 193 Public Highway Designation (Rep. C. Watkins)
(Sen. D. Hinkins)
Margaret Dayton
Rules Committee Chair

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

***

Mr. President: February 4, 2011
The Rules Committee recommends that the following bill be placed at the bottom of the Second Reading Calendar:

H.J.R. 17 Joint Resolution Approving Compensation of In–Session Employees (Rep. B. Dee) (Sen. S. Jenkins)

Margaret Dayton
Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.
On motion of Senator Dayton, **H.J.R. 17** was placed at the top of the Second Reading Calendar.

**STANDING COMMITTEE REPORTS**

Mr. President: February 3, 2011

The Education Committee reports a favorable recommendation on **S.B. 59**, SCHOOL GRADING SYSTEM, by Senator W. Niederhauser; and

The Education Committee reports a favorable recommendation on **S.B. 145**, UTAH EDUCATIONAL SAVINGS PLAN AMENDMENTS, by Senator W. Niederhauser.

Howard A. Stephenson, Chair

Mr. President: February 3, 2011

The Health and Human Services Committee reports a favorable recommendation on **H.B. 64**, HUMAN BLOOD PROCUREMENT AND USE, by Representative S. Handy.

D. Chris Buttars, Chair

Mr. President: February 3, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 143**, JUDICIARY AMENDMENTS, by Senator L. Hillyard; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 56**, EXPUNGEMENT AMENDMENTS, by Representative P. Ray; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 192**, CONTROLLED SUBSTANCES ADVISORY COMMITTEE AMENDMENTS, by Representative P. Ray.

Mark B. Madsen, Chair

Mr. President: February 4, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 130**, SURPLUS PROPERTY AMENDMENTS, by Senator S. Reid, with the following amendments:

1. Page 3, Lines 78 through 81:

   78    (8) (a) “Surplus property” means property that an agency:
(i) intends for disposal; and

(ii) has acquired by purchase, seizure, or donation.

(b) “Surplus property” does not include:

(i) real property; or

(ii) an aluminum can or an item made primarily of paper, plastic, or card board that is:

(A) discarded; and

(B) recyclable; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 146, IMPACT FEE AMENDMENTS, by Senator J. Stevenson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.J.R. 12, JOINT RESOLUTION − IMMIGRATION, by Senator S. Reid, with the following amendments:

1. Page 3, Line 66:
   At the beginning of the line, delete “ and “
   After “delegation “ insert “, and all states”; and


Peter C. Knudson, Chair

Mr. President: February 4, 2011

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 132, SALES AND USE TAX EXEMPTION FOR AN ENERGY EFFICIENT STOVE OR ENERGY EFFICIENT STOVE FUEL, by Senator G. Davis; and

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 35, SALES AND USE TAX ACT REVISIONS, by Representative W. Harper.

Curtis S. Bramble, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on the Second Reading Calendar.
STANDING COMMITTEE REPORTS

Mr. President: February 3, 2011
The Health and Human Services Committee reports a favorable recommendation on H.B. 14, CATASTROPHIC MENTAL HEALTH COVERAGE – SUNSET ACT, by Representative J. Dunnigan, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

Mr. President: February 3, 2011
The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.J.R. 10, JOINT RESOLUTION CLOSING OREM COURT FACILITY, by Senator J. Valentine, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

Mr. President: February 4, 2011
The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 144, COUNTY PURCHASING AGENT AMENDMENTS, by Senator M. Dayton, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: February 4, 2011
The Revenue and Taxation Committee reports a favorable recommendation on S.B. 58, CRIME VICTIMS REPARATIONS REVISIONS, by Senator J. S. Adams, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 69, Sales and Use Tax Exemption for Textbooks for Higher Education (K. Mayne), was read the first time by short title and referred to the Rules Committee.
S.B. 86, Sunset Reauthorizations (S. Jenkins), was read the first time by short title and referred to the Rules Committee.

S.B. 155, Political Subdivision’s Procurement Process for Construction Projects (B. McAdams), was read the first time by short title and referred to the Rules Committee.

CONCURRENCE CALENDAR

On motion of Senator Knudson, the Senate voted to concur in the House amendments to S.B. 14, LOCAL ELECTION AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Christensen Davis Dayton
Hillyard Hinkins Jones Knudson
Liljenquist Madsen Mayne McAdams
Niederhauser Okerlund Reid Robles
Romero H. Stephenson Stowell Thatcher
Urquhart Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Buttars Jenkins Morgan
J. Stevenson

S.B. 14 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

S.B. 104, PROBATE LAW AMENDMENTS, 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
Adams Bramble Christensen Davis
Dayton Hillyard Hinkins Jenkins
Jones Knudson Liljenquist Madsen
Mayne McAdams Morgan Niederhauser
Okerlund Reid Robles Romero
H. Stephenson Stowell Thatcher Urquhart
Valentine Van Tassell Waddoups
Absent or not voting were: Senators
Buttars J. Stevenson

S.B. 104 was transmitted to the House for consideration.

* * *

S.C.R. 3, CONCURRENT RESOLUTION SUPPORTING CONTINUED FEDERAL FUNDING OF THE CENTRAL UTAH PROJECT, was read the third time and explained by Senator Okerlund. Senator Davis commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Christensen Davis
Dayton Hillyard Hinkins Jenkins
Jones Knudson Liljenquist Madsen
Mayne McAdams Morgan Niederhauser
Okerlund Reid Romero H. Stephenson
Stowell Thatcher Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Robles J. Stevenson

S.C.R. 3 was transmitted to the House for consideration.

* * *

S.J.R. 4, JOINT RESOLUTION APPROVING SCENIC BYWAY CORRIDOR MANAGEMENT PLAN, was read the third time and explained by Senator Stowell. Senator Morgan commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jenkins Jones Knudson Liljenquist
Madsen Mayne McAdams Morgan
Niederhauser Okerlund Reid Romero
H. Stephenson Stowell Thatcher Urquhart
Valentine Van Tassell Waddoups
Absent or not voting were: Senators
Robles J. Stevenson

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

***

On motion of Senator Niederhauser, S.B. 49, OVERSIGHT OF BONDING BY COUNTIES, was read the third time and circled.

***

S.B. 44, STATE COMMISSION AMENDMENTS, was read the third time and explained by Senator Dayton.

Senator Bramble proposed the following amendment:

1. Page 3, Line 62:

\[(\text{1) (2)} \leftarrow \hat{S} \text{ the Legislature in a joint resolution of the Legislature; }\]
\[\hat{S} \rightarrow [\text{or}]\]
\[\text{63 (3)} \leftarrow \hat{S} \text{ the Legislative Management Committee }\hat{S} \rightarrow ; \text{ or}\]
\[\text{63a (4) a Revenue and Taxation interim or standing committee, }\leftarrow \hat{S}\]

Senator Bramble’s motion to amend passed on a voice vote.

---

Senator McAdams proposed the following amendment:

1. Page 43, Line 1329a:

Insert: “the Legislative Management Committee or Interim Judiciary Committee”

Senator McAdams’ motion to amend failed on a voice vote. Senators Hillyard, Davis, and Valentine commented and the bill passed on the following roll call:

Yeas, 21; Nays, 5; Absent, 3.

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Dayton Hillyard Hinkins Jenkins
Knudson Liljenquist Madsen Morgan
Voting in the negative were: Senators
Jones  Mayne  McAdams  Robles
Romero

Absent or not voting were: Senators
Davis  J. Stevenson  Van Tassell

S.B. 44 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 114, MUNICIPAL PROSECUTORIAL DISCRETION, was read the second time. Senator Thatcher 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
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Hinkins
Jenkins  Jones  Knudson  Liljenquist
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Robles  Romero
H. Stephenson  Stowell  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Madsen  J. Stevenson

COMMITTEE OF THE WHOLE

On motion of Senator Jenkins, U. S. Congressman Jason Chaffetz, spoke in Committee of the Whole. Senators Mayne, Buttars, Jones, Hillyard, Okerlund, Liljenquist, Valentine, and Davis commented.

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

SECOND READING CALENDAR

On motion of Senator Jenkins, under suspension of the Rules, the Senate voted to consider a House bill on a Senate day.
On motion of Senator Jenkins, under suspension of the rules, **H.J.R. 17**, JOINT RESOLUTION APPROVING COMPENSATION OF IN–SESSION EMPLOYEES, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

<table>
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**H.J.R. 17** 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. 28**, ALCOHOL OR DRUG RELATED OFFENSE AMENDMENTS, and it was before the Senate. Senator Jenkins explained the bill. Senators Dayton, Valentine, Adams, Mayne, Stowell, Madsen, and Waddoups 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

Madsen
Absent or not voting were: Senators
Bramble          Valentine

* * *

On motion of Senator Jenkins and at 12:00 noon, the Senate adjourned until 10:00 a.m., Tuesday, February 8, 2011.
SIXTEENTH DAY

February 8, 2011

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

Prayer – The Most Reverend John C. Wester, Catholic Diocese of Utah
Pledge of Allegiance – Senator Patricia Jones
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 7, 2011

The House passed, S.B. 19, DEPARTMENT OF WORKFORCE SERVICES’ REGIONAL WORKFORCE SERVICE AREAS AMENDMENTS, by Senator P. Jones, et al, 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, RONALD REAGAN DAY JOINT RESOLUTION, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 7, 2011

The House concurred in the Senate amendments and passed H.B. 22, FIRE PREVENTION AND FIREWORKS ACT 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. 39, WATER RIGHTS AMENDMENTS, by Representative J. Draxler, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 43, ERRORS AND OMISSIONS COVERAGE FOR INSURANCE PRODUCERS,
by Representative J. Bird, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 188**, LABOR COMMISSION RELATED 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. 213**, STATUTORY CONSTRUCTION AMENDMENTS, by Representative D. Brown, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be returned to the House for signature of the Speaker.

* * *

Mr. President: February 7, 2011

The House passed, as amended, **H.B. 31**, RESTORATION OF THE RIGHT TO VOTE AND HOLD ELECTIVE OFFICE, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 33**, ELECTION LAW REVISIONS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed **H.B. 42**, ALCOHOLIC BEVERAGE CONTROL ACT RETAIL LICENSE QUOTAS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 51**, SCHOOL AND INSTITUTIONAL TRUST LANDS, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 190**, DELINQUENT PROPERTY TAX AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed **H.B. 196**, CONTINUING EDUCATION REQUIREMENTS FOR LANDSCAPE ARCHITECTS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 230**, DISABILITY AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 241**, CLEAN OUT THE CABINETS MONTH DESIGNATION, by Representative M. Morley, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 7, 2011

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

**Business and Labor Committee**

(Sen. J. S. Adams)

**Government Operations and Political Subdivisions Committee**

S.B. 43  Local District Fees (Sen. D. Thatcher)
S.B. 135  Department of Public Safety Duties Amendments
(Sen. D. Thatcher)
S.B. 155  Political Subdivision’s Procurement Process for Construction Projects (Sen. B. McAdams)
H.B. 60  Prohibiting Contributions During Special Session
(Rep. P. Arent) (Sen. J. Valentine)

**Health and Human Services Committee**

(Sen. D. Liljenquist)

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

H.B. 71  Victim Rights Amendments (Rep. B. Wilson)
(Sen. J. Stevenson)

(Sen. L. Hillyard)
Revenue and Taxation Committee

S.B. 69  
Sales and Use Tax Exemption for Textbooks for Higher Education (Sen. K. Mayne)

Margaret Dayton  
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President:  
February 7, 2011

The Education Committee reports a favorable recommendation on S.B. 63, K–3 READING IMPROVEMENT PROGRAM ACCOUNTABILITY, by Senator K. Morgan.

Howard A. Stephenson, Chair

The Health and Human Services Committee reports a favorable recommendation on H.B. 211, COMMUNITY SERVICE MEDICAID PILOT PROGRAM, by Representative R. Menlove.

D. Chris Buttars, Chair

Mr. President:  
February 7, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 147, FORGERY LAW AMENDMENTS, by Senator M. Madsen, with the following amendments:

1. Page 1, Lines 13 through 14:

   13  ► provides a penalty of a second degree felony for a person guilty of producing { ← → }

   14  { possessing } or transferring false identification documents and false financial

2. Page 1, Lines 23 through 25:

   23  { possesses with intent to unlawfully use or transfer for another person’s unlawful

   24  use one or more identification documents, false financial transaction cards,}
3. Page 5, Line 130:

130 (4) A person is guilty of producing, possessing, or transferring any false identification

4. Page 5, Lines 139 through 143:

139 (c) possesses with intent to unlawfully use or transfer for another person's unlawful use

140 one or more identification documents or financial transaction cards, other than those issued

141 lawfully for the use of the possessor, or authentication features, false identification documents,

or false financial transaction cards;

143 (d) produces, transfers, or possesses a document—making implement or authentication

5. Page 5, Line 147:

147 (e) traffics in false or actual authentication features for use in false identification;

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 214, CONCEALED FIREARM PERMIT FEES, by Representative C. Oda.

Mark B. Madsen, Chair

Mr. President: February 7, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 45, WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES, by Senator R. Romero, with the following amendments:

1. Page 1, Lines 18 through 20:

18 specifies a penalty for violating the wireless telephone prohibition; and

19 provides that a violation of the wireless telephone prohibition is not a reportable violation; and

prohibits the Driver License Division from assessing points against a person's
20 driving record for being convicted of violating the wireless telephone prohibition.

2. Page 2, Lines 45 through 47:

45 (4) {Upon receiving a record of conviction under this section, } A violation of this section is not a reportable violation and the Driver License
46 Division may not assess points against the driving record of the person who violates this
47 section under Section 53–3–221.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 70, Community Development and Renewal Agencies Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 71, Requirements Applicable to Property Tax or Fee Increases (D. Thatcher), was read the first time by short title and referred to the Rules Committee.

S.B. 156, Uninsured and Underinsured Motorist Coverage Amendments (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

S.B. 157, Property Tax Revisions (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 158, Local Government Funding Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 159, Sex Offender Registry Revisions (D. Stowell), was read the first time by short title and referred to the Rules Committee.

S.B. 164, Attorney Fees and Court Costs Amendments (B. McAdams), was read the first time by short title and referred to the Rules Committee.
S.B. 230, DNA Amendments (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

S.B. 242, Assessment Area Amendments (W. Niederhauser), was read the first time by short title and referred to the Rules Committee.

S.B. 243, Historic Areas or Sites Amendments (W. Niederhauser), was read the first time by short title and referred to the Rules Committee.

S.B. 308, Amendments to Public Employee’s Benefit and Insurance Program (D. Liljenquist), was read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

On motion of Senator Niederhauser, S.B. 114, MUNICIPAL PROSECUTORIAL DISCRETION, was read the third time and circled.

* * *

1st Sub. S.B. 28, ALCOHOL OR DRUG RELATED OFFENSE AMENDMENTS, was read the third time and explained by Senator Jenkins.

Senator Madsen proposed the following amendment:

"Page 10, Line 298: Reinstate “18 months” and delete “two years if the arrest was made on or after July 1, 2011.”"

Senator Madsen’s motion to amend passed on a voice vote. Senators Hillyard and Romero and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Buttars  Christensen  Davis
Dayton  Hinkins  Jenkins  Jones
Knudson  Liljenquist  Madsen  Mayne
McAdams  Morgan  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Bramble  Hillyard  Niederhauser
1st Sub. S.B. 28 was transmitted to the House for consideration.

* * *

On motion of Senator Thatcher, the circle was removed from S.B. 114, MUNICIPAL PROSECUTORIAL DISCRETION, and it was before the Senate. Senator Thatcher 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. 114 was transmitted to the House for consideration.

* * *

On motion of Senator Stevenson, the circle was removed from S.B. 49, OVERSIGHT OF BONDING BY COUNTIES, and it was before the Senate. Senator Stevenson 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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S.B. 49 was transmitted to the House for consideration.

* * *

On motion of Senator Okerlund, legislative staff was authorized to draft a joint resolution creating a funding source for arts and museums.

SECOND READING CALENDAR

S.B. 123, RESTRICTIONS ON LOBBYING EXPENDITURES, was read the second time. Senator Jenkins explained the bill. Senators Mayne, Hillyard, Madsen, and Niederhauser commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Adams Christensen Davis Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne McAdams Morgan
Okerlund Reid Robles H. Stephenson
J. Stevenson Stowell Thatcher Urquhart
Valentine Van Tassell Waddoups

Voting in the negative were: Senators
Niederhauser Romero

Absent or not voting were: Senators
Bramble Buttars Dayton Liljenquist

SPECIAL RECOGNITION

A citation be read recognizing the Roseman University of Health Sciences. Senator Knudson commented.

SECOND READING CALENDAR

On motion of Senator Mayne, under suspension of the rules, 1st Sub. S.J.R. 3, ADULT IMMUNIZATION AWARENESS DAY JOINT RESOLUTION, was considered read the second and third times. Senator Mayne explained the bill. The bill passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.
Voting in the affirmative were: Senators
Adams Bramble Davis Hillyard
Hinkins Jenkins Jones Knudson
Mayne McAdams Morgan Niederhauser
Okerlund Reid Romero J. Stevenson
Stowell Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Buttars Christensen Dayton Liljenquist
Madsen Robles H. Stephenson Thatcher

1st Sub. S.J.R. 3 was transmitted to the House.

***

S.B. 126, LOCAL DISTRICT SERVICE AMENDMENTS, was read the second time. Senator Adams 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
Adams Bramble Dayton Hillyard
Hinkins Jenkins Jones Madsen
McAdams Morgan Niederhauser Reid
Robles Romero J. Stevenson Stowell
Urquhart Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Christensen Davis Knudson
Liljenquist Mayne Okerlund H. Stephenson
Thatcher

***

On motion of Senator Jenkins, S.C.R. 5, BEAR LAKE CONCURRENT RESOLUTION, was read the second time and circled.

***

S.C.R. 2, FINANCIAL RESPONSIBILITY CONCURRENT RESOLUTION, was read the second time. Senator Jones explained the bill.
Senator Jones proposed the following amendment:

1. Page 2, Lines 37 through 39

37 available through www.believeinyourfuture.org, www.imagineahappieryou.org,
39 Special Clauses:

2. Page 5, Lines 138 through 139
Senate Committee Amendments 2–1–2011:

138 Utahns to access the resources available through www.believeinyourfuture.org,

Senator Jones’ motion to amend passed on a voice vote. 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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**S.B. 48, ALZHEIMER’S STATE PLAN TASK FORCE,** was read the second time. Senator Morgan explained the bill.

Senator Morgan proposed the following amendment:
1. Page 2, Lines 28 through 32

This bill appropriates:

- $2,040, as a one-time nonlapsing appropriation, to the House;
- $2,040, as a one-time nonlapsing appropriation, to the Senate; and
- $20,920, as a one-time, nonlapsing appropriation, to the Division of Aging and

Adult Services, subject to intent language stating that the $20,920 shall be used, first for the expenses of the Alzheimer’s State Plan Task Force, with the remaining money to be used by the Division of Aging and Adult Services to fund respite care for individuals with Alzheimer’s disease or related dementia.

2. Page 3, Lines 81 through 84:

- (xii) two representatives of one or more organizations that provide volunteer services relating to the care and support of a person with Alzheimer’s disease with priority being given to an organization that donates more than $20,000 to the Alzheimer’s State Plan Task Force

3. Page 6, Lines 154 through 156:

- (5) Funds left in the account after paying the obligations under Subsection (4) shall be used by the department to fund respite care for individuals with Alzheimer’s disease or related dementia.

4. Page 6, Lines 157 through 179:

Section 7. Appropriation.

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the following sums of money are appropriated from resources not otherwise appropriated out of the funds or accounts indicated for the fiscal
year beginning July 1, 2010, and ending June 30, 2011. These appropriations are in addition to the amounts previously appropriated for fiscal year 2011.

**Item 1**  
To Legislature – House of Representatives  
From Alzheimer’s State Plan Task Force Restricted Account  
**one-time $2,040**

**Schedule of Programs:**

Alzheimer’s State Plan Task force

Under Section 63J–1–603, the Legislature intends that the $2,040 appropriated by this item shall not lapse at the close of fiscal year 2011.

**Item 2**  
To Legislature – Senate  
From Alzheimer’s State Plan Task Force Restricted Account  
**one-time $2,040**

**Schedule of Programs:**

Alzheimer’s State Plan Task force

Under Section 63J–1–603, the Legislature intends that the $2,040 appropriated by this item shall not lapse at the close of fiscal year 2011.

**Item 3**  
To Department of Human Services – Division of Aging and Adult Services  
From Alzheimer’s State Plan Task Force Restricted Account  
**one-time $20,920**

**Schedule of Programs:**

Alzheimer’s State Plan Task force

Under Section 63J–1–603, the Legislature intends that the $20,920 appropriated by this item shall not lapse at the close of fiscal year 2011 and shall be used, first for the expenses of the Alzheimer’s State Plan Task Force, with the remaining money to be used by the Division of Aging and Adult Services to fund respite care for individuals with Alzheimer’s disease or related dementia.

Senator Morgan’s motion to amend passed on a voice vote. Senator Niederhauser commented. The bill passed second reading on the following roll call:
Yeas, 18; Nays, 0; Absent, 11.

**Voting in the affirmative were:** Senators

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On motion of Senator Knudson, the circle was removed from **S.C.R. 5, BEAR LAKE CONCURRENT RESOLUTION**, and it was before the Senate.

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

**1st Sub. S.C.R. 5 Bear Lake Concurrent Resolution** (P. Knudson)

On motion of Senator Knudson, the bill was circled.

* * *

**S.B. 124, LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE,** was read the second time. Senator McAdams explained the bill. Senators Hillyard, Valentine, and Madsen commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 4; 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
Buttars Christensen Okerlund Robles
Waddoups

* * *

S.B. 47. DRIVER LICENSE AND IDENTIFICATION CARD AMENDMENTS, was read the second time. Senator Bramble 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
Adams Bramble Buttars Christensen
Hillyard Hinkins Jenkins Jones
Knudson Liljenquist Madsen Mayne
McAdams Morgan Niederhauser Reid
Robles Romero H. Stephenson J. Stevenson
Stowell Thatcher Valentine Van Tassell
Waddoups

Voting in the negative were: Senators
Dayton Urquhart

Absent or not voting were: Senators
Davis Okerlund

* * *

On motion of Senator Jenkins and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Wednesday, February 9, 2011.
The Senate was called to order at 10:10 a.m., with President Michael Waddoups presiding.

Prayer – Cory Schmidt
Pledge of Allegiance – Senator Ralph Okerlund
Roll Call – All Senators present, except Senator Romero, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 8, 2011

The Speaker of the House has signed S.B. 14, LOCAL ELECTION AMENDMENTS, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The House passed, S.B. 23, STATE HIGHWAY SYSTEM MODIFICATIONS, 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. 29, UNIFORM DRIVER LICENSE ACT AMENDMENTS, by Senator K. Van Tassell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

Mr. President: February 8, 2011

The House passed, as substituted, 1st Sub. H.B. 16, PHARMACY BENEFITS MANAGER ACT, by Representative E. Vickers, and it is transmitted for consideration; and

The House passed, as amended, H.B. 203, CODIFICATION OF STATE CONSTRUCTION AND FIRE CODES, by Representative M. Morley, and it is transmitted for consideration; and
The House passed, as substituted and amended, **1st Sub. H.B. 226**, LOCAL GOVERNMENT FEE AUTHORITY, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 235**, TECHNOLOGY TECHNICAL AMENDMENTS, by Representative P. Arent, and it is transmitted for consideration; and

The House passed **H.B. 237**, ENFORCEMENT OF LIENS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed **H.B. 247**, WATER DEVELOPMENT AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 248**, COUNTY OFFICE VACANCIES, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed **H.C.R. 4**, WILD HORSE AND BURRO ADVISORY BOARD CONCURRENT RESOLUTION, by Representative M. Brown, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 8, 2011

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

**Business and Labor Committee**

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<tr>
<th>Bill</th>
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<tbody>
<tr>
<td>S.B. 156</td>
<td>Uninsured and Underinsured Motorist Coverage Amendments</td>
<td>Sen. S. Urquhart</td>
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<td>H.B. 42</td>
<td>Alcoholic Beverage Control Act Retail License Quotas</td>
<td>Rep. G. Froerer (Sen. J. Valentine)</td>
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**Government Operations and Political Subdivisions Committee**

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<th>Bill</th>
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<tr>
<td>S.B. 158</td>
<td>Local Government Funding Amendments</td>
<td>Sen. C. Bramble</td>
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<td>S.B. 242</td>
<td>Assessment Area Amendments</td>
<td>Sen. W. Niederhauser</td>
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H.B. 33 Election Law Revisions (Rep. R. C. Webb)  
(Sen. W. Niederhauser)

Health and Human Services Committee
S.B. 150 Negligent Credentialing (Sen. J. S. Adams)
H.B. 241 Clean Out the Cabinets Month Designation  
(Rep. M. Morley) (Sen. P. Jones)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 159 Sex Offender Registry Revisions (Sen. D. Stowell)
S.B. 164 Attorney Fees and Court Costs Amendments  
(Sen. B. McAdams)
S.B. 230 DNA Amendments (Sen. J. S. Adams)

Retirement and Independent Entities Committee
S.B. 308 Amendments to Public Employee’s Benefit and Insurance Program (Sen. D. Liljenquist)

Revenue and Taxation Committee
S.B. 71 Requirements Applicable to Property Tax or Fee Increases (Sen. D. Thatcher)
S.B. 157 Property Tax Revisions (Sen. C. Bramble)
(Sen. W. Niederhauser)

Workforce Services and Community and Economic Development Committee
S.B. 70 Community Development and Renewal Agencies Amendments (Sen. C. Bramble)
S.B. 243 Historic Areas or Sites Amendments  
(Sen. W. Niederhauser)

Margaret Dayton  
Rules Committee Chair

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

On motion of Senator Dayton, the Senate voted to lift S.B. 158, LOCAL GOVERNMENT FUNDING AMENDMENTS, from the Government Operations and Political Subdivisions Committee and assign it to the Revenue and Taxation Committee. They also voted to lift S.B. 70, COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES AMENDMENTS from the
Workforce Services and Community and Economic Development Committee and assign it to the Revenue and Taxation Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 8, 2011

The Business and Labor Committee reports a favorable recommendation on S.B. 64, WORKERS’ COMPENSATION FUND SUBSIDIARY AMENDMENTS, by Senator J. S. Adams, with the following amendments:

1. Page 1, Lines 13 through 16:

   13 This bill:
   14   permits a subsidiary of the Workers’ Compensation Fund to become licensed to
   15   write and to write commercial property or casualty insurance on a risk located in Utah; and
   16   makes technical and conforming amendments.

2. Page 2, Line 55 through Page 3, Line 65:

   55 (II) without bearing any insurance risk; [and]
   56 (b) offer workers’ compensation products and services in Utah and other states[;] and
   57 (c) subject to Subsection (6), for a risk located in Utah:
   58 (i) become licensed under this title to write:
   59 (A) commercial property insurance; or
   60 (B) commercial casualty insurance, including a surety or other bond; and
   61 (ii) once licensed under this title, to write:
   62 (A) commercial property insurance; or
   63 (B) commercial casualty insurance, including a surety or other bond.

   64 (4) The fund shall write workers’ compensation insurance in accordance with Section 31A–22–1001.

3. Page 3, Lines 74 through 77:
74 (b) The fund or a subsidiary of the fund may not offer, or enter into a joint enterprise
75 that offers, or otherwise participate in the offering of accident and health insurance.
76 (6) The fund shall operate a subsidiary of the fund that writes commercial property or casualty
77 insurance under Subsection (3)(c); and

The Business and Labor Committee reports a favorable recommendation on S.B. 87, MARKETABLE RECORD TITLE AMENDMENTS, by Senator S. Reid; and

The Business and Labor Committee reports a favorable recommendation on S.B. 89, HOMEOWNER ASSOCIATION RESERVE ACCOUNT, by Senator S. Urquhart, with the following amendments:

1. Page 2, Lines 52 through 56:

   52 (5) Subsections (2), (3), { and } (4), and (6) do not apply to an association of unit owners during
   53 the period of declarant management.
   54 (6) Beginning July 1, 2013, a management committee shall ensure that a reserve fund
   55 { contains the appropriate amount of money } is being appropriately funded, as determined by the reserve analysis, to meet the
   56 needs for which the reserve fund is established.

2. Page 3, Lines 82 through 86:

   82 (5) Subsections (2), (3), { and } (4), and (6) do not apply to an association during the period of
   83 administrative control.
   84 (6) Beginning July 1, 2013, a board shall ensure that a reserve fund { contains the }
   85 { appropriate amount of money } is being appropriately funded, as determined by the reserve analysis, to meet the needs for
   86 which the reserve fund is established; and
The Business and Labor Committee recommends **S.B. 113**, ELECTION DISTRICT BOUNDARIES, by Senator J. Valentine, be replaced and favorably recommends **1st Sub. S.B. 113**, ELECTION DISTRICT BOUNDARIES; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 131**, UNINCORPORATED BUSINESS ENTITY UNIFORM ACTS, by Senator L. Hillyard, with the following amendments:

1. Page 3, Lines 63 through 64:

   63   Other Special Clauses:
   
   64   This bill takes effect on [January] July 1, 2012.

2. Page 25, Line 763 through Page 26, Line 778:

   763   (i) the following [sections] do not apply to an institution that is described in Subsection
   
   764   (3)(a):
   
   765   [(A) Subsection 48−2c−402(2)(a)(ii);]
   
   766   [(B) Section 48−2c−604;]
   
   767   [(C) Section 48−2c−703;]
   
   768   [(D) Section 48−2c−708;]
   
   769   [(E) Subsection 48−2c−801(2);]
   
   770   [(F) Section 48−2c−1102;]
   
   771   [(G) Section 48−2c−1104; and]
   
   772   [(H) Subsections 48−2c−1201(2) through (5); and]
   
   773   (A) Section 48−3−110;
   
   (B) Section 48−3−112;
   
   (C) Section 48−3−201;
   
   (D) Section 48−3−401;
   
   (E) Subsections 48−3−407(1) and (3)(d);
   
   (F) Section 48−3−410;
   
   (G) Subsection 48−3−502(1)(c);
   
   (H) Title 48, Chapter 3, Part 6, Member’s Dissociation;
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777  \{−(E) Subsections \}

(I) Subsection  48−3−701(1) \{−(a), (b), and (c) \} ; and

(J) Title 48, Chapter 3, Part 8, Foreign Limited Liability Companies; and

778  (ii) as otherwise provided in this title.

3. Page 267, Lines 8265 through 8266:

8265  Section 315. Effective date.

8266  This bill takes effect on \{−January \} July 1, 2012.

John L. Valentine, Chair

Mr. President: February 8, 2011

The Education Committee reports a favorable recommendation on S.B. 65, STATEWIDE ONLINE EDUCATION PROGRAM, by Senator H. Stephenson.

Howard A. Stephenson, Chair

Mr. President: February 8, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 149, QUALIFICATIONS FOR THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH, by Senator D. Liljenquist, with the following amendments:

1. Page 2, Line 45:
   After “which at least” delete “three” and insert “two”; and

   The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 155, POLITICAL SUBDIVISION’S PROCUREMENT PROCESS FOR CONSTRUCTION PROJECTS, by Senator B. McAdams; and

   The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.J.R. 13, JOINT RESOLUTION – REQUEST FOR PROPOSALS, by Senator H. Stephenson; and

   The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 60, PROHIBITING CONTRIBUTIONS DURING SPECIAL SESSION, by Representative P. Arent; and

   The Government Operations and Political Subdivisions Committee recommends H.B. 208, ADMINISTRATIVE SERVICES AMENDMENTS, by
Representative W. Harper, be replaced and favorably recommends **1st Sub. H.B. 208, ADMINISTRATIVE SERVICES AMENDMENTS.**

Peter C. Knudson, Chair

Mr. President: February 8, 2011

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 134, TRANSPARENCY IN HEALTH CARE PROVIDER ADVERTISING,** by Senator J. Stevenson; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.C.R. 6, CONCURRENT RESOLUTION HONORING THE SORENSON LEGACY FOUNDATION,** by Senator C. Bramble; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.C.R. 9, PHILO T. FARNSWORTH CONCURRENT RESOLUTION,** by Senator D. Stowell, with the following amendments:

1. Page 1, Lines 22 through 23:
   
   22 WHEREAS, Philo T. Farnsworth has deep roots in Beaver, Utah, where he was born
   
   23 August 19, 1906, in a log cabin [and where his father had served as mayor in the 1880s];

2. Page 3, Lines 65 through 70:

   65 WHEREAS, in 1999, Time Magazine included Farnsworth in the “Time 100: The Most
   
   66 Important People of the Century”; [and —]
   
   WHEREAS, the log cabin where Philo T. Farnsworth was born has been restored and can be visited by the public; and

   67 WHEREAS, a statue of Philo T. Farnsworth is one of two statues representing the state

   68 of Utah in the National Statuary Hall Collection in the United States Capitol, a second statue of
69  Farnsworth stands in the Utah State Capitol, and a third statue stands in his hometown of Beaver:

Stuart C. Reid, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 8, 2011

The Business and Labor Committee reports a favorable recommendation on 1st Sub. H.B. 19, INSURANCE LAW RELATED AMENDMENTS, by Representative J. Dunnigan, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 2, Lines 29 through 30:
   29                  modifies provisions related to disbursements from escrow accounts;
   30                  modifies title insurance related assessments;
   addresses licensee compensation;

2. Page 3, Lines 80 through 82:
   80  31A–23a–415, as last amended by Laws of Utah 2010, Chapter 10 and last amended by Coordination Clause, Laws of Utah 2010, Chapter 265
   81  31A–23a–501, as last amended by Laws of Utah 2010, Chapter 10
   82  31A–25–208, as last amended by Laws of Utah 2009, Chapter 349

3. Page 102, Line 3137:
   3137 assessment imposed under Subsection 59–9–101(3).
   Section 26. Section 31A–23A–501 is amended to read:
   (1) As used in this section:
   (a) “Commission compensation” includes funds paid to or credited for the benefit of a licensee from:
   (i) commission amounts deducted from insurance premiums on insurance sold by or placed through the licensee; or
(ii) commission amounts received from an insurer or another licensee as a result of the sale or placement of insurance.

(b) (i) “Compensation from an insurer or third party administrator” means commissions, fees, awards, overrides, bonuses, contingent commissions, loans, stock options, gifts, prizes, or any other form of valuable consideration:
   (A) whether or not payable pursuant to a written agreement; and
   (B) received from:
      (I) an insurer; or
      (II) a third party to the transaction for the sale or placement of insurance.

   (ii) “Compensation from an insurer or third party administrator” does not mean compensation from a customer that is:
      (A) a fee or pass-through costs as provided in Subsection (1)(e); or
      (B) a fee or amount collected by or paid to the producer that does not exceed an amount established by the commissioner by administrative rule.

(c) (i) “Customer” means:
   (A) the person signing the application or submission for insurance; or
   (B) the authorized representative of the insured actually negotiating the placement of insurance with the producer.

   (ii) “Customer” does not mean a person who is a participant or beneficiary of:
      (A) an employee benefit plan; or
      (B) a group or blanket insurance policy or group annuity contract sold, solicited, or negotiated by the producer or affiliate.

(d) (i) “Noncommission compensation” includes all funds paid to or credited for the benefit of a licensee other than commission compensation.

   (ii) “Noncommission compensation” does not include charges for pass-through costs incurred by the licensee in connection with obtaining, placing, or servicing an insurance policy.

(e) “Pass-through costs” include:
   (i) costs for copying documents to be submitted to the insurer; and
   (ii) bank costs for processing cash or credit card payments.

(2) A licensee may receive from an insured or from a person purchasing an insurance policy, noncommission compensation if the
noncommission compensation is stated on a separate, written disclosure.
(a) The disclosure required by this Subsection (2) shall:
(i) include the signature of the insured or prospective insured acknowledging the noncommission compensation;
(ii) clearly specify the amount or extent of the noncommission compensation; and
(iii) be provided to the insured or prospective insured before the performance of the service.
(b) Noncommission compensation shall be:
(i) limited to actual or reasonable expenses incurred for services; and
(ii) uniformly applied to all insureds or prospective insureds in a class or classes of business or for a specific service or services.
(c) A copy of the signed disclosure required by this Subsection (2) must be maintained by any licensee who collects or receives the noncommission compensation or any portion of the noncommission compensation.
(d) All accounting records relating to noncommission compensation shall be maintained by the person described in Subsection (2)(c) in a manner that facilitates an audit.
(3) (a) A licensee may receive noncommission compensation when acting as a producer for the insured in connection with the actual sale or placement of insurance if:
(i) the producer and the insured have agreed on the producer’s noncommission compensation; and
(ii) the producer has disclosed to the insured the existence and source of any other compensation that accrues to the producer as a result of the transaction.
(b) The disclosure required by this Subsection (3) shall:
(i) include the signature of the insured or prospective insured acknowledging the noncommission compensation;
(ii) clearly specify the amount or extent of the noncommission compensation and the existence and source of any other compensation; and
(iii) be provided to the insured or prospective insured before the performance of the service.
(c) The following additional noncommission compensation is authorized:
(i) compensation received by a producer of a compensated corporate surety who under procedures approved by a rule or order of the
commissioner is paid by surety bond principal debtors for extra services;

(ii) compensation received by an insurance producer who is also licensed as a public adjuster under Section 31A−26–203, for services performed for an insured in connection with a claim adjustment, so long as the producer does not receive or is not promised compensation for aiding in the claim adjustment prior to the occurrence of the claim;

(iii) compensation received by a consultant as a consulting fee, provided the consultant complies with the requirements of Section 31A−23a−401; or

(iv) other compensation arrangements approved by the commissioner after a finding that they do not violate Section 31A−23a−401 and are not harmful to the public.

(4) (a) For purposes of this Subsection (4), “producer” includes:

(i) a producer;

(ii) an affiliate of a producer; or

(iii) a consultant.

(b) Beginning January 1, 2010, in addition to any other disclosures required by this section, a producer may not accept or receive any compensation from an insurer or third party administrator for the placement of a health benefit plan, other than a hospital confinement indemnity policy, unless prior to the customer’s purchase of the health benefit plan the producer:

(i) except as provided in Subsection (4)(c), discloses in writing to the customer that the producer will receive compensation from the insurer or third party administrator for the placement of insurance, including the amount or type of compensation known to the producer at the time of the disclosure; and

(ii) except as provided in Subsection (4)(c):

(A) obtains the customer’s signed acknowledgment that the disclosure under Subsection (4)(b)(i) was made to the customer; or

(B) (I) signs a statement that the disclosure required by Subsection (4)(b)(i) was made to the customer; and

(II) keeps the signed statement on file in the producer’s office while the health benefit plan placed with the customer is in force.

(c) If the compensation to the producer from an insurer or third party administrator is for the renewal of a health benefit plan, once the producer has made an initial disclosure that complies with Subsection (4)(b), the producer does not have to disclose compensation received for the subsequent yearly renewals in accordance with Subsection (4)(b) until the renewal period immediately following 36 months after the
(d) (i) A licensee who collects or receives any part of the compensation from an insurer or third party administrator in a manner that facilitates an audit shall, while the health benefit plan placed with the customer is in force, maintain a copy of:

(A) the signed acknowledgment described in Subsection (4)(b)(i); or

(B) the signed statement described in Subsection (4)(b)(ii).

(ii) The standard application developed in accordance with Section 31A-22-635 shall include a place for a producer to provide the disclosure required by this Subsection (4), and if completed, shall satisfy the requirement of Subsection (4)(d)(i).

(e) Subsection (4)(b)(ii) does not apply to:

(i) a person licensed as a producer who acts only as an intermediary between an insurer and the customer’s producer, including a managing general agent; or

(ii) the placement of insurance in a secondary or residual market.

(5) This section does not alter the right of any licensee to recover from an insured the amount of any premium due for insurance effected by or through that licensee or to charge a reasonable rate of interest upon past-due accounts.

(6) This section does not apply to bail bond producers or bail enforcement agents as defined in Section 31A-35-102.

(7) A licensee may not receive noncommission compensation for providing a service or engaging in an act that is required to be provided or performed in order to receive commission compensation.

Renumber remaining sections accordingly.

John L. Valentine, Chair

Mr. President: February 8, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 66, MILITARY LEAVE FOR AN ELECTED OFFICIAL OF A POLITICAL SUBDIVISION, by Senator J. Valentine, 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.B. 135, DEPARTMENT OF PUBLIC SAFETY
DUTIES AMENDMENTS, by Senator D. Thatcher, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 76, Distribution of Revenues Collected Under the Local Sales and Use Tax Act (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

S.B. 180, Medicaid Reform (D. Liljenquist), was read the first time by short title and referred to the Rules Committee.

S.B. 218, Trust Deed Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 235, Charter School Students’ Participation in Extracurricular Activities (K. Mayne), was read the first time by short title and referred to the Rules Committee.

S.B. 271, Eminent Domain Revisions (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

S.C.R. 12, Wear Red Month Concurrent Resolution (K. Mayne), was read the first time by short title and referred to the Rules Committee.

S.C.R. 15, Delisting of Wolves Concurrent Resolution (A. Christensen), was read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 123, RESTRICTIONS ON LOBBYING EXPENDITURES – PUBLIC EDUCATION, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams    Bramble    Buttars    Christensen
Davis    Dayton    Hillyard    Hinkins
Jenkins  Jenkins  Jones  Knudson  Liljenquiest
Madsen  Madsen  Mayne  McAdams  Morgan
Niederhauser  Niederhauser  Okerlund  Reid  Robles
J. Stevenson  J. Stevenson  Stowell  Thatcher  Urquhart
Valentine  Valentine  Van Tassell  Waddoups  Waddoups

Absent or not voting were: Senators
Romero  H. Stephenson

S.B. 123 was transmitted to the House for consideration.

***

S.B. 126, LOCAL DISTRICT SERVICE AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Hinkins
Jenkins  Jones  Knudson  Liljenquoust
Madsen  Mayne  McAdams  Morgan
Niederhauser  Okerlund  Reid  Robles
J. Stevenson  Stowell  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups  Waddoups

Absent or not voting were: Senators
Romero  H. Stephenson

S.B. 126 was transmitted to the House for consideration.

***

S.C.R. 2, FINANCIAL RESPONSIBILITY CONCURRENT RESOLUTION, was read the third time, explained by Senator Jones, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Hinkins
Jenkins  Jones  Knudson  Liljenquoust

Absent or not voting was: Senator Romero

S.C.R. 2 was transmitted to the House for consideration.

* * *

S.B. 48, ALZHEIMER’S STATE PLAN TASK FORCE, was read the third time, explained by Senator Morgan, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Hillyard Hinkins Jenkins
Jones Knudson Liljenquist Madsen
Mayne McAdams Morgan Niederhauser
Okerlund Reid Robles H. Stephenson
J. Stevenson Stowell Thatcher Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Dayton Romero

S.B. 48 was transmitted to the House for consideration.

* * *

On motion of Senator McAdams, S.B. 124, LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE, was read the third time and circled.

* * *

S.B. 47, DRIVER LICENSE AND IDENTIFICATION CARD AMENDMENTS, was read the third time and explained by Senator Bramble. Senator Thatcher commented and the bill passed on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.
Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Davis  Hinkins  Jenkins  Jones
Knudson  Liljenquist  Madsen  Mayne
McAdams  Morgan  Niederhauser  Okerlund
Reid  Robles  H. Stephenson  J. Stevenson
Stowell  Thatcher  Valentine  Van Tassell
Waddoups

Voting in the negative were: Senators
Dayton  Urquhart

Absent or not voting were: Senators
Hillyard  Romero

S.B. 47 was transmitted to the House for consideration.

SECOND READING CALENDAR

H.B. 209, WORKERS’ COMPENSATION PREMIUM ASSESSMENT, was read the second time. Senator Mayne 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
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Jenkins  Jones
Knudson  Liljenquist  Madsen  Mayne
McAdams  Morgan  Niederhauser  Okerlund
Reid  Robles  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Waddoups

Absent or not voting were: Senators
Hillyard  Hinkins  Romero

* * *

H.B. 218, CLUBS IN PUBLIC SCHOOL, 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
Adams   Buttars   Christensen   Davis
Dayton  Hillyard  Hinkins     Jenkins
Jones   Knudson   Liljenquist McAdams
Morgan  Niederhauser Okerlund  Reid
Robles H. Stephenson J. Stevenson Stowell
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Madsen Mayne Romero
Thatcher Urquhart

* * *

H.B. 187, STATE FIRE CODE APPEALS, was read the second time. Senator Adams 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
Adams   Bramble   Buttars   Christensen
Davis   Dayton    Hillyard  Hinkins
Jenkins Jones    Knudson   Liljenquist
Mayne   McAdams  Morgan    Okerlund
Reid    Robles   H. Stephenson J. Stevenson
Stowell Van Tassell Waddoups

Absent or not voting were: Senators
Madsen Niederhauser Romero Thatcher
Urquhart Valentine

* * *

On motion of Senator Knudson, the circle was removed from 1st Sub. S.C.R. 5, BEAR LAKE CONCURRENT RESOLUTION, and it was before the Senate. Senator Knudson explained the bill.

Senator Knudson proposed the following amendment:

1. Page 2, Lines 29 through 31

29  Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:
WHEREAS, Bear Lake is positioned between Idaho and Utah and is one of the focal points of interest belonging to and shared by these two great states;

Senator Knudson’s motion to amend passed on a voice vote.

Senator Dayton proposed the following amendment:

1. Page 3, Lines 76
   Senate Committee Amendments 2–1–2011

   63a Food, Rich County, Cache County, Box Elder County, Bear Lake County, Lincoln County, Wyoming, the cities
   of Woodruff, Randolph, Lake Town, —and— Garden City, and Dingle, Idaho, the Utah League of Cities and Towns,

Senator Dayton’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

Adams Bramble Buttars Christensen
Davis Dayton Hinkins Jenkins
Jones Knudson Liljenquist Madsen
Mayne McAdams Morgan Okerlund
Reid Robles H. Stephenson J. Stevenson
Stowell Thatcher Van Tassell Waddoups

**Absent or not voting were:** Senators

Hillyard Niederhauser Romero Urquhart
Valentine

* * *

H.B. 219, STATE FIREARM DESIGNATION, was read the second time. Senator Madsen explained the bill. Senator Davis commented. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 6; Absent, 4.**
Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Dayton  Hinkins  Jenkins  Knudson
Liljenquist  Madsen  Niederhauser  H. Stephenson
J. Stevenson  Stowell  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Voting in the negative were: Senators
Davis  Jones  Mayne  McAdams
Morgan  Robles

Absent or not voting were: Senators
Hillyard  Okerlund  Reid  Romero

***

H.B. 15, CONTROLLED SUBSTANCE DATABASE – LICENSING AMENDMENTS, 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
Adams  Bramble  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Mayne
McAdams  Morgan  Niederhauser  Reid
Robles  H. Stephenson  J. Stevenson  Stowell
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Buttars  Madsen  Okerlund  Romero

TIME CERTAIN CALENDAR

On motion of Senator Hinkins, under suspension of the rules, H.J.R. 9, NAVAJO CODE TALKERS’ JOINT RESOLUTION, was considered read the second and third times. Senators Dayton and Davis commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Absent or not voting were: Senators
Buttars Madsen Robles Romero
H. Stephenson

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.

SECOND READING CALENDAR

H.B. 23, CONTROLLED SUBSTANCE MODIFICATIONS, was read the second time. Senator Christensen explained the bill.

Senator Christensen proposed the following amendment:

1. Page 1, Lines 16 through 18

   16 expands the definition of a controlled substance to include a list of synthetic
   17 equivalent cannabinoid substances and their analogs and homologs found in
   18 products commonly referred to as “spice”;

   expands the definition of a controlled substance to include
   substances and their analogs and homologs found in products referred to
   as “bath salts”;

2. Page 37, Lines 1132 through 1134:

1132 (14) JWH–398; 1–pentyl–3–(4–chloro–1–naphthoyl)indole;
   {–and { }
1133 (15) RCS–8;
1–(2–cyclohexylethyl)–3–(2–methoxyphenylacetyl)indole
   {also known as
1134 BTW–8 and SR–18} {– } ;
   (16) 4–methylmethcathinone {also known as mephedrone}; and
   (17) 3,4–methyleneoxyxymethcathinone {also known as MDPV}.

Senator Christensen’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:
Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators
Bramble Buttars Christensen Davis
dayton Jenkins Jones Knudson
Liljenquist Mayne McAdams Morgan
Niederhauser Okerlund Reid J. Stevenson
Stowell Thatcher Urquhart Van Tassell
Waddoups

Absent or not voting were: Senators
Adams Hillyard Hinkins Madsen
Robles Romero H. Stephenson Valentine

***

H.B. 215, FATALITY REVIEW ACT AMENDMENTS, was read the second time. Senator Christensen 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
Adams Buttars Christensen Davis
dayton Jenkins Knudson Liljenquist
Mayne McAdams Morgan Niederhauser
Okerlund Reid J. Stevenson Stowell
Thatcher Urquhart Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Hillyard Hinkins Jones
Madsen Robles Romero H. Stephenson Valentine

***

H.B. 217, APPOINTMENT OF DIRECTOR OF THE DIVISION OF HEALTH CARE FINANCING, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Adams Buttars Christensen Davis
dayton Jenkins Knudson Madsen

H.B. 26, HIGH OCCUPANCY TOLL LANE CUSTOMER INFORMATION, was read the second time. Senator Van Tassell 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

<table>
<thead>
<tr>
<th>Adams</th>
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**Absent or not voting were:** Senators

| Bramble | Hillyard | Hinkins | Jones |
| Liljenquist | Robles | Romero | H. Stephenson |
| J. Stevenson | Urquhart | Valentine |       |

***

On motion of Senator Knudson, legislative staff was authorized to draft a resolution affirming friendship between Iran and the United States.

***

H.B. 36, ASSESSMENT, COLLECTIONS, AND REFUNDS ACTS AMENDMENTS, was read the second time. Senator Adams 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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H.B. 37, DETERMINATION OF STATE TAXABLE INCOME, was read the second time. Senator Adams explained the bill. Senator Dayton commented. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 0; Absent, 10.**

**Voting in the affirmative were:** Senators

Adams  Bramble  Davis  Dayton
Jenkins  Jones  Knudson  McAdams
Morgan  Niederhauser  Okerlund  Reid
H. Stephenson  J. Stevenson  Stowell  Thatcher
Urquhart  Van Tassell  Waddoups

**Absent or not voting were:** Senators

Buttars  Christensen  Hillyard  Hinkins
Liljenquist  Madsen  Mayne  Robles
Romero  Valentine

**H.B. 38, SEVERANCE TAX AMENDMENTS, was read the second time.** Senator Adams 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

Adams  Bramble  Buttars  Davis
Dayton  Jenkins  Jones  Knudson
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  J. Stevenson  Stowell
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups
Absent or not voting were: Senators
Christensen    Hillyard    Hinkins    Liljenquist
Madsen        Robles      Romero     H. Stephenson

INTRODUCTION OF BILLS

S.B. 206, Labor Organization Provisions in Teacher Contracts (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

S.B. 250, Electronic Transmissions and Directors Actions (B. McAdams), was read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Jenkins and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Thursday, February 10, 2011.
EIGHTEENTH DAY

February 10, 2011

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

Prayer – Reverend Tom Goldsmith, First Unitarian Church
Pledge of Allegiance – Senator Dennis Stowell
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 9, 2011

The House passed, S.B. 10, LOCAL DISTRICT 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. 11, WORKER CLASSIFICATION COORDINATED ENFORCEMENT, by Senator K. Mayne, 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. 31, RURAL FAST TRACK PROGRAM AMENDMENTS, by Senator R. Okerlund, 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. 34, UNIFORM INTERSTATE FAMILY SUPPORT ACT, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 38, K–3 READING AMENDMENTS, by Senator K. Morgan, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 42, REGULATION OF SIGN COMPANIES, 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. 46, HIGHER EDUCATION RESIDENCY REQUIREMENTS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President; and
The House passed, **1st Sub. S.B. 94**, REQUIREMENTS FOR CONSTABLES, by Senator K. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 99**, MOTOR VEHICLE INSURANCE – NAMED DRIVER EXCLUSION 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. 102**, TEMPORARY WATER SHORTAGE EMERGENCY – MILITARY FACILITIES, 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, **S.B. 107**, HIGHER EDUCATION SUCCESS STIPEND PROGRAM, 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. 111**, UTILITIES – UNDERGROUND FACILITIES AND PIPELINES, 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. 115**, SCHOOL PERFORMANCE REPORTING, 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. 118**, MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT 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. 121**, NEW AUTOMOBILE FRANCHISE 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.C.R. 4**, COMMUNICATIONS SPECTRUM TRANSLATOR SYSTEM CONCURRENT RESOLUTION, 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.J.R. 7, FIBROMYALGIA AWARENESS DAY JOINT RESOLUTION, 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

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 9, 2011

The House passed, as amended, S.B. 25, SHARE CERTIFICATES IN WATER COMPANIES, by Senator R. Okerlund, and it is transmitted for further consideration; and

The House passed, as amended, 1st Sub. S.J.R. 5, JOINT RULES RESOLUTION ON FISCAL NOTE PROCESS, by Senator W. Niederhauser, 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 9, 2011

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

Business and Labor Committee

S.B. 129 Licensing of Physician–educators (Sen. S. Urquhart)
S.B. 180 Medicaid Reform (Sen. D. Liljenquist)

Education Committee

S.B. 235 Charter School Students’ Participation in Extracurricular Activities (Sen. K. Mayne)

Government Operations and Political Subdivisions Committee

S.B. 86 Sunset Reauthorizations (Sen. S. Jenkins)
S.B. 206 Labor Organization Provisions in Teacher Contracts  
(Sen. H. Stephenson)

S.B. 271 Eminent Domain Revisions (Sen. J. S. Adams)

H.B. 248 County Office Vacancies (Rep. C. Wimmer)  
(Sen. W. Niederhauser)

Natural Resources, Agriculture and Environment Committee

S.C.R. 15 Delisting of Wolves Concurrent Resolution  
(Sen. A. Christensen)

(Sen. R. Okerlund)

H.C.R. 4 Wild Horse and Burro Advisory Board Concurrent Resolution (Rep. M. Brown) (Sen. R. Okerlund)

Revenue and Taxation Committee

S.B. 76 Distribution of Revenues Collected Under the Local Sales and Use Tax Act (Sen. D. Hinkins)

S.B. 218 Trust Deed Amendments (Sen. C. Bramble)

(Sen. J. Stevenson)Transportation, Public Utilities and Technology Committee

H.B. 235 Technology Technical Amendments (Rep. P. Arent)  
(Sen. B. McAdams)Workforce Services and Community and Economic Development Committee

S.C.R. 12 Wear Red Month Concurrent Resolution (Sen. K. Mayne)

Margaret Dayton  
Rules Committee Chair

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

On motion of Senator Dayton the Senate voted to lift S.B. 206, LABOR ORGANIZATION PROVISIONS IN TEACHER CONTRACTS, from the Government Operations and Political Subdivisions Committee and assign it to the Education Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 8, 2011

The Health and Human Services Committee recommends S.B. 61, PRESCRIPTION DRUG PRESCRIBER TRAINING, by Senator P. Jones, be replaced and favorably recommends 2nd Sub. S.B. 61, EDUCATION FOR PRESCRIBING CONTROLLED SUBSTANCES. The Committee directs that
The Health and Human Services Committee reports a favorable recommendation on **2nd Sub. H.B. 18**, HEALTH REFORM – COST CONTAINMENT, by Representative B. Daw, with the following amendments:

1. Page 3, Line 70:

   70 (A) before the 2011 open enrollment period for current enrollees in the program; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 198**, TOBACCO RELATED PENALTY AMENDMENTS, by Representative P. Ray, with the following amendments:

1. Page 1, Line 12:

   12 This bill:
   
   - permits the Tax Commission to waive, reduce, or compromise certain penalties;

2. Page 2, Line 28:

   28 59–14–606, as enacted by Laws of Utah 2005, Chapter 204 ENACTS:

   59–14–103, Utah Code Annotated 1953

3. Page 2, Lines 30 through 31:

   30 Be it enacted by the Legislature of the state of Utah:

   Section 1. Section 59–14–103 is enacted to read:

   59–14–103. Waiver or reduction of penalty.

   The commission may, upon making a record of its actions, and upon reasonable cause shown, waive, reduce, or compromise any of the penalties or interest imposed under:

   (1) Subsection 59–14–212(4)(b)(ii);
   (2) Subsection 59–14–214(5)(b)(ii);
   (3) Subsection 59–14–407(5)(b)(ii);
   (4) Subsection 59–14–606(7)(b)(ii); or

31 Section 1. Section 59–14–214 is amended to read:

Renumber remaining sections accordingly; and
The Health and Human Services Committee reports a favorable recommendation on **H.B. 201**, TOBACCO LICENSING AMENDMENTS, by Representative P. Ray.

D. Chris Buttars, Chair

Mr. President: February, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 138**, DRIVER LICENSE QUALIFICATION AMENDMENTS, by Senator S. Urquhart; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 193**, PUBLIC HIGHWAY DESIGNATION, by Representative C. Watkins.

Kevin T. Van Tassell, Chair

Mr. President: February 9, 2011

The Government Operations and Political Subdivisions Committee recommends **S.B. 56**, OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN AMENDMENTS, by Senator J. Stevenson, be replaced and favorably recommends **1st Sub. S.B. 56**, OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN AMENDMENTS; and


Peter C. Knudson, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

**STANDING COMMITTEE REPORTS**

Mr. President: February 9, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.J.R. 14**, COMMUNICATIONS DEVICE USAGE JOINT RESOLUTION, by Senator C. Bramble, 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. 28**, PENALTIES FOR UNAUTHORIZED
USE OF RECORDS, by Representative R. Greenwood, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

1. Page 1, Lines 15 through 17:

15 provides that the knowing or intentional unauthorized access, use, disclosure, or dissemination of records created or maintained by the Motor Vehicle Division, the Driver License Division, or the Criminal Investigations and Technical Services Division is a class B misdemeanor;

2. Page 3, Lines 88 through 89:

88 (10)(a) It is a class B misdemeanor for a person to knowingly or intentionally access, use, disclose, or disseminate a record created or maintained by the division or any information contained in a record created or maintained by the division for a purpose not permitted or prohibited by statute, rule, regulation, or policy of a governmental entity.

3. Page 6, Lines 168 through 169:

168 (8)(a) It is a class B misdemeanor for a person to knowingly or intentionally access, use, disclose, or disseminate a record created or maintained by the division or any information contained in a record created or maintained by the division for a purpose not permitted or prohibited by statute, rule, regulation, or policy of a governmental entity.

4. Page 9, Lines 268 through 270:

268 (11)(a) [Misuse of access to criminal history record information] (Unauthorized use of records created or maintained, or to which access is granted by the division is a class B
It is a class B misdemeanor for a person to knowingly or intentionally access, use, disclose, or disseminate a record created, maintained, or to which access is granted by the division or any information contained in a record created, maintained, or to which access is granted by the division for a purpose not permitted or prohibited by statute, rule, regulation, or policy of a governmental entity.

Kevin T. Van Tassell, Chair

Mr. President:

February 9, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 242, ASSESSMENT AREA AMENDMENTS, by Senator W. Niederhauser, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 7, Lines 203 through 205:

203 (1) (a) Before a local entity may designate an assessment area in which more than 75%

204 of the property proposed to be assessed consists of unimproved property, and designation of the

205 assessment area would require that the local entity (obtain a bond) issue bonds, the local entity shall obtain:

Peter C. Knudson, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILL

S.B. 178, Municipal Land Use Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 191, Workers’ Compensation Coverage Waivers (K. Mayne), was read the first time by short title and referred to the Rules Committee.

S.B. 212, Judicial Evaluation Amendments (D. C. Buttars), was read the first time by short title and referred to the Rules Committee.

S.B. 214, Motor Vehicle Rental Company Fee Disclosures (J. S. Adams), was read the first time by short title and referred to the Rules Committee.
S.B. 222, Public Transit Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.J.R. 21, Relations with the Republic of Turkey Joint Resolution (P. Knudson), was read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

On motion of Senator Jenkins, H.B. 14, CATASTROPHIC MENTAL HEALTH COVERAGE – SUNSET ACT, was read the third time and circled.

***

On motion of Senator Jenkins, S.J.R. 10, JOINT RESOLUTION CLOSING OREM COURT FACILITY, was read the third time and circled.

***

S.B. 144, COUNTY PURCHASING AGENT AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators
Adams  Buttars  Davis  Dayton
Hillyard  Hinkins  Jenkins  Knudson
Madsen  McAdams  Morgan  Okerlund
Reid  Robles  Romero  J. Stevenson
Stowell  Thatcher  Urquhart  Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble  Christensen  Jones  Liljenquist
Mayne  Niederhauser  H. Stephenson  Valentine

S.B. 144 was transmitted to the House for consideration.

***

S.B. 58, CRIME VICTIMS REPARATIONS REVISIONS, was read the third time, explained by Senator Adams, and passed on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.
Voting in the affirmative were: Senators
Adams   Buttars   Davis   Dayton
Hillyard Hinkins   Jenkins   Jones
Knudson Madsen   Morgan   Okerlund
Reid   Robles   J. Stevenson   Stowell
Thatcher Urquhart   Van Tassell   Waddoups

Absent or not voting were: Senators
Bramble Christensen Liljenquist   Mayne
McAdams Niederhauser Romero   H. Stephenson
Valentine

S.B. 58 was transmitted to the House for consideration.

***

On motion of Senator Valentine, the circle was removed from H.B. 14, CATASTROPHIC MENTAL HEALTH COVERAGE – SUNSET ACT, 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
Adams   Bramble   Buttars   Christensen
Davis   Dayton   Hillyard   Hinkins
Jenkins Jones   Knudson   Madsen
McAdams Morgan   Niederhauser   Okerlund
Reid   Robles   Romero   J. Stevenson
Stowell Thatcher Urquhart   Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Liljenquist Mayne   H. Stephenson

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.

***

On motion of Senator Valentine, the circle was removed from S.J.R. 10, JOINT RESOLUTION CLOSING OREM COURT FACILITY, and it was before the Senate. Senator Valentine explained the bill. The bill passed on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Hinkins
Jenkins  Jones  Knudson  Madsen
McAdams  Morgan  Okerlund  Reid
Robles  Romero  J. Stevenson  Stowell
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Liljenquist  Mayne  Niederhauser  H. Stephenson

S.J.R. 10 was transmitted to the House for consideration.

THIRD READING CALENDAR

On motion of Senator Davis, H.B. 209, WORKERS’ COMPENSATION PREMIUM ASSESSMENT, was read the third time and circled.

* * *

H.B. 218, CLUBS IN PUBLIC SCHOOLS, 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
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Hinkins
Jones  Knudson  Liljenquist  Madsen
McAdams  Morgan  Reid  Robles
Romero  H. Stephenson  J. Stevenson  Stowell
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Hillyard  Mayne  Niederhauser  Okerlund

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.

* * *

H.B. 187, STATE FIRE CODE APPEALS, was read the third time, explained by Senator Adams, 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. 187 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.C.R. 5, BEAR LAKE CONCURRENT RESOLUTION, was read the third time and explained by Senator Knudson.

Senator Knudson proposed the following amendment:

1. Page 2, Lines 45 through 50
   Senate 2nd Reading Amendments
   2–9–2011

45 WHEREAS, because Bear Lake belongs to all the citizens of Utah and Idaho, the reality
46 of development raises significant concerns for many residents and visitors who hope that the
47 character of Bear Lake and Bear Lake Valley will be preserved, not sacrificed;
   WHEREAS, in 2009, the Division of Forestry, Fire and State
   Lands completed a Comprehensive Management Plan that assures
   protection and proper use of sovereign lands at Bear Lake;
48 WHEREAS, nothing in this resolution is intended to impact the
49 operation of Bear Lake
50 as a reservoir for storage, water delivery, and distribution to water
users in the Bear River
50 Valley;

2. Page 3, Lines 73 through 74
   Senate 2nd Reading Amendments
   2–9–2011:

73 BE IT FURTHER RESOLVED that a copy of this resolution be
sent to the Utah

74 Division of Forestry, Fire and State Lands, the Utah Division of
Parks and Recreation, the Utah Division of

Senator Knudson’s motion to amend passed on a voice vote 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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1st Sub. S.C.R. 5 was transmitted to the House for consideration.

***

**H.B. 219, STATE FIREARM DESIGNATION,** was read the third time,
explained by Senator Madsen, and passed on the following roll call:

**Yeas, 20; Nays, 7; Absent, 2.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

Davis  
Morgan  

**Absent or not voting were:** Senators

Hillyard  

**H.B. 219**, as amended, was returned to the House for further consideration.

**INTENT LANGUAGE**

On motion of Senator Madsen, the following intent language was adopted by the Senate:

Designation of the John M. Browning designed 1911 pistol as Utah’s state gun honors the genius and patriotism of Mr. Browning and his unique place in world history and the history of Utah. This designation also reflects the firearm’s popularity, functionality and the role it has played over 100 years in the fight to defend liberty.

While a firearm in the hands of the law abiding, law enforcement and liberty’s soldier is a blessing, it is a sad historical fact that firearms of varied designs and the means to produce them fall into the hands of evil individuals and tyrannical governments. So, while the legislature and the people of Utah celebrate all that is positive and uplifting about the 1911 and its inventor, by this designation we in no way condone the evil acts of criminals and oppressors.

***

**H.B. 15**, CONTROLLED SUBSTANCE DATABASE – LICENSING 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

Adams  Bramble  Buttars  Christensen  
Dayton  Jenkins  Jones  Knudson  
Liljenquist  Madsen  Mayne  Morgan  
Niederhauser  Okerlund  Reid  Robles  
Romero  J. Stevenson  Stowell  Thatcher  
Urquhart  Valentine  Van Tassell  Waddoups  

**Absent or not voting were:** Senators

Davis  Hillyard  Hinkins  McAdams  
H. 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.

* * *

H.B. 23, CONTROLLED SUBSTANCE MODIFICATIONS, 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

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**Absent or not voting were:** Senators

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H.B. 23, as amended, was returned to the House for further consideration.

* * *

H.B. 215, FATALITY REVIEW ACT AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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H.B. 215 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, the circle was removed from H.B. 209, WORKERS’ COMPENSATION PREMIUM ASSESSMENT, 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

- Adams
- Dayton
- Jones
- McAdams
- Reid
- J. Stevenson
- Valentine
- Bramble
- Hillyard
- Knudson
- Morgan
- Robles
- Stowell
- Van Tassell
- Buttars
- Hinkins
- Liljenquist
- Niederhauser
- Romero
- Thatcher
- Waddoups
- Davis
- Jenkins
- Mayne
- Okerlund
- H. Stephenson
- Urquhart

**Absent or not voting were:** Senators

- Christensen
- Madsen

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 McAdams, the circle was removed from S.B. 124, LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE, and it was before the Senate. Senator McAdams explained the bill.

Senator McAdams proposed the following amendment:

1. Page 2, Lines 38 through 42
   Senate Committee Amendments 2–1–2011

   38   (2) A person who is responsible for a child is guilty of a class C misdemeanor if:
   39   (a) the person intentionally, recklessly, knowingly, or with criminal negligence leaves
   40   the child in Š ragazzo [a] an enclosed compartment of a Š ragazzo motor vehicle:
(b) the child is not supervised by a person who is at least 12 years old; and

(c) the conditions present a risk to the child’s health or safety that:

(i) is due to:

(A) hyperthermia;

(B) hypothermia; or

(C) dehydration; or

(ii) a reasonable person would expect to exist when a child is left unsupervised in an enclosed compartment of a motor vehicle.

Senator McAdams’ motion to amend passed on a voice vote. Senators Hillyard, Valentine, and Buttars commented. The bill passed on the following roll call:

Yeas, 18; Nays, 10; Absent, 1.

Voting in the affirmative were: Senators

Davis            Hillyard           Jones           Knudson
Madsen           Mayne             McAdams         Morgan
Niederhauser     Okerlund          Reid            Robles
Romero           J. Stevenson       Thatcher        Urquhart
Valentine        Van Tassell

Voting in the negative were: Senators

Bramble          Buttars           Christensen      Dayton
Hinkins          Jenkins           Liljenquist      H. Stephenson
Stowell          Waddoups

Absent or not voting was: Senator Adams

S.B. 124, as amended, was transmitted to the House for consideration.

* * *

On motion of Senator Niederhauser, H.B. 217, APPOINTMENT OF DIRECTOR OF THE DIVISION OF HEALTH CARE FINANCING, was read the third time and circled.

* * *

H.B. 26, HIGH OCCUPANCY TOLL LANE CUSTOMER INFORMATION, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

**Voting in the affirmative were:** Senators

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H.B. 26 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 36, **ASSESSMENT, COLLECTIONS, AND REFUNDS ACT AMENDMENTS**, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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H.B. 36 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 37, **DETERMINATION OF STATE TAXABLE INCOME**, was read the third time, explained by Senator Adams, and passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Hinkins
Jenkins  Jones  Knudson  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Robles  Romero
H. Stephenson  Stowell  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Liljenquist  J. Stevenson

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

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

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Robles  Romero
H. Stephenson  Stowell  Thatcher  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Christensen  J. Stevenson  Urquhart

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

H.B. 57, JOINT PROFESSIONAL SCHOOL OF VETERINARY MEDICINE, was read the second time. Senator Stowell explained the bill. Senators Hillyard, Knudson, Romero and Valentine commented. The bill passed second reading on the following roll call:
Yeas, 22; Nays, 2; Absent, 5.

Voting in the affirmative were: Senators
Adams Bramble Christensen Davis
Dayton Hillyard Hinkins Jones
Knudson Mayne McAdams Morgan
Niederhauser Okerlund Reid Robles
Romero J. Stevenson Stowell Valentine
Van Tassell Waddoups

Voting in the negative were: Senators
H. Stephenson Urquhart

Absent or not voting were: Senators
Buttars Jenkins Liljenquist Madsen
Thatcher

On motion of Senator Stowell, H.B. 57 was placed on Third Reading Table due to fiscal impact.

* * *

1st Sub. H.B. 20, ACCIDENT RESPONSIBILITY AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators
Bramble Christensen Davis Dayton
Hinkins Jenkins Jones Knudson
Mayne McAdams Morgan Niederhauser
Okerlund Reid Robles Romero
J. Stevenson Stowell Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Adams Buttars Hillyard Liljenquist
Madsen H. Stephenson Thatcher

* * *

1st Sub. H.B. 24, CLEAN FUEL VEHICLE DECAL, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:
Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators
Bramble        Butters        Christensen      Davis
Dayton         Hillyard      Jones           Knudson
Mayne          McAdams       Morgan          Niederhauser
Okerlund       Reid           Robles          Romero
J. Stevenson   Stowell       Thatcher        Urquhart
Valentine      Van Tassell    Waddoups

Absent or not voting were: Senators
Adams           Hinkins        Jenkins         Liljenquist
Madsen          H. Stephenson

INTRODUCTION OF BILLS

S.B. 199, Utah Commission on Uniform State Laws (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 290, Abatement of Weeds, Garbage, Refuse, and Unsightly Objects (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.C.R. 11, Dixie State College Concurrent Resolution (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Niederhauser and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Friday, February 11, 2011.
NINETEENTH DAY

February 11, 2011

The Senate was called to order at 10:05 a.m., with President Michael Waddoups presiding.

Prayer – Rabbi Ilana Schwartzman, Congregation Kol Ami
Pledge of Allegiance – Senator Howard Stephenson
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 10, 2011

The House passed, S.C.R. 1, CRISIS INTERVENTION TEAM PROGRAM CONCURRENT RESOLUTION, by Senator P. Jones, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.J.R. 6, JOINT RESOLUTION URGING CONGRESS TO LIMIT THE FREEZE ON LONGER COMBINATION VEHICLE USE IN THE WESTERN STATES, 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

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 10, 2011

The House passed, as substituted, 2nd Sub. H.B. 13, IMMUNIZATIONS FOR TEEN MOTHERS, by Representative J. Seelig, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 17, ENTERPRISE ZONE AMENDMENTS, by Representative K. Powell, et al, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 66, HEALTH PROFESSIONAL AUTHORITY – DEATH CERTIFICATES, by Representative B. Last, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 204**, PROTECTION OF ATHLETES WITH HEAD INJURIES, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 238**, RADIOLOGIC TECHNOLOGIST AND RADIOLOGY PRACTICAL TECHNICIAN LICENSING ACT, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 257**, CONCEALED FIREARM ACT MODIFICATIONS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.J.R. 10**, RULES RESOLUTION ON ELECTRONIC MEETINGS, by Representative R. Menlove, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

***

Mr. President: February 10, 2011

The House substituted, amended, and passed, **2nd Sub. S.B. 35**, CONSTRUCTION LICENSEES RELATED AMENDMENTS, by Senator K. Mayne, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 36**, CONCEALED FIREARM ACT AMENDMENTS, by Senator J. Valentine, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

**STANDING COMMITTEE REPORTS**

Mr. President: February 10, 2011

The Business and Labor Committee recommends **S.B. 129**, LICENSING OF PHYSICIAN–EDUCATORS, by Senator S. Urquhart, be replaced and favorably recommends **2nd Sub. S.B. 129**, LICENSING OF PHYSICIAN–EDUCATORS; and
The Business and Labor Committee reports a favorable recommendation on **S.B. 180**, MEDICAID REFORM, by Senator D. Liljenquist; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 203**, CODIFICATION OF STATE CONSTRUCTION AND FIRE CODES, by Representative M. Morley, with the following amendments:

1. Page 115, Lines 3150 through 3153
   **House Floor Amendments**
   2–8–2011:

   3150 is added as follows: “Fire flow may be reduced for an isolated one- and two-family dwelling

   3151 when the authority having jurisdiction over the dwelling determines that the development of a

   3152 full fire–flow requirement is impractical.”

   3152a (c) In IFC, Chapter 5, a new Section 507.1.2, Pre–existing subdivision lots, is added as

   3152b follows “ {–Fire–flow} Total water supply requirements shall not exceed the fire flows described in {–Subsection

   3152c (2)(a)(iv) } Section 501.5(iv) for {–a } the largest one- or two-family dwelling, protected by an automatic fire

   3152d sprinkler system, on

   3152e a subdivision lot platted before December 31, 1980, unless the municipality or county in which

   3152f the lot is located provides the required fire flow capacity.”

   3153 (3) For IFC, Building Services and Systems:

   John L. Valentine, Chair

Mr. President:  February 10, 2011

The Education Committee reports a favorable recommendation on **S.B. 97**, HIGHER EDUCATION MISSION BASED FUNDING, by Senator S. Urquhart, with the following amendments:

1. Page 4, Lines 106 through 107:

   106 (ii) designed to improve the availability, effectiveness, or quality of higher education in
the state.

(d) When recommending an allocation of mission based funding to a doctorate-granting university, as defined by the board, or Southern Utah University, the board shall place greater emphasis on the university’s fulfillment of the strategic priorities described in Subsection (2)(b)(ii).

(e) Notwithstanding Subsection (2)(d), the board may allocate funding for a modest amount of growth to doctorate-granting institutions and Southern Utah University.

2. Page 6, Lines 153 through 154:

(11) (a) [The Legislature shall provide an annual combined budget appropriation to the] If the Legislature appropriates money in accordance with this section, it shall be distributed to the State Board of Regents and higher education institutions to fund the items described in Subsection (1)(b).

The Education Committee reports a favorable recommendation on S.B. 235, CHARTER SCHOOL STUDENTS’ PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, by Senator K. Mayne.

Howard A. Stephenson, Chair

Mr. President: February 9, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 52, TORTIOUS ACT ARBITRATION, by Senator S. Urquhart, with the following amendments:

1. Page 2, Lines 42 through 57:


    (1) Except for bodily injury cases involving a motor vehicle as described in Sections 31A–22–303, 31A–22–305, and 31A–22–305.3, medical malpractice cases as described in Section 78B–3–401, and governmental claims described in section 63G–7–401, a person suffering personal injury or property damage as a result of tortious conduct may elect to submit all bodily injury claims and property damage claims to arbitration.
by filing a notice of the submission of the claim to binding arbitration in a district court if:

(a) all named defendants have liability insurance or are self−insured as evidenced by a separate fund to pay claims or by evidence of a retention liability policy that covers claims in excess of a certain monetary amount;

(b) the claimant or the claimant’s representative has:

* * * Some lines not shown * * *

(c) the notice required under Subsection (1)(a)(ii) is filed while the action under Subsection (1)(a)(i) is still pending.

* * * Some lines not shown * * *

3. Page 5, Line 151 through Page 6, Line 153:

(3) All parties to a claim may stipulate to submit the claim to arbitration under this chapter. If the claim is submitted to arbitration, the parties may not claim:

(a) a right of recission under Section 78B−10a−104; or
(b) the right to a trial de novo under Section 78B−10a−108.

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends S.B. 96, ALIMONY AMENDMENTS, by Senator L. Hillyard, be replaced and favorably recommends 2nd Sub. S.B. 96, ALIMONY AMENDMENTS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 52, LIMITATION OF ACTIONS – CRIMINAL OFFENSES, by Representative B. Wilson; and

Mark B. Madsen, Chair

Mr. President: February 9, 2011

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 51**, AMENDMENTS TO LOCAL SALES AND USE TAXES FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES, by Senator L. Hillyard, with the following amendments:

1. Page 3, Line 55 through Page 3, Line 64:
   
   55   (4) (a) “Cultural organization”:
   56   (i) means:
   57   (A) a private nonprofit organization or institution having as its primary purpose the
   58   advancement and preservation of:
   59   (I) natural history;
   60   (II) art;
   61   (III) music;
   62   (IV) theater;  {—or—}
   63   (V) dance;  {—and—}  or
   64   (VI) cultural arts, including literature, a motion picture, or storytelling.
   65   (B) an administrative unit; and

2. Page 3, Lines 80 through 85:

   80   (iii) [any] an educational institution whose annual revenues are directly derived more
   81   than 50% from state funds;  {——}  or  {——}
   82   (iv) in a county of the first or second class, [any] a radio or television broadcasting
   83   network or station, cable communications system, newspaper, or magazine  {——}  .  {——}  {——}
(v) an organization or institution having as its primary purpose the advancement and preservation of literature, a motion picture, or storytelling.

3. Page 13, Line 390 through Page 14, Line 401:

390 (4) (a) Except as provided in Subsection (4)(b), a tax authorized under this part shall be:

391 (i) except as provided in Subsection (4)(b), administered, collected, and enforced in accordance with:

393 (A) the same procedures used to administer, collect, and enforce the tax under:

394 (I) Part 1, Tax Collection; or

395 (II) Part 2, Local Sales and Use Tax Act; and

396 (B) Chapter 1, General Taxation Policies; and

397 (ii) (A) levied for a period of eight years; and

398 (B) may be reauthorized at the end of the ten-year period in accordance with this section.

(b) (i) If a tax under this part is imposed for the first time on or after July 1, 2011, the tax shall be levied for a period of 10 years.

(ii) If a tax under this part is reauthorized in accordance with Subsection (4)(a) on or after July 1, 2011, the tax shall be reauthorized for a ten-year period.

400 (c) [Notwithstanding Subsection (4)(a)(i), a] A tax under this section is not subject to

401 Subsections 59–12–205(2) through (6). ; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 69, SALES AND USE TAX EXEMPTION FOR TEXTBOOKS FOR HIGHER EDUCATION, by Senator K. Mayne, with the following amendments:

1. Page 71, Lines 2182 through 2184:

2182 (b) by a seller, other than a bookstore owned by an institution of higher education, if
2183 51% or more of that seller’s sales revenue for the previous calendar quarter are sales of a textbook for a

2184 higher education course.

2. Page 71, Lines 2194 through 2196:

2194 a higher education course; or

2195 (b) to verify that 51% or more of a seller’s sales revenue for the previous calendar quarter are

2196 sales of a textbook for a higher education course; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 157, PROPERTY TAX REVISIONS, by Senator C. Bramble, with the following amendments:

1. Page 2, Line 39:

39 (2) (a) The commission may revise, accelerate, or cancel an equal payment agreement

2. Page 2, Line 41:

41 accelerate, or cancel an installment agreement under Section 59-1-1004.

(b) The commission shall give the taxpayer reasonable notice of its intent to revise or cancel an equal payment agreement under this section.

Curtis S. Bramble, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 9, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 152, SEX OFFENDER RESTRICTIONS AMENDMENTS, by Senator D. Hinkins, to the Rules Committee; and
The Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 153, SEX OFFENDER REGISTRATION AMENDMENTS, by Senator D. Hinkins, to the Rules Committee.

Mark B. Madsen, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were returned to the Rules Committee.

INTRODUCTION OF BILLS

S.B. 81, Alcoholic Beverage Control Act Sampling Amendments (R. Romero), was read the first time by short title and referred to the Rules Committee.

S.B. 177, Security Agency Qualification Amendments (M. Dayton), was read the first time by short title and referred to the Rules Committee.

S.B. 200, State Debt Collections Amendments (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 226, Income Tax Credits for Cleaner Burning Fuels (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

S.R. 1, Senate Rules Resolution – Senate Rules Recodification (M. Dayton), was read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Dayton, the Senate voted to lift S.B. 177, SECURITY AGENCY QUALIFICATION AMENDMENTS, from the Rules Committee and assign it to the Government Operations and Political Subdivisions Committee.

CONCURRENCE CALENDAR

On motion of Senator Okerlund, the Senate voted to concur in the House amendments to S.B. 25, SHARE CERTIFICATES IN WATER COMPANIES. 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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S.B. 25 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.J.R. 5, JOINT RULES RESOLUTION ON FISCAL NOTE PROCESS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

- Adams
- Buttars
- Christensen
- Davis
- Dayton
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Liljenquist
- Madsen
- Mayne
- McAdams
- Morgan
- Niederhauser
- Okerlund
- Reid
- Robles
- H. Stephenson
- J. Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Voting in the negative was:** Senator

- Romero

**Absent or not voting were:** Senators

- Bramble
- Stowell

1st Sub. S.J.R. 5 was returned to the House for the signature of the Speaker.

**THIRD READING CALENDAR**

On motion of Senator Van Tassell, 1st Sub. H.B. 20, ACCIDENT RESPONSIBILITY AMENDMENT, was read the third time and circled.

* * *

1st Sub. H.B. 24, CLEAN FUEL VEHICLE DECAL, 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
Adams                Bramble                Buttars                Christensen
Davis                Dayton                Hillyard                Hinkins
Jenkins               Jones                 Knudson                Liljenquist
Madsen               Mayne                 McAdams                Morgan
Niederhauser          Okerlund              Reid                    Robles
Romero               H. Stephenson         J. Stevenson            Thatcher
Urquhart             Valentine             Van Tassell             Waddoups

Absent or not voting was: Senator
Stowell

1st Sub. H.B. 24 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the circle was removed from 1st Sub. H.B. 20, ACCIDENT RESPONSIBILITY AMENDMENTS, 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
Adams                Bramble                Buttars                Christensen
Davis                Dayton                Hillyard                Hinkins
Jenkins               Jones                 Knudson                Liljenquist
Madsen               Mayne                 McAdams                Morgan
Niederhauser          Okerlund              Reid                    Robles
Romero               H. Stephenson         J. Stevenson            Thatcher
Urquhart             Valentine             Van Tassell             Waddoups

Absent or not voting was: Senator
Stowell

1st Sub. 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.

SECOND READING CALENDAR

S.B. 110, DRIVER LICENSE SUSPENSION AMENDMENTS, was read the second time. Senator Buttars explained the bill. Senator Jenkins commented. The bill passed second reading on the following roll call:
Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators
Bramble  Buttars  Christensen  Davis
Dayton  Hillyard  Hinkins  Jones
Liljenquist  Madsen  Mayne  McAdams
Morgan  Niederhauser  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups

Voting in the negative were: Senators
Jenkins  Knudson

Absent or not voting were: Senators
Adams  Stowell

* * *

1st Sub. S.B. 136, BOATING AMENDMENTS, 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
Bramble  Buttars  Davis  Dayton
Hillyard  Hinkins  Jenkins  Jones
Knudson  Liljenquist  Madsen  Mayne
McAdams  Morgan  Niederhauser  Okerlund
Reid  Robles  Romero  H. Stephenson
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Adams  Christensen  J. Stevenson  Stowell

* * *

S.B. 142, PUBLIC OFFICIAL CONTACT INFORMATION, 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
Bramble  Buttars  Christensen  Davis
Dayton   Hinkins  Jenkins   Jones
Knudson  Madsen  Mayne   McAdams
Morgan  Niederhauser  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Adams    Hillyard  Liljenquist  Stowell

* * *

1st Sub. S.B. 16, STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION AMENDMENTS, was read the second time. Senator Niederhauser 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
Adams    Bramble  Christensen  Dayton
Hillyard  Hinkins  Jenkins   Jones
Knudson  Mayne   McAdams   Morgan
Niederhauser  Okerlund  Reid   Robles
Romero  H. Stephenson  J. Stevenson  Thatcher
Urquhart  Valentine  Waddoups

Absent or not voting were: Senators
Buttars  Davis  Liljenquist  Madsen
Stowell  Van Tassell

* * *

1st Sub. S.B. 21, TAX REVISIONS, was read the second time. Senator Niederhauser explained the bill. Senator Bramble commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators
Bramble  Christensen  Davis  Dayton
Hinkins  Jenkins   Jones   Knudson
Mayne    McAdams    Morgan    Niederhauser
Okerlund  Reid     Robles    Romero
H. Stephenson  J. Stevenson  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Adams    Buttars    Hillyard    Liljenquist
Madsen    Stowell    Thatcher

***

1st Sub. S.B. 125, PROPERTY TAX EXEMPTION AMENDMENTS, was read the second time.

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

3rd Sub. S.B. 125 Property Tax Exemption Amendments (C. Bramble)

Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Adams    Bramble    Christensen    Davis
Dayton    Hillyard    Hinkins    Jenkins
Jones    Knudson    Mayne    McAdams
Morgan    Niederhauser    Okerlund    Reid
Robles    Romero    J. Stevenson    Thatcher
Urquhart    Valentine    Van Tassell    Waddoups

Absent or not voting were: Senators
Buttars    Liljenquist    Madsen    H. Stephenson
Stowell

***

1st Sub. S.B. 101, UTAH UNIFORM SECURITIES ACT ENFORCEMENT, was read the second time. Senator McAdams explained the bill. Senators Jenkins and Mayne commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.
Voting in the affirmative were: Senators
Adams Bramble Christensen Dayton
Hillyard Jenkins Jones Knudson
Liljenquist Mayne McAdams Morgan
Niederhauser Okerlund Reid Robles
Romero H. Stephenson J. Stevenson Thatcher
Urquhart Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Davis Hinkins Madsen
Stowell Valentine

SPECIAL RECOGNITION

Senator Jones read a citation recognizing the National Board Certified Teachers from Utah.

SECOND READING CALENDAR

1st Sub. S.B. 117, COMMUNITY ASSOCIATION ACT AMENDMENTS, was read the second time. Senator Urquhart explained the bill. Senator Valentine declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Christensen Davis
Dayton Hillyard Jenkins Jones
Knudson Madsen Mayne McAdams
Morgan Niederhauser Okerlund Reid
Romero H. Stephenson J. Stevenson Thatcher
Urquhart Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Hinkins Liljenquist Robles
Stowell

***

S.B. 139, REVOCATION OF MOTOR VEHICLE REGISTRATION, was read the second time.

On motion of Senator Reid, the following substitute bill replaced the original bill:
1st Sub. S.B. 139 Revocation of Motor Vehicle Registration (S. Reid)

Senator Reid explained the bill.

Senator McAdams proposed the following amendment:

1. Page 1, Lines 17 through 21

17 • at least 120 days have elapsed since the fourth outstanding civil parking citation
18 was issued to the registered owner of the vehicle; {and—}
19 • the civil parking citations are not currently being contested or appealed; {and

   • the vehicle is not owned by a rental company;

20 provides that a municipality shall send written notification to the last known address
21 informing the registered owner of the offending vehicle that:

2. Page 3, Line 85 through Page 4, Line 93:

85 (3) (a) Subject to requirements of this Subsection (3), the division shall revoke the
86 registration of a vehicle if:
87 (i) the division receives notification by a court or municipality that the vehicle is the
88 offending vehicle for four or more outstanding civil parking citations;
89 (ii) at least 120 days have elapsed since the fourth outstanding civil parking citation
90 under Subsection (3)(a)(i) was issued to the registered owner of the vehicle; {and

   (iii) the civil parking citations under Subsection (3)(a)(i) are not currently being
92 contested or appealed ; and

   (iv) the vehicle is not owned by a rental company as defined in

Section 31A–22–311

93 (b) (i) Before notifying the division under Subsection (3)(a), a municipality shall send
Senator McAdams’ motion to amend passed on a voice vote. Senator Hillyard commented.

On motion of Senator Reid, the bill was circled.

***

S.B. 140, STATE CHARTER SCHOOL BOARD AMENDMENTS, was read the second time. Senator Stephenson explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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On motion of Senator Stevenson, S.B. 50, ENHANCED PENALTIES FOR HIV POSITIVE OFFENDER AMENDMENTS, was read the second time and circled.

***

S.B. 133, GRAND JURY AMENDMENTS, was read the second time. Senator Valentine explained the bill. Senators Jenkins and Van Tassell commented. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 1; Absent, 6.**

**Voting in the affirmative were:** Senators

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Voting in the negative was: Senator Urquhart

Absent or not voting were: Senators
Adams Buttas Robles Romero
H. Stephenson Stowell

* * *

S.B. 141, BURGLARY OFFENSE AMENDMENTS, was read the second time. Senator Madsen explained the bill.

On motion of Senator Madsen, the bill was circled.

* * *

On motion of Senator Okerlund, 1st Sub. S.B. 108, JOINT USE OF WATER INFRASTRUCTURE, was read the second time and circled.

* * *

S.B. 128, REGULATORY AMENDMENTS, was read the second time. Senator Bramble explained the bill.

Senator Valentine proposed the following amendment:

1. Page 3, Line 75

75 (a) (i) writes a prescription for a cosmetic drug or injectable weight loss drug the prescribing practitioner or optometrist has the authority to dispense under Subsection (4)(b) ; and

Senator Valentine’s motion to amend passed on a voice vote. Senator Knudson commented.

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Jenkins and at 12:00 noon, the Senate adjourned until 10:00 a.m., Monday, February 14, 2011.
TWENTY−SECOND DAY

February 14, 2011

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 John Valentine
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 11, 2011

The Speaker of the House has signed S.B. 25, SHARE CERTIFICATES IN WATER COMPANIES, by Senator R. Okerlund, and it is transmitted for the signature of the President; and

The House passed, S.B. 93, CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL REPORTING AMENDMENTS, 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 1st Sub. S.J.R. 5, JOINT RULES RESOLUTION ON FISCAL NOTE PROCESS, by Senator W. Niederhauser, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills 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, 2011

The House passed, as substituted, 1st Sub. H.B. 54, ELECTRONIC COMMUNICATIONS IN PUBLIC MEETINGS, by Representative K. Powell, and it is transmitted for consideration; and

The House passed, as amended, H.B. 68, OFF−HIGHWAY VEHICLE OPERATOR RESPONSIBILITIES, by Representative M. Noel, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 78**, DEVELOPER FEES, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 240**, SOCIAL SERVICES – EMPLOYMENT FIRST PRIORITY, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 243**, OCCUPATIONS AND PROFESSIONS AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

***

Mr. President: February 11, 2011

The House passed, as amended, **S.B. 106**, SEXUAL EXPLOITATION AMENDMENTS, by Senator D. Hinkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

***

Mr. President: February 11, 2011

The House refused to concur with the Senate Amendments to **H.B. 23**, CONTROLLED SUBSTANCE MODIFICATIONS, by Representative G. Froerer, et al, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Christensen, the Senate voted to refuse to recede from its amendments to **H.B. 23**. President Waddoups appointed a conference committee consisting of Senators Christensen, Knudson, and Davis to meet with a like committee from the House.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 11, 2011

The Rules Committee recommends assignment of the following bills to standing committees:
Business and Labor Committee
S.B. 81  Alcoholic Beverage Control Act Sampling Amendments  
(Sen. R. Romero)
S.B. 191  Workers’ Compensation Coverage Waivers  
(Sen. K. Mayne)

Education Committee
S.B. 67  Annual Eye Examination for Children in Grades  
Kindergarten Through Three (Sen. L. Robles)
S.C.R. 11  Dixie State College Concurrent Resolution  
(Sen. S. Urquhart)

Government Operations and Political Subdivisions Committee
S.B. 290  Abatement of Weeds, Garbage, Refuse, and Unsightly  
Objects (Sen. P. Knudson)
S.J.R. 21  Relations with the Republic of Turkey Joint Resolution  
(Sen. P. Knudson)
H.B. 238  Radiologic Technologist and Radiology Practical  
Technician Licensing Act (Rep. D. Ipson)  
(Sen. M. Dayton)
H.J.R. 10  Rules Resolution on Electronic Meetings  
(Rep. R. Menlove) (Sen. C. Bramble)

Health and Human Services Committee
(Sen. C. Bramble)
1st Sub. H.B. 66  Health Professional Authority – Death Certificates  
(Rep. B. Last) (Sen. D. Liljenquist)
H.B. 204  Protection of Athletes with Head Injuries (Rep. P. Ray)  
(Sen. J. Valentine)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 199  Utah Commission on Uniform State Laws  
(Sen. L. Hillyard)
S.B. 200  State Debt Collections Amendments (Sen. L. Hillyard)
S.B. 212  Judicial Evaluation Amendments (Sen. D. C. Buttars)
(Sen. D. Hinkins)

Revenue and Taxation Committee
S.B. 178  Municipal Land Use Amendments (Sen. C. Bramble)
S.B. 222  Public Transit Amendments (Sen. C. Bramble)
S.B. 226  Income Tax Credits for Cleaner Burning Fuels
          (Sen. S. Urquhart)

Transportation, Public Utilities and Technology Committee
S.B. 214  Motor Vehicle Rental Company Fee Disclosures
          (Sen. J. S. Adams)
S.C.R. 8  Concurrent Resolution Approving Solid Waste Facility
          Landfill Permit (Sen. W. Niederhauser)

Workforce Services and Community and Economic Development Committee
1st Sub. H.B. 17  Enterprise Zone Amendments (Rep. K. Powell)
                  (Sen. K. Van Tassell)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President:  February 10, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 159, SEX OFFENDER REGISTRY REVISIONS, by Senator D. Stowell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 164, ATTORNEY FEES AND COURT COSTS AMENDMENTS, by Senator B. McAdams; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 230, DNA AMENDMENTS, by Senator J. S. Adams; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 10, RENEWAL OF JUDGMENT ACT, by Representative G. Froerer, with the following amendments:

1.  Page 8, Lines 215 through 223
    House Floor Amendments
    1–27–2011:

215  Section 4. Section 78B–6–1802 is enacted to read:
Renewal by motion.

A court of record may renew a judgment issued by a court if:

**Some lines not shown**

(4) the facts in the supporting affidavit are uncontested determined by the court to be accurate and the affidavit affirms that notice was sent to the most current address known for the judgment debtor;

2. Notice of a motion for renewal of judgment is served in accordance with the Rules of

Civil Procedure and opposition may be filed pursuant to such

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 71, VICTIM RIGHTS AMENDMENTS, by Representative B. Wilson.

Mark B. Madsen, Chair

Mr. President: February 10, 2011

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.C.R. 15, DELISTING OF WOLVES CONCURRENT RESOLUTION, by Senator A. Christensen, with the following amendments:

1. WHEREAS, the agreed-upon recovery goals of 30 packs and 300 wolves in the Northern Rocky Mountains has been exceeded since 2002;

2. WHEREAS, wolf populations currently exceed by more than 600% recovery goals agreed upon by all parties, yet extremist groups and courts block management as all parties had
2. Page 3, Lines 66 through 67:

66 the Director of the United States Fish and Wildlife Service, the executive director of the Utah Department of Natural Resources, the United States Secretary of the Interior, to

67 the members of Utah’s congressional delegation, and to the governors and presidents of the Senate in all 50 states.

Ralph Okerlund, Chair

Mr. President: February 11, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 86, SUNSET REAUTHORIZATIONS, by Senator S. Jenkins; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 177, SECURITY AGENCY QUALIFICATION AMENDMENTS, by Senator M. Dayton; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 271, EMINENT DOMAIN REVISIONS, by Senator J. S. Adams; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 31, RESTORATION OF THE RIGHT TO VOTE AND HOLD ELECTIVE OFFICE, by Representative J. Mathis; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 33, ELECTION LAW REVISIONS, by Representative R. C. Webb; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 248, COUNTY OFFICE VACANCIES, by Representative C. Wimmer.

Peter C. Knudson, Chair

Mr. President: February 11, 2011

The Rules Committee reports a favorable recommendation on S.R. 1, SENATE RULES RESOLUTION – SENATE RULES RECODIFICATION, by Senator M. Dayton, with the following amendments:
1. Page 22, Lines 647 through 652:

647 (b) In order to be admitted to the Senate chamber:

648 (i) each male reporter shall wear a business suit with a dress shirt, tie, dress shoes, and dress socks or a sport coat with a dress shirt, dress pants, tie, dress shoes, and dress socks; and

649 (ii) each female reporter shall wear a dress with dress shoes and dress socks or stockings, a dress skirt and dress blouse with dress shoes and dress socks or stockings, or a woman’s business suit with dress shoes and dress socks or stockings. }

650 , news media shall comply with the dress requirements and other rules of decorum established in the Senate Handbook.

Margaret Dayton, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

On motion of Senator Dayton, the Senate voted to move S.R. 1 to the top of the Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 10, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on 2nd Sub. H.B. 207, JUVENILE AMENDMENTS, by Representative W. Harper, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

Mr. President: February 10, 2011

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 247, WATER DEVELOPMENT AMENDMENTS, by Representative M. Noel, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.C.R. 4, WILD HORSE AND BURRO
ADVISORY BOARD CONCURRENT RESOLUTION, by Representative M. Brown, and recommends it be considered read for the second time and placed on the Consent Calendar.

Ralph Okerlund, Chair

Mr. President: February 11, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 92, PRIVATE SECURITY SERVICES, 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, Line 14:
   After “off-duty” insert “including the issue of financial responsibility”

2. Page 2, Line 53:
   After “security officer” insert “and the policy shall address the issue of financial responsibility”; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on 1st Sub. H.B. 40, BONDING REQUIREMENTS FOR GOVERNMENT OFFICERS AND EMPLOYEES, 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: February 11, 2011

The Revenue and Taxation Committee reports a favorable recommendation on 1st Sub. H.B. 190, DELINQUENT PROPERTY TAX AMENDMENTS, by Representative G. Froerer, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis Bramble, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.
Mr. President:

The Health and Human Services Committee has tabled S.B. 62, ADOPTION REVISIONS, by Senator R. Romero, and has returned it to the Rules Committee for filing.

D. Chris Buttars, Chair

On motion of Senator Dayton, the committee report was adopted. The bill was returned to the Rules Committee for filing.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

The House requests the return of H.B. 219, STATE FIREARM DESIGNATION, by Representative C. Wimmer, for reconsideration.

Sandy D. Tenney, Chief Clerk

The bill was returned to the House.

INTRODUCTION OF BILLS

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

S.B. 182, Construction Trades Licensing Amendments (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.B. 183, Custody Amendments (L. Robles), was read the first time by short title and referred to the Rules Committee.

S.C.R. 13, Rotary Club Concurrent Resolution (G. Davis), was read the first time by short title and referred to the Rules Committee.

SPECIAL RECOGNITION

A citation was read honoring Utah Highway Patrol troopers Cameron Carter and Travis Williams for their extraordinary service. Senators Valentine, Okerlund, Bramble, and Christensen commented.

***

On motion of Senator Christensen, the Senate voted to lift S.C.R. 15, DELISTING OF WOLVES CONCURRENT RESOLUTION, from the Second Reading Calendar and place it on the Time Certain Calendar for Wednesday, February 16, 2011 at 10:30 a.m.
CONSENT CALENDAR

1st Sub. H.B. 19, INSURANCE LAW RELATED AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams          Buttars          Christensen         Davis
Dayton         Hillyard        Hinkins             Jenkins
Jones          Knudson         Madsen              Mayne
McAdams        Morgan          Niederhauser        Okerlund
Romero         H. Stephenson    J. Stevenson        Thatcher
Urquhart       Valentine       Van Tassell         Waddoups

Absent or not voting were: Senators
Bramble        Liljenquist      Reid                Robles
Stowell

1st Sub. H.B. 19, as amended, was returned to the House for further consideration.

* * *

S.B. 66, MILITARY LEAVE FOR AN ELECTED OFFICIAL OF A POLITICAL SUBDIVISION, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Y eas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators
Adams          Bramble         Buttars             Davis
Dayton         Hillyard        Hinkins             Jenkins
Jones          Knudson         Mayne               McAdams
Morgan         Niederhauser    Okerlund            Robles
Romero         H. Stephenson    Thatcher            Urquhart
Valentine      Van Tassell     Waddoups

Absent or not voting were: Senators
Christensen    Liljenquist     Madsen              Reid
J. Stevenson   Stowell

S.B. 66 was transmitted to the House for consideration.
**S.B. 135**, DEPARTMENT OF PUBLIC SAFETY DUTIES AMENDMENTS, was read the third time, explained by Senator Thatcher, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

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**S.B. 135** was transmitted to the House for consideration.

* * *

On motion of Senator Bramble, **S.C.R. 6**, CONCURRENT RESOLUTION HONORING THE SORENSON LEGACY FOUNDATION, will be considered Thursday, February 17, 2011, at 10:30 a.m.

**CONCURRENCE CALENDAR**

On motion of Senator Mayne, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 35**, CONSTRUCTION LICENSES RELATED 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
Hillyard            Liljenquist          Urquhart

2nd Sub. S.B. 35 was returned to the House for the signature of the Speaker.

On motion of Senator Mayne, the following intent language was included in the Senate Journal:

INTENT LANGUAGE

The goal of 2nd Substitute Senate Bill 35 is to prevent abuse within the construction industry. This piece of legislation provides the tools to preserve the traditional employer/employee relationship.

We want to make sure benefits are provided to those individuals described in 2nd Sub. S.B. 35. The affected departments are to draft rules to broadly apply this legislation to the entities addressed under this legislation.

On motion of Senator Valentine, the Senate voted to concur in the House amendments to 1st Sub. S.B. 36, CONCEALED FIREARM ACT AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams              Bramble              Christensen          Davis
Dayton            Hinkins              Jenkins             Jones
Knudson           Liljenquist          Madsen              Mayne
McAdams           Morgan               Reid                Robles
Romero           H. Stephenson         J. Stevenson         Stowell
Thatcher         Urquhart              Valentine           Van Tassell
Waddoups

Absent or not voting were: Senators
Buttars           Hillyard            Niederhauser        Okerlund

1st Sub. S.B. 36 was returned to the House for the signature of the Speaker.

On motion of Senator Madsen, H.C.R. 2, UTAH STATE FLAG CONCURRENT RESOLUTION, will be considered Wednesday, February 16, 2011, at 11:00 a.m.
THIRD READING CALENDAR

On motion of Senator Valentine, S.B. 110, DRIVER LICENSE SUSPENSION AMENDMENTS, was read the third time and circled.

***

1st Sub. S.B. 136, BOATING AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hinkins  Jenkins
Jones  Liljenquist  Mayne  Morgan
Reid  Robles  Romero  H. Stephenson
J. Stevenson  Stowell  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Hillyard  Knudson  Madsen  McAdams
Niederhauser  Okerlund

1st Sub. S.B. 136 was transmitted to the House for consideration.

***

S.B. 142, PUBLIC OFFICIAL CONTACT INFORMATION, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hinkins  Jenkins
Jones  Liljenquist  Mayne  Morgan
Okerlund  Reid  Romero  H. Stephenson
J. Stevenson  Stowell  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Hillyard  Knudson  Madsen  McAdams
Niederhauser  Robles
S.B. 142 was transmitted to the House for consideration.

***

On motion of Senator Dayton, 1st Sub. S.B. 16, STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION AMENDMENTS, was read the third time and circled.

***

On motion of Senator Dayton, 1st Sub. S.B. 21, TAX REVISIONS, was read the third time and circled.

***

On motion of Senator Bramble, 3rd Sub. S.B. 125, PROPERTY TAX EXEMPTION AMENDMENTS, was read the third time and circled.

***

On motion of Senator Knudson, 1st Sub. S.B. 101, UTAH UNIFORM SECURITIES ACT ENFORCEMENT, was read the third time and circled.

***

On motion of Senator Dayton, 1st Sub. S.B. 117, COMMUNITY ASSOCIATION ACT AMENDMENTS, was read the third time and circled.

***

S.B. 140, STATE CHARTER SCHOOL BOARD AMENDMENTS, was read the third time, explained by Senator Stephenson, 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
Hillyard        Hinkins        Niederhauser    Robles

S.B. 140 was transmitted to the House for consideration.

SPECIAL RECOGNITION

Senator Mayne paid special recognition to the Non−traditional Work Skills participants. Senator Romero commented.

THIRD READING CALENDAR

On motion of Senator Urquhart, the circle was removed from 1st Sub. S.B. 117, COMMUNITY ASSOCIATION ACT AMENDMENTS, and it was before the Senate. Senator Urquhart explained the bill. The bill passed on the following roll call:

Y eas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Adams        Bramble        Buttars        Christensen
Davis        Dayton        Hinkins        Jenkins
Jones        Knudson        Liljenquist    Madsen
Mayne        McAdams        Morgan        Niederhauser
Okerlund      Reid           Romero         H. Stephenson
J. Stevenson  Stowell        Thatcher       Urquhart
Valentine     Van Tassell    Waddoups

Absent or not voting were: Senators
Hillyard        Robles

1st Sub. S.B. 117 was transmitted to the House for consideration.

* * *

On motion of Senator McAdams, the circle was removed from 1st Sub. S.B. 101, UTAH UNIFORM SECURITIES ACT ENFORCEMENT, and it was before the Senate. Senator McAdams explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams        Bramble        Buttars        Christensen
Davis        Dayton        Hinkins        Jenkins
1st Sub. S.B. 101 was transmitted to the House for consideration.

***

S.B. 133, GRAND JURY AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Mayne
Morgan  Niederhauser  Okerlund  Reid
Romero  H. Stephenson  J. Stevenson  Stowell
Thatcher  Valentine  Van Tassell  Waddoups

**Voting in the negative was:** Senator
Urquhart

**Absent or not voting were:** Senators
Hillyard  Madsen  McAdams  Robles

S.B. 133 was transmitted to the House for consideration.

***

On motion of Senator Niederhauser, the circle was removed from 1st Sub. S.B. 16, STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**
Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Mayne
Morgan  Niederhauser  Okerlund  Reid
Romero  H. Stephenson  J. Stevenson  Stowell
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Hillyard  Madsen  McAdams  Robles

1st Sub. S.B. 16 was transmitted to the House for consideration.

* * *

On motion of Senator Niederhauser, the circle was removed from 1st Sub. S.B. 21, TAX REVISIONS, and it was before the Senate. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 10, Line 304 through Page 11, Line 312

304  (b) The determination of whether an individual is considered to have domicile in this
305  state shall may not be determined in accordance with Subsection (1)(a) if the individual:
306  (i) is the noncustodial parent of a dependent:
307  (A) with respect to whom the individual claims a personal exemption on the
308  individual’s federal individual income tax return; and
309  (B) who is enrolled in a public kindergarten, public elementary school, or public
310  secondary school in this state; and
311  (ii) is divorced from the custodial parent of the dependent described in Subsection
312  (1)(b)(i).

2. Page 12, Line 363 through Page 13, Line 367:
(4) (a) Notwithstanding Subsections (1) through (3) and subject to the other provisions of this Subsection (4), an individual is not considered to have domicile in this state if the individual meets the following qualifications:

(i) except as provided in Subsection (4)(a)(ii)(A), the individual and the individual’s spouse are absent from the state for at least 730 consecutive days; and

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

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**1st Sub. S.B. 21** was transmitted to the House for consideration.

**SECOND READING CALENDAR**

On motion of Senator Stowell, the circle was removed from **1st Sub. S.B. 108** **Joint Use of a Canal or Ditch**, and it was before the Senate.

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

**2nd Sub. S.B. 108 Joint Use of a Canal or Ditch** (D. Stowell)

Senator Stowell explained the bill. Senator Jenkins commented. 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            Hillyard          Hinkins           Jenkins
Jones             Knudson           Liljenquist       Madsen
Mayne             McAdams           Morgan            Niederhauser
Okerlund          Reid              Romero            H. Stephenson
J. Stevenson      Stowell           Thatcher          Valentine
Van Tassell       Waddoups

Absent or not voting were: Senators
Adams             Robles            Urquhart

* * *

On motion of Senator Bramble, the circle was removed from S.B. 128, REGULATORY AMENDMENTS, and it was before the Senate. Senator Bramble 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           Buttars           Christensen       Davis
Hillyard          Hinkins           Jenkins           Jones
Knudson           Liljenquist       Madsen            Mayne
McAdams           Morgan            Niederhauser      Okerlund
Reid              Romero            H. Stephenson     J. Stevenson
Stowell           Urquhart          Valentine         Van Tassell
Waddoups

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators
Adams             Robles            Thatcher

* * *

S.R. 1, SENATE RULES RESOLUTION – SENATE RULES RECODIFICATION, was read the second time. Senator Dayton explained the bill.

On motion of Senator Dayton, the bill was circled.
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 3rd Sub. S.B. 125, PROPERTY TAX EXEMPTION AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Mayne
McAdams  Morgan  Niederhauser  Reid
Robles  Romero  J. Stevenson  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators

Buttars  Madsen  Okerlund  H. Stephenson
Stowell  Thatcher

3rd Sub. S.B. 125 was transmitted to the House for consideration.

* * *
TWENTY-THIRD DAY

February 15, 2011

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

Prayer – Father Carl Schlichte
Pledge of Allegiance – Senator Lyle Hillyard
Roll Call – All Senators present except Senator Bramble, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, Page 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 14, 2011

The House passed, S.B. 37, EMERGENCY FOOD AGENCY 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

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

* * *

Mr. President: February 14, 2011

The House passed, as amended, H.B. 50, SCHOOL TERMINATION PROCEDURES MODIFICATIONS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, H.B. 55, VOLUNTEER SEARCH AND RESCUE WORKERS’ COMPENSATION CLAIMS, by Representative K. Powell, and it is transmitted for consideration; and

The House passed, as amended, H.B. 79, PROPERTY AND CASUALTY CERTIFICATE OF INSURANCE ACT, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed, as amended, H.B. 103, ELECTION AMENDMENTS, by Representative D. Brown, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 195**, DEBT SERVICE OBLIGATIONS OF A DIVIDED SCHOOL DISTRICT, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 216**, REUNIFICATION SERVICES AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 254**, EMERGENCY PROCEDURES AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 265**, MOTOR VEHICLE EMISSIONS AMENDMENTS, by Representative F. Gibson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

* * *

Mr. President: February 14, 2011

The House requests the return of **S.C.R. 1**, CRISIS INTERVENTION TEAM PROGRAM CONCURRENT RESOLUTION, by Senator P. Jones, for reconsideration.

Sandy D. Tenney, Chief Clerk

The bill was returned to the House for reconsideration.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 14, 2011

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

**Business and Labor Committee**

**S.B. 250** Electronic Transmissions and Directors Actions (Sen. B. McAdams)

**S.C.R. 13** Rotary Club Concurrent Resolution (Sen. G. Davis)

**H.B. 78** Developer Fees (Rep. M. Morley) (Sen. W. Niederhauser)

Education Committee
S.B. 53 Eligibility for Interscholastic Activities in Secondary Schools (Sen. M. Madsen)

Health and Human Services Committee

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 183 Custody Amendments (Sen. L. Robles)

Transportation, Public Utilities and Technology Committee
S.B. 85 Legal Notice Amendments (Sen. S. Urquhart)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 14, 2011

The Business and Labor Committee reports a favorable recommendation on S.B. 191, WORKERS’ COMPENSATION COVERAGE WAIVERS, by Senator K. Mayne; and

The Business and Labor Committee reports a favorable recommendation on H.B. 196, CONTINUING EDUCATION REQUIREMENTS FOR LANDSCAPE ARCHITECTS, by Representative R. C. Webb; and

The Business and Labor Committee reports a favorable recommendation on H.B. 237, ENFORCEMENT OF LIENS, by Representative Julie Fisher, with the following amendments:

1. Page 2, Lines 33 through 37:

   33 occupant[ and a]. If the property to be sold in an enforcement action includes a motor vehicle,
   34 vessel, or outboard motor, the notice shall also be delivered to the last known address of the
35 registered owner and any lienholder, as disclosed by the records of the Motor Vehicle Division. A copy of the
36 notice shall, at the same time, be sent to the sheriff of the county where the self-service storage
37 facility is located. Any lienholder with an interest in the property to be sold or otherwise

John L. Valentine, Chair

Mr. President:

The Education Committee recommends S.B. 67, ANNUAL EYE EXAMINATION FOR CHILDREN IN GRADES KINDERGARTEN THROUGH THREE, by Senator L. Robles, be replaced and favorably recommends 1st Sub. S.B. 67, ANNUAL EYE EXAMINATION FOR CHILDREN IN GRADES KINDERGARTEN THROUGH THREE with the following amendments:

1. Page 1, Lines 17 through 18:
   17 provides limited immunity to volunteer vision screeners who are trained or supervised by the
   18 State Office of Education;

2. Page 3, Lines 58 through 60:
   58 (b) A volunteer vision screener providing services under Subsection (6)(a) is not liable for any
   59 civil damages as a result of acts or omissions related to the vision screening unless the acts or
   60 omissions were willful or grossly negligent; and

The Education Committee reports a favorable recommendation on S.C.R. 11, DIXIE STATE COLLEGE CONCURRENT RESOLUTION, by Senator Urquhart.

Howard A. Stephenson, Chair

Mr. President:

The Health and Human Services Committee recommends S.B. 137, MEDICAID AMENDMENTS, by Senator A. Christensen, be replaced and favorably recommends 1st Sub. S.B. 137, MEDICAID AMENDMENTS with the following amendments:
1. Page 3, Line 85 through Page 4, Line 88:

85  (b) The department shall grant a prior authorization for a psychotropic drug that is not
86  on the preferred drug list for a patient who is stabilized on the drug.

(c) A prior authorization granted under {this subsection} Subsection (2)(b) is valid for one year from the date the department grants the prior
88  authorization, and shall be renewed by the department in accordance with Subsection (2)(b) \(\ldots\); and

The Health and Human Services Committee reports a favorable recommendation on S.B. 150, NEGLIGENT CREDENTIALING, by Senator J. S. Adams, with the following amendments:

1. Page 1, Lines 25 through 27:

25  78B−3−425. Prohibition on cause of action for negligent credentialing.
26  It is the policy of this state that the question of negligent credentialing, as applied to
27  {medical} health care providers in malpractice suits, is not recognized as a cause of action.

D. Chris Buttars, Chair

Mr. President: February 14, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 199, UTAH COMMISSION ON UNIFORM STATE LAWS, by Senator L. Hillyard; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 200, STATE DEBT COLLECTIONS AMENDMENTS, by Senator L. Hillyard, with the following amendments:

1. Page 5, Lines 146 through 150:

146  Section 6. Section 63A−3−303 is amended to read:
147  63A−3−303. Notice to debtor — Contents.
148 (1) Upon default in payment of any account receivable that is not due pursuant to final court or administrative order or judgment, the entity responsible for collecting the account shall send a notice by mail to the debtor at the debtor’s last-known address.

Mark B. Madsen, Chair

Mr. President: February 14, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 214, MOTOR VEHICLE RENTAL COMPANY FEE DISCLOSURES, by Senator J. S. Adams, with the following amendments:

1. Page 2, Lines 56 through 57:

56 charges in a rental agreement, including but not limited to:

57 (a) motor vehicle license cost recovery fees;

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 14, 2011

The Health and Human Services Committee reports a favorable recommendation on 1st Sub. H.B. 230, DISABILITY AMENDMENTS, by Representative P. Ray, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 241, CLEAN OUT THE CABINETS MONTH DESIGNATION, by Representative M. Morley, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

Mr. President: February 14, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on 1st Sub. H.B. 257, CONCEALED FIREARM
ACT MODIFICATIONS, by Representative R. Menlove, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 7, Lines 199 through 200:

   199 (c) If the fingerprints are insufficient for the {bureau of }
   Federal Bureau of Investigation

   200 to conduct a search of its files for criminal history information, the
   application or concealed

Mark B. Madsen, Chair

Mr. President: February 14, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 235, TECHNOLOGY TECHNICAL AMENDMENTS, by Representative P. Arent, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 73, Public School Teacher Tenure Modifications (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

S.B. 82, Urban Farming Assessment Act (W. Niederhauser), was read the first time by short title and referred to the Rules Committee.

S.B. 160, Federal Funds Procedures Act Amendments (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 170, Wrongful Death Amendments (B. McAdams), was read the first time by short title and referred to the Rules Committee.

S.B. 172, Political Subdivisions Administration Amendments (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

S.B. 179, Math Education Initiative (H. Stephenson), was read the first time by short title and referred to the Rules Committee.
S.B. 188, Tax Commission Amendments (J. Valentine), was read the first time by short title and referred to the Rules Committee.

S.B. 197, Local Housing Authority Amendments (B. McAdams), was read the first time by short title and referred to the Rules Committee.

S.B. 202, Pharmaceutical Competitive Pricing (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 284, County Tax Amendments (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

S.J.R. 19, Joint Resolution Approving the Houghton Case Final Settlement Agreement (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

On motion of Senator Dayton, S.J.R. 14, COMMUNICATIONS DEVICE USAGE JOINT RESOLUTION, was read the third time and circled.

* * *

On motion of Senator Dayton, the Senate voted to move H.B. 28, PENALTIES FOR UNAUTHORIZED USE OF RECORDS, from the Consent Calendar and place it at the top of the Second Reading Calendar.

* * *

S.B. 242, ASSESSMENT AREA AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators
Adams    Christensen    Davis    Dayton
Hillyard  Hinkins      Knudson  Madsen
Mayne    McAdams       Morgan  Niederhauser
Okerlund Reid            Romero  H. Stephenson
J. Stevenson Stowell    Thatcher Urquhart
Valentine Waddoups

Absent or not voting were: Senators
Bramble    Buttars     Jenkins  Jones
Liljenquist Robles     Van Tassell
S.B. 242 was transmitted to the House for consideration.

**CONCURRENCE CALENDAR**

On motion of Senator Hinkins, the Senate voted to concur in the House amendments to S.B. 106, SEXUAL EXPLOITATION AMENDMENTS. The bill, as amended, 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 | Christensen | Liljenquist |

S.B. 106 was returned to the House for the signature of the Speaker.

**SPECIAL RECOGNITION**

A citation was read honoring Ballet West. Senator Valentine commented.

* * *

On motion of Senator Van Tassell, legislative staff was authorized to draft a bill regarding state parks access highways.

On motion of Senator Dayton, legislative staff was authorized to draft a resolution for the purpose of honoring Jerry Sloan.

**THIRD READING CALENDAR**

2nd Sub. S.B. 108, JOINT USE OF A CANAL OR DITCH, was read the third time and explained by Senator Stowell. Senators Van Tassell, Jenkins, Niederhauser, Valentine, and Okerlund commented.

On motion of Senator Stowell, the bill was circled.

* * *

On motion of Senator Valentine, S.B. 128, REGULATORY AMENDMENTS, was read the third time and circled.
SECOND READING CALENDAR

On motion of Senator Niederhauser, S.B. 59, SCHOOL GRADING SYSTEMS, was read the second time and circled.

***

S.B. 145, UTAH EDUCATION SAVINGS PLAN AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senator Romero commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Adams  Buttars  Christensen  Davis  
Dayton  Hillyard  Hinkins  Jenkins  
Jones  Knudson  Liljenquist  Madsen  
Mayne  McAdams  Morgan  Niederhauser  
Okerlund  Reid  Robles  Romero  
H. Stephenson  J. Stevenson  Stowell  Valentine  
Waddoups

**Absent or not voting were:** Senators

Bramble  Thatcher  Urquhart  Van Tassell

***

On motion of Senator Madsen, the circle was removed from S.B. 141, BURGLARY OFFENSE AMENDMENTS, and it was before the Senate. Senator Madsen explained the bill.

Senator Madsen proposed the following amendment:

1. Page 2, Line 36

36 dwelling, in which event it is a second degree felony [of the second degree].

Senator Madsen’s motion to amend passed on a voice vote.

On motion of Senator Madsen, the bill was circled.

***

On motion of Senator Dayton, the circle was removed from S.R. 1, SENATE RULES RESOLUTION – SENATE RULES RECODIFICATION, and it was
before the Senate. Senator Dayton explained the bill. Senators Romero, Valentine, and Hillyard commented.

**COMMITTEE OF THE WHOLE**

On motion of Senator Valentine, John Fellows, Office of Legislative Research and General Counsel, spoke in Committee of the Whole. Senators Valentine, Reid, Morgan, Romero, Dayton, Davis, and Knudson commented.

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

**S.R. 1** 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

| Bramble | Urquhart |

* * *

**S.B. 143, JUDICIARY AMENDMENTS,** was read the second time. Senator Hillyard 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

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Absent or not voting were: Senators
Buttars    Valentine

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: February 14, 2011

The Joint Conference Committee comprised of Sens. A. Christensen, G. Davis, and P. Knudson, and Reps. G. Froerer, J. Biskupski, and P. Ray, recommends H.B. 23, CONTROLLED SUBSTANCE MODIFICATIONS, by Representative G. Froerer, et al, with the following amendments:

1. Include the Senate amendments on Page 1, Lines 18a and 18b made on the Senate 2nd Reading Amendments dated 02–9–2011.

2. Include the Senate amendments on Page 37, Lines 1134a and 1134b, made on the Senate 2nd Reading Amendments dated 02–9–2011, except that “and” on Line 1134a shall be bracketed as indicated below.

3. Also include the following additional amendments:

   After Line 1134 on the Senate 2nd Reading Amendments dated 02–9–2011 make the following amendments:

   (16) 4–methylmethcathinone {also known as mephedrone}; {– and }
   (17) 3,4–methyleneedioxyxpyrovalerone {also known as MDPV}
   (18) 3,4–Methylenedioxymethcathinone {also known as methylene

Sen. Allen Christensen
and Rep. Gage Froerer, Chairs

On motion of Senator Christensen, the Senate voted to concur in the conference committee amendments to H.B. 23, CONTROLLED SUBSTANCE MODIFICATIONS. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.
Voting in the affirmative were: Senators
Adams          Buttars          Christensen          Davis
Dayton         Hinkins          Jenkins            Jones
Knudson        Liljenquist      Madsen           Mayne
Morgan         Niederhauser    Okerlund         Reid
Robles         Romero          J. Stevenson     Stowell
Thatcher       Urquhart        Valentine       Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble     Hillyard       McAdams       H. Stephenson

H.B. 23 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

S.B. 130, SURPLUS PROPERTY AMENDMENTS, was read the second time. Senator Reid 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
Adams          Buttars          Christensen          Davis
Dayton         Hinkins          Jenkins            Jones
Knudson        Liljenquist      Madsen           Mayne
Niederhauser   Okerlund         Reid             Robles
Romero         J. Stevenson     Stowell         Thatcher
Urquhart       Valentine       Van Tassell    Waddoups

Absent or not voting were: Senators
Bramble     Hillyard       McAdams       Morgan
H. Stephenson

INTRODUCTION OF BILLS

S.B. 187, County Services Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 203, Executive Residence Commission (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

S.B. 253, State Hospital Amendments (J. S. Adams), was read the first time by short title and referred to the Rules Committee.
S.B. 260, Veterans’ Nursing Home Reimbursement Restricted Account Amendments (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.B. 272, Secured Creditor Amendments (D. Liljenquist), was read the first time by short title and referred to the Rules Committee.

S.B. 311, Anesthesiologist Assistant (D. Liljenquist), was read the first time by short title and referred to the Rules Committee.

S.J.R. 18, Immigration Joint Resolution (R. Romero), was read the first time by short title and referred to the Rules Committee.

On motion of Senator Niederhauser and at 12:00 noon, the Senate adjourned until 10:00 a.m., Wednesday, February 16, 2011.
TWENTY-FOURTH DAY

MORNING SESSION

February 16, 2011

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

Prayer – Larry Rock
Pledge of Allegiance – Senator Curtis Bramble
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 15, 2011

The Speaker of the House has signed 2nd Sub. S.B. 35, CONSTRUCTION LICENSEES RELATED AMENDMENTS, by Senator K. Mayne, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 1st Sub. S.B. 36, CONCEALED FIREARM ACT AMENDMENTS, by Senator J. Valentine, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 15, 2011

The House concurred in the Senate amendments and passed H.B. 219, STATE FIREARM DESIGNATION, by Representative C. Wimmer, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bill 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 15, 2011

The House passed, as substituted, 1st Sub. H.B. 61, HOME BUSINESS WORKERS’ COMPENSATION AMENDMENTS, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed H.B. 175, CONDOMINIUM OWNERSHIP ACT MODIFICATIONS, by Representative R. Wilcox, and it is transmitted for consideration; and

The House passed H.B. 184, MOTOR AND SPECIAL FUEL TAX ACT AMENDMENTS, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, H.B. 199, ADVERTISEMENTS ON SCHOOL BUSES, by Representative J. Bird, and it is transmitted for consideration; and

The House passed, as amended, H.B. 220, CIVICS EDUCATION AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 221, CLASSIC CAR INSPECTIONS, by Representative F. Cox, and it is transmitted for consideration; and

The House passed H.B. 251, ALARM SYSTEM AMENDMENTS, by Representative L. Hemingway, and it is transmitted for consideration; and

The House passed H.B. 252, RAILROAD AND RAILROAD CROSSING AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed H.B. 266, RESTITUTION AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed H.C.R. 1, CONCURRENT RESOLUTION URGING CONGRESS TO ADDRESS EMPLOYMENT RELATED CHILD IDENTITY THEFT, by Representative S. Duckworth, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.
RULES COMMITTEE REPORTS

To the Members of the Senate: February 15, 2011

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

**Business and Labor Committee**

- **S.B. 272** Secured Creditor Amendments (Sen. D. Liljenquist)

**Education Committee**

- **S.B. 73** Public School Teacher Tenure Modifications (Sen. H. Stephenson)
- **S.B. 179** Math Education Initiative (Sen. H. Stephenson)
- **H.B. 50** School Termination Procedures Modifications (Rep. R. Menlove) (Sen. H. Stephenson)

**Government Operations and Political Subdivisions Committee**

- **S.B. 160** Federal Funds Procedures Act Amendments (Sen. L. Hillyard)
- **S.B. 172** Political Subdivisions Administration Amendments (Sen. H. Stephenson)
- **S.B. 197** Local Housing Authority Amendments (Sen. B. McAdams)
- **S.B. 203** Executive Residence Commission (Sen. J. S. Adams)
- **S.J.R. 18** Immigration Joint Resolution (Sen. R. Romero)
- **S.J.R. 19** Joint Resolution Approving the Houghton Case Final Settlement Agreement (Sen. L. Hillyard)

**1st Sub. H.B. 54** Electronic Communications in Public Meetings (Rep. K. Powell) (Sen. L. Hillyard)


**S.B. 260** Veterans’ Nursing Home Reimbursement Restricted Account Amendments (Sen. P. Knudson)
(Sen. M. Dayton)

Health and Human Services Committee
(Sen. A. Christensen)
S.B. 253  State Hospital Amendments (Sen. J. S. Adams)

Natural Resources, Agriculture and Environment Committee
1st Sub. H.B. 51  School and Institutional Trust Lands (Rep. R. Barrus)  
(Sen. S. Urquhart)
S.B. 82  Urban Farming Assessment Act (Sen. W. Niederhauser)

Revenue and Taxation Committee
S.B. 187  County Services Amendments (Sen. C. Bramble)
S.B. 188  Tax Commission Amendments (Sen. J. Valentine)
S.B. 284  County Tax Amendments (Sen. J. Stevenson)

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

On motion of Senator Dayton, the Senate voted to move S.B. 43, LOCAL DISTRICT FEES, from the Government Operations and Political Subdivisions Committee and assign it to the Revenue and Taxation Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 15, 2011  
The Business and Labor Committee reports a favorable recommendation on S.B. 55, ELECTRONIC SIGNATURES, by Senator S. Urquhart, with the following amendments:

1. Page 1, Lines 12 through 13:
   - defines “state governmental agency”;
   12 requires a state governmental agency to adopt a policy concerning electronic signatures
   13 before the governmental agency may accept an electronic signature; and

2. Page 2, Lines 39 through 40:
   (1) As used in this section:
(a) “State governmental agency” means a state board, authority, commission, institution, department, division, officer, or other state government entity, which is authorized or required by law to make rules, adjudicate, grant or withhold licenses, grant or withhold relief from legal obligations, or perform other similar actions or duties delegated by law.

(b) “State governmental agency” does not include the legislature, its committees, the political subdivisions of the state, or the courts.

39. (a) Notwithstanding any other provision of law, a state governmental agency located in the state may not accept an electronic signature unless the state governmental agency

3. Page 2, Lines 47 through 48:

47. (b) Subsection (a) applies to an electronic signature without regard to whether the governmental agency is a party to the document, transaction, or other filing.

4. Page 2, Line 49:

49. A state governmental agency may, by following the procedures and

5. Page 3, Line 68:

68. A state governmental agency that makes rules under this section shall submit

6. Page 3, Line 72:

72. (a) The chief information officer may prepare model rules and standards

7. Page 3, Line 82:

82. (c) Nothing in this Subsection requires a state governmental agency to use the model

8. Page 3, Lines 85 through 86:

85. Except as provided in Subsection 46–4–301(6), nothing in this chapter requires
86 any state governmental agency to:

9. Page 3, Line 89:

89 Each state governmental agency shall:

10. Page 4, Lines 110 through 111:

110 “Sign” or “signature” may include any form of electronic signature authorized by

111 the governmental agency in accordance with Section 46-4-501; and

The Business and Labor Committee recommends S.B. 151, REAL ESTATE TRANSACTIONS AND SECURITIES, by Senator B. McAdams, be replaced and favorably recommends 1st Sub. S.B. 151, REAL ESTATE TRANSACTIONS AND SECURITIES; and

The Business and Labor Committee reports a favorable recommendation on S.B. 250, ELECTRONIC TRANSMISSIONS AND DIRECTORS ACTIONS, by Senator B. McAdams; and

The Business and Labor Committee reports a favorable recommendation on H.B. 78, DEVELOPER FEES, by Representative M. Morley, with the following amendments:

1. Page 18, Lines 532 through 534:

532 A provider of culinary or secondary water that commits to provide a water service

533 required by a public land use application process is subject to the following as if it were a

534 municipality;

2. Page 36, Lines 1090 through 1092:

1090 A provider of culinary or secondary water that commits to provide a water service

1091 required by a public land use application process is subject to the following as if it were a

1092 county; and
The Business and Labor Committee reports a favorable recommendation on H.B. 243, OCCUPATIONS AND PROFESSIONS AMENDMENTS, by Representative M. Morley.

John L. Valentine, Chair

Mr. President:

The Health and Human Services Committee reports a favorable recommendation on 2nd Sub. H.B. 13, IMMUNIZATIONS FOR TEEN MOTHERS, by Representative J. Seelig; and

The Health and Human Services Committee reports a favorable recommendation on 1st Sub. H.B. 66, HEALTH PROFESSIONAL AUTHORITY − DEATH CERTIFICATES, by Representative B. Last; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 204, PROTECTION OF ATHLETES WITH HEAD INJURIES, by Representative P. Ray, with the following amendments:

1. Page 3, Lines 66 through 73
   House Committee Amendments
   1−27−2011:

   66 (5) (a) “Sporting event” means any of the following athletic activities that is organized,
   operated, managed, or sponsored by any organization:
   67
   68 {−(a) } (i) a game;
   69 {−(b) } (ii) a practice;
   70 {−(c) } (iii) a sports camp;
   71 {−(d) } (iv) a physical education class;
   72 {−(e) } (v) a competition; or
   73 {−(f) } (vi) a tryout.
   (b) “Sporting event” does not include the issuance of a ski pass by a ski resort, unless the skiing is part of a camp, team, class, or competition that is organized, managed, or sponsored by the ski resort.

2. Page 4, Lines 108a through 108e
   House Floor Amendments
   2−10−2011:
(B) the qualified healthcare provider has informed a parent or legal guardian

of the child of the medical risks associated with the child resuming participation in a

sporting event; and

(C) under the facts and circumstances, a parent’s or legal guardian’s decision to

allow the child to participate in a sporting event is not medically unreasonable.

and

(B) the child is cleared to resume participation in the sporting event of the amateur sports organization; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 240, SOCIAL SERVICES – EMPLOYMENT FIRST PRIORITY, by Representative R. Menlove.

D. Chris Buttars, Chair

Mr. President: February 15, 2011

The Government Operations and Political Subdivisions Committee recommends S.B. 290, ABATEMENT OF WEEDS, GARBAGE, REFUSE, AND UNSIGHTLY OBJECTS, by Senator P. Knudson, be replaced and favorably recommends 1st Sub. S.B. 290, ABATEMENT OF WEEDS, GARBAGE, REFUSE, AND UNSIGHTLY OBJECTS; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.J.R. 21, RELATIONS WITH THE REPUBLIC OF TURKEY JOINT RESOLUTION, by Senator P. Knudson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 238, RADIOLOGIC TECHNOLOGIST AND RADIOLOGY PRACTICAL TECHNICIAN LICENSING ACT, by Representative D. Ipson; and

Peter C. Knudson, Chair

Mr. President:  February 15, 2011

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 243**, HISTORIC AREAS OR SITES AMENDMENTS, by Senator W. Niederhauser; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.C.R. 12**, WEAR RED MONTH CONCURRENT RESOLUTION, by Senator K. Mayne, with the following amendments:

1. Page 1, lines 14–15: After “fight against heart disease” delete “by commemorating this day”; and


Stuart C. Reid, Chair

Mr. President:  February 14, 2011

The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 112**, RETIREMENT SYSTEM DIVESTMENT, by Senator C. Bramble, with the following amendments:

1. Page 1, Lines 13 through 20:

13   This bill:
14   requires the Utah State Retirement Office to include data designed to explain the extent to which public fund investments in scrutinized companies are being prevented;
17   requires the Utah State Retirement Office to prevent the acquisition of direct holdings
in a scrutinized company by adjusting future investment practices within the office
and by stipulating in future investment management contracts that no new
{ investments may be made } direct holdings be acquired in a scrutinized company; and

2. Page 2, Lines 47 through 49:

(d) (i) “Direct holdings” means all publicly traded equity securities of a company that are
held directly by the public fund or in an account or fund in which the public fund owns all
shares or interests.
(ii) “Direct holdings” does not include publicly traded equity securities of a company held as part of a passive indexing investment strategy.

3. Page 3, Line 83 through Page 4, Line 91:

(6) Beginning July 1, 2011, using the most current list assembled under Subsection (2),
the office shall prevent the investment of public funds direct holdings in a scrutinized company:
(a) for public funds managed within the office, by not investing in direct holdings in a scrutinized company; and
(b) for public funds managed by contract by a professional investment manager:
(i) for existing contracts, by requesting that no more direct holdings be acquired in a scrutinized company; and
(ii) for future contracts, by stipulating in the contract that no new direct holdings be acquired in a scrutinized company.

The Retirement and Independent Entities Committee recommends S.B. 120, CAREER SERVICE AMENDMENTS, by Senator D. Liljenquist, be replaced
and favorably recommends **1st Sub. S.B. 120, CAREER SERVICE AMENDMENTS** with the following amendments:

1. Page 3, Line 84 through Page 4, Line 88:

84    (ii) for whom substantially all of their work is repetitive, measurable or transaction based, and who voluntarily apply for and are accepted by the Department of Workforce Services to work in a pay for performance program designed by the Department of Workforce Services with the concurrence of the executive director.

86    Services to work in a pay for performance program designed by the Department of Workforce Services with the concurrence of the executive director.

87    Services with the concurrence of the executive director.

88    (2) The civil service shall consist of two schedules as follows: and

The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 127, POST RETIREMENT EMPLOYMENT AMENDMENTS**, by Senator D. Liljenquist, with the following amendments:

1. Page 2, Lines 50 through 54:

50    (ii) upon reemployment after the break in service under Subsection (3)(b)(i), the retiree does not receive any employer provided benefits, including:

51    (A) medical benefits;

52    (B) dental benefits;

53    (C) other insurance benefits of any kind except for workers’ compensation as provided under Title 34A, Chapter 2, Workers’ Compensation Act and withholdings required by federal or state law for Social Security, Medicare, and unemployment insurance; or

2. Page 3, Lines 61 through 64:

61    (c) Beginning January 1, 2013, the board shall adjust the amount under Subsection (3)(b)(i)(A) by the annual change in the Consumer Price Index during the previous calendar year as measured by a United States Bureau of Labor Statistics Consumer Price Index average
The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 308**, AMENDMENTS TO PUBLIC EMPLOYEE’S BENEFIT AND INSURANCE PROGRAM, by Senator D. Liljenquist, with the following amendments:

1. Page 1, Lines 25 through 27:

   25 provides that reemployment restrictions for a person who begins reemployment
   26 after July 1, 2010, do not apply to employment as an elected official
   27 except an elected sheriff if the elected position is not full-time ;

2. Page 22, Lines 666 through 668:

   666 (b) (i) Except as provided in Subsection (1)(b)(ii), this section does not apply to
   667 employment as an elected official if the elected official’s position is not full-time as certified by the participating employer .
   668 (ii) The provisions of this section apply to an elected sheriff whose elected position is full-time as certified by the participating employer .

3. Page 23, Lines 687 through 691:

   687 (iii) of any election by the retiree under Subsection (4).
   (b) A participating employer shall certify to the office whether the position of an elected official is full-time or is not full-time.
   688 (c) A participating employer is liable to the office for a payment or failure to make a payment in violation of this section.
   689 (d) If a participating employer fails to notify the office in accordance with this section,
   690 the participating employer is immediately subject to a compliance audit by the office.
4. Page 59, Line 1823:

1823 (b) the date the eligible employee is no longer disabled; no longer has a disability;

Daniel R. Liljenquist, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 15, 2011

The Business and Labor Committee reports a favorable recommendation on S.C.R. 13, ROTARY CLUB CONCURRENT RESOLUTION, by Senator G. Davis, 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 24:

18 WHEREAS, the Sugar House Rotary Club was chartered in 1936 and has consistently provided a venue for community service for business and professional people in the Sugar House community;

20 House community;

21 WHEREAS, the Sugar House Rotary Club was the second Club established in Utah;

22 WHEREAS, the Sugar House Rotary Club has been known as the Sweetest Club in all of Rotary;

23 WHEREAS, the Sugar House Rotary Club has been host to many Rotarians from

John L. Valentine, Chair

Mr. President: February 14, 2011

The Retirement and Independent Entities Committee reports a favorable recommendation on S.B. 90, BOARD OF PARDONS RETIREMENT
AMENDMENTS, by Senator D. Liljenquist, 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. The bills were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 238, Verification of Employment Status (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

S.C.R. 14, Concurrent Resolution Honoring Providers of Health Care Services to Military Personnel and Their Dependents (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

S.J.R. 25, Federal Law Joint Resolution (J. Valentine), was read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

On motion of Senator Bramble, the circle was removed from S.J.R. 14, COMMUNICATIONS DEVICE USAGE JOINT RESOLUTION, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams          Bramble          Buttars          Christensen
Davis          Dayton          Hillyard         Hinkins
Jenkins        Jones           Knudson          Mayne
McAdams        Morgan          Okerlund         Reid
Robles         Romero          J. Stevenson     Stowell
Urquhart       Van Tassell     Waddoups

Absent or not voting were: Senators
Liljenquist    Madsen          Niederhauser    H. Stephenson
Thatcher       Valentine

S.J.R. 14 was transmitted to the House for consideration.

THIRD READING CALENDAR

On motion of Senator Jenkins, S.B. 145, UTAH EDUCATIONAL SAVINGS PLAN AMENDMENTS, was read the third time and circled.
On motion of Senator Buttars, the circle was removed from S.B. 110, DRIVER LICENSE SUSPENSION AMENDMENTS, and it was before the Senate. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment:

1. Page 1, Lines 13 through 15

   provides that the division may not assess points against a person’s driving record for

   a conviction of certain traffic violations that occurred in another state and that

   committed on or after July 1, 2011; and

2. Page 3, Lines 76 through 79:

   Except as provided in Subsection (4)(b)(iv), the division may not assess points against a person’s driving record for a

   conviction of a traffic violation:

   (A) that occurred in another state; and

   (B) that was committed on or after July 1, 2011.

   (iv) The provisions of Subsection (4)(b)(iii) do not apply to:

      (A) a reckless or impaired driving violation;

      (B) a moving traffic violation that causes or contributes to a motor vehicle traffic accident that results in death or injury to another person or serious property damage; or

      (C) an offense committed in another state which, if committed within Utah, would result in the mandatory suspension or revocation of a license upon conviction under Section 53–3–220.

Senator Buttars’ motion to amend passed on a voice vote. Senators Hillyard and Dayton commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Adams                Jones                 Liljenquist        Valentine

S.B. 110 was transmitted to the House for consideration.

* * *

On motion of Senator Stowell, the circle was removed from 2nd Sub. S.B. 108, JOINT USE OF A CANAL OR DITCH, and it was before the Senate. Senator Stowell explained the bill.

Senator Stowell proposed the following amendment:

1. Page 1, Line 9

9 This bill requires a person to negotiate in good faith to form a written contract before the use or

2. Page 1, Lines 13 through 19:

13 ► requires a person to negotiate in good faith to form a written contract before the use or
14 enlargement of another person’s canal or ditch to convey water;
15 ► prohibits a person seeking to use or enlarge another person’s canal or ditch from
16 relying on the right-of-way provisions of Section 73–1–6 unless the person has, after
17 negotiating in good faith, failed to enter into a written contract;
18 ► describes certain obligations of a person using another person’s canal or ditch unless
19 otherwise agreed to by written contract; and

3. Page 2, Lines 32 through 40:

32 (1) When any a person with no existing shareholder or contractual rights in the canal or ditch described in this Subsection (1) desires to convey water for irrigation or any other beneficial
purpose and there is a canal or ditch already constructed that can be used or enlarged to convey the required quantity of water, such the person shall have the right to use or enlarge such the canal or ditch already constructed, by compensating if:

(a) the canal or ditch can be:

(i) used without displacing current users or exceeding free board capacity; or

(ii) enlarged to convey the required quantity of water necessary to deliver all water authorized for delivery to existing authorized users of the canal or ditch, provide adequate free board capacity, and carry the additional quantity of water requested by the person;

4. Page 3, Line 58:

seeking to use or enlarge the canal or ditch shall negotiate in good faith to enter into a written contract

5. Page 3, Lines 64 through 74:

(5) A person seeking to use or enlarge a canal or ditch in accordance with this section may not rely on the right-of-way provisions of Section 73–1–6 against:

(a) an owner of the canal or ditch unless the person has:

(i) attempted in good faith to enter into a written contract pursuant to Subsection 4(a); and

(ii) failed to enter into a written contract; and

(b) a landowner whose land is encumbered by an easement related to the canal or ditch if the carrying of additional water will expand the scope of the easement unless the person has:

(i) attempted in good faith to enter into a written contract pursuant to Subsection (4)(b); and

(ii) failed to enter into a written contract.
73    (6) Unless otherwise agreed to in the written contract referenced in Subsection (4)(a), a person
74    using an existing canal or ditch under this section:

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

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

**Voting in the affirmative were:** Senators
- Adams
- Buttars
- Christensen
- Davis
- Dayton
- Hillyard
- Hinkins
- Jenkins
- Knudson
- Madsen
- Mayne
- McAdams
- Morgan
- Niederhauser
- Okerlund
- Reid
- Robles
- Romero
- J. Stevenson
- Stowell
- Thatcher
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators
- Bramble
- Jones
- Liljenquist
- H. Stephenson
- Urquhart

**2nd Sub. S.B. 108** was transmitted to the House for consideration.

**TIME CERTAIN CALENDAR**

On motion of Senator Christensen, under suspension of the rules, **S.C.R. 15**, DELISTING OF WOLVES CONCURRENT RESOLUTION, was considered read the second and third times. Senator Christensen explained the bill. Senators Davis, Jenkins, Dayton, and Buttars commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators
- Adams
- Bramble
- Buttars
- Christensen
- Davis
- Dayton
- Hillyard
- Hinkins
- Jenkins
- Knudson
- McAdams
- Mayne
- Okerlund
- Niederhauser
- Morgan
- Robles
- Stowell
- Van Tassell
- Waddoups
- H. Stephenson
- J. Stevenson
- Urquhart
- Valentine

**Voting in the negative was:** Senator
- Romero
Absent or not voting were: Senators
Jones  Thatcher

S.C.R. 15 was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 16, 2011

The House passed, as amended, H.C.R. 2, UTAH STATE FLAG CONCURRENT RESOLUTION, by Representative Julie Fisher, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bill was read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Madsen, the Senate voted to lift H.C.R. 2, UTAH STATE FLAG CONCURRENT RESOLUTION, from the Rules Committee and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Madsen, under suspension of the rules, H.C.R. 2, UTAH STATE FLAG CONCURRENT RESOLUTION, was considered read the second and third times. Senator Jenkins commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Davis
Dayton  Hinkins  Jenkins  Knudson
Liljenquist  Madsen  Mayne  McAdams
Morgan  Niederhauser  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Christensen  Hillyard  Jones

H.C.R. 2 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
SPECIAL RECOGNITION

A citation was read honoring Latino soldiers from the State of Utah. Senators Romero, Davis, and Robles commented.

THIRD READING CALENDAR

On motion of Senator Niederhauser, the circle was removed from S.B. 145, UTAH EDUCATIONAL SAVINGS PLAN AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Christensen Davis Dayton
Hinkins Jenkins Jones Knudson
Liljenquist Madsen Mayne McAdams
Morgan Niederhauser Okerlund Reid
Robles Romero J. Stevenson Stowell
Thatcher Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble Buttars Hillyard H. Stephenson

S.B. 145 was transmitted to the House for consideration.

* * *

S.R. 1, SENATE RULES RESOLUTION – SENATE RULES RECODIFICATION, was read the third time and explained by Senator Dayton.

Senator Dayton proposed the following amendment:

1. Page 24, Lines 729 through 730:

    729 (3) In carrying out its functions and responsibilities under this rule, the Senate Rules

    730 Committee may not amend {or} Substitute, or table legislation without the written consent of the sponsor.

Senator Dayton’s motion to amend passed on a voice vote. Senators Valentine and Romero commented and the bill passed on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Dayton  Hinkins  Jenkins  Jones
Knudson  Liljenquist  Madsen  Mayne
McAdams  Morgan  Niederhauser  Okerlund
Reid  Romero  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Buttars  Hillyard  Robles

S.R. 1 was signed by the President and sent to staff for enrolling.

***

On motion of Senator Jenkins, S.B. 143, JUDICIARY AMENDMENTS, was read the third time and circled.

***

S.B. 130, SURPLUS PROPERTY AMENDMENTS, was read the third time, explained by Senator Reid, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Dayton  Hinkins  Jenkins  Jones
Knudson  Liljenquist  Mayne  McAdams
Morgan  Okerlund  Reid  Robles
Romero  H. Stephenson  J. Stevenson  Thatcher
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Buttars  Hillyard  Madsen  Niederhauser
Stowell

S.B. 130 was transmitted to the House for consideration.

***

On motion of Senator Bramble, the circle was removed from S.B. 128, REGULATORY 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
Adams Bramble Christensen Davis
Dayton Hinkins Jenkins Jones
Knudson Liljenquist Mayne McAdams
Morgan Niederhauser Okerlund Reid
Robles Romero H. Stephenson J. Stevenson
Stowell Thatcher Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Hillyard Madsen

S.B. 128 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Bramble, H.B. 28, PENALTIES FOR UNAUTHORIZED USE OF RECORDS, was read the second time and circled.

* * *

1st Sub. H.B. 34, DEPARTMENT OF TRANSPORTATION SETTLEMENT AGREEMENT AMENDMENTS, was read the second time. Senator Urquhart 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
Adams Bramble Christensen Dayton
Hinkins Jenkins Jones Knudson
Liljenquist Mayne McAdams Niederhauser
Okerlund Reid Robles Romero
H. Stephenson J. Stevenson Stowell Thatcher
Urquhart Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Davis Hillyard Madsen
Morgan

* * *

H.B. 45, VEHICLE IMPOUND AMENDMENTS, was read the second time. Senator Reid 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
Adams  Bramble  Davis  Dayton
Hinkins  Jenkins  Jones  Knudson
Liljenquist  Mayne  McAdams  Morgan
Niederhauser  Okerlund  Reid  Robles
Romero  H. Stephenson  J. Stevenson  Stowell
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Buttars  Christensen  Hillyard  Madsen

* * *

H.B. 206, SPECIAL GROUP LICENSE PLATE AMENDMENTS, was read the second time. Senator Van Tassell explained the bill.

Senator McAdams proposed the following amendment:

1. Page 4, Lines 93 through 97b
   Senate Committee Amendments
   2–4–2011

   93  (ii) beginning on {–July 1, 2011 } January 1, 2012 , and for the issuance of a support special group license
   94  plate authorized in Section 41–1a–422, at least $500\leftarrow\rightarrow$ completed applications for the
   94a  new type of
   95  support special group license plate to be issued with all fees required under this part for the
   96  support special group license plate issuance paid by each applicant.
   97  (b) (i) Beginning on {–July 1, 2011 } January 1, 2012 , each participating organization shall collect and
   97a  hold applications for support special group license plates authorized in Section 41–1a–422 on or
   97b  after {–July 1, 2011 } January 1, 2012 , until it has received at least $500\leftarrow\rightarrow$ applications.

2. Page 4, Lines 97g through 99a
   a. Senate Committee Amendments
   b. 2–4–2011:
Beginning on July 1, 2011, January 1, 2012, the division may not work on the issuance or design of a new support special group license plate authorized in Section 41–1a–422 until the applications and fees required under this Subsection (2) have been received by the division.

The division shall begin issuance of a new support special group license plate authorized in Section 41–1a–422 on or after July 1, 2011, no later than six months after receiving the applications and fees required under this Subsection (2).

Beginning on July 1, 2011, if a support special group license plate type authorized in Section 41–1a–422 and issued prior to July 1, 2011, January 1, 2012, has less than 500 license plates issued each year for a three consecutive year time period that begins on July 1, the division may not issue that type of support special group license plate to a new applicant beginning on January 1 of the following calendar year after the three consecutive year period for which that
type of support special group license plate has less than 500 license plates issued

Each year

(4) (a) Beginning on July 1, 2011, if a support special group license plate type

authorized in Section 41–1a–122, has less than 500 license plates issued on or after July 1, 2011, January 1, 2012

Senator McAdams’ 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

Adams Bramble Davis Dayton
Hinkins Jenkins Jones Knudson
Liljenquist Mayne McAdams Niederhauser
Okerlund Reid Romero H. Stephenson
J. Stevenson Stowell Thatcher Urquhart
Valentine Van Tassell

Absent or not voting were: Senators

Buttars Christensen Hillyard Madsen
Morgan Robles Waddoups

On motion of Senator Jenkins, and at 11:45 a.m., the Senate recessed.
COMMUNICATIONS FROM THE HOUSE

Mr. President: February 16, 2011

The House passed, **S.B. 49**, OVERSIGHT OF BONDING BY COUNTIES, by Senator J. Stevenson, 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. 98**, SECURITIES RELATED AMENDMENTS, by Senator B. McAdams, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 104**, PROBATE LAW AMENDMENTS, by Senator J. Valentine, 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. 106**, SEXUAL EXPLOITATION AMENDMENTS, by Senator D. Hinkins, and it is transmitted for the signature of the President; and

The House passed, **S.B. 114**, MUNICIPAL PROSECUTORIAL DISCRETION, by Senator D. Thatcher, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 123**, RESTRICTIONS ON LOBBYING EXPENDITURES – PUBLIC EDUCATION, 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.C.R. 3**, CONCURRENT RESOLUTION SUPPORTING CONTINUED FEDERAL FUNDING OF THE CENTRAL UTAH PROJECT, 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, **S.J.R. 4**, JOINT RESOLUTION APPROVING SCENIC BYWAY CORRIDOR MANAGEMENT PLAN, 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

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.
Mr. President: February 16, 2011

The House adopted the Joint Conference Committee Report dated February 14, 2011, and passed **H.B. 23, CONTROLLED SUBSTANCE MODIFICATIONS**, by Representative G. Froerer, et al, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bill 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 16, 2011

The House passed, as amended, **H.B. 107, VOLUNTEER FIREFIGHTERS’ RETIREMENT AMENDMENTS**, by Representative R. Menlove, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bill was read the first time by short title and referred to the Rules Committee.

***

Mr. President: February 16, 2011

The House passed, as amended, **S.B. 24, MOTOR VEHICLE DIVISION FEE AMENDMENTS**, by Senator K. Van Tassell, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 126, LOCAL DISTRICT SERVICE AMENDMENTS**, by Senator J. S. Adams, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

***

Mr. President: February 16, 2011

The House refused to concur with the Senate Amendments to **1st Sub. H.B. 19, INSURANCE LAW RELATED AMENDMENTS**, by Representative J. Dunnigan, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Adams, the Senate voted to refuse to recede from its amendments to **1st Sub. H.B. 19**. President Waddoups appointed a conference
committee consisting of Senators Adams, Niederhauser, and Mayne to meet with a like committee from the House.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 16, 2011

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

Business and Labor Committee
1st Sub. H.B. 212 Charges by Health Providers for Medical Records (Rep. F. Gibson) (Sen. J. Valentine)

Education Committee

Government Operations and Political Subdivisions Committee

Health and Human Services Committee

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 60 Pilot Accountability Permit Program and Identity Related Amendments (Sen. L. Robles)
S.B. 238 Verification of Employment Status (Sen. D. Hinkins)
H.B. 266 Restitution Amendments (Rep. D. Clark) (Sen. S. Urquhart)
H.C.R. 1 Concurrent Resolution Urging Congress to Address Employment Related Child Identity Theft (Rep. S. Duckworth) (Sen. M. Madsen)

Transportation, Public Utilities and Technology Committee
1st Sub. H.B. 221 Classic Car Inspections (Rep. F. Cox) (Sen. K. Mayne)
H.B. 252  Railroad and Railroad Crossing Amendments  
(Rep. R. Greenwood) (Sen. J. Valentine)  

Margaret Dayton  
Rules Committee Chair  

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

STANDING COMMITTEE REPORTS  

Mr. President: February 16, 2011  
The Judiciary, Law Enforcement, and Criminal Justice Committee recommends S.B. 212, JUDICIAL EVALUATION AMENDMENTS, by Senator D. C. Buttars, be replaced and favorably recommends 1st Sub. S.B. 212, JUDICIAL EVALUATION AMENDMENTS with the following amendments:  

1. Page 16, Lines 483 through 486:  
483 (b) the judge receive a minimum score on the judicial performance survey as follows:  
484 (i) an average score of [at least a 3.0] no less than {−67%} 65% on [at least 80% of the  
485 questions, excluding litigant respondents, for questions scored on the numerical scale] each  
486 survey category as provided in Subsection 78A–12–204(7); and  

Mark B. Madsen, Chair  

Mr. President: February 16, 2011  
The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 85, LEGAL NOTICE AMENDMENTS, by Senator S. Urquhart, with the following amendments:  

1. Page 1, Lines 15 through 16:  
15 requires a newspaper that publishes a legal notice in the newspaper to publish the  
16 legal notice on a public legal notice website at no additional cost.  

2. Page 2, Lines 51 through 52:  
51 (e) “Public legal notice website” means the website described in Subsection (2)(b) for the
52 purpose of publishing a legal notice online.

3. Page 3, Lines 63 through 68:

63 [(B)] (b) on a public legal notice website established by the [collective combined efforts of
64 Utah’s newspapers[,] that collectively distribute newspapers to the majority of newspaper
65 subscribers in the state.
66 (3) The public legal notice website shall:
67 (a) be available for viewing and searching by the general public, free of charge; and
68 (b) accept legal notice posting from any newspaper in the state.

4. Page 3, Lines 85 through 88:

85 (5) If legal notice is required by law to be published in a newspaper, the newspaper:
86 (a) may not charge more for publication than the newspaper’s average advertisement
87 rate; and
88 (b) shall publish the legal notice on the public legal notice website at no additional cost.

5. Page 4, Lines 91 through 93:

91 (a) charge more than 50% of the newspaper’s average advertisement rate to publish
92 legal notice on the public legal notice website; or
93 (b) require the legal notice to be published in the newspaper.

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.C.R. 8, CONCURRENT RESOLUTION APPROVING SOLID WASTE FACILITY LANDFILL PERMIT, by Senator W. Niederhauser.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.
INTRODUCTION OF BILLS

S.B. 208, Construction Contract Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 216, Oversight of Public Funds (M. Madsen), was read the first time by short title and referred to the Rules Committee.

S.B. 262, Tobacco Products Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 270, Modifications to Sales and Use Tax (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

H.B. 64, HUMAN BLOOD PROCUREMENT AND USE, was read the second time. Senator Jones explained the bill. Senators Mayne and Niederhauser 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 Hillyard
Hinkins Jenkins Jones Knudson
Liljenquist Mayne McAdams Morgan
Niederhauser Okerlund Reid Robles
Romero J. Stevenson Thatcher Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Adams Bramble Buttars Madsen
H. Stephenson Stowell

* * *

H.B. 56, EXPUNGEMENT AMENDMENTS, was read the second time. Senator Hillyard 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
Adams Christensen Davis Dayton
Hillyard Hinkins Jenkins Jones
Absent or not voting were: Senators
Bramble            Buttars            Liljenquist       Madsen
H. Stephenson      Stowell

* * *

On motion of Senator Hillyard, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Hillyard, the circle was removed from S.B. 143, JUDICIARY AMENDMENTS, and it was before the Senate. 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
Adams            Christensen        Davis            Dayton
Hillyard         Hinkins            Jenkins          Jones
Knudson          Liljenquist        Madsen           Mayne
McAdams          Morgan             Niederhauser      Okerlund
Reid             Robles             Romero           H. Stephenson
J. Stevenson     Thatcher           Valentine        Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble            Buttars            Stowell           Urquhart

S.B. 143 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Dayton, H.B. 192, CONTROLLED SUBSTANCES ADVISORY COMMITTEE AMENDMENTS, was read the second time and circled.

* * *

2nd Sub. H.B. 46, COUNTY RECORDER AMENDMENTS, was read the second time. Senator Adams explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Adams Christensen Davis Dayton
Hillyard Hinkins Jenkins Jones
Knudson Liljenquist Madsen Mayne
McAdams Morgan Niederhauser Okerlund
Reid Robles Romero H. Stephenson
J. Stevenson Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble Buttars Stowell Thatcher

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On motion of Senator Dayton, H.B. 35, SALES AND USE TAX ACT REVISIONS, was read the second time and circled.

***

On motion of Senator Dayton, H.B. 211, COMMUNITY SERVICE MEDICAID PILOT PROGRAM, was read the second time and circled.

***

H.B. 214, CONCEALED FIREARM PERMIT FEES, was read the second time. Senator Madsen 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
Adams Christensen Davis Dayton
Hillyard Hinkins Jenkins Jones
Knudson Liljenquist Madsen Mayne
McAdams Morgan Niederhauser Okerlund
Reid Robles Romero H. Stephenson
J. Stevenson Thatcher Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Buttars Stowell
On motion of Senator Valentine, **H.B. 60**, PROHIBITING CONTRIBUTIONS DURING SPECIAL SESSION, was read the second time and circled.

**1st Sub. H.B. 208**, ADMINISTRATIVE SERVICES AMENDMENTS, was read the second time. Senator Mayne 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

Adams  Bramble  Christensen  Davis  
Dayton  Hilliard  Hinkins  Jenkins  
Jones  Knudson  Liljenquist  Madsen  
Mayne  McAdams  Morgan  Okerlund  
Reid  Robles  Romero  H. Stephenson  
J. Stevenson  Thatcher  Urquhart  Valentine  
Van Tassell  Waddoups

**Absent or not voting were:** Senators

Buttars  Niederhauser  Stowell

**2nd Sub. H.B. 18**, HEALTH REFORM – COST CONTAINMENT, was read the second time. Senator Liljenquist explained the bill.

Senator Liljenquist proposed the following amendment:

1. Page 3, Line 70  
   Senate Committee Amendments  
   2–9–2011  
   70  (A) before Š→ [June 30, 2011] the end of the 2011 open enrollment period Š← for current enrollees

Senator Liljenquist’s motion to amend passed on a voice vote. Senators Niederhauser, Davis, Jones, and Okerlund commented. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 2; Absent, 3.**
Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dayton
Hillyard  Hinkins  Jenkins  Jones
Knudson  Liljenquist  Madsen  Mayne
McAdams  Morgan  Niederhauser  Okerlund
Reid  Robles  H. Stephenson  J. Stevenson
Urquhart  Valentine  Van Tassell  Waddoups

Voting in the negative were: Senators
Davis  Romero

Absent or not voting were: Senators
Buttars  Stowell  Thatcher

***

On motion of Senator Bramble, the circle was removed from H.B. 211, COMMUNITY SERVICE MEDICAID PILOT PROGRAM, and it was before the Senate. Senator Bramble explained the bill. Senators Robles, Valentine, Jones, Romero, Davis, Mayne, Madsen, Morgan, and Jenkins commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dayton
Hillyard  Hinkins  Jenkins  Knudson
Liljenquist  Madsen  Mayne  Morgan
Okerlund  Reid  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Voting in the negative were: Senators
Davis  Jones  McAdams  Robles
Romero

Absent or not voting were: Senators
Buttars  Niederhauser

***

H.B. 198, TOBACCO RELATED PENALTY 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
Bramble Christensen Davis Dayton
Hillyard Hinkins Jenkins Jones
Knudson Liljenquist Madsen Mayne
McAdams Morgan Okerlund Reid
Robles Romero H. Stephenson J. Stevenson
Stowell Thatcher Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Adams Buttars Niederhauser

***

H.B. 201, TOBACCO LICENSING AMENDMENTS, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Christensen Davis Dayton Hillyard
Hinkins Jenkins Jones Knudson
Liljenquist Madsen Mayne McAdams
Morgan Okerlund Reid Robles
Romero H. Stephenson J. Stevenson Stowell
Thatcher Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Adams Bramble Buttars Niederhauser
Urquhart

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On motion of Senator Hinkins, H.B. 193, PUBLIC HIGHWAY DESIGNATION, was read the second time and circled.

***

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

The Senate was called to order at 3:50 p.m., with President Waddoups presiding.
SECOND READING CALENDAR

On motion of Senator Dayton, 1st Sub. H.B. 32, CAMPAIGN AND FINANCIAL REPORTING AMENDMENTS, was read the second time and circled.

***

On motion of Senator Niederhauser, H.B. 203, CODIFICATION OF STATE CONSTRUCTION AND FIRE CODES, was read the second time and circled.

***

On motion of Senator Niederhauser, H.B. 52, LIMITATION OF ACTIONS – CRIMINAL OFFENSES, was read the second time and circled.

***

On motion of Senator Valentine, the circle was removed from H.B. 60, PROHIBITING CONTRIBUTIONS DURING SPECIAL SESSION, and it was before the Senate. Senator Valentine 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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<th>Christensen</th>
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**Absent or not voting were:** Senators

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H.B. 202, DEATH PENALTY PROCEDURES 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
Adams Christensen Davis Dayton
Hillyard Hinkins Jenkins Jones
Knudson Liljenquist Madsen Mayne
McAdams Morgan Niederhauser Okerlund
Reid Romero J. Stevenson Stowell
Thatcher Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble Buttars Robles H. Stephenson

* * *

H.B. 10, RENEWAL OF JUDGMENT ACT, was read the second time. Senator Niederhauser explained the bill. 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
Adams Christensen Davis Dayton
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne McAdams
Morgan Niederhauser Okerlund Reid
Robles Romero H. Stephenson J. Stevenson
Stowell Thatcher Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Buttars Liljenquist

* * *

H.B. 71, VICTIM RIGHTS AMENDMENTS was read the second time. Senator Stevenson 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
Adams Christensen Davis Dayton
Hinkins Jenkins Jones Knudson
Madsen Mayne McAdams Morgan
H.B. 31, RESTORATION OF THE RIGHT TO VOTE AND HOLD ELECTIVE OFFICE, was read the second time. Senator Knudson explained the bill. Senator Thatcher commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators  
Adams  Christensen  Davis  Dayton  
Hinkins  Jones  Knudson  Liljenquist  
Madsen  Mayne  McAdams  Morgan  
Niederhauser  Okerlund  Reid  Robles  
Romero  H. Stephenson  J. Stevenson  Stowell  
Thatcher  Urquhart  Valentine  Van Tassell  
Waddoups

**Voting in the negative was:** Senator  
Jenkins

**Absent or not voting were:** Senators  
Bramble  Butts  Hillyard  

* * *

On motion of Senator Niederhauser, H.B. 33, ELECTION LAW REVISIONS, was read the second time and circled.

* * *

On motion of Senator Niederhauser, H.B. 248, COUNTY OFFICE VACANCIES, was read the second time and circled.

* * *

H.B. 196, CONTINUING EDUCATION REQUIREMENTS FOR LANDSCAPE ARCHITECTS, 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
Adams  Bramble  Christensen  Davis
Dayton  Hinkins  Jenkins  Jones
Knudson  Liljenquist  Mayne  McAdams
Morgan  Niederhauser  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Buttars  Hillyard  Madsen  Stowell

* * *

H.B. 237, ENFORCEMENT OF LIENS, was read the second time. Senator Adams 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
Adams  Bramble  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Robles  Romero
H. Stephenson  J. Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Buttars  Stowell

* * *

On motion of Senator Bramble, the circle was removed from H.B. 28, PENALTIES FOR UNAUTHORIZED USE OF RECORDS, and it was before the Senate. Senator Bramble explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
**Absent or not voting were:** Senators
 Buttars Jones Niederhauser Thatcher

* * *

On motion of Senator Adams, the circle was removed from **H.B. 52**, LIMITATION OF ACTIONS – CRIMINAL OFFENSES, and it was before the Senate. Senator Adams 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
 Adams Bramble Christensen Davis
 Dayton Hillyard Hinkins Jenkins
 Knudson Liljenquist Madsen Mayne
 McAdams Morgan Okerlund Reid
 Robles Romero H. Stephenson J. Stevenson
 Stowell Urquhart Valentine Van Tassell
 Van Tassell Waddoups

**Absent or not voting were:** Senators
 Buttars Jones Niederhauser

* * *

On motion of Senator Adams, the circle was removed from **H.B. 203**, CODIFICATIONS OF STATE CONSTRUCTION AND FIRE CODES, and it was before the Senate. Senator Adams 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
 Adams Bramble Christensen Davis
 Dayton Hillyard Hinkins Jenkins
 Knudson Liljenquist Madsen Mayne
 McAdams Morgan Okerlund Reid
 Robles Romero H. Stephenson J. Stevenson
 Stowell Thatcher Urquhart Valentine
 Van Tassell Waddoups
S.B. 146, IMPACT FEE AMENDMENTS, was read the first and second time. Senator Stevenson explained the bill.

Senator Stevenson proposed the following amendment:

1. Page 37, Line 1134

   1134   (3) (a) Subject to the time limitations described in Section
   {−47 }  11   −36a–702 and procedures

Senator Stevenson’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**

| Buttars | Jones | Niederhauser | Robles |

* * *

S.J.R. 12, JOINT RESOLUTION – IMMIGRATION, was read the second time. Senator Reid 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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* * *
On motion of Senator Stevenson, the circle was removed from S.B. 50, ENHANCED PENALTIES FOR HIV POSITIVE OFFENDER AMENDMENTS, and it was before the Senate. Senator Stevenson explained the bill.

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

1st Sub. S.B. 50 Enhanced Penalties for HIV Positive Offender Amendments (J. Stevenson)

The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Christensen Davis
Dayton Hillyard Hinkins Jenkins
Knudson Liljenquist Madsen Mayne
McAdams Morgan Niederhauser Okerlund
Reid Robles Romero H. Stephenson
J. Stevenson Stowell Thatcher Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Jones

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S.B. 132, SALES AND USE TAX EXEMPTION FOR AN ENERGY EFFICIENT STOVE OR ENERGY EFFICIENT STOVE FUEL, was read the second time. Senator Davis explained the bill. Senator Christensen commented. The bill passed second reading on the following roll call:
Yeas, 25; Nays, 3; Absent, 1.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis  
Hillyard  Hinkins  Jones  Knudson  
Liljenquist  Madsen  Mayne  McAdams  
Morgan  Niederhauser  Okerlund  Reid  
Robles  Romero  J. Stevenson  Stowell  
Thatcher  Urquhart  Valentine  Van Tassell  
Waddoups

Voting in the negative were: Senators
Dayton  Jenkins  H. Stephenson

Absent or not voting was: Senator
Buttars

* * *

S.B. 63, K–3 READING IMPROVEMENT PROGRAM ACCOUNTABILITY, was read the second time. Senator Morgan explained the bill.

Senator Morgan proposed the following amendment:

1. Page 4, Line 115 through Page 5, Line 126

   115 (12) (a) [Each] A school district [and] or charter school shall use program [monies]
   116 money for reading proficiency improvement in grades kindergarten through grade three {→
   117 (b) A school district or charter school may use program money for: } , including:
   118 (i) reading assessments; and
   119 (ii) focused reading remediations that may include:
   120 (A) the use of reading specialists;
   121 (B) tutoring;
   122 (C) before or after school programs;
   123 (D) summer school programs; or
(E) the use of reading software {– technology }.

{[b] (b) [c] Program [monies] money may not be used to supplant funds for existing programs, but may be used to augment existing programs.

2. Page 5, Lines 130 through 132:

(b) On or before the November meeting of the Education Interim Committee of each year, the State Board of Education shall report a summary of the reading improvement program expenditures of each school district and charter school.

Senator Morgan’s motion to amend passed on a voice vote. Senators Stephenson 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

Christensen  Davis  Dayton  Hillyard
Hinkins  Jenkins  Jones  Knudson
Liljenquist  Madsen  Mayne  McAdams
Morgan  Niederhauser  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

**Absent or not voting were:** Senators

Adams  Bramble  Buttars

***

On motion of Senator Dayton, **S.B. 147**, FORGERY LAW AMENDMENTS, was read the second time and circled.

***

**S.B. 45**, WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES, was read the second time. Senator Romero explained the bill. Senator Niederhauser commented. The bill passed second reading on the following roll call:
Yeas, 20; Nays, 7; Absent, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Hillyard  Hinkins  Jones  Knudson
Madsen  Mayne  McAdams  Morgan
Niederhauser  Okerlund  Reid  Robles
Romero  J. Stevenson  Urquhart  Van Tassell

Voting in the negative were: Senators
Dayton  Jenkins  Liljenquist  H. Stephenson
Stowell  Thatcher  Waddoups

Absent or not voting were: Senators
Buttars  Valentine

* * *

On motion of Senator Niederhauser, the circle was removed from H.B. 33, ELECTION LAW REVISIONS, and it was before the Senate. Senator Niederhauser explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Madsen
Mayne  Morgan  Niederhauser  Okerlund
Reid  Romero  H. Stevenson  J. Stevenson
Stowell  Thatcher  Urquhart  Van Tassell
Waddoups

Absent or not voting were: Senators
Buttars  McAdams  Robles  Valentine

* * *

On motion of Senator Jenkins and at 5:05 p.m., the Senate adjourned until 9:30 a.m., Thursday, February 17, 2011.
The Senate was called to order at 9:30 a.m., with President Michael Waddoups presiding.

Prayer – Leslie McLean
Pledge of Allegiance – Senator Chris Buttars
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, Page 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 16, 2011

The House passed, as substituted and amended, 1st Sub. H.B. 74, MUNICIPAL JUSTICE COURT JUDGE ELECTIONS, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed, as amended, H.B. 83, CHARTER SCHOOL REVOLVING ACCOUNT, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as substituted, 2nd Sub. H.B. 84, OFFICE OF INSPECTOR GENERAL OF MEDICAID SERVICES, by Representative D. Clark, and it is transmitted for consideration; and

The House passed H.B. 262, DIVIDED SCHOOL DISTRICT ASSETS AND LIABILITIES, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.C.R. 3, CONCURRENT RESOLUTION URGING CONGRESS TO PASS BALANCED BUDGET AMENDMENT TO U.S. CONSTITUTION, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed, as amended, H.C.R. 5, PATIENT AND SAFETY–CENTERED PRESCRIPTION LABELS CONCURRENT RESOLUTION, by Representative M. Poulson, and it is transmitted for consideration; and
The House passed, as substituted and amended, 4th Sub. H.J.R. 12, JOINT RESOLUTION ON JOINT RULES CHANGES, by Representative W. Harper, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

* * *

Mr. President: February 16, 2011

The Speaker of the House has appointed a Conference Committee consisting of Representatives J. Dunnigan, T. Kiser, and J. Biskupski to meet with a like committee from the Senate to consider or amend 1st Sub. H.B. 19, INSURANCE LAW RELATED AMENDMENTS, by Representative J. Dunnigan.

Sandy D. Tenney, Chief Clerk

INTRODUCTION OF BILLS

S.B. 77, Ignition Interlock System Amendments (J. Valentine), was read the first time by short title and referred to the Rules Committee.

S.B. 198, Division of Housing and Community Development Amendments (S. Jenkins), was read the first time by short title and referred to the Rules Committee.

S.B. 204, Capital Development and Improvement Process Approval Requirements Amendments (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

S.B. 248, Controlled Substance Database Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 251, Lobbyist Training (M. Waddoups), was read the first time by short title and referred to the Rules Committee.

S.B. 276, Personal Property Audits (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

S.J.R. 24, Joint Resolution Supporting Expansion of Correctional Facilities in San Juan County (D. Hinkins), was read the first time by short title and referred to the Rules Committee.
CONSENT CALENDAR

2nd Sub. H.B. 207, JUVENILE AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Butters Christensen Dayton
Hillyard Hinkins Jones Knudson
Liljenquist Mayne McAdams Morgan
Niederhauser Okerlund Reid Robles
Romero H. Stephenson J. Stevenson Stowell
Thatcher Urquhart Valentine Waddoups

Absent or not voting were: Senators
Adams Davis Jenkins Madsen
Van Tassell

2nd Sub. H.B. 207 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, WATER DEVELOPMENT AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Buttars Christensen Davis
Dayton Hinkins Jones Knudson
Liljenquist Mayne McAdams Niederhauser
Okerlund Reid Robles Romero
H. Stephenson J. Stevenson Stowell Thatcher
Urquhart Valentine Waddoups

Absent or not voting were: Senators
Bramble Hillyard Jenkins Madsen
Morgan Van Tassell

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.C.R. 4, WILD HORSE AND BURRO ADVISORY BOARD CONCURRENT RESOLUTION, was read the third time, explained by Senator Okerlund, 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.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.

**S.B. 92, PRIVATE SECURITY SERVICES, 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

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**Absent or not voting were:** Senators

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S.B. 92 was transmitted to the House for consideration.
1st Sub. H.B. 40, BONDING REQUIREMENTS FOR GOVERNMENT OFFICERS AND EMPLOYEES, 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
Adams Buttars Christensen Davis
Dayton Hinkins Jones Knudson
Liljenquist Mayne Niederhauser Okerlund
Reid Robles Romero H. Stephenson
J. Stevenson Stowell Thatcher Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Hillyard Jenkins Madsen
McAdams Morgan

1st Sub. 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.

* * *

1st Sub. H.B. 190, DELINQUENT 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
Adams Bramble Buttars Christensen
Davis Dayton Hinkins Jones
Knudson Liljenquist Mayne Morgan
Niederhauser Okerlund Reid Robles
Romero H. Stephenson J. Stevenson Stowell
Thatcher Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Hillyard Jenkins Madsen McAdams

1st Sub. H.B. 190 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 Van Tassell, the Senate voted to concur in the House amendments to S.B. 24, MOTOR VEHICLE DIVISION FEE AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jones Knudson Liljenquist Mayne
Morgan Niederhauser Okerlund Reid
Robles Romero H. Stephenson J. Stevenson
Stowell Thatcher Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Jenkins Madsen McAdams

S.B. 24 was returned to the House for the signature of the Speaker.

***

On motion of Senator Adams, the Senate voted to concur in the House amendments to S.B. 126, LOCAL DISTRICT SERVICE AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jenkins Jones Knudson Liljenquist
Mayne McAdams Morgan Niederhauser
Okerlund Reid Robles Romero
H. Stephenson J. Stevenson Stowell Thatcher
Urquhart Valentine Van Tassell Waddoups

Absent or not voting was: Senator
Madsen

S.B. 126 was returned to the House for the signature of the Speaker.
THIRD READING CALENDAR

1st Sub. H.B. 34, DEPARTMENT OF TRANSPORTATION SETTLEMENT AGREEMENT 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
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Hinkins
Jones  Knudson  Liljenquist  Mayne
McAdams  Morgan  Niederhauser  Okerlund
Reid  Robles  Romero  H. Stephenson
J. Stevenson  Stowell  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Jenkins  Madsen

1st Sub. 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. 45, VEHICLE IMPOUND AMENDMENTS, was read the third time, explained by Senator Reid, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Hinkins
Jenkins  Jones  Knudson  Liljenquist
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Robles  Romero
H. Stephenson  J. Stevenson  Stowell  Thatcher
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting was: Senator
Madsen

H.B. 45, as amended, was returned to the House for further consideration.
H.B. 206, SPECIAL GROUP LICENSE PLATE 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

- Adams
- Bramble
- Buttars
- Christensen
- Davis
- Dayton
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Liljenquist
- Mayne
- McAdams
- Morgan
- Niederhauser
- Okerlund
- Reid
- Robles
- Romero
- H. Stephenson
- J. Stevenson
- Stowell
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting was:** Senator

- Madsen

H.B. 206, as amended, was returned to the House for further consideration.

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H.B. 64, HUMAN BLOOD PROCUREMENT AND USE, was read the third time, explained by Senator Jones, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Buttars
- Christensen
- Davis
- Dayton
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Liljenquist
- Mayne
- McAdams
- Morgan
- Niederhauser
- Okerlund
- Reid
- Robles
- Romero
- H. Stephenson
- J. Stevenson
- Stowell
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting was:** Senator

- Madsen

H.B. 64 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
H.B. 56, EXPUNGEMENT AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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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 McAdams, 2nd Sub. H.B. 46, COUNTY RECORDER AMENDMENTS, was read the third time and circled.**

**On motion of Senator Dayton, H.B. 214, CONCEALED FIREARM PERMIT FEES, was read the third time and circled.**

**1st Sub. H.B. 208, ADMINISTRATIVE SERVICES AMENDMENTS, was read the third time, explained by Senator Mayne, and passed on the following roll call:**

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

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<td>McAdams</td>
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Absent or not voting were: Senators
Adams Bramble Madsen Niederhauser
H. Stephenson J. Stevenson Valentine

1st Sub. H.B. 208, as amended, was returned to the House for further consideration.

* * *

2nd Sub. H.B. 18, HEALTH REFORM – COST CONTAINMENT, 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
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jenkins Jones Knudson Liljenquist
Mayne McAdams Morgan Niederhauser
Okerlund Reid Robles Romero
H. Stephenson J. Stevenson Stowell Thatcher
Urquhart Van Tassell

Absent or not voting were: Senators
Madsen Valentine Waddoups

2nd Sub. H.B. 18, as amended, was returned to the House for further consideration.

* * *

H.B. 211, COMMUNITY SERVICE MEDICAID PILOT PROGRAM, was read the third time and explained by Senator Bramble. Senator Buttars commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Dayton Hillyard Hinkins Jenkins
Voting in the negative were: Senators
Davis Robles Romero

Absent or not voting was: Senator
Valentine

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.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 17, 2011

The House passed H.C.R. 11, CONCURRENT RESOLUTION RECOGNIZING 100TH ANNIVERSARY OF SALT LAKE ROTARY, by Representative P. Arent, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bill was read the first time by short title and referred to the Rules Committee.

TIME CERTAIN CALENDAR

On motion of Senator Bramble, under suspension of the rules, S.C.R. 6, CONCURRENT RESOLUTION HONORING THE SORENSON LEGACY FOUNDATION, was considered read the second and third times. Senator Bramble explained the bill. Senators Valentine, Hillyard, Jones, Christensen, Morgan, Buttars, Urquhart, Dayton, Robles and Waddoups commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jenkins Jones Knudson Liljenquist
Madsen Mayne McAdams Morgan
Niederhauser Okerlund Reid Robles
Romero J. Stevenson Stowell Thatcher
Urquhart Valentine Van Tassell Waddoups
Absent or not voting was: Senator H. Stephenson

S.C.R. 6 was transmitted to the House.

***

On motion of Senator Knudson, under suspension of the rules, the Senate voted to lift H.C.R. 11, CONCURRENT RESOLUTION RECOGNIZING 100TH ANNIVERSARY OF SALT LAKE ROTARY, 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.C.R. 11, CONCURRENT RESOLUTION RECOGNIZING 100TH ANNIVERSARY OF SALT LAKE ROTARY, 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

Adams Christensen Davis Dayton
Hinkins Jenkins Jones Knudson
Liljenquist Madsen Mayne McAdams
Morgan Niederhauser Okerlund Reid
Robles Romero H. Stephenson J. Stevenson
Stowell Van Tassell Waddoups

Absent or not voting were: Senators

Bramble Buttars Hillyard Thatcher
Urquhart Valentine

H.C.R. 11 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. 198, TOBACCO RELATED PENALTY AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.
Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Robles  Romero
H. Stephenson  J. Stevenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Hillyard  Thatcher

H.B. 198, as amended, was returned to the House for further consideration.

***

H.B. 201, TOBACCO LICENSING AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Buttars  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Robles  Romero
J. Stevenson  Stowell  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Bramble  H. Stephenson

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

***

H.B. 60, PROHIBITING CONTRIBUTIONS DURING SPECIAL SESSION, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.
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**Absent or not voting were: Senators**

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<th>Christensen</th>
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**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.

***

**H.B. 202, DEATH PENALTY PROCEDURES AMENDMENTS**, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

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**Absent or not voting were: Senators**

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**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.

***

**H.B. 28, PENALTIES FOR UNAUTHORIZED USE OF RECORDS**, was read the third time.

On motion of Senator Bramble, the following substitute bill replaced the original bill:
1st Sub. H.B. 28 Penalties for Unauthorized Use of Records
(R. Greenwood)

On motion of Senator Bramble, the bill was circled.

***

H.B. 10, RENEWAL OF JUDGMENT ACT, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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<th>Madsen</th>
<th>Mayne</th>
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H.B. 10, as amended, was returned to the House for further consideration.

***

On motion of Senator Stevenson, H.B. 71, VICTIM RIGHTS AMENDMENTS, was read the third time and circled.

***

H.B. 31, RESTORATION OF THE RIGHT TO VOTE AND HOLD ELECTIVE OFFICE, was read the third time, explained by Senator Knudson, and passed 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
Jenkins  Thatcher

Absent or not voting were: Senators
Dayton  Hillyard  Madsen  Mayne
H. Stephenson  Waddoups

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.

* * *

H.B. 196, CONTINUING EDUCATION REQUIREMENTS FOR LANDSCAPE ARCHITECTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Christensen  Davis  Hinkins
Jones  Knudson  Liljenquist  Mayne
McAdams  Morgan  Niederhauser  Okerlund
Reid  Robles  Romero  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Voting in the negative were: Senators
Buttars  Dayton  Jenkins  Madsen
H. Stephenson

Absent or not voting were: Senators
Bramble  Hillyard

H.B. 196 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 237, ENFORCEMENT OF LIENS, was read the third time and explained by Senator Adams.

Senator Adams proposed the following amendment:

1. Page 1, Lines 12 through 14
12 requires a notice of a lien enforcement action involving the sale of a {motor vehicle, 
13 vessel, {or} outboard motor, or aircraft} to be sent to the 
last known address of the registered 
14 owner and lienholder, as disclosed by the records of the Motor 
Vehicle Division.

2. Page 2, Lines 33 through 35 
Senate Committee Amendments 
2–14–2011:

33 occupant[, and a]. If the property to be sold in an enforcement 
action includes a {motor vehicle, 
34 vessel, {or} outboard motor, as those terms are 
defined in Section 41–1a–102, or an aircraft as defined in Section 
72–10–102, the notice shall also be delivered to the last known address 
of the 
35 registered owner and any {lienholder} lienholder, as disclosed by the records of the Motor Vehicle

Senator Adams’ 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
Adams Buttars Christensen Davis
Dayton Hinkins Jenkins Jones
Knudson Madsen Mayne McAdams
Morgan Niederhauser Okerlund Reid
Robles Romero H. Stephenson J. Stevenson
Stowell Thatcher Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Hillyard Liljenquist

H.B. 237, as amended, was returned to the House for further consideration.

* * *

H.B. 52, LIMITATIONS OF ACTIONS – CRIMINAL OFFENSES, was read 
the third time, explained by Senator Adams, and passed on the following roll call:
Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

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H.B. 52 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 203, CODIFICATION OF STATE CONSTRUCTION AND FIRE CODES, was read the third time, explained by Senator Adams, 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 Hinkins

H.B. 203, as amended, was returned to the House for further consideration.

***

S.B. 146, IMPACT FEE AMENDMENTS, was read the third time, explained by Senator Stevenson, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.
Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jones Knudson Liljenquist Madsen
Mayne McAdams Morgan Okerlund
Reid Robles Romero H. Stephenson
J. Stevenson Stowell Thatcher Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Jenkins Niederhauser

S.B. 146 was transmitted to the House for consideration.

* * *

S.J.R. 12, JOINT RESOLUTION – IMMIGRATION, was read the third time, explained by Senator Reid, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Buttars Davis Dayton
Hillyard Hinkins Jenkins Jones
Knudson Liljenquist Madsen Morgan
Okerlund Reid Robles Romero
H. Stephenson J. Stevenson Stowell Thatcher
Urquhart Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Adams Christensen Mayne McAdams
Niederhauser

S.J.R. 12 was transmitted to the House for consideration.

* * *

On motion of Senator Madsen, the circle was removed from H.B. 214, CONCEALED FIREARM PERMIT FEES, 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
Bramble Buttars Christensen Davis
Dayton Hillyard Hinkins Jenkins

Jones  Knudson  Liljenquist  Madsen
McAdams  Morgan  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Adams  Mayne  Niederhauser

H.B. 214 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. 50, ENHANCED PENALTIES FOR HIV POSITIVE OFFENDER AMENDMENTS, was read the third time, explained by Senator Stevenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble  Buttars  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Madsen  McAdams
Morgan  Okerlund  Reid  Robles
Romero  H. Stephenson  J. Stevenson  Stowell
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Adams  Liljenquist  Mayne  Niederhauser

1st Sub. S.B. 50 was transmitted to the House for consideration.

* * *

S.B. 132, SALES AND USE TAX EXEMPTION FOR AN ENERGY EFFICIENT STOVE OR ENERGY EFFICIENT STOVE FUEL, was read the third time, explained by Senator Davis, and passed on the following roll call:

Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators
Bramble  Buttars  Christensen  Davis
Hillyard  Hinkins  Jones  Knudson
Voting in the negative were: Senators
Dayton Jenkins Madsen H. Stephenson

Absent or not voting were: Senators
Adams Mayne Niederhauser

S.B. 132 was transmitted to the House for consideration.

* * *

S.B. 63, K–3 READING IMPROVEMENT PROGRAM ACCOUNTABILITY, was read the third time. Senators Stephenson and Romero commented.

On motion of Senator Stephenson, the bill was circled.

* * *

S.B. 45, WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES, was read the third time and explained by Senator Romero. Senator Thatcher commented and the bill passed on the following roll call:

Yeas, 21; Nays, 4; Absent, 4.

Voting in the affirmative were: Senators
Bramble Christensen Davis Hillyard
Hinkins Jones Knudson Madsen
Mayne McAdams Morgan Niederhauser
Okerlund Reid Robles Romero
J. Stevenson Stowell Urquhart Van Tassell
Waddoups

Voting in the negative were: Senators
Dayton Jenkins H. Stephenson Thatcher

Absent or not voting were: Senators
Adams Buttars Liljenquist Valentine

S.B. 45 was transmitted to the House for consideration.
On motion of Senator Niederhauser, 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: February 17, 2011

The Speaker of the House has signed **S.B. 126**, LOCAL DISTRICT SERVICE AMENDMENTS, by Senator J. S. Adams, and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 1**, CRISIS INTERVENTION TEAM PROGRAM CONCURRENT RESOLUTION, by Senator P. Jones, 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. 24**, MOTOR VEHICLE DIVISION FEE AMENDMENTS, by Senator K. Van Tassell, and it is transmitted for the signature of the President; and

The House passed, **S.B. 47**, DRIVER LICENSE AND IDENTIFICATION CARD 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

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

Mr. President: February 16, 2011

The House passed, as substituted and amended, **1st Sub. H.B. 75**, DANGEROUS WEAPON AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 80**, EMERGENCY MANAGEMENT, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 88**, AGRICULTURE SUSTAINABILITY TASK FORCE, by Representative J. Draxler, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 178**, DISPATCHER SERVICE AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed **H.J.R. 19**, JOINT RESOLUTION OPPOSING THE ENVIRONMENTAL PROTECTION AGENCY’S REGULATION OF GREENHOUSE GASES, by Representative R. Barrus, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

The bills were considered read for the first time by short title and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 17, 2011

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

**Business and Labor Committee**

**H.B. 175** Condominium Ownership Act Modifications  
(Rep. R. Wilcox) (Sen. J. S. Adams)

**S.B. 208** Construction Contract Amendments (Sen. C. Bramble)

**Education Committee**

**H.B. 83** Charter School Revolving Account (Rep. G. Hughes)  
(Sen. W. Niederhauser)

**Government Operations and Political Subdivisions Committee**

**S.B. 204** Capital Development and Improvement Process Approval Requirements Amendments (Sen. J. S. Adams)

**S.B. 216** Oversight of Public Funds (Sen. M. Madsen)

**H.B. 262** Divided School District Assets and Liabilities  

**1st Sub. H.C.R. 3** Concurrent Resolution Urging Congress to Pass Balanced Budget Amendment to U.S. Constitution  
(Rep. C. Wimmer) (Sen. M. Madsen)

(Sen. M. Dayton)
Health and Human Services Committee

H.C.R. 5  Patient and Safety–centered Prescription Labels
Concurrent Resolution (Rep. M. Poulson)
(Sen. A. Christensen)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 248  Controlled Substance Database Amendments
(Sen. C. Bramble)

S.J.R. 24  Joint Resolution Supporting Expansion of Correctional
Facilities in San Juan County (Sen. D. Hinkins)

1st Sub. H.B. 74  Municipal Justice Court Judge Elections

S.B. 57  Animal Control – Exception for Community Cat
Management Initiative (Sen. D. Stowell)

Retirement and Independent Entities Committee

H.B. 107  Volunteer Firefighters’ Retirement Amendments
(Rep. R. Menlove) (Sen. D. Liljenquist)

Revenue and Taxation Committee

S.B. 270  Modifications to Sales and Use Tax (Sen. J. S. Adams)

S.B. 276  Personal Property Audits (Sen. R. Okerlund)

Transportation, Public Utilities and Technology Committee

S.B. 77  Ignition Interlock System Amendments
(Sen. J. Valentine)

H.B. 184  Motor and Special Fuel Tax Act Amendments
(Rep. C. Herrod) (Sen. W. Niederhauser)

Workforce Services and Community and Economic Development
Committee

S.B. 198  Division of Housing and Community Development
Amendments (Sen. S. Jenkins)

S.B. 251  Lobbyist Training (Sen. M. Waddoups)

Margaret Dayton
Rules Committee Chair

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

S.B. 210, Utah Postsecondary Proprietary School Act Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 313, Prostate Cancer Special Group License Plate (B. McAdams), was read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

H.B. 33, ELECTION LAW REVISIONS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 21; Nays, 0;Absent, 8.

Voting in the affirmative were: Senators

Adams  Buttars  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Liljenquist  McAdams
Niederhauser  Okerlund  Reid  Romero
Stowell  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators

Bramble  Madsen  Mayne  Morgan
Robles  H. Stephenson  J. Stevenson  Thatcher

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.

* * *

On motion of Senator Adams, the circle was removed from 2nd Sub. H.B. 46, COUNTY RECORDER AMENDMENTS, and it was before the Senate.

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

3rd Sub. H.B. 46 County Recorder Amendments (Julie Fisher)

The bill passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.
Voting in the affirmative were: Senators
Adams  Buttars  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Mayne
McAdams  Niederhauser  Okerlund  Reid
Robles  Romero  H. Stephenson  Stowell
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Bramble  Madsen  Morgan  J. Stevenson
Thatcher

3rd Sub. H.B. 46, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Niederhauser, H.B. 78, DEVELOPER FEES, was read the second time and circled.

***

On motion of Senator Adams, H.B. 243, OCCUPATIONS AND PROFESSIONS AMENDMENTS, was read the second time and circled.

***

On motion of Senator Bramble, 2nd Sub. H.B. 13, IMMUNIZATIONS FOR TEEN MOTHERS, was read the second time and circled.

***

On motion of Senator Jenkins, 1st Sub. H.B. 66, HEALTH PROFESSIONAL AUTHORITY − DEATH CERTIFICATES, was read the second time and circled.

***

On motion of Senator Valentine, H.B. 204, PROTECTION OF ATHLETES WITH HEAD INJURIES, was read the second time and circled.

***

On motion of Senator Buttars, H.B. 240, SOCIAL SERVICES − EMPLOYMENT FIRST PRIORITY, was read the second time and circled.
H.B. 238, RADIOLOGIC TECHNOLOGIST AND RADIOLOGY PRACTICAL TECHNICIAN LICENSING ACT, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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On motion of Senator Bramble, the circle was removed from 2nd Sub. H.B. 13, IMMUNIZATIONS FOR TEEN MOTHERS, and it was before the Senate. 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

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On motion of Senator Adams, the circle was removed from H.B. 243, OCCUPATIONS AND PROFESSIONS AMENDMENTS, and it was before the
Senate. Senator Adams 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

| Liljenquist| Madsen | Niederhauser | Thatcher |

* * *

**H.J.R. 10, RULES RESOLUTION ON ELECTRONIC MEETINGS,** was read the second time. Senator Bramble explained the bill. Senators Dayton, Hillyard, Stephenson, Van Tassell, and Romero commented. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 3; Absent, 3.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

| Dayton | Morgan | Romero |

**Absent or not voting were:** Senators

| Liljenquist| Madsen | Robles |

* * *

On motion of Senator Buttars, the circle was removed from **H.B. 240, SOCIAL SERVICES – EMPLOYMENT FIRST PRIORITY,** and it was before the
Senate. Senator Buttars explained the bill. Senator Reid declared a conflict of interest. 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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**1st Sub. H.B. 17,** ENTERPRISE ZONE AMENDMENTS, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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On motion of Senator Stowell, **1st Sub. H.B. 17** was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Valentine, the circle was removed from **H.B. 204,** PROTECTION OF ATHLETES WITH HEAD INJURIES, and it was before the
Senate. Senator Valentine explained the bill. The bill passed on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

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**S.B. 64, WORKERS’ COMPENSATION FUND SUBSIDIARY AMENDMENTS,** was read the second time. Senator Adams explained the bill. The bill passed second reading on the following roll call:

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

**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. 87, MARKETABLE RECORD TITLE AMENDMENTS,** was read the second time. Senator Reid 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
Adams Buttars Dayton Hillyard
Jenkins Jones Knudson Mayne
McAdams Morgan Niederhauser Okerlund
Reid Robles Romero J. Stevenson
Stowell Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Christensen Davis Hinkins
Liljenquist Madsen H. Stephenson Thatcher
Urquhart

***

On motion of Senator Niederhauser, S.B. 89, HOMEOWNER ASSOCIATION RESERVE ACCOUNT, was read the second time and circled.

***

1st Sub. S.B. 113, ELECTION DISTRICT BOUNDARIES, was read the second time.

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

3rd Sub. S.B. 113 Election District Boundaries (J. Valentine)

Senator Valentine 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
Adams Bramble Buttars Davis
Dayton Hillyard Hinkins Jenkins
Jones Knudson Mayne McAdams
Morgan Niederhauser Okerlund Reid
Robles Romero H. Stephenson J. Stevenson
Stowell Valentine Van Tassell

Voting in the negative were: Senators
Christensen Waddoups
Absent or not voting were: Senators
Liljenquist    Madsen    Thatcher    Urquhart

* * *

On motion of Senator Niederhauser, the circle was removed from H.B. 78, DEVELOPER FEES, and it was before the Senate. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Adams    Bramble    Christensen    Davis
Dayton    Hillyard    Hinkins    Jenkins
Jones    Knudson    Madsen    Mayne
McAdams    Morgan    Niederhauser    Okerlund
Reid    Robles    Romero    H. Stephenson
J. Stevenson    Stowell    Thatcher    Valentine
Van Tassell    Waddoups

Absent or not voting were: Senators
Buttars    Liljenquist    Urquhart

* * *

On motion of Senator Reid, the circle was removed from 1st Sub. S.B. 139, REVOCATION OF MOTOR VEHICLE REGISTRATION, and it was before the Senate. Senator Reid explained the bill.

Senator McAdams proposed the following amendment:

1. Page 1, Lines 18 through 20
Senate 2nd Reading Amendments
2–11–2011

18 was issued to the registered owner of the vehicle; Š⇒ {¬} and {¬} ⇐Ŝ
19 • the civil parking citations are not currently being contested or appealed; {Ŝ⇒; and
19a • the vehicle is not owned by a rental company; ⇐Ŝ¬}
20 • provides that a municipality shall send written notification to the last known address
2. Page 2, Lines 37 through 39:

37 provides that the division shall begin revoking registrations within a specified time;
38 { and } provides that the registration of a vehicle owned by a rental company may not be revoked under certain circumstances; and
39 makes technical changes.

3. Page 4, Lines 90 through 93

Senate 2nd Reading Amendments 2–11–2011:

90 under Subsection (3)(a)(i) was issued to the registered owner of the vehicle: Ŧ { } and { } Ĥ
91 (iii) the civil parking citations under Subsection (3)(a)(i) are not currently being contested or appealed { Ŧ ; and } Ŧ
92a (iv) the vehicle is not owned by a rental company as defined in Section 31A–22–311 Ĥ } Ĥ
93 (b) (i) Before notifying the division under Subsection (3)(a), a municipality shall send

4. Page 4, Line 118 through Page 5, Line 119

Senate 2nd Reading Amendments 2–11–2011:

118 (B) October 1, 2011.
119 [(3)] (4) The division may not suspend or revoke the registration of a vessel or

Senator McAdams’ 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
Adams Bramble Davis Dayton
Hillyard Hinkins Jenkins Jones
Absent or not voting were: Senators
Buttars           Christensen         Liljenquist\n Urquhart

***

On motion of Senator Hillyard, S.B. 131, UNINCORPORATED BUSINESS ENTITY UNIFORM ACTS, was read the second time and circled.

***

S.B. 65, STATEWIDE ONLINE EDUCATION PROGRAM, was read the second time. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 2, Line 31

   31 {–None–} This bill appropriates:\n   • to the State Board of Education, as an ongoing appropriation:
   • from the Education Fund, $250,000.

2. Page 6, Lines 166 through 169:

   166 (3) Notwithstanding Subsection (2) {an eligible student may enroll in online courses for
   167 more than the number of credits specified in Subsection (2) if the student’s primary LEA of
   168 enrollment agrees to pay for the additional online courses in accordance with Sections
   (a) a student’s primary LEA of enrollment may allow an eligible student to enroll in online courses for more than the number of credits specified in Subsection (2); or
   (b) upon the request of an eligible student, the State Board of Education may allow the student to enroll in online courses for more than the number of credits specified in Subsection (2), if the online courses better meet the academic goals of the student.
3. Page 7, Line 202:

202 (2) (a) The State Board of Education shall charge a fee to apply for or maintain an

4. Page 7, Lines 206 through 210:

206 (c) (i) Fee revenues collected under this section shall be:

207 (1) deposited into the Uniform School Fund as a dedicated credit:

208 (ii) used by Costs of the State Board of Education to review an application for certification or

209 monitor a certified online course provider’s compliance with State Board of Education

210 standards shall be paid from fee revenues.

5. Page 13, Lines 380 through 381:

380 (6) Section 53A−17a−162 is repealed July 1, 2012.

381 Section 21. Appropriation. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the following sums of money are appropriated from resources not otherwise appropriated out of the funds or accounts indicated for the fiscal year beginning July 1, 2011 and ending June 30, 2012. These are additions to amounts previously appropriated for fiscal year 2011−12.

To State Board of Education

From Education Fund

$250,000

Schedule of Programs:

Statewide Online Education Program $250,000

381 Section 22. Effective date.

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

Yeas, 19; Nays, 7; Absent, 3.

Voting in the affirmative were: Senators

Adams Bramble Christensen Dayton
Hillyard Hinkins Jenkins Knudson
Voting in the negative were: Senators
Davis Jones Mayne Morgan
Robles Romero Stowell

Absent or not voting were: Senators
Buttars Liljenquist Urquhart

On motion of Senator Jenkins, and at 3:50 p.m., the Senate sauntered.

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

SECOND READING CALENDAR

On motion of Senator Okerlund, S.B. 149, QUALIFICATIONS FOR THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH, was read the second time and circled.

S.B. 155, POLITICAL SUBDIVISION’S PROCUREMENT PROCESS FOR CONSTRUCTION PROJECTS, was read the second time. Senator McAdams explained the bill.

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

1st Sub. S.B. 155 Political Subdivision’s Procurement Process for Construction Projects (B. McAdams)

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

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators
Adams Christensen Davis Dayton
Hinkins Jenkins Jones Knudson
On motion of Senator Van Tassell, S.J.R. 13, JOINT RESOLUTION – REQUEST FOR PROPOSALS, was read the second time and circled.

***

S.B. 134, TRANSPARENCY IN HEALTH CARE PROVIDER ADVERTISING, was read the second time. Senator Stevenson explained the bill.

Senator Stevenson proposed the following amendment:

1. Page 2, Lines 53 through 55

53 (4) An advertisement for a health care provider’s services that includes the health care

54 provider’s name shall identify the classification license type { as used by the division, } as printed on the license under which the health

55 care provider is practicing.

Senator Stevenson’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

Adams  Buttars  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Madsen  Mayne
Morgan  Niederhauser  Okerlund  Reid
Robles  Romero  J. Stevenson  Stowell
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups
Absent or not voting were: Senators
Bramble Liljenquist McAdams H. Stephenson

* * *

S.C.R. 9, PHILO T. FARNSWORTH CONCURRENT RESOLUTION, was read the second time. Senator Stowell explained the bill.

Senator Stowell proposed the following amendment:

1. Page 3, Lines 74 through 77
   Senate Committee Amendments
   2–8–2011

   74 people around the world.
   75 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of
   76 the United States, the members of Utah’s congressional delegation, the Farnsworth family, the Utah Travel Council, AAA, the tourism
directors of each county in Utah,
   77 Beaver County, and Beaver City.

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

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jenkins Jones Knudson Madsen
Mayne McAdams Morgan Niederhauser
Okerlund Reid Robles Romero
H. Stephenson J. Stevenson Stowell Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Liljenquist Thatcher

* * *

On motion of Senator Stephenson, the circle was removed from S.J.R. 13, JOINT RESOLUTION – REQUEST FOR PROPOSALS, and it was before the
Senate. Senator Stephenson 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

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**Absent or not voting were:** Senators

| Christensen | Hinkins | Liljenquist | Thatcher |

* * *

**2nd Sub. S.B. 61, EDUCATION FOR PRESCRIBING CONTROLLED SUBSTANCES,** was read the second time. Senator Jones explained the bill.

Senator Jones proposed the following amendment:

1. Page 1, Line 15,

   15 with the Utah Medical Association and {other medical—} the applicable practitioner licensing boards, to establish

2. Page 2, Line 41:

   41 education {—including } by :

3. Page 2, Line 49:

   49 {—board—} boards and the recognized state continuing medical education accrediting body, shall establish

Senator Jones’ motion to amend passed on a voice vote. Senator Bramble commented. The bill passed second reading 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
Bramble  H. Stephenson

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On motion of Senator Urquhart, S.B. 138, DRIVER LICENSE QUALIFICATION AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Stevenson, 1st Sub. S.B. 56, OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Urquhart, 2nd Sub. S.B. 129, LICENSING OF PHYSICIAN–EDUCATORS, was read the second time and circled.

* * *

On motion of Senator Jenkins, S.B. 180, MEDICAID REFORM, was read the second time and circled.

* * *

On motion of Senator Urquhart, S.B. 97, HIGHER EDUCATION MISSION BASED FUNDING, was read the second time and circled.

* * *

On motion of Senator Mayne, S.B. 235, CHARTER SCHOOL STUDENTS’ PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, was read the second time and circled.

* * *

On motion of Senator Urquhart, S.B. 52, TORTIOUS ACT ARBITRATION, was read the second time and circled.
2nd Sub. S.B. 96, ALIMONY AMENDMENTS, was read the second time. Senator Hillyard explained the bill.

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

3rd Sub. S.B. 96 Alimony Amendments (L. Hillyard)

Senators Reid, Valentine, Buttars, Waddoups, Mayne, and Dayton commented.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Jenkins and at 5:15 p.m., the Senate adjourned until 10:00 a.m., Friday, February 18, 2011.
TWENTY-SIXTH DAY
February 18, 2011

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

Prayer – Former Senator Karen Hale
Pledge of Allegiance – Senator Lyle Hillyard
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 80)

SPECIAL MUSICAL PRESENTATION

Matthew Castillo, a member of the Senate security staff, performed two numbers, “Eloise” by Elizabeth Hummel and “Ring of Fire” by Johnny Cash

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 17, 2011

The House passed H.B. 73, MOTOR CARRIER TRANSPORTATION CONTRACT INDEMNITY AGREEMENTS, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 81, TOW TRUCK AMENDMENTS, by Representative L. Perry, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 91, REAL ESTATE RELATED AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 92, PUBLIC EDUCATION REGIONAL SERVICE CENTERS, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as amended, H.B. 93, MORTGAGE AND REAL ESTATE LICENSURE EXEMPTIONS FOR ATTORNEYS, by Representative L. Christensen, and it is transmitted for consideration; and

The House passed H.B. 163, REVISOR’S STATUTE, by Representative B. Dee, and it is transmitted for consideration; and
The House passed **H.B. 167**, INCARCERATION AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed **H.B. 177**, CANINE BODY ARMOR RESTRICTED ACCOUNT AND INCOME TAX CONTRIBUTION, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 179**, PEACE OFFICER RECERTIFICATION AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed **H.B. 180**, DEBT COLLECTION DATA MATCH WITH WORKER REGISTRY, by Representative D. Clark, and it is transmitted for consideration; and

The House passed **H.B. 228**, ADMINISTRATIVE RULES REAUTHORIZATION, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 232**, DRUG PARAPHERNALIA DEFINITION AMENDMENTS, by Representative E. Vickers, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 261**, AMENDMENTS TO TRANSPORTATION PROVISIONS, by Representative D. Brown, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 263**, LOCAL DISTRICT SERVICES AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 268**, MUNICIPAL ENFORCEMENT REGARDING PROPERTY MAINTENANCE, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 21**, SELECTIONS OF UNAPPROPRIATED FEDERAL LANDS JOINT RESOLUTION, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed **H.J.R. 28**, VETERANS DAY JOINT RESOLUTION, by Representative J. Anderson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.
Mr. President: February 17, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 197, LOCAL HOUSING AUTHORITY AMENDMENTS, by Senator B. McAdams.

Peter C. Knudson, Chair

Mr. President: February 17, 2011

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 70, COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES AMENDMENTS, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 76, DISTRIBUTION OF REVENUES COLLECTED UNDER THE LOCAL SALES AND USE TAX ACT, by Senator D. Hinkins, with the following amendments:

1. Page 5, Lines 135 through 136:
   \[
   \text{(3) (a) \{The \} Beginning on July 1, 2011, and ending on June 30, 2016, the commission shall each year distribute to a county, city, or town the distribution required by this Subsection (3) if:}
   \]

2. Page 5, Line 144 through Page 6, Line 158:
   \[
   \text{(iii) (A) for a county described in Subsection (3)(a)(i)(A), the county had located within the unincorporated area of the county for one or more days during the calendar year beginning on January 1, 2008, an establishment described in NAICS \{Subsector 212, Mining \{except Oil and Gas\} Industry Group 2121, Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, \{213114, Support Activities for Metal Mining, or 213115, Support Activities for Nonmetallic Minerals \{except Fuels\} Mining, of the 2002 North American Industry Classification System of the}
   \]
federal Executive Office of the President, Office of Management and Budget; or

(B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection

(3)(a)(i)(C), the city or town had located within the city or town for one or more days during

the calendar year beginning on January 1, 2008, an establishment described in NAICS

{Subsector 212, Mining (except Oil and Gas) } Industry Group 2121, Coal Mining , or NAICS Code 213113, Support Activities for

Coal Mining. {213114, Support Activities for Metal Mining, or

213115, Support Activities for

Nonmetallic Minerals (except Fuels) Mining, } of the 2002 North American Industry

Classification System of the federal Executive Office of the President, Office of Management

and Budget.

3. Page 6, Lines 166 through 169:

(A) the numerator of the fraction is the difference calculated by subtracting the

distribution a county, city, or town described in Subsection (3)(a) received under this section for the calendar year beginning on January 1,

{−2007 } 2008 , from the distribution under this section that

the county, city, or town received for the calendar year beginning on January 1, {−2008 } 2007 ; and ; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 222, PUBLIC TRANSIT AMENDMENTS, by Senator C. Bramble, with the following amendments:

1. Page 1, Lines 21 through 24:

provides that a county, city, or town legislative body is not required to submit an
opinion question to the county’s, city’s, or town’s registered voters to impose a

certain sales and use tax to fund public transit if the county, city, or
town imposes a

certain sales and use tax on or after July 1, 2010, but

2. Page 7, Lines 204 through 208

204 (2) Notwithstanding Section 59−12−2208, a county, city, or
town legislative body is not required to submit an opinion question to the county’s, city’s, or
town’s registered voters in accordance with Section 59−12−2208 to impose a sales and use tax
under this section if the

207 county, city, or town imposes the sales and use tax under Section
59−12−2216 on or after July 1, 2010, but

208 on or before July 1, 2011; and

The Revenue and Taxation Committee recommends S.B. 178, MUNICIPAL
LAND USE AMENDMENTS, by Senator C. Bramble, be replaced and favorably
recommends 1st Sub. S.B. 178, MUNICIPAL LAND USE AMENDMENTS; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 188, TAX COMMISSION AMENDMENTS, by Senator J. Valentine, with the following amendments:

1. Page 4, Lines 98 through 104:

98 (3) In accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act, the

99 commission shall make rules:

100 (a) to establish procedures for holding a meeting that is not open
to the public to conduct a hearing on,

101 discuss, or take action on a confidential tax matter; and

102 (b) except as provided in Subsection (4), to establish procedures
and requirements for

103 keeping confidential minutes and a confidential recording of a
meeting that is not open to the
Curtis S. Bramble, Chair

On motion of Senator Jenkins, the committee reports were adopted. The bills were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 17, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 160, FEDERAL FUNDS PROCEDURES ACT AMENDMENTS, by Senator L. Hillyard, 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.B. 172, POLITICAL SUBDIVISIONS ADMINISTRATION AMENDMENTS, by Senator H. Stephenson, 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.B. 203, EXECUTIVE RESIDENCE COMMISSION, by Senator J. S. Adams, 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. 19, JOINT RESOLUTION APPROVING THE HOUGHTON CASE FINAL SETTLEMENT AGREEMENT, by Senator L. Hillyard, 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. 67, STATE BONDING COMMISSION BONDING AUTHORITY, by Representative B. Last, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: February 17, 2011

The Revenue and Taxation Committee recommends S.B. 226, INCOME TAX CREDITS FOR CLEANER BURNING FUELS, by Senator S. Urquhart, be replaced and favorably recommends 1st Sub. S.B. 226, INCOME TAX CREDITS
FOR CLEANER BURNING FUELS and that 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. The bills
were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

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

S.B. 78, **Public School Early Graduation Counseling** (D. C. Buttars), was
read the first time by short title and referred to the Rules Committee.

S.B. 286, **Grandparents’ Visitation Rights** (D. Hinkins), was read the first
time by short title and referred to the Rules Committee.

S.B. 314, **Alcoholic Beverage Licensing** (J. Valentine), was read the first
time by short title and referred to the Rules Committee.

S.C.R. 16, **Bonds of Friendship with Iran Concurrent Resolution**
(P. Knudson), was read the first time by short title and referred to the Rules
Committee.

S.J.R. 20, **Joint Resolution Supporting Sanpete County Increasing the
Number of Contract Beds At its Correctional Facilities** (R. Okerlund), was
read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

1st Sub. H.B. 230, **DISABILITY AMENDMENTS**, was read the third time,
explained by Senator Hillyard, 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
Adams Buttars Davis Dayton
Madsen Robles

1st Sub. H.B. 230 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 241, CLEAN OUT THE CABINETS MONTH DESIGNATION, was read the third time, explained by Senator Jones, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators
Bramble Buttars Christensen Hinkins
Jones Knudson Liljenquist Mayne
McAdams Morgan Niederhauser Okerlund
Reid Romero H. Stephenson J. Stevenson
Stowell Thatcher Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Adams Davis Dayton Hillyard
Jenkins Madsen Robles

H.B. 241 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. 257, CONCEALED FIREARM ACT MODIFICATIONS, 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
Bramble Buttars Christensen Davis
Hillyard Hinkins Jenkins Jones
Knudson Liljenquist Mayne McAdams
Morgan Niederhauser Okerlund Reid
Romero H. Stephenson J. Stevenson Stowell
Thatcher Urquhart Valentine Van Tassell
Waddoups
Absent or not voting were: Senators
Adams                Dayton                Madsen                Robles

1st Sub. H.B. 257, as amended, was returned to the House for further consideration.

* * *

H.B. 235, TECHNOLOGY TECHNICAL AMENDMENTS, was read the third time, explained by Senator McAdams, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Buttars               Christensen          Davis                  Hillyard
Hinkins               Jenkins              Jones                  Knudson
Liljenquist           Mayne                McAdams               Morgan
Niederhauser          Okerlund             Reid                  Romero
H. Stephenson         J. Stevenson         Stowell               Thatcher
Urquhart              Valentine            Van Tassell           Waddoups

Absent or not voting were: Senators
Adams                Bramble              Dayton                Madsen
Robles               

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.

THIRD READING CALENDAR

On motion of Senator Bramble, H.B. 238, RADIOLOGIC TECHNOLOGIST AND RADIOLOGY PRACTICAL TECHNICIAN LICENSING ACT, was read the third time and circled.

* * *

2nd Sub. H.B. 13, IMMUNIZATIONS FOR TEEN MOTHERS, 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
Adams                Bramble              Buttars               Christensen
Davis                Hillyard             Hinkins               Jenkins
Absent or not voting were: Senators
Dayton Knudson Madsen Robles

2nd Sub. H.B. 13 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 1st Sub. H.B. 28, PENALTIES FOR UNAUTHORIZED USE OF RECORDS, 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
Adams Bramble Buttars Christensen
Davis Hillyard Hinkins Jenkins
Jones Knudson Liljenquist Mayne
McAdams Morgan Niederhauser Okerlund
Reid Robles Romero H. Stephenson
J. Stevenson Stowell Thatcher Urquhart
Valentine Waddoups

Absent or not voting were: Senators
Dayton Madsen Van Tassell

1st Sub. H.B. 28, as amended, was returned to the House for further consideration.

***

On motion of Senator Morgan, the circle was removed from S.B. 63, K – 3 READING IMPROVEMENT PROGRAM ACCOUNTABILITY, and it was before the Senate. Senator Morgan explained the bill. The bill passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.
Voting in the affirmative were: Senators
Adams  Buttars  Christensen  Davis
Hillyard  Hinkins  Jenkins  Jones
Knudson  Liljenquist  Mayne  McAdams
Morgan  Niederhauser  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Van Tassell
Waddoups

Voting in the negative was: Senator
Valentine

Absent or not voting were: Senators
Bramble  Dayton  Madsen

S.B. 63 was transmitted to the House for consideration.

* * *

H.B. 243, OCCUPATIONS AND PROFESSIONS AMENDMENTS, was read the third time and explained by Senator Adams.

Senator Adams proposed the following amendment:

1. Page 2, Lines 51 through 52
   House Committee Amendments
   2–3–2011
   51  58–83–401, as enacted by Laws of Utah 2010, Chapter 180
   63G–4–102, as renumbered and amended by Laws of Utah 2008,
   Chapter 382
   52  78B–6–205, as renumbered and amended by Laws of Utah
   2008, Chapter 3

2. Page 31, Lines 946 through 947
   House Committee Amendments
   2–3–2011:
   946  (ii) records of the online prescriber, the Internet facilitator, or
   the online contract
   947  pharmacy.

   Section 16. Section 63G–4–102 is amended to read:
   63G–4–102. Scope and applicability of chapter.
(1) Except as set forth in Subsection (2), and except as otherwise provided by a statute superseding provisions of this chapter by explicit reference to this chapter, the provisions of this chapter apply to every agency of the state and govern:

(a) state agency action that determines the legal rights, duties, privileges, immunities, or other legal interests of an identifiable person, including agency action to grant, deny, revoke, suspend, modify, annul, withdraw, or amend an authority, right, or license; and

(b) judicial review of the action.

(2) This chapter does not govern:

(a) the procedure for making agency rules, or judicial review of the procedure or rules;

(b) the issuance of a notice of a deficiency in the payment of a tax, the decision to waive a penalty or interest on taxes, the imposition of and penalty or interest on taxes, or the issuance of a tax assessment, except that this chapter governs an agency action commenced by a taxpayer or by another person authorized by law to contest the validity or correctness of the action;

(c) state agency action relating to extradition, to the granting of a pardon or parole, a commutation or termination of a sentence, or to the rescission, termination, or revocation of parole or probation, to the discipline of, resolution of a grievance of, supervision of, confinement of, or the treatment of an inmate or resident of a correctional facility, the Utah State Hospital, the Utah State Developmental Center, or a person in the custody or jurisdiction of the Division of Substance Abuse and Mental Health, or a person on probation or parole, or judicial review of the action;

(d) state agency action to evaluate, discipline, employ, transfer, reassign, or promote a student or teacher in a school or educational institution, or judicial review of the action;

(e) an application for employment and internal personnel action within an agency concerning its own employees, or judicial review of the action;

(f) the issuance of a citation or assessment under Title 34A, Chapter 6, Utah Occupational Safety and Health Act, and Title 58, Chapter 3a, Architects Licensing Act, Chapter 11a, Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act, Chapter 17b, Pharmacy Practice Act, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act, Chapter 53, Landscape Architects Licensing Act, Chapter 55, Utah Construction Trades...
Licensing Act, Chapter 63, Security Personnel Licensing Act, and Chapter 76, Professional Geologist Licensing Act, Division of Occupational and Professional Licensing Act, except that this chapter governs an agency action commenced by the employer, licensee, or other person authorized by law to contest the validity or correctness of the citation or assessment;

(g) state agency action relating to management of state funds, the management and disposal of school and institutional trust land assets, and contracts for the purchase or sale of products, real property, supplies, goods, or services by or for the state, or by or for an agency of the state, except as provided in those contracts, or judicial review of the action;

(h) state agency action under Title 7, Chapter 1, Article 3, Powers and Duties of Commissioner of Financial Institutions, Title 7, Chapter 2, Possession of Depository Institution by Commissioner, Title 7, Chapter 19, Acquisition of Failing Depository Institutions or Holding Companies, and Title 63G, Chapter 7, Governmental Immunity Act of Utah, or judicial review of the action;

(i) the initial determination of a person’s eligibility for unemployment benefits, the initial determination of a person’s eligibility for benefits under Title 34A, Chapter 2, Workers’ Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease Act, or the initial determination of a person’s unemployment tax liability;

(j) state agency action relating to the distribution or award of a monetary grant to or between governmental units, or for research, development, or the arts, or judicial review of the action;

(k) the issuance of a notice of violation or order under Title 26, Chapter 8a, Utah Emergency Medical Services System Act, Title 19, Chapter 2, Air Conservation Act, Title 19, Chapter 3, Radiation Control Act, Title 19, Chapter 4, Safe Drinking Water Act, Title 19, Chapter 5, Water Quality Act, Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act, Title 19, Chapter 6, Part 4, Underground Storage Tank Act, or Title 19, Chapter 6, Part 7, Used Oil Management Act, or Title 19, Chapter 6, Part 10, Mercury Switch Removal Act, except that this chapter governs an agency action commenced by a person authorized by law to contest the validity or correctness of the notice or order;

(l) state agency action, to the extent required by federal statute or regulation, to be conducted according to federal procedures;

(m) the initial determination of a person’s eligibility for government or public assistance benefits;

(n) state agency action relating to wildlife licenses, permits, tags,
and certificates of registration;

(o) a license for use of state recreational facilities;

(p) state agency action under Title 63G, Chapter 2, Government Records Access and Management Act, except as provided in Section 63G–2–603;

(q) state agency action relating to the collection of water commissioner fees and delinquency penalties, or judicial review of the action;

(r) state agency action relating to the installation, maintenance, and repair of headgates, caps, values, or other water controlling works and weirs, flumes, meters, or other water measuring devices, or judicial review of the action;

(s) the issuance and enforcement of an initial order under Section 73–2–25;

(t) (i) a hearing conducted by the Division of Securities under Section 61–1–11.1; and

(ii) an action taken by the Division of Securities pursuant to a hearing conducted under Section 61–1–11.1, including a determination regarding the fairness of an issuance or exchange of securities described in Subsection 61–1–11.1(1); and

(u) state agency action relating to water well driller licenses, water well drilling permits, water well driller registration, or water well drilling construction standards, or judicial review of the action.

(3) This chapter does not affect a legal remedy otherwise available to:

(a) compel an agency to take action; or

(b) challenge an agency’s rule.

(4) This chapter does not preclude an agency, prior to the beginning of an adjudicative proceeding, or the presiding officer during an adjudicative proceeding from:

(a) requesting or ordering a conference with parties and interested persons to:

(i) encourage settlement;

(ii) clarify the issues;

(iii) simplify the evidence;

(iv) facilitate discovery; or

(v) expedite the proceeding; or

(b) granting a timely motion to dismiss or for summary judgment if the requirements of Rule 12(b) or Rule 56 of the Utah Rules of Civil Procedure are met by the moving party, except to the extent that the
requirements of those rules are modified by this chapter.

(5) (a) A declaratory proceeding authorized by Section 63G−4−503 is not governed by this chapter, except as explicitly provided in that section.

(b) Judicial review of a declaratory proceeding authorized by Section 63G−4−503 is governed by this chapter.

(6) This chapter does not preclude an agency from enacting a rule affecting or governing an adjudicative proceeding or from following the rule, if the rule is enacted according to the procedures outlined in Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and if the rule conforms to the requirements of this chapter.

(7) (a) If the attorney general issues a written determination that a provision of this chapter would result in the denial of funds or services to an agency of the state from the federal government, the applicability of the provision to that agency shall be suspended to the extent necessary to prevent the denial.

(b) The attorney general shall report the suspension to the Legislature at its next session.

(8) Nothing in this chapter may be interpreted to provide an independent basis for jurisdiction to review final agency action.

(9) Nothing in this chapter may be interpreted to restrict a presiding officer, for good cause shown, from lengthening or shortening a time period prescribed in this chapter, except the time period established for judicial review.

Renumber remaining sections accordingly.

Senator Adams’ motion to amend passed on a voice vote. Senator Christensen commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Buttars Christensen Davis
Hillyard Hinkins Jenkins Jones
Knudson Liljenquist Mayne McAdams
Morgan Niederhauser Okerlund Reid
Romero H. Stephenson J. Stevenson Stowell
Thatcher Urquhart Valentine Van Tassell
Waddoups
Absent or not voting were: Senators
Bramble       Dayton       Madsen       Robles

H.B. 243, as amended, was returned to the House for further consideration.

***

H.J.R. 10, RULES RESOLUTION ON ELECTRONIC MEETINGS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators
Adams        Bramble      Buttars      Christensen
Davis        Dayton       Hillyard    Hinkins
Jenkins      Jones        Knudson     Liljenquist
Mayne        McAdams      Niederhauser Okerlund
Reid         H. Stephenson J. Stevenson Stowell
Thatcher     Valentine    Van Tassell Waddoups

Voting in the negative were: Senators
Morgan       Romero

Absent or not voting were: Senators
Madsen       Robles       Urquhart

H.J.R. 10, as amended, was returned to the House for further consideration.

***

H.B. 240, SOCIAL SERVICES – EMPLOYMENT FIRST PRIORITY, 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
Adams        Bramble      Buttars      Christensen
Davis        Dayton       Hillyard    Hinkins
Jenkins      Jones        Knudson     Liljenquist
Mayne        McAdams      Morgan      Niederhauser
Okerlund     Reid          Robles      Romero
H. Stephenson J. Stevenson Stowell        Thatcher
Urquhart     Valentine    Van Tassell Waddoups
Absent or not voting was: Senator Madsen

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.

***

On motion of Senator Valentine, H.B. 204, PROTECTION OF ATHLETES WITH HEAD INJURIES, was read the third time and circled.

***

On motion of Senator Adams, S.B. 64, WORKERS’ COMPENSATION FUND SUBSIDIARY AMENDMENTS, was read the third time and circled.

***

On motion of Senator Stevenson, the circle was removed from H.B. 71, VICTIM RIGHTS AMENDMENTS, and it was before the Senate.

Senator Stevenson proposed the following amendment:

1. Page 2, Line 29

29 (1) The victim of a crime {---and---a ---} , the representative of the victim , or both shall have the right:

Senator Stevenson’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 Madsen
H.B. 71, as amended, was returned to the House for further consideration.

***

S.B. 87, MARKETABLE RECORD TITLE AMENDMENTS, was read the third time, explained by Senator Reid, 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 Madsen

S.B. 87 was transmitted to the House for consideration.

**SPECIAL RECOGNITION**

A citation was read honoring Helen Cragan on her 102nd birthday. Senator Bramble commented.

***

3rd Sub. S.B. 113, ELECTION DISTRICT BOUNDARIES, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 23; Nays, 3; 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
Hillyard        Madsen        Thatcher

3rd Sub. S.B. 113 was transmitted to the House for consideration.

* * *

H.B. 78, DEVELOPER FEES, 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
Adams        Buttars        Christensen        Davis
Dayton       Hillyard       Jenkins         Jones
Knudson      Liljenquist    Mayne          McAdams
Morgan       Niederhauser   Okerlund       Reid
Robles       Romero         H. Stephenson  J. Stevenson
Stowell      Thatcher       Urquhart      Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Bramble       Hinkins        Madsen

H.B. 78, as amended, was returned to the House for further consideration.

* * *

1st Sub. S.B. 139, REVOCATION OF MOTOR VEHICLE REGISTRATION, was read the third time, explained by Senator Reid, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble         Christensen        Davis       Dayton
Hillyard        Hinkins           Jenkins     Jones
Knudson         Liljenquist       McAdams     Morgan
Okerlund        Reid              Robles      Romero
H. Stephenson   J. Stevenson     Stowell     Thatcher
Urquhart        Valentine        Van Tassell Waddoups

Absent or not voting were: Senators
Adams        Buttars        Madsen        Mayne
Niederhauser
1st Sub. S.B. 139 was transmitted to the House for consideration.

***

On motion of Senator Stephenson, S.B. 65, STATEWIDE ONLINE EDUCATION PROGRAM, was read the third time and circled.

***

1st Sub. S.B. 155, POLITICAL SUBDIVISION’S, was read the third time and explained by Senator McAdams.

Senator McAdams proposed the following amendment:

1. Page 2, Line 48:
   Delete “(3)” and insert “(4)”

2. Page 3, Line 60:
   After “subject” insert “to”

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

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

Voting in the affirmative were: Senators

Bramble  Buttars  Christensen  Davis
Dayton  Hillyard  Jenkins  Jones
Knudson  Liljenquist  McAdams  Morgan
Okerlund  Reid  Robles  Romero
H. Stephenson  J. Stevenson  Stowell  Thatcher
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators

Adams  Hinkins  Madsen  Mayne
Niederhauser  Urquhart

1st Sub. S.B. 155 was transmitted to the House for consideration.

***

S.B. 134, TRANSPARENCY IN HEALTH CARE PROVIDER ADVERTISING, was read the third time, explained by Senator Stevenson, and passed on the following roll call:
Yeas, 28; Nays, 0; Absent, 1.

**Voting in the affirmative were:** Senators

Adams  Bramble  Buttars  Christensen  
Davis  Dayton  Hillyard  Hinkins  
Jenkins  Jones  Knudson  Liljenquist  
Mayne  McAdams  Morgan  Niederhauser  
Okerlund  Reid  Robles  Romero  
H. Stephenson  J. Stevenson  Stowell  Thatcher  
Urquhart  Valentine  Van Tassell  Waddoups  

**Absent or not voting was:** Senator

Madsen

*S.B. 134 was transmitted to the House for consideration.*

* * *

*S.C.R. 9, PHILO T. FARNSWORTH CONCURRENT RESOLUTION, 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

Adams  Bramble  Buttars  Christensen  
Davis  Dayton  Hillyard  Hinkins  
Jenkins  Jones  Knudson  Liljenquist  
Mayne  Morgan  Niederhauser  Okerlund  
Reid  Romero  H. Stephenson  J. Stevenson  
Stowell  Thatcher  Urquhart  Valentine  
Van Tassell  Waddoups  

**Absent or not voting were:** Senators

Madsen  McAdams  Robles  

*S.C.R. 9 was transmitted to the House for consideration.*

* * *

*S.J.R. 13, JOINT RESOLUTION – REQUEST FOR PROPOSALS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:*
Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Mayne
Morgan  Niederhauser  Okerlund  Reid
Romero  H. Stephenson  Stowell  Thatcher
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Buttars  Madsen  McAdams  Robles
J. Stevenson

S.J.R. 13 was transmitted to the House for consideration.

2nd Sub. S.B. 61, EDUCATION FOR PRESCRIBING CONTROLLED SUBSTANCES, was read the third time and explained by Senator Jones. Senator Christensen declared a conflict of interest. Senator Hillyard commented and the bill passed on the following roll call:

Yeas, 22; Nays, 1; Absent, 6.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Hillyard  Jenkins  Jones  Knudson
Liljenquist  Mayne  Morgan  Niederhauser
Okerlund  Reid  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Voting in the negative was: Senator Dayton

Absent or not voting were: Senators
Buttars  Hinkins  Madsen  McAdams
Robles  Romero

2nd Sub. S.B. 61 was transmitted to the House for consideration.

COMMITTEE OF THE WHOLE

On motion of Senator Hillyard, Utah Mother of the Year, Sally Ann Fitzgerald Olsen and Utah Young Mother of the Year, Emi Dalton Edgley, addressed the
Senate. Merit Mothers, Linda Knavel and Marilyn Harris were also recognized. Senators Dayton, Romero, Liljenquist, Christensen, and Knudson commented.

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

**INTRODUCTION OF BILLS**

**S.B. 296, Amendments to Tax Provisions** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

***

On motion of Senator Jenkins and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Tuesday, February 22, 2011.
TWENTY-NINTH DAY
MORNING SESSION
February 22, 2011

The Senate was called to order at 10:05 a.m., with President Michael Waddoups presiding.

Prayer – Brian Tarbet, Adjutant General, Utah National Guard
Pledge of Allegiance – Senator Peter Knudson
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, Page 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 18, 2011

The House passed, S.B. 144, COUNTY PURCHASING AGENT 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.C.R. 2, FINANCIAL RESPONSIBILITY CONCURRENT RESOLUTION, by Senator P. Jones, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.J.R. 10, JOINT RESOLUTION CLOSING OREM COURT FACILITY, 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

The bills 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, 2011

The House concurred in the Senate amendments and passed H.B. 10, RENEWAL OF JUDGMENT ACT, by Representative G. Froerer, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 18, HEALTH REFORM – COST CONTAINMENT, 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. 45**, VEHICLE IMPOUND AMENDMENTS, by Representative J. Peterson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 46**, COUNTY RECORDER 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. 198**, TOBACCO RELATED PENALTY 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 **H.B. 203**, CODIFICATION OF STATE CONSTRUCTION AND FIRE CODES, 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. 206**, SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 208**, ADMINISTRATIVE SERVICES 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. 237**, ENFORCEMENT OF LIENS, by Representative Julie Fisher, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills 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 18, 2011

The House passed, as amended, **H.B. 70**, ILLEGAL IMMIGRATION ENFORCEMENT ACT, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed **H.B. 271**, RESTRICTIONS ON POLITICAL SUBDIVISIONS REGARDING THE REGULATION OF KNIVES, by Representative R. Wilcox, and it is transmitted for consideration; and
The House passed H.J.R. 35, UTAH MITOCHONDRIAL DISEASE AWARENESS WEEK JOINT RESOLUTION, by Representative K. Sumsion, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 18, 2011

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

**Business and Labor Committee**

S.B. 314  Alcoholic Beverage Licensing (Sen. J. Valentine)
                    (Sen. J. S. Adams)
H.B. 93  Mortgage and Real Estate Licensure Exemptions for Attorneys (Rep. L. Christensen) (Sen. J. Valentine)

**Education Committee**

S.B. 78  Public School Early Graduation Counseling
                    (Sen. D. C. Buttars)
S.B. 210  Utah Postsecondary Proprietary School Act Amendments
                    (Sen. C. Bramble)
1st Sub. H.B. 92  Public Education Regional Service Centers (Rep. B. Last)
                    (Sen. R. Okerlund)

**Government Operations and Political Subdivisions Committee**

S.B. 72  Initiative Amendments (Sen. L. Hillyard)
H.B. 80  Emergency Management (Rep. C. Oda)
                    (Sen. J. Stevenson)
H.B. 163  Revisor’s Statute (Rep. B. Dee) (Sen. S. Jenkins)
H.B. 228  Administrative Rules Reauthorization (Rep. C. Oda)
                    (Sen. H. Stephenson)
1st Sub. H.B. 263  Local District Services Amendments (Rep. D. Clark)
                    (Sen. S. Urquhart)
1st Sub. H.B. 268  Municipal Enforcement Regarding Property Maintenance

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

S.B. 286  Grandparents’ Visitation Rights (Sen. D. Hinkins)
S.J.R. 20  Joint Resolution Supporting Sanpete County Increasing the Number of Contract Beds At its Correctional Facilities (Sen. R. Okerlund)

Natural Resources, Agriculture and Environment Committee
H.B. 88  Agriculture Sustainability Task Force (Rep. J. Draxler) (Sen. L. Hillyard)

Revenue and Taxation Committee
S.B. 296  Amendments to Tax Provisions (Sen. C. Bramble)

Transportation, Public Utilities and Technology Committee
S.B. 313  Prostate Cancer Special Group License Plate (Sen. B. McAdams)

Workforce Services and Community and Economic Development Committee
S.C.R. 16  Bonds of Friendship with Iran Concurrent Resolution (Sen. P. Knudson)
STANDING COMMITTEE REPORTS

Mr. President: February 18, 2011

The Business and Labor Committee recommends S.B. 100, SECURITIES WHISTLEBLOWER PROGRAM ACT, by Senator B. McAdams, be replaced and favorably recommends 2nd Sub. S.B. 100, SECURITIES FRAUD REPORTING PROGRAM ACT with the following amendments and recommends it be considered read for the first time:

1. Page 8, Lines 230 through 232:

230   (f) knows that, or has a reckless disregard as to whether, the disclosure is of original

231   information that is false or frivolous { or

232   (g) has a legal duty to report the original information to the commission or division ; or

(h) the employer or entity in the covered judicial or administrative action that relates to the information provided by the reporter is subject to the jurisdiction of the Securities and Exchange Commission under Section 21F of the Securities Exchange Act, 15 U.S.C. Sec. 78u–6, and

regulations issued under that section ; and

The Business and Labor Committee reports a favorable recommendation on S.B. 272, SECURED CREDITOR AMENDMENTS, by Senator D. Liljenquist.

John L. Valentine, Chair

Mr. President: February 18, 2011

The Education Committee reports a favorable recommendation on S.B. 179, MATH EDUCATION INITIATIVE, by Senator H. Stephenson; and
The Education Committee reports a favorable recommendation on **S.B. 206**, LABOR ORGANIZATION PROVISIONS IN TEACHER CONTRACTS, by Senator H. Stephenson.

Howard A. Stephenson, Chair

Mr. President: February 18, 2011

The Health and Human Services Committee reports a favorable recommendation on **S.B. 253**, STATE HOSPITAL AMENDMENTS, by Senator J. S. Adams, with the following amendments:

1. Page 1, Lines 19 through 21:

   19 requires that, on or before August 1, 2011, the division shall, in consultation with
   20 the Privatization Policy Board, issue a request for proposals for a private entity to, under the direction and control of the division:
   21 • administer the state hospital, under the direction and control of the division; or
   • administer the state hospital in partnership with the division;

2. Page 3, Lines 66 through 69:

   (b) allow for options of operating the state hospital through a partnership between a private entity and the division;

   66 {-(b) } (c) ensure that the successful responder will operate the state hospital:

   67 (i) at a cost that is at or below the cost to the state of operating the state hospital; and

   68 (ii) in a manner that is in compliance with federal and state law and regulations; and

   69 {-(c) } (d) ensure that the division will have complete access to, at any time; and

The Health and Human Services Committee reports a favorable recommendation on **S.C.R. 14**, CONCURRENT RESOLUTION HONORING PROVIDERS OF HEALTH CARE SERVICES TO MILITARY PERSONNEL AND THEIR DEPENDENTS, by Senator J. S. Adams; and
The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 216, REUNIFICATION SERVICES AMENDMENTS**, by Representative M. Newbold.

D. Chris Buttars, Chair

**STANDING COMMITTEE REPORTS**

Mr. President: February 18, 2011

The Business and Labor Committee reports a favorable recommendation on **H.B. 55, VOLUNTEER SEARCH AND RESCUE WORKERS’ COMPENSATION CLAIMS**, by Representative K. Powell, 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. 79, PROPERTY AND CASUALTY CERTIFICATE OF INSURANCE ACT**, by Representative T. Kiser, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Business and Labor Committee recommends **1st Sub. H.B. 212, CHARGES BY HEALTH PROVIDERS FOR MEDICAL RECORDS**, by Representative F. Gibson, be replaced and favorably recommends **2nd Sub. H.B. 212, CHARGES BY HEALTH PROVIDERS FOR MEDICAL RECORDS** and that it be considered read for the second time and placed on the Consent Calendar.

John L. Valentine, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

**INTRODUCTION OF BILLS**

**S.B. 176, Candidate Party Affiliation** (B. McAdams), was read the first time by short title and referred to the Rules Committee.

**S.B. 209, Telecommunications Amendments** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**S.B. 229, Transportation Funding Revisions** (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

**S.B. 237, Pollution Control Facility Amendments** (L. Hillyard), was read the first time by short title and referred to the Rules Committee.
S.B. 259, Sales and Use Tax Exemption for Certain Local Government Taxes and Fees (D. Stowell), was read the first time by short title and referred to the Rules Committee.

S.B. 261, Wrongful Foreclosure Act (C. Bramble), was read the first time by short title and referred to the Rules Committee.

COMMITTEE OF THE WHOLE

On motion of Senator Knudson, U. S. Senator Mike Lee spoke in Committee of the Whole. Senators Stephenson, Valentine, Liljenquist, Buttars and Christensen commented.

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

CONSENT CALENDAR

S.C.R. 13, ROTARY CLUB CONCURRENT RESOLUTION, was read the third time, explained by Senator Davis, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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S.C.R. 13 was transmitted to the House for consideration.

* * *

S.B. 90, BOARD OF PARDONS RETIREMENT AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.
Voting in the affirmative were: Senators
Buttars  Christensen  Davis  Dayton
Hillyard  Hinkins  Jones  Knudson
Liljenquist  Mayne  McAdams  Morgan
Okerlund  Reid  Robles  Romero
H. Stephenson  J. Stevenson  Stowell  Urquhart
Valentine  Waddoups

Absent or not voting were: Senators
Adams  Bramble  Jenkins  Madsen
Niederhauser  Thatcher  Van Tassell

S.B. 90 was transmitted to the House for consideration.

COMMUNICATIONS FROM THE GOVERNOR

ADVISE AND CONSENT

Mr. President:  February 3, 2011

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

State Board of Financial Institutions:
Richard Thomas Beard is appointed to replace James Anderson as a member of the State Board of Financial Institutions, the remaining portion of the term will expire July 1, 2011. See Utah Code Annotated 7–1–203.

William E. Tingey is appointed to replace William D. Farley as a member of the State Board of Financial Institutions, the remaining portion of the term will expire July 1, 2011. See Utah Code Annotated 7–1–203.

Board of Pardons and Parole:
Clark Harms is reappointed as a member of the Board of Pardons and Parole, a term to expire February 28, 2016. See Utah Code Annotated 77–27–2.

Board of Aging and Adult Services:
Richard Kirkham Jolley is appointed as a member of the Board of Aging and Adult Services, a term to expire April 1, 2015. See Utah Code Annotated 62A–1–107.

Utah State Fair Corporation Board of Directors
Randall N. Parker is appointed to replace Lorin Moench Jr. as a member of the Utah State Fair Corporation Board of Directors, a term to expire December 1, 2015. See Utah Code Annotated 9–4–1104.
Lowell S. Peterson is reappointed as a member of the Utah State Fair Corporation Board of Directors, a term to expire December 1, 2015. See Utah Code Annotated 9–4–1104.

Donald J. Marchant is reappointed as a member of the Utah State Fair Corporation Board of Directors, a term to expire December 1, 2015. See Utah Code Annotated 9–4–1104.

**Utah Athletic Foundation Board of Directors:**

Bob Wheaton is appointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 15, 2014. See SJR 1 Passed February 3, 2007 and Bylaws of Utah Athletic Foundation.

Catherine Raney–Norman is appointed to replace Derek D. Parra as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 15, 2014. See SJR 1 Passed February 3, 2007 and Bylaws of Utah Athletic Foundation.

Eric Hutchings is appointed to replace Doral Vance as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 15, 2014. See SJR 1 Passed February 3, 2007 and Bylaws of Utah Athletic Foundation.

J. Michael Mattsson is appointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 15, 2014. See SJR 1 Passed February 3, 2007 and Bylaws of Utah Athletic Foundation.

Spencer F. Eccles is reappointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 15, 2013. See SJR 1 Passed February 3, 2007 and Bylaws of Utah Athletic Foundation.

**Water Quality Board:**

Daniel C. Snarr is reappointed as a member of the Water Quality Board, a term to expire March 1, 2015. See Utah Code Annotated 19–5–103.

Leland Jay Myers is reappointed as a member of the Water Quality Board, a term to expire March 1, 2015. See Utah Code Annotated 19–5–103.

**Health Facilities Committee:**

Lou Jean Flint is appointed as a member of the Health Facilities Committee, a term to expire July 1, 2014. See Utah Code Ann. 26–1–7 & 26–21–3.

Betty Lynn Davis is appointed to replace Mary Peterson as a member of the Health Facilities Committee, a term to expire July 1, 2015. See Utah Code Annotated 26–1–7 & 26–21–3.
DaNece Tait Fickett is appointed to replace Jeffrey Love as a member of the Health Facilities Committee, the remaining portion of the term will expire July 1, 2012. See Utah Code Annotated 26–1–7 & 26–21–3.

Public Service Commission:
Ron Allen is reappointed as a member of the Public Service Commission, a term to expire March 1, 2017. See Utah Code Annotated 54–1–1.5.

Board of Tourism Development:
Paul Michael Taylor is appointed to replace Frank W. Jones as a member of the Board of Tourism Development, the remaining portion of the term will expire June 30, 2013. See Utah Code Annotated 63M–1–1402.

Utah Comprehensive Health Insurance Pool Board of Directors:
Steven Madsen Canfield is appointed to replace Irene Link as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, the remaining portion of the term will expire June 30, 2011. See Utah Code Annotated 31A–29–104.

Utah Department of Health:
W. David Patton is appointed as the Interim Manager of the Utah Department of Health. See Utah Code Annotated 67–1–1.5 (3)(a)(ii)

Permanent Community Impact Fund Board:
Dennis Bruce Drake is appointed to replace D. Maloy Dodds as a member of the Permanent Community Impact Fund Board, the remaining portion of the term will expire July 1, 2012. See Utah Code Annotated 9–4–304.

State Board of Regents:
Mark R. Stoddard is appointed to replace Rosanita Cespedes as a member of the State Board of Regents, the remaining portion of the term will expire June 30, 2011. See Utah Code Annotated 53B–1–104.

Utah Commission on Uniform State Laws:
Lorie D. Fowlke is appointed as a member of the Utah Commission on Uniform State Laws, to represent the Utah State Bar, a term to expire July 1, 2015. See Utah Code Annotated 68–4–5.
Thank you for your timely consideration and confirmation of the above appointments.

Gary R. Herbert
Governor

Mr. President: February 17, 2011

The Senate Transportation and Public Utilities and Technology Confirmation Committee met on February 17, 2011, and highly recommends that Mr. Ron Allen be reappointed to the Public Service Commission.

Kevin T. Van Tassell, Chair

On motion of Senator Hillyard, the Senate voted to consent to the Governor’s appointments as read by Leslie McLean on the following vote:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Bramble | Niederhauser |

**SECOND READING CALENDAR**

S.B. 51, AMENDMENTS TO LOCAL SALES AND USE TAXES FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES, was read the second time. Senator Hillyard 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

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Absent or not voting were: Senators
Adams Van Tassell

* * *

On motion of Senator Mayne, the Senate voted to move S.C.R. 12, WEAR RED MONTH CONCURRENT RESOLUTION, to the top of the Second Reading Calendar.

On motion of Senator Mayne, under suspension of the rules, S.C.R. 12, WEAR RED MONTH CONCURRENT RESOLUTION, was considered read the second and third times. Senator Mayne explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble Buttars Dayton Hillyard
Hinkins Jenkins Jones Liljenquist
Madsen Mayne McAdams Morgan
Niederhauser Okerlund Reid Robles
Romero H. Stephenson J. Stevenson Stowell
Thatcher Urquhart Valentine Waddoups

Absent or not voting were: Senators
Adams Christensen Davis Knudson
Van Tassell

S.C.R. 12 was transmitted to the House.

* * *

On motion of Senator Mayne, the circle was removed from S.B. 235, CHARTER SCHOOL STUDENTS’ PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, and it was before the Senate.

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

1st Sub. S.B. 235 Charter School Students’ Participation in Extracurricular Activities (K. Mayne)
Senator Mayne explained the bill. Senators Buttars and Jones 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

| Bramble | Jenkins |

***

On motion of Senator Liljenquist, the circle was removed from **S.B. 149**, QUALIFICATIONS FOR THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH, and it was before the Senate. Senator Liljenquist 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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On motion of Senator Liljenquist, the circle was removed from **S.B. 180**, MEDICAID REFORM, and it was before the Senate.

On motion of Senator Liljenquist, the following substitute bill replaced the original bill:
2nd Sub. S.B. 180 Medicaid Reform (D. Liljenquist)

On motion of Senator Liljenquist, the bill was circled.

***

On motion of Senator Reid, the circle was removed from S.J.R. 9, JOINT RESOLUTION – GOVERNANCE OF PUBLIC AND HIGHER EDUCATION, and it was before the Senate. Senator Reid explained the bill. Senators Buttars, Van Tassell, McAdams, and Davis commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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On motion of Senator Madsen, the circle was removed from S.B. 141, BURGLARY OFFENSE AMENDMENTS, and it was before the Senate. Senator Madsen 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
Adams  Christensen  Davis  Mayne

***

On motion of Senator Bramble, S.B. 69, SALES AND USE TAX EXEMPTION FOR TEXTBOOKS FOR HIGHER EDUCATION, was read the second time and circled.

***

S.B. 157, PROPERTY TAX REVISIONS, was read the second time.

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

1st Sub. S.B. 157 Property Tax Revisions (C. Bramble)

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
Bramble  Buttars  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Robles  Romero
H. Stephenson  Stowell  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Adams  J. Stevenson  Thatcher

***

On motion of Senator Mayne, the circle was removed from S.B. 69, SALES AND USE TAX EXEMPTION FOR TEXTBOOKS FOR HIGHER EDUCATION, and it was before the Senate. Senator Mayne explained the bill. Senators Okerlund 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
Buttars  Davis  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Niederhauser
Reid  Robles  Romero  H. Stephenson
Stowell  Thatcher  Van Tassell  Waddoups

Voting in the negative were: Senators
Dayton  Hillyard  Okerlund  J. Stevenson
Valentine

Absent or not voting were: Senators
Adams  Bramble  Christensen  Urquhart

***

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.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 22, 2011

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

Business and Labor Committee
S.B. 261  Wrongful Foreclosure Act (Sen. C. Bramble)

Government Operations and Political Subdivisions Committee
H.B. 271  Restrictions on Political Subdivisions Regarding the Regulation of Knives (Rep. R. Wilcox) (Sen. A. Christensen)

Health and Human Services Committee

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 176  Candidate Party Affiliation (Sen. B. McAdams)
Natural Resources, Agriculture and Environment Committee
S.B. 237 Pollution Control Facility Amendments (Sen. L. Hillyard)

Revenue and Taxation Committee
S.B. 209 Telecommunications Amendments (Sen. C. Bramble)
S.B. 259 Sales and Use Tax Exemption for Certain Local Government Taxes and Fees (Sen. D. Stowell)

Transportation, Public Utilities and Technology Committee
S.B. 229 Transportation Funding Revisions (Sen. J. S. Adams)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President:

February 22, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 204, CAPITAL DEVELOPMENT AND IMPROVEMENT PROCESS APPROVAL REQUIREMENTS AMENDMENTS, by Senator J. S. Adams; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.J.R. 25, FEDERAL LAW JOINT RESOLUTION, by Senator J. Valentine; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 103, ELECTION AMENDMENTS, by Representative D. Brown; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 262, DIVIDED SCHOOL DISTRICT ASSETS AND LIABILITIES, by Representative K. Sumsion; and

Peter C. Knudson, Chair

Mr. President: February 22, 2011

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 270, MODIFICATIONS TO SALES AND USE TAX, by Senator J. S. Adams; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 276, PERSONAL PROPERTY AUDITS, by Senator R. Okerlund; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 296, AMENDMENTS TO TAX PROVISIONS, by Senator C. Bramble.

Curtis S. Bramble, Chair

Mr. President: February 22, 2011

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.B. 198, DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS, by Senator S. Jenkins; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.B. 251, LOBBYIST TRAINING, by Senator M. Waddoups.

Stuart C. Reid, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 22, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 265, MOTOR VEHICLE EMISSIONS AMENDMENTS, by Representative F. Gibson, 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
   House Committee Amendments
   2–10–2011:

   19 Other Special Clauses:

   20 {–None–} This bill provides an immediate effective date.

2. Page 5, Line 140: maintenance program in accordance with the requirements of this section.

   Section 2. Effective date.
   If approved by two–thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor’s signature, or in the case of a veto, the date of veto override.

   Peter C. Knudson, Chair

   On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 285, Industrial Assistance Fund Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: February 18, 2011

The Joint Conference Committee comprised of Sens. Adams, Niederhauser, and Mayne, and Reps. Dunnigan, Kiser, and Biskupski, recommends Ist Sub. H.B. 19, INSURANCE LAW RELATED AMENDMENTS, by Representative J. Dunnigan, with the following amendments:

1. Include all House amendments
2. Include all Senate amendments
3. Also include the following amendments:

   Page 1, Lines 13 through 14:

   13 ► amends definitions;
       ► creates the Insurance Department Restricted Account;
addresses fees for captive insurance companies and the cap on the Captive

Page 3, Lines 57 through 58:

57 31A−2−212, as last amended by Laws of Utah 2007, Chapter 309

31A−3−101, as last amended by Laws of Utah 2008, Chapter 382

31A−3−103, as last amended by Laws of Utah 2010, Chapter 10

58 31A−3−304, as last amended by Laws of Utah 2010, Chapters 10, 68 and last amended

Page 42, Line 1294:

1294 Accountability Act[, P.L. 104−191, pursuant to 110 Stat. 1968, Sec. 2722].

Section 4. Section 31A−3−101 is amended to read:


{(1) The department’s expenses shall be paid from the General Fund. } Department expenditures shall conform to the Legislature’s appropriation adopted under Title 63J, Chapter 1, Budgetary Procedures Act.

{(2) Except as provided in Section 31A−2−206, or as otherwise specifically provided in this title, all money collected by the commissioner shall be deposited without deduction in the General Fund. }

Section 5. Section 31A−3−103 is amended to read:

31A−3−103. Fees.

(1) For purposes of this section, “services” means functions that are reasonable and necessary to enable the commissioner to perform the duties imposed by this title including:

(a) issuing or renewing a license or certificate of authority;
(b) filing a policy form;
(c) reporting a producer appointment or termination; and
(d) filing an annual statement.

(2) Except as otherwise provided by this title:

(a) the commissioner may set and collect a fee for services provided by the commissioner;
(b) a fee related to the renewal of a license may be imposed no more frequently than once each year; and
(c) a fee charged by the commissioner shall be set in accordance with Section 63J−1−504.
(3) Except as otherwise provided in this title, a fee established pursuant to this section shall be deposited into the General Fund for appropriation by the Legislature.

(4) (a) The commissioner shall publish a schedule of fees established pursuant to this section.

(b) The commissioner shall, by rule, establish the deadlines for payment of a fee established pursuant to this section.

(4) (a) Beginning July 1, 2011, there is created in the General Fund a restricted account known as the “Insurance Department Restricted Account.”

(b) Except as provided in Subsection (4)(c), the Insurance Department Restricted Account shall consist of:

(i) fees authorized by this section; and

(ii) other money received by the department, including:

(A) reimbursements for examination costs incurred by the department; and

(B) forfeitures collected under this title.

(c) The department shall deposit money it receives that is subject to a restricted account or enterprise fund created by this title into the restricted account or enterprise fund in accordance with the statute creating the restricted account or enterprise fund, and the department may not deposit the money into the Insurance Department Restricted Account.

(d) Subject to appropriation by the Legislature, the department may expend money in the Insurance Department Restricted Account to fund the operations of the department.

(e) At the end of each fiscal year, the director of the Division of Finance shall transfer into the General Fund any money deposited into the Insurance Department Restricted Account under Subsection (4)(b) that exceeds the legislative appropriations from the Insurance DepartmentRestricted Account for that year.

Page 102c, Lines 3137do through 3137dp

Senate Committee Amendments
2–9–2011:

3137do  (7) A licensee may not receive noncommission compensation from an insured or enrollee for providing a service or engaging in an

3137dp  act that is required to be provided or performed in order to receive commission compensation, except for the surplus lines
transactions that do not receive commissions

Sen. Stuart Adams and
Rep. Jim Dunnican, Chairs

On motion of Senator Adams, the Senate voted to concur in the conference committee amendments to **Ist Sub. H.B. 19**, INSURANCE LAW RELATED AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Adams  Christensen  Davis  Dayton
Hillyard  Hinkins  Jones  Knudson
Liljenquist  Mayne  McAdams  Morgan
Niederhauser  Reid  Robles  Romero
H. Stephenson  J. Stevenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

**Absent or not voting were:** Senators
Bramble  Buttars  Jenkins  Madsen
Okerlund  Thatcher

**Ist Sub. H.B. 19** was signed by the President in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stowell, the Senate voted to lift **S.B. 57**, ANIMAL CONTROL – EXCEPTION FOR COMMUNITY CAT MANAGEMENT INITIATIVE, from the Judiciary, Law Enforcement, and Criminal Justice Committee and assign it to the Natural Resources, agriculture and Environment Committee.

**THIRD READING CALENDAR**

On motion of Senator Dayton, the circle was removed from **H.B. 238**, RADIOLOGIC TECHNOLOGIST AND RADIOLOGY PRACTICAL TECHNICIAN LICENSING ACT, 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
Adams    Christensen    Davis    Dayton
Hillyard  Hinkins      Jenkins  Jones
Knudson   Liljenquist  Mayne    McAdams
Morgan    Niederhauser Reid     Robles
Romero   H. Stephenson J. Stevenson Stowell
Urquhart Valentine  Van Tassell Waddoups

Absent or not voting were: Senators
Bramble  Buttars    Madsen    Okerlund
Thatcher                         

H.B. 238 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Liljenquist, the circle was removed from 2nd Sub. S.B. 180, MEDICAID REFORM, and it was before the Senate. Senator Liljenquist explained the bill. Senators Reid, Hillyard, Dayton, Davis, Urquhart, and Jones commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Adams    Christensen    Davis    Dayton
Hillyard  Hinkins      Jenkins  Jones
Knudson   Liljenquist  Madsen   Mayne
McAdams   Morgan       Niederhauser Okerlund
Reid      Robles      Romero    H. Stephenson
J. Stevenson Stowell  Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Bramble  Buttars    Thatcher                         

***

On motion of Senator Hillyard, the circle was removed from 3rd Sub. S.B. 96, ALIMONY AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill. The bill failed on the following roll call:

Yeas, 11; Nays, 17; Absent, 1.
Voting in the affirmative were: Senators
Christensen    Davis    Hillyard    Hinkins
Jenkins        Knudson   Madsen     Okerlund
Stowell        Van Tassell Waddoups

Voting in the negative were: Senators
Bramble        Buttars   Dayton     Jones
Liljenquist    Mayne     McAdams    Morgan
Niederhauser   Reid      Robles     Romero
H. Stephenson  J. Stevenson Thatcher    Urquhart
Valentine

Absent or not voting was: Senator
Adams

3rd Sub. S.B. 96 was filed.

* * *

S.B. 159, SEX OFFENDER REGISTRY REVISIONS, was read the second time. Senator Stowell explained the bill.

Senator Stowell proposed the following amendment:

1. Page 1, Line 20
   20  •  sexual exploitation of a vulnerable adult; and

2. Page 1, Line 23:
   23  {−a felony or class A misdemeanor voyeurism offense; and −}

3. Page 2, Line 29:
   29  {−None−} This bill coordinates with S.B. 106, Sexual Exploitation Amendments, by amending the reference to a code section citation amended in S.B. 106

4. Page 5, Line 122:
   122  than 18 years of age if the offense is committed on or after May 10, 2011;

5. Page 15, Line 449:
   449 retirement, or investment accounts.
Section 2. If this S.B. 159 and S.B. 106, Sexual Exploitation 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 amending Subsection 77–27–21.5(1)(n)(i)(B) to read:

“(B) Section 76–5b–202, sexual exploitation of a vulnerable adult, on or after May 10, 2011.”

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

Y eas, 27; Nays, 0; Absent, 2.

**Voting in the affirmative were:** Senators

Bramble          Buttars          Christensen          Davis
Dayton           Hillyard         Hinkins             Jones
Knudson          Liljenquist      Madsen              Mayne
McAdams          Morgan           Niederhauser        Okerlund
Reid             Robles           Romero              H. Stephenson
J. Stevenson     Stowell          Thatcher            Urquhart
Valentine        Van Tassell      Waddoups

**Absent or not voting were:** Senators

Adams           Jenkins

* * *

On motion of Senator McAdams, **S.B. 164, ATTORNEY FEES AND COURT COSTS AMENDMENTS**, was read the second time and circled.

* * *

On motion of Senator Niederhauser, **S.B. 230, DNA AMENDMENTS**, was read the second time and circled.

* * *

On motion of Senator Niederhauser, **S.B. 86, SUNSET REAUTHORIZATIONS**, was read the second time and circled.

* * *

**S.B. 177, SECURITY AGENCY QUALIFICATION AMENDMENTS**, was read the second time. Senator Dayton explained the bill.
Senator Dayton proposed the following amendment:

1. Page 18, Lines 541 through 542

541 apprentice license requires the filing of a {bond or } liability insurance policy as [described]
542 required in Subsections {53–9–109} 53–9–110 (2) and (3).

Senator Dayton’s motion to amend passed on a voice vote. 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

Bramble    Buttars    Christensen    Davis
Dayton     Hillyard    Hinkins    Jones
Knudson    Liljenquist    Madsen    Mayne
McAdams    Morgan    Niederhauser    Okerlund
Reid       Robles    Romero    H. Stephenson
J. Stevenson    Stowell    Thatcher    Urquhart
Valentine   Van Tassell    Waddoups

*Absent or not voting were:* Senators

Adams    Jenkins

***

On motion of Senator Okerlund, **S.B. 271**, EMINENT DOMAIN REVISIONS, was read the second time and circled.

***

**S.B. 191**, WORKERS’ COMPENSATION COVERAGE WAIVERS, was read the second time. Senator Mayne explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

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

*Voting in the affirmative were:* Senators

Bramble    Buttars    Christensen    Davis
Dayton     Hillyard    Hinkins    Knudson
Liljenquist    Mayne    McAdams    Morgan
Okerlund    Reid    Robles    Romero
H. Stephenson    Stowell    Thatcher    Urquhart
Valentine   Van Tassell    Waddoups
Absent or not voting were: Senators
Adams Jenkins Jones Madsen
Niederhauser J. Stevenson

* * *

1st Sub. S.B. 67, ANNUAL EYE EXAMINATION FOR CHILDREN IN GRADES KINDERGARTEN THROUGH THREE, was read the second time. Senator Robles explained the bill. Senators Hillyard and Valentine commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 4; Absent, 4.

Voting in the affirmative were: Senators
Christensen Davis Hillyard Hinkins
Knudson Liljenquist Madsen Mayne
McAdams Morgan Okerlund Reid
Robles Romero H. Stephenson J. Stevenson
Stowell Thatcher Urquhart Van Tassell
Waddoups

Voting in the negative were: Senators
Buttars Dayton Niederhauser Valentine

Absent or not voting were: Senators
Adams Bramble Jenkins Jones

* * *

On motion of Senator Christensen, S.C.R. 11, DIXIE STATE COLLEGE CONCURRENT RESOLUTION, was read the second time and circled.

* * *

1st Sub. S.B. 137, MEDICAID AMENDMENTS, was read the second time.

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

3rd Sub. S.B. 137 Medicaid Amendments (A. Christensen)

On motion of Senator Christensen, the bill was circled.

* * *

On motion of Senator Hillyard, S.B. 150, NEGLIGENT CREDENTIALING, was read the second time and circled.
S.B. 199, UTAH COMMISSION ON UNIFORM STATE LAWS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Bramble  
Buttars  
Christensen  
Davis  
Dayton  
Hillyard  
Hinkins  
Knudson  
Liljenquist  
Madsen  
Mayne  
McAdams  
Morgan  
Niederhauser  
Okerlund  
Reid  
Robles  
Romero  
H. Stephenson  
J. Stevenson  
Stowell  
Thatcher  
Urquhart  
Valentine  
Van Tassell  
Waddoups

**Absent or not voting were:** Senators

Adams  
Jenkins  
Jones

---

S.B. 200, STATE DEBT COLLECTIONS 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

Bramble  
Christensen  
Davis  
Dayton  
Hillyard  
Hinkins  
Jenkins  
Knudson  
Liljenquist  
Mayne  
McAdams  
Morgan  
Niederhauser  
Okerlund  
Reid  
Robles  
H. Stephenson  
J. Stevenson  
Stowell  
Thatcher  
Urquhart  
Valentine  
Van Tassell  
Waddoups

**Absent or not voting were:** Senators

Adams  
Buttars  
Jenkins  
Jones  
Madsen

---

On motion of Senator Hillyard, S.B. 214, MOTOR VEHICLE RENTAL COMPANY FEE DISCLOSURES, was read the second time and circled.
On motion of Senator Urquhart, S.B. 55, ELECTRONIC SIGNATURES, was read the second time and circled.

1st Sub. S.B. 151, REAL ESTATE TRANSACTIONS AND SECURITIES, was read the second time. Senator McAdams explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

- Bramble
- Christensen
- Davis
- Dayton
- Hinkins
- Jenkins
- Knudson
- Liljenquist
- Madsen
- Mayne
- McAdams
- Niederhauser
- Okerlund
- Reid
- Robles
- Romero
- H. Stephenson
- J. Stevenson
- Stowell
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators

- Adams
- Buttars
- Hillyard
- Jones
- Morgan

On motion of Senator Jenkins, the circle was removed from S.B. 86, SUNSET REAUTHORIZATIONS, and it was before the Senate.

Senator Jenkins proposed the following amendment:

1. Page 3, Lines 63 through 64

   63 (8) Section 53A–17a–163, Performance–based Compensation Pilot Program is repealed

   64 July 1, { 2011 2016 }.

Senator Jenkins’s motion to amend passed on a voice vote. Senator Jenkins 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

- Christensen
- Davis
- Hinkins
- Jenkins
- Knudson
- Liljenqust
- Madsen
- Mayne
Voting in the negative was: Senator Dayton

Absent or not voting were: Senators Adams Bramble Buttars Hillyard Jones

* * *

S.B. 250. ELECTRONIC TRANSMISSIONS AND DIRECTORS ACTIONS, was read the second time. Senator McAdams 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 Adams Bramble Davis Dayton Hinkins Jenkins Knudson Liljenquist Madsen Mayne McAdams Morgan Niederhauser Okerlund Reid Robles Romero H. Stephenson J. Stevenson Stowell Thatcher Urquhart Valentine Van Tassell Waddoups

Absent or not voting were: Senators Buttars Christensen Hillyard Jones

* * *

1st Sub. S.B. 290. ABATEMENT OF WEEDS, GARBAGE, REFUSE, AND UNSIGHTLY OBJECTS, was read the second time. Senator Knudson explained the bill.

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

2nd Sub. S.B. 290 Abatement of Weeds, Garbage, Refuse, and Unsightly Objects (P. Knudson)
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 Adams, the circle was removed from **S.B. 230**, DNA AMENDMENTS, and it was before the Senate. Senator Adams explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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On motion of Senator Adams, the circle was removed from **S.B. 271**, EMINENT DOMAIN REVISIONS, and it was before the Senate. Senator Adams 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
Adams Christensen Davis Dayton
Hinkins Jenkins Knudson Liljenquist
Madsen Mayne McAdams Morgan
Niederhauser Okerlund Reid Robles
Romero J. Stevenson Stowell Thatcher
Valentine Van Tassell

Absent or not voting were: Senators
Bramble Buttars Hillyard Jones
H. Stephenson Urquhart Waddoups

* * *

On motion of Senator Stevenson, the circle was removed from 1st Sub.
S.B. 56, OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN
AMENDMENTS, and it was before the Senate. Senator Stevenson explained the
bill. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 0; Absent, 12.

Voting in the affirmative were: Senators
Adams Christensen Davis Dayton
Jenkins Knudson Liljenquist Mayne
McAdams Morgan Niederhauser Okerlund
Reid Romero J. Stevenson Valentine
Van Tassell

Absent or not voting were: Senators
Bramble Buttars Hillyard Hinkins
Jones Madsen Robles H. Stephenson
Stowell Thatcher Urquhart Waddoups

* * *

On motion of Senator Adams, the circle was removed from S.B. 150,
NEGLIGENT CREDENTIALALING, and it was before the Senate. Senator Adams
explained the bill. Senators Valentine, Romero, McAdams, and Christensen
commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 6; Absent, 2.

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Hinkins Jenkins Knudson
Knudson Liljenquist Mayne Morgan
Romero J. Stevenson Stowell Thatcher
Van Tassell Waddoups
Voting in the negative were: Senators
Dayton Hillyard Morgan Robles
Romero Valentine

Absent or not voting were: Senators
Jones Waddoups

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 22, 2011

The House passed, 1st Sub. S.J.R. 3, ADULT IMMUNIZATION AWARENESS MONTH JOINT RESOLUTION, 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

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

* * *

Mr. President: February 22, 2011

The House passed, as substituted, 2nd Sub. H.B. 76, FEDERAL LAW EVALUATION AND RESPONSE, by Representative K. Ivory, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 115, MECHANICS’ LIENS AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed H.B. 172, SERVICE ANIMAL AMENDMENTS, by Representative K. Grover, and it is transmitted for consideration; and

The House passed H.C.R. 8, CONCURRENT RESOLUTION ON PROVIDING CONTINUING FEDERAL FINANCIAL ASSISTANCE FOR THE DELIVERY OF BASIC SERVICES TO DUTCHE JOHN, UT, by Representative M. Brown, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.
On motion of Senator Jenkins and at 5:00 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 23, 2011.
THIRTIETH DAY
MORNING SESSION
February 23, 2011

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

Prayer – Alan McKay
Pledge of Allegiance – Senator Wayne Niederhauser
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 22, 2011
The House passed, as substituted, 3rd Sub. H.B. 48, FINGERPRINTS OF JUVENILES, by Representative J. Peterson, and it is transmitted for consideration; and

The House passed, as substituted and amended, 2nd Sub. H.B. 77, MEDICAL ASSISTANCE ACCOUNTABILITY, by Representative D. Clark, and it is transmitted for consideration; and

The House passed H.B. 86, VETERAN’S IDENTIFICATION ON DRIVER LICENSE OR IDENTIFICATION CARD, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 99, MOTION PICTURE INCENTIVES AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 106, ELECTRONIC MEETINGS REVISIONS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 121, SEXUAL SOLICITATION AMENDMENTS, by Representative J. Seelig, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 161**, GUARDIAN AD LITEM RESPONSIBILITIES, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 174**, CONTRACTING FOR MEDICAID ELIGIBILITY DETERMINATION SERVICES, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 256**, CHILDREN’S HEALTH INSURANCE AND MEDICAID ADMINISTRATIVE SIMPLIFICATION, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 272**, INDIGENT DEFENSE ACT AMENDMENTS, by Representative K. McIff, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 274**, LOBBYIST DISCLOSURE AND REGULATION ACT AMENDMENTS, by Representative P. Arent, et al, and it is transmitted for consideration; and

The House passed **H.B. 275**, SCHOOL DISTRICT DIVISION AMENDMENTS, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed **H.J.R. 4**, JOINT RULES RESOLUTION PROVIDING ETHICS REQUIREMENTS FOR LEGISLATORS ELECT, by Representative P. Arent, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

**INTRODUCTION OF BILLS**

**S.B. 279, Grand Jury Modifications** (M. Dayton), was read the first time by short title and referred to the Rules Committee.

**S.B. 309, Government Records Access Management Act Amendments** (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

**S.B. 312, Economic Development Coordination** (S. Jenkins), was read the first time by short title and referred to the Rules Committee.
THIRD READING CALENDAR

S.B. 51, AMENDMENTS TO LOCAL SALES AND USE TAXES FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES, was read the third timed and explained by Senator Hillyard.

Senator Buttars proposed the following amendment:

1. Page 5, Line 117 through Page 5, Line 125

117 (1) (a) [(i)] Subject to the other provisions of this section, a county legislative body

118 may submit an opinion question to the residents of that county, by majority vote of all members

119 of the legislative body, so that each resident of the county, except residents in municipalities

120 that have already imposed a sales and use tax under Part 14, City or Town Option Funding For Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, has an opportunity to express the resident’s opinion on the imposition of a local sales and use tax of

123 .1% on the transactions described in Subsection 59−12−103(1) located within the county, to:

(i) fund cultural facilities, recreational facilities, and zoological facilities, botanical organizations,

125 cultural organizations, and zoological organizations, and rural radio stations, in that county; or

(ii) provide funding for a botanical organization, cultural organization, or zoological organization to pay a school district for use of a school bus or facility rental if that use of the school bus or facility rental is in furtherance of the botanical organization’s, cultural organization’s, or zoological organization’s primary purpose.

2. Page 12, Lines 340 through 347:

340 (1) (a) [(i) Subsection (6), beginning on January 1, 2003,] the other
provisions of this section, a city or town legislative body subject to
this part may submit an
opinion question to the residents of that city or town, by majority
vote of all members of the
legislative body, so that each resident of the city or town has an
opportunity to express the
resident’s opinion on the imposition of a local sales and use tax of
.1% on the transactions
described in Subsection 59–12–103(1) located within the city or
town, to
(i) fund cultural facilities,
recreational facilities, and zoological facilities and botanical
organizations, cultural
organizations, and zoological organizations in that city or town;
or
(ii) provide funding for a botanical organization, cultural organization,
or zoological organization to pay a school district for use of a school bus
or facility rental if that use of the school bus or facility rental is in
furtherance of the botanical organization’s, cultural organization’s, or
zoological organization’s primary purpose.

Senator Buttars’ motion to amend passed on a voice vote. Senator Stephenson
commented.

On motion of Senator Hillyard, the bill was circled.

* * *

1st Sub. S.B. 235, CHARTER SCHOOL STUDENTS’ PARTICIPATION IN
EXTRACURRICULAR ACTIVITIES, was read the third time, explained by
Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Hinkins
Jones  Knudson  Liljenquist  Mayne
McAdams  Morgan  Niederhauser  Okerlund
Reid  Robles  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups
Absent or not voting were: Senators
Jenkins               Madsen           Romero

1st Sub. S.B. 235 was transmitted to the House for consideration.

***

S.B. 149, QUALIFICATIONS FOR THE EXECUTIVE DIRECTOR OF
THE DEPARTMENT OF HEALTH, 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
Adams             Bramble                  Buttars               Christensen
Davis             Dayton                   Hillyard              Hinkins
Jenkins           Jones                    Knudson               Liljenquist
Mayne            McAdams                  Morgan                Niederhauser
Okerlund          Reid                     Robles               Romero
H. Stephenson     Stowell                  Thatcher             Urquhart
Valentine         Van Tassell              Waddoups             

Absent or not voting were: Senators
Madsen             J. Stevenson

S.B. 149 was transmitted to the House for consideration.

***

On motion of Senator Reid, S.J.R. 9, JOINT RESOLUTION –
GOVERNANCE OF PUBLIC AND HIGHER EDUCATION, was read the third
time and circled.

***

On motion of Senator McAdams, S.B. 141, BURGLARY OFFENSE
AMENDMENTS, was read the third time and circled.

***

On motion of Senator Dayton, 1st Sub. S.B. 157, PROPERTY TAX
REVISIONS, was read the third time and circled.

***

S.B. 69, SALES AND USE TAX EXEMPTION FOR TEXTBOOKS FOR
HIGHER EDUCATION, was read the third time and explained by Senator Mayne.
Senators Jenkins and Valentine commented and the bill passed on the following roll call:

**Yeas, 21; Nays, 5; 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. 69** was transmitted to the House for consideration.

***

On motion of Senator Reid, the circle was removed from **S.J.R. 9, JOINT RESOLUTION – GOVERNANCE OF PUBLIC AND HIGHER EDUCATION**, and it was before the Senate. Senator Reid explained the bill. Senators Stephenson, Jenkins, Jones, Valentine, Davis, Buttars, and Romero commented. 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 Madsen

S.J.R. 9 was transmitted to the House for consideration.

***

2nd Sub. S.B. 180, MEDICAID REFORM, 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
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Mayne
McAdams  Morgan  Niederhauser  Okerlund
Reid  Robles  Romero  H. Stephenson
J. Stevenson  Stowell  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Hillyard  Madsen

2nd Sub. S.B. 180 was transmitted to the House for consideration.

***

On motion of Senator Valentine, legislative staff was authorized to draft a resolution developing a sister relationship between Utah and Lioaning Province China.

On motion of Senator Buttars, legislative staff was authorized to draft a bill regarding municipal court judges.

***

S.B. 159, SEX OFFENDER REGISTRY REVISIONS, 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
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hinkins  Jenkins
Absent or not voting were: Senators
Hillyard Knudson Madsen

S.B. 159 was transmitted to the House for consideration.

***

S.B. 177, SECURITY AGENCY QUALIFICATIONS 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
Adams Bramble Buttars Christensen
Davis Dayton Hinkins Jenkins
Jones Knudson Liljenquist Mayne
McAdams Morgan Okerlund Reid
Robles Romero H. Stephenson J. Stevenson
Thatcher Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Hillyard Madsen Niederhauser Stowell Urquhart

S.B. 177 was transmitted to the House for consideration.

***

S.B. 191, WORKERS’ COMPENSATION COVERAGE WAIVERS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hinkins Jenkins


S.B. 191 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 67, ANNUAL EYE EXAMINATION FOR CHILDREN IN GRADES KINDERGARTEN THROUGH THREE, was read the third time and explained by Senator Robles.

Senator Stephenson proposed the following amendment:

1.  Page 2, Lines 41 through 43

   41  [(2)] (3) (a) The division  
        (i) shall provide vision screening report forms to a person
            approved by the division to conduct a free vision screening for children aged 3−1/2 to [seven]

   42  eight ; and

   (ii) may work with health care professionals, teachers, and vision screeners to develop protocols that may be used by a parent, teacher, or vision screener to help identify a child who may have conditions that are not detected in a vision screening, such as problems with eye focusing, eye tracking, visual perceptual skills, visual motor integration, and convergence insufficiency; and

   (iii) shall, once protocols are established under Subsection (3)(a)(ii), develop language regarding the vision problems identified in Subsection (3)(a)(ii) to be included in the notice required by Subsection (3)(b).

Senator Stephenson’s motion to amend passed on a voice vote. Senators Bramble and Dayton commented and the bill passed on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Davis
Hinkins  Jones  Knudson  Liljenquist
Voting in the negative were: Senators
Buttars                Dayton                Jenkins

Absent or not voting were: Senators
Hillyard               Niederhauser            Stowell

1st Sub. S.B. 67 was transmitted to the House for consideration.

SPECIAL RECOGNITION

Senator Madsen paid special recognition to winners of the Springville Art Museum contest. Dr. Virgil Jacobson was recognized.

* * *

On motion of Senator Jenkins, and at 11:45 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:25 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 23, 2011

The House passed, 1st Sub. S.B. 16, STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION AMENDMENTS, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 101, UTAH UNIFORM SECURITIES ACT ENFORCEMENT, by Senator B. McAdams, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 135, DEPARTMENT OF PUBLIC SAFETY DUTIES AMENDMENTS, by Senator D. Thatcher, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 143, JUDICIARY AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and
The House passed, **S.C.R. 15, DELISTING OF WOLVES CONCURRENT RESOLUTION**, by Senator A. Christensen, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills 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, 2011

The House adopted the Joint Conference Committee Report dated February 23, 2011, and passed **1st Sub. H.B. 19, INSURANCE LAW 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 **1st Sub. H.B. 28, PENALTIES FOR UNAUTHORIZED USE OF RECORDS**, 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. 71, VICTIM RIGHTS AMENDMENTS**, by Representative B. Wilson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 78, DEVELOPER FEES**, 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. 243, OCCUPATIONS AND PROFESSIONS 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 **1st Sub. H.B. 257, CONCEALED FIREARM ACT MODIFICATIONS**, by Representative R. Menlove, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills 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 23, 2011

The House passed, as amended, **H.B. 98, CAPITAL OUTLAY FUNDING MODIFICATIONS**, by Representative C. Watkins, and it is transmitted for consideration; and
The House passed **H.B. 162**, PEDESTRIANS ON FREEWAYS, by Representative L. Perry, and it is transmitted for consideration; and

The House passed **H.C.R. 7**, CONCURRENT RESOLUTION SUPPORTING PUBLIC POLICIES THAT PROMOTE OUTDOOR ACTIVITIES FOR CHILDREN, by Representative J. Draxler, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 16**, RESOLUTION SUPPORTING UTAH HIGHWAY PATROL USE OF WHITE CROSSES AS ROADSIDE MEMORIAL, by Representative L. Perry, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

***

Mr. President:

February 23, 2011

The House passed, as amended, **1st Sub. S.B. 117**, COMMUNITY ASSOCIATION ACT AMENDMENTS, by Senator S. Urquhart, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 110**, DRIVER LICENSE SUSPENSION AMENDMENTS, by Senator D. C. Buttars, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 58**, CRIME VICTIMS REPARATIONS REVISIONS, by Senator J. S. Adams, 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 23, 2011

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

**Business and Labor Committee**

(Sen. J. S. Adams)
Government Operations and Political Subdivisions Committee

**S.B. 309**  
Government Records Access Management Act Amendments (Sen. J. Stevenson)

**2nd Sub. H.B. 76**  

**H.B. 86**  
Veteran’s Identification on Driver License or Identification Card (Rep. G. Hughes) (Sen. M. Dayton)

**1st Sub. H.B. 106**  
Electronic Meetings Revisions (Rep. B. Daw) (Sen. S. Urquhart)

**H.B. 172**  

**H.B. 274**  
Lobbyist Disclosure and Regulation Act Amendments (Rep. P. Arent) (Sen. B. McAdams)

**H.B. 275**  

**H.J.R. 4**  

Health and Human Services Committee

**1st Sub. H.B. 174**  
Contracting for Medicaid Eligibility Determination Services (Rep. W. Harper) (Sen. A. Christensen)

**1st Sub. H.B. 256**  
Children’s Health Insurance and Medicaid Administrative Simplification (Rep. J. Dunnigan) (Sen. D. Liljenquist)

Judiciary, Law Enforcement, and Criminal Justice Committee

**3rd Sub. H.B. 48**  

**1st Sub. H.B. 121**  
Sexual Solicitation Amendments (Rep. J. Seelig) (Sen. C. Bramble)

**H.B. 161**  

**H.B. 272**  

**S.B. 279**  
Grand Jury Modifications (Sen. M. Dayton)

Natural Resources, Agriculture and Environment Committee

**H.C.R. 8**  
Revenue and Taxation Committee
S.B. 202 Pharmaceutical Competitive Pricing (Sen. C. Bramble)
S.B. 262 Tobacco Products Amendments (Sen. C. Bramble)
S.B. 285 Industrial Assistance Fund Amendments (Sen. C. Bramble)

Workforce Services and Community and Economic Development Committee
S.B. 312 Economic Development Coordination (Sen. S. Jenkins)

Margaret Dayton
Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 186, Utah Medical Practice Act Amendments (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

S.B. 273, Emergency Responder Fees, (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

S.B. 294, Patient Access Reform, (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

On motion of Senator Christensen, S.B. 199, UTAH COMMISSION ON UNIFORM STATE LAWS, was read the third time and circled.

***

On motion of Senator Christensen, S.B. 200, STATE DEBT COLLECTIONS AMENDMENTS, was read the third time and circled.

***

1st Sub. S.B. 151, REAL ESTATE TRANSACTIONS AND SECURITIES, was read the third time, explained by Senator McAdams, and passed on the following roll call:
**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

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1st Sub. **S.B. 151** was transmitted to the House for consideration.

* * *

On motion of Senator Okerlund, **S.B. 86**, SUNSET REAUTHORIZATIONS, was read the third time and circled.

* * *

**S.B. 250**, ELECTRONIC TRANSMISSIONS AND DIRECTORS ACTIONS, was read the third time, explained by Senator McAdams, 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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**S.B. 250** was transmitted to the House for consideration.

* * *

2nd Sub. **S.B. 290**, ABATEMENT OF WEEDS, GARBAGE, REFUSE, AND UNSIGHTLY OBJECTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:
Yeas, 22; Nays, 0; Absent, 7.

**Voting in the affirmative were:** Senators

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2nd Sub. S.B. 290 was transmitted to the House for consideration.

* * *

S.B. 230, DNA AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

**Voting in the affirmative were:** Senators

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S.B. 230 was transmitted to the House for consideration.

* * *

S.B. 271, EMINENT DOMAIN REVISIONS, was read the third time, explained by Senator Adams, and passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.
Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hinkins  Jones
Knudson  Liljenquist  Mayne  McAdams
Morgan  Okerlund  Reid  Robles
Romero  H. Stephenson  Urquhart  Van Tassell
Waddoups

Absent or not voting were: Senators
Hillyard  Jenkins  Madsen  Niederhauser
J. Stevenson  Stowell  Thatcher  Valentine

S.B. 271 was transmitted to the House for consideration.

***

On motion of Senator Dayton, 1st Sub. S.B. 56, OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN AMENDMENTS, was read the third time and circled.

***

On motion of Senator Adams, S.B. 150, NEGLIGENT CREDENTIALING, was read the third time and circled.

INTRODUCTION OF BILLS

S.J.R. 27, Bullying and Cyber Bullying Standards for School Districts Joint Resolution (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

***

On motion of Senator Buttars, 1st Sub. S.B. 212, JUDICIAL EVALUATION AMENDMENTS, will be considered Thursday, February 24, 2011 at 11:00 a.m.

SECOND READING CALENDAR

1st Sub. H.B. 216, REUNIFICATION SERVICES AMENDMENTS, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

Yea.s, 23; Nay.s, 0; Absent, 6.
Voting in the affirmative were: Senators
Bramble                 Buttars                  Christensen        Davis
Dayton                  Hinkins                  Jones               Knudsen
Liljenquist             Madsen                   Mayne              McAdams
Morgan                  Niederhauser             Okerlund           Reid
Robles                  Romero                   H. Stephenson      J. Stevenson
Valentine               Van Tassell               Waddoups

Absent or not voting were: Senators
Adams                   Hillyard                 Jenkins            Stowell
Thatcher                Urquhart

* * *

H.B. 103, ELECTION AMENDMENTS, was read the second time. Senator Liljenquist 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                 Buttars                  Christensen        Davis
Dayton                  Hinkins                  Jones               Knudsen
Liljenquist             Madsen                   Mayne              McAdams
Morgan                  Niederhauser             Okerlund           Reid
Robles                  Romero                   H. Stephenson      J. Stevenson
Valentine               Van Tassell               Waddoups

Absent or not voting were: Senators
Adams                   Hillyard                 Jenkins            Stowell
Thatcher                Urquhart

* * *

On motion of Senator Dayton, H.B. 262, DIVIDED SCHOOL DISTRICT ASSETS AND LIABILITIES, was read the second time and circled.

* * *

On motion of Senator Dayton, 4th Sub. H.J.R. 12, JOINT RESOLUTION ON JOINT RULES CHANGES, was read the second time and circled.

* * *

On motion of Senator Dayton, the circle was removed from 4th Sub. H.J.R. 12, JOINT RESOLUTION ON JOINT RULES CHANGES, and it was before the
Senate. Senator Dayton 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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**S.J.R. 21, RELATIONS WITH THE REPUBLIC OF TURKEY JOINT RESOLUTION,** was read the second time. Senator Knudson explained the bill. Senators Valentine, Davis, and Dayton commented. 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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**S.B. 243, HISTORIC AREAS OR SITES AMENDMENTS,** was read the second time. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:
1. Page 2, Lines 40 through 45

(2) Except as provided in Subsection (3), a municipality may not:

(a) designate an historical area or site on or after May 10, 2011, and before May 8, 2012; or
(b) exercise an authority or an action described in Subsection (1), unless the authority

or action is for an historical area or site established before May 10, 2011, or on or after May 8, 2012.

(3) Subsection (2) does not apply to an historical area or site designated or an authority or action exercised by a municipality in which a person may voluntarily participate.

2. Page 3, Lines 60 through 65:

Except as provided in Subsection (3), a county may not:

(a) designate an historical area or site on or after May 10, 2011, and before May 8, 2012; or
(b) exercise an authority or an action described in Subsection (1), unless the authority

or action is for an historical area or site established before May 10, 2011, or on or after May 8, 2012.

(3) Subsection (2) does not apply to an historical area or site designated or an authority or action exercised by a county in which a person may voluntarily participate.

Senator Niederhauser’s motion to amend passed on a voice vote. Senators Dayton, Okerlund, McAdams, Stevenson, Waddoups, Morgan, and Davis commented. Senator McAdams declared a conflict of interest. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 6; Absent, 3.**
Voting in the affirmative were: Senators
Bramble          Buttars          Christensen     Davis
Dayton           Hinkins          Jenkins         Knudson
Liljenquist      Madsen          Niederhauser    Okerlund
Reid             H. Stephenson    J. Stevenson    Thatcher
Urquhart         Valentine        Van Tassell    Waddoups

Voting in the negative were: Senators
Jones            Mayne            McAdams        Morgan
Robles           Romero

Absent or not voting were: Senators
Adams            Hillyard         Stowell

* * *

S.B. 112, RETIREMENT SYSTEM DIVESTMENT, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators
Bramble          Christensen     Davis           Dayton
Hinkins          Jenkins          Jones           Knudson
Liljenquist      Madsen          Mayne          McAdams
Morgan           Okerlund         Reid            Robles
Romero           H. Stephenson    J. Stevenson    Valentine
Van Tassell      Waddoups

Absent or not voting were: Senators
Adams            Buttars          Hillyard        Niederhauser
Stowell          Thatcher         Urquhart

* * *

1st Sub. S.B. 120, CAREER SERVICE AMENDMENTS, was read the second time. Senator Liljenquist explained the bill.

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

2nd Sub. S.B. 120 Career Service Amendments (D. Liljenquist)
The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Christensen    Davis    Dayton    Hinkins
Jenkins        Jones     Knudson   Liljenquist
Madsen         Mayne     McAdams   Morgan
Okerlund       Reid      Robles    Romero
H. Stephenson  J. Stevenson Urquhart Valentine
Van Tassell    Waddoups

**Absent or not voting were:** Senators

Adams          Bramble   Buttars   Hillyard
Niederhauser   Stowell   Thatcher

* * *

**S.B. 127, POST RETIREMENT EMPLOYMENT AMENDMENTS,** was read the second time. Senator Liljenquist explained the bill. Senators Okerlund and Mayne commented. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Christensen    Davis     Dayton     Jones
Knudson        Liljenquist Madsen     Mayne
McAdams        Morgan     Okerlund    Reid
Robles         Romero     H. Stephenson J. Stevenson
Thatcher       Valentine  Van Tassell Waddoups

**Absent or not voting were:** Senators

Adams          Bramble   Buttars   Hillyard
Hinkins        Jenkins   Niederhauser Stowell
Urquhart

* * *

**S.B. 308, AMENDMENTS TO PUBLIC EMPLOYEE’S BENEFIT AND INSURANCE PROGRAM,** was read the second time. Senator Liljenquist explained the bill.

On motion of Senator Liljenquist, the following substitute bill replaced the original bill:
1st Sub. S.B. 308 Amendments to Public Employee’s Benefit and Insurance Program (D. Liljenquist)

Senators Dayton and Mayne commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
- Adams
- Bramble
- Christensen
- Davis
- Dayton
- Jenkins
- Jones
- Knudson
- Liljenquist
- Madsen
- Mayne
- McAdams
- Morgan
- Okerlund
- Reid
- Robles
- Romero
- H. Stephenson
- J. Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators
- Buttars
- Hillyard
- Hinkins
- Niederhauser
- Stowell

* * *

On motion of Senator Adams, the circle was removed from S.B. 214, MOTOR VEHICLE RENTAL COMPANY FEE DISCLOSURES, and it was before the Senate. Senator Adams explained the bill.

Senator Adams proposed the following amendment:

1. Page 2, Lines 55 through 56
   Senate Committee Amendments
   2–14–2011
   
   55 (1) A motor vehicle rental company may include separately stated surcharges, fees, or charges in a rental agreement, including {but not limited to $}.

   Senator Adams’ 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
   - Adams
   - Bramble
   - Christensen
   - Davis
   - Dayton
   - Jenkins
   - Jones
   - Knudson
Liljenquist        Madsen        Mayne        McAdams
Morgan            Okerlund       Reid         Robles
Romero           H. Stephenson  J. Stevenson  Thatcher
Urquhart         Valentine      Van Tassell   Waddoups

Absent or not voting were: Senators
Buttars           Hillyard       Hinkins      Niederhauser
Stowell

INTRODUCTION OF BILLS

S.B. 256, Teacher Effectiveness Evaluation Process (J. S. Adams), was read
the first time by short title and referred to the Rules Committee.

S.B. 266, Amendments to Election Law (M. Madsen), was read the first time
by short title and referred to the Rules Committee.

* * *

On motion of Senator Jenkins and at 4:10 p.m., the Senate adjourned until
10:00 a.m., Thursday, February 24, 2011.
THIRTY−FIRST DAY
MORNING SESSION
February 24, 2011

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

Prayer − Right Reverend Scott D. Hayashi, Bishop, Episcopal Diocese of Utah
Pledge of Allegiance − Senator Scott Jenkins
Roll Call − All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 23, 2011

The House passed, as substituted, 1st Sub. H.B. 82, SALES AND USE TAXES ON CERTAIN LODGING RELATED PURCHASES, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed, as amended, H.B. 173, DEDICATION AND ABANDONMENT OF PUBLIC HIGHWAYS, by Representative K. McIff, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 253, EMPLOYMENT OF UNAUTHORIZED ALIENS, by Representative C. Herrod, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk
Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 23, 2011

The Business and Labor Committee reports a favorable recommendation on S.B. 314, ALCOHOLIC BEVERAGE AMENDMENTS, by Senator J. Valentine, with the following amendments and recommends it be considered read for the first time:
1. Page 1, Line 1:

```
1 ALCOHOLIC BEVERAGE
   { LICENSING } AMENDMENTS
```

2. Page 6, Lines 153 through 154:

```
153 { 63J−1−602.2, as enacted by Laws of Utah 2010, Chapter 265 and last amended by
154 Coordination Clause, Laws of Utah 2010, Chapter 265—}
```

3. Page 28, Lines 836 through 842:

```
836 (b) If the enforcement ratio is greater than {−56} 52 ,
   the commission may not issue a quota
837 retail license for the 12−month period beginning on the July 1 for
838 which the enforcement ratio
839 is greater than 52.
839 (c) Notwithstanding Subsection (2)(b), the commission may
840 issue a quota retail license
841 during the 12−month period described in Subsection (2)(b)
842 beginning on the day on which a
843 sufficient number of alcohol−related law enforcement officers are
844 employed so that if the
845 enforcement ratio is calculated, the enforcement ratio would be
846 equal to or less than {−56} 52 .
```

4. Page 98, Lines 3006 through 3012:

```
3006 (1) a billiard parlor;
3007 (2) a pool parlor;
3008 (3) a bowling facility;
3009 (4) a golf course;
3010 (5) miniature golf;
3011 (6) a golf driving range; {−or }
3012 (7) a tennis club {−or } ; or
     (8) ski resort.
```

5. Page 173, Line 5344 through Page 174, Line 5364:

```
5344 {−Section 106. Section 63J−1−602.2 is amended to read:
```
63J–1–602.2. List of nonlapping funds and accounts — Title 31 through Title 45.

(1) Appropriations from the Technology Development Restricted Account created in
Section 31A–3–104.

(2) Appropriations from the Criminal Background Check Restricted Account created in
Section 31A–3–105.

(3) Appropriations from the Captive Insurance Restricted Account created in Section
31A–3–304, except to the extent that Section 31A–3–304 makes the money received under that
section free revenue.

(4) Appropriations from the Title Licensee Enforcement Restricted Account created in
Section 31A–23a–415.

(5) The fund for operating the state’s Federal Health Care Tax Credit Program, as
provided in Section 31A–38–104.

(6) The Alcoholic Beverage Control Act Enforcement Fund created in Section
32B–2–305.

(7) The Special Administrative Expense Account created in Section 35A–4–506.

(8) Funding for a new program or agency that is designated as nonlapping under

(9) The Oil and Gas Conservation Account created in Section 40–6–14.5.

(10) The Off-Highway Access and Education Restricted Account created in
Section 41–22–19.5.

Renumber the remaining sections accordingly.
6. Page 174, Lines 5373 through 5382:

5373 (1) Except as provided in Subsection (2), this bill takes effect on July 1, 2011.

5374 (2) (a) The repeal of Subsection 32B−6−603(4) (Effective 07/01/11) in this bill takes effect on November 1, 2011.

5375 (b) Title 32B, Chapter 6, Part 8, Reception Center License, enacted by this bill takes effect on November 1, 2011.

5376 (c) Title 32B, Chapter 6, Part 9, Beer−only Restaurant License, enacted by this bill takes effect on March 1, 2012.

5377 (d) The following take effect on July 1, 2012:

(i) Section 32B−2−209, enacted by this bill;
(ii) the repeal in this bill of Section 32B−4−506 (Effective 07/01/11);
(iii) the repeal in this bill of Section 32B−4−507(Effective 07/01/11);
(iv) Section 32B−5−309 (Effective 07/01/11) as amended by this bill; and
(v) Title 32B, Chapter 8a, Transfer of Retail License Act, enacted by this bill takes effect on July 1, 2012.

5381 (e) Section 32B−5−309 as amended by this bill takes effect on July 1, 2012.

7. Page 73, Lines 2251 through 2256:

2251 (6) (a) A full−service restaurant licensee may not sell, offer for sale, or furnish liquor at

2252 the licensed premises on any day during the period that:

2253 (i) begins at midnight; and

2254 (ii) ends at [11:59 11:29] a.m.

2255 (b) A full−service restaurant licensee may sell, offer for sale, or furnish beer during the

2256 hours specified in Part 7, On−premise Beer Retailer License, for an on−premise beer retailer, except that a full−service restaurant licensee may not sell, offer for sale, or furnish beer before 11:30 a.m. on any day.
8. Page 81, Lines 2478 through 2483:

2478 (6) (a) A limited-service restaurant licensee may not sell, offer for sale, or furnish wine
2479 or heavy beer at the licensed premises on any day during the period that:
2480 (i) begins at midnight; and
2481 (ii) ends at [11:59] 11:29 a.m.
2482 (b) A limited-service restaurant licensee may sell, offer for sale, or furnish beer during
2483 the hours specified in Part 7, On-premise Beer Retailer License, for an on-premise beer retailer, except that a limited-service restaurant licensee may not sell, offer for sale, or furnish beer before 11:30 a.m. on any day.

9. Page 102, Lines 3142 through 3145:

3142 (6) (a) An on-premise beer retailer may not sell, offer for sale, or furnish beer at its
3143 licensed premises during a period that:
3144 (i) begins at 1 a.m.; and

10. Page 111, Lines 3411 through 3412:

3411 (6) A beer-only restaurant licensee may sell, offer for sale, or furnish beer during the
3412 hours specified in Part 7, On-premise Beer Retailer License, for an on-premise beer retailer, except that a beer-only restaurant licensee may not sell, offer for sale, or furnish beer before 11:30 a.m. on any day; and

The Business and Labor Committee reports a favorable recommendation on
1st Sub. H.B. 91, REAL ESTATE RELATED AMENDMENTS, by Representative G. Froerer; and

The Business and Labor Committee reports a favorable recommendation on
H.B. 175, CONDOMINIUM OWNERSHIP ACT MODIFICATIONS, by Representative R. Wilcox; and
The Business and Labor Committee recommends H.B. 194, SERVICE CONTRACTS ACT AMENDMENTS, by Representative J. Anderson, be replaced and favorably recommends 1st Sub. H.B. 194, SERVICE CONTRACTS ACT AMENDMENTS with the following amendments:

1. Page 3, Lines 69 through 71:

   69  (2) (a) For a service contract executed on or after July 1, 2011, that exceeds 12 months for a renewal period, a seller shall provide

   70  written notice of an automatic renewal provision prominently displayed on the first page of the

   71  service contract.

John L. Valentine, Chair

Mr. President: February 23, 2011

The Education Committee reports a favorable recommendation on S.B. 78, PUBLIC SCHOOL EARLY GRADUATION COUNSELING, by Senator D. C. Buttars.

Howard A. Stephenson, Chair

Mr. President: February 23, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 68, OFF−HIGHWAY VEHICLE OPERATOR RESPONSIBILITIES, by Representative M. Noel; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 73, MOTOR CARRIER TRANSPORTATION CONTRACT INDEMNITY AGREEMENTS, by Representative D. Ipson; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on 1st Sub. H.B. 81, TOW TRUCK AMENDMENTS, by Representative L. Perry.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.
STANDING COMMITTEE REPORTS

Mr. President: February 23, 2011

The Education Committee reports a favorable recommendation on S.B. 210, UTAH POSTSECONDARY PROPRIETARY SCHOOL ACT AMENDMENTS, by Senator C. Bramble, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Education Committee reports a favorable recommendation on H.B. 50, SCHOOL TERMINATION PROCEDURES MODIFICATIONS, by Representative R. Menlove, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Education Committee reports a favorable recommendation on H.B. 83, CHARTER SCHOOL REVOLVING ACCOUNT, by Representative G. Hughes, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Education Committee reports a favorable recommendation on 1st Sub. H.B. 92, PUBLIC EDUCATION REGIONAL SERVICE CENTERS, by Representative B. Last, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Education Committee reports a favorable recommendation on H.B. 195, DEBT SERVICE OBLIGATIONS OF A DIVIDED SCHOOL DISTRICT, by Representative K. Sumsion, and recommends it be considered read for the second time and placed on the Consent Calendar.

Howard A. Stephenson, Chair

Mr. President: February 23, 2011

The Business and Labor Committee reports a favorable recommendation on H.B. 251, ALARM SYSTEM AMENDMENTS, by Representative L. Hemingway, and recommends it be considered read for the second time and placed on the Consent Calendar.

John L. Valentine, Chair

Mr. President: February 23, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 77, IGNITION INTERLOCK SYSTEM 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 9, Lines 268 through 269:

268   (b) notify the person of the suspension period in place and the requirements for
269 reinstatement of the driving privilege with respect to the ignition interlock restriction suspension; and

2. Page 9, Lines 270 through 275:

270   (c) clear the suspension upon:
271   (i) receipt of payment of the fee or fees specified in Section 53−3−105; and
272   (ii) (A) receipt of electronic notification from an ignition interlock system provider
273 showing proof of the installation of an ignition interlock system on the person’s vehicle; or
274   (B) electronically verifying that the person does not have a vehicle registered in the
275 person’s name.

3. Page 10, Line 299:

299 A violation of the requirement under this part to be licensed as an ignition interlock system provider or installer is a class C misdemeanor.

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 313, PROSTATE CANCER SPECIAL GROUP LICENSE PLATE, by Senator B. McAdams, with the following amendments, and recommends it be considered read for the second time and placed on the Consent Calendar:

1. Page 2, Lines 46 through 48:

46   (4) Funds in the account are nonlapsing.
47   (5) The subject to appropriation, the department shall distribute funds in the account to one or more charitable
48 organizations that;

2. Page 2, Lines 53 through 54:

53   (a) An organization described in Subsection (4) may apply to the department to
receive a distribution in accordance with Subsection

3. Page 2, Line 56:

Subsection shall expend the distribution only for programs within the state that:

4. Page 3, Line 62:

department to receive a distribution under Subsection

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 167, Condominium and Community Association Revisions (W. Niederhauser), was read the first time by short title and referred to the Rules Committee.

S.B. 184, Disposal of Electronic Waste (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

S.B. 217, Education Policy Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 221, State Resource Management Plan for Certain Nonwilderness Study Area Bureau of Land Management Lands (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

S.B. 224, Partisan School Board Elections (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

S.B. 317, State Parks Access Highway (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 160, FEDERAL FUNDS PROCEDURES ACT AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:
Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Adams        Butters         Christensen     Davis
Dayton       Hillyard       Hinkins         Jenkins
Jones        Liljenquist    Mayne           McAdams
Niederhauser Reid           H. Stephenson   J. Stevenson
Stowell      Van Tassell    Waddoups

Absent or not voting were: Senators

Bramble      Knudson        Madsen         Morgan
Okerlund     Robles         Romero         Thatcher
Urquhart     Valentine

S.B. 160 was transmitted to the House for consideration.

* * *

S.B. 172, POLITICAL SUBDIVISIONS ADMINISTRATION AMENDMENTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams        Bramble        Butters         Christensen
Davis        Dayton         Hillyard       Hinkins
Jenkins      Jones          Knudson        Liljenquist
Mayne        McAdams        Morgan         Niederhauser
Reid         H. Stephenson   J. Stevenson   Stowell
Thatcher     Urquhart       Van Tassell   Waddoups

Absent or not voting were: Senators

Madsen       Okerlund       Robles         Romero
Valentine

S.B. 172 was transmitted to the House for consideration.

* * *

S.B. 203, EXECUTIVE RESIDENCE COMMISSION, was read the third time, explained by Senator Adams, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.
Voting in the affirmative were: Senators
Adams  Buttars  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Mayne
McAdams  Morgan  Niederhauser  Reid
H. Stephenson  J. Stevenson  Stowell  Thatcher
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Bramble  Madsen  Okerlund  Robles
Romero

S.B. 203 was transmitted to the House for consideration.

***

S.J.R. 19, JOINT RESOLUTION APPROVING THE HOUGHTON CASE FINAL SETTLEMENT AGREEMENT, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators
Adams  Buttars  Christensen  Davis
Dayton  Hillyard  Hinkins  Jones
Knudson  Liljenquist  Mayne  McAdams
Niederhauser  Reid  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Bramble  Jenkins  Madsen  Morgan
Okerlund  Robles  Romero

S.J.R. 19 was transmitted to the House for consideration.

***

H.B. 67, STATE BONDING COMMISSION BONDING AUTHORITY, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.
Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis  
Dayton  Hillyard  Hinkins  Jenkins  
Jones  Knudsen  Liljenquist  Mayne  
McAdams  Reid  H. Stephenson  J. Stevenson  
Stowell  Thatcher  Urquhart  Valentine  
Van Tassell  Waddoups  

Absent or not voting were: Senators 
Buttars  Madsen  Morgan  Niederhauser  
Okerlund  Robles  Romero  

H.B. 67 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. 226, INCOME TAX CREDITS FOR CLEANER BURNING FUELS, 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  
Adams  Bramble  Buttars  Christensen  
Davis  Dayton  Hillyard  Hinkins  
Jenkins  Jones  Knudsen  Liljenquist  
Mayne  McAdams  Morgan  Niederhauser  
Reid  H. Stephenson  J. Stevenson  Stowell  
Thatcher  Urquhart  Valentine  Van Tassell  
Waddoups  

Absent or not voting were: Senators 
Madsen  Okerlund  Robles  Romero  

1st Sub. S.B. 226 was transmitted to the House for consideration.  

SPECIAL RECOGNITION  

The Senate honored retiring members of the Office of Legislative Research and General Counsel. Those retiring include Joy Miller, James Wilson, and Stewart Smith.
THIRD READING CALENDAR

On motion of Senator Bramble, the circle was removed from 1st Sub. S.B. 157, PROPERTY TAX REVISIONS, and it was before the Senate. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 2, Line 31:
   Delete “assessed by the commission”

2. Page 2, Line 32:
   Delete “five” and insert “ten”

Senator Bramble’s motion to amend passed on a voice vote. Senator Stephenson commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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<th>Niederhauser</th>
<th>Robles</th>
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1st Sub. S.B. 157 was transmitted to the House for consideration.

***

1st Sub. H.B. 216, REUNIFICATION SERVICES 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

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Absent or not voting were: Senators
Bramble  Madsen  Niederhauser  Robles

1st Sub. 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.

* * *

H.B. 103, ELECTION 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
Buttars  Christensen  Davis  Dayton
Hillyard  Hinkins  Jenkins  Jones
Knudson  Liljenquist  Mayne  McAdams
Morgan  Niederhauser  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Adams  Bramble  Madsen

H.B. 103 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, the circle was removed from S.B. 199, UTAH COMMISSION ON UNIFORM STATE LAWS, and it was before the Senate. 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
Buttars  Christensen  Davis  Dayton
Hillyard  Hinkins  Jenkins  Jones
*Absent or not voting were: Senators*
Adams Bramble Liljenquist Madsen

**S.B. 199** was transmitted to the House for consideration.

* * *

On motion of Senator Hillyard, the circle was removed from **S.B. 200, STATE DEBT COLLECTIONS AMENDMENTS**, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were: Senators**
Buttars Davis Dayton Hillyard
Hinkins Jenkins Jones Knudson
Mayne Morgan Niederhauser Okerlund
Reid Robles Romero H. Stephenson
J. Stevenson Stowell Urquhart Valentine
Van Tassell Waddoups

**Absent or not voting were: Senators**
Adams Bramble Christensen Liljenquist
Madsen McAdams Thatcher

**S.B. 200** was transmitted to the House for consideration.

* * *

On motion of Senator Jenkins, the circle was removed from **S.B. 86, SUNSET REAUTHORIZATIONS**, and it was before the Senate. Senator Jenkins explained the bill. The bill passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were: Senators**
Adams Buttars Davis Dayton
Hillyard Hinkins Jenkins Jones
Knudson Mayne McAdams Morgan
Niederhauser Okerlund Reid Romero
H. Stephenson Stowell Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Christensen Liljenquist Madsen
Robles J. Stevenson Thatcher

S.B. 86 was transmitted to the House for consideration.

* * *

On motion of Senator Hillyard, the circle was removed from S.B. 51, AMENDMENTS TO LOCAL SALES AND USE TAXES FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES, and it was before the Senate. Senator Hillyard explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 1, Lines 21 through 23

   21 changes the imposition period and reauthorization period for a city or town county sales and use tax for botanical,

   22 cultural, recreational, and zoological organizations or facilities from an eight−year a ten−year period to a ten−year an eight−year period;

2. Page 6, Line 176 through Page 7, Line 186:

   176 (4) (a) −A− Except as provided in Subsection (4)(b) or (c), a tax authorized under this part shall be:

   177 (i) − except as provided in Subsection (4)(b), − administered, collected, and enforced in accordance with:

   179 (A) the same procedures used to administer, collect, and enforce the tax under:

   180 (I) Part 1, Tax Collection; or

   181 (II) Part 2, Local Sales and Use Tax Act; and
(B) Chapter 1, General Taxation Policies; and

(ii) levied for a period of 10 years and may be reauthorized at the end of the ten–year period in accordance with this section.

(b) (i) If a tax under this part is imposed for the first time on or after July 1, 2011, the tax shall be levied for a period of eight years.

(ii) If a tax under this part is reauthorized in accordance with Subsection (4)(a) on or after July 1, 2011, the tax shall be reauthorized for an eight–year period.

(c) [Notwithstanding Subsection (4)(a)(i), a tax under this part is not subject to Subsections 59–12–205(2) through (6).

3. Page 13, Line 390 through Page 14, Line 401
Senate Committee Amendments 2–10–2011:

(4) (a) [Except as provided in Subsection (4)(b), a tax authorized under this part shall be:

(i) administered, collected, and enforced in accordance with:

(A) the same procedures used to administer, collect, and enforce the tax under:

(I) Part 1, Tax Collection; or

(II) Part 2, Local Sales and Use Tax Act; and

(B) Chapter 1, General Taxation Policies; and

(ii) (A) levied for a period of eight years; and

(B) may be reauthorized at the end of the eight–year period in accordance with this section.

(b) (i) If a tax under this part is imposed for the first time on or after July 1,
400a 2011, the tax shall be levied for a period of 10 years.

400b (ii) If a tax under this part is reauthorized in accordance with Subsection (4)(a) on or after July 1, 2011, the tax shall be reauthorized for a ten-year period.

400c (c) Notwithstanding Subsection (4)(a)(i), a tax under this section is not subject to Subsections 59–12–205(2) through (6).

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

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

**Voting in the affirmative were:** Senators

Adams, Buttars, Davis, Dayton
Hillyard, Hinkins, Jenkins, Jones
Knudson, Mayne, McAdams, Morgan
Okerlund, Reid, Robles, Romero
H. Stephenson, J. Stevenson, Stowell, Thatcher
Urquhart, Valentine, Van Tassell, Waddoups

**Absent or not voting were:** Senators

Bramble, Christensen, Liljenquist, Madsen
Niederhauser

**S.B. 51** was transmitted to the House for consideration.

**TIME CERTAIN CALENDAR**

On motion of Senator Buttars, under suspension of the rules, **1st Sub. S.B. 212**, JUDICIAL EVALUATION AMENDMENTS, was considered read the second and third times. Senator Buttars explained the bill. Senators Valentine and Romero commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Adams, Bramble, Buttars, Dayton
Hillyard, Jenkins, Jones, Knudson
Liljenquist, Madsen, Mayne, Morgan
Niederhauser, Okerlund, Reid, Robles
Absent or not voting were: Senators
Christensen  Davis  Hinkins  McAdams

1st Sub. S.B. 212 was transmitted to the House.

* * *

On motion of Senator Niederhauser, the circle was removed from H.B. 217, APPOINTMENT OF DIRECTOR OF THE DIVISION OF HEALTH CARE FINANCING, 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
Adams  Bramble  Davis  Dayton
Hinkins  Jenkins  Jones  Knudson
Liljenquist  Mayne  Morgan  Niederhauser
Okerlund  Reid  Robles  Romero
H. Stephenson  J. Stevenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Buttars  Christensen  Hillyard  Madsen
McAdams  Thatcher

H.B. 217 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 Stevenson, the circle was removed from 1st Sub. S.B. 56, OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN AMENDMENTS, and it was before the Senate. Senator Stevenson explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Bramble  Davis  Dayton
Hillyard  Hinkins  Jenkins  Jones
Absent or not voting were: Senators
Buttars Christensen Madsen McAdams
Thatcher

1st Sub. S.B. 56 was transmitted to the House for consideration.

* * *

On motion of Senator Dayton, 4th Sub. H.J.R. 12, JOINT RESOLUTION ON JOINT RULES CHANGES, was read the third time and circled.

* * *

S.J.R. 21, RELATIONS WITH THE REPUBLIC OF TURKEY JOINT RESOLUTION, was read the third time and explained by Senator Knudson. Senators Valentine and Stevenson commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Davis
Dayton Hinkins Jenkins Jones
Knudson Liljenquist Madsen Mayne
Morgan Niederhauser Okerlund Romero
H. Stephenson J. Stevenson Stowell Thatcher
Urquhart Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Christensen Hillyard McAdams Reid
Robles

S.J.R. 21 was transmitted to the House for consideration.

* * *

S.B. 243, HISTORIC AREAS OR SITES AMENDMENTS, was read the third time and explained by Senator Niederhauser.
Senator Niederhauser proposed the following amendment:

1. Page 2, Lines 45a through 45b
   Senate 2nd Reading Amendments
   2–23–2011
   45a {Ŝ (3) Subsection (2) does not apply to an historical area or
   site designated or an authority or
   45b action exercised by a municipality in which a person may
   voluntarily participate. Ŝ— }
   (3) The municipality may enact an ordinance described in Subsection
   (2) only if the ordinance is requested by each owner of record of a parcel
   of property that would be subject to the ordinance.

2. Page 3, Lines 65a through 65b
   Senate 2nd Reading Amendments
   2–23–2011:
   65a {Ŝ (3) Subsection (2) does not apply to an historical area or
   site designated or an authority or
   65b action exercised by a county in which a person may voluntarily
   participate. Ŝ— }
   (3) The county may enact an ordinance described in Subsection (2) only
   if the ordinance is requested by each owner of record of a parcel of
   property that would be subject to the ordinance.

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

**Yeas, 19; Nays, 5; 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. 243 was transmitted to the House for consideration.

* * *

S.B. 112, RETIREMENT SYSTEM DIVESTMENT, 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
Adams Bramble Buttars Christensen
Davis Dayton Hinkins Jenkins
Jones Liljenquist Madsen Mayne
Morgan Niederhauser Okerlund Romero
H. Stephenson J. Stevenson Stowell Thatcher
Urquhart Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Hillyard Knudson McAdams Reid
Robles

S.B. 112 was transmitted to the House for consideration.

* * *

2nd Sub. S.B. 120, CAREER SERVICE 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
Adams Bramble Buttars Christensen
Dayton Hillyard Hinkins Jenkins
Jones Knudson Liljenquist Madsen
Mayne Morgan Niederhauser Okerlund
Romero H. Stephenson J. Stevenson Stowell
Thatcher Urquhart Van Tassell Waddoups

Absent or not voting were: Senators
Davis McAdams Reid Robles
Valentine

2nd Sub. S.B. 120 was transmitted to the House for consideration.
**S.B. 127, POST RETIREMENT EMPLOYMENT AMENDMENTS,** was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**S.B. 127 was transmitted to the House for consideration.**

**1st Sub. S.B. 308, AMENDMENTS TO PUBLIC EMPLOYEE’S BENEFIT AND INSURANCE PROGRAM,** was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

**Y eas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

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**1st Sub. S.B. 308 was transmitted to the House for consideration.**
S.B. 214, MOTOR VEHICLE RENTAL COMPANY FEE DISCLOSURES, was read the third time, explained by Senator Adams, and passed on the following roll call:

**Y eas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

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S.B. 214 was transmitted to the House for consideration.

On motion of Senator Adams, the Senate voted to include the following intent language in the journal:

**INTENT LANGUAGE**

The Legislature intends that the use of “includes” in this bill is inclusive and not exclusive. This intent is consistent with current Utah Code, current and past Utah practice, and is consistent with the Utah Supreme Court’s position about the legal effect of the word “includes” as expressed in its opinion Checkrite Recovery Services v. King, 52 P.3d 1265 (Utah 2002).

***

On motion of Senator Jenkins, and at 11:50 a.m., the Senate recessed.
AFTEENOON SESSION

The Senate reassembled at 2:15 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 24, 2011

The House passed, 3rd Sub. S.B. 125, PROPERTY TAX EXEMPTION 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

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

* * *

Mr. President: February 24, 2011

The House passed, as substituted and amended, 1st Sub. H.B. 176, AUDIT OF STATE BUDGETS, by Representative L. Christensen, and it is transmitted for consideration; and

The House passed, as amended, H.B. 183, SCHOOL DISTRICT LEAVE POLICIES, by Representative K. Grover, and it is transmitted for consideration; and

The House passed, substituted, 1st Sub. H.B. 267, PUBLIC BODY RULES OF PROCEDURE, by Representative M. Brown, and it is transmitted for consideration; and

The House passed H.B. 318, MONEY MANAGEMENT ACT AMENDMENTS, by Representative J. Bird, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

* * *

Mr. President: February 24, 2011

The House passed, as amended, S.B. 142, PUBLIC OFFICIAL CONTACT INFORMATION, by Senator H. Stephenson, and it is transmitted for further consideration; and
The House passed, as amended, **S.J.R. 12**, JOINT RESOLUTION – IMMIGRATION, by Senator S. Reid, 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 24, 2011

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

**Business and Labor Committee**

S.B. 167 Condominium and Community Association Revisions  
(Sen. W. Niederhauser)

H.C.R. 7 Concurrent Resolution Supporting Public Policies That Promote Outdoor Activities for Children (Rep. J. Draxler)  
(Sen. P. Jones)

**Education Committee**

S.B. 217 Education Policy Amendments (Sen. C. Bramble)

S.B. 224 Partisan School Board Elections (Sen. H. Stephenson)

S.B. 256 Teacher Effectiveness Evaluation Process  
(Sen. J. S. Adams)

S.J.R. 27 Bullying and Cyber Bullying Standards for School Districts Joint Resolution (Sen. R. Okerlund)

**Government Operations and Political Subdivisions Committee**

S.B. 266 Amendments to Election Law (Sen. M. Madsen)

S.B. 273 Emergency Responder Fees (Sen. J. S. Adams)

**Health and Human Services Committee**

S.B. 186 Utah Medical Practice Act Amendments  
(Sen. J. S. Adams)

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

S.B. 154 Utah Fit Premises Act Modifications (Sen. B. McAdams)

**Natural Resources, Agriculture and Environment Committee**

S.B. 184 Disposal of Electronic Waste (Sen. S. Urquhart)
S.B. 221  
State Resource Management Plan for Certain Nonwilderness Study Area Bureau of Land Management Lands (Sen. R. Okerlund)

Revenue and Taxation Committee

1st Sub. H.B. 82  
Sales and Use Taxes on Certain Lodging Related Purchases (Rep. T. Kiser) (Sen. H. Stephenson)

H.B. 98  
Capital Outlay Funding Modifications (Rep. C. Watkins)  
(Sen. R. Okerlund)

1st Sub. H.B. 253  
Employment of Unauthorized Aliens (Rep. C. Herrod)  
(Sen. D. Liljenquist)

Transportation, Public Utilities and Technology Committee

S.B. 317  
State Parks Access Highway (Sen. K. Van Tassell)

H.B. 162  
Pedestrians on Freeways (Rep. L. Perry)  
(Sen. R. Romero)

H.B. 173  
Dedication and Abandonment of Public Highways (Rep. K. McIlff)  
(Sen. S. Urquhart)

Workforce Services and Community and Economic Development Committee

H.C.R. 16  
Resolution Supporting Utah Highway Patrol Use of White Crosses as Roadside Memorial (Rep. L. Perry)  
(Sen. D. Thatcher)

Margaret Dayton  
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President:  
February 23, 2011

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 88, AGRICULTURE SUSTAINABILITY TASK FORCE, by Representative J. Draxler; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.J.R. 19, JOINT RESOLUTION OPPOSING THE ENVIRONMENTAL PROTECTION AGENCY’S REGULATION OF GREENHOUSE GASES, by Representative R. Barrus; and
The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 82**, URBAN FARMING ASSESSMENT ACT, by Senator W. Niederhauser, with the following amendments:

1. Page 2, Line 45:

45 (a) \{over 50% of\} the land to which the phrase applies is being devoted to active urban; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.J.R. 21**, SELECTIONS OF UNAPPROPRIATED FEDERAL LANDS JOINT RESOLUTION, by Representative R. Barrus.

Ralph Okerlund, Chair

Mr. President:

February 24, 2011

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 209**, TELECOMMUNICATIONS AMENDMENTS, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 259**, SALES AND USE TAX EXEMPTION FOR CERTAIN LOCAL GOVERNMENT TAXES AND FEES, by Senator D. Stowell; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 262**, TOBACCO PRODUCTS AMENDMENTS, by Senator C. Bramble.

Curtis S. Bramble, Chair

Mr. President:

February 24, 2011

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.C.R. 16**, BONDS OF FRIENDSHIP WITH IRAN CONCURRENT RESOLUTION, by Senator P. Knudson, et al; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 180**, DEBT COLLECTION DATA MATCH WITH WORKER REGISTRY, by Representative D. Clark; and
The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on H.J.R. 28, VETERANS DAY JOINT RESOLUTION, by Representative J. Anderson.

Stuart C. Reid, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 84, Predator Control Funding (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

S.B. 225, Personal Injury Protection Arbitration (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

S.B. 239, Motor and Special Fuel Tax Amendments (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

S.B. 257, Legislative Counsel Relating to United States Senators (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

CONCURRENCE CALENDAR

On motion of Senator Adams, the Senate voted to concur in the House amendments to S.B. 58, CRIME VICTIMS REPARATIONS REVISIONS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

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S.B. 58 was returned to the House for the signature of the Speaker.

***

On motion of Senator Buttars, the Senate voted to concur in the House amendments to S.B. 110, DRIVER LICENSE SUSPENSION AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators
- Adams
- Buttars
- Christensen
- Davis
- Dayton
- Hillyard
- Hinkins
- Jones
- Knudson
- Liljenquist
- Madsen
- McAdams
- Morgan
- Niederhauser
- Okerlund
- Reid
- Romero
- H. Stephenson
- J. Stevenson
- Stowell
- Thatcher
- Urquhart
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators
- Bramble
- Jenkins
- Mayne
- Robles
- Valentine

S.B. 110 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 1st Sub. S.B. 117, COMMUNITY ASSOCIATION ACT AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators
- Adams
- Buttars
- Christensen
- Davis
- Dayton
- Hillyard
- Hinkins
- Jones
- Knudson
- Liljenquist
- Madsen
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- Stowell
- Thatcher
- Urquhart
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators
- Bramble
- Jenkins
- Mayne
- Robles
- Valentine
- Thatcher
1st Sub. S.B. 117 was returned to the House for the signature of the Speaker.

SPECIAL RECOGNITION

The Senate honored participants in the Special Olympics. Senator Hillyard commented.

THIRD READING CALENDAR

On motion of Senator Adams, the circle was removed from S.B. 150, NEGLIGENT CREDENTIALING, and it was before the Senate. Senator Adams explained the bill.

Senator Valentine proposed the following amendment:

1. Page 1, Lines 26 through 27
   Senate Committee Amendments
   2–15–2011

   26 It is the policy of this state that the question of negligent credentialing, as applied to individual members of a
   health care providers credentialing board in malpractice
   suits, is not recognized as a cause of action.

Senator Valentine’s motion to amend failed on a voice vote. Senators Waddoups and Urquhart commented. The bill passed on the following roll call:

Yeas, 18; Nays, 4; Absent, 7.

Voting in the affirmative were: Senators
Adams Buttars Christensen Dayton
Hinkins Knudson Liljenquist Madsen
Mayne McAdams Okerlund Reid
H. Stephenson J. Stevenson Stowell Urquhart
Van Tassell Waddoups

Voting in the negative were: Senators
Davis Morgan Romero Valentine

Absent or not voting were: Senators
Bramble Hillyard Jenkins Jones
Niederhauser Robles Thatcher
S.B. 150 was transmitted to the House for consideration.

* * *

On motion of Senator Madsen, the circle was removed from S.B. 141, BURGLARY OFFENSE AMENDMENTS, and it was before the Senate. Senator Madsen explained the bill. The bill passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

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S.B. 141 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Buttars, the circle was removed from H.B. 192, CONTROLLED SUBSTANCES ADVISORY COMMITTEE AMENDMENTS, and it was before the Senate. Senator Buttars 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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On motion of Senator Urquhart, the circle was removed from 2nd Sub. S.B. 129, LICENSING OF PHYSICIAN–EDUCATORS, and it was before the Senate. Senator Urquhart explained the bill.

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

**3rd Sub. S.B. 129 Licensing of Physician–Educators (S. Urquhart)**

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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On motion of Senator Urquhart, the circle was removed from S.B. 97, HIGHER EDUCATION MISSION BASED FUNDING, and it was before the Senate. Senator Urquhart explained the bill.

Senator Valentine proposed the following amendment:

1. Page 4, Lines 107e through 107f
   Senate Committee Amendments 2–11–2011

   107e     (e) Notwithstanding Subsection (2)(d), the board may allocate funding for a modest

   107f    amount of growth to doctorate–granting institutions and Southern Utah University. $\Rightarrow$

     (f) Concurrent with recommending mission based funding, the
board shall also recommend to the Legislature ways to address funding any inequities for institutions as compared to institutions with similar missions.

Senator Valentine’s motion to amend passed on a voice vote. Senators Dayton, Hillyard, and Reid 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

|       | Christensen | Davis | Robles |

**Absent or not voting were:** Senators

|       | Bramble | Buttars | Liljenquist | Niederhauser |

***

On motion of Senator Hillyard, the circle was removed from **S.B. 131, UNINCORPORATED BUSINESS ENTITY UNIFORM ACTS**, and it was before the Senate.

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


On motion of Senator Hillyard, the bill was circled.

***

**S.B. 85, LEGAL NOTICE AMENDMENTS**, was read the second time. Senator Urquhart explained the bill.

Senator Urquhart proposed the following amendment:
1. Page 1, Lines 15 through 20
Senate Committee Amendments
2–16–2011

15 requires a newspaper that publishes a legal notice in the newspaper to publish the

16 legal notice on a public ŝ legal ŝ notice website at no additional cost {→−}:

17 eliminates an exception from publication requirements for a county of the first or
second class; and

19 requires that certain bids for construction or improvement projects be published in a

20 newspaper in the county in which the work is to be performed; and

2. Page 1, Line 27 through Page 2, Line 29
Senate Committee Amendments
2–16–2011:

27 AMENDS:
28 45–1–101, as last amended by Laws of Utah 2010, Chapters 90
and 254

29 {–72–6–107, as last amended by Laws of Utah 2010, Chapter
90–}:

3. Page 4, Line 96 through Page 5, Line 147: Delete lines 96 through
147
Renumber remaining sections accordingly.

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

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

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Buttars       Davis       Hillyard       Liljenquist
Van Tassell

* * *

S.C.R. 8, CONCURRENT RESOLUTION APPROVING SOLID WASTE FACILITY LANDFILL PERMIT, was read the second time. Senator Niederhauser explained the bill.

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

1st Sub. S.C.R. 8 Concurrent Resolution Approving Solid Waste Facility Landfill Permit (W. Niederhauser)

The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Adams              Christensen       Davis       Dayton
Hinkins            Jenkins            Jones       Knudson
Mayne             McAdams            Morgan       Niederhauser
Okerlund          Reid                 Robles       Romero
H. Stephenson  J. Stevenson       Stowell       Thatcher
Urquhart         Valentine           Van Tassell  Waddoups

Absent or not voting were: Senators
Bramble                 Buttars       Hillyard       Liljenquist
Madsen

* * *

On motion of Senator Jenkins, and at 3:35 p.m., the Senate sauntered.

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 24, 2011

The House passed, as substituted and amended, 2nd Sub. H.B. 116, GUEST WORKER PROGRAM ACT, by Representative B. Wright, and it is transmitted for consideration; and
The House passed **H.B. 305**, MIDTERM VACANCIES IN MUNICIPAL OFFICES, by Representative K. Powell, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 331**, POST-EMPLOYMENT BENEFITS AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed **H.B. 489**, HOUSING AUTHORITY APPLICATION PROCESS, by Representative G. Froerer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

**STANDING COMMITTEE REPORTS**

Mr. President: February 23, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 60**, PILOT ACCOUNTABILITY PERMIT PROGRAM AND IDENTITY RELATED AMENDMENTS, by Senator L. Robles, be replaced and favorably recommends **1st Sub. S.B. 60**, PILOT ACCOUNTABILITY PERMIT PROGRAM AND IDENTITY RELATED AMENDMENTS with the following amendments:

1. Page 2, Lines 51 through 54:
   51 • requiring the establishment of a database; and
   52 • providing for the sharing of information with federal agencies under certain circumstances; {and–}
   53 directs the Fraudulent Documents Identification Unit to administer a new Identity Theft Victims Restricted Account; and
   54 makes technical and conforming amendments.

2. Page 3, Lines 69 through 70:
   69 63J–1–602.3, as enacted by Laws of Utah 2010, Chapter 265
   67–5–22.7, as enacted by Laws of Utah 2009, Chapter 30
   70 76–10–526, as last amended by Laws of Utah 2010, Chapter 62

3. Page 11, Lines 325 through 331:
   325 (c) the attorney general for costs associated with:
(i) a multi-agency strike force created under Section 67-5-22.7; \{ or \}
(ii) a memorandum of understanding executed under Section 67-5-28;
(iii) the Fraudulent Documents Identification Unit created in Section 67-5-22.7; or
(iv) the Identity Theft Victims Restricted Account created in Subsection 67-5-22.7(5);
(d) the State Office of Education for costs associated with implementing Section 53-16-308; or
(e) fund the costs associated with Title 76, Chapter 8, Part 15, Identity Enforcement Act.

4. Page 11, Line 334 through Page 12, Line 353:

(1) (a) If a waiver, exemption, or authority described in Section 53-16-202 does not provide for the issuance of a Social Security number to a permit holder, the State Tax Commission shall by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide a means for a person who receives services from a permit holder to withhold from compensation paid to the permit holder an amount to be determined by State Tax Commission rule that, as closely as possible, equals the income and employment taxes that would be imposed by state law if the permit holder were an employee with a Social Security number.

(b) If a waiver, exemption, or authority described in Section 53-16-202 provides for the issuance of a Social Security number to a permit holder, a person who receives services from a
(2) The rules described in Subsection (1)(a) shall be substantially similar to Title 59, Chapter 10, Part 4, Withholding of Tax.

(3) To the extent feasible and consistent with a waiver, exemption, or authority entered into under Section 53–16–202, the State Tax Commission shall work with the applicable federal government agencies to ensure that the withholding provided for under Subsection (2) is compatible with a federal process by which the federal government collects federal income and employment taxes that would be imposed under federal law if a permit holder were an employee with a Social Security number.

5. Page 45, Line 1360:

Section 35. Section 76–8–1501 is enacted to read:
INSERT SECTION HERE

6. Page 45, Line 1389 through Page 46, Line 1390:

(C) a tribal treaty card.

Section 37. Section 67–5–22.7 is amended to read:

67–5–22.7. Multi-agency strike force to combat violent and other major felony crimes associated with illegal immigration and human trafficking — Fraudulent Documents Identification Unit.

(1) 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.

(2) The office shall invite officers of the U.S. Immigration and Customs Enforcement and state and local law enforcement personnel to participate in this mutually supportive, multi-agency strike force to more effectively utilize their combined skills, expertise, and resources.
(3) The strike force shall focus its efforts on detecting, investigating, deterring, and eradicating violent and other major felony criminal activity related to illegal immigration and human trafficking.

(4) In conjunction with the strike force and subject to available funding, the Office of the Attorney General shall establish a Fraudulent Documents Identification Unit:

(a) for the primary purpose of investigating, apprehending, and prosecuting individuals or entities that participate in the sale or distribution of fraudulent documents used for identification purposes;

(b) to specialize in fraudulent identification documents created and prepared for individuals who are unlawfully residing within the state; and

(c) to administer the Identity Theft Victims Restricted Account created under Subsection (5).

(5) (a) There is created a restricted account in the General Fund known as the “Identity Theft Victims Restricted Account.”

(b) The Identity Theft Victims Restricted Account shall consist of money appropriated to the Identity Theft Victims Restricted Account by the Legislature.

(c) Subject to appropriations from the Legislature, the Fraudulent Documents Identification Unit may expend the money in the Identity Theft Victims Restricted Account to pay a claim as provided in this Subsection (5) to a person who is a victim of identity theft prosecuted under Section 76–6–1102 or 76–10–1801.

(d) To obtain restitution from the Identity Theft Victims Restricted Account, a person shall file a claim with the Fraudulent Documents Identification Unit by no later than one year after the day on which an individual is convicted, pleads guilty, pleads no contest to, pleads guilty in a similar manner to, or resolved by diversion or its equivalent an offense under Section 76–6–1102 or 76–10–1801 for the theft of the identity of the person filing the claim.

(e) A claim filed under this Subsection (5) shall include evidence satisfactory to the Fraudulent Documents Identification Unit:

(i) that the person is the victim of identity theft described in Subsection (5)(d); and

(ii) of the actual damages experienced by the person as a result of the identity theft that are not recovered from a public or private source.

(f) The Fraudulent Documents Identification Unit shall pay a claim of restitution from the Identity Theft Victims Restricted Account;
(i) if the Fraudulent Documents Identification Unit determines that the person has provided sufficient evidence to meet the requirements of Subsection (5)(e); 

(ii) in the order that claims are filed with the Fraudulent Documents Identification Unit; and

(iii) to the extent that it there is money in the Identity Theft Victims Restricted Account.

(g) If there is insufficient money in the Identity Theft Victims Restrict Account when a claim is filed under this Subsection (5) to pay the claim in full, the Fraudulent Documents Identification Unit may pay a claim when there is sufficient money in the account to pay the claim.

(6) The strike force shall make an annual report on its activities to the governor and the Legislature’s Law Enforcement and Criminal Justice Interim Committee by December 1, together with any proposed recommendations for modifications to this section.

1390 Section 37. Section 76–8–1503 is enacted to read:

Renumber remaining sections accordingly; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 176, CANDIDATE PARTY AFFILIATION, by Senator B. McAdams; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 248, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, by Senator C. Bramble, with the following amendments:

1. Page 1, Lines 22 through 23:

22 Other Special Clauses:

23 {None} This bill takes effect on January 1, 2012.

2. Page 5, Lines 125 through 133:

125 (j) the following licensed physicians for the purpose of reviewing and offering an opinion on an individual’s request for workers’ compensation benefits under Title 34A, Chapter

126 2, Workers’ Compensation Act, or Title 34A, Chapter 3, Utah Occupational Disease Act:
128 (i) a member of the medical panel described in Section 34A–2–601; or

129 (ii) the medical director for the Labor Commission;

130 (iii) the medical director for a workers’ compensation insurer; or

131 (iv) the medical director for a self-insured employer; and

(ii) a physician offering a second opinion regarding treatment.

132 (k) a physician for the purpose of checking for prescription duplication, drug overuse, or drug abuse pursuant to Section 58–37f–704.

3. Page 6, Lines 153 through 160:

153 (Section 2. Section 58–37f–704 is enacted to read:


155 A licensed physician shall review the database before writing a first prescription to a

156 patient for a schedule II or schedule III controlled substance to determine if there is evidence

157 relating to the patient of:

158 (1) prescription duplication;

159 (2) drug overuse; or

160 (3) drug abuse.

Section 2. Effective Date
This bill takes effect on January 1, 2012. ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on 1st Sub. H.B. 74, MUNICIPAL JUSTICE COURT JUDGE ELECTIONS, by Representative K. Sumsion; and

Mark B. Madsen, Chair

Mr. President: February 24, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 72, INITIATIVE AMENDMENTS, by Senator L. Hillyard; and

The Government Operations and Political Subdivisions Committee recommends 1st Sub. H.B. 54, ELECTRONIC COMMUNICATIONS IN PUBLIC MEETINGS, by Representative K. Powell, be replaced and favorably recommends 3rd Sub. H.B. 54, ELECTRONIC COMMUNICATIONS IN PUBLIC MEETINGS; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 271, RESTRICTIONS ON POLITICAL SUBDIVISIONS REGARDING THE REGULATION OF KNIVES, by Representative R. Wilcox; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on 1st Sub. H.B. 263, LOCAL DISTRICT SERVICES AMENDMENTS, by Representative D. Clark; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on 1st Sub. H.C.R. 3, CONCURRENT RESOLUTION URGING CONGRESS TO PASS BALANCED BUDGET AMENDMENT TO U.S. CONSTITUTION, by Representative C. Wimmer.

Peter C. Knudson, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 24, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 80, EMERGENCY MANAGEMENT, 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. 163, REVISOR’S STATUTE, by Representative B. Dee, 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. 228, ADMINISTRATIVE RULES REAUTHORIZATION, 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. 254, EMERGENCY PROCEDURES AMENDMENTS, by Representative R. Greenwood, 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. 268, MUNICIPAL ENFORCEMENT REGARDING PROPERTY MAINTENANCE, by Representative M. Morley, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 232, Public Transit District Board of Trustees Amendments (K. Mayne), was read the first time by short title and referred to the Rules Committee.

S.B. 307, Amendments to Outdoor Advertising (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

S.B. 318, Justice Court Modifications (D. C. Buttars), was read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

On motion of Senator Dayton, the circle was removed from 4th Sub. H.J.R. 12, JOINT RESOLUTION ON JOINT RULES CHANGES, and it was before the Senate. The bill passed on the following roll call:
Yeas, 18; Nays, 0; Absent, 11.

Voting in the affirmative were: Senators
Christensen  Davis  Dayton  Hinkins
Jenkins     Jones  Knudson  Mayne
McAdams     Morgan Okerlund Reid
Robles      Romero J. Stevenson Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Adams       Bramble Buttars  Hillyard
Liljenquist Madsen  Niederhauser H. Stephenson
Stowell     Thatcher Urquhart

4th 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.

SECOND READING CALENDAR

S.B. 197, LOCAL HOUSING AUTHORITY AMENDMENTS, was read the second time. Senator McAdams 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
Christensen  Davis  Dayton  Hinkins
Jenkins     Jones  Knudson  Madsen
Mayne       McAdams Morgan Niederhauser
Okerlund    Reid  Romero  H. Stephenson
J. Stevenson Stowell Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Adams       Bramble Buttars  Hillyard
Liljenquist Robles  Thatcher Urquhart

***

On motion of Senator Christensen, S.B. 70, COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES AMENDMENTS, was read the second time and circled.
S.B. 76, DISTRIBUTION OF REVENUES COLLECTED UNDER THE LOCAL SALES AND USE TAX ACT, was read the second time. Senator Hinkins 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

| Christensen | Davis | Dayton | Hinkins |
| Jenkins     | Jones | Knudson | Mayne   |
| Morgan      | Niederhauser | Okerlund | Reid    |
| Romero      | H. Stephenson | J. Stevenson | Stowell |
| Thatcher    | Valentine | Van Tassell | Waddoups |

**Absent or not voting were:** Senators

| Adams       | Bramble | Buttars | Hillyard |
| Liljenquist | Madsen  | McAdams | Robles   |
| Urquhart    |         |         |          |

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

| Christensen | Davis | Dayton | Hinkins |
| Jenkins     | Jones | Knudson | Madsen |
| Mayne       | McAdams | Morgan | Niederhauser |
| Okerlund    | Reid | Romero | H. Stephenson |
| J. Stevenson | Stowell | Thatcher | Valentine |
| Van Tassell | Waddoups |         |          |

**S.B. 222, PUBLIC TRANSIT AMENDMENTS, was read the second time and circled.**

**S.B. 188, TAX COMMISSION AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:**

**Yeas, 22; Nays, 0; Absent, 7.**
Absent or not voting were: Senators
Adams       Bramble       Buttars    Hillyard
Liljenquist Robles        Urquhart

* * *

2nd Sub. S.B. 100, SECURITIES FRAUD REPORTING PROGRAM ACT, was read the second time. Senator McAdams 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
Christensen        Davis       Dayton    Hinkins
Jenkins            Jones       Knudson   Madsen
Mayne             McAdams     Morgan    Niederhauser
Okerlund         Reid        Romero    H. Stephenson
J. Stevenson      Stowell     Thatcher  Urquhart
Valentine        Van Tassell  Waddoups

Absent or not voting were: Senators
Adams       Bramble       Buttars    Hillyard
Liljenquist Robles

* * *

On motion of Senator Jenkins, S.B. 272, SECURED CREDITOR AMENDMENTS, was read the second time and circled.

* * *

S.B. 179, MATH EDUCATION INITIATIVE, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 6; Absent, 5.

Voting in the affirmative were: Senators
Adams       Christensen       Dayton    Hinkins
Jenkins      Knudson         Madsen    McAdams
Niederhauser Okerlund        Reid      H. Stephenson
J. Stevenson Stowell        Thatcher  Urquhart
Van Tassell  Waddoups
Voting in the negative were: Senators
Davis   Jones   Mayne   Morgan
Robles  Romero

Absent or not voting were: Senators
Bramble  Buttars  Hillyard  Liljenquist
Valentine

* * *

S.B. 206, LABOR ORGANIZATION PROVISIONS IN TEACHER CONTRACTS, was read the second time. Senator Stephenson explained the bill. Senators Waddoups and Dayton commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Dayton  Hinkins  Jenkins  Jones
Madsen  Mayne  McAdams  Morgan
Okerlund  Reid  Robles  Romero
H. Stephenson  J. Stevenson  Stowell  Thatcher
Van Tassell  Waddoups

Absent or not voting were: Senators
Buttars  Hillyard  Knudson  Liljenquist
Niederhauser  Urquhart  Valentine

* * *

On motion of Senator Bramble, the circle was removed from S.B. 70, COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES AMENDMENTS, and it was before the Senate.

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

1st Sub. S.B. 70 Community Development and Renewal Agencies Amendments (C. Bramble)

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

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On motion of Senator Bramble, the circle was removed from S.B. 222, PUBLIC TRANSIT AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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On motion of Senator Bramble, the circle was removed from 1st Sub. S.B. 178, MUNICIPAL LAND USE AMENDMENTS, 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
Adams Bramble Christensen Davis
Dayton Hinkins Jenkins Jones
Knudson Liljenquist Mayne McAdams
Morgan Niederhauser Okerlund Reid
Robles Romero H. Stephenson J. Stevenson
Stowell Thatcher Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Hillyard Madsen

***

On motion of Senator Urquhart, the circle was removed from S.C.R. 11, DIXIE STATE COLLEGE CONCURRENT RESOLUTION, and it was before the Senate. Senator Urquhart explained the bill. Senators Valentine and Bramble commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Christensen Davis
Dayton Hillyard Hinkins Jenkins
Jones Knudson Liljenquist Madsen
Mayne McAdams Morgan Niederhauser
Okerlund Reid Robles H. Stephenson
J. Stevenson Stowell Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Romero Thatcher

***

On motion of Senator Adams, S.C.R. 14, CONCURRENT RESOLUTION HONORING PROVIDERS OF HEALTH CARE SERVICES TO MILITARY PERSONNEL AND THEIR DEPENDENTS, will be considered Friday, February 25, 2011 at 11:00 a.m.

***

On motion of Senator Liljenquist, the circle was removed from 1st Sub. H.B. 66, HEALTH PROFESSIONAL AUTHORITY – DEATH CERTIFICATES,
and it was before the Senate. Senator Liljenquist explained the bill. Senators Waddoups and Mayne commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Bramble | Buttars | Madsen |

* * *

On motion of Senator Niederhauser, the circle was removed from **H.B. 248, COUNTY OFFICE VACANCIES**, and it was before the Senate. Senator Niederhauser explained the bill. Senators Hillyard, Okerlund, Hinkins, and Jenkins commented. The bill passed second reading on the following roll call:

**Yeas, 15; Nays, 9; Absent, 5.**

**Voting in the affirmative were:** Senators

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<td>Urquhart</td>
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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

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INTRODUCTION OF BILLS

S.B. 300, Government Bonding Amendments (B. McAdams), was read the first time by short title and referred to the Rules Committee.

***

On motion of Senator Jenkins and at 5:05 p.m., the Senate adjourned until 10:00 a.m., Friday, February 25, 2011.
THIRTY-SECOND DAY
MORNING SESSION
February 25, 2011

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

Prayer – David V. Styler, Millard County School Superintendent
Pledge of Allegiance – Senator Ross Romero
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 24, 2011

The Speaker of the House has signed S.B. 58, CRIME VICTIMS REPARATIONS REVISIONS, by Senator J. S. Adams, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 110, DRIVER LICENSE SUSPENSION AMENDMENTS, by Senator D. C. Buttars, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 1st Sub. S.B. 117, COMMUNITY ASSOCIATION ACT AMENDMENTS, by Senator S. Urquhart, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

Mr. President: February 24, 2011

The House passed, as amended, H.B. 85, ALCOHOLIC BEVERAGE CONTROL ACT – SALES TO MINORS, by Representative V. Peterson, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 152, SCHOOL COMMUNITY COUNCILS AMENDMENTS, by Representative B. Wright, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 259**, COUNTY RECORDER REVISIONS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 333**, UNFAIR INDUCEMENTS RELATED TO INSURANCE PRODUCTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.B. 334**, FAMILY EXPENSE AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 379**, NONJUDICIAL FORECLOSURE OF TRUST DEEDS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed **H.B. 440**, BEER TAX AMENDMENTS, by Representative V. Peterson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

**INTRODUCTION OF BILLS**

**S.B. 220**, *Intermountain Weatherization Training Fund* (S. Jenkins), was read the first time by short title and referred to the Rules Committee.

**S.B. 252**, *National Popular Vote* (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

**S.B. 263**, *State Board of Education Powers Amendments* (D. C. Buttars), was read the first time by short title and referred to the Rules Committee.

**CONSENT CALENDAR**

**H.B. 55**, VOLUNTEER SEARCH AND RESCUE WORKERS’ COMPENSATION CLAIMS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

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H.B. 55 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 79, PROPERTY AND CASUALTY CERTIFICATE OF INSURANCE ACT, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

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

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H.B. 79 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Dayton, 2nd Sub. H.B. 212, CHARGES BY HEALTH PROVIDERS FOR MEDICAL RECORDS, was read the third time and circled.

* * *

H.B. 265, MOTOR VEHICLE EMISSION 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

Adams       Bramble       Buttars       Christensen
Davis       Dayton        Hillyard     Hinkins
Jenkins     Jones         Knudson      Liljenquist
Mayne       McAdams      Morgan       Niederhauser
Okerlund    Robles       Romero       H. Stephenson
J. Stevenson Stowell     Urquhart     Van Tassell
Waddoups

**Absent or not voting were:** Senators

Madsen      Reid          Thatcher     Valentine

**H.B. 265**, as amended, was returned to the House for further consideration.

**THIRD READING CALENDAR**

3rd Sub. S.B. 129, LICENSING OF PHYSICIAN–EDUCATORS, 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

Adams       Buttars       Christensen       Davis
Dayton      Hillyard     Hinkins         Jenkins
Jones       Knudson      Liljenquist     Madsen
Mayne       McAdams      Morgan         Niederhauser
Okerlund    Robles       Romero         H. Stephenson
J. Stevenson Stowell     Thatcher       Urquhart
Valentine   Van Tassell   Waddoups

**Absent or not voting were:** Senators

Bramble      Reid

3rd Sub. S.B. 129 was transmitted to the House for consideration.

* * *

**H.B. 192**, CONTROLLED SUBSTANCES ADVISORY COMMITTEE 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

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**Absent or not voting was:** Senator

Reid

**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.

* * *

**S.B. 97**, HIGHER EDUCATION MISSION BASED FUNDING, was read the third time, explained by Senator Urquhart, 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

Reid

**S.B. 97** was transmitted to the House for consideration.

* * *

**S.B. 85**, LEGAL NOTICE AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.
Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jenkins Jones Knudson Liljenquist
Madsen Mayne McAdams Morgan
Niederhauser Okerlund Robles Romero
H. Stephenson J. Stevenson Stowell Thatcher
Urquhart Valentine Van Tassell Waddoups

Absent or not voting was: Senator
Reid

S.B. 85 was transmitted to the House for consideration.

***

1st Sub. S.C.R. 8, CONCURRENT RESOLUTION APPROVING A COMMERCIAL NONHAZARDOUS SOLID WASTE LANDFILL, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jones Knudson Liljenquist Madsen
Mayne McAdams Morgan Niederhauser
Okerlund Robles Romero H. Stephenson
J. Stevenson Stowell Thatcher Urquhart
Valentine Van Tassell

Voting in the negative was: Senator
Waddoups

Absent or not voting were: Senators
Hillyard Reid

1st Sub. S.C.R. 8 was transmitted to the House for consideration.

***

S.B. 197, LOCAL HOUSING AUTHORITY AMENDMENTS, was read the third time, explained by Senator McAdams, 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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<tr>
<th>Bramble</th>
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<th>J. Stevenson</th>
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S.B. 197 was transmitted to the House for consideration.

* * *

S.B. 76, DISTRIBUTION OF REVENUES COLLECTED UNDER THE LOCAL SALES AND USE TAX ACT, 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

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**Absent or not voting were:** Senators

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<th>Niederhauser</th>
<th>Reid</th>
<th>J. Stevenson</th>
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S.B. 76 was transmitted to the House for consideration.

* * *

S.B. 188, TAX COMMISSION 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
Adams  Bramble  Buttars  Christensen
Davis   Dayton  Hillyard  Hinkins
Jenkins Jones  Knudsen  Liljenquist
Madsen Mayne  McAdams  Okerlund
Robles Romero  H. Stephenson  Stowell
Thatcher Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Morgan  Niederhauser  Reid  J. Stevenson

S.B. 188 was transmitted to the House for consideration.

***

2nd Sub. S.B. 100, SECURITIES FRAUD REPORTING PROGRAM ACT, was read the third time, explained by Senator McAdams, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Davis   Dayton  Hillyard  Hinkins
Jenkins Jones  Knudsen  Liljenquist
Mayne  McAdams  Okerlund  Robles
Romero  H. Stephenson  Stowell  Thatcher
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Madsen  Morgan  Niederhauser  Reid  J. Stevenson

2nd Sub. S.B. 100 was transmitted to the House for consideration.

***

S.B. 179, MATH EDUCATION INITIATIVE, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Dayton  Hillyard  Hinkins  Jenkins
Knudson  Liljenquist  Madsen  Okerlund  
H. Stephenson  J. Stevenson  Stowell  Thatcher  
Urquhart  Valentine  Waddoups  

**Voting in the negative were:** Senators  
Davis  Jones  Mayne  Morgan  
Robles  Romero  

**Absent or not voting were:** Senators  
McAdams  Niederhauser  Reid  Van Tassell  

*S.B. 179* was transmitted to the House for consideration.  

***  

*S.B. 206*, LABOR ORGANIZATION PROVISIONS IN TEACHER CONTRACTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:  

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

**Voting in the affirmative were:** Senators  
Adams  Bramble  Buttars  Christensen  
Davis  Dayton  Hillyard  Jenkins  
Jones  Knudson  Liljenquist  Madsen  
Mayne  McAdams  Morgan  Okerlund  
Robles  Romero  H. Stephenson  J. Stevenson  
Stowell  Thatcher  Urquhart  Valentine  
Waddoups  

**Absent or not voting were:** Senators  
Hinkins  Niederhauser  Reid  Van Tassell  

*S.B. 206* was transmitted to the House for consideration.  

***  

On motion of Senator Bramble, *1st Sub. S.B. 70*, COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES AMENDMENTS, was read the third time and circled.  

***  

*S.B. 222*, PUBLIC TRANSIT AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:
Y eas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators
Adams Bramble Christensen Davis
Dayton Jenkins Jones Knudson
Liljenquist Madsen Mayne McAdams
Morgan Okerlund Reid Robles
Romero H. Stephenson J. Stevenson Stowell
Thatcher Urquhart Valentine Waddoups

Absent or not voting were: Senators
Buttars Hillyard Hinkins Niederhauser
Van Tassell

S.B. 222 was transmitted to the House for consideration.

TIME CERTAIN CALENDAR

On motion of Senator Adams, under suspension of the rules, S.C.R. 14, CONCURRENT RESOLUTION HONORING PROVIDERS OF HEALTH CARE SERVICES TO MILITARY PERSONNEL AND THEIR DEPENDENTS, was considered read the second and third times. Senator Adams explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hinkins Jenkins
Jones Knudson Liljenquist Madsen
Mayne McAdams Morgan Okerlund
Reid Robles Romero J. Stevenson
Thatcher Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Hillyard Niederhauser H. Stephenson Stowell

S.C.R. 14 was transmitted to the House.

THIRD READING CALENDAR

1st Sub. S.B. 178, MUNICIPAL LAND USE AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:
Y eas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators
Adams  
Bramble  
Buttars  
Christensen  
Davis  
Dayton  
Jenkins  
Jones  
Knudson  
Liljenquist  
Madsen  
McAdams  
Morgan  
Okerlund  
Reid  
Robles  
Romero  
J. Stevenson  
Thatcher  
Urquhart  
Valentine  
Van Tassell  
Waddoups

Absent or not voting were: Senators
Hillyard  
Hinkins  
Mayne  
Niederhauser  
H. Stephenson  
Stowell

1st Sub. S.B. 178 was transmitted to the House for consideration.

* * *

On motion of Senator Bramble, the circle was removed from 1st Sub. S.B. 70, COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 2, Lines 42 through 44

   42 ENACTS:
   43 17C−2−207, Utah Code Annotated 1953
   17C−2−701, Utah Code Annotated 1953
   44 17C−3−206, Utah Code Annotated 1953

2. Page 27, Line 811:

   811 tenant who becomes a developer.

   Section 10. Section 17C−2−701 is enacted to read:

   Part 7. Urban Renewal Project Area Property

   17C−2−701. Railroad crossings within urban renewal project area.
   (1) Notwithstanding Section 54−4−15 or other provision of law, and
   except as provided in Subsection (2), the Department of Transportation
   created in Section 72−1−201 may not prohibit or close, temporarily or
   permanently, a public road or highway crossing by a railroad or street
   railroad that is located within the boundaries of an urban renewal project
area that includes some or all of an inactive industrial site.

(2) The Department of Transportation may prohibit or close a crossing described in Subsection (1) if the Department obtains the advance written consent of the agency that created the urban renewal project area where the crossing is located.

Renumber remaining sections accordingly.

Senator Bramble’s motion to amend passed on a voice vote.

~ ~ ~

Senator Bramble proposed the following amendment:

1. Page 6, Line 175:
   Delete “state” and insert “station”

Senator Bramble’s motion to amend passed on a voice vote. Senator Stephenson commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Hillyard | Niederhauser | Stowell |

1st Sub. S.B. 70 was transmitted to the House for consideration.

* * *

**S.C.R. 11, DIXIE STATE COLLEGE CONCURRENT RESOLUTION,** 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

Adams  Bramble  Buttars  Christensen
Davis   Dayton  Hinkins  Jenkins
Jones   Knudson Liljenquist Madsen
Mayne   McAdams Morgan  Niederhauser
Okerlund Reid  Robles  Romero
H. Stephenson J. Stevenson Thatcher Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators

Hillyard  Stowell

S.C.R. 11 was transmitted to the House for consideration.

***

1st Sub. H.B. 66, HEALTH PROFESSIONAL AUTHORITY − DEATH CERTIFICATES, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Davis
Hinkins Jenkins  Jones     Knudson
Liljenquist Madsen  Mayne  McAdams
Morgan  Niederhauser Okerlund Reid
Robles  Romero  H. Stephenson J. Stevenson
Thatcher Urquhart Valentine Van Tassell
Waddoups

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Buttars  Hillyard  Stowell

1st Sub. H.B. 66 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, H.B. 248, COUNTY OFFICE VACANCIES, was read the third time and circled.
SECOND READING CALENDAR

On motion of Senator Adams, S.B. 253, STATE HOSPITAL AMENDMENTS, was read the second time and circled.

***

S.B. 204, CAPITAL DEVELOPMENT AND IMPROVEMENT PROCESS APPROVAL REQUIREMENTS AMENDMENTS, was read the second time. Senator Adams 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
Adams   Bramble   Christensen   Dayton
Hinkins Jenkins Jones Madsen
Mayne McAdams Niederhauser Okerlund
Reid Robles J. Stevenson Thatcher
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Davis Hillyard Knudson
Liljenquist Morgan Romero H. Stephenson Stowell Urquhart

***

S.J.R. 25, FEDERAL LAW JOINT RESOLUTION, was read the second time. Senator Valentine explained the bill.

Senator Valentine proposed the following amendment:

1. Page 4, Lines 97 through 99

97    BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of
98    the United States, the Majority Leader of the United States Senate, the Speaker of the United
99    States House of Representatives, the governor of each state outside of Utah, the Senate President or President pro tem and the Speaker of the House of each state legislature outside of Utah, and to the members of Utah’s congressional delegation.
Senator Valentine’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dayton
- Hinkins
- Jenkins
- Mayne
- Niederhauser
- Okerlund
- Reid
- H. Stephenson
- J. Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Voting in the negative were:** Senators

- Davis
- Jones
- McAdams
- Robles

**Absent or not voting were:** Senators

- Buttars
- Hillyard
- Knudson
- Liljenquist
- Madsen
- Morgan
- Romero
- Stowell

* * *

On motion of Senator Adams, **S.B. 270, MODIFICATIONS TO SALES AND USE TAX**, was read the second time and circled.

**SPECIAL RECOGNITION**

A citation was read honoring fallen soldiers from the state of Utah who have lost their lives during the past year. They include: Lance Cpl. Carlos A. Aragon, PFC Jordan M. Byrd, Sgt. Aaron K. Kramer, Lance Cpl. Nigel K. Olsen, Sgt. First Class James Thode, Chief Warrant Officer 3 Matthew G. Wagstaff, and Capt. Ellery R. Wallace. Senator Christensen commented.

**INTRODUCTION OF BILLS**

**S.B. 162, Military and Overseas Voting** (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Jenkins, and at 11:50 a.m., the Senate recessed.
AFTERNOON SESSION

The Senate reassembled at 2:10 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 25, 2011

The House passed, 1st Sub. S.B. 50, ENHANCED PENALTIES FOR HIV POSITIVE OFFENDER AMENDMENTS, by Senator J. Stevenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 92, PRIVATE SECURITY SERVICES, 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, 1st Sub. S.B. 136, BOATING 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

The bills 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, 2011

The House concurred in the Senate amendments and passed H.B. 78, DEVELOPER FEES, by Representative M. Morley, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

***

Mr. President: February 25, 2011

The House passed H.B. 94, INCOME TAX CREDIT FOR COMBAT RELATED DEATH, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 143, BALLOT PLACEMENT AMENDMENTS, by Representative S. Eliaison, and it is transmitted for consideration; and
The House passed **H.B. 250**, STATE EMBLEM OF SERVICE AND SACRIFICE, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 324**, HIV TESTING OF ALLEGED SEX OFFENDERS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed **H.B. 335**, MILITARY SURVIVORS – TUITION WAIVER AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed **H.B. 375**, SECURITY PERSONNEL LICENSING ACT AMENDMENTS, by Representative K. Ivory, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 399**, ENVIRONMENTAL LITIGATION BOND, by Representative M. Noel, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 25, 2011

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

**Business and Labor Committee**

**1st Sub. H.B. 333**  Unfair Inducements Related to Insurance Products  
(Rep. J. Dunnigan) (Sen. C. Bramble)

**Education Committee**

**S.B. 257**  Legislative Counsel Relating to United States Senators  
(Sen. H. Stephenson)

**S.B. 263**  State Board of Education Powers Amendments  
(Sen. D. C. Butters)

**1st Sub. H.B. 152**  School Community Councils Amendments  
(Rep. B. Wright) (Sen. M. Dayton)

(Sen. M. Dayton)
Government Operations and Political Subdivisions Committee
S.B. 162 Military and Overseas Voting (Sen. L. Hillyard)
S.B. 300 Government Bonding Amendments (Sen. B. McAdams)
1st Sub. H.B. 176 Audit of State Budgets (Rep. L. Christensen)
(Sen. W. Niederhauser)
H.B. 318 Money Management Act Amendments

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 225 Personal Injury Protection Arbitration (Sen. S. Urquhart)
S.B. 318 Justice Court Modifications (Sen. D. C. Buttars)
H.B. 334 Family Expense Amendments (Rep. S. Sandstrom)
(Sen. A. Christensen)
1st Sub. H.B. 379 Nonjudicial Foreclosure of Trust Deeds
(Rep. R. C. Webb) (Sen. K. Van Tassell)

Natural Resources, Agriculture and Environment Committee
S.B. 84 Predator Control Funding (Sen. D. Hinkins)

Retirement and Independent Entities Committee
2nd Sub. H.B. 331 Post–employment Benefits Amendments
(Rep. J. Dougall) (Sen. D. Liljenquist)

Revenue and Taxation Committee
H.B. 440 Beer Tax Amendments (Rep. V. Peterson)
(Sen. C. Bramble)

Transportation, Public Utilities and Technology Committee
S.B. 232 Public Transit District Board of Trustees Amendments
(Sen. K. Mayne)
S.B. 239 Motor and Special Fuel Tax Amendments
(Sen. K. Van Tassell)
S.B. 307 Amendments to Outdoor Advertising (Sen. S. Urquhart)

Workforce Services and Community and Economic Development Committee
S.B. 220 Intermountain Weatherization Training Fund
(Sen. S. Jenkins)
S.B. 252 National Popular Vote (Sen. S. Urquhart)
H.B. 259 County Recorder Revisions (Rep. R. C. Webb)
(Sen. K. Van Tassell)
Report filed. On motion of Senator Dayton, the committee report was adopted.

INTRODUCTION OF BILLS

S.B. 165, Election Law Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

CONCURRENCE CALENDAR

On motion of Senator Stephenson, the Senate voted to concur in the House amendments to S.B. 142, PUBLIC OFFICIAL CONTACT INFORMATION. The bill, as amended, passed on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Adams  Christensen  Davis  Dayton
Hillyard  Jenkins  Jones  Kudson
Liljenquist  Niederhauser  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Thatcher  Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators

Bramble  Buttars  Hinkins  Madsen
Mayne  McAdams  Morgan  Stowell
Urquhart

S.B. 142 was returned to the House for the signature of the Speaker.

***

On motion of Senator Reid, the Senate voted to concur in the House amendments to S.J.R. 12, JOINT RESOLUTION – IMMIGRATION. Senator Robles commented. The bill, as amended, passed on the following roll call:
Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators
Adams    Christensen    Davis    Dayton
Hillyard Jenkins    Jones    Knudson
Liljenquist Madsen    Mayne    McAdams
Morgan Niederhauser    Okerlund    Reid
Robles Romero    H. Stephenson    J. Stevenson
Thatcher Valentine    Van Tassell    Waddoups

Absent or not voting were: Senators
Bramble Buttars    Hinkins    Stowell
Urquhart

S.J.R. 12 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from 1st Sub.
S.B. 131, UNINCORPORATED BUSINESS ENTITY UNIFORM ACTS, and it
was before the Senate. Senator Hillyard 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
Adams    Christensen    Davis    Dayton
Hillyard Jenkins    Jones    Knudson
Liljenquist Madsen    Mayne    McAdams
Morgan Niederhauser    Okerlund    Reid
Robles Romero    H. Stephenson    J. Stevenson
Thatcher Valentine    Van Tassell    Waddoups

Absent or not voting were: Senators
Bramble Buttars    Hinkins    Stowell
Urquhart

***

S.B. 276, PERSONAL PROPERTY AUDITS, was read the second time.
Senator Okerlund explained the bill.

Senator Okerlund proposed the following amendment:
1. Page 1, Line 13

   13 requiring {a county} the taxing entity for which the audit was performed to bear the full cost.

2. Page 2, Line 33:

   33 [70%] all of the cost shall be borne [by the commission and 30%] by the {county} taxing entity for which the audit was performed. To assist the

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

   **Yeas, 19; Nays, 0; Absent, 10.**

   **Voting in the affirmative were:** Senators

   Christensen  Davis  Dayton  Jenkins
   Jones        Knudson  Liljenquist  Madsen
   Mayne        Morgan  Okerlund  Reid
   Robles       Romero  J. Stevenson  Thatcher
   Urquhart     Valentine  Van Tassell

   **Absent or not voting were:** Senators

   Adams  Bramble  Buttars  Hillyard
   Hinkins  McAdams  Niederhauser  H. Stephenson
   Stowell  Waddoups

   ***

   On motion of Senator Christensen, S.B. 296, AMENDMENTS TO TAX PROVISIONS, was read the second time and circled.

   ***

   S.B. 198, DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS, was read the second time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

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

   **Voting in the affirmative were:** Senators

   Christensen  Davis  Dayton  Jenkins
   Jones        Knudson  Liljenquist  Mayne
   Morgan       Okerlund  Reid  Robles
   Romero       J. Stevenson  Thatcher  Urquhart
   Valentine    Van Tassell
Absent or not voting were: Senators
Adams  Bramble  Buttars  Hillyard
Hinkins  Madsen  McAdams  Niederhauser
H. Stephenson  Stowell  Waddoups

***

On motion of Senator Okerlund, S.B. 251, LOBBYIST TRAINING, was read the second time and circled.

***

S.B. 314, ALCOHOLIC BEVERAGE AMENDMENTS, was read the second time. Senator Valentine explained the bill.

Senator Valentine proposed the following amendment:

1. Page 27, Lines 826 through 828

826  (d) “Total number of alcohol–related law enforcement officers” means the total number
827 of positions designated as alcohol–related law enforcement officers that are funded as of a specified date as certified by the Department
828 of Public Safety to the department.

2. Page 28, Lines 842 through 843

Senate Committee Amendments 2–23–2011:

842 enforcement ratio is calculated, the enforcement ratio would be equal to or less than Ŝ [56.]
843 (d) Once the Department of Public Safety certifies under Subsection (1)(d) the total number of positions designated as alcohol–related law enforcement officers that are funded as of July 1, the Department of Public Safety may not use the funding for the designated alcohol–related law enforcement officers for a purpose other than funding those positions.

3. Page 37, Lines 1134 through 1139:
(1) As used in this section:

(a) “Applicable department employee” means a department employee who is:
   (i) designated as a deputy or assistant director;
   (ii) a chief administrative officer of a division within the department;
   (iii) a department compliance officer; or
   (iv) an employee directly performing licensing or compliance functions of the department.

(b) “Immediate family” means an individual’s:

(i) spouse; or

(ii) child who is younger than 18 years of age.

(2) In addition to being subject to Title 67, Chapter 16, Utah Public Officers’ and Employees’ Ethics Act, an individual who is a commissioner, the director, or an applicable department employee may not:

4. Page 38, Lines 1153 through 1156:

   (ii) an officer, agent, or employee of a person who applies for or holds a package agency, license, permit, or certificate under this title, except that a commissioner, the director, or an applicable department employee may accept a gift from an officer, agent, or employee if the gift is equal to or less than $50; or

5. Page 38, Lines 1160 through 1169:

   (3) An immediate family member of a commissioner, the director, or an applicable department employee may not:

   (a) have a pecuniary interest, whether as the holder of stock or other securities other than a mutual fund, in a person who applies for or holds a package agency, license, permit, or certificate under this title;

   (b) otherwise have a conflict of interest with a person who applies for or holds a
package agency, license, permit, or certificate under this title;

(c) have an office, position, or relationship, or be engaged in a business or avocation

that interferes or is incompatible with the effective and objective fulfillment of the duties of

office or employment of the commissioner, director, or applicable department employee for whom the

person is immediate family;

6. Page 98, Lines 3011 through 3012a
Senate Committee Amendments 2–23–2011:

3011 (6) a golf driving range; Š—or Š
3012 (7) a tennis club Š—or Š
3012a (8) ski resort. Š

7. Page 103, Lines 3180 through 3182:

3180 (1) Before a person may store, sell, offer for sale, or furnish an alcoholic product on its premises as a reception center, the person shall first obtain a reception center license from the commission in accordance with this part.

8. Page 105, Lines 3226 through 3231:

3226 (4) (a) Except as otherwise provided in this title, a reception center licensee may sell,

offer for sale, or furnish an alcoholic product at an event only for consumption at the reception center’s licensed premises.

(b) A host of an event, a patron, or a person other than the reception center licensee or staff of the reception center licensee, may not remove an alcoholic product from the reception center’s licensed premises.
9. Page 165, Lines 5082 through 5084:

5082 (e) On and after July 1, 2011, an individual shall complete any test required to demonstrate completion of the alcohol training and education seminar in the physical presence of an instructor who is authorized to administer the test.

Senator Valentine’s motion to amend passed on a voice vote.

~ ~ ~

Senator Urquhart proposed the following amendment:

1. Page 122, Lines 3772 through 3773

3772 (2) (a) The commission may not approve the transfer of a retail license that results in a transferee holding a different type of retail license than is held by the transferor.

(b) The commission may not approve the transfer of a retail license from one location to another location, if the location of the premises to which the retail license would be transferred is in a different county than the location of the licensed premises of the retail license being transferred.

Senator Urquhart’s motion to amend passed on a voice vote. Senators Dayton, Stephenson, Bramble, Davis, Jones, and Mayne commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

| Dayton | Robles |
Absent or not voting were: Senators
Buttars  Hillyard  Stowell  Waddoups

***

On motion of Senator Liljenquist, S.B. 78, PUBLIC SCHOOL EARLY GRADUATION COUNSELING, was read the second time and circled.

***

On motion of Senator Liljenquist, the circle was removed from S.B. 272, SECURED CREDITOR AMENDMENTS, and it was before the Senate. Senator Liljenquist explained the bill.

Senator Liljenquist proposed the following amendment:

1. Page 2, Lines 40 through 42

   40  (3) (a) {This section does} Subsections (1) and (2) do not apply if the goods [which] that were the subject of the sale
   41   and [which] that secured a debt arising from a consumer credit sale are damaged to a
   42   significant degree after the goods are delivered to the buyer through no fault of the creditor.

2. Page 2, Lines 46 through 51:

   46  (c) {This section does } Subsections (1) and (2) do not apply if the buyer no longer has the goods that were the
   47   subject of the sale.
   48  (d) {This section does } Subsections (1) and (2) do not apply if an action taken by the buyer would make the
   49   collection of a judgment unenforceable, including the filing of bankruptcy.
   50  (4) Notwithstanding any other provision of this section, a creditor has no obligation to
   51   accept the surrender of collateral.

Senator Liljenquist’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
Adams  Bramble  Christensen  Davis
Dayton  Hinkins  Jenkins  Jones
Knudson  Liljenquist  Madsen  Mayne
Morgan  Niederhauser  Okerlund  Reid
Romero  H. Stephenson  J. Stevenson  Stowell
Thatcher  Urquhart  Valentine  Van Tassell

Absent or not voting were: Senators
Buttars  Hillyard  McAdams  Robles
Waddoups

* * *

On motion of Senator Adams, the circle was removed from S.B. 270, MODIFICATION TO SALES AND USE TAX, and it was before the Senate. Senator Adams explained the bill.

Senator Adams proposed the following amendment:

1. Page 65, Line 1986:
   Delete “4.40%” and insert “4.38%”

Senator Adams’ motion to amend passed on a voice vote. Senators Jones, Davis, Romero, Robles, Morgan, Stephenson, and Jenkins commented. The bill passed second reading on the following roll call:

Yeas, 16; Nays, 9; Absent, 4.

Voting in the affirmative were: Senators
Adams  Christensen  Dayton  Hinkins
Knudson  Liljenquist  Madsen  Niederhauser
Okerlund  Reid  Romero  H. Stephenson
J. Stevenson  Stowell  Valentine  Van Tassell

Voting in the negative were: Senators
Davis  Jones  Mayne  McAdams
Morgan  Robles  Thatcher  Urquhart
Waddoups

Absent or not voting were: Senators
Bramble  Buttars  Hillyard  Jenkins
On motion of Senator Christensen, the circle was removed from 3rd Sub. S.B. 137, MEDICAID AMENDMENTS, and it was before the Senate. Senator Christensen explained the bill. Senators Davis and Liljenquist commented. The bill passed second reading on the following roll call:

** Yeas, 16; Nays, 10; Absent, 3. **

** Voting in the affirmative were: ** Senators

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** Voting in the negative were: ** Senators

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** Absent or not voting were: ** Senators

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** **

On motion of Senator Niederhauser, S.B. 82, URBAN FARMING ASSESSMENT, was read the second time and circled.

** **

On motion of Senator Davis, S.B. 209, TELECOMMUNICATIONS AMENDMENTS, was read the second time and circled.

** **

S.B. 259, SALES AND USE TAX EXEMPTION FOR CERTAIN LOCAL GOVERNMENT TAXES AND FEES, was read the second time. Senator Stowell 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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</table>
Absent or not voting were: Senators
Adams Bramble Buttars Hillyard
Jenkins McAdams Morgan Niederhauser
Robles Waddoups

* * *

On motion of Senator Valentine, **S.B. 262, TOBACCO PRODUCTS AMENDMENTS**, was read the second time and circled.

**INTRODUCTION OF BILLS**

**S.B. 231, Film Enterprise Zone** (M. Madsen), was read the first time by short title and referred to the Rules Committee.

**S.B. 234, Economic Development Zone Tax Incentives Act** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**SECOND READING CALENDAR**

On motion of Senator Knudson, **S.C.R. 16, BONDS OF FRIENDSHIP WITH IRAN CONCURRENT RESOLUTION**, was read the second time and circled.

* * *

On motion of Senator Valentine, the Senate voted to move to Consent Calendar.

**CONSENT CALENDAR**

On motion of Senator Valentine, the circle was removed from **2nd Sub. H.B. 212, CHARGES BY HEALTH PROVIDERS FOR MEDICAL RECORDS**, and it was before the Senate. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Christensen Dayton Hinkins Jones
Knudson Madsen Mayne McAdams
Niederhauser Okerlund Reid Robles
Romero H. Stephenson J. Stevenson Stowell
Valentine Van Tassell
Absent or not voting were: Senators
Adams  Bramble  Buttars  Davis
Hillyard  Jenkins  Liljenquist  Morgan
Thatcher  Urquhart  Waddoups

2nd Sub. H.B. 212 was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Knudson, the circle was removed from S.C.R. 16, BONDS OF FRIENDSHIP WITH IRAN CONCURRENT RESOLUTION, and it was before the Senate. Senator Knudson 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
Christensen  Davis  Hinkins  Jenkins
Jones  Knudson  Madsen  Mayne
McAdams  Niederhauser  Okerlund  Reid
Romero  H. Stephenson  J. Stevenson  Stowell
Thatcher  Urquhart  Valentine  Van Tassell

Absent or not voting were: Senators
Adams  Bramble  Buttars  Dayton
Hillyard  Liljenquist  Morgan  Robles
Waddoups

***

On motion of Senator Jenkins and at 4:10 p.m., the Senate adjourned until 9:30 a.m., Monday, February 28, 2011.
The Senate was called to order at 9:50 a.m., with President Michael Waddoups presiding.

Prayer – Senator Chris Buttars
Pledge of Allegiance – Senator Karen Morgan
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 25, 2011

The House passed, as substituted and amended, 2nd Sub. H.B. 128, HEALTH REFORM AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 210, ANIMAL CRUELTY AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, H.B. 336, MEDICAL PROFESSIONAL LICENSING DURING A DECLARED EMERGENCY, by Representative E. Vickers, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 349, EXPEDITED JURY TRIALS, by Representative B. King, and it is transmitted for consideration; and

The House passed H.C.R. 9, LUPUS AWARENESS MONTH CONCURRENT RESOLUTION, by Representative T. Cosgrove, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.
RULES COMMITTEE REPORTS

To the Members of the Senate: February 25, 2011

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

Government Operations and Political Subdivisions Committee
S.B. 231 Film Enterprise Zone (Sen. M. Madsen)
H.B. 399 Environmental Litigation Bond (Rep. M. Noel)
(Sen. S. Urquhart)

Health and Human Services Committee
H.B. 324 HIV Testing of Alleged Sex Offenders

Revenue and Taxation Committee
S.B. 165 Election Law Amendments (Sen. C. Bramble)
S.B. 234 Economic Development Zone Tax Incentives Act
(Sen. C. Bramble)

Workforce Services and Community and Economic Development Committee
(Sen. W. Niederhauser)
H.B. 250 State Emblem of Service and Sacrifice
H.B. 335 Military Survivors – Tuition Waiver Amendments
(Rep. M. Morley) (Sen. P. Knudson)
H.B. 375 Security Personnel Licensing Act Amendments

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 25, 2011

The Business and Labor Committee reports a favorable recommendation on S.B. 261, WRONGFUL FORECLOSURE ACT, by Senator C. Bramble; and
The Business and Labor Committee reports a favorable recommendation on 1st Sub. H.B. 115, MECHANICS’ LIENS AMENDMENTS, by Representative M. Morley.

John L. Valentine

Mr. President: February 25, 2011

The Education Committee reports a favorable recommendation on S.B. 53, ELIGIBILITY FOR INTERSCHOLASTIC ACTIVITIES IN SECONDARY SCHOOLS, by Senator M. Madsen, with the following amendments:

1. Page 4, Lines 105 through 108:

105 (e) “Recruiting” means a solicitation or conversation:
106 (i) initiated by:
107 (A) an employee of a school or school district; {or }
108 (B) a coach or advisor of an interscholastic activity; or
109 (C) a member of a booster, alumni, or other organization that performs a substantially similar role as a booster organization, affiliated with a school or school district;

2. Page 4, Lines 109 through 113:

109 (ii) to influence a student, or the student’s relative or legal guardian, to transfer to a
110 school for the purpose of participating in an interscholastic activity at the school; and
111 (iii) with an offer for the student, or the student’s relative or legal guardian, that the
112 school or person has the capacity to fulfill.
113 (f) “School” means a public school.

3. Page 5, Lines 121 through 138:

121 (i) the student:
122 (A) submitted an application for admission to the school for the qualifying school year
123 in accordance with Section 53A–2–207 between December 1 and June 30 prior to the qualifying
school year;  \{ and \}

(B) received written notification of acceptance of the application described in Subsection (2)(a)(i)(A) on or before June 30 prior to the qualifying school year;  and

(C) is transferring between schools for the first time during high school;

(ii) the student:

(A) is accepted for late enrollment to the school for the school year prior to the qualifying school year;  \{ or \} and

(B) is transferring between schools for the first time during high school;

(iii) the student:

(A) transfers from a school to a charter school;

(B) enrolls at the charter school on or before June 30 prior to the qualifying school year; and

(C) is transferring between schools for the first time during high school; or

(iv) the student:

(A) transfers from a school to the student’s school of residence; and

(B) enrolls for the qualifying school year at the student’s school of residence on or before June 30 prior to the qualifying school year;

(b) the student enrolls at the student’s school of residence on or before June 30 prior to the qualifying school year;

(c) the student enrolls at a school that is a charter school on or before June 30 prior to the qualifying school year; }

(d) the student enrolls in a school other than the student’s school of residence; or

(e) the student’s parent does not reside within the school’s attendance area.
4. Page 5, Lines 141 through 142:

141 transfer between schools if the school, school district, or association can prove that the student
142 was recruited to transfer {solely } primarily for an athletic purpose by:

5. Page 5, Lines 143 through 144:

143 (a) an employee of a school or school district; {or }
144 (b) a coach or advisor of an interscholastic activity {or }
(c) a member of a booster, alumni, or other organization that performs a substantially similar role as a booster organization, affiliated with a school or school district. ; and

The Education Committee recommends S.B. 73, PUBLIC SCHOOL TEACHER TENURE MODIFICATIONS, by Senator H. Stephenson, be replaced and favorably recommends 1st Sub. S.B. 73, PUBLIC SCHOOL TEACHER TENURE MODIFICATIONS; and

The Education Committee reports a favorable recommendation on H.B. 220, CIVICS EDUCATION AMENDMENTS, by Representative M. Morley, with the following amendments:

1. Page 2, Lines 35 through 36
   House Committee Amendments 2–4–2011:

35 (c) Instruction in American history and government shall include a study of:
36 (i) forms of government, such as a republic, a pure democracy, a monarchy.

2. Page 2, Lines 37 through 38
   House Committee Amendments 2–4–2011:

37 (ii) the United States’ form of government, a constitutional compound republic.
38 (3) School curricula and activities shall include [the appropriate] a thorough study of

Howard A. Stephenson, Chair

Mr. President: February 25, 2011

The Health and Human Services Committee reports a favorable recommendation on 1st Sub. H.B. 174, CONTRACTING FOR MEDICAID ELIGIBILITY DETERMINATION SERVICES, by Representative W. Harper; and

The Health and Human Services Committee reports a favorable recommendation on 1st Sub. H.B. 256, CHILDREN’S HEALTH INSURANCE AND MEDICAID ADMINISTRATIVE SIMPLIFICATION, by Representative J. Dunnigan.

D. Chris Buttars, Chair

Mr. President: February 25, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 229, TRANSPORTATION FUNDING REVISIONS, by Senator J. S. Adams; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 252, RAILROAD AND RAILROAD CROSSING AMENDMENTS, by Representative R. Greenwood.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 25, 2011

The Health and Human Services Committee reports a favorable recommendation on H.C.R. 5, PATIENT AND SAFETY–CENTERED PRESCRIPTION LABELS CONCURRENT RESOLUTION, by Representative M. Poulson, 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. 35, UTAH MITOCHONDRIAL DISEASE
AWARENESS WEEK JOINT RESOLUTION, by Representative K. Sumston, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

Mr. President: February 25, 2011

The Transportation and Public Utilities and Technology Committee recommends S.B. 317, STATE PARKS ACCESS HIGHWAY, by Senator K. Van Tassell, be replaced and favorably recommends 1st Sub. S.B. 317, STATE PARKS ACCESS HIGHWAY and that 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 1st Sub. H.B. 221, CLASSIC CAR INSPECTIONS, by Representative F. Cox, 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. 162, PEDESTRIANS ON FREEWAYS, by Representative L. Perry, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 189, Tax Code Modifications (B. McAdams), was read the first time by short title and referred to the Rules Committee.

S.B. 277, Child Custody Task Force (L. Robles), was read the first time by short title and referred to the Rules Committee.

S.B. 282, Small Mining Operations (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

S.B. 288, Utah Immigration Enforcement Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 301, Public Transit Revisions (J. Stevenson), was read the first time by short title and referred to the Rules Committee.
SPECIAL RECOGNITION

Senator Jones paid special recognition to the “Utah Saves” program to promote financial education for Utahns.

THIRD READING CALENDAR

S.B. 204, CAPITAL DEVELOPMENT AND IMPROVEMENT PROCESS APPROVAL REQUIREMENTS AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Adams Christensen Davis Dayton
Hinkins Jenkins Jones Knudson
Liljenquist Madsen Mayne McAdams
Morgan Niederhauser Okerlund Reid
Robles Romero H. Stephenson J. Stevenson
Thatcher Urquhart Valentine Van Tassell
Waddoups

**Absent or not voting were:** Senators
Bramble Buttars Hillyard Stowell

S.B. 204 was transmitted to the House for consideration.

**S.J.R. 25, FEDERAL LAW JOINT RESOLUTION, was read the third time, explained by Senator Valentine, and passed on the following roll call:**

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

**Voting in the affirmative were:** Senators
Adams Bramble Buttars Christensen
Davis Dayton Jenkins Jones
Knudson Liljenquist Madsen Mayne
Morgan Niederhauser Okerlund Reid
H. Stephenson J. Stevenson Thatcher Urquhart
Valentine Van Tassell Waddoups

**Voting in the negative were:** Senators
McAdams Romero

* * *
Absent or not voting were: Senators
Hillyard            Hinkins           Robles            Stowell

S.J.R. 25 was transmitted to the House for consideration.

***

On motion of Senator Okerlund, 1st Sub. S.B. 131, UNINCORPORATED BUSINESS ENTITY UNIFORM ACTS, was read the third time and circled.

***

S.B. 276, PERSONAL PROPERTY AUDITS, 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
Adams              Bramble          Buttars          Christensen
Davis              Dayton           Jenkins          Jones
Knudson            Liljenquist      Madsen           Mayne
McAdams            Morgan           Niederhauser     Okerlund
Reid               Robles           Romero           H. Stephenson
J. Stevenson       Thatcher         Urquhart         Valentine
Van Tassell        Waddoups

Absent or not voting were: Senators
Hillyard            Hinkins           Stowell

S.B. 276 was transmitted to the House for consideration.

***

S.B. 198, DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS, was read the third time and explained by Senator Jenkins.

Senator Jenkins proposed the following amendment:

1. Page 2, Lines 29 through 30

29     AMENDS:

30     \{ -63J 1-602.1, as enacted by Laws of Utah 2010, Chapter 265 \}
1. Page 3, Line 83 through Page 4, Line 108:

(b) evaluating the effectiveness of the loan and loan guarantee program.

-Section 4. Section 63J−1–602.1 is amended to read:

63J−1–602.1. List of nonlapsing accounts and funds—General authority and Title

1–through Title 30.

(1) Appropriations made to the Legislature and its committees.

(2) The Salinity Offset Fund created in Section 4−2–8.5.

(3) The Invasive Species Mitigation Account created in Section 4−2−8.7.

(4) The Rangeland Improvement Account created in Section 4−20–2.


[(5)] (6) The Percent−for−Art Program created in Section 9−6−404.

[(6)] (7) The Centennial History Fund created in Section 9–8–604.

[(7)] (8) The Uintah Basin Revitalization Fund, as provided in Section 9–10–108.

[(8)] (9) The Navajo Revitalization Fund created in Section 9–11–104.

[(9)] (10) The LeRay McAllister Critical Land Conservation Program created in Section 11–38–301.

[(10)] (11) The Clean Fuels and Vehicle Technology Fund created in Section 19−1–403.

[(11)] (12) An appropriation made to the Division of Wildlife Resources for the appraisal and purchase of lands under the Pelican Management Act, as provided in Section
102 23–21a–6.

103 [(12)] (13) Award money under the Crime Reduction Assistance Program, as provided

104 under Section 24–1–19:

105 [(13)] (14) Funds collected from the emergency medical services grant program, as

106 provided in Section 26–8a–207.

107 [(14)] (15) The Utah Health Care Workforce Financial Assistance Program created in

108 Section 26–46–102.

Senator Jenkins’ motion to amend passed on a voice vote. Senator Davis commented

On motion of Senator Jenkins, the bill was circled.

***

On motion of Senator Valentine, S.B. 314, ALCOHOLIC BEVERAGE AMENDMENTS, was read the third time and circled.

***

On motion of Senator Niederhauser, the circle was removed from H.B. 248, COUNTY OFFICE VACANCIES, and it was before the Senate.

Senator Okerlund made a motion to substitute the bill. Senators Knudson, Stowell, Romero, and Urquhart commented. The motion failed on a voice vote. The bill passed on the following roll call:

Yeas, 19; Nays, 7; Absent, 3.

Voting in the affirmative were: Senators

Adams  Bramble  Buttars  Dayton
Jenkins  Liljenquist  Madsen  Mayne
McAdams  Morgan  Niederhauser  Robles
Romero  H. Stephenson  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Voting in the negative were: Senators

Christensen  Davis  Knudson  Okerlund
Reid  J. Stevenson  Stowell
Absent or not voting were: Senators
Hillyard  Hinkins  Jones

H.B. 248 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 272, SECURED CREDITOR 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
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hinkins  Jenkins
Knudson  Liljenquist  Mayne  McAdams
Morgan  Okerlund  Reid  Robles
Romero  H. Stephenson  J. Stevenson  Stowell
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Hillyard  Jones  Madsen  Niederhauser

S.B. 272 was transmitted to the House for consideration.

* * *

S.B. 270, MODIFICATIONS TO SALES AND USE TAX, was read the third time and explained by Senator Adams.

Senator Adams proposed the following amendment:

1. Page 1, Lines 13 through 18

13  ► increases the state sales and use tax rate on food and food ingredients to the general
14  state sales and use tax rate;
   ► reduces the general state sales and use tax rate;
15  ► adjusts state sales and use tax allocations { to the Centennial Highway Fund Restricted
Account—} for transportation purposes ;
provides that food and food ingredients are taxable for purposes of certain local option sales and use taxes; and

2. Page 72, Line 2226 through Page 73, Line 2245:

Notwithstanding Subsection (3)(a), in addition to the amount deposited in Subsection (7)(a), and until Subsection (8)(c)(b) applies, for a fiscal year beginning on or after July 1, 2011, the Division of Finance shall deposit into the Centennial Highway Fund Restricted Account created by Section 72–2–118 a portion of the taxes listed under Subsection (3)(a) equal to 8.3% of the revenues collected from the following taxes, which represent a portion of the approximately 17% of sales and use tax revenues generated annually by the sales and use tax on vehicles and vehicle–related products:

(i) the tax imposed by Subsection (2)(a)(i)(A); and
(ii) the tax imposed by Subsection (2)(b)(i); [i]
(iii) the tax imposed by Subsection (2)(c)(i); and
(iv) the tax imposed by Subsection (2)(d)(i)(A)(I).

Notwithstanding Subsection (3)(a) and in addition to the amounts deposited under Subsection (7)(b), when the highway general obligation bonds have been paid off and the highway projects completed that are intended to be paid from revenues deposited in the Centennial Highway Fund Restricted Account as determined by the Executive Appropriations Committee under Subsection 72–2–118(6)(d), the Division of Finance shall deposit into the Transportation Investment Fund of 2005 created by Section 72–2–124 a portion of the taxes
2243 listed under Subsection (3)(a) equal to \[8.3\%\] of the revenues collected from the
2244 following taxes, which represents a portion of the approximately 17% of sales and use tax
2245 revenues generated annually by the sales and use tax on vehicles
2246 and vehicle-related products:

Senator Adams’ motion to amend passed on a voice vote. Senators Davis, Valentine, and Romero commented.

~ ~ ~

Senator Stephenson proposed the following amendment:

1. Page 65, Line 1986:
Senate Floor Amendments
2– 25– 2011
Delete “4.38% ”and insert “4.35%”

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

**Yeas, 19; Nays, 9; Absent, 1.**

**Voting in the affirmative were:** Senators
Adams  Bramble  Buttars  Christensen
Dayton  Hillyard  Hinkins  Jenkins
Knudson  Liljenquist  Madsen  Niederhauser
Okerlund  Reid  H. Stephenson  J. Stevenson
Stowell  Valentine  Van Tassell

**Voting in the negative were:** Senators
Davis  Mayne  McAdams  Morgan
Robles  Romero  Thatcher  Urquhart
Waddoups

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

**S.B. 270** was transmitted to the House for consideration.

* * *

**3rd Sub. S.B. 137, MEDICAID AMENDMENTS,** was read the third time, explained by Senator Christensen, and failed on the following roll call:
Day 35634 SENATE JOURNAL

Y eas, 8; Nays, 18; Absent, 3.

**Voting in the affirmative were:** Senators
Buttars Christensen Hillyard Liljenquist
Madsen Reid Thatcher Waddoups

**Voting in the negative were:** Senators
Adams Bramble Davis Dayton
Jenkins Knudson Mayne McAdams
Morgan Okerlund Robles Romero
H. Stephenson J. Stevenson Stowell Urquhart
Valentine Van Tassell

**Absent or not voting were:** Senators
Hinkins Jones Niederhauser

3rd Sub. S.B. 137 was filed.

***

On motion of Senator Hillyard, the circle was removed from 1st Sub. S.B. 131, UNINCORPORATED BUSINESS ENTITY UNIFORM ACTS, and it was before the Senate. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 243, Lines 7520 through 7523

   7520 (3) Notwithstanding contrary provisions of this chapter, a series’ debts, liabilities,

   7521 obligations, and expenses are enforceable against the assets of that series only and may not be

   7522 enforced against the assets of the limited liability company generally or another series if:

   7523 (a) the operating agreement provides for separate treatment of the series;

2. Page 251, Lines 7771 through 7774:

   7771 (1) A foreign limited liability company that is authorized to do business in this state

   7772 that is governed by an operating agreement that establishes or provides for the establishment of
a series, \{the foreign limited liability company\} shall indicate that fact on the application for a certificate of authority as a foreign limited liability company.

Senator Hillyard’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**

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**1st Sub. S.B. 131** was transmitted to the House for consideration.

***

**S.B. 259, SALES AND USE TAX EXEMPTION FOR CERTAIN LOCAL GOVERNMENT TAXES AND FEES,** was read the third time and explained by Senator Stowell. 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**

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S.B. 259 was transmitted to the House for consideration.

***

S.C.R. 16, BONDS OF FRIENDSHIP WITH IRAN CONCURRENT RESOLUTION, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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S.C.R. 16 was transmitted to the House for consideration.

***

On motion of Senator Bramble, legislative staff was authorized to draft a bill regarding changing the name of Centers of Excellence.

***

On motion of Senator Valentine, the circle was removed from H.B. 204, PROTECTION OF ATHLETES WITH HEAD INJURIES, and it was before the Senate.

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

1st Sub. H.B. 204 Protection of Athletes with Head Injuries (P. Ray)

On motion of Senator Valentine, the bill was circled.

***

On motion of Senator Valentine, the Senate voted to lift H.B. 107, VOLUNTEER FIREFIGHTERS’ RETIREMENT AMENDMENTS, and 2nd
Sub. H.B. 331, POST-EMPLOYMENT BENEFITS AMENDMENTS, from the Retirement and Independent Entities Committee and assign them to the Business and Labor Committee.

***

On motion of Senator Jenkins, the circle was removed from S.B. 198, DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS, and it was before the Senate. Senator Jenkins explained the bill. Senators Valentine and Davis commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 198 was transmitted to the House for consideration.

***

Senator McAdams made the motion, under suspension of the rules, to lift S.B. 148, UTAH FAIR HOUSING AND EMPLOYMENT, from Rules and assign it to the Business and Labor Committee. Senators Dayton, Bramble, Stephenson, Buttars, Robles, Davis, Romero, and Jenkins commented. The motion failed on the following roll call vote:

**Yeas, 7; Nays, 21; Absent, 1.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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Knudson Liljenquist Madsen Okerlund
Reid H. Stephenson J. Stevenson Stowell
Thatcher Urquhart Valentine Van Tassell
Waddoups

Absent or not voting was: Senator
Niederhauser

SECOND READING CALENDAR

S.B. 72, INITIATIVE AMENDMENTS, 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
Adams Bramble Buttars Christensen
Davis Hillyard Hinkins Jenkins
Jones Knudson Liljenquist Madsen
Mayne McAdams Okerlund Robles
H. Stephenson J. Stevenson Stowell Thatcher
Urquhart Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Dayton Morgan Niederhauser Reid
Romero

***

On motion of Senator Buttars, S.B. 248, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, was read the second time and circled.

***

On motion of Senator Buttars, the circle was removed from S.B. 78, PUBLIC SCHOOL EARLY GRADUATION COUNSELING, and it was before the Senate. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment:

1. Page 1, Lines 11 through 15

11 This bill:
requires a public school to prepare a sample early graduation schedule to provide to a seventh or ninth grade student and the student’s parent or guardian; and

requires a public school to notify seventh and ninth grade students and the students’ parent or guardian of early graduation requirements and the centennial scholarship.

2. Page 1, Line 26 through Page 2, Line 29:

Student and parent

notification of early graduation course requirements during seventh and ninth grades.

(1) A public school that provides educational instruction to a seventh grade or ninth grade student shall:

3. Page 2, Lines 33 through 39:

(b) notify a student and the student’s parent or guardian during the student’s seventh grade year and ninth grade year:

(i) that the student may graduate early; and

(ii) of the centennial scholarship described in Section 53A–15–102; and

(c) provide each seventh grade and ninth grade student, and the student’s parent or guardian, with a sample early graduation schedule that the student may complete for the student to graduate at, or before, the conclusion of the eleventh grade.

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

Yeas, 25; Nays, 0; Absent, 4.
Voting in the affirmative were: Senators

Buttars                 Christensen   Davis          Dayton
Hillyard                Hinkins       Jenkins        Jones
Knudson                 Liljenquist   Madsen        Mayne
Morgan                  Niederhauser  Okerlund      Robles
Romero                  H. Stephenson  J. Stevenson  Stowell
Thatcher                Urquhart      Valentine     Van Tassell
Waddoups

Absent or not voting were: Senators

Adams                   Bramble       McAdams       Reid

* * *

On motion of Senator Jenkins, and at 11:50 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 28, 2011

The House passed, S.B. 130, SURPLUS PROPERTY AMENDMENTS, by
Senator S. Reid, which has been signed by the Speaker and it is transmitted for the
signature of the President; and

The House passed, S.B. 145, UTAH EDUCATIONAL SAVINGS PLAN
AMENDMENTS, by Senator W. Niederhauser, which has been signed by the
Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 142, PUBLIC OFFICIAL
CONTACT INFORMATION, by Senator H. Stephenson, and it is transmitted for
the signature of the President; and

The Speaker of the House has signed S.J.R. 12, JOINT RESOLUTION –
IMMIGRATION, by Senator S. Reid, and it is transmitted for the signature of the
President.

Sandy D. Tenney, Chief Clerk

The bills 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 substituted and amended, 1st Sub. H.B. 138, FEDERAL RECEIPTS REPORTING REQUIREMENTS, by Representative K. Ivory, and it is transmitted for consideration; and

The House passed H.B. 155, CYCLING LAWS, by Representative C. Moss, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 156, ASSESSMENT OF PROPERTY WITH CONSERVATION EASEMENT, by Representative D. Pitcher, and it is transmitted for consideration; and

The House passed H.B. 316, TAXATION OF SURPLUS LINES OF INSURANCE, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 392, RETENTION ELECTIONS FOR JUSTICE COURT JUDGES, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, H.B. 403, CHANGES TO FIT PREMISES ACT, by Representative J. Seelig, and it is transmitted for consideration; and

The House passed H.J.R. 11, JOINT RESOLUTION HONORING LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF FIRE, by Representative L. Perry, and it is transmitted for consideration.

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

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
2nd Sub. H.B. 128  Health Reform Amendments (Rep. J. Dunnigan)  
(Sen. J. Valentine)

Health and Human Services Committee
H.C.R. 9  Lupus Awareness Month Concurrent Resolution  
(Rep. T. Cosgrove) (Sen. P. Jones)

Judiciary, Law Enforcement, and Criminal Justice Committee  

Natural Resources, Agriculture and Environment Committee  
S.B. 282  Small Mining Operations (Sen. D. Hinkins)

Revenue and Taxation Committee  
S.B. 189  Tax Code Modifications (Sen. B. McAdams)  
S.B. 288  Utah Immigration Enforcement Amendments  
(Sen. C. Bramble)

Transportation, Public Utilities and Technology Committee  
S.B. 301  Public Transit Revisions (Sen. J. Stevenson)  
Margaret Dayton  
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President:  
February 25, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 238, VERIFICATION OF EMPLOYMENT STATUS, by Senator D. Hinkins, with the following amendments:

1. Page 4, Lines 95 through 97:

95 (5) (a) The chief executive officer of a public employer , or a person designated by the chief executive officer, shall in writing annually certify

96 on behalf of the public employer whether the government entity was in compliance with this

97 section in the previous calendar year ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 279, GRAND JURY MODIFICATIONS, by Senator M. Dayton, with the following amendments:
1. Page 1, Lines 13 through 15:

   requires a grand jury subpoena to be issued to a:

   • minor, who is a victim of crime, at least 72 hours before the victim is required to testify; and

   • witness to testify at least 48 hours before the witness is required to testify; and

2. Page 2, Lines 44 through 47:

   (i) A subpoena requiring a minor, who is a victim of a crime, to testify before a grand jury may not be served less than 72 hours before the victim is required to testify.

   (ii) A subpoena requiring a witness to testify before a grand jury may not be served less than 48 hours before the witness is required to testify.

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 286, GRANDPARENTS’ VISITATION RIGHTS, by Senator D. Hinkins; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.J.R. 20, JOINT RESOLUTION SUPPORTING SANPETE COUNTY INCREASING THE NUMBER OF CONTRACT BEDS AT ITS CORRECTIONAL FACILITIES, by Senator R. Okerlund; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on 1st Sub. H.B. 121, SEXUAL SOLICITATION AMENDMENTS, by Representative J. Seelig; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 167, INCARCERATION AMENDMENTS, by Representative E. Hutchings; and


Mark B. Madsen, Chair

Mr. President: February 25, 2011

The Natural Resources, Agriculture, and Environment Committee recommends S.B. 57, ANIMAL CONTROL – EXCEPTION FOR
COMMUNITY CAT MANAGEMENT INITIATIVE, by Senator D. Stowell, be replaced and favorably recommends 1st Sub. S.B. 57, ANIMAL CONTROL – EXCEPTION FOR COMMUNITY CAT MANAGEMENT INITIATIVE; and

The Natural Resources, Agriculture, and Environment Committee recommends S.B. 221, STATE RESOURCE MANAGEMENT PLAN FOR CERTAIN NONWILDERNESS STUDY AREA BUREAU OF LAND MANAGEMENT LANDS, by Senator R. Okerlund, be replaced and favorably recommends 1st Sub. S.B. 221, STATE OF UTAH RESOURCE MANAGEMENT PLAN FOR FEDERAL LANDS and further recommends that 1st Sub. S.B. 221 be read for the first time; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on 1st Sub. H.B. 51, SCHOOL AND INSTITUTIONAL TRUST LANDS, by Representative R. Barrus, with the following amendments:

1. Page 1, Lines 16 through 17:

16  exempts the Administration from fee agency provisions for certain fees in the Budgetary

17  Procedures Act;

2. Page 2, Lines 28 through 29:

28  requires the Permanent Community Impact Fund Board to consider recommendations from the administration when awarding certain grants;

3. Page 3, Lines 72 through 73:

72  consider recommendations from the School and Institutional Trust Lands Administration when awarding a grant described in Subsection 9–4–303(6).

4. Page 7, Lines 182 through 183

House Committee Amendments 2–2–2011:

182  (f)  Except as provided in Subsection (3)(f)(ii), the administration is not subject to the fee agency requirements of Section
The following fees of the administration are subject to the requirements of Section 63J–1–504: application, assignment, amendment, affidavit for lost documents, name change, reinstatement, grazing non use, extension of time, partial conveyance, patent reissue, collateral assignment, electronic payment, and processing.

5. Page 23, Line 707 through Page 24, Line 708:

(b) The administration shall make recommendations to the Permanent Community Impact Fund Board for its consideration when awarding the grants described in Subsection (6)(a).

6. Page 29, Lines 865 through 866:

(a) Except as provided in Subsection (8)(b), the School and Institutional Trust Lands Administration, established in 53C–1–201, is exempt from the requirements of this section.

(b) The following fees of the School and Institutional Trust Lands Administration are subject to the requirements of this section: application, assignment, amendment, affidavit for lost documents, name change, reinstatement, grazing non use, extension of time, partial conveyance, patent reissue, collateral assignment, electronic payment, and processing.

Ralph Okerlund, Chair

Mr. President: February 28, 2011


Peter C. Knudson, Chair

Mr. President: February 28, 2011

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 30, EXTENSION OF RECYCLING MARKET DEVELOPMENT ZONE ACT AND RELATED TAX CREDITS, by Senator J. Valentine; and
The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 202**, PHARMACEUTICAL COMPETITIVE PRICING, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 285**, INDUSTRIAL ASSISTANCE FUND AMENDMENTS, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 82**, SALES AND USE TAXES ON CERTAIN LODGING RELATED PURCHASES, by Representative T. Kiser; and

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 226**, LOCAL GOVERNMENT FEE AUTHORITY, by Representative W. Harper, with the following amendments:

1. Page 2, Lines 35 through 37
   House Floor Amendments
   2–8–2011:
   
   (5) (a) Except as provided in Subsection (5)(b), on or after July
   December 31, 2011:
   
   (i) law enforcement services;

2. Page 2, Lines 42 through 45
   House Floor Amendments
   2–8–2011:
   
   (b) Subsection (5)(a) does not apply to:
   
   (i) a fee charged or collected on an individual basis rather than a general basis;
   
   (ii) a non–911 service as defined in Section 26–8a–102 that is provided under a contract; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 440**, BEER TAX AMENDMENTS, by Representative V. Peterson.

Curtis S. Bramble, Chair

Mr. President: February 28, 2011

The Workforce Services and Community and Economic Development Committee recommends **S.B. 220**, INTERMOUNTAIN WEATHERIZATION
TRAINING FUND, by Senator S. Jenkins, be replaced and favorably recommends **1st Sub. S.B. 220**, INTERMOUNTAIN WEATHERIZATION TRAINING FUND.

Stuart C. Reid, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

**STANDING COMMITTEE REPORTS**

Mr. President: February 25, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 266**, RESTITUTION AMENDMENTS, by Representative D. Clark, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

Mr. President: February 25

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 237**, POLLUTION CONTROL FACILITY AMENDMENTS, by Senator L. Hillyard, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.C.R. 8**, CONCURRENT RESOLUTION ON PROVIDING CONTINUING FEDERAL FINANCIAL ASSISTANCE FOR THE DELIVERY OF BASIC SERVICES TO DUTCH JOHN, UT, by Representative M. Brown, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 3, Lines 62 through 64:

62 that would help finance local services; {\text{-and-}}

63 WHEREAS, the commercial developments that were anticipated to occur in Dutch

64 John to help finance local services have not been established {\text{--}} ; and

WHEREAS, Daggett County is more than 85% federally owned, thus limiting the ability of the county to raise needed property taxes to
support the unincorporated community of Dutch John:

Ralph Okerlund, Chair

Mr. President: February 28, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on 1st Sub. H.B. 106, ELECTRONIC MEETINGS REVISIONS, by Representative B. Daw, 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. 172, SERVICE ANIMAL AMENDMENTS, by Representative K. Grover, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 275, SCHOOL DISTRICT DIVISION AMENDMENTS, by Representative K. Sumsion, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: February 28, 2011

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.B. 312, ECONOMIC DEVELOPMENT COORDINATION, by Senator S. Jenkins, 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.C.R. 16, RESOLUTION SUPPORTING UTAH HIGHWAY PATROL USE OF WHITE CROSSES AS ROADSIDE MEMORIAL, by Representative L. Perry, et al, and recommends it be considered read for the second time and placed on the Consent Calendar.

Stuart C. Reid, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

* * *

On motion of Senator Van Tassell, the Senate moved to lift S.B. 68, SOLID WASTE AMENDMENTS − FINANCIAL ASSURANCE REQUIREMENTS,
from the Natural Resources, Agriculture and Environment Committee and assign it to the Transportation, Public Utilities and Technology Committee.

***

On motion of Senator Okerlund, 1st Sub. S.B. 221, STATE RESOURCE MANAGEMENT PLAN FOR CERTAIN NONWILDERNESS STUDY AREA BUREAU OF LAND MANAGEMENT LANDS, will be considered Wednesday, March 2, 2011, at 11:00 a.m.

INTRODUCTION OF BILLS

S.B. 223, Guardianship Revisions (B. McAdams), was read the first time by short title and referred to the Rules Committee.

S.B. 278, Charter School Property Tax Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 280, Government Operations Amendments (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

S.B. 287, Specialty License Plate Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 293, Military Installation Development Authority and Annexation Amendments (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

S.B. 310, Motor Vehicle Insurance Amendment (M. Madsen), was read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Romero, S.B. 176, CANDIDATE PARTY AFFILIATION, was read the second time and circled.

***

On motion of Senator Romero, 1st Sub. S.B. 60, PILOT ACCOUNTABILITY PERMIT PROGRAM AND IDENTITY RELATED AMENDMENTS, was read the second time and circled.

***

On motion of Senator Valentine, the Senate voted to move to Third Reading Calendar.
THIRD READING CALENDAR

On motion of Senator Valentine, the circle was removed from 1st Sub. H.B. 204, PROTECTION OF ATHLETES WITH HEAD INJURIES, and it was before the Senate. Senator Christensen commented. The bill passed on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators
Christensen  Davis  Dayton  Hinkins
Jones       Knudson  Mayne  Morgan
Niederhauser Okerlund Reid  Romero
H. Stephenson J. Stevenson Thatcher Urquhart
Valentine   Van Tassell Waddoups

Absent or not voting were: Senators
Adams       Bramble  Buttars  Hillyard
Jenkins     Liljenquist Madsen  McAdams
Robles      Stowell

1st Sub. H.B. 204, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Romero, 1st Sub. H.B. 91, REAL ESTATE RELATED AMENDMENTS, was read the second time and circled.

***

On motion of Senator Romero, H.B. 175, CONDOMINIUM OWNERSHIP ACT MODIFICATIONS, was read the second time and circled.

***

1st Sub. H.B. 194, SERVICE CONTRACTS ACT AMENDMENTS, was read the second time. Senator Thatcher explained the bill. Senators Valentine, Reid, Stephenson, Waddoups, Jenkins, Madsen, and Christensen commented. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 5; Absent, 5.

Voting in the affirmative were: Senators
Christensen  Davis  Dayton  Hinkins
Jones       Knudson  Liljenquist Madsen
Mayne           McAdams          Morgan          Okerlund
Robles         Romero          H. Stephenson   J. Stevenson
Thatcher       Urquhart       Van Tassell

Voting in the negative were: Senators
Jenkins         Niederhauser   Reid         Valentine
Waddoups

Absent or not voting were: Senators
Adams           Bramble        Butters        Hillyard
Stowell

***

On motion of Senator Urquhart, **H.B. 68**, OFF–HIGHWAY VEHICLE OPERATOR RESPONSIBILITIES, was read the second time and circled.

***

On motion of Senator Urquhart, **H.B. 73**, MOTOR CARRIER TRANSPORTATION CONTRACT INDEMNITY AGREEMENTS, was read the second time and circled.

***

1st Sub. **H.B. 81**, TOW TRUCK AMENDMENTS, was read the second time. Senator Knudson 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     Davis          Dayton
Hinkins         Jones          Knudson       Liljenquist
Madsen          Mayne          Morgan        Niederhauser
Okerlund        Reid           Robles        Romero
H. Stephenson   J. Stevenson   Thatcher      Urquhart
Valentine       Waddoups

Absent or not voting were: Senators
Adams           Butters         Hillyard     Jenkins
McAdams         Stowell        Van Tassell

***

On motion of Senator Okerlund, **H.B. 88**, AGRICULTURE SUSTAINABILITY TASK FORCE, was read the second time and circled.
On motion of Senator Okerlund, **H.J.R. 19**, JOINT RESOLUTION OPPOSING THE ENVIRONMENTAL PROTECTION AGENCY’S REGULATION OF GREENHOUSE GASES, was read the second time and circled.

On motion of Senator Okerlund, **H.J.R. 21**, SELECTIONS OF UNAPPROPRIATED FEDERAL LANDS JOINT RESOLUTION, was read the second time and circled.

On motion of Senator Urquhart, **H.B. 180**, DEBT COLLECTION DATA MATCH WITH WORKER REGISTRY, was read the second time and circled.

On motion of Senator Davis, **H.J.R. 28**, VETERANS DAY JOINT RESOLUTION, was read the second time and circled.

On motion of Senator Madsen, **1st Sub. H.C.R. 3**, CONCURRENT RESOLUTION URGING CONGRESS TO PASS BALANCED BUDGET AMENDMENT TO U.S. CONSTITUTION, was read the second time and circled.

On motion of Senator Urquhart, **1st Sub. H.B. 263**, LOCAL DISTRICT SERVICES AMENDMENTS, was read the second time and circled.

On motion of Senator Urquhart, the circle was removed from **S.B. 52**, TORTIOUS ACT ARBITRATION, and it was before the Senate. Senator Urquhart explained the bill.

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

**2nd Sub. S.B. 52 Tortious Act Arbitration** (S. Urquhart)
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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**TIME CERTAIN CALENDAR**

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 28, 2011

The House passed **H.J.R. 43**, TAIWAN JOINT RESOLUTION, by Representative R. Menlove, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communication filed. The bill was read the first time by short title and referred to the Rules Committee.

On motion of Senator Knudson, under suspension of the rules, the Senate voted to lift **H.J.R. 43**, TAIWAN JOINT RESOLUTION, from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Knudson, under suspension of the rules, **H.J.R. 43**, TAIWAN JOINT RESOLUTION, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Bramble Christensen Hillyard Okerlund
Reid Stowell

H.J.R. 43 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

H.B. 271, RESTRICTIONS ON POLITICAL SUBDIVISIONS REGARDING THE REGULATION OF KNIVES, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators
Adams Buttars Christensen Davis
Dayton Hinkins Jenkins Knudson
Liljenquist Madsen Mayne Morgan
Niederhauser Okerlund Reid Robles
H. Stephenson J. Stevenson Thatcher Urquhart
Valentine Van Tassell Waddoups

Voting in the negative were: Senators
Jones McAdams Romero

Absent or not voting were: Senators
Bramble Hillyard Stowell

***

On motion of Senator Adams, the circle was removed from H.B. 175, CONDOMINIUM OWNERSHIP ACT MODIFICATIONS, and it was before the Senate. Senator Adams 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
Adams Buttars Christensen Davis
Dayton Hinkins Jones Knudson
Liljenquist Madsen Mayne McAdams
Morgan Niederhauser Okerlund Romero
H. Stephenson J. Stevenson Thatcher Urquhart
Valentine Waddoups
Absent or not voting were: Senators
Bramble  Hillyard  Jenkins  Reid
Robles  Stowell  Van Tassell

* * *
On motion of Senator Adams, the circle was removed from 1st Sub. H.B. 91, REAL ESTATE RELATED AMENDMENTS, and it was before the Senate. Senator Adams 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
Adams  Buttars  Christensen  Davis
Dayton  Hinkins  Jones  Knudson
Madsen  Mayne  McAdams  Morgan
Niederhauser  Okerlund  Robles  Romero
H. Stephenson  J. Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Bramble  Hillyard  Jenkins  Liljenquist
Reid  Stowell

* * *
On motion of Senator Niederhauser, the circle was removed from H.J.R. 19, JOINT RESOLUTION OPPOSING THE ENVIRONMENTAL PROTECTION AGENCY’S REGULATION OF GREENHOUSE GASES, and it was before the Senate. Senator Niederhauser explained the bill. Senator Dayton commented. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 3; Absent, 7.

Voting in the affirmative were: Senators
Adams  Buttars  Christensen  Davis
Dayton  Hinkins  Liljenquist  Madsen
Mayne  Morgan  Niederhauser  Okerlund
H. Stephenson  J. Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Voting in the negative were: Senators
Jones  McAdams  Romero
Absent or not voting were: Senators
Bramble    Hillyard    Jenkins    Knudson
Reid       Robles      Stowell

* * *

On motion of Senator Waddoups, the circle was removed from S.B. 251, LOBBYIST TRAINING, and it was before the Senate. Senator Waddoups explained the bill. Senators Dayton, Christensen, and Romero commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bramble    Buttars   Christensen    Davis
Dayton     Hinkins   Jenkins      Jones
Knudson    Liljenquist    Madsen    Mayne
McAdams    Morgan    Niederhauser    Okerlund
Romero     J. Stevenson    Thatcher    Urquhart
Valentine  Van Tassell    Waddoups

Absent or not voting were: Senators
Adams      Hillyard    Reid       Robles
H. Stephenson  Stowell

* * *

On motion of Senator Waddoups, the circle was removed from H.J.R. 28, VETERANS DAY JOINT RESOLUTION, and it was before the Senate. Senator Waddoups explained the bill. Senator Valentine commented.

On motion of Senator Waddoups, under suspension of the rules, H.J.R. 28, VETERANS DAY JOINT RESOLUTION, was considered read the second and third times. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams      Bramble    Buttars   Christensen
Davis      Dayton     Hinkins   Jenkins
Jones      Knudson    Liljenquist    Madsen
Mayne      McAdams    Morgan    Niederhauser
Okerlund   Reid       Robles   Romero
H. Stephenson  J. Stevenson    Thatcher    Urquhart
Valentine  Van Tassell    Waddoups
Absent or not voting were: Senators
Hillyard Stowell

H.J.R. 28 was signed by the President in open session and returned to the House for the signature of the speaker.

***

On motion of Senator Bramble, the circle was removed from S.B. 209, TELECOMMUNICATIONS AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 1, Lines 9 through 17

9 This bill provides that the existing surcharge on residential and business lines, for the
10 provision of telecommunications devices to hearing and speech impaired persons, shall
11 apply to {residential, business, and mobile telephone numbers} each access line for residential and business telephone service and each telephone number for mobile telephone service.

12 Highlighted Provisions:

13 This bill:

14 ▶ provides that the existing surcharge on residential and business lines, for the
15 provision of telecommunications devices to hearing and speech impaired persons,
16 shall apply to {residential, business, and mobile telephone numbers} each access line for residential and business telephone service and each telephone number for mobile telephone service;
17 ▶ reduces the maximum surcharge from 25 cents to 20 cents; and

2. Page 3, Lines 65 through 75:

65 (4) (a) The commission shall impose a surcharge on each
66 {residence and business
67 access line of each customer to the local exchange of any telephone corporation providing such
lines in this state] [telephone number of each residential and business customer in this state] [residential and business access line of each customer of local−exchange telephone service in this state, and each residential and business telephone number of each customer of mobile telephone service in this state] ;

which shall be collected by the telecommunications corporation providing public telecommunications service to the customer, to cover the costs of:

(i) the program described in Subsection (2); and

(ii) payments made under Subsection (5).

(b) The commission shall establish by rule the amount to be charged under this section,

which may provided that:

(i) the surcharge does not exceed 20 cents per residence month for each residential and business access line for local−exchange telephone service, and for each residential and business telephone number for mobile telephone service ; and

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

Y eas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Robles  Romero  H. Stephenson
J. Stevenson  Thatcher  Urquhart  Valentine
Waddoups

Absent or not voting were: Senators

Hillyard  Reid  Stowell  Van Tassell

* * *

On motion of Senator Bramble, the circle was removed from S.B. 248, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, and it was before
the Senate. Senator Bramble explained the bill. Senators Valentine and Mayne 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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**INTRODUCTION OF BILLS**

S.B. 181, *Lobbyist Disclosure and Regulation Act Revisions* (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 233, *Tax Modifications* (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 236, *Referendum Amendments* (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

S.B. 281, *Election Registration Amendments* (P. Knudson), was read the first time by short title and referred to the Rules Committee.

***

On motion of Senator Jenkins and at 4:05 p.m., the Senate adjourned until 9:30 a.m., Tuesday, March 1, 2011.
THIRTY-SIXTH DAY

MORNING SESSION

March 1, 2011

The Senate was called to order at 9:40 a.m., with President Michael Waddoups presiding.

Prayer – Father Seleazar Silva, Cathedral of the Madeleine
Pledge of Allegiance – Senator Pat Jones
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2011

The House passed, 2nd Sub. S.B. 61, EDUCATION FOR PRESCRIBING
CONTROLLED SUBSTANCES, 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. 128, REGULATORY AMENDMENTS, by Senator
C. Bramble, which has been signed by the Speaker and it is transmitted for the
signature of the President; and

The House passed, S.C.R. 12, WEAR RED MONTH CONCURRENT
RESOLUTION, 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.J.R. 13, JOINT RESOLUTION – REQUEST FOR
PROPOSALS, 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.J.R. 14, COMMUNICATIONS DEVICE USAGE
JOINT RESOLUTION, by Senator C. Bramble, which has been signed by the
Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills
will be enrolled and transmitted to the Governor.
Mr. President: February 28, 2011

The House concurred in the Senate amendments and passed H.B. 265, MOTOR VEHICLE EMISSIONS AMENDMENTS, by Representative F. Gibson, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bill was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

***

Mr. President: February 28, 2011

The House passed, as amended, H.B. 104, HOMEOWNER ASSOCIATION AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 169, FIREARM LAWS MODIFICATIONS, by Representative J. Seelig, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 191, NONRESIDENT TUITION WAIVER AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 233, INSURANCE COVERAGE FOR AMINO ACID−BASED FORMULA, by Representative C. Moss, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 269, COMMISSION ON CIVIC AND CHARACTER EDUCATION, by Representative L. Christensen, and it is transmitted for consideration; and

The House passed H.B. 323, MULTICOUNTY APPRAISAL TRUST AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 327, PUBLIC EDUCATION ANNUAL REPORT AMENDMENTS, by Representative L. Christensen, and it is transmitted for consideration; and

The House passed H.B. 351, HOMELESS COORDINATING COMMITTEE MODIFICATIONS, by Representative V. Peterson, and it is transmitted for consideration; and
The House passed **H.B. 358**, ACCESS TO CONTROLLED SUBSTANCE DATABASE REVISIONS, by Representative S. Eliason, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 371**, MOTOR HOME TAXES AND FEES, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 411**, APPROACHING STATIONARY EMERGENCY VEHICLE AMENDMENTS, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed **H.B. 444**, OPERATION AND MAINTENANCE NEEDS REPORT FOR UTAH HIGHWAYS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed **H.B. 490**, UTAH STATE FLAG DAY COMMENORATION, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed **H.C.R. 13**, SECURE RURAL SCHOOLS CONCURRENT RESOLUTION, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 38**, JOINT RESOLUTION TO AMEND RULE OF EVIDENCE, by Representative J. Dunnigan, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk
Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 28, 2011

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

**Education Committee**

**S.B. 223**  
Guardianship Revisions (Sen. B. McAdams)

**Government Operations and Political Subdivisions Committee**

**S.B. 277**  
Child Custody Task Force (Sen. L. Robles)

**S.B. 280**  
Government Operations Amendments (Sen. R. Okerlund)

**S.B. 281**  
Election Registration Amendments (Sen. P. Knudson)
H.J.R. 11  
Joint Resolution Honoring Law Enforcement Officers Killed in the Line of Fire (Rep. L. Perry)  
(Sen. P. Knudson)

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

1st Sub. H.B. 392  
Retention Elections for Justice Court Judges  

H.B. 403  
Changes to Fit Premises Act (Rep. J. Seelig)  
(Sen. W. Niederhauser)

**Revenue and Taxation Committee**

S.B. 181  
Lobbyist Disclosure and Regulation Act Revisions  
(Sen. C. Bramble)

S.B. 278  
Charter School Property Tax Amendments  
(Sen. C. Bramble)

S.B. 287  
Specialty License Plate Amendments (Sen. C. Bramble)

S.B. 233  
Tax Modifications (Sen. C. Bramble)

**Transportation, Public Utilities and Technology Committee**

S.B. 310  
Motor Vehicle Insurance Amendment (Sen. M. Madsen)

S.B. 236  
Referendum Amendments (Sen. K. Van Tassell)

**Workforce Services and Community and Economic Development Committee**

S.B. 293  
Military Installation Development Authority and Annexation Amendments (Sen. J. Stevenson)

H.B. 94  
Income Tax Credit for Combat Related Death  

H.B. 155  
Cycling Laws (Rep. C. Moss) (Sen. W. Niederhauser)

1st Sub. H.B. 156  
Assessment of Property with Conservation Easement  

Margaret Dayton  
Rules Committee Chair

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

**STANDING COMMITTEE REPORTS**

The Education Committee reports a favorable recommendation on S.B. 224, PARTISAN SCHOOL BOARD ELECTIONS, by Senator H. Stephenson, with the following amendments:
1. Page 1, Lines 24 through 25:

24 Other Special Clauses:

25 {–None–} This bill coordinates with H.B. 143, Ballot Placement Amendments, by providing substantive and technical amendments.

2. Page 2, Line 38:

38 53A–11–102.5, as last amended by Laws of Utah 2010, Chapter 210

Utah Code Sections Affected by Coordination Clause:

20A–6–302, as last amended by Laws of Utah 2006, Chapter 326

3. Page 17, Line 516:

516 Education — Selection of candidates by the governor — Ballot placement.


If this S.B. 224 and HB. 143, Ballot Placement 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 amending Subsection 20A–6–302(1)(c) to read:

“[b] (c) the names of candidates [for the State Board of Education] are placed on the ballot [as certified by the lieutenant governor under Section 20A–14–105;] in the order specified under Section 20A–6–305.”

The Education Committee reports a favorable recommendation on S.B. 256, TEACHER EFFECTIVENESS EVALUATION PROCESS, by Senator J. S. Adams; and

The Education Committee reports a favorable recommendation on S.B. 257, LEGISLATIVE COUNSEL RELATING TO UNITED STATES SENATORS, by Senator H. Stephenson; and

The Education Committee reports a favorable recommendation on S.B. 263, STATE BOARD OF EDUCATION POWERS AMENDMENTS, by Senator D. C. Buttars; and
The Education Committee reports a favorable recommendation on **S.J.R. 27**, BULLYING AND CYBER BULLYING STANDARDS FOR SCHOOL DISTRICTS JOINT RESOLUTION, by Senator R. Okerlund.

Howard A. Stephenson, Chair

Mr. President:

The Health and Human Services Committee reports a favorable recommendation on **S.B. 186**, UTAH MEDICAL PRACTICE ACT AMENDMENTS, by Senator J. S. Adams, with the following amendments:

1. Page 1, Line 14:
   
   14 ▶ prohibits an individual from using the title “doctor,” “M.D.” or “O.D.” “D.O.” in a

2. Page 3, Line 66:
   
   66 forgery, or intentional deception, misrepresentation, misstatement, or omission; [or]

3. Page 3, Lines 79 through 84:
   
   79 this title[.] [or]
   
   80 (g) using the designation “doctor,” “Dr.”, or a comparable designation in a manner
   
   81 which might cause a reasonable person to believe the individual using the designation is a
   
   82 doctor licensed under this title, if the individual is not licensed under this title, provided that an
   
   83 individual who has received an earned doctorate may use the designation of the degree if it is
   
   84 followed by “Not Licensed” or “Not Licensed in Utah” in the same size and style of lettering. }

4. Page 8, Line 230:
   
   230 (iv) had a federal registration or license denied, suspended, or revoked by competent federal authority

5. Page 17, Line 499:
   
   499 United States [−] or its territories, [−] or Canada, −) submitting a current certification by the Educational
6. Page 18, Lines 548 through 549:

548 (c) comply with the requirements for licensure under Subsection (1)(a) through (d) {and},
549 (1)(e)(i) and (1)(g) through (j);

7. Page 19, Lines 566 through 567:

566 (f) submit to a records review, a practice history review, and {physical and psychological} comprehensive assessments, if requested by the division in collaboration with the board; and

8. Page 27, Line 829:

829 doctor of osteopathic medicine {degree} but is not a licensed osteopathic physician and surgeon

9. Page 29, Line 866:

866 located outside of the United States [or], or its [jurisdictions] {districts or} territories {or Canada}

10. Page 35, Line 1069:

1069 The division in collaboration with the board may assess penalties {under} as described in Section 58–67–503.

D. Chris Buttars, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 28, 2011

The Education Committee reports a favorable recommendation on S.B. 217, EDUCATION POLICY AMENDMENTS, by Senator C. Bramble, and recommends it be considered read for the second time and placed on the Consent Calendar.

Howard A. Stephenson, Chair

On motion of Senator Dayton, the committee report was adopted. The bill was considered read the second time and placed on the Consent Calendar.
INTRODUCTION OF BILLS

S.B. 201, Protection Against Unfair Competition Through Misappropriated Technology Act (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 244, Salt Lake County Highway Project Funding (W. Niederhauser), was read the first time by short title and referred to the Rules Committee.

S.J.R. 26, Joint Resolution Recognizing the Contributions of the Sundance Institute and the Sundance Film Festival (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 50, SCHOOL TERMINATION PROCEDURES MODIFICATIONS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams     Buttars     Christensen     Davis
Dayton    Hinkins     Jenkins       Jones
Knudson   Liljenquist Mayne        McAdams
Morgan    Okerlund    Reid          Robles
Romero    H. Stephenson J. Stevenson Thatcher
Urquhart  Valentine   Van Tassell   Waddoups

Absent or not voting were: Senators
Bramble   Hillyard    Madsen        Niederhauser
Stowell

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.

* * *

On motion of Senator Okerlund, H.B. 83, CHARTER SCHOOL REVOLVING ACCOUNT, was read the third time and circled.

* * *

1st Sub. H.B. 92, PUBLIC EDUCATION REGIONAL SERVICE CENTERS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:
Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators
Adams            Christensen  Davis            Dayton
Hinkins          Jenkins       Jones            Knudson
Liljenquist      Madsen       Mayne            McAdams
Morgan           Okerlund     Reid             Robles
Romero           H. Stephenson J. Stevenson  Urquhart
Valentine        Van Tassell  Waddoups       

Absent or not voting were: Senators
Bramble          Buttars      Hillyard       Niederhauser
Stowell          Thatcher     

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 Dayton, H.B. 195, DEBT SERVICE OBLIGATIONS OF A DIVIDED SCHOOL DISTRICT, was read the third time and circled.

* * *

H.B. 251, ALARM SYSTEM AMENDMENTS, was read the third time, explained by Senator Jones, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams            Christensen  Davis            Dayton
Hinkins          Jenkins       Jones            Knudson
Liljenquist      Madsen       Mayne            McAdams
Morgan           Okerlund     Reid             Robles
Romero           H. Stephenson J. Stevenson  Stowell
Thatcher          Urquhart    Valentine        Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble          Buttars      Hillyard       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.
S.B. 77, IGNITION INTERLOCK SYSTEM 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

- Adams
- Christensen
- Davis
- Dayton
- Hinkins
- Jenkins
- Jones
- Knudson
- Liljenquist
- Madsen
- Mayne
- McAdams
- Morgan
- Okerlund
- Reid
- Robles
- Romero
- H. Stephenson
- J. Stevenson
- Stowell
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators

- Bramble
- Buttars
- Hillyard
- Niederhauser
- Morgan
- Okerlund
- Reid
- Robles
- S.B. 77 was transmitted to the House for consideration.

* * *

S.B. 313, PROSTATE CANCER SPECIAL GROUP LICENSE, was read the third time, explained by Senator McAdams, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

- Adams
- Christensen
- Davis
- Dayton
- Hinkins
- Jenkins
- Jones
- Knudson
- Liljenquist
- Madsen
- Mayne
- McAdams
- Morgan
- Okerlund
- Reid
- Romero
- H. Stephenson
- J. Stevenson
- Stowell
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators

- Bramble
- Buttars
- Hillyard
- Mayne
- Niederhauser
- Robles

S.B. 313 was transmitted to the House for consideration.

* * *

H.B. 80, EMERGENCY MANAGEMENT, was read the third time, explained by Senator Stevenson, and passed on the following roll call:
Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators
Adams          Bramble          Christensen        Davis
Dayton         Hinkins          Jenkins           Jones
Knudson        Liljenquist      Madsen            McAdams
Morgan         Okerlund         Reid              Romero
H. Stephenson   J. Stevenson     Stowell           Thatcher
Urquhart       Valentine        Van Tassell       Waddoups

Absent or not voting were: Senators
Buttars        Hillyard         Mayne             Niederhauser
Robles

H.B. 80 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, REVISOR’S STATUTE, 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
Adams          Bramble          Christensen        Davis
Dayton         Hinkins          Jenkins           Jones
Knudson        Liljenquist      Madsen            McAdams
Morgan         Okerlund         Reid              Romero
H. Stephenson   J. Stevenson     Stowell           Thatcher
Urquhart       Valentine        Van Tassell       Waddoups

Absent or not voting were: Senators
Buttars        Hillyard         Mayne             Niederhauser
Robles

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 Stephenson, under suspension of the rules, the Senate voted to lift H.B. 228, ADMINISTRATIVE RULES REAUTHORIZATION, from the Consent Calendar and place it on the bottom of the Third Reading Calendar.
H.B. 254, EMERGENCY PROCEDURES AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Adams Buttars Christensen Davis
Dayton Hinkins Jenkins Jones
Knudson Liljenquist Madsen McAdams
Morgan Reid Romero H. Stephenson
J. Stevenson Stowell Thatcher Urquhart
Valentine Van Tassell Waddoups

**Absent or not voting were:** Senators
Bramble Hillyard Mayne Niederhauser
Okerlund Robles

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.

*** * ***

1st Sub. H.B. 268, MUNICIPAL ENFORCEMENT REGARDING PROPERTY MAINTENANCE, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Adams Buttars Christensen Davis
Dayton Hinkins Jenkins Jones
Knudson Liljenquist Madsen McAdams
Morgan Reid Romero H. Stephenson
J. Stevenson Stowell Thatcher Urquhart
Valentine Van Tassell Waddoups

**Absent or not voting were:** Senators
Bramble Hillyard Jenkins Okerlund
Robles

1st Sub. H.B. 268 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
On motion of Senator Niederhauser, the circle was removed from **H.B. 83, CHARTER SCHOOL REVOLVING ACCOUNT**, and it was before the Senate. The bill passed on the following roll call:

**Yea, 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. 83** 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. 72, INITIATIVE AMENDMENTS,** was read the third time, explained by Senator Hillyard, and passed on the following roll call:

**Yea, 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. 72** was transmitted to the House for consideration.
**S.B. 78, PUBLIC SCHOOL EARLY GRADUATION COUNSELING**, was read the third time, explained by Senator Buttars, 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. 78** was transmitted to the House for consideration.

**1st Sub. H.B. 194, SERVICE CONTRACTS ACT AMENDMENTS,** was read the third time and explained by Senator Thatcher.

Senator Valentine proposed the following amendment:

1. Page 2, Line 37:
   After “business” delete “for profit”

Senator Valentine’s motion to amend passed on a voice vote.

---

Senator Jenkins proposed the following amendment:

1. Page 3, Line 65 through 68:
   Delete lines 65 through 68

Senator Jenkins’ motion to amend passed on a voice vote. Senators Reid, Bramble, and Madsen commented and the bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**
Voting in the affirmative were: Senators
Christensen  Davis  Dayton  Hillyard
Hinkins  Jenkins  Jones  Knudsen
Liljenquist  Madsen  Mayne  McAdams
Morgan  Niederhauser  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Adams  Bramble  Buttars

1st Sub. H.B. 194, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 81, TOW TRUCK AMENDMENTS, was read the third time, explained by Senator Knudsen, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Christensen  Davis  Dayton  Hillyard
Hinkins  Jenkins  Jones  Knudsen
Liljenquist  Madsen  Mayne  McAdams
Morgan  Niederhauser  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Adams  Bramble  Buttars  Thatcher

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.

* * *

2nd Sub. S.B. 52, TORTIOUS ACT ARBITRATION, 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
Adams Buttars Christensen Davis
Dayton Hillyard Hinkins Jenkins
Jones Knudson Liljenquist Madsen
Mayne McAdams Morgan Okerlund
Reid Robles Romero H. Stephenson
J. Stevenson Stowell Thatcher Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Niederhauser

2nd Sub. S.B. 52 was transmitted to the House for consideration.

***

H.B. 271, RESTRICTIONS ON POLITICAL SUBDIVISIONS REGARDING THE REGULATION OF KNIVES, was read the third time and explained by Senator Christensen.

Senator Christensen proposed the following amendment:

1. Page 2, Lines 36 through 37

   36 (3) (a) Unless specifically authorized by the Legislature or, subject to Subsection (3)(b), a municipal ordinance with a criminal penalty, a municipality may not enact or enforce an ordinance or a regulation pertaining to a knife.

   (b) A municipality may not enact an ordinance with a criminal penalty pertaining to a knife that is:

   (i) more restrictive than a state criminal penalty pertaining to a knife; or

   (ii) has a greater criminal penalty than a state penalty pertaining to a knife.

2. Page 2, Lines 44 through 45:

   44 (3) (a) Unless specifically authorized by the Legislature or, subject to Subsection (3)(b), a county ordinance with a criminal penalty, a county may not enact

   or enforce an ordinance or a regulation pertaining to a knife.

   (b) A county may not enact an ordinance with a criminal penalty pertaining to a knife that is:
(i) more restrictive than a state criminal penalty pertaining to a knife; or
(ii) has a greater criminal penalty than a state penalty pertaining to a knife.

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

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Bramble    | McAdams | J. Stevenson |

**H.B. 271**, as amended, was returned to the House for further consideration.

***

**S.B. 210**, **UTAH POSTSECONDARY PROPRIETARY SCHOOL ACT AMENDMENTS**, was removed from the Consent Calendar and placed at bottom of the Third Reading Calendar.

***

**H.B. 175**, **CONDOMINIUM OWNERSHIP ACT MODIFICATIONS**, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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H.B. 175 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. 91, REAL ESTATE RELATED AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Adams        Bramble        Buttars        Christensen  
Davis        Dayton         Hillyard       Hinkins  
Jenkins      Jones          Knudson        Liljenquist  
Madsen       Mayne          McAdams        Morgan  
Okerlund      Reid           Robles         Romero  
J. Stevenson  Stowell       Thatcher       Urquhart  
Valentine     Van Tassell    Waddoups

**Absent or not voting were:** Senators

Niederhauser  H. Stephenson

1st Sub. 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.

* * *

On motion of Senator Dayton, H.J.R. 19, JOINT RESOLUTION OPPOSING THE ENVIRONMENTAL PROTECTION AGENCY’S REGULATION OF GREENHOUSE GASES, was read the third time and circled.

* * *

S.B. 251, LOBBYIST TRAINING, 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

Adams        Bramble        Buttars        Christensen  
Davis        Dayton         Hillyard       Hinkins
Absent or not voting were: Senators
Knudson        Niederhauser

S.B. 251 was transmitted to the House for consideration.

* * *

S.B. 209, TELECOMMUNICATIONS AMENDMENTS, 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
Adams           Bramble          Buttars          Christensen
Davis           Dayton           Hillyard        Hinkins
Jenkins         Jones            Knudson         Liljenquist
Madsen          Mayne            McAdams        Morgan
Niederhauser    Okerlund         Reid            Robles
Romero          H. Stephenson    J. Stevenson    Stowell
Thatcher        Urquhart         Valentine      Van Tassell
Waddoups

S.B. 209 was transmitted to the House for consideration.

* * *

On motion of Senator Niederhauser, the circle was removed from H.J.R. 19, JOINT RESOLUTION OPPOSING THE ENVIRONMENTAL PROTECTION AGENCY’S REGULATION OF GREENHOUSE GASES, and it was before the Senate.

Senator Niederhauser proposed the following amendment:

1. Page 3, Line 83

83 the President of the United States, the governor of each state outside of Utah, the Senate President or President pro tem and the Speaker of the House of each state legislature outside of Utah and to the members of Utah’s Congressional Delegation.
Senator Niederhauser’s motion to amend passed on a voice vote. The bill passed on the following roll call:

**Yeas, 20; Nays, 7; 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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**H.J.R. 19** was returned to the House for further consideration.

* * *

**S.B. 248, CONTROLLED SUBSTANCE DATABASE AMENDMENTS,** was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 27; Nays, 1; Absent, 1.**

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

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**Absent or not voting was:** Senator

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S.B. 248 was transmitted to the House for consideration.

***

On motion of Senator Bramble, S.B. 210, UTAH POSTSECONDARY PROPRIETARY SCHOOL ACT AMENDMENTS, was read the third time and circled.

***

On motion of Senator Bramble, H.B. 228, ADMINISTRATIVE RULES REAUTHORIZATION, was read the third time and circled.

SECOND READING CALENDAR

On motion of Senator Bramble, the circle was removed from S.B. 262, TOBACCO PRODUCTS AMENDMENTS, and it was before the Senate. 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

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Absent or not voting were: Senators

| Hillyard | Niederhauser |

***

On motion of Senator Bramble, S.B. 261, WRONGFUL FORECLOSURE ACT, was read the second time and circled.

***

On motion of Senator Madsen, S.B. 53, ELIGIBILITY FOR INTERSCHOLASTIC ACTIVITIES IN SECONDARY SCHOOLS, was read the second time and circled.
1st Sub. S.B. 73, PUBLIC SCHOOL TEACHER TENURE MODIFICATIONS, was read the second time. Senator Stephenson explained the bill. Senator Morgan commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 4; Absent, 5.

 Voting in the affirmative were: Senators
Adams  Buttars  Christensen  Davis
Dayton  Hillyard  Hinkins  Knudson
Liljenquist  Madsen  Okerlund  Reid
Romero  H. Stephenson  J. Stevenson  Stowell
Urquhart  Valentine  Van Tassell  Waddoups

 Voting in the negative were: Senators
Jones  Mayne  McAdams  Morgan

Absent or not voting were: Senators
Bramble  Jenkins  Niederhauser  Robles
Thatcher

On motion of Senator Urquhart, S.B. 138, DRIVER LICENSE QUALIFICATION AMENDMENTS, will be considered Friday, March 4, 2011, at 2:30 p.m.

On motion of Senator Urquhart, the circle was removed from S.B. 89, HOMEOWNER ASSOCIATION RESERVE ACCOUNT, and it was before the Senate.

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

1st Sub. S.B. 89 Homeowner Association Reserve Account (S. Urquhart)

Senator Urquhart explained the bill. Senators Van Tassell, Mayne, and Waddoups commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.
Voting in the affirmative were: Senators
Adams Buttars Christensen Davis
Dayton Hinkins Jones Knudson
Liljenquist Madsen Mayne McAdams
Morgan Niederhauser Okerlund Reid
Romero H. Stephenson J. Stevenson Stowell
Urquhart Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Hillyard Jenkins Robles
Thatcher Valentine

* * *

On motion of Senator Urquhart, the circle was removed from H.B. 68, OFF-HIGHWAY VEHICLE OPERATOR RESPONSIBILITIES, and it was before the Senate. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

Y eas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators
Adams Buttars Christensen Davis
Dayton Hinkins Jones Knudson
Liljenquist Madsen McAdams Morgan
Okerlund Reid Robles Romero
H. Stephenson J. Stevenson Stowell Urquhart
Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Hillyard Jenkins Mayne
Niederhauser Thatcher Valentine

* * *

On motion of Senator Urquhart, the circle was removed from H.B. 180, DEBT COLLECTION DATA MATCH WITH WORKER REGISTRY, and it was before the Senate. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hinkins Jenkins

* * *
On motion of Senator Urquhart, the circle was removed from 1st Sub.
H.B. 263, LOCAL DISTRICT SERVICES AMENDMENTS, and it was before the Senate. Senator Urquhart explained the bill.

Senator Urquhart proposed the following amendment:

1. Page 3, Lines 80 through 81

80 or the conversion to underground of an existing electric utility line[\[
81 (xvii) the control or abatement of earth movement or a landslide \]
or (xviii) the operation of animal control services and facilities.

Senator Urquhart’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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**On motion of Senator Bramble, the circle was removed from S.B. 296, AMENDMENTS TO TAX PROVISIONS, 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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**S.B. 229,** TRANSPORTATION FUNDING REVISIONS, was read the second time. Senator Adams 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

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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. 238,** VERIFICATION OF EMPLOYMENT STATUS, was read the second time. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:
Yeas, 22; Nays, 3; Absent, 4.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dayton
Hillyard Hinkins Jenkins Jones
Knudson Liljenquist Mayne Morgan
Niederhauser Okerlund Reid H. Stephenson
J. Stevenson Stowell Thatcher Valentine
Van Tassell Waddoups

Voting in the negative were: Senators
McAdams Robles Romero

Absent or not voting were: Senators
Buttars Davis Madsen Urquhart

* * *

S.B. 279, GRAND JURY MODIFICATIONS, was read the second time. Senator Dayton 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 Hinkins Jenkins
Knudson Liljenquist Madsen Mayne
Morgan Okerlund Reid Robles
Romero H. Stephenson J. Stevenson Stowell
Thatcher Valentine Waddoups

Absent or not voting were: Senators
Adams Bramble Buttars Davis
Hillyard Jones McAdams Niederhauser
Urquhart Van Tassell

* * *

S.B. 286, GRANDPARENTS’ VISITATION RIGHTS, was read the second time. Senator Hinkins explained the bill. Senators Valentine, Reid, Christensen, and Mayne commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.
Voting in the affirmative were: Senators
Christensen  Dayton  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Madsen
Mayne  Morgan  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Stowell  Thatcher  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Adams  Bramble  Buttars  Davis
Hillyard  McAdams  Niederhauser  Urquhart

* * *

S.J.R. 20, JOINT RESOLUTION SUPPORTING SANPETE COUNTY INCREASING THE NUMBER OF CONTRACT BEDS AT ITS CORRECTIONAL FACILITIES, was read the second time. Senator Okerlund 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
Buttars  Christensen  Davis  Dayton
Jenkins  Knudson  Liljenquist  Madsen
Morgan  Niederhauser  Okerlund  Reid
Robles  H. Stephenson  J. Stevenson  Thatcher
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Adams  Bramble  Hillyard  Hinkins
Jones  Mayne  McAdams  Romero
Stowell

* * *

On motion of Senator Okerlund, 1st Sub. S.B. 57, ANIMAL CONTROL – EXCEPTION FOR COMMUNITY CAT MANAGEMENT INITIATIVE, was read the second time and circled.

* * *

On motion of Senator Okerlund, S.B. 273, EMERGENCY RESPONDER FEES, was read the second time and circled.
S.B. 30, EXTENSION OF RECYCLING MARKET DEVELOPMENT ZONE ACT AND RELATED TAX CREDITS, was read the second time. Senator Valentine 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

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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 Dayton, the Senate voted to lift S.B. 280, GOVERNMENT OPERATIONS AMENDMENTS, from the Government Operations and Political Subdivisions Committee and assign it to the Natural Resources, Agriculture and Environment Committee.

On motion of Senator Jenkins, and at 11:50 a.m., the Senate recessed.
COMMUNICATIONS FROM THE HOUSE

Mr. President: March 1, 2011

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 212, CHARGES BY HEALTH PROVIDERS FOR MEDICAL RECORDS, by Representative F. Gibson, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bill 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 1, 2011

The House passed, as substituted and amended, 2nd Sub. H.B. 95, AMENDMENTS TO TRAFFIC CODE PROVISIONS, by Representative L. Perry, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 280, STATE AGENCY REALIGNMENT, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, H.B. 328, STATE GOVERNMENT WORK WEEK, by Representative M. Noel, et al, and it is transmitted for consideration; and

The House passed H.B. 359, BUSINESS RESOURCE CENTER ADVISORY BOARD MODIFICATION, by Representative V. Peterson, and it is transmitted for consideration; and

The House passed, as amended, H.B. 398, UTAH STATE INSTRUCTIONAL MATERIALS ACCESS CENTER FUNDING, by Representative S. Handy, and it is transmitted for consideration; and

The House passed H.B. 415, SCHOOLS FOR THE DEAF AND BLIND FOUNDATION, by Representative S. Handy, and it is transmitted for consideration; and

The House passed, as amended, H.B. 461, ENERGY PRODUCER STATES’ AGREEMENT, by Representative R. Barrus, and it is transmitted for consideration; and
The House passed **H.C.R. 15, NAVAJO ELECTRIFICATION DEMONSTRATION PROJECT CONCURRENT RESOLUTION**, by Representative C. Watkins, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

**STANDING COMMITTEE REPORTS**

Mr. President: [February 28, 2011]

The Business and Labor Committee reports a favorable recommendation on **S.B. 167, CONDOMINIUM AND COMMUNITY ASSOCIATION REVISIONS**, by Senator W. Niederhauser; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 93, MORTGAGE AND REAL ESTATE LICENSURE EXEMPTIONS FOR ATTORNEYS**, by Representative L. Christensen, with the following amendments:

1. Page 4, Lines 94 through 113
   - House Committee Amendments
   - 2-10-2011:
     - 94 (m) an attorney admitted to practice law in this state: (i) if the attorney is not principally engaged in the business of negotiating residential mortgage loans when considering the attorney’s ordinary practice as a whole for all the attorney’s clients; and (ii) when the attorney renders services engages in loan modification assistance in the course of the attorney’s practice as an attorney.
     - 96a the attorney’s practice as an attorney.
     - 97 (3) An individual who will engage in an activity as a mortgage loan originator is exempt from this chapter only if the individual is an employee or agent exempt under Subsection (2)(g).
     - 100 (4) (a) Notwithstanding Subsection (2)(m), an attorney exempt from this chapter...
101 may not engage in conduct described in Section 61–2c–301 when transacting business of

102 residential mortgage loans. {→→}

103 (b) If an attorney exempt from this chapter violates Subsection (4)(a), the attorney: {→→}

104 (i) is not subject to enforcement by the division under Part 4, Enforcement; and {→→}

105 (ii) may be subject to disciplinary action generally applicable to an attorney admitted to

106 practice law in this state. {→→}

107 {→→ [4] (e) (c)} If the division receives a complaint

107a [→ ] alleging an attorney exempt from this chapter

108 is in violation of Subsection (4)(a) or that an attorney subject to this chapter has violated this chapter, the division shall forward the complaint to the

108a Utah State

109 Bar for disciplinary action. [1]

(d) For an attorney who the division finds is not to be exempt under Subsection (2)(m), the division may independently take enforcement action against the attorney under Part 4, Enforcement.

110 (5) (b) An individual who is exempt under Subsection (2) or (3) may voluntarily

110a or (3) may voluntarily

111 obtain a license under this chapter by complying with Part 2, Licensure.

112 (b) An individual who voluntarily obtains a license pursuant to this Subsection [ → ] (5) (b) [4] (a) An individual who is exempt under Subsection (2)

112a Subsection [ → ] (5) (b) [4] (a) An individual who is exempt under Subsection (2)

113 shall comply with all the provisions of this chapter. ; and
The Business and Labor Committee reports a favorable recommendation on 1st Sub. H.B. 333, UNFAIR INDUCEMENTS RELATED TO INSURANCE PRODUCTS, by Representative J. Dunnigan.

John L. Valentine, Chair

Mr. President: March 1, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 225, PERSONAL INJURY PROTECTION ARBITRATION, by Senator S. Urquhart; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 318, JUSTICE COURT MODIFICATIONS, by Senator D. C. Buttars; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 161, GUARDIAN AD LITEM RESPONSIBILITIES, by Representative C. Oda; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 334, FAMILY EXPENSE AMENDMENTS, by Representative S. Sandstrom.

Mark B. Madsen, Chair

Mr. President: March 1, 2011

The Transportation and Public Utilities and Technology Committee recommends S.B. 232, PUBLIC TRANSIT DISTRICT BOARD OF TRUSTEES AMENDMENTS, by Senator K. Mayne, be replaced and favorably recommends 1st Sub. S.B. 232, PUBLIC TRANSIT DISTRICT BOARD OF TRUSTEES AMENDMENTS; and

The Transportation and Public Utilities and Technology Committee recommends S.B. 239, MOTOR AND SPECIAL FUEL TAX AMENDMENTS, by Senator K. Van Tassell, be replaced and favorably recommends 1st Sub. S.B. 239, MOTOR AND SPECIAL FUEL TAX AMENDMENTS with the following amendments:

1. Page 2, Lines 50 through 51:

50 (c) (i) Beginning on or after January 1, 2013, the commission shall, every two years in

51 the odd year, increase the rate imposed under Subsection (1)(a) by

{−.75 cents } 3/4 of one cent ; and
The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 173**, DEDICATION AND ABANDONMENT OF PUBLIC HIGHWAYS, by Representative K. McIff; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **1st Sub. H.B. 261**, AMENDMENTS TO TRANSPORTATION PROVISIONS, by Representative D. Brown.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

**STANDING COMMITTEE REPORTS**

Mr. President: February 28, 2011

The Business and Labor Committee reports a favorable recommendation on **H.C.R. 7**, CONCURRENT RESOLUTION SUPPORTING PUBLIC POLICIES THAT PROMOTE OUTDOOR ACTIVITIES FOR CHILDREN, by Representative J. Draxler, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 2, Lines 30 through 35:

30 WHEREAS, there are also concerns that many of our younger generation are becoming disconnected from nature;
31 WHEREAS, youth are shunning the great outdoors in favor of sedentary activities such as video games, television, the Internet, and movies;
32 WHEREAS, numerous studies have shown that there are many health, physical, emotional, and educational benefits to playing in and experiencing Utah’s outdoors;

John L. Valentine, Chair

Mr. President: March 1, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.J.R. 24**, JOINT RESOLUTION SUPPORTING
EXPANSION OF CORRECTIONAL FACILITIES IN SAN JUAN COUNTY, by Senator D. Hinkins, 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.C.R. 1, CONCURRENT RESOLUTION URGING CONGRESS TO ADDRESS EMPLOYMENT RELATED CHILD IDENTITY THEFT, by Representative S. Duckworth, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

Mr. President: March 1, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 184, MOTOR AND SPECIAL FUEL TAX ACT AMENDMENTS, by Representative C. Herrod, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 174, Motor Vehicle Insurance Coverage Amendments (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

S.B. 305, Economic Development Through Education / Career Alignment (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

COMMUNICATIONS FROM THE GOVERNOR

ADVISE AND CONSENT

Mr. President: January 20, 2011

I am pleased to inform you that I have appointed Sherene Dillon as a Judge of the Second District Juvenile Court, pursuant to Article VIII, Section 8 of the Utah Constitution and Utah Code Section 78A−10−101.
Thank you for you timely consideration and confirmation of Ms. Dillon.

Gary R. Herbert
Governor

Mr. President:
February 23, 2011

The Senate Judicial Confirmation Committee met on February 23, 2011, and reports a favorable recommendation for Ms. Sherene Dillon to be confirmed to the position of Judge in the Second District Juvenile Court.

Scott K. Jenkins, Chair

On motion of Senator Hillyard, the Senate voted to consent to the Governor’s appointment as listed in his communication dated January 20, 2011, as read by Leslie McLean, on the following roll call:

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

**Voting in the affirmative were:** Senators

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**COMMITTEE OF THE WHOLE**

On motion of Senator Jenkins, Judge Sherene Dillon spoke in Committee of the Whole.

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

**CONSENT CALENDAR**

On motion of Senator Dayton, the circle was removed from H.B. 195, DEBT SERVICE OBLIGATIONS OF A DIVIDED SCHOOL DISTRICT, 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
Adams Bramble Christensen Davis
Dayton Hillyard Hinkins Jenkins
Jones Knudson Liljenquist Madsen
Mayne Morgan Niederhauser Reid
Romero H. Stephenson J. Stevenson Stowell
Thatcher Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Buttars McAdams Okerlund Robles

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 Dayton, under suspension of the rules, the Senate voted suspend the 24-hour rule and consider H.B. 275 on the Consent Calendar.

* * *

H.B. 275, SCHOOL DISTRICT DIVISION AMENDMENTS, 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
Adams Christensen Davis Dayton
Hillyard Hinkins Jones Knudson
Liljenquist Madsen Mayne McAdams
Morgan Niederhauser Reid Romero
H. Stephenson Stowell Thatcher Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Buttars Jenkins Okerlund
Robles J. Stevenson

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.

SECOND READING CALENDAR

On motion of Senator Dayton, the circle was removed from H.B. 262, DIVIDED SCHOOL DISTRICT ASSETS AND LIABILITIES, and it was before
the Senate. Senator Dayton 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

- Adams
- Christensen
- Davis
- Dayton
- Hillyard
- Jenkins
- Jones
- Knudson
- Liljenquist
- Madsen
- Mayne
- McAdams
- Morgan
- Niederhauser
- Reid
- Romero
- H. Stephenson
- J. Stevenson
- Stowell
- Thatcher
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators

- Bramble
- Buttars
- Hinkins
- Okerlund
- Robles
- Urquhart

**RULES COMMITTEE REPORTS**

To the Members of the Senate: March 1, 2011

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

**Education Committee**

- **S.B. 305** Economic Development Through Education/Career Alignment (Sen. H. Stephenson)

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

- **H.B. 316** Taxation of Surplus Lines of Insurance (Rep. T. Kiser) (Sen. C. Bramble)
- **H.B. 323** Multicounty Appraisal Trust Amendments (Rep. G. Froerer) (Sen. D. Stowell)
- **H.B. 358** Access to Controlled Substance Database Revisions (Rep. S. Eliason) (Sen. W. Niederhauser)
- **H.J.R. 38** Joint Resolution to Amend Rule of Evidence (Rep. J. Dunnigan) (Sen. R. Okerlund)
S.B. 174  Motor Vehicle Insurance Coverage Amendments
(Sen. S. Urquhart)

1st Sub. H.B. 70  Illegal Immigration Enforcement Act (Rep. S. Sandstrom)
(Sen. M. Dayton)

Natural Resources, Agriculture and Environment Committee
S.J.R. 26  Joint Resolution Recognizing the Contributions of the
Sundance Institute and the Sundance Film Festival
(Sen. J. Stevenson)

1st Sub. H.B. 191  Nonresident Tuition Waiver Amendments
(Rep. C. Wimmer) (Sen. D. Hinkins)

1st Sub. H.B. 269  Commission on Civic and Character Education
(Rep. L. Christensen) (Sen. M. Dayton)

1st Sub. H.B. 327  Public Education Annual Report Amendments
(Rep. L. Christensen) (Sen. M. Dayton)

1st Sub. H.B. 233  Insurance Coverage for Amino Acid–based Formula
(Rep. C. Moss) (Sen. P. Knudson)

(Sen. M. Madsen)

H.C.R. 13  Secure Rural Schools Concurrent Resolution

Transportation, Public Utilities and Technology Committee
S.B. 201  Protection Against Unfair Competition Through
Misappropriated Technology Act (Sen. C. Bramble)

S.B. 244  Salt Lake County Highway Project Funding
(Sen. W. Niederhauser)

H.B. 351  Homeless Coordinating Committee Modifications
(Rep. V. Peterson) (Sen. J. Valentine)

(Sen. J. Valentine)

H.B. 444  Operation and Maintenance Needs Report for Utah

Margaret Dayton
Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was
adopted.
On motion of Senator Dayton, the Senate voted to lift S.B. 277, CHILD CUSTODY TASK FORCE, from the Government Operations and Political Subdivisions Committee and assign it to the Judicial, Law Enforcement and Criminal Justice Committee.

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. 65, STATEWIDE ONLINE EDUCATION PROGRAM, and it was before the Senate. Senator Stephenson explained the bill. The bill 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

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**Absent or not voting were:** Senators

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<th>Bramble</th>
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<td>Okerlund</td>
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S.B. 65 was filed.

SECOND READING CALENDAR

On motion of Senator Christensen, S.B. 202, PHARMACEUTICAL COMPETITIVE PRICING, was read the second time and circled.

On motion of Senator Christensen, S.B. 285, INDUSTRIAL ASSISTANCE FUND AMENDMENTS, was read the second time and circled.
On motion of Senator Dayton, 1st Sub. S.B. 220, INTERMOUNTAIN WEATHERIZATION TRAINING FUND, was read the second time and circled.

* * *

On motion of Senator Van Tassell, the Senate voted to recall H.B. 248, COUNTY OFFICE VACANCIES, from the House for further consideration.

* * *

3rd Sub. H.B. 54, ELECTRONIC COMMUNICATIONS IN PUBLIC MEETINGS, was read the second time. Senator Hillyard 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

- Christensen
- Davis
- Dayton
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Liljenquist
- Madsen
- Mayne
- Morgan
- Okerlund
- Reid
- Robles
- Romero
- H. Stephenson
- J. Stevenson
- Stowell
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators

- Adams
- Bramble
- Buttars
- McAdams
- Niederhauser
- Thatcher

* * *

On motion of Senator Urquhart, the circle was removed from H.B. 73, MOTOR CARRIER TRANSPORTATION CONTRACT INDEMNITY AGREEMENTS, and it was before the Senate.

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

**1st Sub. H.B. 73 Motor Carrier Transportation Contract Indemnity Agreements** (D. Ipson)

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
Christensen  Davis  Dayton  Hillyard
Hinkins  Jenkins  Jones  Knudson
Liljenquist  Madsen  Morgan  Okerlund
Reid  Robles  Romero  H. Stephenson
Stowell  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Adams  Bramble  Buttars  Mayne
McAdams  Niederhauser  J. Stevenson

* * *

On motion of Senator Jenkins, the circle was removed from 1st Sub. S.B. 220, INTERMOUNTAIN WEATHERIZATION TRAINING FUND, and it was before the Senate. Senator Jenkins explained the bill.

Senator Jenkins proposed the following amendment:

1. Page 2, Lines 50 through 51

50  (c) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
51  establishing:

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

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators
Christensen  Davis  Dayton  Hillyard
Hinkins  Jenkins  Jones  Knudson
Liljenquist  Mayne  Morgan  Niederhauser
Okerlund  Reid  Robles  H. Stephenson
J. Stevenson  Stowell  Thatcher  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Adams  Bramble  Buttars  Madsen
McAdams  Romero  Urquhart

* * *

1st Sub. H.B. 75, DANGEROUS WEAPON AMENDMENTS, was read the second time. Senator Hinkins explained the bill. Senators Valentine commented.
On motion of Senator Hinkins, the bill was circled.

* * *

On motion of Senator Jenkins and at 4:10 p.m., the Senate adjourned until 9:30 a.m., Wednesday, March 2, 2011.
THIRTY-SEVENTH DAY

MORNING SESSION

March 2, 2011

The Senate was called to order at 9:45 a.m., with President Michael Waddoups presiding.

Prayer – Senator John Valentine
Pledge of Allegiance – Cache Thompson
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 80)

SPECIAL PRESENTATION

A citation was read honoring Cache Thompson, Eagle Scout. President Waddoups commented.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 1, 2011

The House concurred in the Senate amendments and passed 1st Sub. H.B. 204, PROTECTION OF ATHLETES WITH HEAD INJURIES, by Representative P. Ray, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bill 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 1, 2011

The House passed, as substituted, 1st Sub. H.B. 110, TEACHER SALARY SUPPLEMENT PROGRAM AMENDMENTS, by Representative M. Poulson, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 134, COLLECTION OF FRONT-LINE TEACHERS DATA, by Representative J. Nielson, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 140**, DIVORCE WAITING PERIOD AMENDMENTS, by Representative V. Peterson, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 224**, RADIO FREQUENCY IDENTIFICATION, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 287**, RESTRUCTURING OF THE DEPARTMENT OF COMMUNITY AND CULTURE, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 434**, COUNTY AMENDMENTS, by Representative M. Brown, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 438**, WATER QUALITY BOARD AMENDMENTS, by Representative B. Wright, and it is transmitted for consideration; and

The House passed **H.C.R. 14**, WILD LANDS CONCURRENT RESOLUTION, by Representative C. Watkins, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

**STANDING COMMITTEE REPORTS**

Mr. President: March 1, 2011

The Government Operations and Political Subdivisions Committee recommends **S.B. 162**, MILITARY AND OVERSEAS VOTING, by Senator L. Hillyard, be replaced and favorably recommends **1st Sub. S.B. 162**, MILITARY AND OVERSEAS VOTING; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 300**, GOVERNMENT BONDING AMENDMENTS, by Senator B. McAdams; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **2nd Sub. H.B. 76**, FEDERAL LAW EVALUATION AND RESPONSE, by Representative K. Ivory, with the following amendments:
1. Page 2, Line 53:

53 to { Permanent Community Impact Fund } Department of Administrative Services as an ongoing appropriation:

2. Page 3, Line 60:

60 This bill provides revisor instructions.

This bill coordinates with H.B. 51, School and Institutional Trust Lands, by merging technical and substantive amendments.

3. Page 3, Line 73:

73 63C–4–108, Utah Code Annotated 1953

Utah Code Sections Affected by Coordination Clause:

53C–3–203, as last amended by Laws of Utah 2010, Chapters 79 and 262

4. Page 23, Lines 679 through 682:

679 Item 4 To { Permanent Community Impact Fund } Department of Administrative Services – Finance – Mandated

680 From General Fund Restricted – Land Exchange Distribution Account ($600,000)

681 Schedule of Programs:

682 { Permanent Community Impact Fund } Land Exchange Distribution ($600,000)

5. Page 23, Line 691:

691 in the Laws of Utah.


If this H.B. 76 and H.B. 51, School and Institutional Trust Lands, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication:

(1) merge the changes from both bills to modify Subsection 53C–3–203(4)(b)(viii) to read:

”[(6)] (viii) [Beginning with fiscal year 2009–10, the Legislature
shall annually appropriate 6.5% of the deposits [remaining in the account after the appropriation is made in Subsection (4)(a)] to the Permanent Community Impact Fund created in Section 9–4–303, to be used for grants to political subdivisions of the state to mitigate the impacts resulting from the development or use of school and institutional trust lands.”; and

(2) add a newly enacted Subsection 53C–3–203(5) to read:

“(5) The Permanent Community Impact Fund Board shall consult with the administration before awarding the grants described in Subsection (4)(b)(viii).”; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 399, ENVIRONMENTAL LITIGATION BOND, by Representative M. Noel.

Peter C. Knudson, Chair

Mr. President: March 1, 2011

The Revenue and Taxation Committee recommends S.B. 165, ELECTION LAW AMENDMENTS, by Senator C. Bramble, be replaced and favorably recommends 1st Sub. S.B. 165, ELECTION LAW AMENDMENTS, with the following amendments:

1. Page 1, Lines 11 through 14:

11 This bill:

12 defines terms;

13 authorizes a person to vote in an election if the person registers online to vote {online} at

14 least 15 days before an election; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 181, LOBBYIST DISCLOSURE AND REGULATION ACT REVISIONS, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 189, TAX CODE MODIFICATIONS, by Senator B. McAdams, with the following amendments:

1. Page 2, Line 55 through Page 3, Line 59:

55 commission may make rules:
(a) providing procedures for issuing refunds for a tax credit claimed under this section;

and

(b) for making a transfer from the General Fund into the Education Fund as required by Subsection (4).

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 287, SPECIALTY LICENSE PLATE AMENDMENTS, by Senator C. Bramble; and

The Revenue and Taxation Committee recommends S.B. 288, UTAH IMMIGRATION ENFORCEMENT AMENDMENTS, by Senator C. Bramble, be replaced and favorably recommends 1st Sub. S.B. 288, UTAH IMMIGRATION ENFORCEMENT AMENDMENTS, with the following amendments:

1. Page 21, Lines 629 through 633:

629 63G–12–203; {—and }  
630 (d) the attorney general for costs associated with:
631 (i) litigation related to this chapter;
632 (ii) a multi-agency strike force created under Section 67–5–22.7; or
633 (iii) a memorandum of understanding executed under Section 67–5–28 {— } ; and
634 (e) the Identity Theft Restricted Account created in Section 67–5–22.7.

2. Page 24, Lines 711 through 716:

711 (d) To the extent feasible and consistent with a waiver, exemption, or authority entered into under Section 63G–12–202, the State Tax Commission shall work with the applicable federal government agencies to ensure that the withholding provided for under this Subsection (2) is compatible with a federal process by which the income and employment taxes are
collected that would be imposed under federal law if a permit holder were an employee with a Social Security number.

3. Page 31, Lines 948 through 951:

(4) A person is guilty of a class B misdemeanor if the person:

(a) furnishes false or forged information or documentation in support of an application;

or

(b) alters the information on a permit.

Curtis S. Bramble, Chair

Mr. President: March 1, 2011

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.B. 293, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AND ANNEXATION AMENDMENTS, by Senator J. Stevenson; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on H.B. 94, INCOME TAX CREDIT FOR COMBAT RELATED DEATH, by Representative M. Newbold; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on H.B. 155, CYCLING LAWS, by Representative C. Moss, with the following amendments:

1. Page 1, line 20:
   Delete “highway” and insert “roadway”

2. Page 2, line 70:
   Delete “highway” and insert “roadway”; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on 1st Sub. H.B. 156, ASSESSMENT OF PROPERTY WITH CONSERVATION EASEMENT, by Representative D. Pitcher; and
The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 259**, COUNTY RECORDER REVISIONS, by Representative R. C. Webb; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **1st Sub. H.B. 267**, PUBLIC BODY RULES OF PROCEDURE, by Representative M. Brown; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 305**, MIDTERM VACANCIES IN MUNICIPAL OFFICES, by Representative K. Powell; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 335**, MILITARY SURVIVORS – TUITION WAIVER AMENDMENTS, by Representative M. Morley; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 375**, SECURITY PERSONNEL LICENSING ACT AMENDMENTS, by Representative K. Ivory; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 489**, HOUSING AUTHORITY APPLICATION PROCESS, by Representative G. Froerer.

Stuart C. Reid, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

**STANDING COMMITTEE REPORTS**

Mr. President: March 1, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 281**, ELECTION REGISTRATION AMENDMENTS, by Senator P. Knudson, 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. 86**, VETERAN’S IDENTIFICATION ON DRIVER LICENSE OR IDENTIFICATION CARD, by Representative G. Hughes, 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. 318, MONEY MANAGEMENT ACT AMENDMENTS**, by Representative J. Bird, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mr. President: March 1, 2011

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 278, CHARTER SCHOOL PROPERTY TAX AMENDMENTS**, by Senator C. Bramble, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

Mr. President: March 1, 2011

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **1st Sub. H.B. 143, BALLOT PLACEMENT AMENDMENTS**, by Representative S. Eliason, 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. 250, STATE EMBLEM OF SERVICE AND SACRIFICE**, by Representative M. Newbold, and recommends it be considered read for the second time and placed on the Consent Calendar.

Stuart C. Reid, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

**INTRODUCTION OF BILLS**

**S.B. 240, Traffic Code Modifications** (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

**S.B. 319, Technology Commercialization and Innovation Act** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**THIRD READING CALENDAR**

On motion of Senator Jenkins, **S.B. 262, TOBACCO PRODUCTS AMENDMENTS**, was read the third time and circled.
1st Sub. S.B. 73, PUBLIC SCHOOL TEACHER TENURE MODIFICATIONS, was read the third time and explained by Senator Stephenson. Senator Jones commented.

On motion of Senator Stephenson, the bill was circled.

1st Sub. S.B. 89, HOMEOWNER ASSOCIATION RESERVE ACCOUNT, was read the third time and circled.

H.B. 68, OFF−HIGHWAY VEHICLE OPERATOR RESPONSIBILITIES, was read the third time and circled.

H.B. 180, DEBT COLLECTION DATA MATCH WITH WORKER REGISTRY, was read the third time and circled.

1st Sub. H.B. 263, LOCAL DISTRICT SERVICES AMENDMENTS, was read the third time and circled.

S.B. 296, AMENDMENTS TO TAX PROVISIONS, was read the third time and circled.

S.B. 229, TRANSPORTATION FUNDING REVISIONS, was read the third time and circled.

S.B. 238, VERIFICATION OF EMPLOYMENT STATUS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

Yeas, 20; Nays, 3; Absent, 6.
Voting in the affirmative were: Senators
Buttars  Christensen  Davis  Dayton
Hinkins  Jenkins  Jones  Knudson
Liljenquist  Madsen  Mayne  Niederhauser
Okerlund  Reid  H. Stephenson  Stowell
Urquhart  Valentine  Van Tassell  Waddoups

Voting in the negative were: Senators
McAdams  Robles  Romero

Absent or not voting were: Senators
Adams  Bramble  Hillyard  Morgan
J. Stevenson  Thatcher

S.B. 238 was transmitted to the House for consideration.

* * *

On motion of Senator Urquhart, the circle was removed from 1st Sub. S.B. 89, HOMEOWNER ASSOCIATION RESERVE ACCOUNT, and it was before the Senate. Senator Urquhart explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Buttars  Davis  Dayton
Hillyard  Hinkins  Jenkins  Jones
Knudson  Liljenquist  Madsen  McAdams
Niederhauser  Okerlund  Reid  Robles
Romero  H. Stephenson  J. Stevenson  Stowell
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble  Christensen  Mayne  Morgan

1st Sub. S.B. 89 was transmitted to the House for consideration.

* * *

On motion of Senator Urquhart, the circle was removed from H.B. 68, OFF–HIGHWAY VEHICLE OPERATOR RESPONSIBILITIES, and it was before the Senate. Senator Jenkins commented. The bill passed on the following roll call:
Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators
Adams  Buttars  Christensen  Davis
Dayton  Hillyard  Hinkins  Jones
Knudson  Liljenquist  Madsen  Mayne
McAdams  Niederhauser  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Voting in the negative was: Senator
Jenkins

Absent or not voting were: Senators
Bramble  Morgan

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.

* * *

On motion of Senator Urquhart, the circle was removed from H.B. 180, DEBT COLLECTION DATA MATCH WITH WORKER REGISTRY, 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
Adams  Buttars  Christensen  Davis
Hillyard  Hinkins  Jenkins  Jones
Knudson  Liljenquist  Madsen  McAdams
Niederhauser  Okerlund  Reid  Robles
Romero  J. Stevenson  Stowell  Thatcher
Urquhart  Valentine  Van Tassell  Waddoups

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators
Bramble  Mayne  Morgan  H. Stephenson

H.B. 180 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 1st Sub. H.B. 263, LOCAL DISTRICT SERVICES 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

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**Absent or not voting were:** Senators

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1st Sub. H.B. 263, as amended, was returned to the House for further consideration.

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On motion of Senator Dayton, S.B. 279, GRAND JURY MODIFICATIONS, was read the third time and circled.

---

S.B. 286, GRANDPARENTS’ VISITATION RIGHTS, 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

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Absent or not voting were: Senators
Adams       Bramble       Morgan       Robles

S.B. 286 was transmitted to the House for consideration.

***

S.J.R. 20, JOINT RESOLUTION SUPPORTING SANPETE COUNTY INCREASING THE NUMBER OF CONTRACT BEDS AT ITS CORRECTIONAL FACILITIES, was read the third time and explained by Senator Okerlund. Senator Jenkins commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams       Christensen     Davis       Dayton
Hillyard    Hinkins         Jenkins     Jones
Knudson     Liljenquist     Madsen     Mayne
McAdams     Niederhauser    Okerlund   Reid
Romero      J. Stevenson    Stowell    Thatcher
Urquhart    Valentine   Van Tassell    Waddoups

Absent or not voting were: Senators
Bramble     Buttars        Morgan       Robles
H. Stephenson

S.J.R. 20 was transmitted to the House for consideration.

***

S.B. 30, EXTENSION OF RECYCLING MARKET DEVELOPMENT ZONE ACT AND RELATED TAX CREDITS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams       Christensen     Davis       Dayton
Hillyard    Hinkins         Jenkins     Jones
Knudson     Liljenquist     Madsen     Mayne
McAdams     Niederhauser    Okerlund   Reid
H. Stephenson J. Stevenson  Stowell    Thatcher
Urquhart    Valentine   Van Tassell    Waddoups
Voting in the negative was: Senator Romero

Absent or not voting were: Senators
Bramble  Buttars  Morgan  Robles

S.B. 30 was transmitted to the House for consideration.

* * *

H.B. 262, DIVIDED SCHOOL DISTRICT ASSETS AND LIABILITIES, 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
Christensen  Davis  Dayton  Hillyard
Hinkins  Jenkins  Jones  Knudson
Liljenquist  Mayne  McAdams  Niederhauser
Okerlund  Reid  Robles  Romero
H. Stephenson  J. Stevenson  Stowell  Thatcher
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Adams  Bramble  Buttars  Madsen  Morgan

H.B. 262 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

3rd Sub. H.B. 54, ELECTRONIC COMMUNICATIONS IN PUBLIC MEETINGS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Christensen  Davis  Dayton  Hillyard
Jenkins  Jones  Knudson  Liljenquist
Madsen  Mayne  Niederhauser  Okerlund
Reid  Robles  Romero  H. Stephenson
J. Stevenson  Stowell  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups
Absent or not voting were: Senators
Adams  Bramble  Buttars  Hinkins
McAdams  Morgan

3rd Sub. H.B. 54, as amended, was returned to the House for further consideration.

***

1st Sub. H.B. 73, MOTOR CARRIER TRANSPORTATION CONTRACT INDEMNITY AGREEMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble  Christensen  Davis  Dayton
Hinkins  Jenkins  Jones  Knudson
Liljenquist  Madsen  Mayne  McAdams
Okerlund  Reid  Robles  Romero
H. Stephenson  J. Stevenson  Stowell  Thatcher
Urquhart  Valentine  Waddoups

Absent or not voting were: Senators
Adams  Buttars  Hillyard  Morgan
Niederhauser  Van Tassell

1st Sub. H.B. 73, as amended, was returned to the House for further consideration.

***

1st Sub. S.B. 220, INTERMOUNTAIN WEATHERIZATION TRAINING FUND, 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
Buttars  Christensen  Davis  Dayton
Hillyard  Hinkins  Jenkins  Jones
Knudson  Liljenquist  Madsen  Mayne
McAdams  Okerlund  Reid  Robles
Romero  H. Stephenson  J. Stevenson  Stowell
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups
Absent or not voting were: Senators
Adams Bramble Morgan Niederhauser

1st Sub. S.B. 220 was transmitted to the House for consideration.

***

On motion of Senator Stowell, the Senate voted to reconsider its action on S.B. 65, STATEWIDE ONLINE EDUCATION PROGRAM. The bill was placed on the Third Reading Calendar.

SECOND READING CALENDAR

1st Sub. H.B. 74, MUNICIPAL JUSTICE COURT JUDGE ELECTIONS, was read the second time. Senator Madsen explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hinkins Jenkins
Jones Liljenquist Madsen Mayne
McAdams Morgan Niederhauser Okerlund
Reid Robles Romero H. Stephenson
J. Stevenson Stowell Thatcher Valentine
Van Tassell Waddoups

Voting in the negative were: Senators
Hillyard Knudson

Absent or not voting was: Senator
Urquhart

***

1st Sub. H.B. 115, MECHANICS’ LIEN AMENDMENTS, was read the second time. Senator Adams 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
Adams Bramble Buttars Christensen
Davis Dayton Hinkins Jones
Knudson Liljenquist Madsen Mayne
McAdams Morgan Niederhauser Okerlund
Reid Romero H. Stephenson J. Stevenson
Stowell Thatcher Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Hillyard Jenkins Robles Urquhart

* * *

H.B. 220, CIVICS EDUCATION AMENDMENTS, was read the second time. Senator Madsen explained the bill. Senators McAdams, Buttars, Morgan, Liljenquist, Davis, Valentine, and Jones commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hinkins Jenkins
Jones Knudson Liljenquist Madsen
Mayne McAdams Morgan Niederhauser
Okerlund Reid Robles Romero
H. Stephenson J. Stevenson Stowell Thatcher
Urquhart Valentine Van Tassell Waddoups

Absent or not voting was: Senator
Hillyard

* * *

On motion of Senator Niederhauser, the circle was removed from S.B. 82, URBAN FARMING ASSESSMENT ACT, and it was before the Senate. Senator Niederhauser explained the bill. Senator Valentine commented.

On motion of Senator Niederhauser, the bill was circled.

TIME CERTAIN CALENDAR

1st Sub. S.B. 221, STATE OF UTAH RESOURCE MANAGEMENT PLAN FOR FEDERAL LANDS, was read the second time. Senator Okerlund explained the bill.
On motion of Senator Okerlund, the following substitute bill replaced the original bill:


Senators Romero, Van Tassell, Davis, and Urquhart commented.

On motion of Senator Okerlund, under suspension of the rules, 2nd Sub. S.B. 221, STATE OF UTAH RESOURCE MANAGEMENT PLAN FOR FEDERAL LANDS, was considered read the first, second, and third times. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Robles  Romero
H. Stephenson  J. Stevenson  Stowell  Thatcher
Urquhart  Valentine  Van Tassell  Waddoups

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

2nd Sub. S.B. 221 was transmitted to the House.

***

On motion of Senator Reid, the Senate voted to adopt the following corrected committee report:

Mr. President: March 2, 2011

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on H.B. 375, SECURITY PERSONNEL LICENSING ACT AMENDMENTS, by Representative K. Ivory, and recommends it be considered read for the second time and placed on the Consent Calendar.

Stuart C. Reid, Chair

***

1st Sub. H.B. 174, CONTRACTING FOR MEDICAID ELIGIBILITY DETERMINATION SERVICES, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:
Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators
Adams          Buttars    Christensen    Davis
Dayton         Hinkins    Jenkins       Jones
Knudson        Liljenquist Mayne        Morgan
Niederhauser   Okerlund   Reid          Robles
Romero         J. Stevenson Stowell      Thatcher
Urquhart       Valentine   Van Tassell  Waddoups

Absent or not voting were: Senators
Bramble        Hillyard    Madsen        McAdams
H. Stephenson

***

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, 2011

The House passed, 2nd Sub. S.B. 108, JOINT USE OF A CANAL OR DITCH, 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. 134, TRANSPARENCY IN HEALTH CARE PROVIDER ADVERTISING, by Senator J. Stevenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 146, IMPACT FEE AMENDMENTS, by Senator J. Stevenson, 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. 212, JUDICIAL EVALUATION AMENDMENTS, by Senator D. C. Buttars, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 214, MOTOR VEHICLE RENTAL COMPANY FEE DISCLOSURES, by Senator J. S. Adams, which has been signed by the Speaker and it is transmitted for the signature of the President; and
The House passed, **S.C.R. 11, DIXIE STATE COLLEGE CONCURRENT RESOLUTION**, 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.C.R. 14, CONCURRENT RESOLUTION HONORING PROVIDERS OF HEALTH CARE SERVICES TO MILITARY PERSONNEL AND THEIR DEPENDENTS**, by Senator J. S. Adams, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 2, 2011

The House passed **H.B. 87, SCHOOL FINANCE AMENDMENTS**, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed **H.B. 130, ELECTION DAY VOTING CENTERS**, by Representative R. Chavez-Houck, and it is transmitted for consideration; and

The House passed **H.B. 303, PREPAID WIRELESS 911 SERVICE CHARGE**, by Representative B. Dee, and it is transmitted for consideration; and

The House passed **H.B. 432, NUISANCE AMENDMENTS**, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 481, TRANSPORTATION OF MENTAL ILLNESS PATIENTS**, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.J.R. 26, SCOFIELD LAND TRANSFER JOINT Resolution**, by Representative P. Painter, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

* * *

Mr. President: March 2, 2011

The House passed, as amended, **S.B. 87, MARKETABLE RECORD TITLE AMENDMENTS**, by Senator S. Reid, and it is transmitted for further consideration; and
The House passed, as amended, **S.B. 242, ASSESSMENT AREA AMENDMENTS**, by Senator W. Niederhauser, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

**STANDING COMMITTEE REPORTS**

The Business and Labor Committee reports a favorable recommendation on **2nd Sub. H.B. 128, HEALTH REFORM AMENDMENTS**, by Representative J. Dunnigan.

John L. Valentine, Chair

Mr. President: March 2, 2011

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 152, SCHOOL COMMUNITY COUNCILS AMENDMENTS**, by Representative B. Wright; and

The Education Committee reports a favorable recommendation on **H.B. 183, SCHOOL DISTRICT LEAVE POLICIES**, by Representative K. Grover; and

The Education Committee reports a favorable recommendation on **S.B. 305, ECONOMIC DEVELOPMENT THROUGH EDUCATION / CAREER ALIGNMENT**, by Senator H. Stephenson.

Howard A. Stephenson, Chair

Mr. President: March 2, 2011

The Health and Human Services Committee reports a favorable recommendation on **H.B. 324, HIV TESTING OF ALLEGED SEX OFFENDERS**, by Representative R. Greenwood; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 336, MEDICAL PROFESSIONAL LICENSING DURING A DECLARED EMERGENCY**, by Representative E. Vickers.

D. Chris Buttars, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.
STANDING COMMITTEE REPORTS

Mr. President:

March 2, 2011

The Business and Labor Committee reports a favorable recommendation on H.B. 107, VOLUNTEER FIREFIGHTERS’ RETIREMENT AMENDMENTS, by Representative R. Menlove, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 1, Lines 13 through 15:

13 requires the Retirement Office to fund the long-term disability benefits for new
14 volunteer firefighters using certain premium tax revenues previously deposited into
15 the Firefighters’ Retirement Trust Fund; and

2. Page 2, Lines 44 through 45

House Committee Amendments 2–11–2011:

44 (a) an amount determined by the office to fully fund the long–term disability program
45 provided for volunteer firefighters under Section 49–23–601;

3. Page 2, Lines 51 through 51g

House Committee Amendments 2–11–2011:

51 (c) any remaining amount in accordance with Section 49–11–902.
51a (3) (a) In accordance with rules made by the office, a participating employer shall
51b provide the office with information on each person who is actively serving the participating
51c employer as a volunteer firefighter in order for the person to be eligible for long–term
51d disability coverage under this section.
51e (b) A participating employer shall provide to the office:
51f (i) the information under Subsection (3)(a), not later than July 1, 2011; and
4. Page 4, Line 119 through Page 5, Line 128:


120  (1) Each participating employer shall cover the following employees: a public safety employee who initially enters employment on or after July 1, 2011, under Title 49, Chapter 21, Public Employees’ Long-Term Disability Act, or a substantially similar long-term disability program.

123 [(1)]

124 [(2)]

125 [(3)]

126 [(2)]

127 [(2)] The office shall ensure that the long-term disability program provided for volunteer firefighters under this section is funded with money paid under Section 49–11–901.5.

128 [(2)(a)]

129 [(2)(b)]

130 [(c)]

John L. Valentine, Chair

Mr. President: March 2, 2011

The Health and Human Services Committee reports a favorable recommendation on H.C.R. 9, LUPUS AWARENESS MONTH CONCURRENT
RESOLUTION, by Representative T. Cosgrove, and recommends it be considered read for the second time and placed on the Consent Calendar

D. Chris Buttars, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

STANDING COMMITTEE REPORTS

Mr. President: March 2, 2011

Without committee review, the Business and Labor Committee has returned **S.B. 40**, EMPLOYMENT PRACTICES AND PROTECTION FROM VIOLENCE, by Senator P. Jones, to the Rules Committee; and

With committee review, the Business and Labor Committee has returned **S.B. 81**, ALCOHOLIC BEVERAGE CONTROL ACT SAMPLING AMENDMENTS, by Senator R. Romero, to the Rules Committee without recommendation; and

Without committee review, the Business and Labor Committee has returned **S.B. 88** MOTOR VEHICLE INSURANCE – SETTLEMENT OF CLAIMS, by Senator G. Davis, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **S.B. 109** CHILD PROTECTION REGISTRY AMENDMENTS, by Senator C. Bramble, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **S.B. 156**, UNINSURED AND UNDERINSURED MOTORIST COVERAGE AMENDMENTS, by Senator S. Urquhart, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **S.B. 208**, CONSTRUCTION CONTRACT AMENDMENTS, by Senator C. Bramble, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **H.B. 42**, ALCOHOLIC BEVERAGE CONTROL ACT RETAIL LICENSE QUOTAS, by Representative G. Froerer, to the Rules Committee; and

The Business and Labor Committee has returned **1st Sub. H.B. 61**, HOME BUSINESS WORKERS’ COMPENSATION AMENDMENTS, by Representative R. Barrus, to the Rules Committee without recommendation with the following amendments:
1. Page 1, Lines 14 through 18:

14  defines terms;
15  provides that a home business is not considered an employer of an owner’s
16  immediate family member spouse for purposes of workers' compensation if certain
17  conditions are met; and
18  makes technical and conforming amendments.

2. Page 4, Line 112 through Page 5, Line 126:

112  (6) (a) As used in this Subsection (6):
113  (i) “Hazardous work” means a hazardous occupation as defined in Section 34−23−103.
114  (ii) “Home business” means a business that is primarily conducted at the primary
115  residence of an owner of the business.
116  (iii) “Immediate family member” means an individual’s:
117  (A) spouse; or
118  (B) child who lives in the individual’s primary residence and who is claimed by the
119  individual as a dependent under Section 151, Internal Revenue Code.
120  (iv) "Primary residence” means:
121  (A) a dwelling used by an individual as the home at which the individual regularly
122  resides, regardless of whether the dwelling is owned or rented, or is
123  part of a multi−family dwelling;
124  (B) so much of the land surrounding the dwelling described in Subsection (6)(a)  
125  as is reasonably necessary for use of the dwelling; and
126  (C) any improvement on the land described in Subsection (6)(a).
3. Page 5, Lines 127 through 131:

127  (b) For purposes of this chapter and Chapter 3, Utah Occupational Disease Act, a home
128  business is not considered an employer of an individual who is:
129  (i) an immediate family member; the spouse of an owner of the home business; and
130  (ii) employed by the home business to engage in business activities that:
131  (A) do not constitute hazardous work; and

4. Page 5, Lines 133 through 137:

133  (6)(b)(i).
134  [(6)] (7) An employer of [agricultural laborers or domestic servants] an agricultural
135  laborer, domestic servant, or home business owner’s immediate family member, spouse, who is not
136  considered an employer under this chapter and Chapter 3, Utah Occupational Disease Act, may
137  come under this chapter and Chapter 3, Utah Occupational Disease Act, by complying with:

John L. Valentine, Chair

Mr. President: March 2, 2011

Without committee review, the Education Committee has returned S.B. 223, GUARDIANSHIP REVISIONS, by Senator B. McAdams, to the Rules Committee; and

Without committee review, the Education Committee has returned H.B. 199, ADVERTISEMENTS ON SCHOOL BUSES, by Representative J. Bird, to the Rules Committee.

Howard A. Stephenson, Chair

Mr. President: March 2, 2011

Without committee review, the Health and Human Services Committee has returned S.B. 54, PHYSICIAN SUPERVISION OF COSMETIC MEDICAL PROCEDURES, by Senator P. Knudson, to the Rules Committee; and
The Health and Human Services Committee deleted S.B. 91, MEDICAL PRACTICE SELF REFERRAL, by Senator D. C. Buttars, and replaced it with 1st Sub. S.B. 91, MEDICAL PRACTICE SELF REFERRAL, with the following amendments and has returned it to the Rules Committee without recommendation.

1. Page 6, Lines 158 through 159:

   158 with a facility that performs MRI, CT, or PET scanning. \{– All of these tests have been shown to
   159 be subject to self-referral abuse. } I am also required to tell you
   under both federal and state law.

D. Chris Buttars, Chair

Mr. President: March 2, 2011

With committee review, the Workforce Services and Community and Economic Development Committee has returned S.B. 252, NATIONAL POPULAR VOTE, by Senator S. Urquhart, to the Rules Committee without recommendation; and

Without committee review, the Workforce Services and Community and Economic Development Committee has returned 1st Sub. H.B. 99, MOTION PICTURE INCENTIVES AMENDMENTS, by Representative G. Hughes, to the Rules Committee without recommendation.

Stuart C. Reid, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were returned to the Rules Committee.

THIRD READING CALENDAR

On motion of Senator Valentine, the circle was removed from S.B. 314, ALCOHOLIC BEVERAGE AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill.

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

1st Sub. S.B. 314 Alcoholic Beverage Amendments (J. Valentine)

Senator Urquhart commented. On motion of Senator Valentine, the bill was circled.
On motion of Senator Adams, the circle was removed from S.B. 229, TRANSPORTATION FUNDING REVISIONS, and it was before the Senate. Senator Adams explained the bill. Senators Romero and Jenkins commented. The bill passed on the following roll call:

**Y eas, 18; Nays, 8; 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. 229 was transmitted to the House for consideration.

**On motion of Senator Reid, the Senate voted to lift 2nd Sub. H.B. 116, GUEST WORKER PROGRAM ACT, from Rules and place it on the top of the Second Reading Calendar.**

**On motion of Senator Stephenson, S.B. 65, STATEWIDE ONLINE EDUCATION PROGRAM, was before the Senate and circled.**

**On motion of Senator Dayton, H.C.R. 17, CONCURRENT RESOLUTION HONORING JERRY SLOAN AND PHIL JOHNSON, will be considered Monday, March 7, 2011, at 11:00 a.m.**

SECOND READING CALENDAR

On motion of Senator Hinkins, the circle was removed from 1st Sub. H.B. 75, DANGEROUS WEAPON AMENDMENTS, and it was before the Senate.
Senator Hinkins explained the bill. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 4; Absent, 5.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

| Jones | Mayne | Morgan | Robles |

**Absent or not voting were:** Senators

| Christensen | Hillyard | Liljenquist | McAdams | Valentine |

***

On motion of Senator Jenkins, the circle was removed from **H.J.R. 21**, SELECTIONS OF UNAPPROPRIATED FEDERAL LANDS JOINT RESOLUTION, and it was before the Senate. Senator Jenkins 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 McAdams

**Absent or not voting were:** Senators

| Christensen | Hillyard | Liljenquist | Valentine |

***

On motion of Senator Bramble, the circle was removed from **S.B. 285**, INDUSTRIAL ASSISTANCE FUND AMENDMENTS, and it was before the
Senate. Senator Bramble explained the bill. The bill second reading 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

| Christensen | Hillyard | Liljenquist | Niederhauser |
| Valentine |

***

On motion of Senator Dayton, **1st Sub. H.B. 256**, CHILDREN’S HEALTH INSURANCE AND MEDICAID ADMINISTRATIVE SIMPLIFICATION, was read the second time and circled.

***

On motion of Senator Dayton, **H.B. 252**, RAILROAD AND RAILROAD CROSSING AMENDMENTS, was read the second time and circled.

***

**1st Sub. H.B. 121**, SEXUAL SOLICITATION AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Adams  Hillyard  Liljenquist  Niederhauser
Valentine

***

H.B. 167, INCARCERATION AMENDMENTS, was read the second time. Senator Thatcher explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bramble  Buttars  Christensen  Davis
Dayton  Hinkins  Jenkins  Jones
Knudson  Mayne  McAdams  Morgan
Niederhauser  Okerlund  Reid  Robles
Romero  H. Stephenson  J. Stevenson  Stowell
Thatcher  Urquhart  Van Tassell  Waddoups

Absent or not voting were: Senators
Adams  Hillyard  Liljenquist  Madsen
Valentine

***

On motion of Senator Jenkins, 1st Sub. H.B. 179, PEACE OFFICER RECERTIFICATION, was read the second time and circled.

***

On motion of Senator Urquhart, 1st Sub. H.B. 51, SCHOOL AND INSTITUTION TRUST FUNDS, was read the second time and circled.

***

1st Sub. H.B. 82, SALES AND USE TAXES ON CERTAIN LODGING RELATED PURCHASES, 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
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hinkins  Jones
Knudson     Liljenquist     Mayne     McAdams
Morgan       Niederhauser   Okerlund  Reid
Robles       Romero         H. Stephenson  J. Stevenson
Stowell      Thatcher       Urquhart  Van Tassell
Waddoups

Absent or not voting were: Senators
Hillyard     Jenkins       Madsen     Valentine

* * *

On motion of Senator Liljenquist, the circle was removed from 1st Sub.
H.B.  256. CHILDREN’S HEALTH INSURANCE AND MEDICAID
ADMINISTRATIVE SIMPLIFICATION, and it was before the Senate. Senator
Liljenquist 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
Adams       Bramble      Buttars      Christensen
Davis       Jones        Knudson      Liljenquist
Madsen      Mayne        McAdams     Morgan
Niederhauser Okerlund    Reid        Robles
Romero      H. Stephenson J. Stevenson Stowell
Thatcher    Urquhart     Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Dayton      Hillyard     Hinkins     Jenkins

* * *

On motion of Senator Bramble, the circle was removed from S.B. 202,
PHARMACEUTICAL COMPETITIVE PRICING, and it was before the Senate.
Senator Bramble explained the bill. Senators Christensen and Davis commented.
The bill passed second reading on the following roll call:

Yeas, 19; Nays, 5; Absent, 5.

Voting in the affirmative were: Senators
Adams       Bramble      Davis       Jones
Knudson     Liljenquist  Madsen      Mayne
McAdams     Morgan       Niederhauser Okerlund
Reid        H. Stephenson J. Stevenson Stowell
Urquhart    Valentine    Van Tassell

Voting in the negative were: Senators
Buttars Christensen Dayton Thatcher
Waddoups

Absent or not voting were: Senators
Hillyard Hinkins Jenkins Robles
Romero

***

On motion of Senator Valentine, the circle was removed from H.B. 252, RAILROAD AND RAILROAD CROSSING AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill. Senator Van Tassell commented.

Senator Mayne proposed the following amendment:

Senator Mayne’s motion to amend passed on a voice vote.

1. Page 6, Lines 159 through 160

159 (a) was present on the restricted property in the person’s capacity as an employee, employees’ representative,
160 passenger, contractor, or invitee of the railroad; or

On motion of Senator Valentine, the bill was circled.

***

On motion of Senator Reid, 2nd Sub. H.B. 116, GUEST WORKER PROGRAM ACT, was read the second time and circled.

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. 65, STATEWIDE ONLINE EDUCATION PROGRAM, and it was before the Senate. Senator Stephenson explained the bill. Senators Jones, Buttars, Davis, Urquhart, Reid, Liljenquist, and Morgan commented. The bill passed on the following roll call:

Yeas, 17; Nays, 12; Absent, 0.
Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Dayton
Hinkins  Jenkins  Knudson  Liljenquist
Madsen  Niederhauser  Reid  H. Stephenson
J. Stevenson  Thatcher  Urquhart  Valentine
Van Tassell

Voting in the negative were: Senators
Christensen  Davis  Hillyard  Jones
Mayne  McAdams  Morgan  Okerlund
Robles  Romero  Stowell  Waddoups

S.B. 65 was transmitted to the House for consideration.

INTRODUCTION OF BILLS

S.B. 228, Criminal Forfeiture Amendments (D. Liljenquist), was read the first time by short title and referred to the Rules Committee.

S.B. 274, Court Budget Amendments (J. Valentine), was read the first time by short title and referred to the Rules Committee.

S.B. 304, Preventing Bullying and Hazing in Elementary and Secondary Schools (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

* * *

President Waddoups lifted the following bills from Rules and assigned them to standing committees:

Education Committee
S.B. 274  Court Budget Amendments (Sen. J. Valentine)
S.B. 304  Preventing Bullying and Hazing in Elementary and Secondary Schools (Sen. R. Okerlund)

Transportation, Public Utilities and Technology Committee
S.B. 228  Criminal Forfeiture Amendments (Sen. D. Liljenquist)

* * *

On motion of Senator Bramble, the Senate voted to lift S.B. 319, TECHNOLOGY COMMERCIALIZATION AND INNOVATION ACT, from Rules and assign it to the Education Committee.
On motion of Senator Jenkins and at 4:05 p.m., the Senate adjourned until 8:00 a.m., Wednesday, March 3, 2011.
THIRTY-EIGHTH DAY
MORNING SESSION
March 3, 2011

The Senate was called to order at 8:30 a.m., with President Michael Waddoups presiding.

Prayer – Senator Karen Morgan
Pledge of Allegiance – Senator Ben McAdams
Roll Call – All Senators present except Senator Liljenquist, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 2, 2011
The House passed, S.B. 159, SEX OFFENDER REGISTRY REVISIONS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 191, WORKERS’ COMPENSATION COVERAGE WAIVERS, 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
The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 2, 2011
The House concurred in the Senate amendments and passed 1st Sub. H.B. 194, SERVICE CONTRACTS ACT AMENDMENTS, by Representative J. Anderson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 271, RESTRICTIONS ON POLITICAL SUBDIVISIONS REGARDING THE REGULATION OF KNIVES, by Representative R. Wilcox, and it is transmitted for the signature of the President; and
The House concurred in the Senate amendments and passed \textbf{H.J.R. 19, JOINT RESOLUTION OPPOSING THE ENVIRONMENTAL PROTECTION AGENCY’S REGULATION OF GREENHOUSE GASES}, by Representative R. Barrus, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

\textbf{Mr. President:} March 2, 2011

The House passed, as substituted and amended, \textbf{1st Sub. H.B. 148, RAW HONEY AMENDMENTS}, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as amended, \textbf{H.B. 153, COUNTY CORRECTIONAL FACILITIES FUNDING AMENDMENTS}, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, \textbf{H.B. 168, CHILD IDENTITY THEFT PROTECTION AMENDMENTS}, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as amended, \textbf{H.B. 296, HIGHWAY CONSTRUCTION CONTRACT AMENDMENTS}, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, \textbf{H.C.R. 18, CONCURRENT RESOLUTION APPROVING SOLID WASTE FACILITY CLASSIFICATION CHANGE}, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as amended, \textbf{H.J.R. 39, STATE JURISDICTION OF FEDERALLY MANAGED LANDS JOINT RESOLUTION}, by Representative R. Barrus, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.
**STANDING COMMITTEE REPORTS**

**Mr. President:** March 2, 2011

The Government Operations and Political Subdivisions Committee has returned **S.B. 216**, OVERSIGHT OF PUBLIC FUNDS, by Senator M. Madsen, to the Rules Committee; and

The Government Operations and Political Subdivisions Committee has returned **S.B. 231**, FILM ENTERPRISE ZONE, by Senator M. Madsen, to the Rules Committee; and

The Government Operations and Political Subdivisions Committee has returned **S.B. 260**, VETERANS’ NURSING HOME REIMBURSEMENT RESTRICTED ACCOUNT AMENDMENTS, by Senator P. Knudson, to the Rules Committee; and

The Government Operations and Political Subdivisions Committee has returned **S.B. 266**, AMENDMENTS TO ELECTION LAW, by Senator M. Madsen, to the Rules Committee; and

The Government Operations and Political Subdivisions Committee has returned **S.B. 309**, GOVERNMENT RECORDS ACCESS MANAGEMENT ACT AMENDMENTS, by Senator J. Stevenson, to the Rules Committee with the following amendments:

1. Page 5, Lines 133 through 138:

133 (5) Notwithstanding Subsection (2)(b), a record that identifies the name of a current or former employee or officer of a governmental entity as receiving a specific gross compensation is a protected record in accordance with Section 63G−2−305 if:

136 (a) the employee or officer is not elected; and

137 (b) the employee’s or officer’s gross compensation is less than or equals \( \$65,000 \) \( \$85,000 \) per
The Government Operations and Political Subdivisions Committee has returned S.J.R. 18, IMMIGRATION JOINT RESOLUTION, by Senator R. Romero, to the Rules Committee with the following amendments:

1. Page 1, Lines 14 through 17:

   14 This resolution:
   15 strongly urges the United States Congress to address federal immigration reform
   16 and to incorporate an increased and complementary role for states for reasons of
   17 greater efficiency and coordination; {and–}

   urges that Utah’s legislative leaders and Utah’s congressional delegation formally meet collaboratively to discuss the proper role of each in developing and implementing immigration policy; and

2. Page 3, Line 82 through Page 4, Line 95:

   82 WHEREAS, the Utah Compact is being used as a reference point for state immigration
   83 regulation by Colorado, Arizona, Texas, Nebraska, Indiana, Georgia, and Florida; {and–}

   84 WHEREAS, federal immigration reform should include an increased and
   85 complementary role for states to play that will improve efficiency and coordination {––} 

   WHEREAS, Utah’s legislative leaders and Utah’s congressional delegation have not formally met collaboratively to discuss immigration reform; and

   WHEREAS, it would be beneficial for both the Utah Legislature and Utah’s congressional delegation to better understand the proper role of each party in developing and implementing immigration policy:

   86 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah

   87 strongly urges the United States Congress to address federal immigration reform and to

   88 incorporate an increased and complementary role for states for reasons of greater efficiency and
BE IT FURTHER RESOLVED that the Legislature of the state of Utah recommends
that state immigration regulation proposals concerning immigration enforcement, state work
permits, guest worker programs that go beyond the current federal program, business licenses,
professional licenses, Driving Privilege Cards, in-state tuition requirements, and variations on
these issues be delayed until after January 28, 2013, to allow federal immigration reform to
take place.

BE IT FURTHER RESOLVED that the Legislature of the state of Utah urges that meetings take place between Utah’s congressional delegation and Utah’s legislative leadership for the purpose of working collaboratively to address the proper role of each in developing and implementing immigration policy.

The Government Operations and Political Subdivisions Committee has returned H.B. 274, LOBBYIST DISCLOSURE AND REGULATION ACT AMENDMENTS, by Representative P. Arent, to the Rules Committee with the following amendments:

1. Page 5, Lines 141 through 143
House Committee Amendments
2–11–2011:

141 (10) (a) “Legislator elect” means an individual who:

(A) lieutenant governor
or

(B) county clerk in accordance with Section 20A–4–306;

With committee review, the Business and Labor Committee has returned 2nd Sub. H.B. 331, POST-EMPLOYMENT BENEFITS AMENDMENTS, by Representative J. Dougall, to the Rules Committee with the recommendation that the bill be referred to Interim Study and not be considered at this time; and

The Government Operations and Political Subdivisions Committee has returned H.J.R. 4, JOINT RULES RESOLUTION PROVIDING ETHICS
REQUIREMENTS FOR LEGISLATORS ELECT, by Representative P. Arent, to the Rules Committee; and

The Government Operations and Political Subdivisions Committee has returned H.J.R. 11, JOINT RESOLUTION HONORING LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF FIRE, by Representative L. Perry, to the Rules Committee.

Peter C. Knudson, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were returned to the Rules Committee.

CONSENT CALENDAR

H.C.R. 5, PATIENT AND SAFETY–CENTERED PRESCRIPTION LABELS CONCURRENT RESOLUTION, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Buttars Christensen Davis Dayton
Hinkins Jenkins Jones Knudson
Madsen Mayne McAdams Morgan
Niederhauser Okerlund Reid Robles
Romero H. Stephenson J. Stevenson Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Adams Bramble Hillyard Liljenquist
Stowell Thatcher

H.C.R. 5 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.J.R. 35, UTAH MITOCHONDRIAL DISEASE AWARENESS WEEK JOINT RESOLUTION, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.
Voting in the affirmative were: Senators
Buttars       Christensen       Davis       Dayton
Hinkins       Jenkins          Jones       Knudson
Madsen       Mayne            McAdams     Morgan
Okerlund      Reid             Romero      H. Stephenson
J. Stevenson  Thatcher        Urquhart    Valentine
Van Tassell   Waddoups

Absent or not voting were: Senators
Adams         Bramble          Hillyard    Liljenquist
Niederhauser  Robles          Stowell

H.J.R. 35 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. 317, STATE PARKS ACCESS HIGHWAY, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators
Buttars       Christensen       Davis       Dayton
Hinkins       Jenkins          Jones       Knudson
Madsen       Mayne            McAdams     Morgan
Okerlund      Reid             Romero      H. Stephenson
J. Stevenson  Thatcher        Urquhart    Valentine
Van Tassell   Waddoups

Absent or not voting were: Senators
Adams         Bramble          Hillyard    Liljenquist
Niederhauser  Robles          Stowell

1st Sub. S.B. 317 was transmitted to the House for consideration.

* * *

1st Sub. H.B. 221, CLASSIC CAR INSPECTIONS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 22; Nays, 3; Absent, 4.

Voting in the affirmative were: Senators
Bramble       Buttars          Christensen   Davis
Dayton        Hillyard        Hinkins      Jenkins
Day 38

Voting in the negative were: Senators
Madsen        H. Stephenson        Valentine

Absent or not voting were: Senators
Adams        Liljenquist        Niederhauser        Stowell

1st Sub. H.B. 221 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 162, PEDESTRIANS ON FREEWAY, 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
Hillyard       Hinkins           Jenkins        Jones
Knudson        Madsen           Mayne         McAdams
Morgan         Okerlund          Reid          Robles
Romero         H. Stephenson     J. Stevenson    Stowell
Thatcher       Urquhart         Valentine      Van Tassell
Waddoups

Absent or not voting were: Senators
Adams        Bramble        Liljenquist        Niederhauser

H.B. 162 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 266, RESTITUTION 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
Adams        Buttars        Christensen        Davis
Dayton       Hillyard       Hinkins         Jenkins
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.

S.B. 237, POLLUTION CONTROL FACILITY AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Buttars Christensen Davis
Dayton Hillyard Hinkins Jenkins
Jones Knudson Madsen Mayne
McAdams Morgan Okerlund Reid
Robles Romero H. Stephenson J. Stevenson
Stowell Thatcher Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Liljenquist Niederhauser

S.B. 237 was transmitted to the House for consideration.

H.C.R. 8, CONCURRENT RESOLUTION ON PROVIDING CONTINUING FEDERAL FINANCIAL ASSISTANCE FOR THE DELIVERY OF BASIC SERVICES TO DUTCH JOHN, UTAH, 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
Adams Buttars Christensen Davis
Dayton Hillyard Hinkins Jenkins
Absent or not voting were: Senators
Bramble Liljenquist

H.C.R. 8, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 106, ELECTRONIC MEETINGS REVISIONS, 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
Adams Buttars Christensen Davis
Dayton Hillyard Hinkins Jenkins
Jones Knudson Madsen Mayne
McAdams Morgan Niederhauser Okerlund
Reid Robles Romero H. Stephenson
J. Stevenson Stowell Thatcher Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Liljenquist

1st Sub. 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.

* * *

H.B. 172, SERVICE ANIMAL 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
Adams Bramble Buttars Christensen
Davis Dayton Hinkins Jenkins
Jones Knudson Madsen Mayne

Absent or not voting were: Senators
Bramble Liljenquist
Absent or not voting were: Senators
Hillyard Liljenquist

H.B. 172 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

S.B. 312, ECONOMIC DEVELOPMENT COORDINATION, 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
Adams Bramble Buttars Christensen
Davis Dayton Hinkins Jenkins
Jones Knudson Madsen Mayne
McAdams Morgan Niederhauser Okerlund
Reid Romero H. Stephenson J. Stevenson
Stowell Thatcher Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Hillyard Liljenquist Robles

S.B. 312 was transmitted to the House for consideration.

***

H.C.R. 16, RESOLUTION SUPPORTING UTAH HIGHWAY PATROL USE OF WHITE CROSSES AS ROADSIDE MEMORIAL, was read the third time, explained by Senator Thatcher, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jenkins Jones Knudson Madsen
Absent or not voting were: Senators
Liljenquist Robles

H.C.R. 16 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

1st Sub. H.B. 74, MUNICIPAL JUSTICE COURT JUDGE ELECTIONS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

Yea's, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hinkins Jenkins
Jones Knudson Madsen Mayne
McAdams Morgan Okerlund Reid
Robles Romero H. Stephenson Stowell
Thatcher Urquhart Valentine Van Tassell
Waddoups

Voting in the negative were: Senators
Hillyard J. Stevenson

Absent or not voting were: Senators
Liljenquist Niederhauser

1st Sub. H.B. 74 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. 115, MECHANICS’ LIENS AMENDMENTS, was read the third time and explained by Senator Adams. Senator Valentine commented.

On motion of Senator Adams, the bill was circled.
** On motion of Senator Madsen, **H.B. 220**, CIVICS EDUCATION AMENDMENTS**, was read the third time and circled.

** 1st Sub. H.B. 174, CONTRACTING THE MEDICAID ELIGIBILITY DETERMINATION SERVICES**, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

**Voting in the affirmative were: Senators**

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<th>Adams</th>
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<td>Davis</td>
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**Absent or not voting were: Senators**

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**1st Sub. H.B. 174** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

** On motion of Senator Bramble, the circle was removed from S.B. 210, UTAH POSTSECONDARY PROPRIETARY SCHOOL ACT AMENDMENTS, and it was before the Senate.**

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

**1st Sub. S.B. 210 Utah Postsecondary Proprietary School Act Amendments** (C. Bramble)

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
Adams   Bramble       Buttars    Christensen
Davis   Dayton        Hillyard  Hinkins
Jenkins Jones        Knudson   Madsen
Mayne   McAdams       Morgan    Okerlund
Reid    Robles        Romero    H. Stephenson
J. Stevenson Thatcher Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Liljenquist Niederhauser Stowell

1st Sub. S.B. 210 was transmitted to the House for consideration.

***

On motion of Senator Romero, 1st Sub. H.B. 75, DANGEROUS WEAPON AMENDMENTS, was read the third time and circled.

***

On motion of Senator Romero, H.J.R. 21, SELECTIONS OF UNAPPROPRIATED FEDERAL LANDS JOINT RESOLUTION, was read the third time and circled.

***

S.B. 285, INDUSTRIAL ASSISTANCE FUND 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
Adams   Bramble       Buttars    Christensen
Davis   Dayton        Hillyard  Hinkins
Jenkins Jones        Knudson   Madsen
Mayne   Morgan        Okerlund  Reid
Robles  Romero        H. Stephenson J. Stevenson
Thatcher Urquhart    Valentine Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Liljenquist McAdams Niederhauser Stowell
S.B. 285 was transmitted to the House for consideration.

* * *

1st Sub. H.B. 121, SEXUAL SOLICITATION AMENDMENTS, was read the third time and explained by Senator Bramble. Senators Jenkins and Valentine commented.

Senator Bramble proposed the following amendment:

1. Page 2, Line 33:
   After “genitals,” move the words “the female breast below the top of the areola” to the end of line 34 after the word “area”

2. Page 2, Line 36:
   After “genitals” move the words “the female breast” to the end of line 37 after the word “area”

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

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

Voting in the affirmative were: Senators
Adams    Bramble    Buttars    Christensen
Dayton   Hilliard   Hinkins    Jenkins
Jones    Mayne      McAdams    Morgan
Okerlund Reid        Robles    Romero
H. Stephenson J. Stevenson Thatcher Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Davis    Knudson    Liljenquist    Madsen
Niederhauser Stowell

1st Sub. H.B. 121 was returned to the House for further consideration.

* * *

H.B. 167, INCARCERATION AMENDMENTS, was read the third time, explained by Senator Thatcher, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.
Voting in the affirmative were: Senators
Adams        Bramble        Buttars        Christensen
Davis        Dayton        Hillyard      Hinkins
Jenkins      Jones         Knudson       Madsen
Mayne        McAdams       Morgan        Niederhauser
Okerlund     Reid          Robles        Romero
H. Stephenson J. Stevenson Thatcher      Urquhart
Valentine    Van Tassell    Waddoups

Absent or not voting were: Senators
Liljenquist   Stowell

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.

* * *

1st Sub. H.B. 82, SALES AND USE TAXES ON CERTAIN LODGING RELATED PURCHASES, 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
Adams        Bramble        Buttars        Christensen
Davis        Dayton        Hillyard      Hinkins
Jenkins      Knudson       Madsen        Mayne
McAdams      Morgan        Niederhauser  Okerlund
Reid         Robles        Romero        H. Stephenson
J. Stevenson Thatcher      Urquhart      Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Jones        Liljenquist    Stowell

1st Sub. H.B. 82 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 256, CHILDREN’S HEALTH INSURANCE AND MEDICAID ADMINISTRATIVE SIMPLIFICATION, was read the third time.

On motion of Senator Stowell, 1st Sub. H.B. 256 was placed on Third Reading Table due to fiscal impact.
On motion of Senator Bramble, S.B. 202, PHARMACEUTICAL COMPETITIVE PRICING, was read the third time and circled.

On motion of Senator Jenkins, the circle was removed from H.J.R. 21, SELECTIONS OF UNAPPROPRIATED FEDERAL LANDS JOINT RESOLUTION, 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

Adams  Bramble  Buttars  Christensen  Davis  Dayton  Hillyard  Hinkins  Jenkins  Knudson  Madsen  Mayne  Morgan  Niederhauser  Okerlund  Reid  Romero  H. Stephenson  J. Stevenson  Thatcher  Urquhart  Valentine  Van Tassell  Waddoups

**Voting in the negative were:** Senators

McAdams  Robles

**Absent or not voting were:** Senators

Jones  Liljenquist  Stowell

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.

**SECOND READING CALENDAR**

1st Sub. H.B. 226, LOCAL GOVERNMENT FEE AUTHORITY, was read the second time. Senator Bramble explained the bill. Senator McAdams commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Adams  Bramble  Christensen  Davis  Dayton  Hillyard  Jenkins  Knudson  Madsen  Mayne  Morgan  Niederhauser  Okerlund  Reid  Romero  H. Stephenson  J. Stevenson  Thatcher  Urquhart  Valentine  Van Tassell  Waddoups
Absent or not voting were: Senators
Buttars  Hinkins  Jones  Liljenquist  Stowell

***

On motion of Senator Bramble, the circle was removed from S.B. 261, WRONGFUL FORECLOSURE ACT, and it was before the Senate.

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

1st Sub. S.B. 261 Wrongful Foreclosure Act (C. Bramble)

On motion of Senator Bramble, the bill was circled.

***

H.B. 440, BEER TAX AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Knudson  Madsen  Mayne  Morgan
Niederhauser  Okerlund  Reid  Robles
Romero  H. Stephenson  J. Stevenson  Thatcher
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Buttars  Jones  Liljenquist  McAdams  Stowell

***

H.B. 93, MORTGAGE AND REAL ESTATE LICENSURE EXEMPTIONS FOR ATTORNEYS, 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
Adams Bramble Christensen Davis
Dayton Hillyard Hinkins Jenkins
Knudson Madsen Mayne Morgan
Niederhauser Okerlund Reid Robles
Romero H. Stephenson J. Stevenson Thatcher
Urquhart Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Jones Liljenquist McAdams
Stowell

* * *

1st Sub. H.B. 333, UNFAIR INDUCEMENTS RELATED TO INSURANCE PRODUCTS, was read the second time. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 14, Lines 421 through 424

421 (c) preparing or conducting a survey that:
422 (i) is directly related to an accident and health insurance policy purchased from the licensee; or
423 (ii) used by the licensee to assess the benefit needs and preferences of insureds, employers or employees directly related to an insurance product sold by the licensee;

Senator Bramble’s motion to amend passed on a voice vote. Senators Valentine and Van Tassell commented. Senators Valentine and Bramble declared conflicts of interest. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators
Bramble Buttars Davis Dayton
Hillyard Hinkins Jenkins Knudson
Mayne McAdams Morgan Okerlund
Reid Robles Romero H. Stephenson
Thatcher Urquhart Valentine Van Tassell
Waddoups
Absent or not voting were: Senators
Adams Christensen Jones Liljenquist
Madsen Niederhauser J. Stevenson Stowell

**

H.B. 161, GUARDIAN AD LITEM RESPONSIBILITIES, was read the second time. Senator Valentine 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
Hillyard Hinkins Jenkins Knudson
Mayne McAdams Morgan Okerlund
Reid Robles Romero H. Stephenson
J. Stevenson Thatcher Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Adams Bramble Jones Liljenquist
Madsen Niederhauser Stowell

**

On motion of Senator Valentine, the circle was removed from 1st Sub. H.B. 179, PEACH OFFICER RECERTIFICATION AMENDMENTS, and it was before the Senate. Senator Valentine 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
Buttars Christensen Davis Dayton
Hillyard Hinkins Jenkins Knudson
Mayne McAdams Morgan Okerlund
Robles Romero H. Stephenson J. Stevenson
Thatcher Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Adams Bramble Jones Liljenquist
Madsen Niederhauser Reid Stowell
H.B. 334, FAMILY EXPENSE AMENDMENTS, was read the second time. Senator Christensen explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
- Buttars
- Christensen
- Davis
- Dayton
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- McAdams
- Morgan
- Okerlund
- Reid
- Robles
- Romero
- H. Stephenson
- J. Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators
- Adams
- Bramble
- Hillyard
- Liljenquist
- Niederhauser
- Stowell

H.B. 173, DEDICATION AND ABANDONMENT OF PUBLIC HIGHWAYS, was read the second time and circled.

On motion of Senator Niederhauser, 1st Sub. H.B. 261, AMENDMENTS TO TRANSPORTATION PROVISIONS, was read the second time and circled.

On motion of Senator Niederhauser, 2nd Sub. H.B. 76, FEDERAL LAW EVALUATION AND RESPONSE, was read the second time and circled.

H.B. 399, ENVIRONMENTAL LITIGATION BOND, was read the second time. Senator Urquhart explained the bill. Senator Hinkins commented. The bill passed second reading on the following roll call:

**Yeas, 18; Nays, 4; Absent, 7.**
Voting in the affirmative were: Senators
Adams          Buttars          Christensen       Dayton
Hinkins        Jenkins         Knudson           Mayne
Morgan         Niederhauser    Okerlund           H. Stephenson
J. Stevenson   Thatcher        Urquhart          Valentine
Van Tassell    Waddoups

Voting in the negative were: Senators
Davis          Jones            Robles           Romero

Absent or not voting were: Senators
Bramble        Hillyard        Liljenquist       Madsen
McAdams        Reid             Stowell

* * *

On motion of Senator Knudson, and at 10:25 a.m., the Senate sauntered.

The Senate was called to order at 10:55 a.m., with President Waddoups presiding.

* * *

H.B. 94, INCOME TAX CREDIT FOR COMBAT RELATED DEATH, was read the second time. Senator Buttars 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
Bramble        Buttars         Davis            Dayton
Hillyard       Hinkins         Jones            Knudson
Madsen         Mayne           Morgan           Okerlund
Reid           Robles          Romero           H. Stephenson
J. Stevenson   Van Tassell     Waddoups

Absent or not voting were: Senators
Adams          Christensen     Jenkins          Liljenquist
McAdams        Niederhauser    Stowell          Thatcher
Urquhart       Valentine

* * *

On motion of Senator Bramble, the circle was removed from H.B. 35, SALES AND USE TAX ACT REVISIONS, and it was before the Senate. Senator Bramble explained the bill. The bill second reading passed on the following roll call:
Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators
Bramble       Buttars       Christensen       Davis
Dayton        Hillyard     Hinkens           Jones
Knudson       Madsen       Mayne             Morgan
Okerlund      Reid          Robles            Romero
H. Stephenson  J. Stevenson Van Tassell       Waddoups

Absent or not voting were: Senators
Adams         Jenkins      Liljenquist       McAdams
Niederhauser  Stowell     Thatcher          Urquhart
Valentine

***

On motion of Senator Stevenson, S.J.R. 26, JOINT RESOLUTION RECOGNIZING THE CONTRIBUTIONS OF THE SUNDANCE INSTITUTE AND THE SUNDANCE FILM FESTIVAL, will be considered Friday, March 4, 2011, at 10:30 a.m.

***

On motion of Senator Madsen, the circle was removed from 1st Sub. H.C.R. 3, CONCURRENT RESOLUTION URGING CONGRESS TO PASS BALANCED BUDGET AMENDMENT TO U.S. CONSTITUTION, and it was before the Senate. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 3; Absent, 7.

Voting in the affirmative were: Senators
Bramble       Christensen       Dayton       Hillyard
Hinkens       Jenkins          Jones         Knudson
Madsen        Okerlund         Reid          Robles
H. Stephenson  J. Stevenson    Stowell       Thatcher
Urquhart      Van Tassell      Waddoups

Voting in the negative were: Senators
Davis         Mayne           Morgan

Absent or not voting were: Senators
Adams         Buttars         Liljenquist    McAdams
Niederhauser  Romero         Valentine
On motion of Senator Madsen, the Senate voted to lift S.B. 231, FILM ENTERPRISE ZONE, from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Romero, H.B. 155, CYCLING LAWS, was read the second time and circled.

On motion of Senator Dayton, 1st Sub. H.B. 156, ASSESSMENT OF PROPERTY WITH CONSERVATION EASEMENT, was read the second time and circled.

H.B. 259, COUNTY RECORDER REVISIONS, 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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<th>Adams</th>
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**Absent or not voting were:** Senators

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<th>Liljenquist</th>
<th>McAdams</th>
<th>Niederhauser</th>
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1st Sub. H.B. 267, PUBLIC BODY RULES OF PROCEDURE, was read the second time. Senator Hillyard 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

Christensen  Davis  Dayton  Hillyard
Hinkins      Jones  Knudson  Madsen
Mayne        Okerlund  Reid  Robles
Romero      H. Stephenson  J. Stevenson  Stowell
Thatcher     Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators

Adams  Bramble  Buttars  Jenkins
Liljenquist  McAdams  Morgan  Niederhauser

* * *

On motion of Senator Hillyard, the circle was removed from H.B. 88, AGRICULTURE SUSTAINABILITY TASK FORCE, and it was before the Senate. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Christensen  Davis  Dayton  Hillyard
Hinkins      Jenkins  Jones  Madsen
Mayne        McAdams  Okerlund  Reid
Robles       Romero  H. Stephenson  J. Stevenson
Stowell      Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators

Adams  Bramble  Buttars  Knudson
Liljenquist  Morgan  Niederhauser

On motion of Senator Hillyard, H.B. 88 was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Urquhart, the circle was removed from 1st Sub. H.B. 51, SCHOOL AND INSTITUTIONAL TRUST LANDS, 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

Christensen  Davis  Dayton  Hillyard  
Hinkins  Jenkins  Jones  Madsen  
Mayne  McAdams  Okerlund  Reid  
Robles  Romero  H. Stephenson  J. Stevenson  
Stowell  Thatcher  Urquhart  Valentine  
Van Tassell  Waddoups  

**Absent or not voting were:** Senators

Adams  Bramble  Buttars  Knudson  
Liljenquist  Morgan  Niederhauser  

***

On motion of Senator Urquhart, the circle was removed from **H.B. 173**, **DEDICATION AND ABANDONMENT OF PUBLIC HIGHWAYS**, and it was before the Senate. 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

Christensen  Davis  Dayton  Hillyard  
Jenkins  Jones  Knudson  Madsen  
Mayne  McAdams  Niederhauser  Okerlund  
Reid  Robles  Romero  H. Stephenson  
J. Stevenson  Stowell  Thatcher  Urquhart  
Valentine  Van Tassell  Waddoups  

**Absent or not voting were:** Senators

Adams  Bramble  Buttars  Hillyard  
Liljenquist  Morgan  

***

Senator Robles made the motion to uncircle **1st Sub. S.B. 60**, **PILOT ACCOUNTABILITY PERMIT PROGRAM AND IDENTITY RELATED AMENDMENTS**. The motion failed on a voice vote.

***

**H.B. 305**, **MIDTERM VACANCIES IN MUNICIPAL OFFICES**, 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
Christensen  Davis  Dayton  Hinkins
Jones      Knudson  Madsen  Mayne
Morgan     Niederhauser  Okerlund  Reid
Robles    Romero  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Adams  Bramble  Buttars  Hillyard
Jenkins  Liljenquist  McAdams

***

On motion of Senator Niederhauser, the circle was removed from 1st Sub. H.B. 261, AMENDMENTS TO TRANSPORTATION PROVISIONS, and it was before the Senate. 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
Christensen  Davis  Dayton  Hinkins
Jones      Knudson  Madsen  Mayne
Morgan     Niederhauser  Okerlund  Reid
Romero    H. Stephenson  J. Stevenson  Stowell
Thatcher  Urquhart  Valentine  Waddoups

Absent or not voting were: Senators
Adams  Bramble  Buttars  Hillyard
Jenkins  Liljenquist  McAdams  Robles
Van Tassell

***

On motion of Senator Niederhauser, the circle was removed from H.B. 155, CYCLING LAWS, and it was before the Senate. Senator Niederhauser explained the bill. Senators Stevenson, Jones, Hinkins, Van Tassell, and Okerlund, commented. The bill failed second reading on the following roll call:

Yeas, 11; Nays, 11; Absent, 7.
Voting in the affirmative were: Senators
Davis  Jones  Madsen  Mayne
McAdams  Morgan  Niederhauser  Reid
Robles  Romero  H. Stephenson

Voting in the negative were: Senators
Christensen  Dayton  Hinkins  Jenkins
Knudson  Okerlund  J. Stevenson  Stowell
Thatcher  Van Tassell  Waddoups

Absent or not voting were: Senators
Adams  Bramble  Buttars  Hillyard
Liljenquist  Urquhart  Valentine

H.B. 155 was returned to the House for filing.

* * *

On motion of Senator Jenkins, 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 3, 2011

The House passed, S.B. 141, BURGLARY OFFENSE 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. 172, POLITICAL SUBDIVISIONS ADMINISTRATION 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. 188, TAX COMMISSION 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, S.B. 230, DNA AMENDMENTS, by Senator J. S. Adams, which has been signed by the Speaker and it is transmitted for the signature of the President; and
The House passed, S.B. 271, EMINENT DOMAIN REVISIONS, by Senator J. S. Adams, 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. 290, ABATEMENT OF WEEDS, GARBAGE, REFUSE, AND UNSIGHTLY OBJECTS, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.C.R. 9, PHILO T. FARNSWORTH CONCURRENT RESOLUTION, 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.C.R. 13, ROTARY CLUB CONCURRENT RESOLUTION, 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

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

March 3, 2011

The House passed, as amended, H.B. 137, TRANSPORTATION CHANGES, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed H.B. 314, INSURANCE REQUIREMENTS FOR CHILD CARE BUSES, by Representative J. Anderson, and it is transmitted for consideration; and

The House passed, as amended, H.B. 384, VETERANS PREFERENCE AMENDMENTS, by Representative T. Cosgrove, and it is transmitted for consideration; and

The House passed H.B. 391, NATIONAL GUARD JOINT FORCES HEADQUARTERS MODIFICATIONS, by Representative V. Peterson, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 487, COUNTY USE OF LAND USE ORDINANCE, by Representative B. Wright, and it is transmitted for consideration; and

The House passed H.B. 492, WASHINGTON COUNTY VETERANS’ HOME, by Representative D. Ipson, and it is transmitted for consideration; and
The House passed **H.B. 493**, UTAH COUNTY VETERANS’ HOMES, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed **H.J.R. 34**, JOINT RESOLUTION AUTHORIZING LEASE OF RIO GRANDE DEPOT, by Representative D. Litvack, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

** * * *

Mr. President: March 3, 2011

The House substituted, amended, and passed, **2nd Sub. S.B. 21**, TAX REVISIONS, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House substituted, amended, and passed, **1st Sub. S.B. 66**, MILITARY LEAVE FOR AN ELECTED OFFICIAL OF A POLITICAL SUBDIVISION, by Senator J. Valentine, et al, and it is transmitted for further consideration; and

The House passed, as amended, **2nd Sub. S.B. 120**, CAREER SERVICE AMENDMENTS, by Senator D. Liljenquist, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 124**, LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE, by Senator B. McAdams, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 157**, PROPERTY TAX REVISIONS, by Senator C. Bramble, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 178**, MUNICIPAL LAND USE AMENDMENTS, by Senator C. Bramble, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.
STANDING COMMITTEE REPORTS

Mr. President: March 2, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 277, CHILD CUSTODY TASK FORCE, by Senator L. Robles; and


Mark B. Madsen, Chair

Mr. President: March 2, 2011

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 184, DISPOSAL OF ELECTRONIC WASTE, by Senator S. Urquhart, with the following amendments:

1. Page 3, Lines 80 through 86:
   
   80  (6) “Manufacturer” means a person who:
   81   (a) manufactures a consumer electronic device under a brand
   82     licensed to use; or
   83   (b) sells a consumer electronic device manufactured by
   84     others under a brand the person
   85     owns or is licensed to use; or
   86     (c) assumes the responsibilities and obligations of a person
   87     described in Subsection
   88

2. Page 4, Lines 110 through 112:

   110  (1) On or after July 1, 2011, a manufacturer may not offer a
   111     consumer electronic device
   112     for sale in the state unless the manufacturer, either individually
   113     through a group manufacturer organization, or through the
   114     manufacturer’s
   115     industry trade group, prepares and submits, subject to Subsection
   116     (2), a report on or before
3. Page 4, Line 113:

113 { October } August 1 of each year to the department.

4. Page 5, Line 131:

131 (b) beginning on { December } October 31, 2012, submit annually on or before { December } October 31 the

5. Page 5, Lines 136 through 138:

136 (1) Effective January 1, 2012, a manufacturer may not offer a consumer electronic

137 device for sale in the state unless the manufacturer individually, through a group manufacturer organization, or through the manufacturer’s

138 industry trade group establishes and implements, in accordance with Subsection (2), a public

; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.J.R. 26, JOINT RESOLUTION RECOGNIZING THE CONTRIBUTIONS OF THE SUNDANCE INSTITUTE AND THE SUNDANCE FILM FESTIVAL, by Senator J. Stevenson, with the following amendments:

1. Page 2, Line 58:

58 WHEREAS, the Sundance Film Festival generates approximately { $34,000,000 } $3,400,000 in

Ralph Okerlund, Chair

Mr. President: March 2, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 201, PROTECTION AGAINST UNFAIR COMPETITION THROUGH MISAPPROPRIATED TECHNOLOGY ACT, by Senator C. Bramble; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 228, CRIMINAL FORFEITURE AMENDMENTS, by Senator D. Liljenquist; and
The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 236**, REFERENDUM AMENDMENTS, by Senator K. Van Tassell; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 244**, SALT LAKE COUNTY HIGHWAY PROJECT FUNDING, by Senator W. Niederhauser; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 301**, PUBLIC TRANSIT REVISIONS, by Senator J. Stevenson; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 310**, MOTOR VEHICLE INSURANCE AMENDMENT, by Senator M. Madsen, with the following amendments:

1. Page 1, Lines 17 through 20:

   17 the individual or the insurer that the individual is working for as a regular salaried employee is found liable for a bad faith cause of action breach of the implied covenant of good faith and fair dealing with respect to a motor vehicle insurance coverage policy claim by court of competent jurisdiction in a final unappealable judgment or order; and

2. Page 3, Lines 79 through 82:

   79 (ii) the individual or the insurer that the individual is working for as a regular salaried employee is found liable for a bad faith cause of action breach of the implied covenant of good faith and fair dealing, based upon evidence supporting a pattern of conduct as to indicate a general business practice by an insurer or a person representing an insurer, with respect to a motor vehicle insurance coverage policy claim by court of competent jurisdiction in a final unappealable
82 judgment or order.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: March 2, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 174, MOTOR VEHICLE INSURANCE COVERAGE AMENDMENTS, by Senator S. Urquhart, 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.J.R. 38, JOINT RESOLUTION TO AMEND RULE OF EVIDENCE, by Representative J. Dunnigan, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

Mr. President: March 2, 2011

The Natural Resources, Agriculture, and Environment Committee recommends S.B. 280, GOVERNMENT OPERATIONS AMENDMENTS, by Senator R. Okerlund, be replaced and favorably recommends 1st Sub. S.B. 280, GOVERNMENT OPERATIONS AMENDMENTS 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 S.B. 282, SMALL MINING OPERATIONS, by Senator D. Hinkins, and recommends it be considered read for the second time and placed on the Consent Calendar.

Ralph Okerlund, Chair

Mr. President: March 2, 2011

The Transportation and Public Utilities and Technology Committee recommends S.B. 68, SOLID WASTE AMENDMENTS – FINANCIAL ASSURANCE REQUIREMENTS, by Senator K. Van Tassell, be replaced and favorably recommends 1st Sub. S.B. 68, SOLID WASTE AMENDMENTS and that it be amended as follows, considered read for the first and second time, and placed on the Consent Calendar.
1. Page 1, Lines 23 through 24:

clarifies the approval process required to build certain commercial nonhazardous or hazardous waste facilities; {and—}

provides that a person that has received each approval to build a commercial nonhazardous solid waste disposal facility that requires approval by the Legislature and the governor, may not transfer the approvals, including the approved operation plan, to another person within five years after the day on which the governor’s approval is received; and

2. Page 4, Lines 109 through 116:

(C) a commercial hazardous waste treatment, storage, or disposal facility.

(iii) The required approvals described in Subsection (3)(c)(i) for a facility described in

Subsection (3)(c)(ii)(A) or (B) are automatically revoked if:

(A) the governor’s approval is received on or after May 10, 2011, and the facility is not operational within five years after the day on which the governor’s approval is received; or

(B) the governor’s approval is received before May 10, 2011, and the facility is not operational on or before May 10, 2016.

(iv) The required approvals described in Subsection (3)(c)(i) for a facility described in Subsection (3)(c)(ii)(A) or (B), including the approved operation plan, are not transferrable to another person for five years after the day on which the governor’s approval is received.

(d) No person need obtain gubernatorial or legislative approval for the construction of; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 351, HOMELESS COORDINATING COMMITTEE MODIFICATIONS, by Representative V. Peterson, 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. 371, MOTOR HOME TAXES AND FEES**, by Representative D. Ipson, 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. 444, OPERATION AND MAINTENANCE NEEDS REPORT FOR UTAH HIGHWAYS**, by Representative Julie Fisher, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

**STANDING COMMITTEE REPORTS**

*Mr. President: March 2, 2011*

Without committee review, the Transportation and Public Utilities and Technology Committee has returned **S.B. 105, LEGAL NOTICE PUBLICATION REQUIREMENTS**, by Senator J. Valentine, to the Rules Committee; and

Without committee review, the Transportation and Public Utilities and Technology Committee has returned **S.B. 307, AMENDMENTS TO OUTDOOR ADVERTISING**, by Senator S. Urquhart, to the Rules Committee.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were returned to the Rules Committee

**CONCURRENCE CALENDAR**

On motion of Senator Reid, the Senate voted to concur in the House amendments to **S.B. 87, MARKETABLE RECORD TITLE AMENDMENTS**. 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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Morgan  Niederhauser  Okerlund  Reid  
Robles  Romero  J. Stevenson  Stowell  
Thatcher  Valentine  Van Tassell  Waddoups  

**Absent or not voting were:** Senators  
Buttars  Davis  Liljenquist  H. Stephenson  
Urquhart  

S.B. 87 was returned to the House for the signature of the Speaker.  

***  

S.B. 242, ASSESSMENT AREA AMENDMENTS, was before the Senate.  

On motion of Senator Dayton, the bill was circled.  

**THIRD READING CALENDAR**  

On motion of Senator Adams, the circle was removed from **1st Sub. H.B. 115, MECHANICS’ LIENS 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  
Adams  Bramble  Christensen  Davis  
Dayton  Hillyard  Hinkins  Jenkins  
Jones  Knudson  Madsen  McAdams  
Morgan  Niederhauser  Okerlund  Reid  
Robles  J. Stevenson  Stowell  Thatcher  
Urquhart  Valentine  Van Tassell  Waddoups  

**Absent or not voting were:** Senators  
Buttars  Liljenquist  Mayne  Romero  
H. Stephenson  

**1st Sub. H.B. 115** 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 Christensen, **H.B. 335, MILITARY SURVIVORS – TUITION WAIVER AMENDMENTS**, was read the second time and circled.
On motion of Senator Reid, H.B. 489, HOUSING AUTHORITY APPLICATION PROCESS, was read the second time and circled.

2nd Sub. H.B. 128, HEALTH REFORM 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
Adams  Bramble  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Madsen  McAdams
Niederhauser  Okerlund  Reid  Robles
H. Stephenson  J. Stevenson  Stowell  Thatcher
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Buttars  Liljenquist  Mayne  Morgan
Romero  Urquhart

On motion of Senator Knudson, the circle was removed from H.B. 335, MILITARY SURVIVORS – TUITION WAIVER AMENDMENTS, and it was before the Senate. 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
Adams  Buttars  Christensen  Davis
Hillyard  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  McAdams
Morgan  Niederhauser  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Stowell  Thatcher  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble  Dayton  Liljenquist  Urquhart
On motion of Senator Reid, the circle was removed from **H.B. 489**, HOUSING AUTHORITY APPLICATION PROCESS, and it was before the Senate. Senator Reid 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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1st Sub. **H.B. 152**, SCHOOL COMMUNITY COUNCILS AMENDMENT, was read the second time. Senator Dayton explained the bill. Senators Mayne, Jones, and Madsen commented. 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. 183**, SCHOOL DISTRICT LEAVE POLICIES, was read the second time. Senator Dayton explained the bill. Senators Stephenson and Valentine commented. The bill passed second reading on the following roll call:
Yeas, 15; Nays, 4; Absent, 10.

Voting in the affirmative were: Senators
Adams Christensen Davis Dayton
Jones Knudson Madsen Okerlund
Reid H. Stephenson J. Stevenson Stowell
Thatcher Valentine Waddoups

Voting in the negative were: Senators
Mayne McAdams Morgan Romero

Absent or not voting were: Senators
Bramble Buttars Hillyard Hinkins
Jenkins Liljenquist Niederhauser Robles
Urquhart Van Tassell

* * *

H.B. 324, HIV TESTING OF ALLEGED SEX OFFENDERS, was read the second time. Senator Adams explained the bill.

Senator Adams proposed the following amendment:

1. Page 9, Line 245

   245 Chapter 5, Part 4, Sexual Offenses Ñ , and regarding which Ñ:
   (a) a judge has signed an

2. Page 9, Line 245b

   House Committee Amendments
   2–22–2011:

   245b regarding the alleged offense Ñ ; and
   (b) the judge has found probable cause to believe that the alleged victim
   has been exposed to HIV infection as a result of the alleged offense .

   Senator Adams’ motion to amend passed on a voice vote. Senators
   Christensen and Robles commented. The bill passed second reading on the
   following roll call:

Yeas, 21; Nays, 2; Absent, 6.

Voting in the affirmative were: Senators
Adams Christensen Davis Dayton
Hinkins Jenkins Jones Knudson
Madsen      Mayne      Morgan      Niederhauser
Okerlund    Reid       Romero      H. Stephenson
J. Stevenson Stowell    Valentine   Van Tassell
Waddoups

**Voting in the negative were:** Senators
McAdams     Robles

**Absent or not voting were:** Senators
Bramble     Buttars    Hillyard   Liljenquist
Thatcher    Urquhart

***

**H.B. 336, MEDICAL PROFESSIONAL LICENSING DURING A DECLARED EMERGENCY,** was read the second time. Senator Christensen 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
Adams       Christensen Davis       Dayton
Hinkins     Jones       Knudson    Madsen
Mayne       Morgan      Okerlund   Reid
Robles      Romero      Stowell    Urquhart
Valentine   Van Tassell Waddoups

**Absent or not voting were:** Senators
Bramble     Buttars    Hillyard   Jenkins
Liljenquist McAdams   Niederhauser H. Stephenson
J. Stevenson Thatcher

***

On motion of Senator Madsen, **S.B. 231, FILM ENTERPRISE ZONE,** was read the second time and circled.

***

On motion of Senator Stowell, the circle was removed from **1st Sub. S.B. 57, ANIMAL CONTROL – EXCEPTION FOR COMMUNITY CAT MANAGEMENT INITIATIVE,** and it was before the Senate.

On motion of Senator Stowell, the following substitute bill replaced the original bill:
2nd Sub. S.B. 57 Animal Control – Exception for Community Cat Management Initiative (D. Stowell)

Senator Stowell explained the bill. Senators Davis, Jenkins, Okerlund, Dayton, and Christensen commented. The bill passed second reading 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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**Absent or not voting were:** Senators

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On motion of Senator Robles, the circle was removed from 1st Sub. S.B. 60, PILOT ACCOUNTABILITY PERMIT PROGRAM AND IDENTITY RELATED AMENDMENTS, and it was before the Senate. Senator Robles explained the bill.

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

2nd Sub. S.B. 60 Pilot Account Ability Permit Program and Identity Related Amendments (L. Robles)

Senator Bramble commented.

On motion of Senator Robles, the bill was circled.
COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2011

The House passed, as amended, H.B. 477, GOVERNMENT RECORDS AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bill was read the first time by short title and referred to the Rules Committee.

***

On motion of Senator Jenkins and at 4:05 p.m., the Senate adjourned until 10:00 a.m., Friday, March 4, 2011.
THIRTY−NINTH DAY
MORNING SESSION
March 4, 2011

The Senate was called to order at 8:15 a.m., with President Michael Waddoups presiding.

Prayer − Ray Terry, Beaver County School Superintendent
Pledge of Allegiance − Senator Mark Madsen
Roll Call − All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2011

The House concurred in the Senate amendments and passed 3rd Sub. H.B. 54, ELECTRONIC COMMUNICATIONS IN PUBLIC MEETINGS, by Representative K. Powell, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 73, MOTOR CARRIER TRANSPORTATION CONTRACT INDEMNITY AGREEMENTS, by Representative D. Ipson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 263, LOCAL DISTRICT SERVICES AMENDMENTS, by Representative D. Clark, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk
The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 3, 2011

The House passed H.B. 301, SCHOOL DISTRICT PROPERTY TAX REVISIONS, by Representative M. Newbold, and it is transmitted for consideration; and
The House passed, as amended, **H.C.R. 12**, CONCURRENT RESOLUTION OPPOSING UNITED STATES SECRETARY OF INTERIOR’S WILDERNESS RE–INVENTORY, by Representative M. Noel, and it is transmitted for consideration; and

The House passed **H.J.R. 44**, 50TH ANNIVERSARY OF THE FREEDOM ACADEMY JOINT RESOLUTION, by Representative V. Peterson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

***

Mr. President: March 3, 2011

The House requests the return of **1st Sub. S.B. 212**, JUDICIAL EVALUATION AMENDMENTS, by Senator D. C. Buttars, for reconsideration.

Sandy D. Tenney, Chief Clerk

On motion of Senator Buttars, the bill was returned to the House for reconsideration.

**STANDING COMMITTEE REPORTS**

Mr. President: March 3, 2011

The Education Committee reports a favorable recommendation on **S.B. 274**, COURT BUDGET AMENDMENTS, by Senator J. Valentine; and

The Education Committee reports a favorable recommendation on **S.B. 304**, PREVENTING BULLYING AND HAZING IN ELEMENTARY AND SECONDARY SCHOOLS, by Senator R. Okerlund; and

The Education Committee reports a favorable recommendation on **S.B. 319**, TECHNOLOGY COMMERCIALIZATION AND INNOVATION ACT, by Senator C. Bramble.

Howard A. Stephenson, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.
STANDING COMMITTEE REPORTS

Mr. President: March 2, 2011

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned **S.B. 84**, PREDA TOR CONTROL FUNDING, by Senator D. Hinkins, to the Rules Committee; and

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned **1st Sub. H.B. 191**, NONRESIDENT TUITION WAIVER AMENDMENTS, by Representative C. Wimmer, to the Rules Committee; and

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned **1st Sub. H.B. 233**, INSURANCE COVERAGE FOR AMINO ACID–BASED FORMULA, by Representative C. Moss, to the Rules Committee; and

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned **1st Sub. H.B. 269**, COMMISSION ON CIVIC AND CHARACTER EDUCATION, by Representative L. Christensen, to the Rules Committee; and

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned **1st Sub. H.B. 327**, PUBLIC EDUCATION ANNUAL REPORT AMENDMENTS, by Representative L. Christensen, to the Rules Committee; and

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned **H.B. 490**, UTAH STATE FLAG DAY COMMEMORATION, by Representative Julie Fisher, to the Rules Committee; and

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned **H.C.R. 13**, SECURE RURAL SCHOOLS CONCURRENT RESOLUTION, by Representative M. Noel, to the Rules Committee.

Ralph Okerlund, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were returned to the Rules Committee.
On motion of Senator Dayton, under suspension of the rules, the President authorized the Rules Standing Committee to meet today at 3:00 p.m. during floor time to consider **H.B. 477, GOVERNMENT RECORDS AMENDMENTS.**

**CONSENT CALENDAR**

**S.B. 217, EDUCATION POLICY 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

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**Absent or not voting were:** Senators

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**S.B. 217** was transmitted to the House for consideration.

**H.C.R. 7, CONCURRENT RESOLUTION SUPPORTING PUBLIC POLICIES THAT PROMOTE OUTDOOR ACTIVITIES FOR CHILDREN,** 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

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Absent or not voting were: Senators
Okerlund        Robles        Romero

H.C.R. 7, as amended, was returned to the House for further consideration.

***

S.J.R. 24, 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, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators
Adams           Bramble       Buttars       Christensen
Davis           Dayton        Hinkins       Jones
Knudson         Liljenquist   Madsen        Mayne
McAdams         Morgan        Niederhauser Reid
H. Stephenson   J. Stevenson  Stowell       Thatcher
Urquhart        Valentine     Van Tassell   Waddoups

Absent or not voting were: Senators
Hillyard        Jenkins       Okerlund     Robles
Romero

S.J.R. 24 was transmitted to the House for consideration.

***

On motion of Senator Adams, H.C.R. 1, CONCURRENT RESOLUTION URGING CONGRESS TO ADDRESS EMPLOYMENT RELATED CHILD IDENTITY THEFT, was read the third time and circled.

***

H.B. 184, MOTOR AND SPECIAL FUEL TAX ACT AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams           Bramble       Buttars       Christensen
Davis           Dayton        Hillyard     Hinkins
**Absent or not voting were:** Senators
Jenkins Madsen Okerlund Robles
Romero

**H.B. 184** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**THIRD READING CALENDAR**

**1st Sub. H.B. 226,** LOCAL GOVERNMENT FEE AUTHORITY, 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
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jenkins Jones Knudson Liljenquist
Madsen Mayne McAdams Morgan
Okerlund Reid Romero H. Stephenson
J. Stevenson Stowell Thatcher Urquhart
Valentine Van Tassell Waddoups

**Absent or not voting were:** Senators
Niederhauser Robles

**1st Sub. H.B. 226,** as amended, was returned to the House for further consideration.

**SPECIAL RECOGNITION**

Senator Van Tassell paid special recognition to the Wasatch High School basketball team for winning the Class 3A tournament.

* * *

**H.B. 440,** BEER TAX AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:
Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Jenkins
Jones  Knudson  Liljenquist  Mayne
McAdams  Morgan  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Valentine

Absent or not voting were: Senators
Hinkins  Madsen  Niederhauser  Stowell
Thatcher  Urquhart  Van Tassell  Waddoups

H.B. 440 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 93, MORTGAGE AND REAL ESTATE LICENSURE EXEMPTIONS FOR ATTORNEYS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators
Adams  Buttars  Christensen  Davis
Dayton  Hillyard  Jenkins  Jones
Knudson  Madsen  Mayne  McAdams
Morgan  Okerlund  Reid  Robles
Romero  H. Stephenson  J. Stevenson  Valentine

Absent or not voting were: Senators
Bramble  Hillyard  Liljenquist  Niederhauser
Stowell  Thatcher  Urquhart  Van Tassell
Waddoups

H.B. 93, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Romero, 1st Sub. H.B. 333, UNFAIR INDUCEMENTS RELATED TO INSURANCE PRODUCTS, was read the third time and circled.
H.B. 161, GUARDIAN AD LITEM RESPONSIBILITIES, was read the third time, explained by Senator Valentine, 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. 161** 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. 179, PEACE OFFICER RECERTIFICATION 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

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**1st Sub. 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.
On motion of Senator Hinkins, the circle was removed from 1st Sub. H.B. 75, DANGEROUS WEAPON AMENDMENTS, and it was before the Senate.

Senator Hillyard proposed the following amendment:

1. Page 4, Lines 103a through 103d

House Floor Amendments
2–16–2011

103a education

(c) from the boundary of any school, institution, or grounds included in Subsections (1)(a) and (b) to the opposite side of any adjacent public or quasi–public road or highway, including the entire width of the adjacent public or quasi–public road or highway, or for 50 feet, whichever is less; and

103b (iii)(A) (d)(i) inside the building where a preschool or child care is being held, if the entire

103c building is being used for the operation of the preschool or child care; or

103d (B) (ii) if only a portion of a building is being used to operate a preschool or child care, in

2. Page 5, Lines 120 through 121:

120 (ii) in any vehicle lawfully under the person’s control, other than a vehicle owned by

121 the school or used by the school to transport students[; or]

(iii) at the person’s place of business;

(iv) necessary for the transportation of a firearm from the person’s residence to the person’s vehicle;

(v) on private property with the permission of the property owner;

(vi) necessary for the transportation of a firearm into a publically owned building that is not part of the school property, unless otherwise prohibited by law.

Senator Hillyard’s motion to amend failed on a voice vote. Senators Hillyard, Jenkins, Reid, Niederhauser, Buttars, and Romero commented and the bill passed on the following roll call:
Yeas, 19; Nays, 8; Absent, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Dayton  Hinkins  Jenkins  Knudson
Madsen  Niederhauser  Okerlund  Reid
H. Stephenson  J. Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Voting in the negative were: Senators
Davis  Hillyard  Jones  Mayne
McAdams  Morgan  Robles  Romero

Absent or not voting were: Senators
Liljenquist  Stowell

1st Sub. H.B. 75 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Christensen, H.B. 334, FAMILY EXPENSE AMENDMENTS, was read the third time and circled.

***

H.B. 399, ENVIRONMENTAL LITIGATION BOND, was read the third time and explained by Senator Urquhart. Senators McAdams and Romero commented and the bill passed on the following roll call:

Yeas, 18; Nays, 6; Absent, 5.

Voting in the affirmative were: Senators
Adams  Buttars  Christensen  Dayton
Hillyard  Hinkins  Jenkins  Knudson
Niederhauser  Okerlund  Reid  H. Stephenson
J. Stevenson  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Voting in the negative were: Senators
Davis  Jones  McAdams  Morgan
Robles  Romero

Absent or not voting were: Senators
Bramble  Liljenquist  Madsen  Mayne
Stowell
H.B. 399 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 94, INCOME TAX CREDIT FOR COMBAT RELATED DEATH, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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H.B. 94 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, H.B. 35, SALES AND USE TAX ACT REVISIONS, was read the third time and circled.

***

1st Sub. H.C.R. 3, CONCURRENT RESOLUTION URGING CONGRESS TO PASS BALANCED BUDGET AMENDMENT TO U.S. CONSTITUTION, was read the third time, explained by Senator Madsen, and passed on the following roll call:

Yeas, 22; Nays, 1; Absent, 6.

Voting in the affirmative were: Senators

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Day 39  Friday, March 4, 2011  791

Reid Robles Romero H. Stephenson
J. Stevenson Thatcher Urquhart Valentine
Van Tassell Waddoups

Voting in the negative was: Senator Davis

Absent or not voting were: Senators
Bramble Hillyard Jones Liljenquist
Mayne Stowell

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.

* * *

H.B. 259, COUNTY RECORDER REVISIONS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hinkins Jenkins
Knudson Madsen Mayne McAdams
Morgan Niederhauser Okerlund Reid
Robles Romero H. Stephenson J. Stevenson
Thatcher Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Hillyard Jones Liljenquist Stowell

H.B. 259 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, 1st Sub. H.B. 267, PUBLIC BODY RULES OF PROCEDURE, was read the third time and circled.

* * *

1st Sub. H.B. 51, SCHOOL AND INSTITUTIONAL TRUST LANDS, 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
Adams Bramble Buttars Christensen
Davis Dayton Hinkins Jenkins
Knudson Madsen Mayne McAdams
Morgan Niederhauser Okerlund Reid
Robles Romero H. Stephenson J. Stevenson
Thatcher Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Hillyard Jones Liljenquist Stowell

1st Sub. H.B. 51, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Stephenson, the circle was removed from 1st Sub. S.B. 73, PUBLIC SCHOOL TEACHER TENURE MODIFICATIONS, and it was before the Senate. Senator Stephenson explained the bill.

Senator Morgan proposed the following amendment:

1. Page 1, Lines 9 through 14

9 This bill amends the Utah Orderly School Termination Procedures Act to prohibit a
10 school district from primarily using certain termination policies.
11 Highlighted Provisions:
12 This bill:
13 —prohibits a school district from primarily utilizing a last–hired, first–fired layoff policy when
14 reducing staff;

2. Page 3, Lines 72 through 73:

72 53A–8–107. Necessary staff reduction not precluded — Last–hired, first–fired
73 layoffs {—prohibited—}.

3. Page 3, Lines 80 through 81:

80 (2) A school district may not primarily utilize a last–hired, first–fired layoff policy when

81 terminating school district employees.

Senator Morgan’s motion to amend failed on a voice vote. Senators Valentine, Buttars, Romero, and Davis commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Adams  Bramble  Buttars  Christensen
Dayton  Hinkins  Jenkins  Knudson
Madsen  Niederhauser  Okerlund  Reid
H. Stephenson  J. Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

**Voting in the negative were:** Senators

Davis  Mayne  McAdams  Morgan
Robles  Romero

**Absent or not voting were:** Senators

Hillyard  Jones  Liljenquist  Stowell

1st Sub. S.B. 73 was transmitted to the House for consideration.

* * *

On motion of Senator Madsen, the Senate voted to move to Consent Reading Calendar.

**CONSENT CALENDAR**

On motion of Senator Madsen, the circle was removed from H.C.R. 1, CONCURRENT RESOLUTION URGING CONGRESS TO ADDRESS EMPLOYMENT RELATED CHILD IDENTITY THEFT, 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

Bramble  Christensen  Davis  Dayton
Jenkins  Jones  Knudson  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Robles  Romero
H. Stephenson  J. Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Adams  Buttars  Hillyard  Hinkins
Liljenquist  Stowell

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.

* * *

On motion of Senator Jenkins, and at 9:35 a.m., the Senate recessed.

The Senate was called to order at 11:10 a.m., with President Waddoups
presiding.

TIME CERTAIN CALENDAR

On motion of Senator Stevenson, under suspension of the rules, S.J.R. 26,
JOINT RESOLUTION RECOGNIZING THE CONTRIBUTIONS OF THE
SUNDANCE INSTITUTE AND THE SUNDANCE FILM FESTIVAL, was
considered read the second and third times. Senator Stevenson explained the bill.
Senators Davis, Romero, Christensen, and Van Tassell, commented. The bill
passed on the following roll call:

Y eas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators
Adams  Buttars  Christensen  Davis
Hillyard  Hinkins  Jenkins  Jones
Knudson  Mayne  McAdams  Morgan
Niederhauser  Okerlund  Reid  Robles
Romero  J. Stevenson  Stowell  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Bramble  Dayton  Liljenquist  Madsen
H. Stephenson  Thatcher

S.J.R. 26 was transmitted to the House.
STANDING COMMITTEE REPORTS

Mr. President: March 3, 2011

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 116, HOMESTEAD EXEMPTION MODIFICATION, by Senator S. Urquhart, to the Rules Committee, without recommendation; and

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 154, UTAH FIT PREMISES ACT MODIFICATIONS, by Senator B. McAdams, to the Rules Committee, without recommendation; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 183, CUSTODY AMENDMENTS, by Senator L. Robles, to the Rules Committee; and

The Judiciary, Law Enforcement, and Criminal Justice Committee has tabled 1st Sub. H.B. 70, ILLEGAL IMMIGRATION ENFORCEMENT ACT, by Representative S. Sandstrom, and has returned it to the Rules Committee for filing; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned H.B. 104, HOMEOWNER ASSOCIATION AMENDMENTS, by Representative R. C. Webb, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned 1st Sub. H.B. 138, FEDERAL RECEIPTS REPORTING REQUIREMENTS, by Representative K. Ivory, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned 1st Sub. H.B. 169, FIREARM LAWS MODIFICATIONS, by Representative J. Seelig, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned H.B. 177, CANINE BODY ARMOR RESTRICTED ACCOUNT AND INCOME TAX CONTRIBUTION, by Representative R. Greenwood, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned H.B. 178, DISPATCHER SERVICE 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. 232**, DRUG PARAPHERNALIA DEFINITION AMENDMENTS, by Representative E. Vickers, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 272**, INDIGENT DEFENSE ACT AMENDMENTS, by Representative K. McIff, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 316**, TAXATION OF SURPLUS LINES OF INSURANCE, by Representative T. Kiser, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 323**, MULTICOUNTY APPRAISAL TRUST AMENDMENTS, by Representative G. Froerer, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **1st Sub. H.B. 349**, EXPEDITED JURY TRIALS, by Representative B. King, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 358**, ACCESS TO CONTROLLED SUBSTANCE DATABASE REVISIONS, by Representative S. Eliason, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **1st Sub. H.B. 379**, NONJUDICIAL FORECLOSURE OF TRUST DEEDS, by Representative R. C. Webb, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **1st Sub. H.B. 392**, RETENTION ELECTIONS FOR JUSTICE COURT JUDGES, by Representative C. Oda, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 403**, CHANGES TO FIT PREMISES ACT, by Representative J. Seelig, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 411**, APPROACHING STATIONARY...
EMERGENCY VEHICLE AMENDMENTS, by Representative D. Ipson, to the Rules Committee.

Mark B. Madsen, Chair

Mr. President: March 3, 2011

The Revenue and Taxation Committee deleted S.B. 43, LOCAL DISTRICT FEES, by Senator D. Thatcher, and replaced it with 1st Sub. S.B. 43, LOCAL DISTRICT FEES, and has returned it to the Rules Committee without recommendation; and

Without committee review, the Revenue and Taxation Committee has returned S.B. 71, REQUIREMENTS APPLICABLE TO PROPERTY TAX OR FEE INCREASES, by Senator D. Thatcher, to the Rules Committee; and

The Revenue and Taxation Committee has returned S.B. 122, TAX EXEMPTION FOR CEDAR BAND OF PAIUTE TRIBE, by Senator D. Stowell, to the Rules Committee without recommendation with the following amendments:

1. Page 1, Lines 20 through 21:
   20 provides for termination of a reduction; { and }
   21 makes technical and conforming changes.
2. Page 2, Line 30:
   30 59–13–301, as last amended by Laws of Utah 2008, Chapters 153 and 382
   72–2–107, as last amended by Laws of Utah 2010, Chapter 391
3. Page 6, Line 176 through Page 7, Line 186:
   176 { (d)(i) If but for Subsection (10)(b) the motor fuel is subject to a tax imposed by this }
   178 section:
   179 (A) the state shall be paid the difference described in Subsection (10)(d)(ii) if that
   180 difference is greater than $0; and
   181 (B) a person may not require the state to provide a refund, a credit, or similar tax relief
if the difference described in Subsection (10)(d)(ii) is less than or equal to $0.

(ii) The difference described in Subsection (10)(d)(i) is equal to the difference calculated as follows:

(A) determine the amount of tax imposed on the motor fuel by this section; and

(B) subtract from the tax described in Subsection (10)(d)(ii)(A) the tax imposed and collected by the Cedar Band on the motor fuel.

The reduction described in Subsection (10)(b) is the lesser of:

(i) the amount calculated by multiplying the rate imposed under Subsection (1) by .30; and

(ii) the tax imposed and collected by the Cedar Band on the motor fuel.

(d) The reduction described in Subsection (10)(b) is the lesser of:

(i) if but for Subsection (13)(b) the special fuel is subject to a tax imposed by this section:

(A) the state shall be paid the difference described in Subsection (13)(d)(ii) if that difference is greater than $0; and

(B) a person may not require the state to provide a refund, a credit, or similar tax relief if the difference described in Subsection (13)(d)(ii) is less than or equal to $0.

(ii) The difference described in Subsection (13)(d)(i) is equal to the difference calculated as follows:

(A) determine the amount of tax imposed on the special fuel by this section; and

(B) subtract from the tax described in Subsection (13)(d)(ii)(A) the tax imposed and collected by the Cedar Band on the special fuel.

(d) The reduction described in Subsection (13)(b) is the lesser of:
(i) the amount calculated by multiplying the rate imposed under Subsection (1) by .30; and
(ii) the tax imposed and collected by the Cedar Band on the motor fuel.

5. Page 17, Line 497:

497 Subsection (13)(b), this Subsection (13) governs.
Section 4. Section 72–2–107 is amended to read:

72–2–107. Appropriation from Transportation Fund — Deposit in class B and class C roads account.

(1) There is appropriated to the department from the Transportation Fund annually an amount equal to 30% of an amount which the director of finance shall compute in the following manner: The total revenue deposited into the Transportation Fund during the fiscal year from state highway-user taxes and fees, minus:

(a) those amounts appropriated or transferred from the Transportation Fund during the same fiscal year to:

(i) the Department of Public Safety;
(ii) the State Tax Commission;
(iii) the Division of Finance;
(iv) the Utah Travel Council; { and }
(v) any other amounts appropriated or transferred for any other state agencies not a part of the department; and
(vi) revenue collected under Title 59, Chapter 13, Motor and Special Fuel Tax Act, for a transaction on Cedar Band reservation land if the reduction from a tax imposed under Title 59, Chapter 13, is in effect in accordance with Section 59–13–201 or 59–13–204; and

(b) the amount of sales and use tax revenue deposited in the Transportation Fund in accordance with Section 59–12–103.

(2) (a) Except as provided in Subsection (2)(b), all of this money shall be placed in an account to be known as the class B and class C roads account to be used as provided in this title.

(b) The director of finance shall annually transfer $500,000 of the amount calculated under Subsection (1) to the department as dedicated credits for the State Park Access Highways Improvement Program created in Section 72–3–207.

(3) Each quarter of every year the director of finance shall make the necessary accounting entries to transfer the money appropriated under this section to the class B and class C roads account.

(4) The funds in the class B and class C roads account shall be
expended under the direction of the department as the Legislature shall provide.

6. Page 6, Lines 170 through 175:

170 (c) The reduction described in Subsection (10)(b), begins \{ the later of \} the first day of the
171 first calendar quarter after a 60–day period beginning on the later of :
172 (i) the day on which an agreement with the commission required by Subsection (10)(b)
173 is executed; and
174 (ii) the first day on which the Cedar Band imposes a tax on the sale, use, or receipt for
175 sale or use of motor fuel.

7. Page 15, Lines 433 through 438:

433 (c) The reduction described in Subsection (13)(b), begins \{ the later of \} the first day of the
434 first calendar quarter after a 60–day period beginning on the later of :
435 (i) the day on which an agreement with the commission required by Subsection (13)(b)
436 is executed; and
437 (ii) the first day on which the Cedar Band imposes a tax on the sale, use, or receipt for
438 sale or use of special fuel.

8. Page 6, Lines 160 through 162:

160 (b) Beginning on the date provided in Subsection (10)(c) and ending June 30, 2019, a tax imposed under this
161 section on motor fuel that is sold, used, or received for sale or use in this state is reduced to the
162 extent provided in Subsection (10)(d) if:

9. Page 14, Lines 423 through 425:
(b) Beginning on the date provided in Subsection (13)(c) and ending June 30, 2019, a tax imposed under this section on special fuel that is sold, used, or received for sale or use in this state is reduced to the extent provided in Subsection (13)(d) if; and

Without committee review, the Revenue and Taxation Committee has returned S.B. 158, LOCAL GOVERNMENT FUNDING AMENDMENTS, by Senator C. Bramble, to the Rules Committee; and

Without committee review, the Revenue and Taxation Committee has returned S.B. 187, COUNTY SERVICES AMENDMENTS, by Senator C. Bramble, to the Rules Committee; and

The Revenue and Taxation Committee deleted S.B. 218, TRUST DEED AMENDMENTS, by Senator C. Bramble, and replaced it with 1st Sub. S.B. 218, TRUST DEED AMENDMENTS, and has returned it to the Rules Committee without recommendation; and

With committee review, the Revenue and Taxation Committee has returned S.B. 233, TAX MODIFICATIONS, by Senator C. Bramble, to the Rules Committee without recommendation; and

Without committee review, the Revenue and Taxation Committee has returned S.B. 234, ECONOMIC DEVELOPMENT ZONE TAX INCENTIVES ACT, by Senator C. Bramble, to the Rules Committee; and

Without committee review, the Revenue and Taxation Committee has returned S.B. 284, COUNTY TAX AMENDMENTS, by Senator J. Stevenson, to the Rules Committee; and

Without committee review, the Revenue and Taxation Committee has returned H.B. 98, CAPITAL OUTLAY FUNDING MODIFICATIONS, by Representative C. Watkins, to the Rules Committee; and

With committee review, the Revenue and Taxation Committee has returned 1st Sub. H.B. 253, EMPLOYMENT OF UNAUTHORIZED ALIENS, by Representative C. Herrod, to the Rules Committee without recommendation.

Curtis S. Bramble, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were returned to the Rules Committee.
COMMITTEE OF THE WHOLE

On motion of Senator Knudson, Sororro Rovirosa, Consul General of Mexico, spoke in Committee of the Whole.

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

THIRD READING CALENDAR

H.B. 173, DEDICATION AND ABANDONMENT OF PUBLIC HIGHWAYS, 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 Butters Christensen Davis
Dayton Hillyard Hinkens Jenkins
Jones Knudson Mayne McAdams
Morgan Niederhauser Okerlund Reid
Robles Romero J. Stevenson Stowell
Thatcher Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Adams Liljenquist Madsen H. Stephenson

H.B. 173 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 305, MIDTERM VACANCIES IN MUNICIPAL OFFICES, 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
Adams Bramble Butters Christensen
Davis Dayton Hillyard Hinkens
Knudson Mayne Morgan Niederhauser
Okerlund Reid Robles Romero
H. Stephenson J. Stevenson Stowell
Urquhart Valentine Van Tassell Waddoups
Absent or not voting were: Senators
Hillyard Jenkins Liljenquist Madsen
McAdams

H.B. 305 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Bramble, the circle was removed from 1st Sub. H.B. 333, UNFAIR INDUCEMENTS RELATED TO INSURANCE PRODUCTS, and it was before the Senate. Senator Valentine declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Christensen Davis
Dayton Hinkins Jones Knudson
Mayne McAdams Morgan Niederhauser
Okerlund Reid Robles Romero
H. Stephenson J. Stevenson Stowell Thatcher
Urquhart Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Hillyard Jenkins Liljenquist
Madsen

1st Sub. H.B. 333, as amended, was returned to the House for further consideration.

***

1st Sub. H.B. 261, AMENDMENTS TO TRANSPORTATION PROVISIONS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators
Adams Bramble Christensen Davis
Dayton Jones Knudson Mayne
McAdams Morgan Niederhauser Okerlund
Reid Robles Romero H. Stephenson
J. Stevenson Stowell Thatcher Valentine
Van Tassell Waddoups
Absent or not voting were: Senators
Buttars       Hillyard       Hinkins       Jenkins
Liljenquist   Madsen        Urquhart

1st Sub. H.B. 261 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Valentine, 2nd Sub. H.B. 128, HEALTH REFORM AMENDMENTS, was read the third time and circled.

***

H.B. 335, MILITARY SURVIVORS − TUITION WAIVER AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators
Adams        Christensen    Davis        Dayton
Hinkins      Jones          Knudson      Mayne
McAdams      Morgan         Niederhauser Okerlund
Reid         Robles         Romero       H. Stephenson
J. Stevenson Stowell       Thatcher     Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Bramble      Buttars        Hillyard    Jenkins
Liljenquist  Madsen        Urquhart

H.B. 335 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 489, HOUSING AUTHORITY APPLICATION PROCESS, was read the third time, explained by Senator Reid, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams        Buttars        Christensen  Davis
Dayton       Hinkins        Jones        Knudson
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Robles  Romero
H. Stephenson  J. Stevenson  Stowell  Thatcher
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Bramble  Hillyard  Jenkins  Liljenquist
Madsen

**H.B. 489** 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. 152,** SCHOOL COMMUNITY COUNCILS AMENDMENTS, was read the third time and explained by Senator Dayton. Senator Jones commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Buttars  Christensen  Davis
Dayton  Jones  Knudson  Mayne
McAdams  Morgan  Niederhauser  Okerlund
Reid  Robles  Romero  H. Stephenson
J. Stevenson  Stowell  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Bramble  Hillyard  Hinkins  Jenkins
Liljenquist  Madsen

1st Sub. **H.B. 152** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

**H.B. 183,** SCHOOL DISTRICT LEAVE POLICIES, was read the third time and explained by Senator Dayton.

Senator Stephenson proposed the following amendment:

1. Page 1, Lines 15 through 19
requires reimbursement to a school district of the costs for certain employees, including benefits, for the time that exceeds 10 business days that the employee is on:

- unpaid association leave; or
- participating in certain paid association leave activities;

2. Page 2, Lines 41 through 45
   House Committee Amendments 2–16–2011:

   {\(2\)} (a) Except as provided in Subsections (3), a local school board may not allow paid association leave for a school district employee to perform an employee association or union duty.

   (b) A local school board may allow paid association leave for a school district employee to perform an employee association duty if:

   - (c) Prior to any a school district employee’s participation in paid or unpaid association leave, a local school board shall adopt a written policy that governs association leave.

   - (d) A local school board policy that governs association leave shall require reimbursement to the school district of the costs for an employee, including benefits, for the
time that exceeds 10 business days during a fiscal year
that the employee is:
(i) on unpaid association leave; or
(ii) participating in a paid association leave activity described in
Subsection (3) (g) that
does not provide a direct benefit to the school district.
A reimbursement required under
Subsections (2)(d) (3)(c) or (3)(g) (4)(g)
may be provided by
an employee, association, or union.
If a local school board adopts a policy to
allow paid association leave, the policy
shall include procedures and controls to:

4. Page 4, Lines 95 through 97
House Floor Amendments
2–24–2011:

If a local school board adopts a policy to
allow paid association leave, that policy
shall indicate that a willful violation of this section or of a policy
adopted in accordance with
Subsection (2) (3) or (3) (4) may be
used for disciplinary action under Section 53A–8–104.

Senator Stephenson’s motion to amend passed on a voice vote. Senator
Valentine commented and the bill passed on the following roll call:

Yeas, 16; Nays, 8; Absent, 5.

Voting in the affirmative were: Senators
Adams Buttars Christensen Dayton
Hinkins Knudson Niederhauser Okerlund
Reid H. Stephenson J. Stevenson Stowell
Thatcher Urquhart Valentine Waddoups

Voting in the negative were: Senators
Davis Jones Mayne McAdams
Morgan Robles Romero Van Tassell
Absent or not voting were: Senators
Bramble    Hillyard    Jenkins    Liljenquist
Madsen

H.B. 183, as amended, was returned to the House for further consideration.

* * *

H.B. 324, HIV TESTING OF ALLEGED SEX OFFENDERS, was read the third time and explained by Senator Adams.

Senator Adams proposed the following amendment:

1. Page 1, Line 14

14 the request of the victim and in accordance with specified procedures; and

2. Page 1, Line 17:

17 regarding testing of a minor, and in accordance with specified procedures.

3. Page 8, Line 244

House Committee Amendments 2–22–2011:

244 judge alleges has committed] has been filed or an arrest has been made alleging the commission of a sexual offense or an

4. Page 10, Line 286

House Committee Amendments 2–22–2011:

286 against whom the indictment has been filed, or an order requiring a test is signed

5. Page 10, Line 290

House Committee Amendments 2–22–2011:

290 information or indictment is filed or an order requiring a test is signed

6. Page 14, Lines 404 through 405

House Committee Amendments 2–22–2011:
404 (4) HIV testing shall be conducted on a minor against whom
{an information } a petition {or
405 indictment } (is) has been filed or a pickup order
has been issued for commission of any offense under Title 76, Chapter
5, Part 4, Sexual

7. Page 14, Line 407a
House Committee Amendments
2–22–2011:

407a adult as defined in Section 62A–3–301 , and regarding which:
(a) a judge has signed an accompanying arrest warrant, pick up order,
or any other order based upon probable cause regarding the alleged
offense; and
(b) the judge has found probable cause to believe that the alleged victim
has been exposed to HIV infection as a result of the alleged offense

Senator Adams’s motion to amend passed on a voice vote. Senator McAdams
commented and the bill passed on the following roll call:

Yeas, 21; Nays, 3; Absent, 5.

Voting in the affirmative were: Senators
Adams Buttars Christensen Davis
Dayton Hinkins Jones Knudson
Mayne Morgan Niederhauser Okerlund
Reid H. Stephenson J. Stevenson Stowell
Thatcher Urquhart Valentine Van Tassell
Waddoups

Voting in the negative were: Senators
McAdams Robles Romero

Absent or not voting were: Senators
Bramble Hillyard Jenkins Liljenquist
Madsen

H.B. 324, as amended, was returned to the House for further consideration.

* * *

H.B. 336, MEDICAL PROFESSIONAL LICENSING DURING A
DECLARED EMERGENCY, was read the third time, explained by Senator
Christensen, and passed on the following roll call:
Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators
Adams   Buttars   Christensen   Davis
Dayton  Hinkins  Jones        Knudson
McAdams Morgan  Niederhauser Okerlund
Reid    Robles   Romero       H. Stephenson
J. Stevenson Stowell  Thatcher  Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Hillyard Jenkins Liljenquist
Madsen Mayne

H.B. 336 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, the circle was removed from 2nd Sub. H.B. 128, HEALTH REFORM AMENDMENTS, and it was before the Senate. Senator Romero commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams   Buttars   Christensen   Davis
Dayton  Hinkins  Jones        Knudson
McAdams Morgan  Niederhauser Okerlund
Reid    Robles   Romero       H. Stephenson
J. Stevenson Stowell  Thatcher  Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Hillyard Jenkins Liljenquist
Madsen Mayne

2nd Sub. H.B. 128 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

2nd Sub. S.B. 57, ANIMAL CONTROL – EXCEPTION FOR COMMUNITY CATS, was read the third time, explained by Senator Stowell, and passed on the following roll call:
Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators
Adams          Buttars          Christensen          Davis
Hillyard      Hinkins          Jones            Knudson
Mayne         McAdams         Morgan          Niederhauser
Okerlund      Reid            Robles          Romero
H. Stephenson  J. Stevenson  Stowell          Thatcher
Urquhart      Van Tassell     Waddoups

Voting in the negative were: Senators
Dayton         Jenkins        Valentine

Absent or not voting were: Senators
Bramble        Liljenquist    Madsen

2nd Sub. S.B. 57 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Niederhauser, the circle was removed from S.B. 59, SCHOOL GRADING SYSTEM, and it was before the Senate.

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

1st Sub. S.B. 59 School Grading System (W. Niederhauser)

On motion of Senator Niederhauser, the bill was circled.

* * *

On motion of Senator Jenkins, and at 12:10 p.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 4, 2011

The Speaker of the House has signed S.B. 87, MARKETABLE RECORD TITLE AMENDMENTS, by Senator S. Reid, and it is transmitted for the signature of the President; and

The House passed, S.B. 197, LOCAL HOUSING AUTHORITY AMENDMENTS, by Senator B. McAdams, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 199, UTAH COMMISSION ON UNIFORM STATE LAWS, 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. 200, STATE DEBT COLLECTIONS 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. 203, EXECUTIVE RESIDENCE COMMISSION, by Senator J. S. Adams, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.J.R. 21, RELATIONS WITH THE REPUBLIC OF TURKEY JOINT RESOLUTION, 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.J.R. 25, FEDERAL LAW JOINT RESOLUTION, 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

The bills 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, 2011

The House concurred in the Senate amendments and passed 1st Sub. H.B. 121, SEXUAL SOLICITATION AMENDMENTS, by Representative J. Seelig, and it is transmitted for the signature of the President; and
The House concurred in the Senate amendments and passed **H.C.R. 8**, CONCURRENT RESOLUTION ON PROVIDING CONTINUING FEDERAL FINANCIAL ASSISTANCE FOR THE DELIVERY OF BASIC SERVICES TO DUTCH JOHN, UT, by Representative M. Brown, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

Mr. President:

March 4, 2011

The House passed, as amended, **H.B. 285**, ASBESTOS REQUIREMENTS, by Representative L. Wiley, and it is transmitted for consideration; and

The House passed **H.B. 293**, UNDERGROUND STORAGE TANK ACT AMENDMENTS, by Representative K. McIff, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 295**, OUTDOOR ADVERTISING AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 300**, BUDGETARY PROCEDURE AMENDMENTS, by Representative M. Brown, and it is transmitted for consideration; and

The House passed **H.B. 385**, COUNTY JAIL MEDICAL EXPENSES, by Representative B. Daw, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 400**, REGULATION OF MINING OPERATIONS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 446**, LOCAL DISTRICT TAX AMENDMENTS, by Representative D. Brown, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 466**, MIGRANT WORKERS AND RELATED COMMISSION AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed **H.B. 475**, STATE ENERGY AMENDMENTS, by Representative R. Barrus, and it is transmitted for consideration; and
The House passed, as substituted, **1st Sub. H.B. 495**, ANIMAL CONTROL MODIFICATIONS, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 497**, UTAH ILLEGAL IMMIGRATION ENFORCEMENT ACT, by Representative S. Sandstrom, et al, and it is transmitted for consideration; and

The House passed **H.J.R. 31**, JOINT RESOLUTION ON THE NEED TO BE SELF−SUFFICIENT, by Representative C. Herrod, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

* * *

Mr. President: March 4, 2011

The House passed, as amended, **S.B. 204**, CAPITAL DEVELOPMENT AND IMPROVEMENT PROCESS APPROVAL REQUIREMENTS AMENDMENTS, by Senator J. S. Adams, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

On motion of Senator Bramble, the Senate voted to lift **1st Sub. H.B. 497**, UTAH ILLEGAL IMMIGRATION ENFORCEMENT ACT, from the Rules Committee and place it on the top of the Second Reading Calendar. The bill was read the second time and circled.

**TIME CERTAIN CALENDAR**

**S.B. 138**, DRIVER LICENSE QUALIFICATIONS AMENDMENTS, was uncircled and before the Senate and explained by Senator Urquhart.

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

**1st Sub. S.B. 138 Driver License Qualifications Amendments**

(S. Urquhart)
Senator Robles commented. On motion of Senator Bramble, the bill was circled.

SECOND READING CALENDAR

On motion of Senator Reid, the circle was removed from 2nd Sub. H.B. 116, GUEST WORKER PROGRAM ACT, and it was before the Senate.

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

3rd Sub. H.B. 116 Utah Immigration Accountability and Enforcement Amendments (S. Reid)

Senator Robles proposed the following amendment:

1. Page 18, Lines 525 through 526

   525  (2) “Department” means the Department of Workforce Services created in Section 53A−1−103, the Department of Public Safety created in Section 53−1−103.

2. Page 32, Lines 971 through 974:

   971  (2) (a) The department shall provide the notice required by Subsection (1) to:
   972    (i) Utah’s attorney general; and
   973    (ii) the Department of Public Safety; and
   974    (iii) United States Immigration and Customs Enforcement.

Senator Robles’ motion to amend passed on a voice vote.

On motion of Senator Reid, the bill was circled.

***

On motion of Senator Stephenson, S.B. 224, PARTISAN SCHOOL BOARD ELECTION, was read the second time and circled.

***

On motion of Senator Adams, S.B. 256, TEACHER EFFECTIVENESS EVALUATION PROCESS, was read the second time and circled.
On motion of Senator Adams, the circle was removed from S.B. 273, EMERGENCY RESPONDER FEES, and it was before the Senate.

Senator Adams proposed the following amendment:

1. Page 2, Line 35
   
   responding to the traffic incident, limited to:
   
   (i) medical costs for:
   
   (A) transporting an individual from the scene of a traffic accident; or
   
   (B) treatment of a person injured in a traffic accident;
   
   (ii) repair to damaged public property;
   
   (iii) cost of materials used in cleaning up the traffic accident; and
   
   (iv) towing costs.

2. Page 2, Line 54:
   
   responding to the traffic incident, limited to:
   
   (i) medical costs for:
   
   (A) transporting an individual from the scene of a traffic accident; or
   
   (B) treatment of a person injured in a traffic accident;
   
   (ii) repair to damaged public property;
   
   (iii) cost of materials used in cleaning up the traffic accident;
   
   clean up costs; and
   
   (iv) towing costs.

Senator Adams’ motion to amend passed on a voice vote. Senator Adams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 16; Nays, 0; Absent, 13.**

**Voting in the affirmative were:** Senators

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<td>J. Stevenson</td>
<td>Thatcher</td>
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Absent or not voting were: Senators
Buttars    Dayton    Hillyard    Jenkins
Jones      Knudson   Madsen     Mayne
Niederhauser Stowell   Urquhart   Van Tassell
Waddoups

* * *

On motion of Senator Jenkins, and at 3:35 p.m., the Senate sauntered.

The Senate was called to order at 4:15 p.m., with President Waddoups presiding.

STANDING COMMITTEE REPORTS

Mr. President: March 4, 2011

The Rules Committee reports a favorable recommendation on H.B. 477, GOVERNMENT RECORDS AMENDMENTS, by Representative J. Dougall.

Margaret Dayton, Chair

On motion of Senator Dayton, the committee report was adopted. The bill was placed on Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Valentine, the Senate voted to reconsider its action on H.B. 93, MORTGAGE AND REAL ESTATE LICENSURE EXEMPTIONS FOR ATTORNEYS. The bill was placed on the Third Reading Calendar.

* * *

On motion of Senator Urquhart, the circle was removed from 2nd Sub. S.B. 138, DRIVER LICENSE QUALIFICATION AMENDMENTS, and it was before the Senate. Senator Urquhart explained the bill. Senators Bramble, Dayton, Robles, Jenkins, and Mayne commented.

On motion of Senator Urquhart, under suspension of the rules, 2nd Sub. S.B. 138, DRIVER LICENSE QUALIFICATION AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 23; Nays, 5; Absent, 1.
Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Dayton  Hillyard  Jenkins  Jones
Knudson Liljenquist Madsen  Mayne
Morgan  Niederhauser Okerlund  Reid
H. Stephenson J. Stevenson Thatcher  Urquhart
Valentine Van Tassell  Waddoups

Voting in the negative were: Senators
Davis  Hinkins  McAdams  Robles
Romero

Absent or not voting was: Senator
Stowell

2nd Sub. S.B. 138 was transmitted to the House.

***

On motion of Senator Dayton, under suspension of the rules, the Senate voted to lift H.B. 466, MIGRANT WORKERS AND RELATED COMMISSION AMENDMENTS, from Rules and place it on the Second Reading Calendar under H.B. 477.

***

On motion of Senator Hillyard, under suspension of the rules, H.B. 477, GOVERNMENT RECORDS AMENDMENTS, was considered read the second and third times. Senators Jones, Valentine, Davis, Bramble, Buttars, Romero, and McAdams commented and the bill passed on the following roll call:

Yeas, 21; Nays, 7; Absent, 1.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Knudson Liljenquist Madsen  Niederhauser
Okerlund  Reid  H. Stephenson  J. Stevenson
Thatcher Urquhart  Valentine  Van Tassell
Waddoups

Voting in the negative were: Senators
Buttars  Jones  Mayne  McAdams
Morgan  Robles  Romero
Absent or not voting was: Senator Stowell

H.B. 477 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, H.B. 466, MIGRANT WORKERS AND RELATED COMMISSION AMENDMENTS, was read the second time and circled.

***

On motion of Senator Bramble, the circle was removed from 3rd Sub. H.B. 116, UTAH IMMIGRATION ACCOUNTABILITY AND ENFORCEMENT AMENDMENTS, and it was before the Senate. Senator Reid explained the bill. Senators Bramble, Valentine, Robles, and Mayne commented.

Senator McAdams proposed the following amendment:

1. Page 5, Lines 130 through 139

130  (5) \(-(a)\) Beginning on the program start date, as defined in Section 63G–12–102, \(-( \text{in}\) addition to complying with \) notwithstanding Subsections (1) and (2), \(-( \text{to be}\) a student is exempt from paying the nonresident portion of total tuition \(-( \text{a student shall}\) if the student :  
133  \(-(\text{ii})\) be \(-(a)\) is the child of a person who holds a guest worker permit, as defined in Section 63G–12–102; or 
134  \(-(\text{ii})\) hold \(-(b)\) holds a permit, as defined in Section 63G–12–102. 
136  \(-(b)\) If the day before the program start date a student is exempt from paying the nonresident portion of total tuition, but is not exempt under Subsection (5)(a), the student loses 
138  the exemption as of the first day of the term or semester immediately following the program.
Senator McAdams’ motion to amend passed on a voice vote.

Senator Reid proposed the following amendment:

1. Page 52, Line 1603:
   Delete “an offense” and insert “any of the offenses”

Senator Reid’s motion to amend passed on a voice vote.

On motion of Senator Reid, under suspension of the rules, 3rd Sub. H.B. 116, UTAH IMMIGRATION ACCOUNTABILITY AND ENFORCEMENT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 21; Nays, 7; Absent, 1.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

<table>
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**Absent or not voting was:** Senator Stowell

3rd Sub. H.B. 116, as amended, was returned to the House for further consideration.

On motion of Senator Reid the Senate voted to include the following intent language in the Senate Journal:

**INTENT LANGUAGE**

In passing 3rd Substitute H.B. 116, Utah Immigration Accountability and Enforcement Amendments, it is the intent of the Legislature to encourage Utah’s
congressional delegation to actively participate in the state’s efforts to obtain a waiver, exemption, or authorization related to the Guest Worker Program to be established in accordance with this bill.

* * *

On motion of Senator Bramble, the circle was removed from **H.B. 466**, MIGRANT WORKERS AND RELATED COMMISSION AMENDMENTS, and it was read for the second time. Senator Bramble explained the bill. Senators Valentine, Thatcher, Jenkins, Davis, and Mayne commented.

On motion of Senator Bramble, under suspension of the rules, **H.B. 466**, MIGRANT WORKERS AND RELATED COMMISSION 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
- Adams
- Dayton
- Knudson
- McAdams
- Reid
- J. Stevenson
- Waddoups
- Bramble
- Hinkins
- Liljenquist
- Morgan
- Robles
- Thatcher
- Christensen
- Jenkins
- Madsen
- Niederhauser
- Romero
- Valentine
- Davis
- Jones
- Mayne
- Okerlund
- H. Stephenson
- Van Tassell

**Voting in the negative was:** Senator Urquhart

**Absent or not voting were:** Senators
- Buttars
- Hillyard
- Stowell

**H.B. 466** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 497**, UTAH ILLEGAL IMMIGRATION ENFORCEMENT ACT, and it was before the Senate. Senator Dayton explained the bill. Senator McAdams commented.

On motion of Senator Dayton, under suspension of the rules, **1st Sub. H.B. 497**, UTAH ILLEGAL IMMIGRATION ENFORCEMENT ACT, was considered read the second and third times and passed on the following roll call:
Yeas, 22; Nays, 5; Absent, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Dayton  Hinkins  Jenkins  Knudson
Liljenquist  Madsen  Mayne  Morgan
Niederhauser  Okerlund  Reid  H. Stephenson
J. Stevenson  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Voting in the negative were: Senators
Davis  Jones  McAdams  Robles
Romero

Absent or not voting were: Senators
Hillyard  Stowell

1st Sub. H.B. 497 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 Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Valentine, the circle was removed from 1st Sub. S.B. 314, ALCOHOLIC BEVERAGE AMENDMENTS, and it was before the Senate.

Senator Valentine proposed the following amendment:

1. Page 3, Lines 68 through 70

68 licensees;
   ▶ clarifies penalties related to obtaining a beer wholesaling license;
69 ▶ addresses when meetings of the commission may be closed;
70 ▶ {requires} addresses alcohol training and education seminars {to be taken in person};

2. Page 6, Lines 154 through 155:

154 32B−12−203 (Effective 07/01/11), as enacted by Laws of Utah 2010, Chapter 276
32B–13–201 (Effective 07/01/11), as enacted by Laws of Utah 2010, Chapter 276

3. Page 160, Lines 4951 through 4952:

4951 liquor warehousing license effective on the date the existing liquor warehousing license expires.

Section 101. Section 32B–13–201 is amended to read:

32B–13–201 (Effective 07/01/11). Commission’s power to issue beer wholesaling license.

(1) (a) Before a person may purchase, store, sell, offer for sale, distribute, or import beer to a person who sells at retail or acts in any way as a beer wholesaler, the person shall first obtain a beer wholesaling license issued by the commission in accordance with this chapter.

(b) A violation of Subsection (1)(a) is a class A misdemeanor.

(2) (a) The commission may issue a beer wholesaling license for the purchase, storage, sale, distribution, transportation, and import of beer.

(b) A beer wholesaling license entitles the beer wholesaler licensee to:

(i) purchase and import beer into the state;

(ii) store beer in an approved warehouse; and

(iii) sell and distribute beer directly to:

(A) a beer retailer; or

(B) an event permittee.

(c) A violation of Subsection (2)(a) is a class A misdemeanor.

(3) Nothing in this section precludes a small brewer from selling beer the small brewer manufactures directly to:

(a) a retail licensee;

(b) an off–premise beer retailer; or

(c) an event permittee.

Renumber remaining sections accordingly.

4. Page 166, Line 5125:

5125 (2) (a) This section applies to an individual who, as defined by the { board } division by rule:
5. Page 167, Line 5169 through Page 168, Line 5173:

5169 (f) The {board} division shall by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establish one or more requirements for an online course or testing program described in Subsection (2)(e) that are designed to inhibit fraud in the use of the online course or testing program. In developing the requirements by rule the {board} division shall consider whether to require:

6. Page 168, Line 5190:

5190 (vii) measures for the {board} division to audit online courses or tests;

7. Page 170, Line 5237:

5237 (5) The {board} division shall by rule made in accordance with Title 63G, Chapter 3, Utah Senator Valentine’s motion to amend passed on a voice vote.

Senator Valentine proposed the following amendment:

1. Page 3, Lines 75 through 78

75 This bill appropriates:

76 to the Department of Public Safety – Programs and Operations, as (an) ongoing

77 {appropriation} and one time appropriations :

78 • from the General Fund, one time, $83,600; and

78 • from the General Fund, ongoing, ( {−$2,900,000} $2,642,900 ).

2. Page 89, Lines 2738 through 2739:

2738 (5) The bond amount required for a {full-service restaurant} club license is the penal sum of
Section 108. Appropriation.

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the following sums of money are appropriated from resources not otherwise appropriated out of the funds or accounts indicated for the fiscal year beginning July 1, 2011, and ending June 30, 2012. These are additions to amounts previously appropriated for fiscal year 2012.

To Department of Public Safety – Programs and Operations
From General Fund, one-time $83,600

From General Fund( -$2,900,000 ) $2,642,900

Schedule of Programs:

Highway Patrol — Special Services
($ -2,900,000 ) $2,559,300

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

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

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  McAdams  Morgan
Niederhauser  Okerlund  Reid  Romero
H. Stephenson  J. Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Voting in the negative was: Senator Buttars

Absent or not voting were: Senators
Dayton  Hillyard  Liljenquist  Robles
Stowell
**1st Sub. S.B. 314** was transmitted to the House for consideration.

* * *

On motion of Senator Niederhauser, the Senate voted to recall **1st Sub. S.B. 16**, STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION AMENDMENTS, from Research for the purpose of adding a coordination clause.

**SECOND READING CALENDAR**

On motion of Senator Niederhauser, the circle was removed from **1st Sub. S.B. 59**, SCHOOL GRADING SYSTEM, and it was before the Senate. Senator Niederhauser explained the bill. Senators Okerlund, Jones and Morgan commented. The bill passed second reading on the following roll call:

**Yeas, 18; Nays, 8; 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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**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 4, 2011

The House requests the return of **1st Sub. S.B. 16**, STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION AMENDMENTS, by Senator W. Niederhauser, for reconsideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bill was returned to the House.

Mr. President: March 4, 2011

The House passed, as amended, **1st Sub. H.B. 122**, FIREARMS AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for consideration; and
The House passed, as substituted and amended, **1st Sub. H.B. 132**, WATER QUALITY AMENDMENTS, by Representative B. Wright, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 234**, ASSERTIVE COMMUNITY MENTAL HEALTH TREATMENT PILOT PROGRAM, by Representative C. Moss, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 273**, ANIMAL CONTROL AMENDMENTS, by Representative J. Seelig, and it is transmitted for consideration; and

The House passed **H.B. 277**, SALES AND USE TAX REVISIONS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 317**, CURRENCY AMENDMENTS, by Representative B. Galvez, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 337**, PAWNSHOP AND SECONDHAND MERCHANDISE TRANSACTION INFORMATION ACT AMENDMENTS, by Representative J. Seelig, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 374**, DOMESTIC VIOLENCE AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and

The House passed **H.B. 412**, LAND USE REVISIONS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 421**, USE OF PUBLIC BUILDINGS FOR POLITICAL CAUCUS MEETINGS, by Representative D. Brown, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 451**, TOBACCO SETTLEMENT FUNDS AMENDMENT, by Representative D. Litvack, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 465**, RESPECTING OUR FALLEN HEROES ACT, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 469**, IMMIGRATION RELATED AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and
The House passed, as substituted, 1st Sub. H.B. 482, LONG-TERM CARE FACILITY – MEDICAID CERTIFICATION FOR BED CAPACITY AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 496, TECHNOLOGY AND LIFE SCIENCE ECONOMIC DEVELOPMENT ACT AND RELATED TAX CREDITS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed H.J.R. 29, FEDERALISM INTERIM COMMITTEE JOINT RESOLUTION, by Representative C. Herrod, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Madsen, the circle was removed from S.B. 147, FORGERY LAW AMENDMENTS, and it was before the Senate. Senator Madsen explained the bill.

Senator Madsen proposed the following amendment:

1. Page 1, Line 10
   Senate Committee Amendments
   2–7–2011

   10 false identification \{and false financial transaction cards\} without lawful authority.

2. Page 1, Lines 14 through 15
   Senate Committee Amendments
   2–7–2011:

   14-[possessing] \$ or transferring false identification documents \{and false financial transaction cards\} who:

3. Page 1, Lines 20 through 21
   Senate Committee Amendments
   2–7–2011:
transfers an identification document, authentication feature, or a false identification

document or false financial transaction card} knowing that the document or

4. Page 3, Lines 72 through 74:

“False financial transaction card” means a financial transaction card as defined in Section 76-6-506 that is not issued, created, or authorized for use by the issuer of the card.

“Governmental entity” means the United States government, a state, a political

5. Page 3, Line 77:

“Identification document” means a document made or issued by or under the

6. Page 3, Line 81:

“Issuing authority” means:

7. Page 3, Line 86:

“Means of identification” means any name or number that may be used, alone or in

8. Page 4, Line 94:

“Personal identification card” means an identification document issued by a

9. Page 4, Lines 96 through 97:

“Produce” includes altering, authenticating, or assembling.

“State” includes any state of the United States, the District of Columbia, the

10. Page 4, Line 100:

“Traffic” means to:

11. Page 4, Line 105:

“Writing” includes printing, electronic storage or transmission, or any other method
12. Page 5, Line 131
Senate Committee Amendments
2–7–2011:

131 document {− or false financial transaction card } who:

13. Page 5, Lines 133 through 134
Senate Committee Amendments
2–7–2011:

133 an identification document, authentication feature, or a false identification document {− or false financial transaction card } that is or appears to be issued by or under the authority of an issuing

14. Page 5, Lines 136 through 137
Senate Committee Amendments
2–7–2011:

136 (b) transfers an identification document, authentication feature, or a false identification

137 document {− or a false financial transaction card } knowing that the document or feature was stolen

15. Page 5, Line 145
Senate Committee Amendments
2–7–2011:

145 used in the production of a false identification document {− or false financial transaction card } or

16. Page 5, Line 148
Senate Committee Amendments
2–7–2011:

148 documents {− or false financial transaction cards } or document making implements, or means of

Senator Madsen’s motion to amend passed on a voice vote. Senator Romero commented.

On motion of Senator Madsen, under suspension of the rules, S.B. 147, FORGERY LAW AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Jenkins
Jones  Knudson  Madsen  McAdams
Morgan  Niederhauser  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Hinkins  Liljenquist  Mayne  Stowell

S.B. 147 was transmitted to the House.

***

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2011

The House refused to concur with the Senate Amendments to 3rd Sub.
H.B. 116, UTAH IMMIGRATION ACCOUNTABILITY AND ENFORCEMENT AMENDMENTS, by Representative B. Wright, 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 3rd Sub. H.B. 116. President Waddoups appointed a conference
committee consisting of Senators Reid, Bramble, and McAdams to meet with a
like committee from the House.

SECOND READING CALENDAR

On motion of Senator Hillyard, the Senate voted to lift 1st Sub. S.B. 162,
MILITARY AND OVERSEAS VOTING, to the top of the Second Reading
calendar.

1st Sub. S.B. 162, MILITARY AND OVERSEAS VOTING, was read the
second time.

On motion of Senator Hillyard, the following substitute bill replaced the
original bill:
2nd Sub. S.B. 162 Military and Overseas Voting (L. Hillyard)

Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 27, Lines 803 through 804

   803 candidates and presidential electors to the lieutenant governor’s office no later than September 804 August 31 of each presidential election year.

Senator Hillyard’s motion to amend passed on a voice vote.

On motion of Senator Hillyard, under suspension of the rules, 2nd Sub. S.B. 162, MILITARY AND OVERSEAS VOTING, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators
Christensen  Davis  Dayton  Hillyard
Jenkins  Jones  Knudson  Madsen
Morgan  Niederhauser  Okerlund  Romero
H. Stephenson  J. Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Adams  Bramble  Buttars  Hinkins
Liljenquist  Mayne  McAdams  Reid
Robles  Stowell

2nd Sub. S.B. 162 was transmitted to the House.

***

Senator Niederhauser made the motion to remove the circle from S.B. 82, URBAN FARMING ASSESSMENT ACT. The motion failed on a voice vote.

***

On motion of Senator Van Tassell, the Senate voted to move to Consent Reading Calendar.
CONSENT CALENDAR

1st Sub. S.B. 68, SOLID WASTE AMENDMENTS, under suspension of the rules, 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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1st Sub. S.B. 68 was transmitted to the House for consideration.

***

S.B. 281, ELECTION REGISTRATION AMENDMENTS, under suspension of the rules, 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. 281 was transmitted to the House for consideration.
**H.B. 318, MONEY MANAGEMENT ACT AMENDMENTS,** under suspension of the rules, was read the third time, explained by Senator Knudson, and 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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**H.B. 318** 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 Senate voted to suspend the rules for bills considered for the remainder of the day.

**SECOND READING CALENDAR**

**S.B. 263, STATE BOARD OF EDUCATION POWERS AMENDMENTS,** was read the second time. Senator Buttars explained the bill. Senators Niederhauser, Valentine, Okerlund, and Morgan commented. The bill passed second reading on the following roll call:

**Yeas, 16; Nays, 7; Absent, 6.**

**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         Hinkins         Liljenquist     Mayne
Reid            Stowell

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2011

The Speaker of the House has appointed a Conference Committee consisting of Representatives B. Wright, B. Dee, and D. Litvack to meet with a like committee from the Senate to consider or amend 3rd Sub. H.B. 116, UTAH IMMIGRATION ACCOUNTABILITY AND ENFORCEMENT AMENDMENTS, by Representative B. Wright.

Sandy D. Tenney, Chief Clerk

CONCURRENCE CALENDAR

On motion of Senator Niederhauser, the circle was removed from S.B. 242, ASSESSMENT AREA AMENDMENTS, and it was before the Senate.

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to S.B. 242, ASSESSMENT AREA AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators
Adams           Buttars         Christensen    Davis
Dayton          Hillyard       Jones          Madsen
Morgan          Niederhauser   Okerlund       Romero
H. Stephenson   J. Stevenson   Thatcher       Urquhart
Valentine       Van Tassell    Waddoups

Absent or not voting were: Senators
Bramble         Hinkins         Jenkins        Knudson
Liljenquist     Mayne          McAdams        Reid
Robles          Stowell

S.B. 242 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 2nd Sub. S.B. 21, TAX REVISIONS. The bill, as amended, passed on the following roll call:
Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators
Adams            Buttars            Christensen            Davis
Dayton           Hillyard           Jenkins                Jones
Madsen           Morgan             Niederhauser           Okerlund
Romero           H. Stephenson      J. Stevenson           Thatcher
Urquhart         Valentine          Van Tassell            Waddoups

Absent or not voting were: Senators
Bramble          Hinkins            Knudson                Liljenquist
Mayne            McAdams            Reid                   Robles
Stowell

2nd Sub. S.B. 21 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, the Senate voted to concur in the House amendments to 1st Sub. S.B. 66, MILITARY LEAVE FOR AN ELECTED OFFICIAL OF A POLITICAL SUBDIVISION. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams            Bramble            Christensen            Davis
Dayton           Hillyard           Jenkins                Jones
Knudson          Madsen             McAdams                Morgan
Niederhauser     Okerlund           Reid                   Robles
Romero           H. Stephenson      J. Stevenson           Thatcher
Urquhart         Valentine          Van Tassell            Waddoups

Absent or not voting were: Senators
Buttars          Hinkins            Liljenquist            Mayne
Stowell

1st Sub. S.B. 66 was returned to the House for the signature of the Speaker.

* * *

2nd Sub. S.B. 120, CAREER SERVICE AMENDMENTS, was before the Senate.
On motion of Senator Stevenson, the bill was circled.

* * *

On motion of Senator McAdams, the Senate voted to concur in the House amendments to **S.B. 124**, LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE. 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. 124 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. 157**, PROPERTY TAX REVISIONS. 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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**1st Sub. S.B. 157** 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. 178**, MUNICIPAL LAND USE AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators  
Adams  Bramble  Christensen  Davis  
Dayton  Hillyard  Jenkins  Jones  
Knudson  Madsen  McAdams  Morgan  
Niederhauser  Okerlund  Reid  Robles  
Romero  H. Stephenson  J. Stevenson  Thatcher  
Urquhart  Valentine  Van Tassell  Waddoups

**Absent or not voting were:** Senators  
Buttars  Hinkins  Liljenquist  Mayne  
Stowell

**1st Sub. S.B. 178** was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Adams, the Senate voted to concur in the House amendments to **S.B. 204**, CAPITAL DEVELOPMENT AND IMPROVEMENT PROCESS APPROVAL REQUIREMENTS AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators  
Adams  Bramble  Christensen  Davis  
Dayton  Hillyard  Jenkins  Jones  
Knudson  Madsen  McAdams  Morgan  
Niederhauser  Okerlund  Reid  Robles  
Romero  H. Stephenson  J. Stevenson  Thatcher  
Urquhart  Valentine  Van Tassell  Waddoups

**Absent or not voting were:** Senators  
Buttars  Hinkins  Liljenquist  Mayne  
Stowell
S.B. 204 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2011

The Joint Conference Committee comprised of Sens. Reid, Bramble, and McAdams, and Reps. Wright, Dee, and Litvack, recommends 3rd Sub. H.B. 116, UTAH IMMIGRATION ACCOUNTABILITY AND ENFORCEMENT AMENDMENTS, by Representative B. Wright, with the following amendments:

1. Include the following Senate amendments:
   Page 18, Lines 525 – 526
   Page 32, Lines 972–974
   Page 52, Line 1603

   Also include the following amendments:

2. Page 1, Line 14:

   14 {→ addresses the exemption from paying the instate portion of tuition; }

4. Page 3, Line 59:

   59 {53B–8–106, as enacted by Laws of Utah 2002, Chapter 230–}

5. Page 4, Line 113 through Page 5, Line 139:

   113 {Section 1. Section 53B–8–106 is amended to read:
   115 (1) If allowed under federal law, a student, other than a nonimmigrant alien within the
   116 meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States
   117 Code, shall be exempt from paying the nonresident portion of total tuition if the student:
   118 (a) attended high school in this state for three or more years;
   119 (b) graduated from a high school in this state or received the equivalent of a high
school diploma in this state; and
(c) registers as an entering student at an institution of higher
education not earlier than
the fall of the 2002-03 academic year.
(2) In addition to the requirements under Subsection (1), a
student without lawful
immigration status shall file an affidavit with the institution of
higher education stating that the
student has filed an application to legalize [his] the student’s
immigration status, or will file an
application as soon as [he] the student is eligible to do so.
(3) The State Board of Regents shall make rules for the
implementation of this section.
(4) Nothing in this section limits the ability of institutions of
higher education to assess
nonresident tuition on students who do not meet the requirements
under this section.
(5) Beginning on the program start date, as
defined in Section 63G-12-102, in
addition to complying with notwithstanding Subsections (1)
and (2), a student is exempt from paying the nonresident portion of total tuition if the student:
(a) is the child of a person who holds a guest worker permit, as defined in Section 63G-12-102; or
(b) holds a permit, as defined in Section 63G-12-102.
(b) If the day before the program start date a student is
exempt from paying the
nonresident portion of total tuition, but is not exempt under
Subsection (5)(a), the student loses
the exemption as of the first day of the term or semester
immediately following the program.
On motion of Senator Reid, the Senate voted to adopt the Joint Conference Committee report on 3rd Sub. H.B. 116. Senators McAdams and Hillyard commented. The bill passed on the following roll call vote:

**Yeas, 19; Nays, 5; Absent, 5.**

**Voting in the affirmative were:** Senators
- Adams
- Bramble
- Christensen
- Davis
- Hillyard
- Jenkins
- Jones
- Knudson
- McAdams
- Morgan
- Niederhauser
- Okerlund
- Reid
- Robles
- H. Stephenson
- J. Stevenson
- Valentine
- Van Tassell
- Waddoups

**Voting in the negative were:** Senators
- Dayton
- Madsen
- Romero
- Thatcher
- Urquhart

**Absent or not voting were:** Senators
- Buttars
- Hinkins
- Liljenquist
- Mayne
- Stowell

3rd Sub. H.B. 116 was returned to the House for further consideration.

***

On motion of Senator Jenkins and at 8:20 p.m., the Senate adjourned until 9:00 a.m., Monday, March 7, 2011.
FORTY−SECOND DAY
MORNING SESSION
March 7, 2011

The Senate was called to order at 9:10 a.m., with President Michael Waddoups presiding.

Prayer – H. David Burton, Presiding Bishop of the Church of Jesus Christ of Latter−day Saints
Pledge of Allegiance – Senator Dan Liljenquist
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 80)

SPECIAL MUSICAL NUMBER
Elder Brigham Garber sang “The Star Spangled Banner”

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2011
The House adopted the Joint Conference Committee Report dated March 4, 2011, and passed 3rd Sub. H.B. 116, UTAH IMMIGRATION ACCOUNTABILITY AND ENFORCEMENT AMENDMENTS, by Representative B. Wright, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

3rd Sub. 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.

CONSENT CALENDAR

H.B. 86, VETERAN’S IDENTIFICATION ON DRIVER LICENSE OR IDENTIFICATION CARD, 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
Adams Bramble Buttars Christensen
Davis Dayton Hinkins Jenkins


Absent or not voting were: Senators
Hillyard Robles Stowell

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.

* * *

S.B. 278, CHARTER SCHOOL PROPERTY TAX 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
Adams Bramble Christensen Davis
Dayton Hinkins Jenkins Jones
Knudson Liljenquist Madsen Mayne
McAdams Morgan Niederhauser Okerlund
Reid Romero H. Stephenson J. Stevenson
Thatcher Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Buttars Hillyard Robles Stowell

S.B. 278 was transmitted to the House for consideration.

* * *

1st Sub. H.B. 143, BALLOT PLACEMENT 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
Adams Bramble Christensen Davis
Dayton Hinkins Jenkins Jones
Absent or not voting were: Senators
Buttars     Hillyard     Robles     Stowell

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 Niederhauser, H.B. 250, STATE EMBLEM OF
SERVICE AND SACRIFICE, was read the third time and circled.

***

On motion of Senator Stephenson, H.B. 375, SECURITY PERSONNEL
 LICENSING ACT AMENDMENTS, was read the third time and circled.

***

H.B. 107, VOLUNTEER FIREFIGHTERS’ RETIREMENT
AMENDMENTS, was read the third time, explained by Senator Liljenquist, and
passed on the following roll call:

Yea, 25; Nay, 0; Absent, 4.

Voting in the affirmative were: Senators
Adams       Bramble     Buttars     Davis
Dayton      Hinkins     Jenkins     Jones
Knudson     Liljenquist Madsen     Mayne
McAdams     Morgan      Niederhauser Okerlund
Reid        Romero      H. Stephenson J. Stevenson
Thatcher    Urquhart    Valentine   Van Tassell
Waddoups

Absent or not voting were: Senators
Christensen   Hillyard     Robles     Stowell

H.B. 107 was returned to the House for further consideration.
H.C.R. 9, LUPUS AWARENESS MONTH CONCURRENT RESOLUTION, was read the third time, explained by Senator Jones, and passed on the following roll call:

**Y eas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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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 Stephenson, the circle was removed from H.B. 375, SECURITY PERSONNEL LICENSING ACT AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:**

**Y eas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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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.
On motion of Senator Buttars, the circle was removed from H.B. 250, STATE EMBLEM OF SERVICE AND SACRIFICE, 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

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**Absent or not voting were:** Senators

| Bramble | Robles | Stowell |

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.

**CONCURRENCE CALENDAR**

On motion of Senator Liljenquist, the circle was removed from 2nd Sub. S.B. 120, CAREER SERVICE AMENDMENTS, and it was before the Senate.

On motion of Senator Liljenquist, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 120, CAREER SERVICE 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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2nd Sub. S.B. 120 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 93, MORTGAGE AND REAL ESTATE LICENSURE EXEMPTIONS FOR ATTORNEYS, 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
- Adams
- Buttars
- Christensen
- Davis
- Dayton
- Hillyard
- Jenkins
- Jones
- Knudson
- Liljenquist
- Madsen
- Mayne
- McAdams
- Morgan
- Niederhauser
- Okerlund
- Reid
- Romero
- H. Stephenson
- J. Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups

Absent or not voting were: Senators
- Bramble
- Hinkins
- Robles
- Stowell

H.B. 93, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Hillyard, the circle was removed from 1st Sub. H.B. 267, PUBLIC BODY RULES OF PROCEDURE, 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
- Adams
- Buttars
- Christensen
- Davis
- Dayton
- Hillyard
- Hinkins
- Jones
- Knudson
- Liljenquist
- Madsen
- Mayne
- McAdams
- Morgan
- Niederhauser
- Okerlund
- Reid
- Robles
- Romero
- H. Stephenson
- J. Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups

Absent or not voting were: Senators
- Bramble
- Jenkins
- Stowell
1st Sub. H.B. 267 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 Senate voted to reconsider its action on H.B. 93, MORTGAGE AND REAL ESTATE LICENSURE EXEMPTIONS FOR ATTORNEYS.

On motion of Senator Valentine, the bill was circled.

***

On motion of Senator Madsen, the circle was removed from H.B. 220, CIVICS EDUCATION AMENDMENTS, and it was before the Senate.

Senator Madsen proposed the following amendment:

1. Page 1, Lines 12 through 13
   12 requires instruction in forms of government, including the United States’ form of government, a republic; and
   13 political philosophies and economic systems; and

2. Page 2, Lines 36 through 37a
   Senate Committee Amendments 2–25–2011:
   36 (i) forms of government, such as a republic, a pure democracy, a monarchy, and an oligarchy; and
   36a (ii) political philosophies and economic systems, such as socialism, individualism, and free market capitalism; and
   37 (iii) the United States’ form of government, constitutional republic.

Senator Madsen’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
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Hinkins
Jenkins  Jones  Knudson  Liljenquist
Madsen  Mayne  McAdams  Morgan
Niederhauser  Okerlund  Reid  Robles
Romero  H. Stephenson  J. Stevenson  Thatcher
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Stowell  Urquhart

H.B. 220, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Bramble, the circle was removed from S.B. 262, TOBACCO PRODUCTS AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Hinkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Robles  Romero
H. Stephenson  J. Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Hillyard  Stowell

S.B. 262 was transmitted to the House for consideration.

* * *

On motion of Senator Bramble, the circle was removed from S.B. 296, AMENDMENTS TO TAX PROVISIONS, and it was before the Senate. On motion of Senator Bramble the Senate voted to strike the enacting clause on the bill. Senator Valentine commented.
On motion of Senator Bramble, the circle was removed from S.B. 202, PHARMACEUTICAL COMPETITIVE PRICING, and it was before the Senate. On motion of Senator Bramble the Senate voted to strike the enacting clause on the bill.

S.B. 273, EMERGENCY RESPONDER FEES, was read the third time, explained by Senator Adams, 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

S.B. 273 was transmitted to the House for consideration.

1st Sub. S.B. 59, SCHOOL GRADING SYSTEM, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

**Yeas, 17; Nays, 10; Absent, 2.**

**Voting in the affirmative were:** Senators

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<td>Vote for the affirmative</td>
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**Voting in the negative were:** Senators

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<td>Romero</td>
<td>Van Tassell</td>
<td>Vote for the negative</td>
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</table>
Absent or not voting were: Senators
Bramble Stowell

1st Sub. S.B. 59 was transmitted to the House for consideration.

***

S.B. 263, STATE BOARD OF EDUCATION POWERS AMENDMENTS, was read the third time. On motion of Senator Buttars, the Senate voted to return the bill to the Rules Committee for interim study. Senator Stephenson commented.

SECOND READING CALENDAR

S.B. 257, LEGISLATIVE COUNSEL RELATING TO UNITED STATES SENATORS, was read the second time. Senator Stephenson 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
Adams Buttars Christensen Davis
Dayton Hillyard Hinkins Jenkins
Knudson Liljenquist Madsen Mayne
Morgan Niederhauser Okerlund Reid
Robles Romero H. Stephenson J. Stevenson
Thatcher Urquhart Valentine Van Tassell
Waddoups

Voting in the negative were: Senators
Jones McAdams

Absent or not voting were: Senators
Bramble Stowell

***

On motion of Senator Okerlund, S.J.R. 27, BULLYING AND CYBER BULLYING STANDARDS FOR SCHOOL DISTRICTS JOINT RESOLUTION, was read the second time and circled.

***

S.B. 186, UTAH MEDICAL PRACTICE ACT AMENDMENTS, was read the second time. Senator Adams explained the bill.
Senator Adams proposed the following amendment:

1. Page 15, Lines 434 through 435

   434 (6) “Medical assistant” means an unlicensed individual working under the direct {←} and
   435 immediate {←} {or indirect } supervision of a licensed physician and surgeon and engaged in specific

2. Page 15, Lines 437 through 438:

   437 ethics of the profession {← and as may be further defined in rule by the division in collaboration
   438 with the board, not to exceed the scope of this definition } .

3. Page 22, Line 673:

   673 (6) a medical assistant while working under the direct {←} and immediate {←} {or indirect }

4. Page 22, Lines 676 through 677:

   676 of the practice of medicine {← and as may be further defined in rule by the division in collaboration
   677 with the board, not to exceed the scope of this definition } ;

5. Page 26, Lines 798 through 799:

   798 (6) “Medical assistant” means an unlicensed individual working under the direct {←} and
   799 immediate {←} {or indirect } supervision of a licensed osteopathic physician and surgeon and

6. Page 26, Lines 801 through 802:

   801 accordance with the standards and ethics of the profession {←and as may be further defined in rule by the division in collaboration with the board, not to exceed the scope of this definition } .

7. Page 34, Line 1032:

   1032 (6) a medical assistant while working under the direct {←} and immediate {←} {or indirect }
8. Page 34, Lines 1035 through 1036:

1035 the practice of medicine { __and as may be further defined in __
rule by the division in collaboration __}

1036 with the board, not to exceed the scope of this definition __} ;

Senator Adams’ motion to amend passed on a voice vote. Senators Valentine, Reid, Jones, Buttars, Robles, Christensen, and Mayne 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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<th>Senator</th>
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**Absent or not voting were:** Senators

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**S.B. 167, CONDOMINIUM AND COMMUNITY ASSOCIATION REVISIONS,** was read the second time. Senator Niederhauser explained the bill.

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

**1st Sub. S.B. 167 Condominium and Community Association Revisions**

(W. Niederhauser)

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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Day 42854  SENATE JOURNAL

Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Robles  Romero
J. Stevenson  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Knudson  H. Stephenson  Stowell

* * *

On motion of Senator McAdams, the circle was removed from S.B. 176, CANDIDATE PARTY AFFILIATION, and it was before the Senate. Senator McAdams explained the bill. Senators Christensen and Madsen commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 5; Absent, 3.

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Jones  Knudson
Liljenquist  Madsen  Mayne  McAdams
Morgan  Okerlund  Robles  Romero
H. Stephenson  J. Stevenson  Thatcher  Urquhart
Van Tassell

Voting in the negative were: Senators
Hinkins  Jenkins  Reid  Valentine
Waddoups

Absent or not voting were: Senators
Hillyard  Niederhauser  Stowell

* * *

On motion of Senator Bramble, the circle was removed from 1st Sub. S.B. 261, WRONGFUL FORECLOSURE ACT, and it was before the Senate. Senator Bramble explained the bill.

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

2nd Sub. S.B. 261 Wrongful Foreclosure Act (C. Bramble)

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 Jenkins, 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 7, 2011

The House passed **H.C.R. 17**, CONCURRENT RESOLUTION HONORING JERRY SLOAN AND PHIL JOHNSON, by Representative P. Ray, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bill was read the first time by short title and referred to the Rules Committee.

On motion of Senator Dayton, the Senate voted to lift **H.C.R. 17** from Rules and place it on the top of the Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Dayton, under suspension of the rules, **H.C.R. 17**, CONCURRENT RESOLUTION HONORING JERRY SLOAN AND PHIL JOHNSON, was considered read the second and third time. Senators Jones, Christensen, Hillyard, Jenkins, Valentine, and Romero commented and the bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**
Voting in the affirmative were: Senators
Adams       Christensen       Davis       Dayton
Hillyard    Jenkins          Jones       Knudson
Liljenquist Madsen          Mayne       McAdams
Morgan      Niederhauser    Okerlund    Reid
Robles      Romero          H. Stephenson J. Stevenson
Thatcher    Urquhart        Valentine   Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble    Buttars          Hinkins     Stowell

H.C.R. 17 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 Jenkins, Former Utah Jazz Coaches Jerry Sloan and Phil Johnson spoke in Committee of the Whole.

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

***

S.B. 225, PERSONAL INJURY PROTECTION ARBITRATION, was read the second time. Senator Urquhart explained the bill. Senators Thatcher and Stephenson commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators
Bramble    Buttars          Christensen  Davis
Dayton     Hillyard         Jenkins     Jones
Knudson    Liljenquist     Madsen      Mayne
McAdams    Niederhauser    Okerlund    Reid
H. Stephenson J. Stevenson Urquhart  Valentine
Van Tassell Waddoups

Voting in the negative were: Senators
Morgan     Robles           Romero      Thatcher

Absent or not voting were: Senators
Adams      Hinkins          Stowell
S.B. 318, JUSTICE COURT MODIFICATIONS, was read the second time. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment.

1. Page 1, Lines 13 through 16

   requires that when a justice court is created or certified by the Judicial Council, the

   justice court operate digital audio
   recording device; and

   requires that the audio recordings of justice court proceedings be maintained

   for a minimum of one year.

2. Page 2, Lines 39 through 41:

   Notwithstanding Subsections (1) and (2), the Judicial Council may only create or
   certify a justice court that, on or before July 1, 2012, records its proceedings with digital audio recording device and
   maintains the audio recordings for a minimum of

Senator Stephenson proposed the following substitute amendment:

1. Page 1, Lines 13 through 16

   requires that when a justice court is created or certified by the Judicial Council, the

   justice court operate digital audio
   recording device; and

   requires that the audio recordings of justice court proceedings be maintained

   for a minimum of three years.
2. Page 2, Lines 39 through 41:

39 (3) Notwithstanding Subsections (1) and (2), the Judicial Council may only create or certify a justice court that, on or before July 1, 2012, records its proceedings with {an audio-visual} a digital audio recording device and maintains the audio {visual} recordings for a minimum of three years.

Senator Stephenson’s substitute motion to amend passed on a voice vote. Senators Dayton, McAdams, Romero, and Urquhart commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

- Adams
- Buttars
- Christensen
- Davis
- Dayton
- Hillyard
- Jenkins
- Jones
- Knudson
- Liljenquist
- Madsen
- Mayne
- McAdams
- Morgan
- Niederhauser
- Okerlund
- Reid
- H. Stephenson
- J. Stevenson
- Urquhart
- Van Tassell
- Waddoups

**Voting in the negative were:** Senators

- Robles
- Romero

**Absent or not voting were:** Senators

- Bramble
- Hinkins
- Stowell
- Thatcher
- Valentine

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 7, 2011

The Speaker of the House has signed 2nd Sub. S.B. 21, TAX REVISIONS, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 56, OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN AMENDMENTS, by Senator J. Stevenson, 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. 66, MILITARY LEAVE FOR AN ELECTED OFFICIAL OF A POLITICAL SUBDIVISION, by Senator J. Valentine, et al, and it is transmitted for the signature of the President; and
The Speaker of the House has signed **S.B. 124**, LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE, by Senator B. McAdams, and it is transmitted for the signature of the President; and

The House passed, **3rd Sub. S.B. 129**, LICENSING OF PHYSICIAN–EDUCATORS, 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. 157**, PROPERTY TAX REVISIONS, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 178**, MUNICIPAL LAND USE AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 204**, CAPITAL DEVELOPMENT AND IMPROVEMENT PROCESS APPROVAL REQUIREMENTS AMENDMENTS, by Senator J. S. Adams, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 242**, ASSESSMENT AREA AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

Mr. President: March 7, 2011

The House passed, as amended, **H.B. 376**, SMALL CLAIMS COURT JURISDICTION, by Representative R. Edwards, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 388**, OPERATION AND MANAGEMENT OF CHARTER SCHOOLS, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 405**, CHARGES FOR MEDICAL RECORDS, by Representative F. Gibson, and it is transmitted for consideration; and
The House passed, as substituted and amended, **1st Sub. H.B. 420**, WATER QUALITY BOARD POWERS AND DUTIES, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 470**, AUTHORIZED USE OF A BUSINESS NAME, by Representative R. Edwards, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

***

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

**AFTERNOON SESSION**

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

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 7, 2011

The Speaker of the House has signed **2nd Sub. S.B. 120**, CAREER SERVICE AMENDMENTS, by Senator D. Liljenquist, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

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

***

Mr. President: March 7, 2011

The House concurred in the Senate amendments and passed **1st Sub. H.B. 51**, SCHOOL AND INSTITUTIONAL TRUST LANDS, by Representative R. Barrus, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 226**, LOCAL GOVERNMENT FEE AUTHORITY, 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. 324**, HIV TESTING OF ALLEGED SEX OFFENDERS, by Representative R. Greenwood, and it is transmitted for the signature of the President; and
The House concurred in the Senate amendments and passed **1st Sub. H.B. 333**, UNFAIR INDUCEMENTS RELATED TO INSURANCE PRODUCTS, 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.C.R. 7**, CONCURRENT RESOLUTION SUPPORTING PUBLIC POLICIES THAT PROMOTE OUTDOOR ACTIVITIES FOR CHILDREN, by Representative J. Draxler, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills 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 7, 2011

The House passed **H.B. 145**, PUBLIC SCHOOL PRIVACY AMENDMENTS, by Representative S. Eliason, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 249**, GROWING OF FOOD, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 281**, SEX OFFENDER AND KIDNAPPING AMENDMENTS, by Representative F. Cox, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 288**, CONCURRENT ENROLLMENT TRANSCRIPTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 353**, ABORTION FREEDOM OF CONSCIENCE, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 368**, ADOPTION OF CHILDREN, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 476**, PROCUREMENT CODE AMENDMENTS, by Representative B. Last, and it is transmitted for consideration.
The House passed, as amended, **H.B. 494**, JUSTICE COURTS, by Representative C. Herrod, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

***

Mr. President:  
March 7, 2011

The House refused to concur with the Senate Amendments to **H.B. 183**, SCHOOL DISTRICT LEAVE POLICIES, by Representative K. Grover, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Dayton, the Senate voted to refuse to recede from its amendments to **H.B. 183**. President Waddoups appointed a conference committee consisting of Senators Dayton, Stephenson, and Morgan to meet with a like committee from the House.

**SECOND READING CALENDAR**

**1st Sub. S.B. 232**, PUBLIC TRANSIT DISTRICT BOARD OF TRUSTEES AMENDMENTS, was read the second time. Senator Mayne explained the bill. Senators Jenkins and Bramble commented. The bill passed second reading on the following roll call:

**Yeas, 18; Nays, 4; Absent, 7.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

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On motion of Senator Liljenquist, the Senate voted to recall H.B. 477, GOVERNMENT RECORDS AMENDMENTS, from the House for reconsideration. Senators Buttars, Valentine, Davis, and Jones commented.

1st Sub. S.B. 239, MOTOR AND SPECIAL FUEL TAX AMENDMENTS, was read the second time. Senator Van Tassell explained the bill.

Senator Van Tassell proposed the following amendment:

1. Page 1, Line 21
   21 repeals certain tax rate decal posting requirements; and
   increases the amount of the cap on the motor fuel tax revenue refund into the Off–Highway Vehicle Account; and

2. Page 2, Lines 54 through 55
   Senate Committee Amendments 3–1–2011:
   (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules implementing the provisions of this Subsection (1)(c).

3. Page 4, Lines 94 through 97:
   (8) (a) The commission shall refund annually into the Off–Highway Vehicle Account in the General Fund an amount equal to the lesser of the following:
   (i) .5% of the motor fuel tax revenues collected under this section; or
   (ii) $1,300,000.

Senator Van Tassell’s motion to amend passed on a voice vote.

Senator Romero proposed the following amendment:
1. Page 10, Line 304:  
   Delete “July 1, 2011” and insert “July 1, 2012”

2. Page 11, Line 312:  
   Delete “July 1, 2011” and insert “July 1, 2012”

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

**Yeas, 8; Nays, 19; Absent, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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The bill was filed.

***

**S.B. 300, GOVERNMENT BONDING AMENDMENTS,** was read the second time. Senator McAdams 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
Christensen  Hinkins  H. Stephenson  Valentine

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1st Sub. S.B. 165, ELECTION LAW AMENDMENTS, was read the second time. Senator Bramble explained the bill. Senator McAdams commented. The bill passed second reading on the following roll call:

Y eas, 24; Nays, 4; Absent, 1.

Voting in the affirmative were: Senators
Bramble  Buttars  Christensen  Dayton
Hillyard  Hinkins  Jenkins  Jones
Knudson  Liljenquist  Madsen  Mayne
Morgan  Niederhauser  Okerlund  Reid
H. Stephenson  J. Stevenson  Stowell  Thatcher
Urquhart  Valentine  Van Tassell  Waddoups

Voting in the negative were: Senators
Davis  McAdams  Robles  Romero

Absent or not voting was: Senator
Adams

* * *

On motion of Senator Stephenson, the circle was removed from S.B. 224, PARTISAN SCHOOL BOARD ELECTIONS, and it was before the Senate. Senator Stephenson explained the bill. Senators Jones, Hillyard, Buttars, and Reid commented. The bill passed second reading on the following roll call:

Y eas, 17; Nays, 11; Absent, 1.

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Dayton
Jenkins  Knudson  Liljenquist  Madsen
Niederhauser  Okerlund  Reid  H. Stephenson
J. Stevenson  Stowell  Thatcher  Valentine
Waddoups

Voting in the negative were: Senators
Christensen  Davis  Hillyard  Hinkins
Jones  Mayne  McAdams  Morgan
Robles  Romero  Van Tassell
**Absent or not voting was:** Senator Urquhart

***

On motion of Senator Jenkins, and at 4:15 p.m., the Senate recessed.

**EVENING SESSION**

The Senate reassembled at 5:10 p.m., with President Waddoups presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 7, 2011

The House transmits **H.B. 477**, GOVERNMENT RECORDS AMENDMENTS, by Representative J. Dougall, for further consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. On motion of Senator Reid, the bill was placed on the Second Reading Calendar.

On motion of Senator Reid, the bill was circled.

**INTRODUCTION OF BILLS**

**S.B. 2, New Fiscal Year Supplemental Appropriations Act** (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

**S.B. 6, State Agency and Higher Education Compensation Appropriations** (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

***

On motion of Senator Adams, the Senate voted to reconsider its action on **1st Sub. H.B. 115**, MECHANICS’ LIENS AMENDMENTS, for technical amendments.

**SECOND READING CALENDAR**

**S.B. 181, LOBBYIST DISCLOSURE AND REGULATION ACT REVISIONS**, was read the second time. Senator Liljenquist 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
Adams  Bramble  Buttars  Christensen
Davis  Hinkins  Jones  Liljenquist
Mayne  McAdams  Morgan  Okerlund
Reid  Robles  Romero  H. Stephenson
J. Stevenson  Thatcher  Urquhart  Valentine
Van Tassell

Absent or not voting were: Senators
Dayton  Hillyard  Jenkins  Knudson
Madsen  Niederhauser  Stowell  Waddoups

* * *

On motion of Senator McAdams, S.B. 189, TAX CODE MODIFICATIONS, was read the second time and circled.

* * *

On motion of Senator McAdams, S.B. 287, SPECIALTY LICENSE PLATE AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator McAdams, S.B. 288, UTAH IMMIGRATION ENFORCEMENT AMENDMENTS, was read the second time and circled.

* * *

S.B. 293, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AND ANNEXATION AMENDMENTS, was read the second time. Senator Stevenson 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
Adams  Bramble  Buttars  Christensen
Davis  Hinkins  Jones  Liljenquist
Mayne  McAdams  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Absence or not voting were: Senators
Dayton       Hillyard       Jenkins       Knudson
Madsen       Morgan         Niederhauser  Stowell
Waddoups

* * *

On motion of Senator Valentine, the circle was removed from S.B. 287, SPECIALTY LICENSE PLATE AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill.

Senator Valentine proposed the following amendment:

1. Page 1, Line 26
   26 This bill takes effect on  { October 1, 2011. } January 1, 2012.
2. Page 10, Lines 298 through 299:
   298 (22) {–The } Appropriations from the Choose Life Adoption Support Restricted Account created in Section 62A–4a–608.
3. Page 10, Line 301:
   301 This bill takes effect on  { October 1, 2011. } January 1, 2012.

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

Yeas, 18; Nays, 2; Absent, 9.

Voting in the affirmative were: Senators
Adams       Bramble       Buttars       Christensen
Davis       Hinkins       Jones        Liljenquist
Mayne       Morgan        Okerlund     Reid
Robles      H. Stephenson  J. Stevenson Thatcher
Valentine   Van Tassell

Voting in the negative were: Senators
McAdams     Romero

Absent or not voting were: Senators
Dayton       Hillyard       Jenkins       Knudson
Madsen       Niederhauser  Stowell       Urquhart
Waddoups
On motion of Senator Stephenson, **S.B. 305**, ECONOMIC DEVELOPMENT THROUGH EDUCATION / CAREER ALIGNMENT, was read the second time and circled.

**S.B. 277**, CHILD CUSTODY TASK FORCE, was read the second time. Senator Robles explained the bill. Senator Valentine commented. 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

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On motion of Senator Okerlund, **S.B. 184**, DISPOSAL OF ELECTRONIC WASTE, was read the second time and circled.

On motion of Senator Valentine, **S.B. 201**, PROTECTION AGAINST UNFAIR COMPETITION THROUGH MISAPPROPRIATED TECHNOLOGY ACT, was read the second time and circled.

On motion of Senator Valentine, **S.B. 228**, CRIMINAL FORFEITURE AMENDMENTS, was read the second time and circled.

**S.B. 236**, REFERENDUM AMENDMENTS, was read the second time. Senator Van Tassell explained the bill. Senators Valentine and Stephenson commented. The bill passed second reading on the following roll call:
Yeas, 20; Nays, 1; Absent, 8.

Voting in the affirmative were: Senators

Adams    Bramble    Buttars    Christensen
Davis    Hinkins    Jones    Liljenquist
Madsen    Mayne    McAdams    Morgan
Okerlund    Reid    Robles    Romero
J. Stevenson    Thatcher    Valentine    Van Tassell

Voting in the negative was: Senator

H. Stephenson

Absent or not voting were: Senators

Dayton    Hillyard    Jenkins    Knudson
Niederhauser    Stowell    Urquhart    Waddoups

* * *

On motion of Senator Liljenquist, the circle was removed from S.B. 228, CRIMINAL FORFEITURE AMENDMENTS, and it was before the Senate. On motion of Senator Liljenquist the Senate voted to send the bill back to the Rules Committee. Senators Valentine and Buttars commented.

* * *

On motion of Senator Urquhart, S.B. 244, SALT LAKE COUNTY HIGHWAY PROJECT FUNDING, was read the second time and circled.

* * *

On motion of Senator Urquhart, the circle was removed from S.B. 184, DISPOSAL OF ELECTRONIC WASTE, and it was before the Senate. Senator Urquhart explained the bill. Senator Romero commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Adams    Bramble    Christensen    Davis
Hinkins    Jones    Liljenquist    Madsen
Mayne    McAdams    Morgan    Okerlund
Reid    Robles    Romero    H. Stephenson
J. Stevenson    Thatcher    Urquhart    Valentine
Van Tassell

* * *
Absent or not voting were: Senators
Buttars        Dayton        Hillyard       Jenkins
Knudson        Niederhauser Stowell       Waddoups

***

S.B. 301, PUBLIC TRANSIT REVISIONS, was read the second time. Senator Stevenson 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
Adams          Bramble       Christensen    Davis
Hinkins        Jones         Liljenquist    Madsen
Mayne          McAdams       Morgan         Okerlund
Reid           Robles        Romero         H. Stephenson
J. Stevenson   Thatcher      Urquhart      Valentine
Van Tassell

Absent or not voting were: Senators
Buttars        Dayton        Hillyard       Jenkins
Knudson        Niederhauser Stowell       Waddoups

***

On motion of Senator Valentine, S.B. 310, MOTOR VEHICLE INSURANCE AMENDMENT, was read the second time and circled.

***

On motion of Senator Valentine, under suspension of the rules, S.B. 274, COURT BUDGET AMENDMENTS, was considered read the second and third times. Senator Valentine explained the bill. The bill passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators
Adams          Bramble       Buttars        Christensen
Davis          Hinkins       Jones          Liljenquist
Madsen         Mayne         McAdams       Morgan
Okerlund       Reid          Robles        Romero
H. Stephenson  J. Stevenson  Thatcher      Urquhart
Valentine      Van Tassell   


Absent or not voting were: Senators
Dayton          Hillyard          Jenkins          Knudson
Niederhauser   Stowell           Waddoups

S.B. 274 was transmitted to the House.

***

S.B. 304, PREVENTING BULLYING AND HAZING IN ELEMENTARY
AND SECONDARY SCHOOLS, was read the second time. Senator Okerlund
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
Adams          Bramble          Buttars          Christensen
Davis          Dayton           Hillyard         Hinkins
Jenkins        Jones            Liljenquist       Madsen
Mayne          McAdams          Morgan           Niederhauser
Okerlund       Reid             Robles           Romero
H. Stephenson   J. Stevenson    Thatcher         Urquhart
Valentine      Van Tassell      Waddoups

Absent or not voting were: Senators
Knudson        Stowell

***

S.B. 319, TECHNOLOGY COMMERCIALIZATION AND INNOVATION
ACT, was read the second time. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 3, Line 89
   89  63M–1–704. Administration — Grants and loans .

2. Page 4, Lines 91 through 93:
   91 (2) (a) (i) The office may award [Centers of Excellence] Technology Commercialization
   92 and Innovation Program grants or issue loans to the various colleges, universities, and licensees in the state
   93 for the purposes of this part.
   (ii) If loans are issued under Subsection (2)(a)(i), the Division of
Finance may set up a fund or account as necessary for the proper accounting of the loans.

Senator Bramble’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

Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Hinkins
Jenkins  Jones  Knudson  Liljenquist
Madsen  Mayne  McAdams  Morgan
Niederhauser  Okerlund  Reid  Robles
Romero  H. Stephenson  J. Stevenson  Thatcher
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting was: Senator Stowell

* * *

On motion of Senator Madsen, the circle was removed from **S.B. 53, ELIGIBILITY FOR INTERSCHOLASTIC ACTIVITIES IN SECONDARY SCHOOLS,** and it was before the Senate. Senator Madsen explained the bill.

Senator Madsen proposed the following amendment:

1. Page 2, Lines 48 through 50

   48  (c) a public school that is not a charter school if the student’s charter school is located on the campus of the public school

   49  or has local school board approval to locate on the campus of the public school.

   (2) In addition to the public schools listed in Subsection (1), the State Board of Education may establish rules to allow a charter school student to participate in an extracurricular activity at a public school other than a public school listed in Subsection (1).

   50  (3) A school other than a school described in Subsection (1)(a), (b), or (c) may

2. Page 2, Line 56 through Page 3, Line 59:

   56  A charter school student is eligible for extracurricular activities at a public school
consistent with eligibility standards as applied to full–time students of the public school.

A school district or public school may not impose additional requirements on a charter school student to participate in extracurricular activities that are not imposed on

3. Page 3, Line 61:

(a) The State Board of Education shall make rules establishing fees for charter

4. Page 3, Lines 75 through 77:

under Subsections (b)(iii) and (iv), the State Board of Education may establish uniform fees statewide based on average costs statewide or average costs within a sample of school districts.

When selection to participate in an extracurricular activity at a public school is

Senator Madsen’s motion to amend passed on a voice vote. Senators Thatcher, Jones, Mayne, Knudson, Valentine, and Christensen commented. The bill passed second reading on the following roll call:

**Yeas, 16; Nays, 13; Absent, 0.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**On motion of Senator Hillyard, the circle was removed from H.B. 477, GOVERNMENT RECORDS AMENDMENTS, and it was before the Senate.**
Senator Buttars proposed the following amendment:

1. Page 3, Lines 68 through 69

   68 Other Special Clauses:
   69 This bill {provides an immediate effective date. –} takes effect on July 1, 2011.

2. Page 59, Lines 1810 through 1814:

   1810 Section 20. Effective date.
   1811 {If approved by two-thirds of all the members elected to each house, this bill takes effect
   1812 upon approval by the governor, or the day following the constitutional time limit of Utah
   1813 Constitution Article VII, Section 8, without the governor’s signature, or in the case of a veto.
   1814 the date of veto override. } This bill takes effect on July 1, 2011.

Senator Buttars’ motion to amend passed on a voice vote. Senators Hillyard and Davis commented.

On motion of Senator Hillyard, under suspension of the rules, H.B. 477, GOVERNMENT RECORDS AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**H.B. 477** was returned to the House for further consideration.
On motion of Senator Adams, the circle was removed from S.B. 256, TEACHER EFFECTIVENESS EVALUATION PROCESS, and it was before the Senate.

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

**1st Sub. S.B. 256 Teacher Effectiveness Evaluation Process (S. Adams)**

Senator Adams explained the bill. The bill passed second reading 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

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**On motion of Senator Stephenson, the circle was removed from S.B. 305, ECONOMIC DEVELOPMENT THROUGH EDUCATION / CAREER ALIGNMENT, 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. 305 Economic Development Through Education / and Annexation Amendments (H. Stephenson)**

Senators Morgan and Jones commented. The bill passed second reading on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Davis
- Dayton
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Liljenquist
- Madsen
- Mayne
- McAdams
- Morgan
- Okerlund
- Reid
- Robles
- Romero
- H. Stephenson
- J. Stevenson
- Stowell
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators

- Buttars
- Niederhauser

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 7, 2011

The House passed, as amended, **H.B. 131**, CUSTODY AND PARENT−TIME MODIFICATIONS, by Representative R. Edwards, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 158**, COORDINATION BETWEEN STATE AND LOCAL GOVERNMENT ON FEDERAL REGULATIONS, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 354**, INSURANCE AMENDMENTS RELATING TO ABORTION, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed **H.B. 357**, LONG−TERM CARE AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

***

Mr. President: March 7, 2011

The Speaker of the House has appointed a Conference Committee consisting of Representatives K. Grover, G. Hughes, and M. Poulson to meet with a like
committee from the Senate to consider or amend H.B. 183, SCHOOL DISTRICT LEAVE POLICIES, by Representative K. Grover.

Sandy D. Tenney, Chief Clerk

****

Mr. President: March 7, 2011

The House transmits 1st Sub. H.B. 115, MECHANICS’ LIENS AMENDMENTS, by Representative M. Morley, for technical corrections.

Sandy D. Tenney, Chief Clerk

On motion of Senator Adams, the bill was placed at the top of the Third Reading Calendar.

****

On motion of Senator Jenkins, the circle was removed from 1st Sub. H.B. 156, ASSESSMENT OF PROPERTY WITH CONSERVATION EASEMENT, and it was before the Senate. Senator Jenkins explained the bill. Senator Valentine declared a conflict of interest. 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

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On motion of Senator Niederhauser, the circle was removed from S.B. 244, SALT LAKE COUNTY HIGHWAY PROJECT FUNDING, and it was before the Senate.
On motion of Senator Niederhauser, the following substitute bill replaced the original bill:

1st Sub. S.B. 244 Salt Lake County Highway Project Funding (W. Niederhauser)

Senator Niederhauser 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 Romero

**Absent or not voting were:** Senators

| Bramble | Buttars | Hillyard | Urquhart |

* * *

3rd Sub. H.B. 48, FINGERPRINTS OF JUVENILES, was read the second time. Senator Thatcher 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 | Davis | Liljenquist | Urquhart |

* * *
Senator Niederhauser, made the motion to remove the circle from **2nd Sub. H.B. 76**, FEDERAL LAW EVALUATION AND RESPONSE. The motion failed on a voice vote.

On motion of Senator Knudson, the Senate voted to lift the following bills from the Rules Committee and place them on the Second Reading Calendar:

- **H.B. 384**: Veterans Preference Amendments (Rep. T. Cosgrove)
- **H.B. 295**: Outdoor Advertising Amendments (Rep. M. Noel)
- **H.B. 385**: County Jail Medical Expenses (Rep. B. Daw)
- **1st Sub. H.B. 405**: Charges for Medical Records (Rep. F. Gibson)
- **H.B. 446**: Local District Tax Amendments (Rep. D. Brown)
- **H.B. 374**: Domestic Violence Amendments (Rep. B. Last)
- **H.B. 451**: Tobacco Settlement Funds Amendment (Rep. D. Litvack)
- **H.B. 288**: Concurrent Enrollment Transcripts (Rep. R. Menlove)
- **H.B. 469**: Immigration Related Amendments (Rep. J. Dougall)
- **H.C.R. 18**: Concurrent Resolution Approving Solid Waste Facility Classification Change (Rep. B. Dee)
- **H.B. 137**: Transportation Changes (Rep. K. Sumsion)
- **H.B. 104**: Homeowner Association Amendments (Rep. R. C. Webb)
- **H.B. 199**: Advertisements on School Buses (Rep. J. Bird)
- **1st Sub. H.B. 481**: Transportation of Mental Illness Patients (Rep. P. Ray)
- **1st Sub. H.B. 349**: Expedited Jury Trials (Rep. B. King)
- **H.B. 314**: Insurance Requirements for Child Care Buses (Rep. J. Anderson)
- **H.B. 168**: Child Identity Theft Protection Amendments (Rep. E. Hutchings)
On motion of Senator Adams, the Senate voted to move to the Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Adams, under suspension of the rules, 1st Sub. H.B. 115, MECHANICS’ LIENS AMENDMENTS, was considered read the first, 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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**Absent or not voting were:** Senators

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1st Sub. H.B. 115 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Christensen, the circle was removed from H.B. 334, FAMILY EXPENSE AMENDMENTS, and it was before the Senate.

Senator Christensen proposed the following amendment:

1. Page 2, Lines 29 through 30

   29 (2) In an action by a creditor against either husband or wife for the payment of a family
30 expense, the creditor or debtor as the prevailing party shall be entitled to recover reasonable collection costs, interest, and attorney fees as provided in a contract between the creditor and debtor.

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

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

**Voting in the affirmative were:** Senators
Adams Christensen Davis Dayton
Hinkins Jenkins Jones Knudson
Madsen Mayne McAdams Morgan
Niederhauser Okerlund Reid Robles
Romero H. Stephenson Stowell Thatcher
Valentine Van Tassell Waddoups

**Absent or not voting were:** Senators
Bramble Buttars Hillyard Liljenquist
J. Stevenson Urquhart

**H.B. 334,** as amended, was returned to the House for further consideration.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 7, 2011

The House concurred in the Senate amendments and passed **H.B. 477,** GOVERNMENT RECORDS AMENDMENTS, by Representative J. Dougall, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bill 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 and at 7:15 p.m., the Senate adjourned until 8:00 a.m., Tuesday, March 8, 2011.
The Senate was called to order at 9:10 a.m., with President Michael Waddoups presiding.

**Prayer** – Senator Wayne Niederhauser

**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 80)

**INTRODUCTION OF BILLS**

**S.B. 4.** Current School Year Supplemental Public Education Budget Adjustments (D. C. Buttars), was read the first time by short title and referred to the Rules Committee.

**CONSENT CALENDAR**

**S.B. 174.** Motor Vehicle Insurance Coverage 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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**S.B. 174** was transmitted to the House for consideration.
H.J.R. 38, JOINT RESOLUTION TO AMEND RULE OF EVIDENCE, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

**Yea**, 25; **Nay**, 0; **Absent**, 4.

**Voting in the affirmative were:** Senators

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H.J.R. 38 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. 280, GOVERNMENT OPERATIONS AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

**Yea**, 26; **Nay**, 0; **Absent**, 3.

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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1st Sub. S.B. 280 was transmitted to the House for consideration.
S.B. 282, SMALL MINING OPERATIONS, 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

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**Absent or not voting were:** Senators

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S.B. 282 was transmitted to the House for consideration.

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H.B. 351, HOMELESS COORDINATING COMMITTEE 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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H.B. 351 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
H.B. 371, MOTOR HOME TAXES AND FEES, 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

| Hillyard | Jenkins | Stowell |

H.B. 371 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 444, OPERATION AND MAINTENANCE NEEDS REPORT FOR UTAH HIGHWAYS, was read the third time, explained by Senator Adams, 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 | Jenkins | Stowell |

H.B. 444 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. 257, LEGISLATIVE COUNSEL RELATING TO UNITED STATES SENATORS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hinkins Jenkins
Jones Knudson Liljenquist Madsen
Mayne McAdams Morgan Niederhauser
Okerlund Reid Robles Romero
H. Stephenson J. Stevenson Thatcher Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Hillyard Stowell

S.B. 257 was transmitted to the House for consideration.

* * *

S.B. 186, UTAH MEDICAL PRACTICE ACT AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hinkins Jones
Knudson Liljenquist Madsen Mayne
McAdams Morgan Niederhauser Okerlund
Reid Robles Romero H. Stephenson
J. Stevenson Thatcher Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Hillyard Jenkins Stowell

S.B. 186 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 167, CONDOMINIUM AND COMMUNITY ASSOCIATION REVISIONS, was read the third time and explained by Senator Niederhauser.
Senator Niederhauser proposed the following amendment:

1. Page 22, Line 651

651 (b) a first or second security interest on the unit secured by a mortgage or deed of trust that is recorded before a recorded notice of lien by or on

2. Page 44, Line 1333:

1333 (b) a first or second security interest on the lot secured by a mortgage or trust deed that is recorded before a recorded notice of lien by or on

Senator Niederhauser’s motion to amend passed on a voice vote 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

| Hillyard | Madsen | Stowell | Van Tassell |

**1st Sub. S.B. 167** was transmitted to the House for consideration.

***

**S.B. 176, CANDIDATE PARTY AFFILIATION,** was read the third time, explained by Senator McAdams, and failed on the following roll call:

**Yeas, 8; Nays, 16; 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
Hillyard  Niederhauser  Stowell  Valentine
Van Tassell

S.B. 176 was filed.

* * *

2nd Sub. S.B. 261, WRONGFUL FORECLOSURE ACT, 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
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Mayne
McAdams  Morgan  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Thatcher  Urquhart  Van Tassell  Waddoups

Absent or not voting were: Senators
Hillyard  Madsen  Niederhauser  Stowell
Valentine

2nd Sub. S.B. 261 was transmitted to the House for consideration.

* * *

On motion of Senator Urquhart, S.B. 225, PERSONAL INJURY PROTECTION ARBITRATION, was read the third time and circled.

* * *

S.B. 318, JUSTICE COURT MODIFICATIONS, was read the third time and explained by Senator Buttars.

Senator Bramble proposed the following amendment:

1. Page 1, Line 16:
   Delete “three” and insert “one”

2. Page 2, Line 41:
   Delete “three” and insert “one”
Senator Bramble’s motion to amend passed on a voice vote and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators
- Adams
- Bramble
- Buttars
- Christensen
- Davis
- Dayton
- Hinkins
- Jenkins
- Jones
- Knudson
- Liljenquist
- Madsen
- Mayne
- McAdams
- Morgan
- Okerlund
- Reid
- Robles
- Romero
- H. Stephenson
- J. Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators
- Bramble
- Hillyard
- Niederhauser
- Stowell

S.B. 318 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 232, PUBLIC TRANSIT DISTRICT BOARD OF TRUSTEES AMENDMENTS, was read the third time and explained by Senator Mayne. Senator Jenkins commented and the bill failed on the following roll call:

**Yeas, 8; Nays, 16; Absent, 5.**

**Voting in the affirmative were:** Senators
- Davis
- Hinkins
- Jones
- Mayne
- McAdams
- Morgan
- Robles
- Romero

**Voting in the negative were:** Senators
- Adams
- Buttars
- Christensen
- Dayton
- Jenkins
- Knudson
- Liljenquist
- Madsen
- Okerlund
- Reid
- H. Stephenson
- J. Stevenson
- Thatcher
- Urquhart
- Valentine
- Waddoups

**Absent or not voting were:** Senators
- Bramble
- Hillyard
- Niederhauser
- Stowell
- Van Tassell

1st Sub. S.B. 232 was filed.

* * *

S.B. 300, GOVERNMENT BONDING AMENDMENTS, was read the third time, explained by Senator McAdams, and passed on the following roll call:
Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Hinkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Okerlund
Reid  Robles  Romero  J. Stevenson
Thatcher  Urquhart  Valentine  Waddoups

Voting in the negative were: Senators
Jenkins  H. Stephenson

Absent or not voting were: Senators
Niederhauser  Stowell  Van Tassell

S.B. 300 was transmitted to the House for consideration.

***

On motion of Senator Bramble, 1st Sub. S.B. 165, ELECTION LAW AMENDMENTS, was read the third time and circled.

***

S.B. 224, PARTISAN SCHOOL BOARD ELECTIONS, 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, 17; Nays, 12; Absent, 0.

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Dayton
Jenkins  Liljenquist  Madsen  Niederhauser
Okerlund  Reid  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Waddoups

Voting in the negative were: Senators
Christensen  Davis  Hillyard  Hinkins
Jones  Knudson  Mayne  McAdams
Morgan  Robles  Romero  Van Tassell

S.B. 224 was transmitted to the House for consideration.
S.B. 181, LOBBYIST DISCLOSURE AND REGULATION ACT REVISIONS, 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 Jenkins

S.B. 181 was transmitted to the House for consideration.

**S.B. 293, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AND ANNEXATION AMENDMENTS, was read the third time, explained by Senator Stevenson, 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 Jenkins

S.B. 293 was transmitted to the House for consideration.
S.B. 287, SPECIALTY LICENSE PLATE AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 24; Nays, 3; Absent, 2.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 287 was transmitted to the House for consideration.

**On motion of Senator Bramble, the circle was removed from 1st Sub. S.B. 165, ELECTION LAW AMENDMENTS, and it was before the Senate.**

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

**2nd Sub. S.B. 165 Election Law Amendments**

On motion of Senator Bramble, the bill was circled.

**S.B. 277, CHILD CUSTODY TASK FORCE, was read the third time and explained by Senator Robles.**

Senator Robles proposed the following amendment:

1. Page 2, Lines 45 through 48

45 (1) The task force shall:
46  (a) review and make recommendations on Utah’s divorce laws regarding child custody;
47  (b) investigate methods and procedures used in other states, including joint legal custody and joint physical custody;

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

**Yeas, 13; Nays, 11; Absent, 5.**

**Voting in the affirmative were:** Senators
Adams       Bramble       Christensen       Davis
Jones       Madsen        Mayne           McAdams
Morgan      Robles        Romero         Stowell
Van Tassell

**Voting in the negative were:** Senators
Dayton      Hinkins       Jenkins        Knudson
Liljenquist Okerlund     Reid           H. Stephenson
J. Stevenson Thatcher     Waddoups

**Absent or not voting were:** Senators
Buttars     Hillyard      Niederhauser    Urquhart
Valentine

S.B. 277 was filed.

**S.B. 236, REFERENDUM AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:**

**Yeas, 20; Nays, 2; Absent, 7.**

**Voting in the affirmative were:** Senators
Adams       Bramble       Christensen       Dayton
Hinkins     Jenkins       Jones           Knudson
Liljenquist Madsen        Mayne           McAdams
Okerlund    Reid          Romero         J. Stevenson
Stowell     Thatcher      Van Tassell    Waddoups

**Voting in the negative were:** Senators
Robles      H. Stephenson
Absent or not voting were: Senators
Buttars    Davis    Hillyard    Morgan
Niederhauser    Urquhart    Valentine

S.B. 236 was transmitted to the House for consideration.

***

On motion of Senator Bramble, the circle was removed from 2nd Sub. S.B. 165, ELECTION LAW AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill.

On motion of Senator Bramble, the bill was circled.

***

S.B. 184, DISPOSAL OF ELECTRONIC WASTE, 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
Adams    Bramble    Christensen    Davis
Dayton    Hinkins    Jenkins    Jones
Knudson    Liljenquist    Madsen    Mayne
McAdams    Morgan    Niederhauser    Okerlund
Reid    Romero    H. Stephenson    J. Stevenson
Stowell    Thatcher    Urquhart    Van Tassell
Waddoups

Absent or not voting were: Senators
Buttars    Hillyard    Robles    Valentine

S.B. 184 was transmitted to the House for consideration.

***

S.B. 301, PUBLIC TRANSIT REVISIONS, was read the third time, explained by Senator Stevenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams    Bramble    Christensen    Davis
Dayton    Hinkins    Jones    Liljenquist
Madsen  McAdams  Morgan  Niederhauser
Okerlund  Reid  Romero  H. Stephenson
J. Stevenson  Stowell  Thatcher  Urquhart
Van Tassell  Waddoups

Voting in the negative were: Senators
Jenkins  Mayne

Absent or not voting were: Senators
Buttars  Hillyard  Knudson  Robles
Valentine

S.B. 301 was transmitted to the House for consideration.

* * *

S.B. 304, PREVENTING BULLYING AND HAZING IN ELEMENTARY AND SECONDARY SCHOOLS, 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
Adams  Bramble  Christensen  Davis
Dayton  Hinkins  Jenkins  Jones
Liljenquist  Madsen  Mayne  McAdams
Morgan  Niederhauser  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Stowell  Thatcher  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Buttars  Hillyard  Knudson  Urquhart

S.B. 304 was transmitted to the House for consideration.

* * *

S.B. 319, TECHNOLOGY COMMERCIALIZATION AND INNOVATION ACT, 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
Adams        Bramble        Christensen        Davis
Dayton       Hinkins        Jenkins         Jones
Liljenquist  Madsen        Mayne          McAdams
Morgan       Niederhauser   Okerlund       Reid
Robles       Romero         H. Stephenson   J. Stevenson
Stowell      Thatcher       Urquhart       Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Buttars      Hillyard      Knudson

S.B. 319 was transmitted to the House for consideration.

***

On motion of Senator Madsen, S.B. 53, ELIGIBILITY FOR INTERSCHOLASTIC ACTIVITIES IN SECONDARY SCHOOLS, was read the third time and circled.

***

1st Sub. S.B. 256, TEACHER EFFECTIVENESS EVALUATION PROCESS, was read the third time, explained by Senator Adams, and passed on the following roll call:

Yeas, 19; Nays, 7; Absent, 3.

Voting in the affirmative were: Senators
Adams        Bramble        Christensen        Dayton
Hillyard     Hinkins        Knudson         Liljenquist
Madsen       Niederhauser   Okerlund        Reid
H. Stephenson J. Stevenson Stowell        Urquhart
Valentine    Van Tassell    Waddoups

Voting in the negative were: Senators
Davis        Jones          Mayne           Morgan
Robles       Romero        Thatcher

Absent or not voting were: Senators
Buttars      Jenkins       McAdams

1st Sub. S.B. 256 was transmitted to the House for consideration.
**1st Sub. S.B. 305.** ECONOMIC DEVELOPMENT THROUGH EDUCATION / CAREER ALIGNMENT, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Davis
- Dayton
- Hillyard
- Hinkins
- Jones
- Knudson
- Liljenquist
- Madsen
- Mayne
- McAdams
- Morgan
- Niederhauser
- Okerlund
- Reid
- Robles
- Romero
- H. Stephenson
- J. Stevenson
- Stowell
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators

- Buttars
- Jenkins

1st Sub. S.B. 305 was transmitted to the House for consideration.

**1st Sub. H.B. 156.** ASSESSMENT OF PROPERTY WITH CONSERVATION EASEMENT, was read the third time and circled.

**1st Sub. S.B. 244.** SALT LAKE COUNTY HIGHWAY PROJECT FUNDING, was read the third time and explained by Senator Niederhauser. Senators Hillyard and Stephenson commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Davis
- Dayton
- Hillyard
- Hinkins
- Jones
- Knudson
- Liljenquist
- Madsen
- Mayne
- McAdams
- Morgan
- Niederhauser
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- Reid
- Robles
- Romero
- H. Stephenson
- J. Stevenson
- Stowell
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups
Absent or not voting were: Senators
Buttars       Jenkins       Madsen

1st Sub. S.B. 244 was transmitted to the House for consideration.

***

On motion of Senator Jenkins, the circle was removed from 1st Sub. H.B. 156, ASSESSMENT OF PROPERTY WITH CONSERVATION EASEMENT, and it was before the Senate. Senator Valentine declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams       Bramble       Christensen       Davis
Dayton      Hillyard      Hinkins         Jenkins
Jones       Knudson       Liljenquist     Mayne
McAdams     Morgan        Niederhauser   Okerlund
Reid        Robles        Romero         H. Stephenson
J. Stevenson  Stowell    Thatcher       Urquhart
Valentine     Van Tassell  Waddoups

Absent or not voting were: Senators
Buttars       Madsen

1st Sub. H.B. 156 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

3rd Sub. H.B. 48, FINGERPRINTS OF JUVENILES, was read the third time and explained by Senator Thatcher.

On motion of Senator Thatcher, the bill was circled.

***

On motion of Senator Valentine, the circle was removed from H.B. 93, MORTGAGE AND REAL ESTATE LICENSURE EXEMPTIONS FOR ATTORNEYS, and it was before the Senate. Senator Valentine explained the bill.

Senator Valentine proposed the following amendment:
1. Page 4, Lines 109a through 109c
Senate Committee Amendments
3–1–2011

109a (d) For an attorney who the division finds is not to be exempt under Subsection (2)(m), the
109b division may independently take enforcement action against the attorney under Part 4.
109c Enforcement

Senator Valentine’s motion to amend passed on a voice vote. Senators Waddoups, Reid and Urquhart commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Adams  Bramble  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Robles  H. Stephenson
J. Stevenson  Stowell  Thatcher  Urquhart
Valentine  Van Tassell  Thatcher  Waddoups

**Absent or not voting were:** Senators
Buttars  Romero

**H.B. 93**, as amended, was returned to the House for further consideration.

***

On motion of Senator Bramble, the Senate voted to recall **2nd Sub. S.B. 261**, CHANGES TO TRUST DEED FORECLOSURE PROVISIONS, from the House for the purpose of making an amendment.

On motion of Senator Jenkins, and at 11:00 a.m., the Senate sauntered.

The Senate was called to order at 11:30 a.m., with President Waddoups presiding.
COMMUNICATIONS FROM THE HOUSE

Mr. President: March 8, 2011

The House passed, 1st Sub. S.B. 212, JUDICIAL EVALUATION AMENDMENTS, by Senator D. C. Buttars, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

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

***

Mr. President: March 7, 2011

The House passed, as substituted and amended, 1st Sub. H.B. 89, PROTECTION OF CHILDREN RIDING IN MOTOR VEHICLES, by Representative P. Arent, et al, and it is transmitted for consideration; and

The House passed, as substituted and amended, 2nd Sub. H.B. 171, ABORTION CLINIC LICENSING, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed, as substituted and amended, 2nd Sub. H.B. 260, MECHANICS’ LIENS REVISIONS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 302, READING PROGRAM AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as amended, H.B. 304, CAMPAIGN FINANCE REVISIONS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as amended, H.B. 320, 4–H SPECIAL GROUP LICENSE PLATE, by Representative K. Powell, and it is transmitted for consideration; and

The House passed, as amended, H.B. 339, CHARTER SCHOOL ENROLLMENT AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as amended, H.B. 404, STATE HEALTH INSURANCE AMENDMENTS, by Representative D. Ipson, and it is transmitted for consideration; and
The House passed, as substituted, **1st Sub. H.B. 445**, PRISON RELOCATION AND DEVELOPMENT AUTHORITY ACT, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.J.R. 13**, JOINT RESOLUTION TO IMPLEMENT LEGISLATIVE COMPENSATION JOINT RULES CHANGES, by Representative W. Harper, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

* * *

Mr. President: March 8, 2011

The House substituted, amended, and passed, **1st Sub. S.B. 243**, HISTORIC AREAS OR SITES AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 16**, STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

**SECOND READING CALENDAR**

**H.B. 384**, VETERANS PREFERENCE AMENDMENTS, was read the second time. Senator Knudson 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

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Absent or not voting were: Senators
Robles Stowell Urquhart

* * *

H.B. 295, OUTDOOR ADVERTISING AMENDMENTS, was read the second time. Senator Niederhauser explained the bill.

Senator Knudson proposed the following amendment:

1. Page 4, Line 101:
   After “repaint,” insert “remodel, utilize in conformance with this part.”

Senator Knudson’s motion to amend passed on a voice vote. Senator Jenkins commented. Senator Valentine declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jones Knudson Liljenquist Madsen
Mayne McAdams Morgan Niederhauser
Okerlund Reid H. Stephenson J. Stevenson
Stowell Thatcher Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Jenkins Robles Romero Urquhart

* * *

H.B. 385, COUNTY JAIL MEDICAL EXPENSES, 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
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jenkins Jones Knudson Liljenquist
Day 43904  SENATE JOURNAL

Madsen      Mayne        McAdams      Morgan
Niederhauser Okerlund    Reid         Robles
H. Stephenson J. Stevenson  Stowell   Thatcher
Urquhart     Valentine        Van Tassell  Waddoups

Absent or not voting was: Senator
Romero

***

1st Sub. H.B. 420, WATER QUALITY BOARD POWERS AND DUTIES, was read the second time. Senator Hinkins 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
Adams      Bramble        Buttars       Christensen
Davis      Dayton         Hinkins       Jenkins
Jones      Knudson        Liljenquist   Madsen
Mayne      McAdams        Morgan       Niederhauser
Okerlund    Reid          Robles       H. Stephenson
J. Stevenson  Stowell    Thatcher      Urquhart
Valentine  Van Tassell       Waddoups

Absent or not voting were: Senators
Hillyard  Romero

***

1st Sub. H.B. 405, CHARGES FOR MEDICAL RECORDS, 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
Adams      Bramble        Buttars       Christensen
Davis      Dayton         Hinkins       Jenkins
Jones      Knudson        Liljenquist   Mayne
McAdams    Morgan         Niederhauser  Okerlund
Reid       Robles         H. Stephenson  J. Stevenson
Stowell    Thatcher       Urquhart      Valentine
Van Tassell  Waddoups
Absent or not voting were: Senators
Hillyard       Madsen       Romero

***

On motion of Senator Bramble, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Bramble, the circle was removed from 2nd Sub. S.B. 165, ELECTION LAW AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. Senator McAdams commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams          Bramble        Buttars       Christensen
Davis          Dayton         Hillyard     Hinkins
Jenkins        Jones          Knudson      Liljenquist
Madsen         Morgan         Niederhauser  Okerlund
Reid           Robles         H. Stephenson  J. Stevenson
Stowell        Thatcher       Urquhart     Valentine
Van Tassell    Waddoups

Voting in the negative was: Senator
McAdams

Absent or not voting were: Senators
Mayne          Romero

2nd Sub. S.B. 165 was transmitted to the House for consideration.

***

On motion of Senator Jenkins, and at 12:15 p.m., the Senate recessed.
AFTERNOON SESSION

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 8, 2011

The House passed, 1st Sub. S.B. 68, SOLID WASTE 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, 1st Sub. S.B. 70, COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES 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. 131, UNINCORPORATED BUSINESS ENTITY UNIFORM ACTS, 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. 198, DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT 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. 281, ELECTION REGISTRATION AMENDMENTS, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.C.R. 8, CONCURRENT RESOLUTION APPROVING A COMMERCIAL NONHAZARDOUS SOLID WASTE LANDFILL, 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

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 8, 2011

The House passed, as amended, H.B. 370, BAIL BOND AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration; and
The House passed **H.B. 428, WATER ISSUES TASK FORCE**, by Representative P. Painter, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

* * *  

Mr. President: March 8, 2011

The House substituted and passed, **1st Sub. S.B. 259, AMENDMENTS TO CERTAIN LOCAL GOVERNMENT TAXES AND FEES**, by Senator D. Stowell, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *  

Mr. President: March 8, 2011

The House transmits **2nd Sub. S.B. 261, CHANGES TO TRUST DEED FORECLOSURE PROVISIONS**, by Senator C. Bramble, for further consideration.

Sandy D. Tenney, Chief Clerk

On motion of Senator Valentine, the bill was placed at the top of the Third Reading calendar.

INTRODUCTION OF BILLS

**S.B. 5, Revenue Bond and Capital Facilities Authorizations** (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Reid, under suspension of the rules, **1st Sub. H.B. 280, STATE AGENCY REALIGNMENT**, 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

Adams  Davis  Dayton  Hinkins
Jones  Knudson  Madsen  Mayne
Morgan  Niederhauser  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Van Tassell

Absent or not voting were: Senators

Bramble  Buttars  Christensen  Hillyard
Jenkins  Liljenquist  McAdams  Waddoups

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 Valentine, H.B. 446, LOCAL DISTRICT TAX AMENDMENTS, was read the second time and circled.

* * *

H.B. 374, DOMESTIC VIOLENCE 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

Adams  Christensen  Davis  Dayton
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Morgan  Niederhauser
Reid  Robles  Romero  H. Stephenson
J. Stevenson  Stowell  Thatcher  Urquhart
Valentine  Van Tassell

Absent or not voting were: Senators

Bramble  Buttars  Hillyard  Liljenquist
McAdams  Okerlund  Waddoups

* * *

On motion of Senator Davis, H.B. 451, TOBACCO SETTLEMENT FUNDS AMENDMENTS, was read the second time and circled.
On motion of Senator Dayton, **H.B. 288**, CONCURRENT ENROLLMENT TRANSCRIPTS, was read the second time and circled.

* * *

On motion of Senator Niederhauser, **H.B. 469**, IMMIGRATION RELATED AMENDMENTS, was read the second time and circled.

* * *

**H.C.R. 18**, CONCURRENT RESOLUTION APPROVING SOLID WASTE FACILITY CLASSIFICATION CHANGE, was read the second time. Senator Stevenson 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  
Adams Christensen Davis Dayton  
Hillyard Hinkins Jones Knudson  
Liljenquist Madsen Mayne Morgan  
Niederhauser Okerlund Reid Robles  
Romero H. Stephenson J. Stevenson Stowell  
Thatcher Urquhart Van Tassell Waddoups

**Absent or not voting were:** Senators  
Bramble Buttars Jenkins McAdams  
Valentine

* * *

On motion of Senator Niederhauser, the circle was removed from **H.B. 469**, IMMIGRATION RELATED AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 2, Lines 31 through 32

31 This bill coordinates with H.B. 497, Utah Illegal Immigration Enforcement Act, to make  
32 substantive amendments.
2. Page 10, Lines 296 through 306:

296 If this H.B. 469 and H.B. 497, Utah Illegal Immigration Enforcement Act, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel make the following changes:

299 (1) delete the “or” at the end of Subsection 76−9−1004(1) (d) (c) enacted in H.B. 497;

300 (2) delete the “;” and insert “; or” at the end of Subsection 76−9−1004(1) (e) (d) enacted in H.B. 497;

301 (3) insert a new Subsection (1) (f) (e) in Section 76−10−2901 amended in H.B. 497 that reads:

303 ” (f) (e) a valid resident immigrant permit issued under Section 63G−12−204.”; and

304 (4) insert a new Subsection (6) in Section 76−10−2901 amended in H.B. 497 that reads:

305 ” (6) An individual’s participation in Title 63G, Chapter 12, Utah Pilot Sponsored Resident Immigrant Program Act, either as a sponsor or resident alien does not constitute

Senator Niederhauser’s motion to amend passed on a voice vote.

On motion of Senator Niederhauser, under suspension of the rules, H.B. 469, IMMIGRATION RELATED AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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Voting in the negative were: Senators
Davis       Jones       Mayne       Robles
Romero      Urquhart

Absent or not voting were: Senators
Buttars     Jenkins     McAdams     Valentine

H.B. 469, as amended, was returned to the House for further consideration.

***

On motion of Senator Hillyard, the Senate voted to lift S.B. 2, S.B. 4, and S.B. 6 from Rules and place them at the top of the Second Reading Calendar.

On motion of Senator Hillyard, the bills were circled.

***

On motion of Senator Bramble, the circle was removed from H.B. 446, LOCAL DISTRICT TAX AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators
Adams       Bramble     Davis       Dayton
Hillyard    Hinkins     Knudson     Madsen
Mayne       McAdams     Niederhauser Okerlund
Reid        Robles      Romero      H. Stephenson
J. Stevenson Stowell     Thatcher     Urquhart
Van Tassell Waddoups

Absent or not voting were: Senators
Buttars     Christensen Jenkins     Jones
Liljenquist Morgan     Valentine

***

On motion of Senator Hillyard, the circle was removed from H.B. 451, TOBACCO SETTLEMENT FUNDS AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:
Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators
Adams Bramble Davis Dayton
Hillyard Hinkins Knudson Madsen
Mayne McAdams Morgan Niederhauser
Okerlund Reid Romero H. Stephenson
J. Stevenson Stowell Thatcher Urquhart
Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Christensen Jenkins Jones
Liljenquist Robles Valentine

* * *

On motion of Senator Stowell, 1st Sub. H.B. 273, ANIMAL CONTROL AMENDMENTS, was read the second time and circled.

* * *

H.B. 137, TRANSPORTATION CHANGES, was read the second time. Senator Madsen 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
Adams Bramble Davis Dayton
Hillyard Knudson Liljenquist Madsen
Mayne Morgan Niederhauser Okerlund
Romero H. Stephenson J. Stevenson Stowell
Thatcher Urquhart Van Tassell Waddoups

Voting in the negative was: Senator
McAdams

Absent or not voting were: Senators
Buttars Christensen Hinkins Jenkins
Jones Reid Robles Valentine

* * *

On motion of Senator Adams, H.B. 104, HOMEOWNER ASSOCIATION AMENDMENTS, was read the second time and circled.
On motion of Senator Hillyard, **H.B. 199**, ADVERTISEMENTS ON SCHOOL BUSES, was read the second time and circled.

***

**1st Sub. H.B. 481**, TRANSPORTATION OF MENTAL ILLNESS PATIENTS, was read the second time. Senator Stevenson 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. 411**, APPROACHING STATIONARY EMERGENCY VEHICLE AMENDMENTS, was read the second time. Senator Valentine explained the bill.

Senator Valentine proposed the following amendment:

1. Page 3, Line 59

59 attendance of the classroom course required under Subsection (5)(a), within {60} 90 days of

2. Page 3, Lines 62 through 63:

62 {(c) The Utah Safety Council shall notify the Driver License Division whether an individual has attended the course required in this Subsection (5).}

Senator Valentine’s motion to amend passed on a voice vote. Senator Mayne commented. 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. 272, INDIGENT DEFENSE ACT AMENDMENTS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading 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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On motion of Senator Niederhauser, the circle was removed from 2nd Sub. H.B. 76, FEDERAL LAW EVALUATION AND RESPONSE, and it was before the Senate. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 3, Line 60b
   Senate Committee Amendments
   3–2–2011
This bill coordinates with H.J.R. 29, Federalism Interim Committee Joint Resolution, by modifying substantive language.

2. Page 3, Line 73b
Senate Committee Amendments
3–2–2011:

73b 53C–3–203, as last amended by Laws of Utah 2010, Chapters 79 and 262

63C–4–106, Utah Code Annotated 1953

3. Page 23, Line 691o
Senate Committee Amendments
3–2–2011:

691o administration before awarding the grants described in Subsection (4)(b)(viii).”


If this H.B. 76 and H.J.R. 29, Federalism Interim Committee Joint Resolution, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, modify Subsection 63C–4–106(7) by deleting “Government Operations” and inserting “Federalism”.

Senator Niederhauser’s motion to amend passed on a voice vote.

Senator Okerlund proposed the following amendment:

1. Page 23, Lines 691n through 691o
Senate Committee Amendments
3–2–2011

691n "(5) The administration shall make recommendations to the Permanent Community Impact Fund Board for its consultation when awarding the grants described in Subsection (4)(b)(viii).”

Senator Okerlund’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:
Yeas, 17; Nays, 1; Absent, 11.

Voting in the affirmative were: Senators
Christensen  Dayton  Hillyard  Hinkins
Knudson  Liljenquist  Madsen  Mayne
Niederhauser  Okerlund  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Van Tassell
Waddoups

Voting in the negative was: Senator
Romero

Absent or not voting were: Senators
Adams  Bramble  Buttars  Davis
Jenkins  Jones  McAdams  Morgan
Reid  Robles  Valentine

* * *

On motion of Senator Romero, 1st Sub. H.B. 16, PHARMACY BENEFITS MANAGER ACT, was read the second time and circled.

* * *

H.B. 314, INSURANCE REQUIREMENTS FOR CHILD CARE BUSES, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

Yeas, 16; Nays, 0; Absent, 13.

Voting in the affirmative were: Senators
Davis  Dayton  Hillyard  Hinkins
Knudson  Madsen  Mayne  Niederhauser
Okerlund  Romero  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Van Tassell

Absent or not voting were: Senators
Adams  Bramble  Buttars  Christensen
Jenkins  Jones  Liljenquist  McAdams
Morgan  Reid  Robles  Valentine
Waddoups

* * *

H.B. 168, CHILD IDENTITY THEFT PROTECTION AMENDMENTS, was read the second time. Senator Mayne 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
- Adams
- Davis
- Dayton
- Hillyard
- Hinkins
- Jenkins
- Knudson
- Madsen
- Mayne
- Niederhauser
- Okerlund
- Romero
- H. Stephenson
- J. Stevenson
- Stowell
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups

Absent or not voting were: Senators
- Bramble
- Buttars
- Christensen
- Jones
- Liljenquist
- McAdams
- Morgan
- Reid
- Robles

***

On motion of Senator Adams, the circle was removed from **H.B. 104, HOMEOWNER ASSOCIATION AMENDMENTS**, and it was before the Senate.

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

**1st Sub. H.B. 104 Homeowner Association Amendments** (R. C. Webb)

Senator Adams explained the bill. Senator Waddoups commented. The bill passed on the following roll call:

Yeas, 17; Nays, 0; Absent, 12.

Voting in the affirmative were: Senators
- Adams
- Davis
- Dayton
- Hillyard
- Hinkins
- Knudson
- Niederhauser
- Okerlund
- Romero
- H. Stephenson
- J. Stevenson
- Stowell
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups

Absent or not voting were: Senators
- Bramble
- Buttars
- Christensen
- Jenkins
- Jones
- Liljenquist
- Madsen
- Mayne
- McAdams
- Morgan
- Reid
- Robles

***

**H.B. 358, ACCESS TO CONTROLLED SUBSTANCE DATABASE REVISIONS**, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:
Yeas, 15; Nays, 1; Absent, 13.

Voting in the affirmative were: Senators
Adams  Davis  Dayton  Hillyard
Hinkins  Knudson  Mayne  Niederhauser
Okerlund  H. Stephenson  J. Stevenson  Stowell
Valentine  Van Tassell  Waddoups

Voting in the negative was: Senator
Romero

Absent or not voting were: Senators
Bramble  Buttars  Christensen  Jenkins
Jones  Liljenquist  Madsen  McAdams
Morgan  Reid  Robles  Thatcher
Urquhart

* * *

H.B. 415, SCHOOLS FOR THE DEAF AND BLIND FOUNDATION, was read the second time. Senator Adams explained the bill. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 0; Absent, 12.

Voting in the affirmative were: Senators
Adams  Bramble  Davis  Dayton
Hillyard  Hinkins  Knudson  Mayne
Okerlund  Romero  H. Stephenson  J. Stevenson
Stowell  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Buttars  Christensen  Jenkins  Jones
Liljenquist  Madsen  McAdams  Morgan
Niederhauser  Reid  Robles  Thatcher

* * *

On motion of Senator Dayton, the circle was removed from H.B. 288, CONCURRENT ENROLLMENT TRANSCRIPTS, and it was before the Senate. Senator Dayton 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
Adams  Bramble  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Knudson  Madsen  Mayne  McAdams
Niederhauser  Okerlund  Romero  H. Stephenson
J. Stevenson  Stowell  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Buttars  Jones  Liljenquist  Morgan
Reid  Robles

* * *

On motion of Senator Waddoups, the circle was removed from H.B. 199, ADVERTISEMENTS ON SCHOOL BUSES, and it was before the Senate. Senator Waddoups explained the bill. Senators Hillyard, Jenkins, Jones, and Stephenson commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 7; Absent, 5.

Voting in the affirmative were: Senators
Bramble  Christensen  Davis  Hillyard
Hinkins  Jones  Knudson  Madsen
Mayne  McAdams  Okerlund  Robles
H. Stephenson  Stowell  Thatcher  Van Tassell
Waddoups

Voting in the negative were: Senators
Dayton  Jenkins  Niederhauser  Romero
J. Stevenson  Urquhart  Valentine

Absent or not voting were: Senators
Adams  Buttars  Liljenquist  Morgan
Reid

* * *

H.B. 391, NATIONAL GUARD JOINT FORCES HEADQUARTERS MODIFICATIONS, 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

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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. H.B. 16, PHARMACY BENEFITS MANAGER ACT, and it was before the Senate.

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

3rd Sub. H.B. 16 Pharmacy Benefits Manager Act (E. Vickers)

Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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On motion of Senator Bramble, the Senate voted to move to Third Reading Calendar.
THIRD READING CALENDAR

2nd Sub. S.B. 261, CHANGES TO TRUST DEED FORECLOSURE PROVISIONS, was before the Senate and explained by Senator Bramble.

Senator Bramble proposed the following amendment:

1. Page 3, Line 77

77 (2) (a) {An} The attorney general may assess an unauthorized person who exercises a power of sale {is subject to} a civil

2. Page 3, Lines 79 through 80:

79 (b) In an action to {impose} collect a civil penalty under Subsection (2)(a), the court shall require {a} an unauthorized person found to violate Subsection (2)(a) have exercised a power of sale to pay the plaintiff’s costs and attorney fees.

80 (c) A civil penalty collected under this section shall be deposited into the General Fund.

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

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators
Bramble Christensen Davis Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne McAdams Niederhauser
Okerlund Robles Romero H. Stephenson
J. Stevenson Stowell Thatcher Urquhart
Valentine Van Tassell

Absent or not voting were: Senators
Adams Buttars Dayton Liljenquist
Morgan Reid Waddoups

2nd Sub. S.B. 261 was transmitted to the House.

***

On motion of Senator Knudson, the Senate voted to lift the following bills from Rules and place them on the Second Reading Calendar:
H.B. 316  Taxation of Surplus Lines of Insurance (Rep. T. Kiser)
H.B. 303  Prepaid Wireless 911 Service Charge (Rep. B. Dee)
H.J.R. 34  Joint Resolution Authorizing Lease of Rio Grande Depot
           (Rep. D. Litvack)
H.B. 388  Operation and Management of Charter Schools
           (Rep. C. Herrod)
1st Sub. H.B. 327  Public Education Annual Report Amendments
                  (Rep. L. Christensen)
1st Sub. H.B. 269  Commission on Civic and Character Education
                   (Rep. L. Christensen)
H.B. 178  Dispatcher Service Amendments (Rep. R. Greenwood)
H.B. 412  Land Use Revisions (Rep. G. Froerer)
H.B. 400  Regulation of Mining Operations (Rep. M. Noel)
H.J.R. 29  Federalism Interim Committee Joint Resolution
           (Rep. C. Herrod)
H.B. 130  Election Day Voting Centers (Rep. R. Chavez-Houck)
H.B. 145  Public School Privacy Amendments (Rep. S. Eliason)
H.J.R. 39  State Jurisdiction of Federally Managed Lands Joint
           Resolution (Rep. R. Barrus)
H.B. 403  Changes to Fit Premises Act (Rep. J. Seelig)
H.B. 98  Capital Outlay Funding Modifications (Rep. C. Watkins)
H.B. 376  Small Claims Court Jurisdiction (Rep. R. Edwards)
1st Sub. H.B. 138  Federal Receipts Reporting Requirements (K. Ivory)
H.B. 281  Sex Offender and Kidnapping Amendments (Rep. F. Cox)
1st Sub. H.B. 191  Nonresident Tuition Waiver Amendments
                   (Rep. C. Wimmer)
1st Sub. H.B. 89  Protection Of Children Riding In Motor Vehicles
                 (P. Arent)
H.B. 177  Canine Body Armor Restricted Account and Income Tax
         Contribution (Rep. R. Greenwood)
H.B. 492  Washington County Veterans’ Home (Rep. D. Ipson)
H.B. 493  Utah County Veterans’ Homes (Rep. D. Ipson)

SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from S.B. 2, NEW
FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, and it was before
the Senate. Senator Hillyard explained the bill.
Senator Urquhart proposed the following amendment:

1. Page 39, Line 1460 through 1462:
   Delete lines 1460 through 1463

Senator Urquhart’s motion to amend passed on a voice vote.

On motion of Senator Hillyard, under suspension of the rules, **S.B. 2**, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, 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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**S.B. 2** was transmitted to the House.

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On motion of Senator Hillyard, the circle was removed from **S.B. 6**, STATE AGENCY AND HIGHER EDUCATION COMPENSATION APPROPRIATIONS, and it was before the Senate. Senator Hillyard explained the bill. Senator Okerlund commented.

On motion of Senator Hillyard, under suspension of the rules, **S.B. 6**, STATE AGENCY AND HIGHER EDUCATION COMPENSATION APPROPRIATIONS, 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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S.B. 6 was transmitted to the House.

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: March 7, 2011


On motion of Senator Dayton, the Senate voted to adopt the Joint Conference Committee report. The bill passed on the following roll call vote:

Yeas, 20; Nays, 7; Absent, 2.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dayton
Hillyard Hinkins Jenkins Knudson
Madsen Niederhauser Okerlund Reid
H. Stephenson J. Stevenson Stowell Thatcher
Urquhart Valentine Van Tassell Waddoups

Voting in the negative were: Senators
Davis Jones Mayne McAdams
Morgan Robles Romero

Absent or not voting were: Senators
Buttars Liljenquist

1st Sub. 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.
COMMUNICATIONS FROM THE HOUSE

Mr. President:

The House concurred in the Senate amendments and passed H.B. 469, IMMIGRATION RELATED AMENDMENTS, by Representative J. Dougall, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bill 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, and at 4:55 p.m., the Senate adjourned until 8:00 a.m., Wednesday, March 9, 2011.
FORTY-FOURTH DAY

MORNING SESSION

March 9, 2011

The Senate was called to order at 9:25 a.m., with President Michael Waddoups presiding.

Prayer – Senator Steve Urquhart
Pledge of Allegiance – Senator Chris Buttars
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, Page 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 8, 2011

The House passed, S.B. 2, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 6, STATE AGENCY AND HIGHER EDUCATION COMPENSATION APPROPRIATIONS, 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. 63, K–3 READING IMPROVEMENT PROGRAM ACCOUNTABILITY, by Senator K. Morgan, 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. 67, ANNUAL EYE EXAMINATION FOR CHILDREN IN GRADES KINDERGARTEN THROUGH THREE, by Senator L. Robles, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 86, SUNSET REAUTHORIZATIONS, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 2nd Sub. S.B. 100, SECURITIES FRAUD REPORTING PROGRAM ACT, by Senator B. McAdams, which has been signed by the Speaker and it is transmitted for the signature of the President; and
The House passed, S.B. 150, NEGLIGENT CREDENTIALING, by Senator J. S. Adams, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 222, PUBLIC TRANSIT 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, POST RETIREMENT EMPLOYMENT 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. 237, POLLUTION CONTROL FACILITY AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 308, AMENDMENTS TO PUBLIC EMPLOYEE’S BENEFIT AND INSURANCE PROGRAM, 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. 313, PROSTATE CANCER SPECIAL GROUP LICENSE PLATE, by Senator B. McAdams, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 8, 2011

The House concurred in the Senate amendments and passed H.B. 93, MORTGAGE AND REAL ESTATE LICENSURE EXEMPTIONS FOR ATTORNEYS, by Representative L. Christensen, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 107, VOLUNTEER FIREFIGHTERS’ RETIREMENT AMENDMENTS, 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. 220, CIVICS EDUCATION 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. 334, FAMILY EXPENSE AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills 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 8, 2011

The House passed H.B. 3, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS, by Representative M. Brown, and it is transmitted for consideration; and

The House passed, as substituted and amended, 2nd Sub. H.B. 491, ALIMONY MODIFICATIONS, by Representative S. Sandstrom, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

* * *

Mr. President: March 8, 2011

The House passed, as amended, S.B. 76, DISTRIBUTION OF REVENUES COLLECTED UNDER LOCAL SALES AND USE TAX ACT, by Senator D. Hinkins, and it is transmitted for further consideration; and

The House passed, as amended, S.B. 97, HIGHER EDUCATION MISSION BASED FUNDING, by Senator S. Urquhart, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

INTRODUCTION OF BILLS

S.B. 5, Revenue Bond and Capital Facilities Authorizations (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Adams, the Senate voted to lift S.B. 5, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, from the Rules Committee and placed it on the top of the Second Reading Calendar.
CONCURRENCE CALENDAR

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **1st Sub. S.B. 16**, STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION 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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1st Sub. S.B. 16 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. 243**, HISTORIC AREAS OR SITES AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 19; Nays, 7; Absent, 3.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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1st Sub. S.B. 243 was returned to the House for the signature of the Speaker.

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On motion of Senator Stowell, the Senate voted to concur in the House amendments to 1st Sub. S.B. 259, AMENDMENTS TO CERTAIN LOCAL GOVERNMENT TAXES AND FEES. On motion of Senator Stowell, under suspension of the rules, the bill was considered read for the second and third time. 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. 259 was returned to the House for the signature of the Speaker.

**THIRD READING CALENDAR**

H.B. 384, VETERANS PREFERENCE 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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H.B. 384 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 295, OUTDOOR ADVERTISING AMENDMENTS, was read the third time and explained by Senator Niederhauser.

Senator Niederhauser proposed the following amendment:

1. Page 4, Lines 101 through 103
   Senate 2nd Reading Amendments
   3–8–2011

   101 [(12) (11)] “Maintenance” means to repair, refurbish, repaint,
   remodel, utilize in
   101a conformance with this part, or otherwise keep an
   102 existing sign structure safe and in a state suitable for use, including
   signs destroyed by
   103 vandalism or an act of God.

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

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

   Voting in the affirmative were: Senators

   Adams  Bramble  Buttars  Christensen
   Davis  Dayton  Hillyard  Hinkins
   Jenkins  Jones  Knudson  Liljenquist
   Madsen  Mayne  McAdams  Morgan
   Niederhauser  Okerlund  Reid  Robles
   Romero  H. Stephenson  J. Stevenson  Thatcher
   Urquhart  Valentine  Van Tassell  Waddoups

   Absent or not voting was: Senator
   Stowell

   H.B. 295, as amended, was returned to the House for further consideration.

   * * *

   H.B. 385, COUNTY JAIL MEDICAL EXPENSES, 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
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Hinkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  H. Stephenson  J. Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Jenkins  Robles  Romero  Stowell

H.B. 385 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. 420, WATER QUALITY BOARD POWERS AND DUTIES,
was read the third time and explained by Senator Hinkins.

Senator Hinkins proposed the following amendment:

1. Page 8, Line 223:
   After “public” insert “or private”

2. Page 8, Line 225:
   After “public” insert “or private”

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

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Mayne
Morgan  Niederhauser  Reid  Romero
H. Stephenson  J. Stevenson  Thatcher  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Buttars  Madsen  McAdams  Okerlund
Robles  Stowell  Urquhart
1st Sub. H.B. 420, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 405, CHARGES FOR MEDICAL RECORDS, was read the third time and explained by Senator Valentine. Senator Christensen commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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<tr>
<th>Bramble</th>
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</table>

1st Sub. H.B. 405 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 374, DOMESTIC VIOLENCE AMENDMENTS, was read the third time and explained by Senator Urquhart and 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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<tr>
<th>McAdams</th>
<th>Niederhauser</th>
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</table>
H.B. 374 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.C.R. 18, CONCURRENT RESOLUTION APPROVING SOLID WASTE FACILITY CLASSIFICATION, was read the third time, explained by Senator Stevenson, 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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<th>Madsen</th>
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H.C.R. 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. 446, LOCAL DISTRICT TAX AMENDMENTS, was read the third time, explained by Senator Bramble, and 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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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.

* * *

H.B. 451, TOBACCO SETTLEMENT FUNDS AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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H.B. 451 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 137, TRANSPORTATION CHANGES, was read the third time and explained by Senator Madsen. Senators Jones, Romero, and Buttars 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

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Absent or not voting were: Senators
Okerlund    Stowell

H.B. 137 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 Adams, the circle was removed from S.B. 64, WORKERS’ COMPENSATION FUND SUBSIDIARY AMENDMENTS, and it was before the Senate. On motion of Senator Adams the Senate voted to return the bill to Rules for interim study.

***

1st Sub. H.B. 481, TRANSPORTATION OF MENTAL ILLNESS PATIENTS, was read the third time and explained by Senator Adams. Senator Hillyard commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams     Bramble     Buttars     Christensen
Davis     Dayton     Hillyard     Hinkins
Jones     Knudson    Liljenquist  Madsen
Mayne     McAdams    Morgan      Niederhauser
Reid      Robles     Romero      H. Stephenson
J. Stevenson     Thatcher    Urquhart    Valentine
Van Tassell    Waddoups

Absent or not voting were: Senators
Jenkins    Okerlund    Stowell

1st Sub. H.B. 481 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 411, APPROACHING STATIONARY EMERGENCY VEHICLE 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
Adams Bramble Christensen Davis
Dayton Hillyard Hinkins Jenkins
Jones Knudson Liljenquist Madsen
Mayne McAdams Morgan Niederhauser
Okerlund Reid Robles Romero
H. Stephenson Thatcher Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Buttars J. Stevenson Stowell

H.B. 411, as amended, was returned to the House for further consideration.

***

H.B. 272, INDIGENT DEFENSE ACT AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Christensen Davis Dayton
Hillyard Hinkins Jenkins Jones
Knudson Liljenquist Madsen Mayne
McAdams Morgan Okerlund Reid
Robles Romero H. Stephenson J. Stevenson
Thatcher Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Adams Buttars Niederhauser Stowell

H.B. 272 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, 2nd Sub. H.B. 76, FEDERAL LAW EVALUATION AND RESPONSE, was read the third time and circled.

***

H.B. 314, INSURANCE REQUIREMENTS FOR CHILD CARE BUSES, 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
Adams Christensen Davis Dayton
Hillyard Hinkens Jenkins Jones
Knudson Liljenquist Madsen Mayne
McAdams Morgan Okerlund Reid
Robles Romero H. Stephenson J. Stevenson
Thatcher Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble Buttars Niederhauser Stowell

H.B. 314 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 168, CHILD IDENTITY THEFT PROTECTION AMENDMENTS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators
Adams Christensen Davis Dayton
Hillyard Jenkins Knudson Liljenquist
Madsen Mayne Morgan Okerlund
Reid Robles Romero H. Stephenson
J. Stevenson Thatcher Urquhart Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Buttars Hinkens Jones
McAdams Niederhauser Stowell

H.B. 168 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. 104, HOMEOWNER ASSOCIATION AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Adams  Christensen  Davis  Dayton
Hillyard  Hinkins  Jenkins  Knudson
Liljenquist  Madsen  Mayne  McAdams
Morgan  Niederhauser  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators

Bramble  Buttars  Jones  Stowell

1st Sub. H.B. 104, as amended, was returned to the House for further consideration.

***

On motion of Senator Niederhauser, H.B. 358, ACCESS TO CONTROLLED SUBSTANCE DATABASE REVISIONS, was read the third time and circled.

***

H.B. 415, SCHOOLS FOR THE DEAF AND BLIND FOUNDATION, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Robles  Romero
H. Stephenson  J. Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators

Buttars  Stowell

H.B. 415 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
H.B. 288, CONCURRENT ENROLLMENT TRANSCRIPTS, 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

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**Absent or not voting were:** Senators

| Buttars | Stowell | Thatcher |

H.B. 288 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* ***

H.B. 199, ADVERTISEMENTS ON SCHOOL BUSES, was read the third time and explained by Senator Stephenson. Senator Jenkins commented and the bill passed on the following roll call:

**Yeas, 18; Nays, 7; Absent, 4.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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<tr>
<th>Dayton</th>
<th>Jenkins</th>
<th>Morgan</th>
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**Absent or not voting were:** Senators

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H.B. 199 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 391, NATIONAL GUARD JOINT FORCES HEADQUARTERS MODIFICATIONS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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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.

* * *

3rd Sub. H.B. 16, PHARMACY BENEFITS MANAGER ACT, 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

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</table>
3rd Sub. H.B. 16, as amended, was returned to the House for further consideration.

***

On motion of Senator Niederhauser, the Senate voted to ask the House to return 2nd Sub. H.B. 76, FEDERAL LAW EVALUATION AND RESPONSE, as it was sent there in error.

***

On motion of Senator Niederhauser, the circle was removed from H.B. 358, ACCESS TO CONTROLLED SUBSTANCE DATABASE REVISIONS, 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

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

| Buttars | Robles | Stowell |

H.B. 358 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Dayton, the circle was removed from S.B. 279, GRAND JURY MODIFICATIONS, and it was before the Senate. Senator Dayton 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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Absent or not voting were: Senators
Buttars Okerlund Stowell

S.B. 279 was transmitted to the House for consideration.

* * *

On motion of Senator Madsen, the circle was removed from S.B. 53, ELIGIBILITY FOR INTERSCHOLASTIC ACTIVITIES IN SECONDARY SCHOOLS, and it was before the Senate. Senator Madsen explained the bill. Senators Robles, Mayne, Stephenson, Morgan, and Okerlund commented.

On motion of Senator Madsen, the bill was circled.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 9, 2011
The House passed, 1st Sub. S.B. 73, PUBLIC SCHOOL TEACHER TENURE MODIFICATIONS, 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. 112, RETIREMENT SYSTEM DIVESTMENT, 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

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 9, 2011
The House adopted the Joint Conference Committee Report dated March 9, 2011, and passed 1st Sub. H.B. 183, SCHOOL DISTRICT LEAVE POLICIES, by Representative K. Grover, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bill 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, 2011

The House substituted and passed, 2nd Sub. S.B. 32, AGRICULTURE AMENDMENTS, by Senator R. Okerlund, and it is transmitted for further consideration; and

The House passed, as amended, 1st Sub. S.B. 314, ALCOHOLIC BEVERAGE AMENDMENTS, by Senator J. Valentine, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

SECOND READING CALENDAR

On motion of Senator Buttars, the circle was removed from S.B. 4, CURRENT SCHOOL YEAR SUPPLEMENTAL PUBLIC EDUCATION BUDGET ADJUSTMENTS, and it was before the Senate. Senator Buttars explained the bill.

On motion of Senator Buttars, under suspension of the rules, S.B. 4, CURRENT SCHOOL YEAR SUPPLEMENTAL PUBLIC EDUCATION BUDGET ADJUSTMENTS, 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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S.B. 4 was transmitted to the House.

* ***

On motion of Senator Knudson, and at 11:35 a.m., the Senate recessed.
COMMUNICATIONS FROM THE HOUSE

Mr. President: March 9, 2011

The Speaker of the House has signed 1st Sub. S.B. 16, STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The House passed, S.B. 77, IGNITION INTERLOCK SYSTEM 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. 89, HOMEOWNER ASSOCIATION RESERVE ACCOUNT, 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, 2nd Sub. S.B. 165, ELECTION LAW 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. 181, LOBBYIST DISCLOSURE AND REGULATION ACT REVISIONS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 206, LABOR ORGANIZATION PROVISIONS IN TEACHER CONTRACTS, 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, 2nd Sub. S.B. 221, STATE OF UTAH RESOURCE MANAGEMENT PLAN FOR FEDERAL LANDS, by Senator R. Okerlund, 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. 243, HISTORIC AREAS OR SITES AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 244, SALT LAKE COUNTY HIGHWAY PROJECT FUNDING, 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. 259**, AMENDMENTS TO CERTAIN LOCAL GOVERNMENT TAXES AND FEES, by Senator D. Stowell, and it is transmitted for the signature of the President; and

The House passed, **S.B. 285**, INDUSTRIAL ASSISTANCE FUND 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. 317**, STATE PARKS ACCESS HIGHWAY, by Senator K. Van Tassell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

Mr. President: March 9, 2011

The House passed, as amended, **S.B. 44**, STATE COMMISSION 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.

***

Mr. President: March 9, 2011


Sandy D. Tenney, Chief Clerk

CONCURRENCE CALENDAR

On motion of Senator Hinkins, the Senate voted to concur in the House amendments to **S.B. 76**, DISTRIBUTION OF REVENUES COLLECTED UNDER THE LOCAL SALES AND USE TAX ACT. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**
Voting in the affirmative were: Senators
Adams               Christensen               Davis               Dayton
Hillyard            Hinkins                 Jones               Knudson
Liljenquist         Madsen                  Mayne               McAdams
Morgan              Niederhauser            Okerlund            Reid
Robles              Romero                  H. Stephenson       J. Stevenson
Stowell             Thatcher                Urquhart            Valentine
Van Tassell         Waddoups

Absent or not voting were: Senators
Bramble             Buttars                 Jenkins

S.B. 76 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. 97, HIGHER EDUCATION MISSION BASED FUNDING. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams               Buttars                 Christensen               Davis
Dayton              Hillyard                Hinkins                 Jenkins
Jones               Knudson                 Liljenquist            Madsen
Mayne               McAdams                 Niederhauser            Okerlund
Reid                Robles                  Romero                 H. Stephenson
J. Stevenson        Stowell                 Thatcher               Urquhart
Valentine           Van Tassell              Waddoups

Absent or not voting were: Senators
Bramble             Morgan

S.B. 97 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 2nd Sub. S.B. 32, AGRICULTURE AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.
Voting in the affirmative were:

Adams  Buttars  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Robles  Romero
H. Stephenson  J. Stevenson  Stowell  Thatcher
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting was:

Bramble

2nd Sub. S.B. 32 was returned to the House for the signature of the Speaker.

On motion of Senator Valentine, the Senate voted to concur in the House amendments to 1st Sub. S.B. 314, ALCOHOLIC BEVERAGE AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were:

Adams  Bramble  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Robles  Romero
H. Stephenson  J. Stevenson  Stowell  Thatcher
Urquhart  Valentine  Van Tassell  Waddoups

Voting in the negative was:

Buttars

1st Sub. S.B. 314 was returned to the House for the signature of the Speaker.

On motion of Senator Dayton, the Senate voted to concur in the House amendments to S.B. 44, STATE COMMISSION AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 21; Nays, 3; Absent, 5.
Voting in the affirmative were: Senators
Adams         Buttars       Christensen  Davis
Dayton        Hillyard     Jenkins      Knudson
Liljenquist   Madsen       Mayne        McAdams
Okerlund      Reid          H. Stephenson J. Stevenson
Stowell       Thatcher     Urquhart    Van Tassell
Waddoups

Voting in the negative were: Senators
Jones         Morgan        Romero

Absent or not voting were: Senators
Bramble       Hinkins      Niederhauser Robles
Valentine

S.B. 44 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. 53, ELIGIBILITY FOR INTERSCHOLASTIC ACTIVITIES IN SECONDARY SCHOOLS, and it was before the Senate.

On motion of Senator Madsen, the bill was circled.

SECOND READING CALENDAR

On motion of Senator Adams, S.B. 5, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, was read the second time and circled.

***

H.B. 316, TAXATION OF SURPLUS LINES OF INSURANCE, was read the second time. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 6, Lines 163 through 164

163   (6) The commissioner may apply the definition of “home state” in Subsection (1) when

164   implementing an agreement described in Subsection (2).

(7) The commissioner shall report to the Business and Labor Interim Committee regarding the nature and status of any agreement into which the commissioner enters under Subsection (2).
Senator Bramble’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Dayton | Hillyard | Madsen |

***

**H.B. 303, PREPAID WIRELESS 911 SERVICE CHARGE,** was read the second time. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**H.J.R. 34, JOINT RESOLUTION AUTHORIZING LEASE OF RIO GRAND DEPOT,** was read the second time. Senator Davis 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
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hinkins  Jenkins
Jones  Knudson  Liljenquist  McAdams
Morgan  Niederhauser  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Hillyard  Madsen  Mayne

***

H.B. 388, OPERATION AND MANAGEMENT OF CHARTER SCHOOLS, was read the second time. Senator Adams explained the bill. Senators Jones and Morgan commented. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 8; Absent, 2.

Voting in the affirmative were: Senators
Adams  Buttars  Dayton  Hinkins
Jenkins  Knudson  Liljenquist  Madsen
Niederhauser  Okerlund  Reid  H. Stephenson
J. Stevenson  Stowell  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Voting in the negative were: Senators
Davis  Hillyard  Jones  Mayne
McAdams  Morgan  Robles  Romero

Absent or not voting were: Senators
Bramble  Christensen

***

On motion of Senator Dayton, 1st Sub. H.B. 327, PUBLIC EDUCATION ANNUAL REPORT AMENDMENTS, was read the second time and circled.

***

1st Sub. H.B. 269, COMMISSION ON CIVIC AND CHARACTER EDUCATION, was read the second time. Senator Dayton explained the bill. Senator Buttars commented. The bill passed second reading on the following roll call:
Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Davis  Dayton  Hillyard  Hinkins  Jenkins  Jones  Knudson  Madsen  Mayne  Morgan  Niederhauser  Okerlund  Reid  Robles  Romero  J. Stevenson  Stowell  Thatcher  Urquhart  Valentine  Waddoups

Absent or not voting were: Senators
Christensen  Liljenquist  McAdams  H. Stephenson  Van Tassell

* * *

On motion of Senator Dayton, the circle was removed from 1st Sub. H.B. 327, PUBLIC EDUCATION ANNUAL REPORT AMENDMENTS, and it was before the Senate. Senator Dayton explained the bill. Senator Buttars commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen  Davis  Dayton  Hinkins  Jones  Knudson  Madsen  Mayne  McAdams  Morgan  Niederhauser  Okerlund  Reid  Robles  Romero  J. Stevenson  Stowell  Thatcher  Valentine  Waddoups

Absent or not voting were: Senators
Hillyard  Jenkins  Liljenquist  H. Stephenson  Urquhart  Van Tassell

* * *

H.B. 178, DISPATCHER SERVICE 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
Adams  Bramble  Buttars  Christensen  Davis  Dayton  Hinkins  Jones
Knudson           Liljenquist            Madsen            Mayne
McAdams           Niederhauser           Okerlund          Reid
Romero            J. Stevenson           Stowell           Thatcher
Urquhart          Valentine             Waddoups

Absent or not voting were: Senators
Hillyard          Jenkins                Morgan            Robles
H. Stephenson     Van Tassell

***

On motion of Senator Jenkins, **H.B. 412**, LAND USE REVISIONS, was read the second time and circled.

***

**H.B. 400**, REGULATION OF MINING OPERATIONS, was read the second time. Senator Hinkins explained the bill. Senators Davis, Jones, and Romero commented. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 3; Absent, 2.**

**Voting in the affirmative were:** Senators
Adams            Bramble                 Buttars            Christensen
Davis            Dayton                  Hillyard           Hinkins
Jenkins          Knudson                Liljenquist        Madsen
Mayne            McAdams                Morgan             Niederhauser
Okerlund         Reid                   J. Stevenson       Stowell
Thatcher         Urquhart               Van Tassell        Waddoups

**Voting in the negative were:** Senators
Jones            Robles                 Romero

**Absent or not voting were:** Senators
H. Stephenson    Valentine

***

On motion of Senator Jenkins, the circle was removed from **H.B. 412**, LAND USE REVISIONS, and it was before the Senate. Senator Jenkins explained the bill. Senators Christensen and Buttars 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

Urquhart

* * *

On motion of Senator Madsen, under suspension of the rules, the Senate voted to lift **H.B. 490**, **UTAH STATE FLAG DAY COMMEMORATION**, from Rules and place it at the top of the Second Reading Calendar.

* * *

On motion of Senator Madsen, under suspension of the rules, **H.B. 490**, **UTAH STATE FLAG DAY COMMEMORATION**, 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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**Absent or not voting were:** Senators

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**H.B. 490** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

**H.J.R. 29**, **FEDERALISM INTERIM COMMITTEE JOINT RESOLUTION**, was read the second time. Senator Niederhauser explained the
bill. Senator Jones commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**H.B. 130, ELECTION DAY VOTING CENTERS,** was read the second time. Senator Knudson explained the bill.

Senator Knudson proposed the following amendment:

1. Page 1, Lines 25 through 26

   25 Other Special Clauses:

   26 {None} This bill coordinates with H.B. 33, Election Law Revisions, by merging technical and substantive amendments.

2. Page 2, Line 38:

   38 20A−3−704, Utah Code Annotated 1953

   Utah Code Sections Affected by Coordination Clause:

   20A−4−107, as last amended by Laws of Utah 2010, Chapter 197

23 Page 10, Line 291:

291 (2) Section 20A−3−704 is repealed January 1, 2016.


   If this H.B. 130 and H.B. 33, Election Law Revisions, both pass, it
is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication merge the changes from both bills to modify Subsection 20A−4−107(1)(a)(ii) to read:

(ii) votes the ballot for the voting precinct in which the person resides; and

Senator Knudson’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 Hillyard, **H.B. 428**, WATER ISSUES TASK FORCE, was read the second time and circled.

***

1st **Sub. H.B. 132**, WATER QUALITY AMENDMENTS, was read the second time. Senator Okerlund 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
Christensen    McAdams    Thatcher    Urquhart

* * *

H.B. 145, PUBLIC SCHOOL PRIVACY AMENDMENTS, was read the second time. Senator Liljenquist 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
Adams       Bramble       Buttars      Davis
Dayton      Hillyard      Hinkins     Jenkins
Jones       Knudson       Liljenquist Madsen
Mayne       McAdams       Morgan     Niederhauser
Okerlund    Robles        Romero      H. Stephenson
J. Stevenson Stowell      Thatcher    Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Christensen    Reid    Urquhart

* * *

H.J.R. 39, STATE JURISDICTION OF FEDERALLY MANAGED LANDS JOINT RESOLUTION, was read the second time. Senator Okerlund explained the bill. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 3; Absent, 9.

Voting in the affirmative were: Senators
Adams       Bramble       Buttars      Christensen
Davis       Dayton       Hinkins     Liljenquist
Mayne       Morgan       Okerlund    Reid
J. Stevenson Stowell      Thatcher    Valentine
Van Tassell

Voting in the negative were: Senators
Jones       McAdams       Robles

Absent or not voting were: Senators
Hillyard    Jenkins       Knudson     Madsen
Niederhauser Romero      H. Stephenson Urquhart
Waddoups
On motion of Senator Dayton, **H.B. 330**, BUDGETARY PROCEDURE AMENDMENTS, was read the second time and circled.

**H.B. 317**, CURRENCY AMENDMENTS, was read the second time and circled.

**H.B. 403**, CHANGES TO FIT PREMISES, was read the second time and circled.

**H.B. 98**, CAPITAL OUTLAY FUNDING MODIFICATIONS, was read the second time. Senator Okerlund explained the bill. Senator Hinkins commented. The bill passed second reading on the following roll call:

**Yeas, 17; Nays, 0; Absent, 12.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**H.B. 376**, SMALL CLAIMS COURT JURISDICTION, was read the second time. Senator Liljenquist explained the bill. The bill passed second reading on the following roll call:

**Yeas, 17; Nays, 0; Absent, 12.**

**Voting in the affirmative were:** Senators

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Mayne  Okerlund  Reid  Robles  
J. Stevenson  Thatcher  Urquhart  Valentine  
Van Tassell  

Absent or not voting were: Senators  
Dayton  Hillyard  Jenkins  Jones  
Knudson  McAdams  Morgan  Niederhauser  
Romero  H. Stephenson  Stowell  Waddoups  

* * *

On motion of Senator Liljenquist, 1st Sub. H.B. 138, FEDERAL RECEIPTS REPORTING REQUIREMENTS, was read the second time and circled.  

* * *

H.B. 281, SEX OFFENDER AND KIDNAPPING AMENDMENTS, was read the second time. Senator Mayne explained the bill. The bill failed second reading on the following roll call:  

Yeas, 11; Nays, 6; Absent, 12.  

Voting in the affirmative were: Senators  
Adams  Christensen  Hinkins  Mayne  
Okerlund  Reid  Robles  J. Stevenson  
Thatcher  Valentine  Van Tassell  

Voting in the negative were: Senators  
Buttars  Davis  Dayton  Liljenquist  
Madsen  Urquhart  

Absent or not voting were: Senators  
Bramble  Hillyard  Jenkins  Jones  
Knudson  McAdams  Morgan  Niederhauser  
Romero  H. Stephenson  Stowell  Waddoups  

The bill was filed. On motion of Senator Davis, the bill was held for 24 hours.  

* * *

On motion of Senator Hinkins, 1st Sub. H.B. 191, NONRESIDENT TUITION WAIVER AMENDMENTS, was read the second time and circled.  

* * *

On motion of Senator Dayton, 1st Sub. H.B. 89, PROTECTION OF CHILDREN RIDING IN MOTOR VEHICLES, was read the second time and circled.
**H.B. 177, CANINE BODY ARMOR RESTRICTED ACCOUNT AND INCOME TAX CONTRIBUTION, was read the second time. Senator Okerlund explained the bill. The bill passed second reading on the following roll call:**

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

**Voting in the affirmative were:** Senators

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**H.B. 492, WASHINGTON COUNTY VETERANS HOME, was read the second time and circled.**

**H.B. 493, UTAH COUNTY VETERANS’ HOME, was read the second time. Senator Dayton explained the bill. The bill passed second reading 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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COMMUNICATIONS FROM THE HOUSE

Mr. President: March 9, 2011

The House passed, 1st Sub. S.B. 119, SCHOOL DISTRICT SUPERINTENDENTS 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. 140, STATE CHARTER SCHOOL BOARD 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, 1st Sub. S.B. 220, INTERMOUNTAIN WEATHERIZATION TRAINING FUND, 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

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 9, 2011

The House substituted and passed, 1st Sub. S.B. 30, EXTENSION OF RECYCLING MARKET DEVELOPMENT ZONE ACT AND RELATED TAX CREDITS, by Senator J. Valentine, and it is transmitted for further consideration; and

The House passed, as amended, 3rd Sub. S.B. 113, ELECTION DISTRICT BOUNDARIES, by Senator J. Valentine, et al, and it is transmitted for further consideration; and

The House passed, as amended, 2nd Sub. S.B. 180, MEDICAID REFORM, by Senator D. Liljenquist, and it is transmitted for further consideration; and

The House substituted and passed, 2nd Sub. S.B. 256, TEACHER EFFECTIVENESS EVALUATION PROCESS, by Senator J. S. Adams, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

On motion of Senator Jenkins, and at 4:30 p.m., the Senate recessed.
The Senate reassembled at 5:00 p.m., with President Waddoups presiding.

***

On motion of Senator Knudson, the Senate voted to lift the following bills from Rules and place them on the Second Reading Calendar:

2nd Sub. H.B. 77 Medical Assistance Accountability (Rep. D. Clark)
H.B. 434 County Amendments (Rep. M. Brown)
H.B. 370 Bail Bond Amendments (Rep. G. Hughes)
1st Sub. H.B. 349 Expedited Jury Trials (Rep. B. King)
H.B. 475 State Energy Amendments (Rep. R. Barrus)
H.B. 398 Utah State Instructional Materials Access Center Funding (Rep. S. Handy)
H.C.R. 12 Concurrent Resolution Opposing United States Secretary of Interior’s Wilderness Re−inventory (Rep. M. Noel)
H.B. 285 Asbestos Requirements (Rep. L. Wiley)
H.B. 293 Underground Storage Tank Act Amendments (Rep. K. McIff)
H.B. 304 Campaign Finance Revisions (Rep. G. Hughes)
H.B. 432 Nuisance Amendments (Rep. G. Froerer)

* * *

On motion of Senator Jenkins, and at 5:10 p.m., the Senate recessed.

EVENING SESSION

The Senate reassembled at 6:55 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 9, 2011

The House passed, 2nd Sub. S.B. 162, MILITARY AND OVERSEAS VOTING, 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. 226, INCOME TAX CREDITS FOR CLEANER BURNING FUELS, 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. 274, COURT BUDGET 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. 280, GOVERNMENT OPERATIONS 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, S.B. 300, GOVERNMENT BONDING AMENDMENTS, by Senator B. McAdams, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, S.B. 312, ECONOMIC DEVELOPMENT COORDINATION, 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.C.R. 16, BONDS OF FRIENDSHIP WITH IRAN CONCURRENT RESOLUTION, 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

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.
Mr. President: March 9, 2011

The House concurred in the Senate amendments and passed H.B. 295, OUTDOOR ADVERTISING AMENDMENTS, by Representative M. Noel, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 411, APPROACHING STATIONARY EMERGENCY VEHICLE 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 1st Sub. H.B. 420, WATER QUALITY BOARD POWERS AND DUTIES, by Representative Julie Fisher, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk
The bills 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, 2011

The House passed, as amended, S.B. 51, AMENDMENTS TO LOCAL SALES AND USE TAXES FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House passed, as amended, S.B. 72, INITIATIVE AMENDMENTS, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House passed, as amended, 1st Sub. S.B. 167, CONDOMINIUM AND COMMUNITY ASSOCIATION REVISIONS, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House passed, as amended, S.B. 209, TELECOMMUNICATIONS AMENDMENTS, by Senator C. Bramble, and it is transmitted for further consideration; and

The House substituted, amended, and passed, 1st Sub. S.B. 236, REFERENDUM AMENDMENTS, by Senator K. Van Tassell, and it is transmitted for further consideration; and

The House passed, as amended, S.B. 272, SECURED CREDITOR AMENDMENTS, by Senator D. Liljenquist, and it is transmitted for further consideration; and
The House passed, as amended, **S.B. 282**, SMALL MINING OPERATIONS, by Senator D. Hinkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

**Mr. President: March 9, 2011**

The House refused to concur with the Senate Amendments to **1st Sub. H.B. 104**, HOMEOWNER ASSOCIATION AMENDMENTS, by Representative R. C. Webb, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Jenkins, the Senate voted to refuse to recede from its amendments to **1st Sub. H.B. 104**. President Waddoups appointed a conference committee consisting of Senators Adams, Waddoups, and McAdams to meet with a like committee from the House.

**CONCURRENCE CALENDAR**

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **1st Sub. S.B. 30**, EXTENSION OF RECYCLING MARKET DEVELOPMENT ZONE ACT AND RELATED TAX CREDITS. The bill, as amended, passed on the following roll call:

**Yeas, 27; Nays, 1; Absent, 1.**

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator Romero

**Absent or not voting was:** Senator Thatcher
1st Sub. S.B. 30 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, the Senate voted to concur in the House amendments to 3rd Sub. S.B. 113, ELECTION DISTRICT BOUNDARIES. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator Waddoups

3rd Sub. S.B. 113 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Liljenquist, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 180, MEDICAID REFORM. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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2nd Sub. S.B. 180 was returned to the House for the signature of the Speaker.
On motion of Senator Adams, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 256, TEACHER EFFECTIVENESS EVALUATION PROCESS. The bill, as amended, passed on the following roll call:

**Yeas, 21; Nays, 7; Absent, 1.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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<td>Morgan</td>
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**Absent or not voting was:** Senator

Christensen

2nd Sub. S.B. 256 was returned to the House for the signature of the Speaker.

**THIRD READING CALENDAR**

On motion of Senator Niederhauser, the circle was removed from 2nd Sub. H.B. 76, FEDERAL LAW EVALUATION AND RESPONSE, and it was before the Senate. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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<th>Adams</th>
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**Voting in the negative were:** Senators

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<th>Davis</th>
<th>Romero</th>
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</table>
Absent or not voting were: Senators
McAdams Robles

2nd Sub. H.B. 76, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Knudson, the Senate voted to lift the following bills from Rules and place them on the bottom of the Second Reading Calendar:

1st Sub. H.B. 487 County Use of Land Use Ordinance (Rep. B. Wright)
H.B. 438 Water Quality Board Amendments (Rep. B. Wright)

* * *

On motion of Senator Knudson, the Senate voted to lift the following bills from Rules and place them on Second Reading Calendar under H.B. 328:

H.B. 99 Motion Picture Incentives Amendments (Rep. G. Hughes)
H.B. 153 County Correctional Facilities Funding Amendments (Rep. M. Noel)
2nd Sub. H.B. 171 Abortion Clinic Licensing (Rep. C. Wimmer)

* * *

On motion of Senator Jenkins, the circle was removed from 1st Sub. H.B. 317, CURRENCY AMENDMENTS, and it was before the Senate. Senator Jenkins explained the bill. Senator Robles commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 4; Absent, 4.
Voting in the affirmative were: Senators
Adams  Christensen  Davis  Dayton
Hillyard  Hinkins  Jenkins  Knudson
Liljenquist  Madsen  Mayne  Morgan
Okerlund  Reid  H. Stephenson  J. Stevenson
Stowell  Thatcher  Valentine  Van Tassell
Waddoups

Voting in the negative were: Senators
Jones  McAdams  Robles  Romero

Absent or not voting were: Senators
Bramble  Buttars  Niederhauser  Urquhart

* * *

On motion of Senator Urquhart, the circle was removed from H.B. 492, WASHINGTON COUNTY VETERANS’ HOME, and it was before the Senate. Senator Urquhart 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
Adams  Bramble  Christensen  Davis
Dayton  Hillyard  Hinkins  Jones
Knudson  Liljenquist  Madsen  Mayne
McAdams  Morgan  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Buttars  Jenkins  Niederhauser

* * *

1st Sub. H.B. 495, ANIMAL CONTROL MODIFICATIONS, 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
Adams  Bramble  Christensen  Davis
Dayton  Hillyard  Hinkins  Jones
Knudson  Liljenquist  Madsen  Mayne
McAdams  Morgan  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Buttars  Jenkins  Niederhauser

* * *

H.B. 232, DRUG PARAPHERNALIA DEFINITION AMENDMENTS, was read the second time. Senator Jones 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
Adams  Christensen  Davis  Dayton
Hillyard  Hinkins  Jenkins  Jones
Knudson  Liljenquist  Madsen  Mayne
McAdams  Morgan  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Stowell  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Bramble  Buttars  Niederhauser

* * *

On motion of Senator Jenkins, H.B. 328, STATE GOVERNMENT WORK WEEK, was read the second time and circled.

* * *

On motion of Senator Hillyard, legislative staff was authorized to draft a bill regarding raising the cap on the severance fund.

* * *

On motion of Senator Jenkins, the Senate voted to suspend the rules and consider fiscal note bills for the remainder of the evening.
On motion of Senator Dayton, 1st Sub. H.B. 32, CAMPAIGN AND FINANCIAL REPORTING AMENDMENTS, was read the second time and circled.

Senator Thatcher proposed the following amendment:

1. Page 20, Lines 585 through 590

   585 (1) (a) A county political party officer who that fails to file the interim report due before the regular primary election, on August 31, or before the regular general election is 
   
   (i) subject to a fine imposed in accordance with Section 20A−11−1005; and
   
   (ii) guilty of a class B misdemeanor subject to a fine of $1,000, which the chief election officer shall deposit in the General Fund.

   (b) The lieutenant governor shall report all violations of Subsection (1)(a) to the attorney general.

2. Page 20, Lines 603 through 609:

   603 (4) (a) It is unlawful for a county political party officer to fail that fails to file or amend a financial statement within 14 days after receiving notice from the lieutenant governor under this section is subject to a fine of $1,000, which the chief election officer shall deposit in the General Fund.

   (b) A county political party officer who violates Subsection (4)(a) is guilty of a class B misdemeanor.
608 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney general.

Senator Thatcher’s motion to amend passed on a voice vote. Senator McAdams commented.

On motion of Senator Dayton, under suspension of the rules, 1st Sub. H.B. 32, CAMPAIGN AND FINANCIAL REPORTING 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
Adams Christensen Davis Dayton
Hillyard Hinkins Jones Knudson
Liljenquist Madsen Mayne McAdams
Morgan Okerlund Reid Robles
Romero H. Stephenson J. Stevenson Stowell
Thatcher Urquhart Valentine Van Tassell
Waddoups

**Absent or not voting were:** Senators
Bramble Buttars Jenkins Niederhauser

1st Sub. H.B. 32, as amended, was returned to the House for further consideration.

***

On motion of Senator Madsen, 1st Sub. H.B. 99, MOTION PICTURE INCENTIVES AMENDMENTS, was read the second time and circled.

***

On motion of Senator Valentine, H.B. 153, COUNTY CORRECTIONAL FACILITIES FUNDING AMENDMENTS, was read the second time and circled.

***

On motion of Senator Mayne, under suspension of the rules, 1st Sub. H.B. 169, FIREARM LAWS MODIFICATIONS, 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
Adams  Bramble  Christensen  Davis
Dayton  Hinkins  Jenkins  Jones
Knudson  Liljenquist  Madsen  Mayne
McAdams  Morgan  Niederhauser  Okerlund
Reid  Robles  Romero  H. Stephenson
J. Stevenson  Stowell  Thatcher  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Buttars  Hillyard  Urquhart

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 Valentine, the circle was removed from H.B. 153, COUNTY CORRECTIONAL FACILITIES FUNDING AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill.

On motion of Senator Valentine, under suspension of the rules, H.B. 153, COUNTY CORRECTIONAL FACILITIES FUNDING AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Dayton  Hinkins  Jenkins  Jones
Knudson  Liljenquist  Madsen  Mayne
McAdams  Morgan  Niederhauser  Okerlund
Reid  Robles  Romero  H. Stephenson
J. Stevenson  Stowell  Thatcher  Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Buttars  Hillyard

H.B. 153 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
On motion of Senator Adams, under suspension of the rules, 2nd Sub. H.B. 171, ABORTION CLINIC LICENSING, was considered read the second and third times. Senators Robles, Romero, Davis, Bramble, McAdams, and Valentine commented. Senator McAdams made the motion to return the bill to Rules for further study. The motion failed on a voice vote. The bill passed on the following roll call:

**Yeas, 22; Nays, 6; Absent, 1.**

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dayton
- Hillyard
- Hinkins
- Jenkins
- Jones
- Liljenquist
- Madsen
- Morgan
- Niederhauser
- Okerlund
- Reid
- H. Stephenson
- J. Stevenson
- Stowell
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Voting in the negative were:** Senators

- Davis
- Knudson
- Mayne
- McAdams
- Robles
- Romero

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

2nd Sub. H.B. 171 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. 287**, RESTRUCTURING OF THE DEPARTMENT OF COMMUNITY AND CULTURE, was read the second time. Senator Reid explained the bill.

Senator Reid proposed the following amendment:

1. Page 1, Lines 23 through 24:

   23 Money Appropriated in this Bill:

   24 {–None–} This bill appropriates as an ongoing appropriation subject to future budget constraints, $104,400 from the General Fund for fiscal year 2011–12 to the Department of Community
and Culture to offset the loss of funds by the department related to the shifting of the Bond Volume Cap Allocation program to the Governor’s Office of Economic Development.

2. Page 71, Lines 2180 through 2187:

2180 (i) qualified small issue bonds under Section 144(a) of the code; or
2181 (ii) qualified exempt facility bonds for qualified residential rental projects under Section 142(d) of the code; or
2182 (iii) qualified redevelopment bonds under Section 144(c) of the code;
2183 (d) the Exempt Facilities Account, for which eligible issuing authorities are those authorized under
2184 any bonds requiring an allocation of volume cap other than for purposes described in Subsections (1)(a), (b), or (c);
2185 (e) the Pool Account, for which eligible issuing authorities are those authorized under
2186 the code and state statute to issue any bonds requiring an allocation of volume cap; and
2187 recommendations, and statutory or rule changes required to implement restructuring and transitioning.

3. Page 77, Lines 2372 through 2373:

2372 recommendations, and statutory or rule changes required to implement restructuring and transitioning.

Section 58. Appropriation.

As an ongoing appropriation subject to future budget constraints, there is appropriated from the General Fund for fiscal year 2011–12, $104,400 to the Department of Community and Culture to offset the loss of funds by the department related to the shifting of the Bond Volume Allocation Cap program to the Governor’s Office of Economic Development.

To Governor’s Office of Economic Development – Business Development
From General Fund ($104,400)

Schedule of Programs
Business Growth ($104,000)

To Department of Community and Culture – Housing and Community Development

From General Fund $104,000

Schedule of Programs
Administration $104,000

Senator Reid’s motion to amend passed on a voice vote. Senator Davis commented.

On motion of Senator Reid, under suspension of the rules, 2nd Sub. H.B. 287, RESTRUCTURING OF THE DEPARTMENT OF COMMUNITY AND CULTURE, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 3; Absent, 2.

Voting in the affirmative were: Senators
Adams Bramble Christensen Davis
Dayton Hillyard Hinkins Jones
Knudson Liljenquist Madsen Mayne
Morgan Niederhauser Okerlund Reid
H. Stephenson J. Stevenson Stowell Thatcher
Urquhart Valentine Van Tassell Waddoups

Voting in the negative were: Senators
McAdams Robles Romero

Absent or not voting were: Senators
Buttars Jenkins

2nd Sub. H.B. 287 was returned to the House for further consideration.

***

On motion of Senator Hinkins, under suspension of the rules, H.B. 461, ENERGY PRODUCER STATES’ AGREEMENT, 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
Adams   Bramble   Christensen   Davis
Dayton  Hillyard  Hinkins     Jenkins
Jones   Knudson  Liljenquist  Madsen
Mayne   McAdams  Morgan      Niederhauser
Okerlund Reid   Robles      Romero
H. Stephenson J. Stevenson Stowell   Thatcher
Urquhart Valentine Van Tassell Waddoups

Absent or not voting was: Senator
Buttars

H.B. 461 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, 1st Sub. H.B. 496, TECHNOLOGY AND LIFE SCIENCE ECONOMIC DEVELOPMENT ACT AND RELATED TAX CREDITS, was read the second time and circled.

* * *

On motion of Senator Bramble, under suspension of the rules, 1st Sub. H.B. 302, READING PROGRAM 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
Adams   Bramble   Christensen   Davis
Dayton  Hillyard  Jenkins      Jones
Knudson Liljenquist  Mayne      McAdams
Morgan  Niederhauser Okerlund   Reid
Robles  Romero    H. Stephenson J. Stevenson
Stowell Thatcher   Urquhart   Van Tassell
Waddoups

Absent or not voting were: Senators
Buttars   Hinkins   Madsen      Valentine

1st Sub. 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.
THIRD READING CALENDAR

On motion of Senator Hillyard, the Senate voted to lift H.B. 57, 1st Sub. H.B. 17, and 1st Sub. H.B. 256 from the Third Reading Table and place them on the Third Reading Calendar.

* * *

H.B. 57, JOINT PROFESSIONAL SCHOOL OF VETERINARY MEDICINE, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Okerlund
Reid  Robles  Romero  J. Stevenson
Stowell  Thatcher  Van Tassell  Waddoups

Voting in the negative were: Senators
H. Stephenson  Valentine

Absent or not voting were: Senators
Buttars  Niederhauser  Urquhart

H.B. 57 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Knudson, the Senate voted to lift H.B. 110, TEACHER SALARY SUPPLEMENT PROGRAM AMENDMENTS, from Rules and place it on the top of the Second Reading Calendar.

* * *

1st Sub. H.B. 17, ENTERPRISE ZONE AMENDMENTS, 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
Adams Christensen Davis Dayton
Hillyard Hinkins Jenkins Knudson
Liljenquist Madsen McAdams Morgan
Okerlund Reid Robles Romero
H. Stephenson J. Stevenson Stowell Thatcher
Urquhart Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Buttars Jones Mayne
Niederhauser

1st Sub. H.B. 17 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. 256, CHILDREN’S HEALTH INSURANCE AND MEDICAID ADMINISTRATIVE SIMPLIFICATION, was read the third time and explained by Senator Liljenquist. Senator Christensen declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Christensen Davis
Dayton Hillyard Hinkins Jenkins
Knudson Liljenquist Mayne McAdams
Morgan Okerlund Reid Robles
Romero H. Stephenson J. Stevenson Stowell
Thatcher Urquhart Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Jones Madsen Niederhauser

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.

SECOND READING CALENDAR

On motion of Senator Morgan, under suspension of the rules, 1st Sub. H.B. 110, TEACHER SALARY SUPPLEMENT PROGRAM AMENDMENTS, 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
Adams Bramble Christensen Davis
Hillyard Hinkins Jenkins Knudson
Liljenquist Mayne McAdams Morgan
Niederhauser Okerlund Reid Robles
Romero H. Stephenson J. Stevenson Stowell
Thatcher Valentine Van Tassell Waddoups

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators
Buttars Jones Madsen Urquhart

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.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 9, 2011

The House passed, as amended, 1st Sub. S.B. 226, INCOME TAX CREDITS FOR CLEANER BURNING FUELS, by Senator S. Urquhart, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

INTRODUCTION OF BILLS

S.B. 320, Deposit of Severance Tax Revenues into Permanent State Trust Fund (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Stephenson, the Senate voted to reconsider its action on S.B. 277, CHILD CUSTODY TASK FORCE, and place it on the top of the Third Reading Calendar.

On motion of Senator Jenkins, and at 8:50 p.m., the Senate adjourned until 8:00 a.m., Thursday, March 10, 2011.
FORTY–FIFTH DAY
MORNING SESSION

March 10, 2011

The Senate was called to order at 9:00 a.m., with President Michael Waddoups presiding.

Prayer – Kelly Stowell
Pledge of Allegiance – Taylor Maryon, Veteran of the United States Coast Guard
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 80)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 9, 2011

The Speaker of the House has signed 2nd Sub. S.B. 32, AGRICULTURE AMENDMENTS, by Senator R. Okerlund, and it is transmitted for the signature of the President; and

The House passed, S.B. 39, CHILDREN’S JUSTICE CENTER PROGRAM AMENDMENTS, by Senator R. Okerlund, 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. 44, STATE COMMISSION AMENDMENTS, by Senator M. Dayton, and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 59, SCHOOL GRADING SYSTEM, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 76, DISTRIBUTION OF REVENUES COLLECTED UNDER THE LOCAL SALES AND USE TAX ACT, by Senator D. Hinkins, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 97, HIGHER EDUCATION MISSION BASED FUNDING, by Senator S. Urquhart, and it is transmitted for the signature of the President; and
The House passed, S.B. 160, FEDERAL FUNDS PROCEDURES 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. 251, LOBBYIST TRAINING, 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.J.R. 19, JOINT RESOLUTION APPROVING THE HOUGHTON CASE FINAL SETTLEMENT AGREEMENT, 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. 314, ALCOHOLIC BEVERAGE AMENDMENTS, by Senator J. Valentine, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

Mr. President: March 9, 2011

The House passed, as amended, 1st Sub. S.B. 28, ALCOHOL OR DRUG RELATED OFFENSE AMENDMENTS, by Senator S. Jenkins, and it is transmitted for further consideration; and

The House passed, as amended, 2nd Sub. S.B. 57, ANIMAL CONTROL – EXCEPTION FOR COMMUNITY CATS, by Senator D. Stowell, and it is transmitted for further consideration; and

The House substituted and passed, 2nd Sub. S.B. 305, ECONOMIC DEVELOPMENT THROUGH EDUCATION / CAREER ALIGNMENT, by Senator H. Stephenson, 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. 51, AMENDMENTS TO LOCAL SALES AND USE TAXES FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES. The bill, as amended, passed on the following roll call:
Y eas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Adams Bramble Buttars Davis
Dayton Hillyard Hinkins Jenkins
Jones Liljenquist Mayne McAdams
Morgan Niederhauser Okerlund Reid
Romero H. Stephenson J. Stevenson Stowell
Thatcher Urquhart Valentine Van Tassell
Waddoups

Absent or not voting were: Senators
Christensen Knudson Madsen Robles

S.B. 51 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. 72, INITIATIVE AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Dayton Hillyard Hinkins Jenkins
Jenkins Jones Knudson Liljenquist
Madsen Mayne McAdams Morgan
Niederhauser Okerlund Reid Romero
H. Stephenson J. Stevenson Stowell Thatcher
Urquhart Valentine Van Tassell Waddoups

Absent or not voting was: Senator
Robles

S.B. 72 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Liljenquist, the Senate voted to concur in the House amendments to S.B. 272, SECURED CREDITOR AMENDMENTS. The bill, as amended, passed on the following roll call:
**Day 45984**

**SENATE JOURNAL**

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

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator

Robles

S.B. 272 was returned to the House for the signature of the Speaker.

***

On motion of Senator Hinkins, the Senate voted to concur in the House amendments to **S.B. 282**, SMALL MINING OPERATIONS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator

Robles

S.B. 282 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. 167**, CONDOMINIUM AND COMMUNITY ASSOCIATION REVISIONS. The bill, as amended, passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Hinkins
Jenkins  Jones  Knudson  Liljenquist
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Romero  H. Stephenson
J. Stevenson  Stowell  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Madsen  Robles

1st Sub S.B. 167 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the Senate voted to concur in the House amendments to S.B. 209, TELECOMMUNICATIONS AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Jenkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Romero  H. Stephenson
J. Stevenson  Stowell  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Hinkins  Robles

S.B. 209 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 1st Sub. S.B. 236, REFERENDUM AMENDMENTS. The bill, as amended, passed on the following roll call:
Day 45986 SENATE JOURNAL

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jenkins Jones Knudson Liljenquist
Madsen Mayne McAdams Morgan
Niederhauser Okerlund Reid Romero
Stowell Thatcher Urquhart Valentine
Van Tassell Waddoups

Voting in the negative was: Senator H. Stephenson

Absent or not voting were: Senators
Robles J. Stevenson

1st Sub. S.B. 236 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 1st Sub. S.B. 226, INCOME TAX CREDIT FOR CLEANER BURNING FUELS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Christensen Davis
Dayton Hillyard Hinkins Jenkins
Jones Knudson Liljenquist Madsen
Mayne Morgan Niederhauser Okerlund
Reid Romero H. Stephenson J. Stevenson
Stowell Thatcher Urquhart Valentine
Van Tassell

Absent or not voting were: Senators
Buttars McAdams Robles Waddoups

1st Sub. S.B. 226 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Niederhauser, H.B. 316, TAXATION OF SURPLUS LINES OF INSURANCE, was read the third time and circled.
H.B. 303, PREPAID WIRELESS 911 SERVICE CHARGE, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

**Yeas, 24; Nays, 2; Absent, 3.**

**Voting in the affirmative were: Senators**

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**Voting in the negative were: Senators**

Dayton Liljenquist

**Absent or not voting were: Senators**

Buttars Robles Waddoups

H.B. 303 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**On motion of Senator Bramble, the circle was removed from H.B. 316, TAXATION OF SURPLUS LINES OF INSURANCE, 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**

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

Buttars Hillyard Hinkins Robles Waddoups
H.B. 316 was returned to the House for further consideration.

* * *

H.J.R. 34, JOINT RESOLUTION AUTHORIZING LEASE OF RIO GRANDE DEPOT, was read the third time, explained by Senator Davis, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Davis
- Dayton
- Jenkins
- Jones
- Knudson
- Liljenquist
- Madsen
- Mayne
- McAdams
- Morgan
- Niederhauser
- Okerlund
- Reid
- Romero
- H. Stephenson
- J. Stevenson
- Stowell
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators

- Buttars
- Hillyard
- Hinkins
- Robles

H.J.R. 34 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. 388, OPERATION AND MANAGEMENT OF CHARTER SCHOOLS, was read the third time and circled.

* * *

1st Sub. H.B. 269, COMMISSION ON CIVIC AND CHARACTER EDUCATION, 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

- Adams
- Bramble
- Christensen
- Dayton
- Hinkins
- Jenkins
- Jones
- Knudson
- Liljenquist
- Madsen
- Mayne
- McAdams
- Morgan
- Niederhauser
- Okerlund
- Reid
- Robles
- Romero
- H. Stephenson
- J. Stevenson
- Stowell
- Thatcher
- Urquhart
- Valentine
- Van Tassell
Absent or not voting were: Senators
Buttars Davis Hillyard Waddoups

1st Sub. H.B. 269 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 327, PUBLIC EDUCATION ANNUAL REPORT AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Christensen Dayton
Hinkins Jenkins Jones Knudson
Liljenquist Madsen Mayne McAdams
Morgan Niederhauser Okerlund Reid
Robles Romero H. Stephenson J. Stevenson
Thatcher Urquhart Valentine Van Tassell

Voting in the negative was: Senator Davis

Absent or not voting were: Senators
Buttars Hillyard Stowell Waddoups

1st Sub. H.B. 327 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 178, DISPATCHER SERVICE 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
Adams Bramble Christensen Davis
Dayton Hinkins Jenkins Jones
Knudson Liljenquist Madsen Mayne
McAdams Morgan Niederhauser Okerlund
Reid Robles Romero H. Stephenson
J. Stevenson Thatcher Urquhart Valentine
Van Tassell
Absent or not voting were: Senators
Buttars       Hillyard        Stowell       Waddoups

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.

* * *

H.B. 400, REGULATION ON MINING OPERATIONS, was read the third time and explained by Senator Hinkins. Senators Davis and Romero commented and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams        Christensen     Davis       Dayton
Hinkins      Jenkins         Jones       Knudson
Liljenquist  Madsen         Mayne       McAdams
Morgan       Niederhauser    Okerlund    Reid
Robles       Romero          H. Stephenson J. Stevenson
Thatcher     Urquhart        Valentine   Van Tassell

Absent or not voting were: Senators
Bramble      Buttars         Hillyard    Stowell
Waddoups

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.

* * *

H.B. 412, LAND USE REVISIONS, 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
Adams        Christensen     Davis       Dayton
Hinkins      Jenkins         Jones       Knudson
Liljenquist  Madsen         Mayne       McAdams
Morgan       Niederhauser    Okerlund    Reid
Robles       Romero          H. Stephenson J. Stevenson
Thatcher     Urquhart        Valentine   Van Tassell
Absent or not voting were: Senators
Bramble  Buttars  Hillyard  Stowell
Waddoups

H.B. 412 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.J.R. 29, FEDERALISM INTERIM COMMITTEE JOINT RESOLUTION, was read the third time and explained by Senator Niederhauser. Senator Valentine commented.

On motion of Senator Niederhauser, the bill was circled.

* * *

H.B. 130, ELECTION DAY VOTING CENTERS, 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
Adams  Bramble  Christensen  Davis
Dayton  Hinkins  Jenkins  Jones
Knudson  Liljenquist  Madsen  Mayne
McAdams  Morgan  Niederhauser  Okerlund
Reid  Robles  Romero  H. Stephenson
J. Stevenson  Thatcher  Valentine  Van Tassell

Absent or not voting were: Senators
Buttars  Hillyard  Stowell  Urquhart
Waddoups

H.B. 130, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 132, WATER QUALITY AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Dayton  Hinkins  Jenkins  Jones
Knudson       Liljenquist       Mayne       Morgan
Niederhauser    Okerlund       Reid       Romero
H. Stephenson    J. Stevenson       Thatcher       Valentine
Van Tassell

Absent or not voting were: Senators
Buttars       Hillyard       Madsen       McAdams
Robles       Stowell       Urquhart       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. 145, PUBLIC SCHOOL PRIVACY AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators
Adams       Bramble       Davis       Dayton
Hinkins      Jenkins       Jones       Liljenquist
Madsen       Mayne       McAdams       Morgan
Niederhauser   Okerlund       Reid       Robles
Romero       H. Stephenson    J. Stevenson       Thatcher
Valentine     Van Tassell

Absent or not voting were: Senators
Buttars      Christensen       Hillyard       Knudson
Stowell      Urquhart       Waddoups

H.B. 145 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. 39, STATE JURISDICTION OF FEDERALLY MANAGED LANDS JOINT RESOLUTION, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams       Bramble       Christensen       Dayton
Hinkins      Jenkins       Jones       Liljenquist
Madsen        Mayne        McAdams        Morgan
Niederhauser  Okerlund    Reid          H. Stephenson
J. Stevenson  Thatcher    Urquhart     Valentine
Van Tassell   Waddoups

Voting in the negative were: Senators
Robles        Romero

Absent or not voting were: Senators
Buttars       Davis        Hillyard     Knudson
Stowell

H.J.R. 39 was signed by the President of the Senate in open session and
returned to the House for the signature of the Speaker.

* * *

H.B. 98, CAPITAL OUTLAY FUNDING MODIFICATION, was read the
third time and explained by Senator Okerlund. Senators Stephenson, Hinkins,
Bramble, Reid, Van Tassell, and Morgan commented.

On motion of Senator Okerlund, the bill was circled.

* * *

On motion of Senator Dayton, H.B. 376, SMALL CLAIMS COURT
JURISDICTION, was read the third time and circled.

* * *

H.B. 177, CANINE BODY ARMOR RESTRICTED ACCOUNT AND
INCOME TAX CONTRIBUTION, was read the third time, explained by Senator
Okerlund. Senator Valentine 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
Adams        Bramble        Buttars        Christensen
Davis        Dayton        Hillyard      Hinkins
Jenkins      Jones         Knudson       Madsen
Mayne        Morgan        Niederhauser Okerlund
Reid         Robles        Romero        H. Stephenson
J. Stevenson  Thatcher    Urquhart     Valentine
Van Tassell  Waddoups

Absent or not voting were: Senators
Liljenquist    McAdams    Stowell

H.B. 177 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 493, UTAH COUNTY VETERANS’ HOMES, 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
Adams     Bramble    Buttars     Christensen
Davis     Dayton     Hillyard   Hinkins
Jenkins   Jones      Knudson    Madsen
Mayne     Morgan     Niederhauser Okerlund
Reid      Robles     Romero     H. Stephenson
Thatcher  Urquhart   Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Liljenquist    McAdams    J. Stevenson    Stowell

H.B. 493 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 Adams, the circle was removed from H.B. 388, OPERATION AND MANAGEMENT OF CHARTER SCHOOLS, and it was before the Senate.

Senator Adams proposed the following amendment:

1. Page 2, Line 50
   House Committee Amendments
   3–4–2011

   50  (c) A chartering entity may not impose performance standards, except as permitted by statute, that limit, infringe, or

Senator Adams’ 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
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Jenkins
Knudson  Liljenquist  Madsen  Mayne
Niederhauser  Okerlund  Reid  H. Stephenson
J. Stevenson  Thatcher  Urquhart  Valentine
Van Tassell  Waddoups

Voting in the negative were: Senators
Jones  Morgan  Robles  Romero

Absent or not voting were: Senators
Hinkins  McAdams  Stowell

H.B. 388 was returned to the House for further consideration.

***

On motion of Senator Hillyard, the Senate voted to lift S.B. 320, DEPOSIT OF SEVERANCE TAX REVENUES INTO PERMANENT STATE TRUST FUND, from Rules and place it on the top of the Second Reading Calendar.

***

On motion of Senator Stephenson, the Senate voted to move to Concurrence Calendar.

CONCURRENCE CALENDAR

1st Sub. S.B. 28, ALCOHOL OR DRUG RELATED OFFENSE AMENDMENTS, was before the Senate.

On motion of Senator Jenkins, the bill was circled.

***

2nd Sub. S.B. 57, ANIMAL CONTROL – EXCEPTION FOR COMMUNITY CATS, was before the Senate.

On motion of Senator Okerlund, the bill was circled.

***

On motion of Senator Stephenson, the Senate refused to concur in the House amendments to 2nd Sub. S.B. 305, ECONOMIC DEVELOPMENT THROUGH
EDUCATION / CAREER ALIGNMENT. The Senate asks the House to recede from their amendments. The bill was returned to the House.

***

On motion of Senator Okerlund, the circle was removed from 2nd Sub. S.B. 57, ANIMAL CONTROL – EXCEPTION FOR COMMUNITY CATS, and it was before the Senate.

On motion of Senator Okerlund, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 57, ANIMAL CONTROL – EXCEPTION FOR COMMUNITY CATS. The bill, as amended, passed on the following roll call:

**Yeas, 20; Nays, 7; Absent, 2.**

**Voting in the affirmative were:** Senators

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<td>Thatcher</td>
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**Voting in the negative were:** Senators

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<td>J. Stevenson</td>
<td>Valentine</td>
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**Absent or not voting were:** Senators

Bramble  
Stowell

2nd Sub. S.B. 57 was returned to the House for the signature of the Speaker.

**THIRD READING CALENDAR**

On motion of Senator Bramble, the circle was removed from H.B. 35, SALES AND USE TAX ACT REVISIONS, and it was before the Senate.

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

**1st Sub. H.B. 35 Sales and Use Tax Act Revisions** (W. Harper)

On motion of Senator Bramble, the bill was circled.

***

1st Sub. H.B. 317, CURRENCY AMENDMENTS, was read the third time and explained by Senator Jenkins. Senators Romero, Valentine, Jones, Hillyard, and Bramble commented and the bill passed on the following roll call:
Yeas, 17; Nays, 7; Absent, 5.

Voting in the affirmative were: Senators
Bramble  Buttars  Dayton  Hinkins
Jenkins  Knudson  Madsen  Morgan
Niederhauser  Okerlund  Reid  H. Stephenson
J. Stevenson  Thatcher  Valentine  Van Tassell
Waddoups

Voting in the negative were: Senators
Christensen  Davis  Hillyard  Jones
Mayne  Robles  Romero

Absent or not voting were: Senators
Adams  Liljenquist  McAdams  Stowell
Urquhart

1st Sub. H.B. 317 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

On motion of Senator Bramble, the Senate voted that this bill be assigned to the Tax Review Commission for interim study.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 9, 2011

The House substituted, amended, and passed, 1st Sub. S.B. 65, STATEWIDE ONLINE EDUCATION PROGRAM, by Senator H. Stephenson, and it is transmitted for further consideration; and

The House passed, as amended, S.B. 177, SECURITY AGENCY QUALIFICATION AMENDMENTS, by Senator M. Dayton, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

On motion of Senator Jenkins, and at 11:00 a.m., the Senate sauntered.

The Senate was called to order at 11:20 a.m., with President Waddoups presiding.
COMMUNICATIONS FROM THE HOUSE

Mr. President:

   March 9, 2011

The Speaker of the House has signed 1st Sub. S.B. 30, EXTENSION OF RECYCLING MARKET DEVELOPMENT ZONE ACT AND RELATED TAX CREDITS, by Senator J. Valentine, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 3rd Sub. S.B. 113, ELECTION DISTRICT BOUNDARIES, by Senator J. Valentine, and it is transmitted for the signature of the President; and

The House passed, S.B. 147, FORGERY LAW 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. 151, REAL ESTATE TRANSACTIONS AND SECURITIES, by Senator B. McAdams, 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. 180, MEDICAID REFORM, by Senator D. Liljenquist, and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 210, UTAH POSTSECONDARY PROPRIETARY SCHOOL ACT AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed 2nd Sub. S.B. 256, TEACHER EFFECTIVENESS EVALUATION PROCESS, by Senator J. S. Adams, and it is transmitted for the signature of the President; and

The House passed, S.B. 262, TOBACCO PRODUCTS 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

The bills 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, 2011

The House concurred in the Senate amendments and passed 1st Sub. H.B. 32, CAMPAIGN AND FINANCIAL REPORTING AMENDMENTS, by
Representative K. Grover, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 76, FEDERAL LAW EVALUATION AND RESPONSE, by Representative K. Ivory, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 287, RESTRUCTURING OF THE DEPARTMENT OF COMMUNITY AND CULTURE, by Representative W. Harper, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills 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 substituted and passed, 5th Sub. S.B. 138, DRIVER LICENSE QUALIFICATION AMENDMENTS, by Senator C. Bramble, and it is transmitted for further consideration; and

The House passed, as amended, S.B. 287, SPECIALTY LICENSE PLATE AMENDMENTS, by Senator C. Bramble, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President:

The House passed H.B. 450, HOSPITAL PROVIDER TAX AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed H.B. 453, DOMESTIC VIOLENCE SERVICES, by Representative D. Clark, and it is transmitted for consideration; and

The House passed H.B. 454, STATE HOSPITAL REVISIONS, by Representative B. Last, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 488**, BUDGETING PROCEDURES AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed **H.J.R. 45**, JOINT RULES AMENDMENTS FOR ESTABLISHING BASE BUDGETS, by Representative J. Dougall, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

***

Mr. President: March 10, 2011

The Speaker of the House has appointed a Conference Committee consisting of Representatives R. C. Webb, J. Draxler, and N. Hendrickson to meet with a like committee from the Senate to consider or amend **1st Sub. H.B. 104**, HOMEOWNER ASSOCIATION AMENDMENTS, by Representative R. C. Webb.

Sandy D. Tenney, Chief Clerk

***

On motion of Senator Knudson, the Senate voted to reprioritize the bills on the Second Reading Calendar in the following order:

- **H.B. 488** Budgeting Procedures Amendments (Rep. J. Dougall)
- **H.J.R. 45** Joint Rules Amendments for Establishing Base Budgets (Rep. J. Dougall)
- **H.B. 450** Hospital Provider Tax Amendments (Rep. D. Clark)
- **H.B. 453** Domestic Violence Services (Rep. D. Clark)
- **1st Sub. H.B. 176** Audid of State Budgets (Rep. L. Christensen)
- **H.B. 454** State Hospital Revisions (Rep. B. Last)
- **1st Sub. H.B. 482** Long−term Care Facility − Medicaid Certification for Bed Capacity Amendments (Rep. E. Hutchings)
- **H.B. 301** School District Property Tax Revisions (Rep. M. Newbold)
- **1st Sub. H.B. 487** County Use of Land Use Ordinance (Rep. B. Wright)
- **H.B. 438** Water Quality Board Amendments (Rep. B. Wright)
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<tr>
<th>Bill Number</th>
<th>Title</th>
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<tr>
<td>2nd Sub. H.B. 77</td>
<td>Medical Assistance Accountability</td>
<td>D. Clark</td>
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<tr>
<td>H.B. 434</td>
<td>County Amendments</td>
<td>M. Brown</td>
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<tr>
<td>H.B. 370</td>
<td>Bail Bond Amendments</td>
<td>G. Hughes</td>
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<tr>
<td>2nd Sub. H.B. 354</td>
<td>Insurance Amendments Relating to Abortion</td>
<td>C. Wimmer</td>
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<td>1st Sub. H.B. 349</td>
<td>Expedited Jury Trials</td>
<td>B. King</td>
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<tr>
<td>H.B. 353</td>
<td>Abortion Freedom of Conscience</td>
<td>C. Wimmer</td>
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<tr>
<td>2nd Sub. H.B. 260</td>
<td>Mechanics’ Liens Revisions</td>
<td>D. Clark</td>
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<tr>
<td>H.B. 475</td>
<td>State Energy Amendments</td>
<td>R. Barrus</td>
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<tr>
<td>H.C.R. 13</td>
<td>Secure Rural Schools Concurrent Resolution</td>
<td>M. Noel</td>
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<tr>
<td>2nd Sub. H.B. 491</td>
<td>Alixomy Modifications</td>
<td>S. Sandstrom</td>
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<tr>
<td>H.B. 320</td>
<td>4–H Special Group License Plate</td>
<td>K. Powell</td>
</tr>
<tr>
<td>1st Sub. H.B. 158</td>
<td>Coordination Between State and Local Government on Federal Regulations</td>
<td>C. Herrod</td>
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<tr>
<td>H.B. 359</td>
<td>Business Resource Center Advisory Board Modification</td>
<td>V. Peterson</td>
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<tr>
<td>H.J.R. 44</td>
<td>50th Anniversary of the Freedom Academy Joint Resolution</td>
<td>V. Peterson</td>
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<td>1st Sub. H.B. 134</td>
<td>Collection of Front–line Teachers Data</td>
<td>J. Nielson</td>
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<td>2nd Sub. H.B. 421</td>
<td>Use of Public Buildings for Political Caucus Meetings</td>
<td>D. Brown</td>
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<tr>
<td>H.B. 398</td>
<td>Utah State Instructional Materials Access Center Funding</td>
<td>S. Handy</td>
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<tr>
<td>1st Sub. H.B. 379</td>
<td>Nonjudicial Forclosure of Trust Deeds</td>
<td>R. C. Webb</td>
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<tr>
<td>1st Sub. H.B. 476</td>
<td>Procurement Code Amendments</td>
<td>B. Last</td>
</tr>
<tr>
<td>H.C.R. 12</td>
<td>Concurrent Resolution Opposing United States Secretary of Interior’s Wilderness Re–inventory</td>
<td>M. Noel</td>
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<tr>
<td>1st Sub. H.B. 465</td>
<td>Respecting Our Fallen Heroes Act</td>
<td>E. Hutchings</td>
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<td>H.B. 285</td>
<td>Asbestos Requirements</td>
<td>L. Wiley</td>
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<tr>
<td>2nd Sub. H.B. 249</td>
<td>Growing of Food</td>
<td>C. Herrod</td>
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<td>H.B. 293</td>
<td>Underground Storage Tank Act Amendments</td>
<td>K. McIff</td>
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<tr>
<td>H.B. 304</td>
<td>Campaign Finance Revisions</td>
<td>G. Hughes</td>
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</tbody>
</table>
Day 45

H.B. 432  Nuisance Amendments (Rep. G. Froerer)
H.C.R. 14  Wild Lands Concurrent Resolution (Rep. C. Watkins)
H.B. 131  Custody and Parent−time Modifications (Rep. R. Edwards)

1st Sub. H.B. 122  Firearms Amendments (Rep. S. Sandstrom)
H.C.R. 15  Navajo Electrification Demonstration Project Concurrent Resolution (Rep. C. Watkins)

THIRD READING CALENDAR

On motion of Senator Knudson, the circle was removed from 3rd Sub. H.B. 48, FINGERPRINTS OF JUVENILES, and it was before the Senate.

Senator Urquhart proposed the following amendment:

1. Page 2, Line 51 and 52:
Delete lines 51 and 52

Senator Urquhart’s motion to amend passed on a voice vote. Senators Valentine and Hillyard commented.

On motion of Senator Thatcher, the bill was circled.

* * *

On motion of Senator Knudson, the circle was removed from S.B. 225, PERSONAL INJURY PROTECTION ARBITRATION, and it was before the Senate.

On motion of Senator Urquhart, the bill was circled.

* * *

On motion of Senator Okerlund, the circle was removed from H.B. 98, CAPITAL OUTLAY FUNDING MODIFICATIONS, and it was before the Senate. Senators Hinkins and Liljenquist commented. The bill passed on the following roll call:

Yeas, 19; Nays, 8; Absent, 2.

Voting in the affirmative were: Senators

Christensen  Davis  Hillyard  Hinkins
Jenkins  Jones  Knudson  Mayne
Voting in the negative were: Senators
Adams Dayton Liljenquist Madsen
Niederhauser H. Stephenson J. Stevenson Valentine

Absent or not voting were: Senators
Bramble Buttars

H.B. 98 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 492, WASHINGTON COUNTY VETERANS’ HOME, 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
Adams Christensen Davis Hillyard
Hinkins Jenkins Jones Knudson
Liljenquist Mayne Morgan Niederhauser
Okerlund Reid Robles Romero
H. Stephenson J. Stevenson Stowell Thatcher
Urquhart Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Bramble Buttars Dayton Madsen
McAdams

H.B. 492 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 495, ANIMAL CONTROL MODIFICATION, 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
Adams Bramble Christensen Davis
Dayton Hillyard Hinkins Jenkins
Absent or not voting was: Senator Buttars

1st Sub. H.B. 495 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 232, DRUG PARAPHERNALIA DEFINITION AMENDMENTS, was read the third time, explained by Senator Jones, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams   Bramble   Buttars   Christensen
Davis   Dayton   Hillyard  Hinkins
Jenkins  Jones   Knudson  Liljenquist
Madsen  Mayne   McAdams  Morgan
Niederhauser  Okerlund  Reid  Robles
Romero  H. Stephenson  J. Stevenson  Stowell
Thatcher  Urquhart   Valentine  Van Tassell
Waddoups

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.

* * *

On motion of Senator Liljenquist, the circle was removed from H.B. 376, SMALL CLAIMS COURT JURISDICTION, 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

Adams   Bramble   Buttars   Christensen
Davis   Dayton   Hillyard  Hinkins
H.B. 376 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 Thatcher, the circle was removed from 3rd Sub. H.B. 48, FINGERPRINTS OF JUVENILES, and it was before the Senate.

Senator Urquhart proposed the following amendment:

1. Page 2, Line 51 and 52:
Reinstate lines 51 and 52

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

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

**Voting in the affirmative were:** Senators

Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Hinkins
Jenkins  Jones  Knudson  Liljenquist
Madsen  Mayne  Morgan  Niederhauser
Okerlund  Reid  H. Stephenson  J. Stevenson
Stowell  Thatcher  Valentine  Van Tassell
Waddoups

**Voting in the negative were:** Senators

McAdams  Robles  Romero  Urquhart

3rd Sub. H.B. 48 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**SECOND READING CALENDAR**

On motion of Senator Hillyard, under suspension of the rules, S.B. 320, DEPOSIT OF SEVERANCE TAX REVENUES INTO PERMANENT STATE
TRUST FUND, was considered read the second and third times. 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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<tr>
<th>Adams</th>
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<th>Buttars</th>
<th>Christensen</th>
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<td>Davis</td>
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<td>Urquhart</td>
<td>Valentine</td>
<td>Van Tassell</td>
<td>Waddoups</td>
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**Absent or not voting was:** Senator Hinkins

*S.B. 320* was transmitted to the House.

***

On motion of Senator Robles, under suspension of the rules, *S.B. 277*, CHILD CUSTODY TASK FORCE, was considered read the second and third times. Senator Robles explained the bill. The bill failed on the following roll call:

**Yeas, 13; Nays, 14; Absent, 2.**

**Voting in the affirmative were:** Senators

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<tr>
<th>Davis</th>
<th>Jones</th>
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<th>Madsen</th>
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<td>Van Tassell</td>
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**Voting in the negative were:** Senators

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<tr>
<th>Adams</th>
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<th>Buttars</th>
<th>Christensen</th>
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<td>Liljenquist</td>
<td>Niederhauser</td>
<td>Reid</td>
<td>H. Stephenson</td>
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<td>J. Stevenson</td>
<td>Waddoups</td>
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**Absent or not voting were:** Senators

<table>
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<tr>
<th>Thatcher</th>
<th>Urquhart</th>
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*S.B. 277* was filed.
COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2011

The House refuses to recede from its amendments to 2nd Sub. S.B. 305, ECONOMIC DEVELOPMENT THROUGH EDUCATION / CAREER ALIGNMENT, by Senator H. Stephenson, and has appointed a Conference Committee consisting of Representatives M. Morley, R. Menlove, and S. Duckworth to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Stephenson, the Senate voted to refuse to recede from its amendments to 2nd Sub. S.B. 305. President Waddoups appointed a conference committee consisting of Senators Stephenson, Reid, and Morgan to meet with a like committee from the House.

SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from H.B. 428, WATER ISSUES TASK FORCE, and it was before the Senate.

Senator Hillyard proposed the following amendment:

1. Page 2, Lines 51 through 53

51 companies; and

52 (b) water development financing { — and

53 (c) other issues relating to water development } .

Senator Hillyard’s motion to amend passed on a voice vote.

On motion of Senator Hillyard, under suspension of the rules, H.B. 428, WATER ISSUES TASK FORCE, 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

Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jenkins Jones Knudson Liljenquist
Madsen Mayne McAdams Niederhauser
Okerlund Robles Romero J. Stevenson
Stowell Thatcher Urquhart Valentine
Van Tassell Waddoups
Absent or not voting were: Senators
Morgan       Reid       H. Stephenson

H.B. 428, as amended, was returned to the House for further consideration.

***

On motion of Senator Adams, the Senate voted to lift S.B. 294, PATIENT ACCESS REFORM, from Rules and place it on the top of the Second Reading Calendar.

***

On motion of Senator Niederhauser, the circle was removed from 1st Sub. H.B. 99, MOTION PICTURE INCENTIVES AMENDMENTS, and it was before the Senate.

Senator Niederhauser proposed the following amendment:

1. Page 8, Lines 221 through 222

221  (3) (a) Subject to Subsection (3)(b), the office may issue [up to: (i)(A)] { $7,793,700 −} $6,793,700 in

222  tax credit certificates under this part in a fiscal year [2009−10; and].

Senator Niederhauser’s motion to amend passed on a voice vote.

On motion of Senator Niederhauser, under suspension of the rules, 1st Sub. H.B. 99, MOTION PICTURE INCENTIVES 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
Adams        Bramble     Buttars     Christensen
Davis        Dayton      Hinkins     Jenkins
Jones        Knudson     Liljenquist Madsen
Mayne        McAdams     Morgan     Niederhauser
Okerlund     Reid        Robles      Romero
H. Stephenson J. Stevenson Stowell     Thatcher
Urquhart     Valentine   Van Tassell Waddoups

Absent or not voting was: Senator
Hillyard
1st Sub. H.B. 99, as amended, was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2011

The House passed, as amended, 2nd Sub. S.B. 52, TORTIOUS ACT ARBITRATION, by Senator S. Urquhart, and it is transmitted for further consideration; and

The House passed, as amended, S.B. 184, DISPOSAL OF ELECTRONIC WASTE, by Senator S. Urquhart, and it is transmitted for further consideration; and

The House substituted and passed, 3rd Sub. S.B. 261, CHANGES TO TRUST DEED FORECLOSURE PROVISIONS, by Senator C. Bramble, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

SECOND READING CALENDAR

Senator Valentine made the motion to remove the circle from 1st Sub. H.B. 89, PROTECTION OF CHILDREN RIDING IN MOTOR VEHICLES. The motion failed on a voice vote.

CONCURRENCE CALENDAR

On motion of Senator Jenkins, the circle was removed from 1st Sub. S.B. 28, ALCOHOL OR DRUG RELATED OFFENSE AMENDMENTS, and it was before the Senate.

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to 1st Sub. S.B. 28, ALCOHOL OR DRUG RELATED OFFENSE AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

<table>
<thead>
<tr>
<th>Senator</th>
<th>Party</th>
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<tbody>
<tr>
<td>Adams</td>
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<td>Liljenquist</td>
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<td>Madsen</td>
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SENATE JOURNAL

Mayne McAdams Morgan Niederhauser
Okerlund Reid Robles Romero
H. Stephenson J. Stevenson Stowell Thatcher
Urquhart Valentine Van Tassell Waddoups

Absent or not voting was: Senator
Jones

1st Sub. S.B. 28 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 1st Sub. S.B. 65, STATEWIDE ONLINE EDUCATION
PROGRAM. Senator Buttars commented. The bill, as amended, passed on the
following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jones Knudson Liljenquist Madsen
Mayne McAdams Morgan Niederhauser
Okerlund Reid Robles Romero
H. Stephenson J. Stevenson Stowell Thatcher
Urquhart Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Jenkins Valentine

1st Sub. S.B. 65 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Dayton, the Senate voted to concur in the House
amendments to S.B. 177, SECURITY AGENCY QUALIFICATION
AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
S.B. 177 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 5th Sub. S.B. 138, DRIVER LICENSE QUALIFICATION AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Buttars
- Christensen
- Davis
- Dayton
- Hillyard
- Hinkins
- Jenkins
- Knudson
- Lilenquist
- Madsen
- Mayne
- McAdams
- Morgan
- Niederhauser
- Okerlund
- Reid
- Robles
- Romero
- H. Stephenson
- J. Stevenson
- Stowell
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Voting in the negative were:** Senators

- McAdams
- Robles
- Romero

**Absent or not voting was:** Senator

- Valentine

5th Sub. S.B. 138 was returned to the House for the signature of the Speaker.

***

On motion of Senator Bramble, the Senate voted to concur in the House amendments to S.B. 287, SPECIALITY LICENSE PLATE AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Buttars
- Christensen
- Davis
- Dayton
- Hinkins
- Jenkins
Jones            Knudson            Liljenquist            Madsen
Mayne            Morgan            Niederhauser            Okerlund
Reid             Robles            H. Stephenson            J. Stevenson
Stowell          Thatcher          Urquhart            Valentine
Van Tassell      Waddoups

Voting in the negative was: Senator
Romero

Absent or not voting were: Senators
Hillyard            McAdams

S.B. 287 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 2nd Sub. S.B. 52, TORTIOUS ACT ARBITRATION. The bill, as
amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams            Bramble            Christensen            Davis
Dayton           Hinkins            Jenkins            Jones
Knudson          Liljenquist            Madsen            Mayne
Morgan           Niederhauser          Okerlund            Reid
Robles          Romero            H. Stephenson            J. Stevenson
Stowell          Thatcher          Urquhart            Valentine
Van Tassell      Waddoups

Absent or not voting were: Senators
Buttars            Hillyard            McAdams

2nd Sub. S.B. 52 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Urquhart, the Senate voted to refuse to concur with the
House amendments to S.B. 184, DISPOSAL OF ELECTRONIC WASTE, and
asked the House to recede from their amendments.

* * *

On motion of Senator Bramble, the Senate voted to concur in the House
amendments to 3rd Sub. S.B. 261, CHANGES TO TRUST DEED
FORECLOSURE PROVISIONS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Adams  
Dayton  
Knudson  
Morgan  
Robles  
Stowell  
  
Bramble  
Hinkins  
Liljenquist  
Niederhauser  
Romero  
Thatcher  
  
Christensen  
Jenkins  
Madsen  
Okerlund  
H. Stephenson  
Valentine  
  
Davis  
Jones  
Mayne  
Reid  
J. Stevenson  
Van Tassell  
  
Waddoups

**Absent or not voting were:** Senators

Buttars  
Hillyard  
McAdams  
Urquhart  
  
3rd Sub. S.B. 261 was returned to the House for the signature of the Speaker.

***

Senator Davis made the motion that the Senate reconsider its action on H.B. 281, SEX OFFENDER AND KIDNAPPING AMENDMENTS. The motion failed on a voice vote.

**SECOND READING CALENDAR**

S.B. 294, PATIENT ACCESS REFORM, was read the second time.

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

**2nd Sub. S.B. 294 Patient Access Reform** (J.S. Adams)

On motion of Senator Adams, the bill was circled.

***

On motion of Senator Jenkins, and at 1:00 p.m., the Senate recessed.

**AFTERNOON SESSION**

The Senate reassembled at 3:25 p.m., with President Waddoups presiding.
COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 10, 2011

The Speaker of the House has signed **S.B. 51**, **AMENDMENTS TO LOCAL SALES AND USE TAXES FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES**, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 57**, **ANIMAL CONTROL – EXCEPTION FOR COMMUNITY CATS**, by Senator D. Stowell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 72**, **INITIATIVE AMENDMENTS**, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 167**, **CONDOMINIUM AND COMMUNITY ASSOCIATION REVISIONS**, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The House passed, **S.B. 186**, **UTAH MEDICAL PRACTICE ACT AMENDMENTS**, by Senator J. S. Adams, 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. 209**, **TELECOMMUNICATIONS AMENDMENTS**, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 226**, **INCOME TAX CREDITS FOR CLEANER BURNING FUELS**, 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. 236**, **REFERENDUM AMENDMENTS**, by Senator K. Van Tassell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 272**, **SECURED CREDITOR AMENDMENTS**, by Senator D. Liljenquist, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 282**, **SMALL MINING OPERATIONS**, by Senator D. Hinkins, and it is transmitted for the signature of the President; and

The House passed, **S.B. 293**, **MILITARY INSTALLATION DEVELOPMENT AUTHORITY AND ANNEXATION AMENDMENTS**, by
Senator J. Stevenson, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 301**, PUBLIC TRANSIT REVISIONS, by Senator J. Stevenson, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 318**, JUSTICE COURT 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. 319**, TECHNOLOGY COMMERCIALIZATION AND INNOVATION ACT, 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

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

**SECOND READING CALENDAR**

On motion of Senator Niederhauser, under suspension of the rules, **H.B. 488**, BUDGETING PROCEDURES AMENDMENTS, was considered read the second and third times. Senators Romero, Hillyard, Jones, and Davis commented and the bill passed on the following roll call:

**Yeas, 18; Nays, 10; Absent, 1.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting was:** Senator

Stowell

**H.B. 488** 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, the Senate voted to lift the following bills from Rules and place them on the Second Reading Calendar under 1st Sub. H.B. 496:


On motion of Senator Hillyard, the bills were circled.

On motion of Senator Knudson, the Senate voted to lift **H.B. 404, STATE HEALTH INSURANCE AMENDMENTS**, from Rules and place it on the bottom of the Second Reading Calendar.

On motion of Senator Niederhauser, under suspension of the rules, **H.J.R. 45, JOINT RULES AMENDMENTS FOR ESTABLISHING BASE BUDGETS**, 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

**H.J.R. 45** 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 Adams, the circle was removed from **S.B. 5, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS**, and it was before the Senate.
Senator Adams proposed the following amendment:

1. Page 11, Lines 326 through 327

326  (e) the university may not request state funds for operation and maintenance costs or
327  capital improvements.

(7) The Legislature intends that:
(a) the Board of Regents, on behalf of Weber State University, may
issue, sell, and deliver revenue bonds or other evidences of indebtedness
of Weber State University to borrow money on the credit, revenues, and
reserves of the university, other than appropriations of the Legislature, to
finance a portion of the cost of constructing a Professional Programs
Classroom Building on the Davis Campus;
(b) Weber State University use student fees and other contributions
as the primary revenue sources for repayment of any obligation created
under authority of this section;
(c) the maximum amount of revenue bonds or evidences of
indebtedness authorized by this section is $8,400,000, together with
other amounts necessary to pay costs of issuance, pay capitalized
interest, and fund any debt service reserve requirements;
(d) the university may plan, design, and construct the classroom
building subject to the requirements of Title 63A, Chapter 5, State
Building Board – Division of Facilities Construction and Management;
and
(e) the university may not request state funds for operation and
maintenance costs or capital improvements.

Senator Adams’ motion to amend passed on a voice vote.

On motion of Senator Adams, under suspension of the rules, S.B. 5,
REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, was
considered read the second and third times. Senator Adams 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
Robles                  Stowell

S.B. 5 was transmitted to the House.

* * *

On motion of Senator Hillyard, the Senate voted to lift H.B. 3, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS, from the Rules committee and place it on the top of the Second Reading Calendar.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Adams, the circle was removed from 2nd Sub. S.B. 294, PATIENT ACCESS REFORM, and it was before the Senate.

Senator Adams proposed the following amendment:

1. Page 3, Line 73

73 (a) age of the employee, in accordance with Subsection (7);

Senator Adams’ motion to amend passed on a voice vote.

On motion of Senator Adams, under suspension of the rules, 2nd Sub. S.B. 294, PATIENT ACCESS REFORM, was considered read the second and third times. Senator Adams explained the bill. Senator Adams made the motion to suspend the rules to pass the bills on second and third for the remainder of the day. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams                  Bramble                  Buttars                  Christensen
Davis                  Dayton                   Jenkins                  Jones
Knudson                Liljenquist               Madsen                   Mayne
McAdams                Morgan                   Niederhauser              Okerlund
Reid                   Robles                   Romero                   H. Stephenson
J. Stevenson           Thatcher                  Urquhart                 Valentine
Van Tassell            Waddoups
Absent or not voting were: Senators  
Hillyard        Hinkins        Stowell

2nd Sub. S.B. 294 was transmitted to the House.

* * *

On motion of Senator Christensen, under suspension of the rules, H.B. 450, HOSPITAL PROVIDER TAX AMENDMENTS, was considered read the second and third times. Senator Dayton commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators  
Adams         Bramble         Buttars       Christensen  
Davis         Hillyard       Hinkins       Jones        
Liljenquist   McAdams       Morgan       Niederhauser  
Okerlund      Reid           Robles       Romero       
H. Stephenson  J. Stevenson  Thatcher     Urquhart     
Valentine     Van Tassell    Waddoups     

Voting in the negative were: Senators  
Dayton        Madsen

Absent or not voting were: Senators  
Jenkins       Knudson       Mayne        Stowell

H.B. 450 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 453, DOMESTIC VIOLENCE SERVICES, was read the second time.

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

1st Sub. S.B. 453 Domestic Violence Services (D. Clark)

On motion of Senator Christensen, under suspension of the rules, 1st Sub. H.B. 453, DOMESTIC VIOLENCE SERVICES, 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
Bramble Butters Christensen Davis
Dayton Hillyard Hinkins Jenkins
Jones Knudson Liljenquist Madsen
McAdams Morgan Okerlund Reid
Robles Romero H. Stephenson J. Stevenson
Thatcher Urquhart Valentine Waddoups

Absent or not voting were: Senators
Adams Mayne Niederhauser Stowell
Van Tassell

1st Sub. H.B. 453 was returned to the House for further consideration.

On motion of Senator Jenkins, under suspension of the rules, the Senate voted to reconsider its action on H.B. 488, BUDGETING PROCEDURES AMENDMENTS.

On motion of Senator Jenkins, the bill was circled.

1st Sub. H.B. 148, RAW HONEY AMENDMENTS, was read the second time. Senator Valentine explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators
Adams Bramble Butters Christensen
Davis Hillyard Jenkins Jones
Liljenquist Morgan Okerlund Reid
Robles Romero H. Stephenson J. Stevenson
Thatcher Urquhart Valentine Waddoups

Absent or not voting were: Senators
Dayton Hinkins Knudson Madsen
Mayne McAdams Niederhauser Stowell
Van Tassell
On motion of Senator Christensen, 1st Sub. H.B. 176, AUDIT OF STATE BUDGETS, was read the second time and circled.

On motion of Senator Christensen, under suspension of the rules, H.B. 454, STATE HOSPITAL 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. 454 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. 3, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS, and it was before the Senate.

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

**Voting in the affirmative were:** Senators

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</table>
McAdams    Morgan    Niederhauser    Okerlund
Reid        Robles    Romero        H. Stephenson
J. Stevenson Thatcher    Valentine    Van Tassell
Waddoups

Absent or not voting were: Senators
Bramble    Madsen    Stowell    Urquhart

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 Hillyard, the circle was removed from H.B. 330, BUDGETARY PROCEDURE AMENDMENTS, and it was before the Senate.

On motion of Senator Hillyard, under suspension of the rules, H.B. 330, BUDGETARY PROCEDURE 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
Adams    Bramble    Buttars    Christensen
Davis    Dayton    Hillyard    Hinkins
Jenkins  Jones    Knudson    Liljenquist
Mayne    McAdams   Morgan    Niederhauser
Okerlund Reid    Robles    Romero
H. Stephenson J. Stevenson    Thatcher    Valentine
Van Tassell Waddoups

Absent or not voting were: Senators
Madsen    Stowell    Urquhart

H.B. 330 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, under suspension of the rules, 1st Sub. H.B. 482, LONG-TERM CARE FACILITY – MEDICAID CERTIFICATION FOR BED CAPACITY 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
Adams  Bramble  Christensen  Davis
Hillyard  Hinkins  Jenkins  Jones
Knudson  Liljenquist  Mayne  McAdams
Morgan  Niederhauser  Okerlund  Reid
Robles  Romero  H. Stephenson  J. Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups

Voting in the negative was: Senator Dayton

Absent or not voting were: Senators
Buttars  Madsen  Stowell

1st Sub. H.B. 482 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

Mr. President: March 10, 2011


On motion of Senator Adams, under suspension of the rules, 2nd Sub. H.B. 104, HOMEOWNER ASSOCIATION 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
Adams  Bramble  Davis  Dayton
Hillyard  Hinkins  Jenkins  Jones
Knudson  Liljenquist  Mayne  McAdams
Morgan  Niederhauser  Okerlund  Reid
Romero  H. Stephenson  J. Stevenson  Thatcher
Urquhart  Valentine  Van Tassell  Waddoups
Absent or not voting were: Senators
Buttars Christensen Madsen Robles
Stowell

2nd Sub. H.B. 104 was returned to the House for further consideration.

***

On motion of Senator Niederhauser, 2nd Sub. H.B. 84, OFFICE OF INSPECTOR GENERAL OF MEDICAID SERVICES, was read the second time and circled.

***

On motion of Senator Niederhauser, the circle was removed from H.B. 403, CHANGES TO FIT PREMISES ACT, and it was before the Senate.

On motion of Senator Niederhauser, under suspension of the rules, H.B. 403, CHANGES TO FIT PREMISES ACT, 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
Adams Bramble Christensen Davis
Dayton Hinkins Jenkins Jones
Knudson Liljenquist Mayne McAdams
Morgan Niederhauser Reid Robles
Romero J. Stevenson Thatcher Urquhart
Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Buttars Hillyard Madsen Okerlund
H. Stephenson Stowell

H.B. 403 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Niederhauser, the circle was removed from 1st Sub. H.B. 138, FEDERAL RECEIPTS REPORTING REQUIREMENTS, and it was before the Senate.
Senator Niederhauser proposed the following amendment:

1. Page 3, Lines 62 through 67  
House Committee Amendments  
2–23–2011  

62 (2) Subject to Subsections (3) and (4), a designated state agency shall each year, on or before October 31, prepare a report that:

64 (a) reports the aggregate value of federal receipts the designated state agency received for the preceding fiscal year;

66 (b) reports the aggregate amount of federal funds appropriated by the Legislature to the designated state agency for the preceding fiscal year.

2. Page 3, Lines 71 through 72  
House Committee Amendments  
2–23–2011:

71 (d) develops a plan for operating the designated state agency if there is a reduction of:

71a (i) 5% or more in the federal receipts that the designated state agency receives;  
and

72 (ii) 25% or more in the federal receipts that the designated state agency receives.

3. Page 3, Lines 85 through 87  
House Committee Amendments  
2–23–2011:

85 (ii) compares the aggregate value of federal receipts each designated state agency received for the previous fiscal year to the aggregate amount of federal funds appropriated by the Legislature to that designated state agency for that fiscal year.

4. Page 4, Lines 104 through 115:
During the 2011 interim, the Government Operations and Political Subdivisions Interim Committee shall study whether to draft legislation requiring:

1. a political subdivision to:
   a. calculate the aggregate value of federal receipts the political subdivision receives;
   b. calculate the percentage of the political subdivision’s total budget that constitutes federal receipts; and
   c. develop a plan for operating the political subdivision if there is a reduction of:
      i. 5% or more in the federal receipts that the political subdivision receives; and
      ii. 25% or more in the federal receipts that the political subdivision receives; or

2. a state institution of higher education listed in Section 53B−2−101 or a school within the public education system to develop a plan for operating the state institution of higher education or school if there is a reduction of:
   a. 5% or more in the federal receipts that the state institution of higher education or school receives; and
   b. 25% or more in the federal receipts that the state institution of higher education or school receives.

Senator Niederhauser’s motion to amend passed on a voice vote.

On motion of Senator Niederhauser, under suspension of the rules, 1st Sub. H.B. 138, FEDERAL RECEIPTS REPORTING REQUIREMENTS, was considered read the second and third times. Senators Robles and Davis 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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**Senator Niederhauser’s motion to amend passed on a voice vote.**
Absent or not voting were: Senators
Hinkins Jenkins Madsen H. Stephenson

1st Sub. H.B. 138, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Dayton, the circle was removed from H.B. 328, STATE GOVERNMENT WORK WEEK, and it was before the Senate.

Senator Dayton proposed the following amendment:

1. Page 1, Lines 18 through 19

18 Other Special Clauses:
19 {None} This bill takes effect September 17, 2011.

2. Page 2, Line 48g
House Floor Amendments
3–1–2011:

48g (d)the hours a state agency employee works per day. This bill takes effect September 17, 2011.

Section 4. Effective date.

Senator Dayton’s motion to amend passed on a voice vote.

On motion of Senator Dayton, under suspension of the rules, H.B. 328, STATE GOVERNMENT WORK WEEK, was considered read the second and third times. Senators Waddoups, Valentine, Robles, Jenkins, Bramble, and Christensen commented and the bill passed on the following roll call:

Yeas, 18; Nays, 8; Absent, 3.

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Dayton Hillyard Hinkins Jenkins
Voting in the negative were: Senators
Jones  Knudson  Liljenquist  Madsen
Okerlund  Reid  J. Stevenson  Stowell
Valentine  Van Tassell

Absent or not voting were: Senators
Niederhauser  H. Stephenson  Urquhart

H.B. 328, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Bramble, under suspension of the rules, H.B. 301, SCHOOL DISTRICT PROPERTY TAX REVISIONS, was considered read the second and third times. Senator Van Tassell commented and the bill passed on the following roll call:

Yeas, 20; Nays, 6; Absent, 3.

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Davis
Dayton  Hinkins  Jenkins  Knudson
Liljenquist  Madsen  Niederhauser  Okerlund
Reid  H. Stephenson  J. Stevenson  Stowell
Thatcher  Valentine  Van Tassell  Waddoups

Voting in the negative were: Senators
Jones  Mayne  McAdams  Morgan
Robles  Romero  Thatcher  Waddoups

Absent or not voting were: Senators
Christensen  Hillyard  Urquhart

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 Stevenson, under suspension of the rules, 1st Sub. H.B. 487, COUNTY USE OF LAND USE ORDINANCE, was considered read the second and third times. Senator Jenkins commented and the bill passed on the following roll call:
Y eas, 25; Nays, 0; Absent, 4.

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Davis
- Dayton
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- McAdams
- Morgan
- Niederhauser
- Okerlund
- Reid
- Robles
- Romero
- H. Stephenson
- J. Stevenson
- Stowell
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators

- Buttars
- Christensen
- Liljenquist
- Thatcher

1st Sub. H.B. 487 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**SPECIAL RECOGNITION**

A citation was read honoring Robert Gardner as Sergeant of Arms and Annette Moore as Secretary of the Senate on their retirement from the Senate. Senators Jenkins, Davis, Mayne, Van Tassell, Hillyard, Valentine, Robles, and Knudson commented.

**COMMITTEE OF THE WHOLE**

On motion of Senator Knudson, Bob Gardner and Annette Moore spoke in Committee of the Whole.

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

* * *

On motion of Senator Bramble, the circle was removed from 1st Sub. H.B. 496, TECHNOLOGY AND LIFE SCIENCE ECONOMIC DEVELOPMENT ACT AND RELATED TAX CREDITS, and it was before the Senate.

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

2nd Sub. H.B. 496 Technology and Life Science Economic Development Act and Related Tax Credits (D. Clark)
On motion of Senator Bramble, under suspension of the rules, 2nd Sub. H.B. 496, TECHNOLOGY AND LIFE SCIENCE ECONOMIC DEVELOPMENT ACT AND RELATED TAX CREDITS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting was: Senator Urquhart

2nd Sub. H.B. 496 was returned to the House for further consideration.

On motion of Senator Knudson, the Senate voted to lift 1st Sub. H.B. 445 and H.B. 87 from Rules and place them on the top of the Second Reading Calendar.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2011

The House passed, as amended, S.B. 248, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, by Senator C. Bramble, and it is transmitted for further consideration; and

The House substituted, amended, and passed, 2nd Sub. S.B. 155, POLITICAL SUBDIVISION’S PROCUREMENT PROCESS FOR CONSTRUCTION PROJECTS, by Senator B. McAdams, and it is transmitted for further consideration; and

The House passed, as amended, S.B. 273, EMERGENCY RESPONDER FEES, by Senator J. S. Adams, and it is transmitted for further consideration; and

The House adopted the Joint Conference Committee Report dated March 10, 2011, and passed 2nd Sub. S.B. 305, ECONOMIC DEVELOPMENT THROUGH EDUCATION / CAREER ALIGNMENT, by Senator H. Stephenson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.
Mr. President: March 10, 2011

The House passed, as substituted, **2nd Sub. H.B. 2**, MINIMUM SCHOOL PROGRAM AND PUBLIC EDUCATION BUDGET AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bill was read the first time by short title and referred to the Rules Committee.

**SECOND READING CALENDAR**

On motion of Senator Hillyard, the Senate voted to lift **2nd Sub. H.B. 2** from Rules and place it on the top of the Second Reading Calendar.

On motion of Senator Niederhauser, the circle was removed from **1st Sub. H.B. 176**, AUDIT OF STATE BUDGETS, and it was before the Senate.

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

**2nd Sub. H.B. 176 Audit of State Budgets** (L. Christensen)

Senator Niederhauser proposed the following amendment:

1. Page 3, Line 71 through 81Delete lines 71–81

Senator Niederhauser’s motion to amend passed on a voice vote. Senators Hillyard, Dayton, and Valentine commented.

On motion of Senator Niederhauser, under suspension of the rules, **2nd Sub. H.B. 176**, AUDIT OF STATE BUDGETS, was considered read the second and third times and passed on the following roll call:

**Yeas, 16; Nays, 12; Absent, 1.**

**Voting in the affirmative were:** Senators

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Voting in the negative were: Senators
Christensen  Davis  Hillyard  Knudson
Mayne  McAdams  Morgan  Okerlund
Robles  Romero  Stowell  Van Tassell

Absent or not voting was: Senator
Adams

2nd Sub. H.B. 176 was returned to the House for further consideration.

***

On motion of Senator Bramble, the Senate voted to reconsider its action on 1st H.B. 496, TECHNOLOGY AND LIFE SCIENCE ECONOMIC DEVELOPMENT ACT AND RELATED TAX CREDITS.

On motion of Senator Valentine, the bill was circled.

***

On motion of Senator Urquhart, 2nd Sub. H.B. 2, MINIMUM SCHOOL PROGRAM AND PUBLIC EDUCATION BUDGET AMENDMENTS, was read the second time and circled.

***

1st Sub. H.B. 445, PRISON RELOCATION AND DEVELOPMENT AUTHORITY ACT, was read the second time.

Senator Valentine proposed the following amendment:

1. Page 2, Lines 49 through 50

49 (2) (a) The authority consists of {nine} 10 members.
50 (b) {Three} Two members of the authority shall be appointed by the legislative body of the

2. Page 2, Lines 52 through 56:

52 (c) {Five} Three members of the authority shall be appointed by the governor.
53 {At least one of the members appointed under Subsection (2)(c)(i) shall be from the
54 Governor’s Office of Economic Development, at least one shall be from the Division of Facilities Construction and Management, at least one shall be from the Department of Corrections, and at least one shall be from the Governor’s Office of Planning and Budget.

3. Page 3, Line 57:

57 (d) One member shall be appointed by the Utah Association of Counties.
(e) Two members shall be members of the Senate appointed by the president of the Senate.
(f) Two members shall be members of the House of Representatives appointed by the speaker of the House of Representatives.

4. Page 3, Lines 66 through 68:

66 (1) As provided in this chapter, the authority shall pursue the feasibility of various options to realize a prison relocation project.

67 (2) The authority shall:

5. Page 3, Lines 72 through 73:

72 Subsection (1) (a) (c) review and evaluate any proposals relating to a prison relocation project that the executive branch submits; and
(d) complete its review and evaluation of proposals within 90 days after receiving proposals.

73 (2)(a) Upon completing its evaluation of proposals submitted concerning a prison recommendations to the Legislative Management Committee and governor.

(b) The process of the authority’s issuing requests and reviewing and evaluating proposals is to provide a public forum for considering the feasibility of and proposals for a prison relocation project.
(c) The authority’s recommendations under Subsection (2)(a) are advisory only.
After the authority makes a report under Subsection (3) and subject to any necessary legislation to implement a proposal, the governor may accept a proposal submitted to the authority without any further process to request and receive proposals for the prison relocation project. Receiving the authority’s report under Subsection (3), the governor shall make a recommendation to the Legislative Management Committee with respect to any implementation of a proposal for the prison relocation project.

The acceptance of a proposal and any implementation of a proposal for a prison relocation project are subject to legislative approval.

Senator Valentine’s motion to amend passed on a voice vote. Senators Valentine and Reid commented.

On motion of Senator Urquhart, under suspension of the rules, 1st Sub. H.B. 445, PRISON RELOCATION AND DEVELOPMENT AUTHORITY ACT, 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

- Adams
- Bramble
- Dayton
- Hinkins
- Jenkins
- Jones
- Knudson
- Liljenquist
- Madsen
- Mayne
- McAdams
- Morgan
- Niederhauser
- Okerlund
- Reid
- Robles
- Romero
- H. Stephenson
- J. Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups

**Voting in the negative was:** Senator Christensen

**Absent or not voting were:** Senators

- Buttars
- Davis
- Hillyard
- Stowell

1st Sub. H.B. 445 was returned to the House for further consideration.
COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2011

The House passed, as amended, S.B. 5, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, by Senator J. S. Adams, and it is transmitted for further consideration; and

The House passed, as amended, S.B. 217, EDUCATION POLICY AMENDMENTS, by Senator C. Bramble, and it is transmitted for further consideration; and

The House passed, as amended, 1st Sub. S.B. 235, CHARTER SCHOOL STUDENTS’ PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, by Senator K. Mayne, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

***

Mr. President: March 10, 2011

The House passed, as amended, H.J.R. 46, JOINT RESOLUTION ON STATE HEALTH INSURANCE, by Representative B. Dee, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bill was read the first time by short title and referred to the Rules Committee.

***

Mr. President: March 10, 2011

The House concurred in the Senate amendments and passed 3rd Sub. H.B. 16, PHARMACY BENEFITS MANAGER 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. 99, MOTION PICTURE INCENTIVES AMENDMENTS, by Representative G. Hughes, and it is transmitted for the signature of the President; and

The House adopted the Joint Conference Committee Report dated March 10, 2011, and passed 2nd Sub. H.B. 104, HOMEOWNER ASSOCIATION 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. 130**, ELECTION DAY VOTING CENTERS, by Representative R. Chavez–Houck, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 316**, TAXATION OF SURPLUS LINES OF INSURANCE, 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. 388**, OPERATION AND MANAGEMENT OF CHARTER SCHOOLS, by Representative C. Herrod, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 428**, WATER ISSUES TASK FORCE, by Representative P. Painter, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 453**, DOMESTIC VIOLENCE SERVICES, by Representative D. Clark, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were 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, and at 6:35 p.m., the Senate recessed.

**EVENING SESSION**

The Senate reassembled at 8:00 p.m., with President Waddoups presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:          March 10, 2011

The House passed, as amended, **S.J.R. 24**, JOINT RESOLUTION SUPPORTING EXPANSION OF CORRECTIONAL FACILITIES IN SAN JUAN COUNTY, by Senator D. Hinkins, and it is transmitted for further consideration

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.
Mr. President:

The Speaker of the House has signed **1st Sub. S.B. 28**, ALCOHOL OR DRUG RELATED OFFENSE 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. 52**, TORTIOUS ACT ARBITRATION, 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. 65**, STATEWIDE ONLINE EDUCATION PROGRAM, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The House passed, **S.B. 69**, SALES AND USE TAX EXEMPTION FOR TEXTBOOKS FOR HIGHER EDUCATION, 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 **5th Sub. S.B. 138**, DRIVER LICENSE QUALIFICATION AMENDMENTS, by Senator S. Urquhart, and it is transmitted for the signature of the President; and

The House passed, **S.B. 174**, MOTOR VEHICLE INSURANCE COVERAGE 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 **S.B. 177**, SECURITY AGENCY QUALIFICATION AMENDMENTS, by Senator M. Dayton, and it is transmitted for the signature of the President; and

The House receded from its amendments and passed **S.B. 184**, DISPOSAL OF ELECTRONIC WASTE, 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. 250**, ELECTRONIC TRANSMISSIONS AND DIRECTORS ACTIONS, by Senator B. McAdams, 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 **3rd Sub. S.B. 261**, CHANGES TO TRUST DEED FORECLOSURE PROVISIONS, by Senator C. Bramble, and it is transmitted for the signature of the President; and
The Speaker of the House has signed S.B. 287, SPECIALTY LICENSE PLATE AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The House passed, S.B. 304, PREVENTING BULLYING AND HAZING IN ELEMENTARY AND SECONDARY SCHOOLS, by Senator R. Okerlund, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

Sandy D. Tenney, Chief Clerk

The bills 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 Dayton, H.B. 438, WATER QUALITY BOARD AMENDMENTS, was read the second time and circled.

On motion of Senator Bramble, the circle was removed from 2nd Sub. H.B. 496, TECHNOLOGY AND LIFE SCIENCE ECONOMIC DEVELOPMENT ACT AND RELATED TAX CREDITS, and it was before the Senate.

Senator Bramble proposed the following amendment:

1. Page 2, Lines 36 through 37

   36  Other Special Clauses:

   37  This bill provides { for } effective dates.

   This bill provides for retrospective operation.

2. Page 5, Lines 146 through 147:

   146 (i) for a taxable year for which the eligible claimant, estate, or trust holds a tax credit

   147  certificate issued in accordance with Section

   { 64M–1–2908 } 63M–1–2908 ; and

3. Page 6, Lines 179 through 180:

   179 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
180 commission {shall} may by rule define the term “transaction.”

4. Page 8, Lines 234 through 236:

234 (b) on each day of the taxable year of the capital gain transaction, the Utah small business corporation described in Subsection (3)(a) (ii) has at least 50% of its employees in the state.

5. Page 8, Line 242 through Page 9, Line 243:

242 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission {shall} may make rules:

Senator Bramble’s motion to amend passed on a voice vote.

On motion of Senator Bramble, under suspension of the rules, 2nd Sub. H.B. 496, TECHNOLOGY AND LIFE SCIENCE ECONOMIC DEVELOPMENT ACT AND RELATED TAX CREDITS, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

2nd Sub. H.B. 496, as amended, was returned to the House for further consideration.

***

On motion of Senator Hillyard, the Senate voted to lift S.B. 3 from Rules and place it on the top of the Second Reading Calendar.
On motion of Senator Buttars, the circle was removed from 2nd Sub. H.B. 2, MINIMUM SCHOOL PROGRAM AND PUBLIC EDUCATION BUDGET AMENDMENTS, and it was before the Senate.

Senator Stephenson proposed the following amendment:

1. Page 13, Line 393
   
   Flexible Allocation – WPU Distribution
   
   \[ -(\$22,698,864) \] \$20,698,864

1. Page 14, Line 407:

   407   Pilot Assessment \$1,000,000
   Public Education Job Enhancement \$2,000,000

Senator Stephenson’s motion to amend failed on a voice vote.

Senator Romero, Buttars, Morgan, Hillyard, and Valentine commented

On motion of Senator Buttars, under suspension of the rules, 2nd Sub. H.B. 2, MINIMUM SCHOOL PROGRAM AND PUBLIC EDUCATION BUDGET 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

Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Hinkins
Jenkins  Jones  Knudson  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Robles  Romero
H. Stephenson  J. Stevenson  Stowell  Thatcher
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting was: Senator Liljenquist

2nd 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.

INTRODUCTION OF BILLS

S.B. 3, Appropriations Adjustments (L. Hillyard), was read the first time by short title and referred to the Rules Committee.
On motion of Senator Hillyard, the bill was lifted from rules and placed on the Second Reading Calendar.

**S.B. 3, APPROPRIATIONS ADJUSTMENTS, was read the second time.**

Senator Hillyard proposed the following amendment:

1. Page 13, Line 479:
   After line 479 insert:
   
   ITEM 65A To Department of Administrative Services  –
   DFCM Administration
   From General Fund 2,185,500
   From General Fund, One–time (2,185,500)

2. Page 14, Line 517:
   After line 517 insert:
   
   ITEM 70A To State Board of Bonding Commissioners  –
   Debt Service
   From General Fund 3,000,000
   Schedule of Programs:
   Debt Service 3,000,000

3. Page 19, Line 711:
   Delete “180,000” and insert “70,000”

4. Page 19, Line 713:
   Delete “Securities” and insert “Real Estate”

5. Page 19, Line 713:
   Delete “180,000” and insert “70,000”

6. Page 19, Line 714–715:
   Delete “Securities Fraud Reporting Program Act (Senate  
   Bill 100, 2011 General Session)” and insert “Homeowner  
   Association Amendments (House Bill 104, 2011 General  
   Session)  

7. Page 25, Line 936:
   Delete “2,300,000” and insert “1,300,000”

8. Page 25, Line 940:
   Delete “12,346,600” and insert “11,346,600”

Senator Hillyard’s motion to amend passed on a voice vote.
On motion of Senator Hillyard, the bill was circled.

* * *

**H.B. 87, SCHOOL FINANCE AMENDMENTS, was read the second time.**

Senator Bramble proposed the following amendment:

1. Page 1, Lines 13 through 14

   13 increases the voted leeway and board guarantees each year by .0005 times the value of the prior year’s weighted pupil unit; and

2. Page 2, Lines 49 through 50:

   49 (ii) The guarantee shall increase by .0005 times the value of the prior year’s weighted pupil unit for each succeeding year subject to the Legislature appropriating funds for an increase in the guarantee; and

   50 subject to the Legislature appropriating funds for an increase in the guarantee.

Senator Bramble’s motion to amend passed on a voice vote.

On motion of Senator Bramble, under suspension of the rules, **H.B. 87, SCHOOL FINANCE 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

Davis

**H.B. 87 was returned to the House for further consideration.**
On motion of Senator Adams, under suspension of the rules, H.B. 296, HIGHWAY CONSTRUCTION CONTRACT 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

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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 Urquhart, the Senate voted to recall 1st Sub. H.B. 445, PRISON RELOCATION AND DEVELOPMENT AUTHORITY ACT, from from the House for the purpose of making an amendment.**

**On motion of Senator Jenkins, the Senate voted to lift 2nd Sub. H.B. 260 to the top of the Second Reading Calendar.**

**CONCURRENCE CALENDAR**

On motion of Senator Bramble, the Senate voted to concur in the House amendments to S.B. 248, CONTROLLED SUBSTANCE DATABASE AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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S.B. 248 was returned to the House for the signature of the Speaker.

On motion of Senator McAdams, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 155, POLITICAL SUBDIVISION’S PROCUREMENT PROCESS FOR CONSTRUCTION PROJECTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jenkins Jones Knudson Liljenquist
Mayne McAdams Morgan Niederhauser
Okerlund Reid Robles Romero
H. Stephenson J. Stevenson Stowell Thatcher
Urquhart Valentine Van Tassell Waddoups

Absent or not voting were: Senators
Madsen Urquhart

2nd Sub. S.B. 155 was returned to the House for the signature of the Speaker.

On motion of Senator Adams, the Senate voted to concur in the House amendments to S.B. 273, EMERGENCY RESPONDER FEES. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
JOINT CONFERENCE COMMITTEE REPORT

Mr. President: March 10, 2011

The Joint Conference Committee comprised of Sens. Howard Stephenson, Stuart Reid, and Karen Morgan, and Reps. Michael Morley, Rhonda Menlove, and Susan Duckworth, recommends 2nd Sub. S.B. 305, ECONOMIC DEVELOPMENT THROUGH EDUCATION / CAREER ALIGNMENT, by Senator H. Stephenson, with the following amendments:

1. Also include the following amendments:

   1. Page 3, Lines 58 through 60:

      58 (c) three private sector members that represent business, appointed by the governor

      59  { from a list of a minimum of three names submitted by the speaker of the House, and a list of a

      60  minimum of three names submitted by the president of the Senate } ;

      Sen. Howard Stephenson and
      Rep. Michael Morley, Chairs

On motion of Senator Stephenson, the Senate voted to adopt the Joint Conference Committee report. The bill pass on the following roll call vote:

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

Voting in the affirmative were: Senators

Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Hinkins
Jenkins  Jones  Knudson  Liljenquist
Mayne McAdams Morgan Niederhauser
Okerlund Reid Robles Romero
H. Stephenson J. Stevenson Stowell Thatcher
Valentine Van Tassell Waddoups

**Absent or not voting were:** Senators
Madsen Urquhart

2nd Sub. S.B. 305 was returned to the House for the signature of the Speaker.

***

On motion of Senator Adams, the Senate voted to concur in the House amendments to S.B. 5, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jenkins Jones Knudson Liljenquist
Mayne McAdams Morgan Niederhauser
Okerlund Reid Robles Romero
H. Stephenson J. Stevenson Stowell Thatcher
Urquhart Valentine Van Tassell Waddoups

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

S.B. 5 was returned to the House for the signature of the Speaker.

***

On motion of Senator Bramble, the Senate voted to concur in the House amendments to S.B. 217, EDUCATION POLICY AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jenkins Jones Knudson Liljenquist
S.B. 217 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Mayne, the Senate voted to concur in the House amendments to **1st Sub. S.B. 235, CHARTER SCHOOL STUDENTS’ PARTICIPATION IN EXTRACURRICULAR ACTIVITIES.** The bill, as amended, 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 Jenkins

1st Sub. S.B. 235 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hinkins, the Senate voted to concur in the House amendments to **S.J.R. 24, JOINT RESOLUTION SUPPORTING EXPANSION OF CORRECTIONAL FACILITIES IN SAN JUAN COUNTY.** The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Buttars Romero

S.J.R. 24 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

2nd Sub. H.B. 260, MECHANICS’ LIENS REVISIONS, was read the second time.

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

3rd Sub. H.B. 260 Mechanics’ Liens Revisions (D. Clark)

Senator Jenkins proposed the following amendment:

1. Page 4, Line 102

102 [The liens herein provided for shall relate]
   (1) As used in this section:

2. Page 4, Line 110:

110 (v) not withdrawn under Subsection 38–1–32(8).
   (b) “Project property” means the real property on which a building or structure is being constructed or altered or on which an improvement is made.

3. Page 5, Line 123:

123 (b) A recorded mortgage or trust deed of a construction lender, as defined in Section 38–1–27, has priority over each

4. Page 6, Line 157:

157 (i) the lot or parcel number of each lot included in the project property that has a lot or

5. Page 8, Lines 212 through 223:
212  
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223  
6.  Page 12, Lines 341 through 342:

341  
342  
7.  Page 30, Line 905:

905  
8.  Page 30, Line 924:

924  
9.  Page 31, Line 935:

935  

(A) the tax parcel identification number of each parcel included in the project property;

and

(B) the building permit number;

for government projects, the government project–identifying information; and

any other identifier that the division considers reasonably appropriate in
10. Page 32, Line 982:

982  (e)  (i)  Except as provided in Subsection {−(3) }  (2)  (e)(ii), a preliminary notice that is timely

Senator Jenkins’ motion to amend passed on a voice vote.

On motion of Senator Valentine, under suspension of the rules, 3rd Sub. H.B. 260, MECHANICS’ LIENS REVISIONS, was considered read the second and third times. Senators Thatcher and Mayne commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Robles  Romero
H. Stephenson  J. Stevenson  Stowell  Thatcher
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting was: Senator Buttars

3rd Sub. H.B. 260, as amended, was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2011

The House transmits 1st Sub. H.B. 445, PRISON RELOCATION AND DEVELOPMENT AUTHORITY ACT, by Representative G. Hughes, for further consideration.

Sandy D. Tenney, Chief Clerk

CONCURRENCE CALENDAR

1st Sub. H.B. 445, PRISON RELOCATION AND DEVELOPMENT AUTHORITY ACT, was before the Senate.

Senator Urquhart proposed the following amendment:
1. Page 3, Line 82:
   After “The” delete “municipality in whose boundary the prison property is presently located” and insert “Governor’s Office of Planning and Budget”

Senator Urquhart’s motion to amend passed on a voice vote 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 Buttars

1st Sub. H.B. 445 was returned to the House for further consideration.

***

On motion of Senator Jenkins, the circle was removed from H.B. 488, BUDGETING PROCEDURES AMENDMENTS, and it was before the Senate.

Senator Jenkins proposed the following amendment:

1. Page 1, Lines 12 through 13
   
   12 provides that the governor may elect to submit, as opposed to being required to submit, a proposed budget under the Budgetary Procedures Act; –

2. Page 1, Lines 18 through 20:
   
   18 modifies the statutory structure of the code; –
   
   19 provides that the governor has discretion in submitting a budget proposal rather than
20 having an obligation to do so; and

3. Page 2, Lines 38 through 39:

38 (1) The governor shall deliver, not later than 30 days before the date the Legislature convenes in

39 legislature shall deliver, not later than 30 days before the date the Legislature convenes in the

4. Page 10, Lines 295 through 299:

295 (3) An internal service fund agency shall submit a status report of outstanding

296 nonlapsing authority to acquire capital assets and associated one-time projects to the

297 Governor’s Office of Planning and Budget and the Legislative Fiscal Analyst’s Office with the

298 proposed budget [required by] submitted by the governor as provided under

299 Section 63J–1–201.

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

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

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

| H. Stephenson | Thatcher | Urquhart |

H.B. 488 was returned to the House for further consideration.

***

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 14, Line 517:
   After line 517 insert:
   CAPITAL BUDGET
   ITEM 70B To Capital Budget – Capital Development
   From Capital Project Fund – Project Reserve (5,000,000)
   Schedule of Programs:
   Freeport Warehouse (5,000,000)

   REVENUE – INFRASTRUCTURE AND GENERAL GOVERNMENT
   ITEM 70C To General Fund
   From Capital Project Fund – Project Reserve 5,000,000
   Schedule of Programs:
   General Fund, One–time 5,000,000

2. Page 14, Line 522:
   Delete “610,000” and insert “2,610,000”

3. Page 14, Line 524:
   Delete “600,000” and insert “2,600,000”

4. Page 16, Line 573:
   Delete “915,000” and insert “3,915,000”

5. Page 16, Line 577:
   Delete “(35,000)” and insert “2,965,000”

Senator Hillyard’s motion to amend passed on a voice vote.

On motion of Senator Hillyard, the bill was circled.

***

2nd Sub. H.B. 77, MEDICAL ASSISTANCE ACCOUNTABILITY, was read the second time. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 3, Lines 60 through 62
   House Floor Amendments
   2–22–2011
(5) “Upcoding” means assigning an inaccurate billing code for a service that is payable or reimbursable by Medicaid funds, if the correct billing code for the service, taking into account reasonable opinions derived from official published coding definitions, would result in a lower Medicaid payment or reimbursement.

Senator Niederhauser’s motion to amend passed on a voice vote.

On motion of Senator Niederhauser, under suspension of the rules, 2nd Sub. H.B. 77, MEDICAL ASSISTANCE ACCOUNTABILITY, 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

Adams    Bramble    Buttars    Christensen
Davis    Dayton    Hillyard    Hinkins
Jenkins    Jones    Knudson    Liljenquist
Madsen    Mayne    McAdams    Morgan
Niederhauser    Okerlund    Reid    Robles
Romero    H. Stephenson    J. Stevenson    Stowell
Thatcher    Urquhart    Valentine    Van Tassell
Waddoups

2nd Sub. H.B. 77 was returned to the House for further consideration.

On motion of Senator Niederhauser, the circle was removed from 2nd Sub. H.B. 84, OFFICE OF INSPECTOR GENERAL OF MEDICAID SERVICES, and it was before the Senate.

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

4th Sub. H.B. 84 Office of Inspector General of Medicaid Services (D. Clark)

On motion of Senator Niederhauser, under suspension of the rules, 4th Sub. H.B. 84, OFFICE OF INSPECTOR GENERAL OF MEDICAID SERVICES, 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

Adams   Bramble   Buttars   Christensen
Davis   Dayton   Hillyard  Hinkins
Jenkins Jones   Knudson   Liljenquist
Madsen Mayne   McAdams   Morgan
Niederhauser Okerlund  Reid   Robles
Romero H. Stephenson  J. Stevenson  Stowell
Thatcher Urquhart   Valentine  Van Tassell
Waddoups

4th Sub. H.B. 84 was returned to the House for further consideration.

***

On motion of Senator Okerlund, under suspension of the rules, H.B. 434, COUNTY AMENDMENTS, was considered read the second and third times. Senator McAdams commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams   Bramble   Buttars   Christensen
Davis   Dayton   Hillyard  Hinkins
Jenkins Jones   Knudson   Liljenquist
Madsen Mayne   McAdams   Niederhauser
Okerlund Reid   Robles   Romero
H. Stephenson J. Stevenson  Stowell   Thatcher
Urquhart Valentine  Van Tassell  Waddoups

Absent or not voting was: Senator

Morgan

H.B. 434 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

1st Sub. H.B. 148, RAW HONEY AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.
Voting in the affirmative were: Senators
Bramble Christensen Davis Dayton
Hillyard Hinkins Jenkins Jones
Knudson Liljenquist Madsen Mayne
McAdams Morgan Niederhauser Okerlund
Reid Robles Romero H. Stephenson
J. Stevenson Stowell Thatcher Urquhart
Valentine Van Tassell Waddoups

Voting in the negative was: Senator
Buttars

Absent or not voting was: Senator
Adams

1st 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.

SECOND READING CALENDAR

H.B. 370, BAIL BOND AMENDMENTS, was read the second time.

Senator Bramble proposed the following amendment:

1. Page 3, Line 85:
   House Floor Amendments 3–8–2011
   After “to and including” delete “the next execution of” and insert “the defendant’s appearance to commence serving the”

   Senator Bramble’s motion to amend passed on a voice vote.

   On motion of Senator Bramble, under suspension of the rules, H.B. 370, BAIL BOND AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Dayton Hillyard Hinkins Jenkins
Jones Knudson Liljenquist Madsen
Mayne McAdams Morgan Niederhauser
Okerlund Reid Robles Romero
H. Stephenson J. Stevenson Stowell
Urquhart Valentine Waddoups

1056 SENATE JOURNAL Day 45
Absent or not voting were: Senators
Davis  Van Tassell

H.B. 370 was returned to the House for further consideration.

***

On motion of Senator Hillyard, the circle was removed from S.B. 3, APPROPRIATIONS ADJUSTMENTS, and it was before the Senate.

Senator Stephenson proposed the following amendment:

1. Page 25, Line 921:
   Delete “337,100” and insert “(376,600)”

2. Page 25, Line 925:
   Delete “(7,947,400)” and insert “(8,661,100)”

3. Page 26, Line 968:
   Delete “257,100” and insert “(230,900)”

4. Page 26, Line 970:
   Delete “2,279,000” and insert “1,791,000”

5. Page 28, Line 1027:
   Delete “(145,500)” and insert “(339,400)”

6. Page 28, Line 1029:
   Delete “(62,500)” and insert “(256,400)”

7. Page 28, Line 1038:
   Delete “83,400” and insert “(9,500)”

8. Page 28, Line 1040:
   Delete “23,500” and insert “(69,400)”

9. Page 28, Line 1053:
   Delete “213,700” and insert “25,300”

10. Page 28, Line 1055:
    Delete “(76,700)” and insert “(265,100)”

11. Page 29, Line 1064:
    Delete “36,500” and insert “(22,800)”
12. Page 29, Line 1066:
Delete “(16,600)” and insert “(75,900)”

13. Page 29, Line 1076:
Delete “50,100” and insert “(15,800)”

14. Page 29, Line 1078:
Delete “(4,300)” and insert “(70,200)”

15. Page 29, Line 1087:
Delete “167,200” and insert “(30,700)”

16. Page 29, Line 1089:
Delete “(300,000)” and insert “(497,900)”

17. Page 29, Line 1089:
After line 1089 insert:
“The Legislature intends that Salt Lake Community College eliminate waiting lists for career and technical education courses through internal reallocation of resources.”

18. Page 30, Line 1109:
Delete “78,100” and insert “624,200”

19. Page 30, Line 1114:
Delete “122,700” and insert “668,800”

20. Page 30, Line 1117:
Delete “68,900” and insert “709,900”

21. Page 30, Line 1122:
Delete “115,400” and insert “756,400”

22. Page 30, Line 1131:
Delete “78,400” and insert “236,800”

23. Page 31, Line 1134:
Delete “66,300” and insert “224,700”

24. Page 31, Line 1137:
Delete “96,400” and insert “501,200”

25. Page 31, Line 1142:
Delete “144,500” and insert “549,300”
26. Page 31, Line 1145:
   Delete “36,600” and insert “96,200”

27. Page 31, Line 1148:
   Delete “32,400” and insert “92,000”

28. Page 31, Line 1151:
   Delete “5,700” and insert “26,800”

29. Page 31, Line 1156:
   Delete “15,300” and insert “36,400”

30. Page 31, Line 1159:
   Delete “10,000” and insert “179,000”

31. Page 31, Line 1164:
   Delete “69,700” and insert “238,700”

Senator Stephenson’s motion to amend failed on a voice vote

~ ~ ~

Senator Stephenson proposed the following amendment:

1. Page 25, Line 921:
   Delete “337,100” and insert “(145,400)”

2. Page 25, Line 925:
   Delete “(7,947,400)” and insert “(8,429,900)”

3. Page 26, Line 968:
   Delete “257,100” and insert “72,800”

4. Page 26, Line 970:
   Delete “2,279,000” and insert “1,949,100”

5. Page 28, Line 1027:
   Delete “(145,500)” and insert “(276,600)”

6. Page 28, Line 1029:
   Delete “(62,500)” and insert “(193,600)”

7. Page 28, Line 1030:
   Delete “83,400” and insert “20,600”
8. Page 28, Line 1040:
   Delete “23,500” and insert “(39,300)”

9. Page 28, Line 1053:
   Delete “213,700” and insert “86,400”

10. Page 28, Line 1055:
    Delete “(76,700)” and insert “(204,000)”

11. Page 29, Line 1064:
    Delete “36,500” and insert “(3,600)”

12. Page 29, Line 1066:
    Delete “(16,600)” and insert “(56,700)”

13. Page 29, Line 1076:
    Delete “50,100” and insert “5,500”

14. Page 29, Line 1078:
    Delete “(4,300)” and insert “(48,900)”

15. Page 29, Line 1087:
    Delete “167,200” and insert “33,500”

16. Page 29, Line 1089:
    Delete “(300,000)” and insert “(433,700)”

17. Page 29, Line 1089:
    After line 1089 insert:
    “The Legislature intends that Salt Lake Community College
    eliminate waiting lists for career and technical education
    courses through internal reallocation of resources.”

18. Page 30, Line 1109:
    Delete “78,100” and insert “372,000”

19. Page 30, Line 1114:
    Delete “122,700” and insert “416,600”

20. Page 30, Line 1117:
    Delete “68,900” and insert “583,300”

21. Page 30, Line 1122:
    Delete “115,400” and insert “629,800”
22. Page 30, Line 1131:
Delete “78,400” and insert “205,500”

23. Page 31, Line 1134:
Delete “66,300” and insert “193,400”

24. Page 31, Line 1137:
Delete “96,400” and insert “350,600”

25. Page 31, Line 1142:
Delete “144,500” and insert “398,700”

26. Page 31, Line 1145:
Delete “36,600” and insert “63,400”

27. Page 31, Line 1148:
Delete “32,400” and insert “59,200”

28. Page 31, Line 1159:
Delete “10,000” and insert “145,600”

29. Page 31, Line 1164:
Delete “69,700” and insert “205,300”

Senator Stephenson’s motion to amend failed on the a voice vote.

Senator Urquhart commented.

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, 27; Nays, 1; Absent, 1.**

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

H. Stephenson
Absent or not voting was: Senator Liljenquist

S.B. 3 was transmitted to the House.

***

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2011

The House concurred in the Senate amendments and passed 1st Sub. H.B. 138, FEDERAL RECEIPTS REPORTING REQUIREMENTS, by Representative K. Ivory, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 176, AUDIT OF STATE BUDGETS, by Representative L. Christensen, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 328, STATE GOVERNMENT WORK WEEK, 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. 445, PRISON RELOCATION AND DEVELOPMENT AUTHORITY ACT, by Representative G. Hughes, and it is transmitted for the signature of the President; and

Sandy D. Tenney, Chief Clerk

The bills 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, 2011

The House passed, as amended, H.J.R. 24, MASTER STUDY RESOLUTION, by Representative B. Dee, and it is transmitted for consideration; and

The House passed H.B. 4, GENERAL OBLIGATIONS BONDS AUTHORIZATION, by Representative G. Froerer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.
On motion of Senator Knudson, the Senate voted to reorganize the board putting the following bills at the top of the Second Reading Calendar:


THIRD READING CALENDAR

On motion of Senator Stephenson, the circle was removed from H.B. 228, ADMINISTRATIVE RULES REAUTHORIZATION, and it was before the Senate.

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

1st Sub. H.B. 228 Administrative Rules Reauthorization (C. Oda)

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Robles  Romero
H. Stephenson  J. Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting were: Senators
Davis  Stowell

1st Sub. H.B. 228, as amended, was returned to the House for further consideration.

On motion of Senator Bramble, the circle was removed from 1st Sub. H.B. 35, SALES AND USE TAX ACT REVISIONS, and it was before the Senate.

On motion of Senator Bramble, the following substitute bill replaced the original 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

| Madsen | Stowell | Urquhart |

1st Sub. H.B. 35 was returned to the House for further consideration.

**SECOND READING CALENDAR**

On motion of Senator Niederhauser, under suspension of the rules, 2nd Sub. H.B. 224, RADIO FREQUENCY IDENTIFICATION, was considered read the second and third times. Senator Valentine commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

| Madsen    | H. Stephenson | Stowell | Urquhart |

2nd Sub. H.B. 224 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, 2nd Sub.  H.B. 95, AMENDMENTS TO TRAFFIC CODE PROVISIONS, was considered read the second and third times and failed on the following roll call:

Yeas, 9; Nays, 19; Absent, 1.

Voting in the affirmative were: Senators
Davis  Hillyard  Jones  Knudson
Mayne  McAdams  Morgan  Robles
Romero

Voting in the negative were: Senators
Adams  Bramble  Buttars  Christensen
Dayton  Hinkins  Jenkins  Liljenquist
Madsen  Niederhauser  Okerlund  Reid
H. Stephenson  J. Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups

Absent or not voting was: Senator Stowell

2nd Sub. H.B. 95 was returned to the House for filing.

Senator Dayton proposed the following amendment:

1. Page 1, Lines 20 through 21
   20 Other Special Clauses:
   21 {None} This bill takes effect on January 1, 2012.

2. Page 2, Line 48:
   48 Act, 111 P.L. 148, unless the coverage is a type of permitted abortion coverage.
   Section. 2 Effective Date.
   This bill takes effect on January 1, 2012.

Senator Dayton’s motion to amend passed on a voice vote.
Senator McAdams made the motion to substitute the bill. Senator Romero commented. The motion failed on a voice vote.

On motion of Senator Dayton, under suspension of the rules, **2nd Sub. H.B. 354**, **INSURANCE AMENDMENTS RELATING TO ABORTION**, 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

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**Absent or not voting was:** Senator

Van Tassell

**2nd Sub. H.B. 354** was returned to the House for further consideration.

***

On motion of Senator Urquhart, under suspension of the rules, **1st Sub. H.B. 349**, **EXPEDITED JURY TRIALS**, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

Jenkins | Niederhauser
1st Sub. H.B. 349 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2011

The House concurred in the Senate amendments and passed H.B. 87, SCHOOL FINANCE AMENDMENTS, by Representative M. Newbold, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 496, TECHNOLOGY AND LIFE SCIENCE ECONOMIC DEVELOPMENT ACT AND RELATED TAX CREDITS, by Representative D. Clark, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills 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, 2011

The Speaker of the House has signed S.B. 5, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, by Senator J. S. Adams, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 2nd Sub. S.B. 155, POLITICAL SUBDIVISION’S PROCUREMENT PROCESS FOR CONSTRUCTION PROJECTS, by Senator B. McAdams, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 217, EDUCATION POLICY AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 1st Sub. S.B. 235, CHARTER SCHOOL STUDENTS’ PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, by Senator K. Mayne, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 248, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 273, EMERGENCY RESPONDER FEES, by Senator J. S. Adams, and it is transmitted for the signature of the President; and
The Speaker of the House has signed 2nd Sub. S.B. 305, ECONOMIC DEVELOPMENT THROUGH EDUCATION / CAREER ALIGNMENT, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.J.R. 24, JOINT RESOLUTION SUPPORTING EXPANSION OF CORRECTIONAL FACILITIES IN SAN JUAN COUNTY, by Senator D. Hinkins, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills 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, 2011

The House passed, as amended, S.B. 320, DEPOSIT OF SEVERANCE TAX REVENUES INTO PERMANENT STATE TRUST FUND, by Senator L. Hillyard, 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 Hillyard, the Senate voted to concur in the House amendments to S.B. 320, DEPOSIT OF SEVERANCE TAX REVENUES INTO PERMANENT STATE TRUST FUND. The bill, as amended, 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
S.B. 320 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Buttars, under suspension of the rules, H.B. 353, ABORTION FREEDOM OF CONSCIENCE, was considered read the second and third times.

Senator Robles proposed the following amendment:

1. Page 1, Lines 17 through 19
   House Floor Amendments
   3–7–2011

17  provides that, subject to certain exceptions, a
17a  health care facility may refuse, on
18  religious or moral grounds, to admit a patient for an abortion
19  procedure or perform

2. Page 2, Lines 49 through 54
   House Floor Amendments
   3–7–2011:

49  Except as otherwise required by law, and except as
49a  provided in Subsection (7), a health care facility may refuse, on
50  religious or moral grounds, to:
51  (a) admit a patient for an abortion procedure or another
52  procedure that is intended to, or likely to, result in the termination of a pregnancy; or
53  (b) perform for a patient an abortion procedure or another
54  procedure that is intended to, or likely to, result in the termination of a pregnancy.

3. Page 3, Line 76:

76  day on which the cause of action arises.

(7) A health care facility may not refuse, on religious or moral grounds,
to take an action described in Subsection (3)(a) or (b) for an abortion where the woman is pregnant as a result of:
(a) rape, as described in Section 76–5–402;
(b) rape of a child, as described in Section 76–5–402.1; or
(c) incest, as described in Subsection 76–5–406(10) or Section 76–7–102.

Senator Robles’ motion to amend failed on a voice vote. Senator Jones commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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H.B. 353 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 Adams, the Senate voted to lift H.B. 4 from Rules and place it on the top of the Second Reading Calendar.

** ***

On motion of Senator Knudson, the Senate voted to rearrange the Second Reading Calendar by putting the following bills at the top of the calendar:

H.B. 404, H.B. 304, H.B. 476, and H.C.R. 12

** ***

On motion of Senator Adams, under suspension of the rules, H.B. 4, GENERAL OBLIGATIONS BONDS AUTHORIZATIONS, 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
Adams  Bramble  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Mayne
McAdams  Morgan  Niederhauser  Reid
Robles  Romero  J. Stevenson  Stowell
Thatcher  Van Tassell  Waddoups

Voting in the negative were: Senators
Madsen  H. Stephenson  Urquhart  Valentine

Absent or not voting were: Senators
Buttars  Okerlund

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.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2011

The House passed, S.B. 4, CURRENT SCHOOL YEAR SUPPLEMENTAL PUBLIC EDUCATION BUDGET ADJUSTMENTS, 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. 90, BOARD OF PARDONS 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, S.B. 149, QUALIFICATIONS FOR THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH, 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. 20, JOINT RESOLUTION SUPPORTING SANPETE COUNTY INCREASING THE NUMBER OF CONTRACT BEDS AT ITS CORRECTIONAL FACILITIES, by Senator K. Okerlund, which has been signed by the Speaker, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills 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, 2011

The House passed, as amended, **S.B. 229**, TRANSPORTATION FUNDING REVISIONS, by Senator J. S. Adams, 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 Adams, the Senate voted to concur in the House amendments to **S.B. 229**, TRANSPORTATION FUNDING REVISIONS. The bill, as amended, 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

| Hillyard | Hinkins | Thatcher | Valentine |

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

**S.B. 229** was returned to the House for the signature of the Speaker.

**SECOND READING CALENDAR**

On motion of Senator Liljenquist, under suspension of the rules, **H.B. 404**, STATE HEALTH INSURANCE AMENDMENTS, was considered read the second and third times.

Senator Liljenquist proposed the following amendment:

1. **Page 2, Lines 35 through 37**

   **House Floor Amendments**

   3–8–2011

   35 (a) improvements to the way in which the state (—local governments, and political**
36 subdivisions provide } provides health insurance to employees, retirees, and their families;
37 (b) methods to improve the quality of health care } and choice of health care coverage.

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

**Yeas, 20; Nays, 7; Absent, 2.**

**Voting in the affirmative were:** Senators
Adams Bramble Buttars Christensen
Hillyard Hinkins Jenkins Knudson
Liljenquist Madsen Niederhauser Okerlund
Reid H. Stephenson J. Stevenson Stowell
Thatcher Valentine Van Tassell Waddoups

**Voting in the negative were:** Senators
Davis Dayton Jones Mayne
McAdams Morgan Romero

**Absent or not voting were:** Senators
Robles Urquhart

**H.B. 404** was returned to the House for further consideration.

* * *

On motion of Senator Jenkins, under suspension of the rules, **H.B. 304, CAMPAIGN FINANCE REVISIONS**, was considered read the second and third times.

Senator Jenkins proposed the following amendment:

1. Page 2, Lines 35 through 37

1. \{-20A–12–302, as enacted by Laws of Utah 2001, Chapter 466
36 20A–12–304, as last amended by Laws of Utah 2010, Chapter 389
37 20A–12–305, as last amended by Laws of Utah 2010, Chapter 389–\} 

2. Page 17, Line 515 through Page 20, Line 601:
Delete Lines 515 through 601.
Senator Jenkins' motion to amend passed on a voice vote. Senators Bramble and Valentine declared conflicts of interest 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 Urquhart

H.B. **304** was returned to the House for further consideration.

***

On motion of Senator Niederhauser, under suspension of the rules, **1st Sub.** H.B. **476**, PROCUREMENT CODE AMENDMENTS, was considered read the second and third times.

Senator Niederhauser proposed the following amendment:

1. Page 1, Line 9

9 This bill amends Title 63G, Chapter 6, Utah Procurement Code and another procurement provision, to address procurement

2. Page 10, Lines 287 through 288:

287 (1) Administrative rules shall be [promulgated] issued in accordance with Title 63G.

288 Chapter 3, Utah Administrative Rulemaking Act, } to govern the preparation, maintenance, and

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

**Yeas, 25; Nays, 0; Absent, 4.**
Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Liljenquist  Mayne  McAdams
Niederhauser  Okerlund  Reid  Robles
Romero  H. Stephenson  J. Stevenson  Stowell
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Christensen  Knudson  Madsen  Morgan

1st Sub. H.B. 476 was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2011

The House passed H.B. 427, HIGHER EDUCATION COMPENSATION APPROPRIATION REALLOCATIONS, by Representative M. Newbold, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bill was read the first time by short title and referred to the Rules Committee.

***

The bill was placed on the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Stowell, under suspension of the rules, H.C.R. 12, CONCURRENT RESOLUTION OPPOSING UNITED STATES SECRETARY OF INTERIOR’S WILDERNESS RE–INVENTORY, was considered read the second and third times and passed on the following roll call:

Yeas, 20; Nays, 5; Absent, 4.

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Dayton
Hillyard  Hinkins  Jenkins  Knudson
Liljenquist  Mayne  Niederhauser  Okerlund
Reid  H. Stephenson  J. Stevenson  Stowell
Thatcher  Urquhart  Valentine  Van Tassell  Waddoups
Voting in the negative were: Senators
Davis  Jones  McAdams  Robles
Romero

Absent or not voting were: Senators
Christensen  Madsen  Morgan  Valentine

H.C.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 Van Tassell, under suspension of the rules, H.B. 475, STATE ENERGY AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 21; Nays, 4; Absent, 4.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Hillyard  Hinkins  Jenkins  Jones
Knudson  Liljenquist  Mayne  Morgan
Niederhauser  Okerlund  Reid  Robles
J. Stevenson  Stowell  Thatcher  Urquhart
Van Tassell

Voting in the negative were: Senators
Dayton  H. Stephenson  Valentine  Waddoups

Absent or not voting were: Senators
Buttars  Madsen  McAdams  Romero

H.B. 475 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, H.B. 427, HIGHER EDUCATION COMPENSATION APPROPRIATION REALLOCATIONS, was read the second time and circled.

COMMUNICATIONS FROM THE HOUSE

Mr. President:  March 10, 2011

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 House passed, **S.B. 48**, ALZHEIMER’S STATE PLAN TASK FORCE, by Senator K. Morgan, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 257**, LEGISLATIVE COUNSEL RELATING TO UNITED STATES SENATORS, by Senator H. Stephenson, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

Sandy D. Tenney, Chief Clerk

The bills 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 Knudson, the Senate voted to lift **H.B. 432** and 2nd Sub. **H.B. 421** to the top of the Second Reading Calendar.

* * *

On motion of Senator Hillyard, the circle was removed from **H.B. 427**, HIGHER EDUCATION COMPENSATION APPROPRIATION REALLOCATIONS, and it was before the Senate.

On motion of Senator Hillyard, under suspension of the rules, **H.B. 427**, HIGHER EDUCATION COMPENSATION APPROPRIATION REALLOCATIONS, 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

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<tr>
<th>Buttars</th>
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<th>Robles</th>
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**H.B. 427** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
On motion of Senator Jenkins, under suspension of the rules, H.B. 432, NUISANCE 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

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<tr>
<th>Buttars</th>
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<th>Robles</th>
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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.

**2nd Sub. H.B. 421, USE OF PUBLIC BUILDINGS FOR POLITICAL CAUCUS MEETINGS, was read the second time.**

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

**3rd Sub. H.B. 421 Use of Public Buildings for Political Caucus Meetings**

(B. Dee)

On motion of Senator Niederhauser, under suspension of the rules, 3rd Sub. H.B. 421, USE OF PUBLIC BUILDINGS FOR POLITICAL CAUCUS MEETINGS, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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<td>Jones</td>
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</table>
Absent or not voting were: Senators
Bramble    Buttars

3rd Sub. H.B. 421 was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2011
The House substituted and passed 3rd Sub. S.B. 85. LEGAL NOTICE AMENDMENTS, by Senator S. Urquhart, with the following amendments:

1. Page 1, Line 17:

   17 establishes legal notice requirements for local districts and special service districts;

2. Page 2, Line 54 through Page 3, Line 61:

   54 59–2–1332.5.
   (e) “Local district” is as defined in Section 17B–1–102.

   55 {−(e) } (f) “Public legal notice website” means the website described in Subsection (2)(b) for:

   56 the purpose of publishing a legal notice online.

   57 {−(f) } (g) (i) “Qualifying advertising segment” means, except as provided in Subsection:

   58 (1) {−(f) } (g) (ii), a category of print advertising sold by a newspaper, including classified advertising.

   59 line advertising, and display advertising.

   60 (ii) “Qualifying advertising segment” does not include legal notice advertising.

   61 {−(g) } (h) “Special service district” is as defined in Section 17D–1–102.

3. Page 4, Lines 91 through 98:
(5) If legal notice is required by law to be published in a newspaper, or if a local district or a special service district publishes legal notice in a newspaper, the newspaper:
(a) may not charge more for publication than the newspaper’s average advertisement rate; and
(b) shall publish the legal notice on the public legal notice website at no additional cost.
(6) If legal notice is not required by law to be published in a newspaper, or if a local district or a special service district with an annual operating budget of less than $250,000 chooses to publish a
4. Page 4, Line 110 through Page 5, Line 127:
(8) Notwithstanding the requirements of a statute that requires the publication of legal notice, if legal notice is required by law to be published by a local district or a special service district with an annual operating budget of $250,000 or more, the local district or special service district shall satisfy its legal notice publishing requirements by:
(a) mailing a written notice, postage prepaid:
(i) to each voter in the local district or special service district; and
(ii) that contains the information required by the statute that requires the publication of legal notice; or
(b) publishing the legal notice in a newspaper and on the legal public notice website as described in Subsection (5).
(9) Notwithstanding the requirements of a statute that requires the publication of legal
notice, if legal notice is required by law to be published by a local district or a special service district with an annual operating budget of less than $250,000, the local district or special service district shall satisfy its legal notice publishing requirements by:

(a) mailing a written notice, postage prepaid:

(i) to each voter in the local district or special service district; and

(ii) that contains the information required by the statute that requires the publication of

legal notice; or

5. Page 6, Line 166:

delinquency unless the following are paid: on or before January 31

6. Page 6, Line 178:

delinquency unless the following are paid:

and returns it to the Senate for further consideration; and

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

CONCURRENCE CALENDAR

On motion of Senator Urquhart, the Senate voted to concur in the House amendments to 3rd Sub. S.B. 85, LEGAL NOTICE AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams  Christensen  Davis  Dayton
Hillyard  Hinkins  Jenkins  Jones
Knudson  Liljenquist  Madsen  Mayne
McAdams  Morgan  Niederhauser  Okerlund
Reid  Robles  Romero  H. Stephenson
J. Stevenson  Stowell  Thatcher  Urquhart
Valentine  Van Tassell  Waddoups
Absent or not voting were: Senators
Bramble                  Buttars

3rd Sub. S.B. 85 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Stevenson, under suspension of the rules, H.B. 359, BUSINESS RESOURCE CENTER ADVISORY BOARD MODIFICATION, 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
Adams          Bramble          Buttars          Christensen
Davis          Dayton          Hillyard        Hinkins
Jenkins        Jones           Knudson         Liljenquist
Madsen         Mayne           McAdams        Morgan
Niederhauser   Okerlund       Reid            Robles
Romero         H. Stephenson   J. Stevenson    Stowell
Thatcher       Urquhart       Valentine       Van Tassell
Waddoups

H.B. 359 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, H.B. 285, ASBESTOS REQUIREMENTS, 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
Adams          Bramble          Buttars          Christensen
Davis          Dayton          Hillyard        Hinkins
Jenkins        Jones           Knudson         Liljenquist
Madsen         Mayne           McAdams        Okerlund
Reid           Robles          Romero          H. Stephenson
J. Stevenson   Stowell        Thatcher        Urquhart
Valentine      Van Tassell    Waddoups
Voting in the negative was: Senator Morgan

Absent or not voting was: Senator Niederhauser

H.B. 285 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, under suspension of the rules, H.J.R. 46, JOINT RESOLUTION ON STATE HEALTH INSURANCE, was considered read the second and third times. Senators Hillyard and Valentine commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hillyard  Hinkins
Jenkins  Jones  Knudson  Liljenquist
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Reid  Romero  H. Stephenson
J. Stevenson  Thatcher  Valentine  Van Tassell
Waddoups

Absent or not voting were: Senators
Madsen  Robles  Stowell  Urquhart

H.J.R. 46 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 10, 2011

The House substituted and passed, 1st Sub. S.B. 286, GRANDPARENTS’ VISITATION RIGHTS, by Senator D. Hinkins, 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 Jenkins, under suspension of the rules, **H.J.R. 24**, MASTER STUDY RESOLUTION, 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

**H.J.R. 24** 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 Hinkins, the Senate voted to concur in the House amendments to **1st Sub. S.B. 286**, GRANDPARENTS’ VISITATION RIGHTS. The bill, as amended, 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. S.B. 286** was returned to the House for the signature of the Speaker.
COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2011

The Speaker of the House has signed **S.B. 320**, DEPOSIT OF SEVERANCE TAX REVENUES INTO PERMANENT STATE TRUST FUND, by Senator L. Hillyard, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

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

***

Mr. President: March 10, 2011

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 35**, SALES AND USE TAX ACT REVISIONS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 77**, MEDICAL ASSISTANCE ACCOUNTABILITY, by Representative D. Clark, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **4th Sub. H.B. 84**, OFFICE OF INSPECTOR GENERAL OF MEDICAID SERVICES, by Representative D. Clark, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 228**, ADMINISTRATIVE RULES REAUTHORIZATION, by Representative C. Oda, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 370**, BAIL BOND AMENDMENTS, by Representative G. Hughes, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 260**, MECHANICS’ LIENS REVISIONS, by Representative D. Clark, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 488**, BUDGETING PROCEDURES AMENDMENTS, by Representative J. Dougall, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills 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. 337, PAWNSHOP AND SECONDHAND MERCHANDISE TRANSACTION INFORMATION ACT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jenkins Jones Knudson Liljenquist
Madsen Mayne McAdams Morgan
Niederhauser Okerlund Reid Robles
Romero H. Stephenson J. Stevenson Thatcher
Urquhart Valentine Van Tassell Waddoups

Absent or not voting was: Senator Stowell

1st Sub. H.B. 337 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, under suspension of the rules, H.C.R. 13, SECURE RURAL SCHOOLS CONCURRENT RESOLUTION, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Adams Bramble Buttars Christensen
Davis Dayton Hillyard Hinkins
Jenkins Jones Knudson Liljenquist
Madsen Mayne McAdams Morgan
Niederhauser Okerlund Reid Robles
Romero H. Stephenson J. Stevenson Thatcher
Urquhart Valentine Van Tassell Waddoups

Absent or not voting was: Senator Stowell
H.C.R. 13 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 10, 2011

The House passed 2nd Sub. S.B. 294, PATIENT ACCESS REFORM, by Senator J. S. Adams, with the following amendments:

1. Page 1, Line 18:

   18 ▶ amends the family tier structure, for plans renewed or effective on or after September 1, 2011, to create a fifth tier

2. Page 4, Line 98:

   98 (i) for plans renewed or effective before September 1, 2011, four tiers that include:

3. Page 4, Line 104:

   104 (ii) for plans renewed or effective on or after September 1, 2011, five tiers that include:

4. Page 4, Line 107:

   107 (C) employee plus a one dependent, other than a spouse; and

and returns it to the Senate for further consideration.

Sandy D. Tenney, Chief Clerk

CONCURRENCE CALENDAR

On motion of Senator Adams, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 294, PATIENT ACCESS REFORM. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams  Bramble  Buttars  Christensen
Davis  Dayton  Hinkins  Jenkins
Jones  Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Niederhauser
COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2011

The Speaker of the House has signed 3rd Sub. S.B. 85, LEGAL NOTICE 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. 286, GRANDPARENTS VISITATION RIGHTS, by Senator D. Hinkins, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 2nd Sub. S.B. 294, PATIENT ACCESS REFORM, by Senator J. S. Adams, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 229, TRANSPORTATION FUNDING REVISIONS, by Senator J. S. Adams, and it is transmitted for the signature of the President; and

The House passed, S.B. 278, CHARTER SCHOOL PROPERTY 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. 279, GRAND JURY 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.C.R. 6, CONCURRENT RESOLUTION HONORING THE SORENSON LEGACY FOUNDATION, 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

The bills 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, 2011

The House concurred in the Senate amendments and passed H.B. 304, CAMPAIGN FINANCE REVISIONS, by Representative G. Hughes, and it is transmitted for the signature of the President; and
The House concurred in the Senate amendments and passed 2nd Sub. H.B. 354, INSURANCE AMENDMENTS RELATING TO ABORTION, 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. 404, STATE HEALTH INSURANCE 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 2nd Sub. H.B. 421, USE OF PUBLIC BUILDINGS FOR POLITICAL CAUCUS MEETINGS, by Representative D. Brown, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 476, PROCUREMENT CODE AMENDMENTS, by Representative B. Last, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were 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 struck the enacting clause on all House bills and Senate bills and resolutions on the Senate 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 2011 General Session of the Fifty-Ninth Legislature.

President Waddoups appointed Senators Stuart Adams, Dan Thatcher, and Luz Robles to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Waddoups appointed Senators John Valentine, Stuart Reid, and Karen Mayne to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Scott Jenkins and Senator Ross Romero 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.

President Waddoups expressed appreciation to Senator Jenkins, Senator Niederhauser, Senator Knudson, Senator Dayton, and Senator Lyle Hillyard for his excellent service as Appropriations Chairman and Senator Dennis Stowell for his service as Appropriations Vice-Chairman.

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

Senator Adams 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.

COMMITTEE OF THE WHOLE

On motion of Senator Jenkins, Governor Gary R. Herbert spoke in Committee of the Whole.

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

On motion of Senator Jenkins and at 12:00 a.m., the Senate adjourned sine die.

SENATE STRUCK ENACTING CLAUSE
(HOUSE BILLS AND RESOLUTIONS)

Mr. President: March 10, 2011

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:

<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Description</th>
<th>Sponsor</th>
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<tbody>
<tr>
<td>H.B. 42</td>
<td>Alcoholic Beverage Control Act Retail License Quotas</td>
<td>Rep. G. Froerer</td>
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<tr>
<td>H.B. 70</td>
<td>Illegal Immigration Enforcement Act</td>
<td>Rep. S. Sandstrom</td>
</tr>
<tr>
<td>H.B. 85</td>
<td>Alcoholic Beverage Control Act – Sales to Minors</td>
<td>Rep. V. Peterson</td>
</tr>
</tbody>
</table>
H.B. 88  Agriculture Sustainability Task Force (Rep. J. Draxler)
1st Sub. H.B. 89  Protection of Children Riding in Motor Vehicles
                   (Rep. P. Arent)
1st Sub. H.B. 122  Firearms Amendments (Rep. S. Sandstrom)
H.B. 131  Custody and Parent–time Modifications
           (Rep. R. Edwards)
H.B. 140  Divorce Waiting Period Amendments (Rep. V. Peterson)
1st Sub. H.B. 158  Coordination Between State and Local Government on
                   Federal Regulations (Rep. C. Herrod)
1st Sub. H.B. 191  Nonresident Tuition Waiver Amendments
                   (Rep. C. Wimer)
H.B. 193  Public Highway Designation (Rep. C. Watkins)
1st Sub. H.B. 233  Insurance Coverage for Amino Acid–based Formula
                   (Rep. C. Moss)
H.B. 234  Assertive Community Mental Health Treatment Pilot
           Program (Rep. C. Moss)
H.B. 252  Railroad and Railroad Crossing Amendments
           (Rep. R. Greenwood)
H.B. 274  Lobbyist Disclosure and Regulation Act Amendments
           (Rep. P. Arent)
H.B. 293  Underground Storage Tank Act Amendments
           (Rep. K. McIlff)
H.B. 320  4–H Special Group License Plate (Rep. K. Powell)
H.B. 323  Multicounty Appraisal Trust Amendments
           (Rep. G. Froerer)
2nd Sub. H.B. 331  Post–employment Benefits Amendments
                   (Rep. J. Dougall)
H.B. 339  Charter School Enrollment Amendments
           (Rep. E. Hutchings)
H.B. 357  Long–term Care Amendments (Rep. P. Ray)
H.B. 368  Adoption of Children (Rep. S. Sandstrom)
1st Sub. H.B. 379  Nonjudicial Foreclosure of Trust Deeds
                   (Rep. R. C. Webb)
1st Sub. H.B. 392  Retention Elections for Justice Court Judges
                   (Rep. C. Oda)
Mr. President: March 10, 2010

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. 17  State Tax Commission Levy Process Using Depository Institution Data Match System (Sen. C. Bramble)
S.B. 27  Sale of State Property (Sen. P. Knudson)
S.B. 45  Wireless Telephone Use Restriction for Minors in Vehicles (Sen. R. Romero)
Mr. President:

The Rules Committee recommends the enacting clause be stricken on the following Senate Bills and Resolutions and they be filed:

S.B. 40 Employment Practices and Protection from Violence (Sen. P. Jones)
S.B. 41 Health Amendments for Legal Immigrant Children (Sen. L. Robles)
1st Sub. S.B. 43 Local District Fees (Sen. D. Thatcher)
S.B. 53 Eligibility for Interscholastic Activities in Secondary Schools (Sen. M. Madsen)
S.B. 54 Physician Supervision of Cosmetic Medical Procedures (Sen. P. Knudson)
S.B. 55 Electronic Signatures (Sen. S. Urquhart)
2nd Sub. S.B. 60 Pilot Accountability Permit Program and Identity Related Amendments (Sen. L. Robles)
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Margaret Dayton
Rules Chair
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<td>Read the first time by short title and referred to the Rules Committee. 866</td>
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<td>Read the second and third time 923</td>
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<td>Transmitted to the House 924</td>
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<td>Signed by the President and transmitted to the Governor 926</td>
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<td>S.B. 7</td>
<td>HIGHER EDUCATION BASE BUDGET (S. Urquhart)</td>
<td>Read the first time by short title and referred to the Rules Committee. 117</td>
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<td>Read the second time 194</td>
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<td>Read the second and third time 194</td>
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<td>Transmitted to the House 194</td>
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<td>Signed by the President and transmitted to the Governor 212</td>
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<td>S.B. 8</td>
<td>NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENTAL QUALITY BASE BUDGET (D. Hinkins)</td>
<td>Read the first time by short title and referred to the Rules Committee. 117</td>
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<td></td>
<td>Placed on calendar 190</td>
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<td>Read the second time 194</td>
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<td>Substituted 195</td>
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<td>Read the second and third time 195</td>
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<td>Transmitted to the House 195</td>
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<td>Signed by the President and transmitted to the Governor 212</td>
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**S.B. 9 — RETIREMENT AND INDEPENDENT ENTITIES BASE BUDGET (D. Liljenquist)**

Read the first time by short title and referred to the Rules Committee. .................................................. 117
Placed on calendar ................................................. 190
Read the second time ............................................ 195
Transmitted to the House ........................................ 196
Signed by the President and transmitted to the Governor ................................................................. 212

**S.B. 10 — LOCAL DISTRICT AMENDMENTS (D. Stowell)**

Read the first time by short title and referred to the Rules Committee. .................................................. 87
Placed on calendar ................................................. 100
Read the second time ............................................ 104
Read the third time ............................................... 117
Transmitted to the House ........................................ 118
Signed by the President and transmitted to the Governor ................................................................. 296

**S.B. 11 — WORKER CLASSIFICATION COORDINATED ENFORCEMENT (K. Mayne)**

Read the first time by short title and referred to the Rules Committee. .................................................. 87
Assigned to standing committee ................................. 99
Substituted .................................................................. 103
Committee report adopted and placed on calendar ........... 103
Read the second time ............................................ 124
Read the third time ............................................... 142
Amendments .................................................................. 142
Transmitted to the House ........................................ 145
Signed by the President and transmitted to the Governor ................................................................. 296

**S.B. 12 — ALCOHOLIC BEVERAGE CONTROL ACT – MODIFICATIONS (J. Valentine)**

Read the first time by short title and referred to the Rules Committee. .................................................. 87
Placed on calendar ................................................. 100
Read the second time ............................................ 105
Read the third time ............................................... 118
Transmitted to the House ........................................ 118
Signed by the President and transmitted to the Governor ................................................................. 212

**S.B. 13 — PER DIEM AND TRAVEL MODIFICATIONS (P. Knudson)**

Read the first time by short title and referred to the Rules Committee. .................................................. 87
Placed on calendar ................................................. 100
Read the second time ............................................ 105
Read the third time ............................................... 118
Transmitted to the House ........................................ 119
Signed by the President and transmitted to the Governor ................................................................. 212

**S.B. 14 — LOCAL ELECTION AMENDMENTS (P. Knudson)**

Read the first time by short title and referred to the Rules Committee. .................................................. 88
Placed on calendar ................................................. 100
Read the second time ............................................ 106
Amendments .................................................................. 106
Read the third time ............................................... 119
Transmitted to the House ........................................ 119
Placed on Concurrence Calendar ................................ 225
Concurrence ........................................................... 250
Returned to the House ........................................... 250
Signed by the President and transmitted to the Governor ................................................................. 271

**S.B. 15 — SURETY REQUIREMENTS FOR MINING (D. Stowell)**

Read the first time by short title and referred to the Rules Committee. .................................................. 88
Placed on calendar ................................................. 100
Read the second time ............................................ 107
Read the third time ............................................... 119
Transmitted to the House ........................................ 120
Signed by the President and returned to the House ................................................................. 244

**S.B. 16 — STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION AMENDMENTS (W. Niederhauser)**

Read the first time by short title and referred to the Rules Committee. .................................................. 88
Assigned to standing committee ................................. 137
Placed on calendar ................................................. 139
Read the second time ............................................ 107
Circled .................................................................. 107, 348
Uncircled ............................................................. 126, 350
Returned to the Rules Committee ................................ 126
Substituted .................................................................. 201
Committee report adopted and placed on calendar ........... 201
Read the second time ............................................ 329
Read the third time ............................................... 348
Transmitted to the House ........................................ 351
Placed on Concurrence Calendar ................................ 902
Signed by the President and transmitted to the Governor ................................................................. 523, 945
Recalled from Research ............................................ 826
Returned to the House ........................................... 826, 929
Concurrence ........................................................... 929
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<td>STATE TAX COMMISSION LEVY PROCESS USING DEPOSITORY INSTITUTION</td>
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<td>DATA MATCH SYSTEM (C. Bramble)</td>
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<td>Enacting Clause Stricken.</td>
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<td>S.B. 18</td>
<td>ELECTION ADMINISTRATION BY ELECTION OFFICERS (P. Knudson)</td>
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<td>DEPARTMENT OF WORKFORCE SERVICES' REGIONAL WORKFORCE SERVICE AREAS</td>
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<td>AMENDMENTS (P. Jones)</td>
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<td>MANAGEMENT OF WATER RIGHTS AMENDMENTS (D. Stowell)</td>
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<td>TAX REVISIONS (W. Niederhauser)</td>
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<td>S.B. 22</td>
<td>CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS (J. S. Adams)</td>
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<td>S.B. 23</td>
<td>STATE HIGHWAY SYSTEM MODIFICATIONS (K. Van Tassell)</td>
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<td>S.B. 24</td>
<td>MOTOR VEHICLE DIVISION FEE AMENDMENTS (K. Van Tassell)</td>
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</table>
### S.B. 25 — SHARE CERTIFICATES IN WATER COMPANIES (R. Okerlund)
- Read the first time by short title and referred to the Rules Committee: 88
- Assigned to standing committee: 100
- Committee report adopted and placed on calendar: 115
- Read the second time: 149
- Read the third time: 160
- Transmitted to the House: 161
- Placed on Concurrence Calendar: 298
- Concurrence: 325
- Returned to the House: 326
- Signed by the President and transmitted to the Governor: 335

### S.B. 26 — WATER LAW MODIFICATIONS (M. Dayton)
- Read the first time by short title and referred to the Rules Committee: 88
- Placed on calendar: 101
- Read the second time: 110
- Read the third time: 123
- Transmitted to the House: 124
- Signed by the President and transmitted to the Governor: 213

### S.B. 27 — SALE OF STATE PROPERTY (P. Knudson)
- Read the first time by short title and referred to the Rules Committee: 88
- Placed on calendar: 101
- Read the second time: 110
- Read the third time: 124
- Transmitted to the House: 124
- Enacting Clause Stricken: 1092

### S.B. 28 — ALCOHOL OR DRUG RELATED OFFENSE AMENDMENTS (S. Jenkins)
- Read the first time by short title and referred to the Rules Committee: 89
- Assigned to standing committee: 99
- Amendments: 137, 238, 262
- Committee report adopted and placed on calendar: 137
- Read the second time: 161
- Circled: 161, 239, 995
- Uncircled: 237, 254, 1009
- Substituted: 238
- Read the third time: 262
- Transmitted to the House: 263
- Placed on Concurrence Calendar: 982
- Before the Senate: 995
- Concurrence: 1009
- Returned to the House: 1010
- Signed by the President and transmitted to the Governor: 1037

### S.B. 29 — UNIFORM DRIVER LICENSE ACT AMENDMENTS (K. Van Tassell)
- Read the first time by short title and referred to the Rules Committee: 89
- Placed on calendar: 101
- Read the second time: 111
- Circled: 111
- Uncircled: 148
- Read the third time: 159
- Transmitted to the House: 159
- Signed by the President and transmitted to the Governor: 271

### S.B. 30 — EXTENSION OF RECYCLING MARKET DEVELOPMENT ZONE ACT AND RELATED TAX CREDITS (J. Valentine)
- Read the first time by short title and referred to the Rules Committee: 89
- Placed on calendar: 101
- Read the second time: 111
- Circled: 111
- Uncircled: 148
- Returned to the Rules Committee: 148
- Assigned to standing committee: 153
- Committee report adopted and placed on calendar: 645
- Read the second time: 687
- Read the third time: 714
- Transmitted to the House: 715
- Placed on Concurrence Calendar: 961
- Concurrence: 965
- Returned to the House: 966
- Signed by the President and returned to the House: 998

### S.B. 31 — RURAL FAST TRACK PROGRAM AMENDMENTS (R. Okerlund)
- Read the first time by short title and referred to the Rules Committee: 89
- Assigned to standing committee: 100
- Read the second time and placed on Consent Calendar: 116
- Read the third time: 173
- Transmitted to the House: 173
- Signed by the President and transmitted to the Governor: 296
S.B. 32 — AGRICULTURE AMENDMENTS (R. Okerlund)
Read the first time by short title and referred to the Rules Committee. ................................. 89
Assigned to standing committee ................................................................. 100
Committee report adopted and placed on calendar ........................................... 115
Read the second time ................................................................................. 150
Read the third time .................................................................................... 161
Transmitted to the House ........................................................................... 161
Placed on Concurrence Calendar ................................................................. 944
Concurrence ............................................................................................... 947
Returned to the House .............................................................................. 948
Signed by the President and transmitted to the Governor ......................... 981

S.B. 33 — HEALTH DISPARITIES AND RELATED AMERICAN INDIAN PROGRAMS (K. Van Tassell)
Read the first time by short title and referred to the Rules Committee. ............. 89
Assigned to standing committee ................................................................. 99
Read the second time and placed on Consent Calendar .................................. 116
Read the third time .................................................................................... 172
Transmitted to the House ........................................................................... 172
Signed by the President and transmitted to the Governor ......................... 224

S.B. 34 — UNIFORM INTERSTATE FAMILY SUPPORT ACT (L. Hilyard)
Read the first time by short title and referred to the Rules Committee. ............. 89
Assigned to standing committee ................................................................. 99
Amendments ............................................................................................... 139, 167
Committee report adopted and placed on calendar ........................................... 139
Read the second time .................................................................................. 162
Circled ......................................................................................................... 162
Uncircled ..................................................................................................... 167
Read the third time .................................................................................... 177
Transmitted to the House ........................................................................... 178
Signed by the President and transmitted to the Governor ......................... 296

S.B. 35 — CONSTRUCTION LICENSEES RELATED AMENDMENTS (K. Mayne)
Read the first time by short title and referred to the Rules Committee. ............. 89
Assigned to standing committee ................................................................. 98
Substituted ................................................................................................. 140
Committee report adopted and placed on calendar ........................................... 140
Read the second time .................................................................................. 163
Read the third time .................................................................................... 174
Transmitted to the House ........................................................................... 175
Placed on Concurrence Calendar ................................................................. 318
Concurrence ............................................................................................... 345
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Returned to the House .............................................................................. 346
Signed by the President and transmitted to the Governor ......................... 369

S.B. 36 — CONCEALED FIREARM ACT AMENDMENTS (J. Valentine)
Read the first time by short title and referred to the Rules Committee. ............. 89
Assigned to standing committee ................................................................. 99
Substituted ................................................................................................. 139
Committee report adopted and placed on calendar ........................................... 139
Read the second time .................................................................................. 162
Circled ......................................................................................................... 162
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Amendments ............................................................................................... 166
Read the third time .................................................................................... 177
Transmitted to the House ........................................................................... 177
Placed on Concurrence Calendar ................................................................. 318
Concurrence ............................................................................................... 346
Returned to the House .............................................................................. 346
Signed by the President and transmitted to the Governor ......................... 369

S.B. 37 — EMERGENCY FOOD AGENCY AMENDMENTS (P. Knudson)
Read the first time by short title and referred to the Rules Committee. ............. 89
Assigned to standing committee ................................................................. 100
Read the second time and placed on Consent Calendar ................................ 116
Read the third time .................................................................................... 173
Transmitted to the House ........................................................................... 174
Signed by the President and transmitted to the Governor ......................... 355

S.B. 38 — K–3 READING AMENDMENTS (K. Morgan)
Read the first time by short title and referred to the Rules Committee. ............. 89
Assigned to standing committee ................................................................. 99
Committee report adopted and placed on calendar ........................................... 104
Read the second time .................................................................................. 149
Read the third time .................................................................................... 159
Transmitted to the House ........................................................................... 160
Signed by the President and transmitted to the Governor ......................... 296
S.B. 39 — CHILDREN’S JUSTICE CENTER PROGRAM AMENDMENTS (R. Okelund)
Read the first time by short title and referred to the Rules Committee. 89
Assigned to standing committee 114
Committee report adopted and placed on calendar 156
Read the second time 197
Read the third time 206
Transmitted to the House 206
Signed by the President and transmitted to the Governor 981

S.B. 40 — EMPLOYMENT PRACTICES AND PROTECTION FROM VIOLENCE (P. Jones)
Read the first time by short title and referred to the Rules Committee. 89
Assigned to standing committee 113
Return to the Rules Committee 725
Enacting Clause Stricken 1093

S.B. 41 — HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN (L. Robles)
Read the first time by short title and referred to the Rules Committee. 89
Enacting Clause Stricken 1093

S.B. 42 — REGULATION OF SIGN COMPANIES (P. Jones)
Read the first time by short title and referred to the Rules Committee. 104
Assigned to standing committee 113
Amendments 140
Committee report adopted and placed on calendar 140
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Read the third time 175
Transmitted to the House 175
Signed by the President and transmitted to the Governor 296

S.B. 43 — LOCAL DISTRICT FEES (D. Thatcher)
Read the first time by short title and referred to the Rules Committee. 104
Assigned to standing committee 258
Substituted 797
Returned to the Rules Committee 797
Enacting Clause Stricken 1093

S.B. 44 — STATE COMMISSION AMENDMENTS (M. Dayton)
Read the first time by short title and referred to the Rules Committee. 117
Assigned to standing committee 136
Amendments 154
Read the second time 180
Circled 180
Uncircled 241
Amendments 241, 252
Read the third time 252
Transmitted to the House 253
Placed on Concurrence Calendar 946
Concur 948
Return to the House 949
Signed by the President and transmitted to the Governor 981

S.B. 45 — WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES (R. Romero)
Read the first time by short title and referred to the Rules Committee. 117
Assigned to standing committee 226
Amendments 260
Committee report adopted and placed on calendar 260
Read the second time 413
Read the third time 435
Transmitted to the House 435
Enacting Clause Stricken 1092

S.B. 46 — HIGHER EDUCATION RESIDENCY REQUIREMENTS (M. Dayton)
Read the first time by short title and referred to the Rules Committee. 117
Assigned to standing committee 136
Amendments 153, 191
Committee report adopted and placed on calendar 153
Read the second time 178
Circled 178
Uncircled 179
Read the third time 190
Transmitted to the House 192
Signed by the President and transmitted to the Governor 296

S.B. 47 — DRIVER LICENSE AND IDENTIFICATION CARD AMENDMENTS (C. Brumle)
Read the first time by short title and referred to the Rules Committee. 141
Assigned to standing committee 170
Committee report adopted and placed on calendar 200
Read the second time 270
Read the third time 286
Transmitted to the House 287
Signed by the President and transmitted to the Governor 436
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<td>ALZHEIMER’S STATE PLAN TASK FORCE (K. Morgan)</td>
<td>Read the first time by short title and referred to the Rules Committee. 141</td>
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<td>Read the third time 286</td>
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<td>Signed by the President and transmitted to the Governor 1077</td>
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<td>S.B. 49</td>
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<td>Committee report adopted and placed on calendar 184</td>
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<td>Transmitted to the House 264</td>
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<td>Signed by the President and transmitted to the Governor 394</td>
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<td>S.B. 50</td>
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<td>Read the first time by short title and referred to the Rules Committee. 157</td>
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<td>Amendments 215</td>
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<td>Committee report adopted and placed on calendar 215</td>
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<td>Transmitted to the House 434</td>
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<td>Signed by the President and transmitted to the Governor 605</td>
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<td>S.B. 51</td>
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<td>Amendments 322, 516, 553</td>
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<td>Committee report adopted and placed on calendar 322</td>
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<td>Read the second time 490</td>
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<td>Transmitted to the House 555</td>
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<td>Placed on Concurrence Calendar 964</td>
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<td>Committee report adopted and placed on calendar 320</td>
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<td>Read the third time 674</td>
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<td>Transmitted to the House 675</td>
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<td>Signed by the President and transmitted to the Governor 1037</td>
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<td>Amendments 622</td>
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<td>Committee report adopted and placed on calendar 622</td>
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<td>Read the second time 680</td>
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<td>Amendments 873</td>
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<td>Read the third time 897</td>
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<td>Enacting Clause Stricken 1093</td>
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<td>S.B. 54</td>
<td>PHYSICIAN SUPERVISION OF COSMETIC MEDICAL PROCEDURES (P. Knudsen)</td>
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Committee report adopted and placed on calendar. 372
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S.B. 57 — ANIMAL CONTROL – EXCEPTION FOR COMMUNITY CAT MANAGEMENT INITIATIVE (D. Stowell)
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Substituted. 643
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Read the second time. 686
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Before the Senate. 995
Concurrence. 996
Returned to the House. 996
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Committee report adopted and placed on calendar. 247
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Uncircled. 811, 826
Substituted. 811
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Concurrence. 996
Returned to the House. 996
Signed by the President and transmitted to the Governor. 1014

S.B. 59 — SCHOOL GRADING SYSTEM (W. Niederhauser)
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Returned to the Senate. 996
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<td>Rules Committee</td>
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<td>S.B. 63</td>
<td>K–3 READING IMPROVEMENT PROGRAM ACCOUNTABILITY (K. Morgan)</td>
<td>Read first time</td>
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<td>S.B. 66</td>
<td>MILITARY LEAVE FOR AN ELECTED OFFICIAL OF A POLITICAL SUBDIVISION (J. Valentine)</td>
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<td>S.B. 67</td>
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Assigned to standing committee .................................................. 246
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Signed by the President and transmitted to the Governor .......... 906

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| | Read the third time | 710 |
| | Transmitted to the House | 711 |
| | Signed by the President and transmitted to the Governor | 945 |
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| | Assigned to standing committee | 246 |
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| | Signed by the President and transmitted to the Governor | 1071 |
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| | Assigned to standing committee | 246 |
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| | Amendments | 728 |
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| | Enacting Clause Stricken | 1094 |
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| | Signed by the President and transmitted to the Governor | 605 |
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| | Committee report adopted and placed on calendar | 154 |
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| | Transmitted to the House | 193 |
| | Signed by the President and transmitted to the Governor | 335 |
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| | Assigned to standing committee | 99 |
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| | Assigned to standing committee | 99 |
| | Substituted | 321, 455 |</p>
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<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td>Amended.</td>
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<td>Committee report adopted and placed on calendar.</td>
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<td>Read the second time.</td>
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<td>Enacted Clause Stricken.</td>
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<td>Signed by the President and transmitted to the Governor.</td>
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<td>SECURITIES RELATED AMENDMENTS (B. McAdams)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td></td>
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<td>Read the second time.</td>
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<td>Transmitted to the House.</td>
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<td>Signed by the President and transmitted to the Governor.</td>
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<td>S.B. 99</td>
<td>MOTOR VEHICLE INSURANCE – NAMED DRIVER EXCLUSION AMENDMENTS (L. Hillyard)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td>Signed by the President and transmitted to the Governor.</td>
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<tr>
<td>S.B. 100</td>
<td>SECURITIES WHISTLEBLOWER PROGRAM ACT (B. McAdams)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td>Signed by the President and transmitted to the Governor.</td>
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<tr>
<td>S.B. 101</td>
<td>UTAH UNIFORM SECURITIES ACT ENFORCEMENT (B. McAdams)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td>Signed by the President and transmitted to the Governor.</td>
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<tr>
<td>S.B. 102</td>
<td>TEMPORARY WATER SHORTAGE EMERGENCY – MILITARY FACILITIES (R. Okerlund)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td>Transmitted to the House.</td>
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<td>Signed by the President and transmitted to the Governor.</td>
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<tr>
<td>S.B. 103</td>
<td>UTAH FALSE CLAIMS ACT AMENDMENTS (B. McAdams)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td>Enacting Clause Stricken.</td>
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S.B. 113 — ELECTION DISTRICT BOUNDARIES (J. Valentine)
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Read the third time
Transmitted to the House
Signed by the President and transmitted to the Governor
Enacting Clause Stricken

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Committee report adopted and placed on calendar
Read the second time
Amendments
Read the third time
Transmitted to the House
Signed by the President and transmitted to the Governor

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Committee report adopted and placed on Consent Calendar
Read the second time
Read the third time
Transmitted to the House
Signed by the President and transmitted to the Governor

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Substituted
Committee report adopted and placed on calendar
Read the second time
Read the third time
Transmitted to the House
Signed by the President and transmitted to the Governor

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Substituted
Amendments
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Circled
Uncircled
Read the third time
Failed
Filed
Enacting Clause Stricken

S.B. 138 — DRIVER LICENSE QUALIFICATION AMENDMENTS (S. Unphart)
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Committee report adopted and placed on calendar
Read the second time
Circled
Uncircled
Substituted
Read the second and third time
Transmitted to the House
Placed on Concurrence Calendar
Concurrence
Returned to the House
Signed by the President and transmitted to the Governor

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Amendments
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Committee report adopted and placed on calendar .............................. 340
Read the second time ...................................................................... 504
Amendments .................................................................................. 505
Read the third time ......................................................................... 521
Transmitted to the House ............................................................... 521
Placed on Concurrence Calendar ..................................................... 997
Concurrence .................................................................................... 1010
Returned to the House .................................................................... 1011
Signed by the President and transmitted to the Governor ................. 1037

S.B. 178 — MUNICIPAL LAND USE AMENDMENTS (C. Bramble)
Read the first time by short title and referred to the Rules Committee. 303
Assigned to standing committee ..................................................... 337
Substituted ...................................................................................... 460
Committee report adopted and placed on calendar .............................. 460
Read the second time ...................................................................... 583
Circled ............................................................................................. 583
Uncircled .......................................................................................... 586
Read the third time ......................................................................... 599
Transmitted to the House ............................................................... 600
Placed on Concurrence Calendar ..................................................... 766
Concurrence .................................................................................... 838
Returned to the House .................................................................... 838
Signed by the President and transmitted to the Governor ................. 859

S.B. 179 — MATH EDUCATION INITIATIVE (H. Stephenson)
Read the first time by short title and referred to the Rules Committee. 361
Assigned to standing committee ..................................................... 371
Committee report adopted and placed on calendar .............................. 483
Read the second time ...................................................................... 584
Read the third time ......................................................................... 597
Transmitted to the House ............................................................... 598
Enacting Clause Stricken ............................................................... 1093
S.B. 180 — MEDICAID REFORM (D. Liljenquist)
Read the first time by short title and referred to the Rules Committee. ................................................. 284
Assigned to standing committee ................................................................. 298
Committee report adopted and placed on calendar ........................................ 319
Read the second time ..................................................................................... 454
Circled .............................................................................................................. 454, 493
Uncircled ........................................................................................................... 492, 502
Substituted ........................................................................................................ 492
Read the third time .......................................................................................... 520
Transmitted to the House ................................................................................ 520
Placed on Concurrence Calendar ..................................................................... 961
Concurrence ..................................................................................................... 966
Returned to the House ...................................................................................... 966
Signed by the President and returned to the House ........................................ 998

S.B. 181 — LOBBYIST DISCLOSURE AND REGULATION ACT REVISIONS (C. Bramble)
Read the first time by short title and referred to the Rules Committee. .................. 659
Assigned to standing committee ........................................................................ 663
Committee report adopted and placed on calendar .............................................. 705
Read the second time ........................................................................................ 866
Read the third time ............................................................................................ 892
Transmitted to the House .................................................................................. 892
Signed by the President and transmitted to the Governor .................................. 945

S.B. 182 — CONSTRUCTION TRADES LICENSING AMENDMENTS (P. Knudson)
Read the first time by short title and referred to the Rules Committee. .................... 343
Enacting Clause Stricken .................................................................................... 1094

S.B. 183 — CUSTODY AMENDMENTS (L. Robles)
Read the first time by short title and referred to the Rules Committee. ..................... 343
Assigned to standing committee ........................................................................ 357
Returned to the Rules Committee ...................................................................... 795
Enacting Clause Stricken .................................................................................... 1094

S.B. 184 — DISPOSAL OF ELECTRONIC WASTE (S. Urquhart)
Read the first time by short title and referred to the Rules Committee. ...................... 546
Assigned to standing committee ........................................................................ 563
Amendments ....................................................................................................... 767
Committee report adopted and placed on calendar .............................................. 767
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Circled ................................................................................................................ 869
Uncircled ............................................................................................................. 870
Read the third time ............................................................................................ 895
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Placed on Concurrence Calendar ..................................................................... 1009
Refuse to Concur ................................................................................................ 1012
Signed by the President and transmitted to the Governor ................................. 1037

S.B. 186 — UTAH MEDICAL PRACTICE ACT AMENDMENTS (J. S. Adams)
Read the first time by short title and referred to the Rules Committee. ..................... 527
Assigned to standing committee ........................................................................ 563
Amendments ....................................................................................................... 665, 852
Committee report adopted and placed on calendar .............................................. 665
Read the second time ........................................................................................ 851
Read the third time ............................................................................................ 887
Transmitted to the House .................................................................................. 887
Signed by the President and transmitted to the Governor ................................. 1014

S.B. 187 — COUNTY SERVICES AMENDMENTS (C. Bramble)
Read the first time by short title and referred to the Rules Committee. ..................... 367
Assigned to standing committee ........................................................................ 372
Returned to the Rules Committee ...................................................................... 801
Enacting Clause Stricken .................................................................................... 1094

S.B. 188 — TAX COMMISSION AMENDMENTS (J. Valentine)
Read the first time by short title and referred to the Rules Committee. ..................... 362
Assigned to standing committee ........................................................................ 372
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Read the third time ............................................................................................ 596
Transmitted to the House .................................................................................. 597
Signed by the President and transmitted to the Governor ................................. 764

S.B. 189 — TAX CODE MODIFICATIONS (B. McAdams)
Read the first time by short title and referred to the Rules Committee. ..................... 626
Assigned to standing committee ........................................................................ 642
Amendments ....................................................................................................... 705
Committee report adopted and placed on calendar .............................................. 705
Read the second time ........................................................................................ 867
Circled ................................................................. 867
Enacting Clause Stricken ........................................ 1094

S.B. 191 — WORKERS’ COMPENSATION COVERAGE WAIVERS (K. Mayne)
Read the first time by short title and referred to the Rules Committee. 303
Assigned to standing committee .................................... 337
Committee report adopted and placed on calendar .................. 357
Read the second time ............................................. 505
Read the third time ............................................... 521
Transmitted to the House ................................--------- 522
Signed by the President and transmitted to the Governor ........ 737

S.B. 197 — LOCAL HOUSING AUTHORITY AMENDMENTS (B. McAdams)
Read the first time by short title and referred to the Rules Committee. 362
Assigned to standing committee .................................... 371
Committee report adopted and placed on calendar .................. 458
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Read the third time ............................................... 595
Transmitted to the House ................................--------- 596
Signed by the President and transmitted to the Governor ........ 812

S.B. 198 — DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS (S. Jenkins)
Read the first time by short title and referred to the Rules Committee. 416
Assigned to standing committee .................................... 438
Committee report adopted and placed on calendar ................. 497
Read the second time ............................................. 610
Read the third time ............................................... 628
Amendments ....................................................... 628
Circled ................................................................. 630
Uncircled .............................................................. 637
Transmitted to the House ......................................... 637
Signed by the President and transmitted to the Governor ........ 906

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Assigned to standing committee .................................... 337
Committee report adopted and placed on calendar .................. 359
Read the second time ............................................. 507
Read the third time ............................................... 527
Circled ................................................................. 527
Uncircled .............................................................. 551
Transmitted to the House ......................................... 552
Signed by the President and transmitted to the Governor ........ 812

S.B. 200 — STATE DEBT COLLECTIONS AMENDMENTS (L. Hilyard)
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Assigned to standing committee .................................... 337
Amendments ....................................................... 359
Committee report adopted and placed on calendar .................. 359
Read the second time ............................................. 507
Read the third time ............................................... 527
Circled ................................................................. 527
Uncircled .............................................................. 552
Transmitted to the House ......................................... 552
Signed by the President and transmitted to the Governor ........ 812

S.B. 201 — PROTECTION AGAINST UNFAIR COMPETITION THROUGH MISAPPROPRIATED TECHNOLOGY ACT (C. Bramble)
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Assigned to standing committee .................................... 697
Committee report adopted and placed on calendar .................. 768
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Circled ................................................................. 869
Enacting Clause Stricken ........................................... 1094

S.B. 202 — PHARMACEUTICAL COMPETITIVE PRICING (C. Bramble)
Read the first time by short title and referred to the Rules Committee. 362
Assigned to standing committee .................................... 527
Committee report adopted and placed on calendar .................. 646
Read the second time ............................................. 698
Circled ................................................................. 753
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Read the third time ............................................... 753
Enacting Clause Stricken ........................................... 850, 1094

S.B. 203 — EXECUTIVE RESIDENCE COMMISSION (J. S. Adams)
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Assigned to standing committee .................................... 371
Read the second time and placed on Consent Calendar ............ 461
Read the third time ............................................... 547
S.B. 204 — CAPITAL DEVELOPMENT AND IMPROVEMENT PROCESS APPROVAL REQUIREMENTS
AMENDMENTS (J. S. Adams)
Read the first time by short title and referred to the Rules Committee .......................... 416
Assigned to standing committee ................................................................. 437
Committee report adopted and placed on calendar ................................. 496
Read the second time ........................................................................... 603
Read the third time ............................................................................ 627
Transmitted to the House ................................................................. 627
Placed on Concurrence Calendar ..................................................... 814
Concurrence ...................................................................................... 838
Returned to the House .................................................................... 839
Signed by the President and transmitted to the Governor ................. 859

S.B. 206 — LABOR ORGANIZATION PROVISIONS IN TEACHER CONTRACTS (H. Stephenson)
Read the first time by short title and referred to the Rules Committee ......... 295
Assigned to standing committee ................................................................. 299
Committee report adopted and placed on calendar ................................. 484
Read the second time ........................................................................... 485
Read the third time ............................................................................ 598
Transmitted to the House .................................................................... 598
Signed by the President and transmitted to the Governor ................. 945

S.B. 208 — CONSTRUCTION CONTRACT AMENDMENTS (C. Bramble)
Read the first time by short title and referred to the Rules Committee ......... 399
Assigned to standing committee ................................................................. 437
Returned to the Rules Committee ................................................................. 725
Enacting Clause Stricken ......................................................................... 1094

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Read the first time by short title and referred to the Rules Committee ......... 485
Assigned to standing committee ................................................................. 496
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Circled ................................................................................................. 617
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Transmitted to the House .................................................................... 678
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Concurrence ...................................................................................... 985
Returned to the House .................................................................... 985
Signed by the President and transmitted to the Governor ................. 1014

S.B. 210 — UTAH POSTSECONDARY PROPRIETARY SCHOOL ACT AMENDMENTS (C. Bramble)
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Assigned to standing committee ................................................................. 481
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Circled ................................................................................................. 680
Uncircled .............................................................................................. 749
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Signed by the President and transmitted to the Governor ................. 998

S.B. 212 — JUDICIAL EVALUATION AMENDMENTS (D. C. Butters)
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Signed by the President and transmitted to the Governor ................. 781

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Read the first time by short title and referred to the Rules Committee ......... 303
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Committee report adopted and placed on calendar ................................. 536
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Read the first time by short title and referred to the Rules Committee. ................................. 399
Assigned to standing committee ................................................................. 437
Returned to the Rules Committee ................................................................. 739
Enacting Clause Stricken ................................................................. 1094

S.B. 217 — EDUCATION POLICY AMENDMENTS (C. Bramble)
Read the first time by short title and referred to the Rules Committee. ......................... 546
Assigned to standing committee ................................................................. 563
Read the second time and placed on Consent Calendar ............................................. 666
Read the third time ............................................................................... 783
Transmitted to the House ........................................................................ 783
Placed on Concurrence Calendar ..................................................................... 1035
Concurrence ......................................................................................... 1046
Returned to the House ........................................................................ 1047
Signed by the President and transmitted to the Governor ...................................... 1067

S.B. 218 — TRUST DEED AMENDMENTS (C. Bramble)
Read the first time by short title and referred to the Rules Committee. ......................... 284
Assigned to standing committee ................................................................. 299
Substituted ......................................................................................... 801
Returned to the Rules Committee ................................................................. 801
Enacting Clause Stricken ................................................................. 1094

S.B. 220 — INTERMOUNTAIN WEATHERIZATION TRAINING FUND (S. Jenkins)
Read the first time by short title and referred to the Rules Committee. ......................... 591
Assigned to standing committee ................................................................. 607
Substituted ......................................................................................... 646
Committee report adopted and placed on calendar .................................................... 647
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Circled ......................................................................................... 699
Uncircled ......................................................................................... 700
Amendments ....................................................................................... 700
Read the third time ............................................................................... 716
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Signed by the President and transmitted to the Governor ...................................... 961

S.B. 221 — STATE OF UTAH RESOURCE MANAGEMENT PLAN FOR FEDERAL LANDS (R. Okerlund)
Read the first time by short title and referred to the Rules Committee. ......................... 546
Assigned to standing committee ................................................................. 564
Substituted ......................................................................................... 644, 644
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Committee report adopted and placed on calendar .................................................... 644
Read the second time ............................................................................... 718
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Transmitted to the House ........................................................................ 719
Signed by the President and transmitted to the Governor ...................................... 945

S.B. 222 — PUBLIC TRANSIT AMENDMENTS (C. Bramble)
Read the first time by short title and referred to the Rules Committee. ......................... 304
Assigned to standing committee ................................................................. 338
Amendments ....................................................................................... 459
Committee report adopted and placed on calendar .................................................... 459
Read the second time ............................................................................... 583
Circled ......................................................................................... 583
Uncircled ......................................................................................... 586
Read the third time ............................................................................... 598
Transmitted to the House ........................................................................ 599
Signed by the President and transmitted to the Governor ...................................... 927

S.B. 223 — GUARDIANSHIP REVISIONS (B. McAdams)
Read the first time by short title and referred to the Rules Committee. ......................... 649
Assigned to standing committee ................................................................. 662
Returned to the Rules Committee ................................................................. 727
Enacting Clause Stricken ................................................................. 1095

S.B. 224 — PARTISAN SCHOOL BOARD ELECTIONS (H. Stephenson)
Read the first time by short title and referred to the Rules Committee. ......................... 546
Assigned to standing committee ................................................................. 563
Amendments ....................................................................................... 663
Committee report adopted and placed on calendar .................................................... 663
Read the second time ............................................................................... 815
Circled ......................................................................................... 815
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Read the third time ............................................................................... 891
Transmitted to the House ........................................................................ 891
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S.B. 234 — ECONOMIC DEVELOPMENT ZONE TAX INCENTIVES ACT (C. Bramble)
Read the first time by short title and referred to the Rules Committee. 618
Assigned to standing committee 621
Returned to the Rules Committee 801
Enacting Clause Stricken 1095

S.B. 235 — CHARTER SCHOOL STUDENTS’ PARTICIPATION IN EXTRACURRICULAR ACTIVITIES (K. Mayne)
Read the first time by short title and referred to the Rules Committee. 284
Assigned to standing committee 298
Committee report adopted and placed on calendar 320
Read the second time 454
Circled 454
Uncircled 491
Substituted 491
Read the third time 517
Transmitted to the House 518
Placed on Concurrence Calendar 1035
Concurrence 1047
Returned to the House 1047
Signed by the President and transmitted to the Governor 1067

S.B. 236 — REFERENDUM AMENDMENTS (K. Van Tassell)
Read the first time by short title and referred to the Rules Committee. 659
Assigned to standing committee 663
Committee report adopted and placed on calendar 769
Read the second time 869
Read the third time 894
Transmitted to the House 895
Placed on Concurrence Calendar 964
Concurrence 985
Returned to the House 986
Signed by the President and transmitted to the Governor 1014

S.B. 237 — POLLUTION CONTROL FACILITY AMENDMENTS (L. Hillyard)
Read the first time by short title and referred to the Rules Committee. 485
Assigned to standing committee 496
Committee report adopted and placed on Consent Calendar 647
Read the second time 745
Read the third time 745
Transmitted to the House 927

S.B. 238 — VERIFICATION OF EMPLOYMENT STATUS (D. Hinkins)
Read the first time by short title and referred to the Rules Committee. 382
Assigned to standing committee 396
Amendments 642
Committee report adopted and placed on calendar 642
Read the second time 684
Read the third time 710
Transmitted to the House 711
Enacting Clause Stricken 1093

S.B. 239 — MOTOR AND SPECIAL FUEL TAX AMENDMENTS (K. Van Tassell)
Read the first time by short title and referred to the Rules Committee. 566
Assigned to standing committee 607
Substituted 691
Amendments 691, 863
Committee report adopted and placed on calendar 691
Read the second time 863
Failed 864
Filed 864
Enacting Clause Stricken 1095

S.B. 240 — TRAFFIC CODE MODIFICATIONS (K. Van Tassell)
Read the first time by short title and referred to the Rules Committee. 709
Enacting Clause Stricken 1095

S.B. 242 — ASSESSMENT AREA AMENDMENTS (W. Niederhauser)
Read the first time by short title and referred to the Rules Committee. 262
Assigned to standing committee 272
Amendments 303
Read the second time 303
Read the third time 362
Transmitted to the House 363
Placed on Concurrence Calendar 722
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S.B. 243 — HISTORIC AREAS OR SITES AMENDMENTS (W. Niederhauser)
Read the first time by short title and referred to the Rules Committee.................. 262
Assigned to standing committee ........................................ 273
Committee report adopted and placed on calendar ........................................ 377
Amendments .............................................................. 532, 558
Read the second time ...................................................... 532
Read the third time ......................................................... 557
Transmitted to the House .................................................. 559
Placed on Concurrence Calendar ........................................... 902
Concurrence ................................................................. 929
Returned to the House ..................................................... 930
Signed by the President and transmitted to the Governor ............................... 945

S.B. 244 — SALT LAKE COUNTY HIGHWAY PROJECT FUNDING (W. Niederhauser)
Read the first time by short title and referred to the Rules Committee.................. 667
Assigned to standing committee ........................................ 697
Committee report adopted and placed on calendar ........................................ 769
Read the second time ...................................................... 870
Uncircled ........................................................................ 870
Read the second time ...................................................... 878
Substituted ..................................................................... 879
Read the third time ......................................................... 899
Transmitted to the House ..................................................... 945
Concurrence ................................................................. 1043
Returned to the House ..................................................... 1044
Signed by the President and transmitted to the Governor ............................... 1067

S.B. 248 — CONTROLLED SUBSTANCE DATABASE AMENDMENTS (C. Bramble)
Read the first time by short title and referred to the Rules Committee.................. 416
Assigned to standing committee ........................................ 438
Amendments .............................................................. 578
Committee report adopted and placed on calendar ........................................ 578
Read the second time ...................................................... 638
Circled ........................................................................ 638
Uncircled ..................................................................... 658
Read the third time ......................................................... 679
Transmitted to the House ..................................................... 680
Placed on Concurrence Calendar ........................................... 1030
Concurrence ................................................................. 1043
Returned to the House ..................................................... 1044
Signed by the President and transmitted to the Governor ............................... 1067
<table>
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<tr>
<th>Bill Number</th>
<th>Title</th>
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<tbody>
<tr>
<td>S.B. 256</td>
<td>TEACHER EFFECTIVENESS EVALUATION PROCESS (J. S. Adams)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td>S.B. 257</td>
<td>LEGISLATIVE COUNSEL RELATING TO UNITED STATES SENATORS (H. Stephenson)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td>S.B. 259</td>
<td>AMENDMENTS TO CERTAIN LOCAL GOVERNMENT TAXES AND FEES (D. Stowell)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td>S.B. 260</td>
<td>VETERANS’ NURSING HOME REIMBURSEMENT RESTRICTED ACCOUNT AMENDMENTS (P. Knudson)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td>S.B. 261</td>
<td>CHANGES TO TRUST DEED FORECLOSURE PROVISIONS (C. Bramble)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td>S.B. 262</td>
<td>TOBACCO PRODUCTS AMENDMENTS (C. Bramble)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td>S.B. 263</td>
<td>STATE BOARD OF EDUCATION POWERS AMENDMENTS (D. C. Batts)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
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S.B. 266 — AMENDMENTS TO ELECTION LAW (M. Madsen)
Read the first time by short title and referred to the Rules Committee. ............................ 537
Assigned to standing committee ................................................................. 438
Committee report adopted and placed on calendar ......................................... 497
Read the second time ............................................................................... 604
Circled ..................................................................................................... 604
Uncircled ................................................................................................. 616
Amendments ......................................................................................... 616, 631
Transmitted to the House ......................................................................... 633
Enacting Clause Stricken ........................................................................ 1093

S.B. 270 — MODIFICATIONS TO SALES AND USE TAX (J. S. Adams)
Read the first time by short title and referred to the Rules Committee. ................. 399
Assigned to standing committee ................................................................. 438
Committee report adopted and placed on calendar ......................................... 497
Read the second time ............................................................................... 505
Circled ..................................................................................................... 505
Uncircled ................................................................................................. 510
Read the third time ............................................................................... 529
Transmitted to the House ......................................................................... 530
Signed by the President and transmitted to the Governor ............................... 765

S.B. 271 — EMINENT DOMAIN REVISIONS (J. S. Adams)
Read the first time by short title and referred to the Rules Committee. .................. 284
Assigned to standing committee ................................................................. 299
Committee report adopted and placed on calendar ......................................... 483
Read the second time ............................................................................... 505
Circled ..................................................................................................... 505
Uncircled ................................................................................................. 615
Amendments ......................................................................................... 615
Read the third time ............................................................................... 631
Transmitted to the House ......................................................................... 631
Placed on Concurrence Calendar ............................................................... 964
Concurrence ......................................................................................... 983
Returned to the House ............................................................................ 984
Signed by the President and transmitted to the Governor ............................... 1014

S.B. 272 — SECURED CREDITOR AMENDMENTS (D. Liljenquist)
Read the first time by short title and referred to the Rules Committee. .................. 368
Assigned to standing committee ................................................................. 371
Committee report adopted and placed on calendar ......................................... 483
Read the second time ............................................................................... 584
Circled ..................................................................................................... 584
Uncircled ................................................................................................. 615
Amendments ......................................................................................... 615
Read the third time ............................................................................... 631
Transmitted to the House ......................................................................... 631
Placed on Concurrence Calendar ............................................................... 964
Concurrence ......................................................................................... 1044
Returned to the House ............................................................................ 1044
Signed by the President and transmitted to the Governor ............................... 1093

S.B. 273 — EMERGENCY RESPONDER FEES (J. S. Adams)
Read for the first time by short title and referred to the Rules Committee .............. 527
Assigned to standing committee ................................................................. 563
Committee report adopted and placed on calendar ......................................... 645
Read the second time ............................................................................... 686
Circled ..................................................................................................... 686
Uncircled ................................................................................................. 816
Amendments ......................................................................................... 816
Read the third time ............................................................................... 850
Transmitted to the House ......................................................................... 850
Placed on Concurrence Calendar ............................................................... 1030
Concurrence ......................................................................................... 1044
Returned to the House ............................................................................ 1045
Signed by the President and transmitted to the Governor ............................... 1067

S.B. 274 — COURT BUDGET AMENDMENTS (J. Valentine)
Read the first time by short title and referred to the Rules Committee .................. 735
Assigned to standing committee ................................................................. 735
Committee report adopted and placed on calendar ......................................... 781
Read the second and third time .................................................................. 871
Transmitted to the House ......................................................................... 872
Signed by the President and transmitted to the Governor ............................... 963

S.B. 276 — PERSONAL PROPERTY AUDITS (R. Okerlund)
Read the first time by short title and referred to the Rules Committee .................. 416
Assigned to standing committee ............................................................... 438
Committee report adopted and placed on calendar ......................................... 497
Read the second time ............................................................................... 609
Amendments ......................................................................................... 609
Read the third time ............................................................................... 628
Transmitted to the House ......................................................................... 628
Enacting Clause Stricken .......................................................................... 1093
S.B. 277 — CHILD CUSTODY TASK FORCE (L. Robles)
Read the first time by short title and referred to the Rules Committee. ................................. 626
Assigned to standing committee ................................................................. 662
Committee report adopted and placed on calendar ........................................... 767
Read the second time ................................................................................. 869
Read the third time ..................................................................................... 893
Amendments ............................................................................................... 893
Reconsideration ........................................................................................... 980
Read the second and third time ...................................................................... 1006
Failed ........................................................................................................ 1006
Filed ........................................................................................................... 894, 1006
Signed by the President and transmitted to the Governor ............................. 1095

S.B. 278 — CHARTER SCHOOL PROPERTY TAX AMENDMENTS (C. Bramble)
Read the first time by short title and referred to the Rules Committee. ......................... 649
Assigned to standing committee ................................................................. 663
Committee report adopted and placed on calendar ........................................... 642
Read the second time ................................................................................. 685
Read the third time ..................................................................................... 713
Circled ......................................................................................................... 942
Uncircled .....................................................................................................
Transmitted to the House .......................................................................... 943
Signed by the President and transmitted to the Governor ............................. 1088

S.B. 279 — GRAND JURY MODIFICATIONS (M. Denton)
Read the first time by short title and referred to the Rules Committee. ......................... 515
Assigned to standing committee ................................................................. 526
Amendments ............................................................................................... 642
Committee report adopted and placed on calendar ........................................... 642
Read the second time ................................................................................. 685
Read the third time ..................................................................................... 713
Circled ......................................................................................................... 713
Uncircled ..................................................................................................... 942
Transmitted to the House .......................................................................... 943
Signed by the President and transmitted to the Governor ............................. 1088

S.B. 280 — GOVERNMENT OPERATIONS AMENDMENTS (R. Okerlund)
Read the first time by short title and referred to the Rules Committee. ......................... 649
Assigned to standing committee ................................................................. 662
Substituted ................................................................................................. 770
Read the second time and placed on Consent Calendar ................................. 770
Read the third time ..................................................................................... 884
Transmitted to the House .......................................................................... 884
Signed by the President and transmitted to the Governor ............................. 963

S.B. 281 — ELECTION REGISTRATION AMENDMENTS (P. Knudson)
Read the first time by short title and referred to the Rules Committee. ......................... 659
Assigned to standing committee ................................................................. 662
Read the second time and placed on Consent Calendar ................................. 708
Read the third time ..................................................................................... 833
Transmitted to the House .......................................................................... 833
Signed by the President and transmitted to the Governor ............................. 906

S.B. 282 — SMALL MINING OPERATIONS (D. Hinkins)
Read the first time by short title and referred to the Rules Committee. ......................... 626
Assigned to standing committee ................................................................. 642
Read the second time and placed on Consent Calendar ................................. 770
Read the third time ..................................................................................... 885
Transmitted to the House .......................................................................... 885
Placed on Concurrence Calendar ................................................................ 965
Concurrence ............................................................................................... 984
Returned to the House ................................................................................ 984
Signed by the President and transmitted to the Governor ............................. 1014

S.B. 284 — COUNTY TAX AMENDMENTS (J. Stevenson)
Read the first time by short title and referred to the Rules Committee. ......................... 362
Assigned to standing committee ................................................................. 372
Returned to the Rules Committee ............................................................... 801
Enacting Clause Stricken ............................................................................. 1095

S.B. 285 — INDUSTRIAL ASSISTANCE FUND AMENDMENTS (C. Bramble)
Read the first time by short title and referred to the Rules Committee. ......................... 498
Assigned to standing committee ................................................................. 527
Committee report adopted and placed on calendar ........................................... 464
Read the second time ................................................................................. 698
Circled ......................................................................................................... 698
Uncircled ..................................................................................................... 730
Read the third time ..................................................................................... 750
Transmitted to the House .......................................................................... 751
Signed by the President and transmitted to the Governor ............................. 946

S.B. 286 — GRANDPARENTS' VISITATION RIGHTS (D. Hinkins)
Read the first time by short title and referred to the Rules Committee. ......................... 462
S.B. 287 — SPECIALTY LICENSE PLATE AMENDMENTS (C. Bramble)
Read the first time by short title and referred to the Rules Committee. 649
Assigned to standing committee 663
Committee report adopted and placed on calendar 706
Substituted 706
Amendments 706
Read the second time 867
Circled 867
Uncircled 867
Read the third time 893
Transmitted to the House 893
Placed on Concurrence Calendar 999
Concurrence 1011
Returned to the House 1012
Signed by the President and transmitted to the Governor 1038

S.B. 288 — UTAH IMMIGRATION ENFORCEMENT AMENDMENTS (C. Bramble)
Read the first time by short title and referred to the Rules Committee. 626
Assigned to standing committee 642
Substituted 706
Committee report adopted and placed on calendar 867
Read the second time 867
Circled 867
Enacting Clause Stricken 1095

S.B. 290 — ABATEMENT OF WEEDS, GARBAGE, REFUSE, AND UNSIGHTLY OBJECTS (P. Knudson)
Read the first time by short title and referred to the Rules Committee. 316
Assigned to standing committee 337
Substituted 376, 509
Read the second time 509
Read the third time 528
Transmitted to the House 529
Signed by the President and transmitted to the Governor 765

S.B. 293 — MILITARY INSTALLATION DEVELOPMENT AUTHORITY AND ANNEXATION AMENDMENTS (J. Stevenson)
Read the first time by short title and referred to the Rules Committee. 649
Assigned to standing committee 663
Committee report adopted and placed on calendar 707
Read the second time 867
Read the third time 892
Transmitted to the House 892
Signed by the President and transmitted to the Governor 1014

S.B. 294 — PATIENT ACCESS REFORM (J. S. Adams)
Read the first time by short title and referred to the Rules Committee. 527
Placed on calendar 1008
Read the second time 1013
Substituted 1013
Circled 1013
Uncircled 1018
Read the second and third time 1018
Amendments 1018, 1087
Transmitted to the House 1019
Placed on Concurrence Calendar 1087
Concurrence 1087
Returned to the House 1088
Signed by the President and transmitted to the Governor 1088

S.B. 296 — AMENDMENTS TO TAX PROVISIONS (C. Bramble)
Read the first time by short title and referred to the Rules Committee. 478
Assigned to standing committee 482
Committee report adopted and placed on calendar 497
Read the second time 610
Circled 610, 710
Uncircled 683, 849
Read the third time 710
Enacting Clause Stricken 849, 1095
S.B. 300 — GOVERNMENT BONDING AMENDMENTS (B. McAdams)
Read the first time by short title and referred to the Rules Committee. ................................................ 589
Assigned to standing committee .................................. 607
Committee report adopted and placed on calendar ............. 703
Read the second time .............................................. 864
Read the third time ............................................... 890
Transmitted to the House ........................................ 891
Signed by the President and transmitted to the Governor .... 963

S.B. 301 — PUBLIC TRANSIT REVISIONS (J. Stevenson)
Read the first time by short title and referred to the Rules Committee. ................................................ 626
Assigned to standing committee .................................. 642
Committee report adopted and placed on calendar ............. 769
Read the second time .............................................. 871
Read the third time ............................................... 895
Transmitted to the House ........................................ 896
Signed by the President and transmitted to the Governor .... 1015

S.B. 304 — PREVENTING BULLYING AND HAZING IN ELEMENTARY AND SECONDARY SCHOOLS (R. Okerlund)
Read the first time by short title and referred to the Rules Committee. ................................................ 735
Assigned to standing committee .................................. 735
Committee report adopted and placed on calendar ............. 781
Read the second time .............................................. 872
Read the third time ............................................... 896
Transmitted to the House ........................................ 898
Signed by the President and transmitted to the Governor .... 1038

S.B. 305 — ECONOMIC DEVELOPMENT THROUGH EDUCATION / CAREER ALIGNMENT (H. Stephenson)
Read the first time by short title and referred to the Rules Committee. ................................................ 693
Assigned to standing committee .................................. 696
Committee report adopted and placed on calendar ............. 722
Read the second time .............................................. 869
Circled ............................................................... 869
Uncircled .................................................................. 876
Substituted ................................................................ 876
Read the third time ................................................. 898
Transmitted to the House ........................................ 898
Placed on Concurrence Calendar ................................ 982, 1030
Refuse to Concur .................................................... 1007
Amendments .......................................................... 1045
Joint Conference Committee report ............................... 1045
Returned to the House ............................................. 1046
Signed by the President and transmitted to the Governor .... 1068

S.B. 307 — AMENDMENTS TO OUTDOOR ADVERTISING (S. Urquhart)
Read the first time by short title and referred to the Rules Committee. ................................................ 581
Assigned to standing committee .................................. 607
Returned to the Rules Committee .................................. 772
Enacting Clause Stricken ............................................. 1095

S.B. 308 — AMENDMENTS TO PUBLIC EMPLOYEE’S BENEFIT AND INSURANCE PROGRAM (D. Liljenquist)
Read the first time by short title and referred to the Rules Committee. ................................................ 262
Assigned to standing committee .................................. 273
Amendments .......................................................... 380
Committee report adopted and placed on calendar ............. 380
Read the second time .............................................. 535
Substituted ............................................................. 535
Read the third time ............................................... 560
Transmitted to the House ........................................ 560
Signed by the President and transmitted to the Governor .... 927

S.B. 309 — GOVERNMENT RECORDS ACCESS MANAGEMENT ACT AMENDMENTS (J. Stevenson)
Read the first time by short title and referred to the Rules Committee. ................................................ 515
Assigned to standing committee .................................. 526
Amendments .......................................................... 739
Returned to the Rules Committee .................................. 739
Enacting Clause Stricken ............................................. 1095

S.B. 310 — MOTOR VEHICLE INSURANCE AMENDMENT (M. Madsen)
Read the first time by short title and referred to the Rules Committee. ................................................ 649
Assigned to standing committee .................................. 663
Amendments .......................................................... 769
Committee report adopted and placed on calendar ............. 769
Read the second time .............................................. 871
Circled ............................................................... 871
Enacting Clause Stricken ............................................. 1095

S.B. 311 — ANESTHESIOLOGIST ASSISTANT (D. Liljenquist)
Read the first time by short title and referred to the Rules Committee. ................................................ 368
Enacting Clause Stricken ............................................. 1095
S.B. 312 — ECONOMIC DEVELOPMENT COORDINATION (S. Jenkins)
Read the first time by short title and referred to the Rules Committee. .......................... 515
Assigned to standing committee ................................................................. 527
Read the second time ................................. 648
Read the third time ............................................................. 747
Transmitted to the House ...................................................... 747
Signed by the President and transmitted to the Governor ............................ 963

S.B. 313 — PROSTATE CANCER SPECIAL GROUP LICENSE PLATE (B. McAdams)
Read the first time by short title and referred to the Rules Committee. .................. 439
Assigned to standing committee ................................................................. 482
Amendments ................................................................. 545
Read the second time and placed on Consent Calendar ................................. 545
Read the third time ............................................................. 649
Transmitted to the House ...................................................... 669
Signed by the President and transmitted to the Governor ............................ 927

S.B. 314 — ALCOHOLIC BEVERAGE AMENDMENTS (J. Valentine)
Read the first time by short title and referred to the Rules Committee. .................. 462
Assigned to standing committee ................................................................. 481
Read for the first time and referred to the Rules Committee ......................... 538
Amendments ................................................................. 538, 611, 822
Committee report adopted and placed on calendar .......................................................... 538
Read the second time ............................................................. 611
Read the third time ............................................................. 630
Circled .................................................................................. 630, 728
Uncircled ................................................................................. 728, 822
Substituted ............................................................................... 728
Placed on Concurrence Calendar ................................................................. 944
Concurrence .............................................................................. 948
Returned to the House ...................................................... 948
Signed by the President and transmitted to the Governor ............................ 982

S.B. 317 — STATE PARKS ACCESS HIGHWAY (K. van Tassell)
Read the first time by short title and referred to the Rules Committee. .................. 546
Assigned to standing committee ................................................................. 564
Substituted ................................................................. 626
Read the second time and placed on Consent Calendar ................................. 626
Transmitted to the House ...................................................... 743
Signed by the President and transmitted to the Governor ............................ 946

S.B. 318 — JUSTICE COURT MODIFICATIONS (D. C. Buttars)
Read the first time by short title and referred to the Rules Committee. .................. 581
Assigned to standing committee ................................................................. 607
Committee report adopted and placed on calendar .......................................................... 591
Read the second time ............................................................. 857
Amendments ................................................................. 857, 889
Read the third time ............................................................. 889
Transmitted to the House ...................................................... 890
Signed by the President and transmitted to the Governor ............................ 1015

S.B. 319 — TECHNOLOGY COMMERCIALIZATION AND INNOVATION ACT (C. Bramble)
Read the first time by short title and referred to the Rules Committee. .................. 709
Assigned to standing committee ................................................................. 735
Committee report adopted and placed on calendar .......................................................... 781
Read the second time ............................................................. 872
Amendments ................................................................. 872
Read the third time ............................................................. 897
Transmitted to the House ...................................................... 897
Signed by the President and transmitted to the Governor ............................ 1015

S.B. 320 — DEPOSIT OF SEVERANCE TAX REVENUES INTO PERMANENT STATE TRUST FUND (L. Hillyard)
Read the first time by short title and referred to the Rules Committee. .................. 980
Placed on calendar ................................................................. 995
Read the second and third time ................................................................. 1005
Transmitted to the House ...................................................... 1006
Placed on Concurrence Calendar ................................................................. 1068
Concurrence .............................................................................. 1068
Returned to the House ...................................................... 1069
Signed by the President and transmitted to the Governor ............................ 1085
S.C.R. 1 — CRISIS INTERVENTION TEAM PROGRAM CONCURRENT RESOLUTION (P. Jones)
Read the first time by short title and referred to the Rules Committee. .......................... 91
Assigned to standing committee .......................................................... 99
Amendments ........................................................................ 116
Read the second time and placed on Consent Calendar .......................... 116
Read the third time ................................................................ 172
Transmitted to the House ................................................................. 173
Signed by the President and transmitted to the Governor 317, 436
Returned to the House ................................................................. 356

S.C.R. 2 — FINANCIAL RESPONSIBILITY CONCURRENT RESOLUTION (P. Jones)
Read the first time by short title and referred to the Rules Committee. .......................... 91
Assigned to standing committee .......................................................... 115
Amendments ........................................................................ 186, 266
Committee report adopted and placed on calendar .......................... 186
Read the second time ................................................................ 265
Read the third time ................................................................ 285
Transmitted to the House ................................................................. 286
Signed by the President and transmitted to the Governor 394

S.C.R. 3 — CONCURRENT RESOLUTION SUPPORTING CONTINUED FEDERAL FUNDING OF THE CENTRAL UTAH PROJECT (R. Okerlund)
Read the first time by short title and referred to the Rules Committee. .......................... 91
Assigned to standing committee .......................................................... 114
Committee report adopted and placed on calendar .......................... 170
Read the second time ................................................................ 239
Amendments ........................................................................ 239
Read the third time ................................................................ 251
Transmitted to the House ................................................................. 251
Signed by the President and transmitted to the Governor 394

S.C.R. 4 — COMMUNICATIONS SPECTRUM TRANSLATOR SYSTEM CONCURRENT RESOLUTION (R. Okerlund)
Read the first time by short title and referred to the Rules Committee. .......................... 91
Assigned to standing committee .......................................................... 114
Committee report adopted and placed on calendar .......................... 141
Read the second time ................................................................ 165
Read the third time ................................................................ 176
Transmitted to the House ................................................................. 177
Signed by the President and transmitted to the Governor 297

S.C.R. 5 — BEAR LAKE CONCURRENT RESOLUTION (P. Knudson)
Read the first time by short title and referred to the Rules Committee. .......................... 102
Assigned to standing committee .......................................................... 114
Amendments ........................................................................ 184, 288, 307
Committee report adopted and placed on calendar .......................... 184
Read the second time ................................................................ 265
Circled ........................................................................ 265, 269
Uncircled ........................................................................ 269, 288
Substituted ........................................................................ 269
Read the third time ................................................................ 307
Transmitted to the House ................................................................. 308
Enacting Clause Stricken ................................................................ 1093

S.C.R. 6 — CONCURRENT RESOLUTION HONORING THE SORENSON LEGACY FOUNDATION (C. Bramble)
Read the first time by short title and referred to the Rules Committee. .......................... 158
Assigned to standing committee .......................................................... 170
Committee report adopted and placed on calendar .......................... 278
Placed on Time Certain Calendar .................................................. 345
Read the second and third time ....................................................... 425
Transmitted to the House ................................................................. 426
Signed by the President and transmitted to the Governor ....................... 1088

S.C.R. 7 — CONCURRENT RESOLUTION OPPOSING THE FEDERAL RESTORING OUR AMERICAN MUSTANGS ACT (D. Hinkins)
Read the first time by short title and referred to the Rules Committee. .......................... 167
Enacting Clause Stricken ................................................................ 1095

S.C.R. 8 — CONCURRENT RESOLUTION APPROVING A COMMERCIAL NONHazardous SOLID WASTE LANDFILL (W. Niederhauser)
Read the first time by short title and referred to the Rules Committee. .......................... 189
Assigned to standing committee .......................................................... 338
Committee report adopted and placed on calendar .......................... 398
Read the second time ................................................................ 573
Substituted ........................................................................ 573
Read the third time ................................................................ 595
Transmitted to the House ................................................................. 595
Signed by the President and transmitted to the Governor ....................... 906

S.C.R. 9 — PHILO T. FARNSWORTH CONCURRENT RESOLUTION (D. Stowell)
Read the first time by short title and referred to the Rules Committee. .......................... 218
Assigned to standing committee .......................................................... 226
Amendments ......................................................................................... 278, 452
Committee report adopted and placed on calendar ................................. 278
Read the second time ........................................................................... 452
Read the third time ................................................................................ 476
Transmitted to the House ....................................................................... 476
Signed by the President and transmitted to the Governor ......................... 765

S.C.R. 11 — DIXIE STATE COLLEGE CONCURRENT RESOLUTION (S. Urquhart)
Read the first time by short title and referred to the Rules Committee .......... 316
Assigned to standing committee ............................................................ 337
Committee report adopted and placed on calendar .................................. 358
Read the second time ............................................................................. 506
Circled ..................................................................................................... 506
Uncircled ................................................................................................. 587
Read the third time ................................................................................ 601
Transmitted to the House ....................................................................... 602
Signed by the President and transmitted to the Governor ......................... 721

S.C.R. 12 — WEAR RED MONTH CONCURRENT RESOLUTION (K. Mayne)
Read the first time by short title and referred to the Rules Committee .......... 284
Assigned to standing committee ............................................................ 299
Amendments ......................................................................................... 377
Committee report adopted and placed on calendar .................................. 377
Read the second and third time .............................................................. 491
Transmitted to the House ....................................................................... 491
Signed by the President and transmitted to the Governor ......................... 660

S.C.R. 13 — ROTARY CLUB CONCURRENT RESOLUTION (G. Davis)
Read the first time by short title and referred to the Rules Committee .......... 343
Assigned to standing committee ............................................................ 356
Amendments ......................................................................................... 381
Read the second and third time .............................................................. 486
Transmitted to the House ....................................................................... 486
Signed by the President and transmitted to the Governor ......................... 765

S.C.R. 14 — CONCURRENT RESOLUTION HONORING PROVIDERS OF HEALTH CARE SERVICES TO MILITARY PERSONNEL AND THEIR DEPENDENTS (J. S. Adams)
Read the first time by short title and referred to the Rules Committee .......... 382
Assigned to standing committee ............................................................ 396
Committee report adopted and placed on calendar .................................. 484
Read the second and third time .............................................................. 599
Transmitted to the House ....................................................................... 599
Signed by the President and transmitted to the Governor ......................... 721

S.C.R. 15 — DELISTING OF WOLVES CONCURRENT RESOLUTION (A. Christensen)
Read the first time by short title and referred to the Rules Committee .......... 284
Assigned to standing committee ............................................................ 299
Amendments ......................................................................................... 339
Committee report adopted and placed on calendar .................................. 339
Placed on Time Certain Calendar .......................................................... 343
Read the second and third time .............................................................. 386
Transmitted to the House ....................................................................... 387
Signed by the President and transmitted to the Governor ......................... 524

S.C.R. 16 — BONDS OF FRIENDSHIP WITH IRAN CONCURRENT RESOLUTION (P. Knudson)
Read the first time by short title and referred to the Rules Committee .......... 462
Assigned to standing committee ............................................................ 482
Committee report adopted and placed on calendar .................................. 565
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<td>H.B. 31</td>
<td>RESTORATION OF THE RIGHT TO VOTE AND HOLD ELECTIVE OFFICE (J. Mathis)</td>
<td>Read for the first time and referred to the Rules Committee 202.</td>
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<td>Committee report adopted and placed on calendar 272.</td>
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<td>Read the second time 272.</td>
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<td>Read the third time 272.</td>
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<td>Signed by the President and returned to the House 272.</td>
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<td>H.B. 32</td>
<td>CAMPAIGN AND FINANCIAL REPORTING AMENDMENTS (K. Groover)</td>
<td>Read for the first time and referred to the Rules Committee 222.</td>
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<td>Committee report adopted and placed on calendar 245.</td>
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<td>Placed on calendar 971.</td>
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<td>Amendments 971</td>
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<td>Read the second and third time 972.</td>
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<td>Returned to the House 972.</td>
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<td>Signed by the President and returned to the House 972.</td>
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<td>H.B. 33</td>
<td>ELECTION LAW REVISIONS (R. C. Webb)</td>
<td>Read for the first time and referred to the Rules Committee 168.</td>
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<td>Assigned to standing committee 183.</td>
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<td>Committee report adopted and placed on calendar 217.</td>
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<td>H.B. 34</td>
<td>DEPARTMENT OF TRANSPORTATION SETTLEMENT AGREEMENT AMENDMENTS (Julie Fisher)</td>
<td>Read for the first time and referred to the Rules Committee 137.</td>
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<td>Assigned to standing committee 137.</td>
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<td>Committee report adopted and placed on calendar 248.</td>
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<td>Substituted 996, 1063.</td>
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<td>Returned to the House 1064.</td>
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<td>Signed by the President and returned to the House 1085.</td>
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<td>H.B. 35</td>
<td>SALES AND USE TAX ACT REVISIONS (W. Harper)</td>
<td>Read for the first time and referred to the Rules Committee 113.</td>
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<td>Assigned to standing committee 113.</td>
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<td>Read the third time 313.</td>
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<td>Signed by the President and returned to the House 313.</td>
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<td>H.B. 36</td>
<td>ASSESSMENT, COLLECTIONS, AND REFUNDS ACT AMENDMENTS (T. Kaiser)</td>
<td>Read for the first time and referred to the Rules Committee 113.</td>
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<td>Signed by the President and returned to the House 313.</td>
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<td>H.B. 37</td>
<td>DETERMINATION OF STATE TAXABLE INCOME (E. Vickers)</td>
<td>Read for the first time and referred to the Rules Committee 135.</td>
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<td>H.B. 38</td>
<td>SEVERANCE TAX AMENDMENTS (E. Vickers)</td>
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<td>Read the third time 314.</td>
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<td>H.B. 39</td>
<td>WATER RIGHTS AMENDMENTS (J. Draxler)</td>
<td>Read for the first time and referred to the Rules Committee 113.</td>
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<td>Committee report adopted and placed on calendar 171.</td>
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<td>MEDICAL ASSISTANCE ACCOUNTABILITY (D. Clark)</td>
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<td>DEVELOPER FEES (M. Morley)</td>
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<td>PROPERTY AND CASUALTY CERTIFICATE OF INSURANCE ACT (T. Kiser)</td>
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<td>EMERGENCY MANAGEMENT (C. Oda)</td>
<td>Read for the first time and referred to the Rules Committee</td>
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<td>TOW TRUCK AMENDMENTS (L. Perry)</td>
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<td>H.B. 82</td>
<td>SALES AND USE TAXES ON CERTAIN LODGING RELATED PURCHASES (T. Kiser)</td>
<td>Read for the first time and referred to the Rules Committee</td>
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<td>H.B. 83</td>
<td>CHARTER SCHOOL REVOLVING ACCOUNT (G. Hughes)</td>
<td>Read for the first time and referred to the Rules Committee</td>
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<td>Read the second time and placed on Consent Calendar</td>
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<td>H.B. 84</td>
<td>OFFICE OF INSPECTOR GENERAL OF MEDICAID SERVICES (D. Clark)</td>
<td>Read for the first time and referred to the Rules Committee</td>
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<td>H.B. 85</td>
<td>ALCOHOLIC BEVERAGE CONTROL ACT – SALES TO MINORS (V. Peterson)</td>
<td>Read for the first time and referred to the Rules Committee</td>
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<td>H.B. 86</td>
<td>VETERAN’S IDENTIFICATION ON DRIVER LICENSE OR IDENTIFICATION CARD (G. Hughes)</td>
<td>Read for the first time and referred to the Rules Committee</td>
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<td>Signed by the President and returned to the House</td>
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</table>
H.B. 87 — SCHOOL FINANCE AMENDMENTS (M. Newbold)
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H.B. 88 — AGRICULTURE SUSTAINABILITY TASK FORCE (J. Draxler)
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H.B. 89 — PROTECTION OF CHILDREN RIDING IN MOTOR VEHICLES (P. Arent)
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H.B. 91 — REAL ESTATE RELATED AMENDMENTS (G. Froerer)
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Assigned to standing committee ........................................... 481
Committee report adopted and placed on calendar ............................... 542
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H.B. 92 — PUBLIC EDUCATION REGIONAL SERVICE CENTERS (B. Last)
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H.B. 93 — MORTGAGE AND REAL ESTATE LICENSURE EXEMPTIONS FOR ATTORNEYS (L. Christensen)
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H.B. 94 — INCOME TAX CREDIT FOR COMBAT RELATED DEATH (M. Newbold)
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Assigned to standing committee ........................................... 663
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H.B. 95 — AMENDMENTS TO TRAFFIC CODE PROVISIONS (L. Perry)
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Placed on calendar ....................................................... 922
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<th>Bill Number</th>
<th>Description</th>
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<td>Motion Picture Incentives Amendments (G. Hughes)</td>
<td>Read for the first time and referred to the Rules Committee 514</td>
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<tr>
<td>H.B. 103</td>
<td>Election Amendments (D. Brown)</td>
<td>Read for the first time and referred to the Rules Committee 355</td>
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<td>H.B. 104</td>
<td>Homeowner Association Amendments (R. C. Webb)</td>
<td>Read for the first time and referred to the Rules Committee 661</td>
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<tr>
<td>H.B. 106</td>
<td>Electronic Meetings Revisions (B. Dow)</td>
<td>Read for the first time and referred to the Rules Committee 514</td>
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<td>H.B. 107</td>
<td>Volunteer Firefighters' Retirement Amendments (R. Mentlove)</td>
<td>Read for the first time and referred to the Rules Committee 395</td>
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<tr>
<td>H.B. 110</td>
<td>Teacher Salary Supplement Program Amendments (M. Pearson)</td>
<td>Read for the first time and referred to the Rules Committee 702</td>
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<tr>
<td>H.B. 115</td>
<td>Mechanics' Liens Amendments (M. Morley)</td>
<td>Read for the first time and referred to the Rules Committee 512</td>
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<tr>
<td>H.B. 116</td>
<td>Guest Worker Program Act (B. Wright)</td>
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H.B. 122 — FIREARMS AMENDMENTS (S. Sandstrom)
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H.B. 128 — HEALTH REFORM AMENDMENTS (J. Dunning)
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Assigned to standing committee 641
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H.B. 130 — ELECTION DAY VOTING CENTERS (R. Chavez—Houck)
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H.B. 131 — CUSTODY AND PARENT—TIME MODIFICATIONS (R. Edwards)
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Enacting Clause Stricken 1091

H.B. 132 — WATER QUALITY AMENDMENTS (B. Wright)
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H.B. 134 — COLLECTION OF FRONT—LINE TEACHERS DATA (J. Nielsen)
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Placed on calendar 962
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H.B. 137 — TRANSPORTATION CHANGES (K. Samson)
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Placed on calendar 880
Read the second time 912
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Signed by the President and returned to the House 936

H.B. 138 — FEDERAL RECEIPTS REPORTING REQUIREMENTS (K. Ivory)
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Assigned to standing committee 696
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H.B. 140 — DIVORCE WAITING PERIOD AMENDMENTS (V. Peterson)
Read for the first time and referred to the Rules Committee 703
Enacting Clause Stricken 1091

H.B. 143 — BALLOT PLACEMENT AMENDMENTS (S. Eliason)
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Assigned to standing committee 621
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H.B. 145 — PUBLIC SCHOOL PRIVACY AMENDMENTS (S. Eliason)
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H. B. 148 — RAW HONEY AMENDMENTS (S. Sandstrom)
Read for the first time and referred to the Rules Committee 738
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Read the third time 1055
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H. B. 152 — SCHOOL COMMUNITY COUNCILS AMENDMENTS (B. Wright)
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Committee report adopted and placed on calendar 722
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Read the third time 805
Signed by the President and returned to the House 805

H. B. 153 — COUNTY CORRECTIONAL FACILITIES FUNDING AMENDMENTS (M. Noel)
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H. B. 155 — CYCLING LAWS (C. Moss)
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H. B. 156 — ASSESSMENT OF PROPERTY WITH CONSERVATION EASEMENT (D. Pitcher)
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Committee report adopted and placed on calendar 707
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H. B. 158 — COORDINATION BETWEEN STATE AND LOCAL GOVERNMENT ON FEDERAL REGULATIONS (C. Herrod)
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H. B. 161 — GUARDIAN AD LITEM RESPONSIBILITIES (C. Oda)
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Assigning to standing committee 526
Committee report adopted and placed on calendar 691
Read the second time 756
Read the third time 787
Signed by the President and returned to the House 787

H. B. 162 — PEDESTRIANS ON FREEWAYS (L. Perry)
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Assigning to standing committee 564
Committee report adopted and placed on Consent Calendar 626
Read the second time 744
Read the third time 744
Signed by the President and returned to the House 744

H. B. 163 — REVISOR’S STATUTE (B. Dee)
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Assigning to standing committee 481
Read the second time 581
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Signed by the President and returned to the House 670

H. B. 167 — INCARCERATION AMENDMENTS (E. Hutchings)
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Assigning to standing committee 482
Committee report adopted and placed on calendar 643
Read the second time 732
Read the third time 751
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H. B. 168 — CHILD IDENTITY THEFT PROTECTION AMENDMENTS (E. Hutchings)
Read for the first time and referred to the Rules Committee 738
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H.B. 169 — FIREARM LAWS MODIFICATIONS (J. Seelig)
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Placed on calendar ................................................................. 968
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H.B. 171 — ABORTION CLINIC LICENSING (C. Wimmer)
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Placed on calendar ................................................................. 968
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H.B. 172 — SERVICE ANIMAL AMENDMENTS (K. Grover)
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H.B. 173 — DEDICATION AND ABANDONMENT OF PUBLIC HIGHWAYS (K. McIff)
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Assigned to standing committee .................................................. 564
Committee report adopted and placed on calendar ............................. 692
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H.B. 174 — CONTRACTING FOR MEDICAID ELIGIBILITY DETERMINATION SERVICES (W. Harper)
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H.B. 175 — CONDOMINIUM OWNERSHIP ACT MODIFICATIONS (R. Wilcox)
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H.B. 176 — AUDIT OF STATE BUDGETS (L. Christensen)
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H.B. 177 — CANINE BODY ARMOR RESTRICTED ACCOUNT AND INCOME TAX CONTRIBUTION (R. Greenwood)
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H.B. 178 — DISPATCHER SERVICE AMENDMENTS (R. Greenwood)
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H.B. 180 — DEBT COLLECTION DATA MATCH WITH WORKER REGISTRY (D. Clark)
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Uncircled 756
Read the third time 787
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H.B. 183 — SCHOOL DISTRICT LEAVE POLICIES (K. Grover)
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Assigned to standing committee 606
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H.B. 186 — UTAH CODE TECHNICAL AMENDMENTS (B. Galvez)
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H.B. 191 — NONRESIDENT TUITION WAIVER AMENDMENTS (C. Wimmer)
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H.B. 207 — JUVENILE AMENDMENTS (W. Harper)
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H.B. 211 — COMMUNITY SERVICE MEDICAID PILOT PROGRAM (R. Menlove)
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<td>H.B. 331</td>
<td>POST-EMPLOYMENT BENEFITS AMENDMENTS (J. Dougall)</td>
<td>Read for the first time and referred to the Rules Committee</td>
<td>574</td>
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<td>Assigned to standing committee</td>
<td>607</td>
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<td>Returned to the Rules Committee</td>
<td>741</td>
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<td>Enacting Clause Stricken</td>
<td>1091</td>
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</tbody>
</table>
H.B. 333 — UNFAIR INDUCEMENTS RELATED TO INSURANCE PRODUCTS (J. Dunnigan)  
Read for the first time and referred to the Rules Committee .......................... 591  
Assigned to standing committee ......................................................... 606  
Committee report adopted and placed on calendar .................................... 691  
Read the second time ............................................................................ 755  
Amendments ......................................................................................... 755  
Read the third time .............................................................................. 786  
Circled .................................................................................................... 786  
Uncircled ............................................................................................... 803  
Returned to the House ........................................................................... 803  
Signed by the President and returned to the House ................................. 861

H.B. 334 — FAMILY EXPENSE AMENDMENTS (S. Sandstrom)  
Read for the first time and referred to the Rules Committee ..................... 591  
Assigned to standing committee ......................................................... 607  
Committee report adopted and placed on calendar .................................... 691  
Read the second time ............................................................................ 757  
Circled .................................................................................................... 789  
Uncircled ............................................................................................... 881  
Amendments ......................................................................................... 881  
Returned to the House ........................................................................... 882  
Signed by the President and returned to the House ................................. 928

H.B. 335 — MILITARY SURVIVORS – TUITION WAIVER AMENDMENTS (M. Morley)  
Read for the first time and referred to the Rules Committee ..................... 606  
Assigned to standing committee ......................................................... 621  
Committee report adopted and placed on calendar .................................... 708  
Read the second time ............................................................................ 773  
Circled .................................................................................................... 773  
Uncircled ............................................................................................... 774  
Read the third time .............................................................................. 804  
Signed by the President and returned to the House ................................. 804

H.B. 336 — MEDICAL PROFESSIONAL LICENSING DURING A DECLARED EMERGENCY (E. Vickers)  
Read for the first time and referred to the Rules Committee ..................... 620  
Assigned to standing committee ......................................................... 641  
Committee report adopted and placed on calendar .................................... 722  
Read the second time ............................................................................ 777  
Read the third time .............................................................................. 809  
Signed by the President and returned to the House ................................. 809

H.B. 337 — PAWNSHOP AND SECONDHAND MERCHANDISE TRANSACTION INFORMATION ACT AMENDMENTS (J. Seelig)  
Read for the first time and referred to the Rules Committee ..................... 827  
Placed on calendar ................................................................................ 962  
Read the second and third time ......................................................... 1086  
Signed by the President and returned to the House ................................. 1086

H.B. 339 — CHARTER SCHOOL ENROLLMENT AMENDMENTS (E. Hutchings)  
Read for the first time and referred to the Rules Committee ..................... 901  
Enacting Clause Stricken ......................................................................... 1091

H.B. 349 — EXPEDITED JURY TRIALS (B. King)  
Read for the first time and referred to the Rules Committee ..................... 620  
Assigned to standing committee ......................................................... 642  
Returned to the Rules Committee ....................................................... 796  
Placed on calendar ................................................................................ 880  
Placed on calendar ................................................................................ 962  
Read the second and third time ......................................................... 1086  
Signed by the President and returned to the House ................................. 1087

H.B. 351 — HOMELESS COORDINATING COMMITTEE MODIFICATIONS (V. Peterson)  
Read for the first time and referred to the Rules Committee ..................... 661  
Assigned to standing committee ......................................................... 697  
Read the second time and placed on Consent Calendar ......................... 771  
Read the third time .............................................................................. 885  
Signed by the President and returned to the House ................................. 885

H.B. 353 — ABORTION FREEDOM OF CONSCIENCE (C. Wimmer)  
Read for the first time and referred to the Rules Committee ..................... 861  
Placed on calendar ................................................................................ 962  
Read the second and third time ......................................................... 1069  
Amendments ......................................................................................... 1069  
Signed by the President and returned to the House ................................. 1070

H.B. 354 — INSURANCE AMENDMENTS RELATING TO ABORTION (C. Wimmer)  
Read for the first time and referred to the Rules Committee ..................... 877  
Placed on calendar ................................................................................ 962  
Read the second time ............................................................................ 1065  
Amendments ......................................................................................... 1065  
Read the second and third time ......................................................... 1066  
Returned to the House .......................................................................... 1066  
Signed by the President and returned to the House ................................. 1089
H.B. 357 — LONG-TERM CARE AMENDMENTS (P. Ray)
Read for the first time and referred to the Rules Committee 877
Enacting Clause Stricken 1091

H.B. 358 — ACCESS TO CONTROLLED SUBSTANCE DATABASE REVISIONS (S. Elsom)
Read for the first time and referred to the Rules Committee 662
Assigned to standing committee 696
Returned to the Rules Committee 796
Placed on calendar 881
Read the second time 917
Read the third time 939
Circled 939
Uncircled 942
Signed by the President and returned to the House 942

H.B. 359 — BUSINESS RESOURCE CENTER ADVISORY BOARD MODIFICATION (V. Peterson)
Read for the first time and referred to the Rules Committee 688
Read the second and third time 1082
Signed by the President and returned to the House 1082

H.B. 368 — ADOPTION OF CHILDREN (S. Sandstrom)
Read for the first time and referred to the Rules Committee 861
Enacting Clause Stricken 1091

H.B. 370 — BAIL BOND AMENDMENTS (G. Hughes)
Read for the first time and referred to the Rules Committee 906
Placed on calendar 962
Read the second time 1056
Amendments 1056
Read the second and third time 1056
Returned to the House 1057
Signed by the President and returned to the House 1085

H.B. 371 — MOTOR HOME TAXES AND FEES (D. Ipson)
Read for the first time and referred to the Rules Committee 662
Assigned to standing committee 697
Read the second time and placed on Consent Calendar 722
Read the third time 886
Signed by the President and returned to the House 886

H.B. 374 — DOMESTIC VIOLENCE AMENDMENTS (B. Last)
Read for the first time and referred to the Rules Committee 827
Placed on calendar 880
Read the second time 908
Read the third time 933
Signed by the President and returned to the House 934

H.B. 375 — SECURITY PERSONNEL LICENSING ACT AMENDMENTS (K. Ivory)
Read for the first time and referred to the Rules Committee 606
Assigned to standing committee 621
Committee report adopted and placed on calendar 708
Read the second time and placed on Consent Calendar 719
Read the third time 844
Circled 844
Uncircled 845
Signed by the President and returned to the House 845

H.B. 376 — SMALL CLAIMS COURT JURISDICTION (R. Edwards)
Read for the first time and referred to the Rules Committee 859
Placed on calendar 922
Read the second time 958
Read the third time 993
Circled 993
Uncircled 1004
Signed by the President and returned to the House 1005

H.B. 379 — NONJUDICIAL FORECLOSURE OF TRUST DEEDS (R. C. Webb)
Read for the first time and referred to the Rules Committee 591
Assigned to standing committee 607
Committee report adopted and placed on calendar 796
Placed on calendar 962
Enacting Clause Stricken 1091

H.B. 384 — VETERANS PREFERENCE AMENDMENTS (T. Congrove)
Read for the first time and referred to the Rules Committee 765
Placed on calendar 880
Read the second time 902
Read the third time 930
Signed by the President and returned to the House 931

H.B. 385 — COUNTY JAIL MEDICAL EXPENSES (B. Daw)
Read for the first time and referred to the Rules Committee 813
Placed on calendar 880
Read the second time 903
Read the third time 931
Signed by the President and returned to the House 932
H.B. 388 — OPERATION AND MANAGEMENT OF CHARTER SCHOOLS (C. Herrod)
Read for the first time and referred to the Rules Committee ................................. 859
Placed on calendar ........................................................................................................... 922
Read the second time ..................................................................................................... 951
Read the third time ......................................................................................................... 988
Circled ............................................................................................................................. 988
Uncircled ........................................................................................................................ 994
Amendments .................................................................................................................. 994
Returned to the House ................................................................................................. 995
Signed by the President and returned to the House ....................................................... 1036

H.B. 391 — NATIONAL GUARD JOINT FORCES HEADQUARTERS MODIFICATIONS (V. Peterson)
Read for the first time and referred to the Rules Committee .................................... 765
Placed on calendar ......................................................................................................... 881
Read the second time ..................................................................................................... 919
Read the third time ......................................................................................................... 941
Signed by the President and returned to the House ....................................................... 941

H.B. 392 — RETENTION ELECTIONS FOR JUSTICE COURT JUDGES (C. Oda)
Read for the first time and referred to the Rules Committee .................................... 641
Assigned to standing committee .................................................................................. 663
Returned to the Rules Committee .............................................................................. 796
Placed on calendar ......................................................................................................... 962
Enacting Clause Stricken ............................................................................................. 1091

H.B. 398 — UTAH STATE INSTRUCTIONAL MATERIALS ACCESS CENTER FUNDING (S. Handy)
Read for the first time and referred to the Rules Committee .................................... 688
Placed on calendar ......................................................................................................... 962
Enacting Clause Stricken ............................................................................................. 1092

H.B. 399 — ENVIRONMENTAL LITIGATION BOND (M. Noel)
Read for the first time and referred to the Rules Committee .................................... 606
Assigned to standing committee .................................................................................. 621
Committee report adopted and placed on calendar ...................................................... 705
Read the second time ..................................................................................................... 757
Read the third time ......................................................................................................... 789
Signed by the President and returned to the House ....................................................... 790

H.B. 400 — REGULATION OF MINING OPERATIONS (M. Noel)
Read for the first time and referred to the Rules Committee .................................... 813
Placed on calendar ......................................................................................................... 922
Read the second time ..................................................................................................... 953
Read the third time ......................................................................................................... 990
Signed by the President and returned to the House ....................................................... 990

H.B. 403 — CHANGES TO FIT PREMISES ACT (J. Seelig)
Read for the first time and referred to the Rules Committee .................................... 641
Assigned to standing committee .................................................................................. 663
Returned to the Rules Committee .............................................................................. 796
Placed on calendar ......................................................................................................... 922
Read the second time ..................................................................................................... 958
Circled ............................................................................................................................. 958, 1016
Uncircled .........................................................................................................................
Placed on calendar ......................................................................................................... 1016
Read the second and third time ................................................................................... 1024
Signed by the President and returned to the House ....................................................... 1024

H.B. 404 — STATE HEALTH INSURANCE AMENDMENTS (D. Ipson)
Read for the first time and referred to the Rules Committee .................................... 901
Placed on calendar ......................................................................................................... 1016
Read the second and third time ................................................................................... 1032
Amendments ................................................................................................................ 1072
Returned to the House ............................................................................................... 1073
Signed by the President and returned to the House ....................................................... 1089

H.B. 405 — CHARGES FOR MEDICAL RECORDS (E. Gibson)
Read for the first time and referred to the Rules Committee .................................... 859
Placed on calendar ......................................................................................................... 880
Read the second time ..................................................................................................... 904
Read the third time ......................................................................................................... 933
Signed by the President and returned to the House ....................................................... 933

H.B. 411 — APPROACHING STATIONARY EMERGENCY VEHICLE AMENDMENTS (D. Ipson)
Read for the first time and referred to the Rules Committee .................................... 662
Assigned to standing committee .................................................................................. 696
Returned to the Rules Committee .............................................................................. 796
Placed on calendar ......................................................................................................... 880
Read the second time ..................................................................................................... 913
Amendments ................................................................................................................ 913
Read the third time ......................................................................................................... 936
Returned to the House ............................................................................................... 937
Signed by the President and returned to the House ....................................................... 964
H.B. 445 — PRISON RELOCATION AND DEVELOPMENT AUTHORITY ACT (G. Hughes)
Read for the first time and referred to the Rules Committee .......................... 902
Placed on calendar .................................................................................. 880
Read the second time ............................................................................. 1030
Read the second time ............................................................................. 1032
Amendments ......................................................................................... 1032, 1050
Read the second and third time .............................................................. 1034
Returned to the House ........................................................................... 1034, 1051
Recalled .................................................................................................... 1043
Before the Senate ..................................................................................... 1050
Signed by the President and returned to the House ................................. 1062

H.B. 446 — LOCAL DISTRICT TAX AMENDMENTS (D. Brown)
Read for the first time and referred to the Rules Committee ...................... 813
Placed on calendar ................................................................................... 880
Read the second time ............................................................................... 908
Circled ....................................................................................................... 908
Uncircled .................................................................................................. 911
Read the third time .................................................................................. 934
Signed by the President and returned to the House ................................. 935

H.B. 450 — HOSPITAL PROVIDER TAX AMENDMENTS (D. Clark)
Read for the first time and referred to the Rules Committee ...................... 999
Read the second and third time .............................................................. 1019
Signed by the President and returned to the House ................................. 1019

H.B. 451 — TOBACCO SETTLEMENT FUNDS AMENDMENT (D. Litvack)
Read for the first time and referred to the Rules Committee ...................... 827
Placed on calendar ................................................................................... 880
Read the second time ............................................................................... 908
Circled ....................................................................................................... 908
Uncircled .................................................................................................. 911
Read the third time .................................................................................. 934
Signed by the President and returned to the House ................................. 935

H.B. 453 — DOMESTIC VIOLENCE SERVICES (D. Clark)
Read for the first time and referred to the Rules Committee ...................... 999
Read the second time ............................................................................... 1019
Substituted ............................................................................................... 1019
Read the second and third time .............................................................. 1019
Returned to the House ........................................................................... 1020
Signed by the President and returned to the House ................................. 1036

H.B. 454 — STATE HOSPITAL REVISION (R. Last)
Read for the first time and referred to the Rules Committee ...................... 999
Read the second and third time .............................................................. 1021
Signed by the President and returned to the House ................................. 1021

H.B. 461 — ENERGY PRODUCER STATES’ AGREEMENT (R. Barrass)
Read for the first time and referred to the Rules Committee ...................... 688
Placed on calendar ................................................................................... 968
Read the second and third time .............................................................. 976
Signed by the President and returned to the House ................................. 977

H.B. 465 — RESPECTING OUR FALLEN HEROES ACT (E. Hutchings)
Read for the first time and referred to the Rules Committee ...................... 827
Placed on calendar ................................................................................... 962
Enacting Clause Stricken ........................................................................... 1092

H.B. 466 — MIGRANT WORKERS AND RELATED COMMISSION AMENDMENTS (S. Sandstrom)
Read for the first time and referred to the Rules Committee ...................... 813
Read the second time ............................................................................... 818
Circled ....................................................................................................... 819
Uncircled .................................................................................................. 821
Read the second and third time .............................................................. 821
Signed by the President and returned to the House ................................. 821

H.B. 469 — IMMIGRATION RELATED AMENDMENTS (J. Dougall)
Read for the first time and referred to the Rules Committee ...................... 827
Placed on calendar ................................................................................... 880
Read the second time ............................................................................... 909
Circled ....................................................................................................... 909
Uncircled .................................................................................................. 910
Read the second and third time .............................................................. 910
Amendments ......................................................................................... 909
Returned to the House ........................................................................... 911
Signed by the President and returned to the House ................................. 924

H.B. 470 — AUTHORIZED USE OF A BUSINESS NAME (R. Edwards)
Read for the first time and referred to the Rules Committee ...................... 860
Enacting Clause Stricken ........................................................................... 1092
H.B. 475 — STATE ENERGY AMENDMENTS (R. Barnes)
Read for the first time and referred to the Rules Committee .................................................. 813
Placed on calendar ......................................................................................................................... 962
Read the second and third time ................................................................................................... 1076
Signed by the President and returned to the House .................................................................... 1076

H.B. 476 — PROCUREMENT CODE AMENDMENTS (B. Last)
Read for the first time and referred to the Rules Committee ...................................................... 861
Placed on calendar ......................................................................................................................... 962
Read the second and third time ................................................................................................... 1074
Amendments ............................................................................................................................... 1074
Returned to the House ................................................................................................................ 1075
Signed by the President and returned to the House .................................................................... 1089

H.B. 477 — GOVERNMENT RECORDS AMENDMENTS (J. Dongall)
Read for the first time and referred to the Rules Committee ...................................................... 779
Committee report adopted and placed on calendar ........................................................................ 817
Read the second and third time ................................................................................................... 818
Recalled ........................................................................................................................................ 863
Placed on calendar ......................................................................................................................... 866
Circled ........................................................................................................................................... 874
Uncircled ......................................................................................................................................... 875
Amendments .................................................................................................................................. 875
Read the second and third time ................................................................................................... 875
Returned to the House .................................................................................................................. 875

H.B. 481 — TRANSPORTATION OF MENTAL ILLNESS PATIENTS (P. Ray)
Read for the first time and referred to the Rules Committee ...................................................... 721
Placed on calendar ......................................................................................................................... 880
Read the second time ..................................................................................................................... 913
Read the third time ....................................................................................................................... 936
Signed by the President and returned to the House .................................................................... 936

H.B. 482 — LONG-TERM CARE FACILITY – MEDICAID CERTIFICATION FOR BED CAPACITY
AMENDMENTS (E. Hutchings)
Read for the first time and referred to the Rules Committee ...................................................... 828
Placed on calendar ......................................................................................................................... 963
Read the second and third time ................................................................................................... 1022
Signed by the President and returned to the House .................................................................... 1023

H.B. 487 — COUNTY USE OF LAND USE ORDINANCE (B. Wright)
Read for the first time and referred to the Rules Committee ...................................................... 765
Placed on calendar ......................................................................................................................... 968
Read the second and third time ................................................................................................... 1028
Signed by the President and returned to the House .................................................................... 1029

H.B. 488 — BUDGETING PROCEDURES AMENDMENTS (J. Dongall)
Read for the first time and referred to the Rules Committee ...................................................... 1000
Read the second and third time ................................................................................................... 1015
Returned to the House ................................................................................................................ 1052
Reconsideration ............................................................................................................................ 1020
Circled ........................................................................................................................................... 1020
Uncircled ......................................................................................................................................... 1051
Amendments .................................................................................................................................. 1051
Signed by the President and returned to the House .................................................................... 1015, 1085

H.B. 489 — HOUSING AUTHORITY APPLICATION PROCESS (G. Froerer)
Read for the first time and referred to the Rules Committee ...................................................... 574
Committee report adopted and placed on calendar ........................................................................ 608
Read the second time ..................................................................................................................... 708
Circled ........................................................................................................................................... 744
Uncircled ......................................................................................................................................... 774
Read the third time ....................................................................................................................... 804
Signed by the President and returned to the House .................................................................... 805

H.B. 490 — UTAH STATE FLAG DAY COMMEMORATION (Julie Fisher)
Read for the first time and referred to the Rules Committee ...................................................... 662
Assigned to standing committee ................................................................................................. 697
Returned to the Rules Committee ............................................................................................... 782
Placed on calendar ......................................................................................................................... 954
Read the second and third time ................................................................................................... 954
Signed by the President and returned to the House .................................................................... 954

H.B. 491 — ALIMONY MODIFICATIONS (S. Sandstrom)
Read for the first time and referred to the Rules Committee ...................................................... 928
Enacting Clause Stricken ............................................................................................................... 1092

H.B. 492 — WASHINGTON COUNTY VETERANS’ HOME (D. Ipson)
Read for the first time and referred to the Rules Committee ...................................................... 765
Placed on calendar ......................................................................................................................... 972
Read the second time ..................................................................................................................... 960
Circled ........................................................................................................................................... 960
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| H.B. 493    | UTAH COUNTY VETERANS' HOMES (D. Ipson)    | Read for the first time and referred to the Rules Committee 766  
Placed on calendar 922  
Read the second time 960  
Read the third time 994  
Signed by the President and returned to the House 994 |
| H.B. 494    | JUSTICE COURTS (C. Herrod)                | Read for the first time and referred to the Rules Committee 862  
Enacting Clause Stricken 1092 |
| H.B. 495    | ANIMAL CONTROL MODIFICATIONS (J. Mathis)   | Read for the first time and referred to the Rules Committee 814  
Placed on calendar 962  
Read the second time 969  
Read the third time 1003  
Signed by the President and returned to the House 1004 |
| H.B. 496    | TECHNOLOGY AND LIFE SCIENCE ECONOMIC DEVELOPMENT ACT AND RELATED TAX CREDITS (D. Clark) | Read for the first time and referred to the Rules Committee 828  
Placed on calendar 968  
Read the second time 977  
Circled 1029, 1032  
Uncircled 1029, 1038  
Substituted 1029  
Reconsideration 1032  
Read the second and third time 1030, 1039  
Amendments 1038  
Returned to the House 1030, 1039  
Signed by the President and returned to the House 1067 |
| H.B. 497    | UTAH ILLEGAL IMMIGRATION ENFORCEMENT ACT (S. Sandstrom) | Read for the first time and referred to the Rules Committee 814  
Placed on calendar 814  
Read the second time 814  
Circled 821  
Uncircled 821  
Read the second and third time 821  
Signed by the President and returned to the House 822 |
H.C.R. 1 — CONCURRENT RESOLUTION URGING CONGRESS TO ADDRESS EMPLOYMENT RELATED CHILD IDENTITY THEFT (S. Duckworth)
Read for the first time and referred to the Rules Committee .................................................. 370
Assigned to standing committee .......................................................... 396
Read the second time and placed on Consent Calendar ............................................. 693
Read the third time .......................................................... 784
Circled .......................................................... 784
Uncircled .......................................................... 793
Signed by the President and returned to the House .................................................. 794

H.C.R. 2 — UTAH STATE FLAG CONCURRENT RESOLUTION (Julie Fisher)
Read for the first time and referred to the Rules Committee .................................................. 387
Placed on calendar .......................................................... 387
Read the second and third time .......................................................... 387
Signed by the President and returned to the House .................................................. 387

H.C.R. 3 — CONCURRENT RESOLUTION URGING CONGRESS TO PASS BALANCED BUDGET AMENDMENT TO U.S. CONSTITUTION (C. Wimmer)
Read for the first time and referred to the Rules Committee .................................................. 415
Assigned to standing committee .......................................................... 437
Committee report adopted and placed on calendar .................................................. 580
Read the second time .......................................................... 652
Circled .......................................................... 652
Uncircled .......................................................... 759
Read the third time .......................................................... 790
Signed by the President and returned to the House .................................................. 791

H.C.R. 4 — WILD HORSE AND BURRO ADVISORY BOARD CONCURRENT RESOLUTION (M. Brown)
Read for the first time and referred to the Rules Committee .................................................. 272
Assigned to standing committee .......................................................... 299
Read the second time and placed on Consent Calendar .................................................. 341
Read the third time .......................................................... 418
Signed by the President and returned to the House .................................................. 418

H.C.R. 5 — PATIENT AND SAFETY–CENTERED PRESCRIPTION LABELS CONCURRENT RESOLUTION (M. Poulson)
Read for the first time and referred to the Rules Committee .................................................. 415
Assigned to standing committee .......................................................... 438
Read the second time and placed on Consent Calendar .................................................. 625
Read the third time .......................................................... 742
Signed by the President and returned to the House .................................................. 742

H.C.R. 7 — CONCURRENT RESOLUTION SUPPORTING PUBLIC POLICIES THAT PROMOTE OUTDOOR ACTIVITIES FOR CHILDREN (J. Drexler)
Read for the first time and referred to the Rules Committee .................................................. 525
Amendments .......................................................... 563
Read the second time and placed on Consent Calendar .................................................. 692
Transmitted to the House .......................................................... 784
Signed by the President and returned to the House .................................................. 861

H.C.R. 8 — CONCURRENT RESOLUTION ON PROVIDING CONTINUING FEDERAL FINANCIAL ASSISTANCE FOR THE DELIVERY OF BASIC SERVICES TO DUCHT JOHN, UTAH (M. Brown)
Read for the first time and referred to the Rules Committee .................................................. 512
Assigned to standing committee .......................................................... 526
Amendments .......................................................... 647
Read the second time and placed on Consent Calendar .................................................. 647
Read the third time .......................................................... 745
Returned to the House .......................................................... 746
Signed by the President and returned to the House .................................................. 813

H.C.R. 9 — LUPUS AWARENESS MONTH CONCURRENT RESOLUTION (T. Coxgrove)
Read for the first time and referred to the Rules Committee .................................................. 620
Read the second time and placed on Consent Calendar .................................................. 724
Read the third time .......................................................... 845
Signed by the President and returned to the House .................................................. 845

H.C.R. 11 — CONCURRENT RESOLUTION RECOGNIZING 100TH ANNIVERSARY OF SALT LAKE ROTARY (P. Areni)
Placed on calendar .......................................................... 425
Read the second and third time .......................................................... 426
Signed by the President and returned to the House .................................................. 426

H.C.R. 12 — CONCURRENT RESOLUTION OPPOSING UNITED STATES SECRETARY OF INTERIOR’S WILDERNESS RE–INVENTORY (M. Noel)
Read for the first time and referred to the Rules Committee .................................................. 781
Placed on calendar .......................................................... 962
Read the second and third time .......................................................... 1075
Signed by the President and returned to the House .................................................. 1076

H.C.R. 13 — SECURE RURAL SCHOOLS CONCURRENT RESOLUTION (M. Noel)
Read for the first time and referred to the Rules Committee .................................................. 662
Assigned to standing committee .......................................................... 697
H.C.R. 14 — WILD LANDS CONCURRENT RESOLUTION (C. Watkins)
Read for the first time and referred to the Rules Committee ................................................................. 703
Enacting Clause Stricken ........................................................................................................................... 1092
H.C.R. 15 — NAVAJO ELECTRIFICATION DEMONSTRATION PROJECT CONCURRENT RESOLUTION (C. Watkins)
Read for the first time and referred to the Rules Committee ................................................................. 689
Enacting Clause Stricken ........................................................................................................................... 1092
H.C.R. 16 — RESOLUTION SUPPORTING UTAH HIGHWAY PATROL USE OF WHITE CROSSES AS ROADSIDE MEMORIAL (L. Perry)
Read for the first time and referred to the Rules Committee ................................................................. 525
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<td><strong>Open and Public Meeting Act Amendments</strong></td>
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<td><strong>Quantifying Costs and Contributions of Illegal Aliens in Utah</strong></td>
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S.B. 86  **Sunset Reauthorizations**  
Governor Signed on 3/22/2011  
Effective Date:  5/10/2011  
S. Jenkins

S.B. 87  **Marketable Record Title Amendments**  
Governor Signed on 3/30/2011  
Effective Date:  5/10/2011  
S. Reid

S.B. 88  **Motor Vehicle Insurance – Settlement of Claims**  
Senate/ strike enacting clause on 3/10/2011  
G. Davis

S.B. 89  **Homeowner Association Reserve Account**  
Governor Signed on 3/21/2011  
Effective Date:  5/10/2011  
S. Urquhart

S.B. 90  **Board of Pardons Retirement Amendments**  
Governor Signed on 3/22/2011  
Effective Date:  5/10/2011  
D. Liljenquist

S.B. 91  **Medical Practice Self Referral**  
Senate/ strike enacting clause on 3/10/2011  
D. Buttars

S.B. 92  **Private Security Services**  
Governor Signed on 3/18/2011  
Effective Date:  5/10/2011  
M. Dayton

S.B. 93  **Child Welfare Legislative Oversight Panel Reporting Amendments**  
Governor Signed on 3/25/2011  
Effective Date:  5/10/2011  
A. Christensen

S.B. 94  **Requirements for Constables**  
Governor Signed on 3/21/2011  
Effective Date:  5/10/2011  
K. Mayne

S.B. 95  **Shareholder Action Without Meeting**  
Governor Signed on 3/30/2011  
Effective Date:  5/10/2011  
B. McAdams

S.B. 96  **Alimony Amendments**  
Senate/ filed on 2/22/2011  
L. Hillyard
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S.B. 119  **School District Superintendents Amendments**  
Governor Signed on 3/25/2011  
Effective Date: 5/10/2011

H. Stephenson

S.B. 120  **Career Service Amendments**  
Governor Signed on 3/30/2011  
Effective Date: 5/10/2011

D. Liljenquist

S.B. 121  **New Automobile Franchise Act Amendments**  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011

D. Liljenquist

S.B. 122  **Tax Exemption for Cedar Band of Paiute Tribe**  
Senate/ strike enacting clause on 3/10/2011

D. Stowell

S.B. 123  **Restrictions on Lobbying Expenditures – Public Education**  
Governor Signed on 3/25/2011  
Effective Date: 5/10/2011

S. Jenkins

S.B. 124  **Leaving a Child Unattended in a Motor Vehicle**  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011

B. McAdams

S.B. 125  **Property Tax Exemption Amendments**  
Governor Signed on 3/16/2011  
Effective Date: 3/16/2011

C. Bramble

S.B. 126  **Local District Service Amendments**  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011

J. Adams

S.B. 127  **Post Retirement Employment Amendments**  
Governor Signed on 3/21/2011  
Effective Date: 5/10/2011

D. Liljenquist

S.B. 128  **Regulatory Amendments**  
Governor Signed on 3/18/2011  
Effective Date: 5/10/2011

C. Bramble

S.B. 129  **Licensing of Physician–educators**  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011

S. Urquhart
S.B. 130 **Surplus Property Amendments**  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011

S.B. 131 **Unincorporated Business Entity Uniform Acts**  
Governor Signed on 3/28/2011  
Effective Date: 7/1/2012

S.B. 132 **Sales and Use Tax Exemption for an Energy Efficient Stove or Energy Efficient Stove Fuel**  
Senator filed on 3/10/2011

S.B. 133 **Grand Jury Amendments**  
Senator filed on 3/10/2011

S.B. 134 **Transparency in Health Care Provider Advertising**  
Governor Signed on 3/21/2011  
Effective Date: 5/10/2011

S.B. 135 **Department of Public Safety Duties Amendments**  
Governor Signed on 3/18/2011  
Effective Date: 5/10/2011

S.B. 136 **Boating Amendments**  
Governor Signed on 3/29/2011  
Effective Date: 5/10/2011

S.B. 137 **Medicaid Amendments**  
Senator filed on 2/28/2011

S.B. 138 **Driver License Qualification Amendments**  
Governor Signed on 3/30/2011  
Effective Date: 7/1/2011

S.B. 139 **Revocation of Motor Vehicle Registration**  
Senator filed on 3/10/2011

S.B. 140 **State Charter School Board Amendments**  
Governor Signed on 3/30/2011  
Effective Date: 5/10/2011
S.B. 141  **Burglary Offense Amendments**  
Governor Signed on 3/18/2011  
Effective Date: 5/10/2011

S.B. 142  **Public Official Contact Information**  
Governor Signed on 3/16/2011  
Effective Date: 5/10/2011

S.B. 143  **Judiciary Amendments**  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011

S.B. 144  **County Purchasing Agent Amendments**  
Governor Signed on 3/21/2011  
Effective Date: 5/10/2011

S.B. 145  **Utah Educational Savings Plan Amendments**  
Governor Signed on 3/16/2011  
Effective Date: 3/16/2011

S.B. 146  **Impact Fee Amendments**  
Governor Signed on 3/16/2011  
Effective Date: 5/11/2011

S.B. 147  **Forgery Law Amendments**  
Governor Signed on 3/25/2011  
Effective Date: 5/10/2011

S.B. 148  **Utah Fair Housing and Employment**  
Senate/ strike enacting clause on 3/10/2011

S.B. 149  **Qualifications for the Executive Director of the Department of Health**  
Governor Signed on 3/21/2011  
Effective Date: 3/21/2011

S.B. 150  **Negligent Credentialing**  
Governor Signed on 3/30/2011  
Effective Date: 5/10/2011

S.B. 151  **Real Estate Transactions and Securities**  
Governor Signed on 3/28/2011  
Effective Date: 5/10/2011
S.B. 152  **Sex Offender Restrictions Amendments**  
D. Hinkins 
Senate/ strike enacting clause on 3/10/2011

S.B. 153  **Sex Offender Registration Amendments**  
D. Hinkins 
Senate/ strike enacting clause on 3/10/2011

S.B. 154  **Utah Fit Premises Act Modifications**  
B. McAdams 
Senate/ strike enacting clause on 3/10/2011

S.B. 155  **Political Subdivision’s Procurement Process for Construction Projects**  
B. McAdams 
Governor Signed on 3/29/2011 
Effective Date:  5/10/2011

S.B. 156  **Uninsured and Underinsured Motorist Coverage Amendments**  
S. Urquhart 
Senate/ strike enacting clause on 3/10/2011

S.B. 157  **Property Tax Revisions**  
C. Bramble 
Governor Signed on 3/25/2011 
Effective Date:  5/10/2011

S.B. 158  **Local Government Funding Amendments**  
C. Bramble 
Senate/ strike enacting clause on 3/10/2011

S.B. 159  **Sex Offender Registry Revisions**  
D. Stowell 
Governor Signed on 3/16/2011 
Effective Date:  5/10/2011

S.B. 160  **Federal Funds Procedures Act Amendments**  
L. Hillyard 
Governor Signed on 3/25/2011 
Effective Date:  5/10/2011

S.B. 161  **Land Use Amendments**  
W. Niederhauser 
Bill Numbered by Title Without any Substance on 2/5/2011

S.B. 162  **Military and Overseas Voting**  
L. Hillyard 
Governor Signed on 3/25/2011 
Effective Date:  1/1/2012

S.B. 163  **School Restructuring**  
H. Stephenson 
Bill Numbered by Title Without any Substance on 2/5/2011
S.B. 164  **Attorney Fees and Court Costs Amendments**  B. McAdams  
Senate/ strike enacting clause on 3/10/2011

S.B. 165  **Election Law Amendments**  C. Bramble  
Governor Signed on 3/10/2011  
Effective Date:  3/10/2011

S.B. 166  **Energy Amendments**  M. Madsen  
Bill Numbered by Title Without any Substance on 2/5/2011

S.B. 167  **Condominium and Community Association Revisions**  W. Niederhauser  
Governor Signed on 3/28/2011  
Effective Date:  5/10/2011

S.B. 168  **Subdivision Amendments**  M. Dayton  
Bill Numbered by Title Without any Substance on 2/5/2011

S.B. 169  **Prohibiting Private Entities from Determining Public Sector Benefits**  M. Madsen  
Bill Numbered by Title Without any Substance on 2/5/2011

S.B. 170  **Wrongful Death Amendments**  B. McAdams  
Senate/ strike enacting clause on 3/10/2011

S.B. 171  **Service of Process Amendments**  M. Madsen  
Bill Numbered by Title Without any Substance on 2/5/2011

S.B. 172  **Political Subdivisions Administration Amendments**  H. Stephenson  
Governor Signed on 3/22/2011  
Effective Date:  5/10/2011

S.B. 173  **Unemployment Insurance Amendments**  S. Urquhart  
Bill Numbered by Title Without any Substance on 2/5/2011

S.B. 174  **Motor Vehicle Insurance Coverage Amendments**  S. Urquhart  
Governor Signed on 3/30/2011  
Effective Date:  5/10/2011

S.B. 175  **Department of Environmental Quality Boards Amendments**  M. Dayton  
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S.B. 188  **Tax Commission Amendments**  J. Valentine
Governor Signed on 3/22/2011
Effective Date:  5/10/2011

S.B. 189  **Tax Code Modifications**  B. McAdams
Senate/ strike enacting clause on 3/10/2011

Bill Numbered by Title Without any Substance on 2/5/2011

S.B. 191  **Workers’ Compensation Coverage Waivers**  K. Mayne
Governor Signed on 3/25/2011
Effective Date:  7/1/2011

S.B. 192  **Interagency Coordinating Advisory Committee on Health Disparities and Economic Self–Sufficiency**  L. Robles
Bill Numbered by Title Without any Substance on 2/5/2011

S.B. 193  **State Food Stamps Program for Farmers’ Market**  L. Robles
Bill Numbered by Title Without any Substance on 2/5/2011

S.B. 194  **Public Employees Health Program Amendments**  D. Liljenquist
Bill Numbered by Title Without any Substance on 2/5/2011

S.B. 195  **State Employees Grievance Procedures Amendment**  D. Liljenquist
Bill Numbered by Title Without any Substance on 2/5/2011

S.B. 196  **Utah Retirement Systems Modifications**  D. Liljenquist
Bill Numbered by Title Without any Substance on 2/5/2011

S.B. 197  **Local Housing Authority Amendments**  B. McAdams
Governor Signed on 3/22/2011
Effective Date:  5/10/2011

S.B. 198  **Division of Housing and Community Development Amendments**  S. Jenkins
Governor Signed on 3/22/2011
Effective Date:  5/10/2011

S.B. 199  **Utah Commission on Uniform State Laws**  L. Hillyard
Governor Signed on 3/28/2011
Effective Date:  5/10/2011
S.B. 200  **State Debt Collections Amendments**  L. Hillyard
Governor Signed on 3/18/2011
Effective Date:  5/10/2011

S.B. 201  **Protection Against Unfair Competition Through Misappropriated Technology Act**  C. Bramble
Senate/ strike enacting clause on 3/10/2011

S.B. 202  **Pharmaceutical Competitive Pricing**  C. Bramble
Senate/ filed on 3/7/2011

S.B. 203  **Executive Residence Commission**  J. Adams
Governor Signed on 3/22/2011
Effective Date:  5/10/2011

S.B. 204  **Capital Development and Improvement Process Approval Requirements Amendments**  J. Adams
Governor Signed on 3/22/2011
Effective Date:  5/10/2011

S.B. 205  **County Emergency Funding**  D. Hinkins
Bill Numbered by Title Without any Substance on 2/5/2011

S.B. 206  **Labor Organization Provisions in Teacher Contracts**  H. Stephenson
Governor Signed on 3/22/2011
Effective Date:  5/10/2011

S.B. 207  **Utah Health Cooperative and Health System Commission**  B. McAdams
Bill Numbered by Title Without any Substance on 2/5/2011

S.B. 208  **Construction Contract Amendments**  C. Bramble
Senate/ strike enacting clause on 3/10/2011

S.B. 209  **Telecommunications Amendments**  C. Bramble
Governor Signed on 3/25/2011 Effective Date:  5/10/2011

S.B. 210  **Utah Postsecondary Proprietary School Act Amendments**  C. Bramble
Governor Signed on 3/22/2011
Effective Date:  5/10/2011
S.B. 211  **Utility Revisions**  K. Van Tassell
Bill Numbered by Title Without any Substance on 2/5/2011

S.B. 212  **Judicial Evaluation Amendments**  D. Buttars
Governor Signed on 3/18/2011
Effective Date: 5/10/2011

S.B. 213  **Legislative Auditor Responsibilities**  H. Stephenson
Bill Numbered by Title Without any Substance on 2/5/2011

S.B. 214  **Motor Vehicle Rental Company Fee Disclosures**  J. Adams
Governor Signed on 3/28/2011
Effective Date: 5/10/2011

S.B. 215  **Bail Process Amendments**  D. Stowell
Bill Numbered by Title Without any Substance on 2/5/2011

S.B. 216  **Oversight of Public Funds**  M. Madsen
Senate/ strike enacting clause on 3/10/2011

S.B. 217  **Education Policy Amendments**  C. Bramble
Governor Signed on 3/25/2011
Effective Date: 5/10/2011

S.B. 218  **Trust Deed Amendments**  C. Bramble
Senate/ strike enacting clause on 3/10/2011

S.B. 219  **Budgetary Procedure Revisions**  L. Hillyard
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S.B. 220  **Intermountain Weatherization Training Fund**  S. Jenkins
Governor Signed on 3/22/2011
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Governor Signed on 3/16/2011
Effective Date: 3/16/2011

S.B. 222  **Public Transit Amendments**  C. Bramble
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CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the First Special Session of the Fifty-Ninth 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 Friday, March 18, 2011, and adjourning sine die the same day.

Annette B. Moore  
Secretary of the Senate

Leslie McLean  
Manager, Senate Services

Mary B. Andrus  
Journal Clerk
SENATE JOURNAL

FIRST SPECIAL SESSION
of the
FIFTY–NINTH LEGISLATURE

March 25, 2011

Pursuant to the proclamation of His Excellency, Governor Gary R. Herbert, the Senate of the Fifty–Ninth Legislature of the State of Utah met in the Senate Chamber of the State Capitol in a Special Session at 12:00 p.m. on Friday, March 25, 2011.

The Senate was called to order at 1:25 p.m., with President Michael Waddoups presiding.

Prayer – Senator Howard Stephenson
Pledge of Allegiance – Senator Jerry Stevenson
Roll Call – All Senators present except Senators Adams, Christensen, Okerlund, and Stowell excused.

Annette Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the adjournment of the 2011 General Session of the Fifty–Ninth Legislature of the State of Utah, a matter has arisen that requires 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, Gary R. Herbert, 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–Ninth Legislature of the State of Utah into a First Special Session at the Utah State Capitol, in Salt Lake City, Utah, on the 25th day of March 2011, at 12:00 p.m., for a single purpose:
(1) to repeal H.B. 477 – Government Records Amendment – which passed during the 2011 Regular Session of the Fifty–Ninth Legislature.

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 21st day of March, 2011.

Gary R. Herbert
Governor

Greg Bell
Lieutenant Governor

CERTIFICATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a proclamation issued on the date of March 21st, 2011, and signed by Governor Gary R. Herbert, is a true and correct copy of the original Proclamations calling the Fifty–Ninth Legislature of the State of Utah into a First Special Session at the State Capitol Complex at Salt Lake City, Utah, on the 25th day of March, 2011, at 12:00 noon., 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 2011 General Session, with the following exception:
TENTH DISTRICT: County of Salt Lake
Vacant

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 21st day of March, 2011.

Greg Bell
Lieutenant Governor

***

On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2011 General Session of the Fifty−Ninth Legislature as the rules for the First Special Session.

President Waddoups appointed a committee comprised of Senators John Valentine, Daniel Thatcher, and Gene Davis to notify Governor Gary R. Herbert’s representative 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 Stuart Reid, Mark Madsen, and Karen Mayne to notify the House of Representatives that the Senate is organized and ready to do business.

Representatives Julie Fisher, Derek Brown, and Tim Cosgrove reported that the House of Representatives is organized and ready to do business.

Senator Reid reported that the House has been notified.

Senator Valentine 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 or Senate bill or resolution.

On motion of Senator Jenkins, and at 1:50 p.m., the Senate sauntered.
The Senate was called to order at 2:05 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 25, 2011

The House passed H.B. 1001, REPEAL OF H.B. 477, 2011 ANNUAL GENERAL SESSION, by Representative J. Dougall, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communication filed. The bill was read the first time by short title and referred to the Rules Committee.

On motions of Senator Jenkins, the Senate voted to lift H.B. 1001, REPEAL OF H.B. 477, 2011 ANNUAL GENERAL SESSION, from Rules and place it on the top of the Second Reading Calendar.

SECOND READING CALENDAR

H.B. 1001, REPEAL OF H.B. 477, 2011 ANNUAL GENERAL SESSION, was read the second time. Senator Jenkins explained the bill.

Senator Jenkins proposed the following amendment:

1. Page 1, Lines 9 through 14

   9  General Description:
   10  This bill repeals H.B. 477, Laws of Utah 2011, Chapter 16 and expresses legislative intent .
   11  Highlighted Provisions:
   12  This bill:
   13  ► repeals H.B. 477, Laws of Utah 2011, Chapter 16 ; and
       ► expresses legislative intent .
   14  Money Appropriated in this Bill:

2. Page 2, Line 28:

   28  the date of veto override.

Section 3. Legislative Intent

The Legislature intends and requests that the governor convene the Legislature into a special session no later than June 24, 2011, to consider changes to government records provisions.
Senator Romero asked for a point of order regarding amending the bill. Senator Dayton ruled that an amendment was in order. Senator Romero made a motion to overturn the ruling of the Chair. The motion failed on the following roll call vote:

**Yeas, 17; Nays, 7; Absent, 4.**

**Voting in the affirmative were:** Senators

<table>
<thead>
<tr>
<th>Bramble</th>
<th>Dayton</th>
<th>Hillyard</th>
<th>Hinkins</th>
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<tr>
<td>Jenkins</td>
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<td>Thatcher</td>
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<td>Waddoups</td>
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**Voting in the negative were:** Senators

<table>
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<tr>
<th>Davis</th>
<th>Jones</th>
<th>Mayne</th>
<th>McAdams</th>
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<tr>
<td>Morgan</td>
<td>Robles</td>
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<td>Romero</td>
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**Absent or not voting were:** Senators

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<tr>
<th>Adams</th>
<th>Christensen</th>
<th>Okerlund</th>
<th>Stowell</th>
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Senator Jenkins’ motion to amend passed on the following roll call vote:

**Yeas, 16; Nays, 8; Absent, 4.**

**Voting in the affirmative were:** Senators

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<th>Bramble</th>
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<td>Urquhart</td>
<td>Valentine</td>
<td>Van Tassell</td>
<td>Waddoups</td>
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**Voting in the negative were:** Senators

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<tr>
<th>Davis</th>
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<th>Okerlund</th>
<th>Stowell</th>
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</table>

Senator Bramble proposed the following amendment:

1. Page 1, Lines 8 through 14

8  LONG TITLE
9 General Description:

This bill repeals H.B. 477, Laws of Utah 2011, Chapter 16 and expresses legislative intent.

11 Highlighted Provisions:

This bill:

13 repeals H.B. 477, Laws of Utah 2011, Chapter 16; and expresses legislative intent.

14 Money Appropriated in this Bill:

2. Page 2, Line 28:

28 the date of veto override.

Section 3. Legislative Intent

The Legislature intends and requests that:

(1) the Legislature refer government records issues to one or more interim committees for review; and

(2) those interim committees hold at least two meetings, both of which include opportunities for public comment.

Senator Romero asked for a point of order regarding amending the bill. President Waddoups ruled that the motion to amend was in order. Senator Romero made a motion to overturn the ruling of the President. The motion failed on the following roll call vote:

Yeas, 17; Nays, 7; Absent, 4.

Voting in the affirmative were: Senators
Bramble        Dayton        Hillyard        Hinkins
Jenkins        Knudson       Liljenquist     Madsen
Niederhauser   Reid          H. Stephenson  J. Stevenson
Thatcher       Urquhart      Valentine      Van Tassell
Waddoups

Voting in the negative were: Senators
Davis          Jones         Mayne           McAdams
Morgan         Robles        Romero

Absent or not voting were: Senators
Adams          Christensen  Okerlund       Stowell

Senator Bramble’s motion to amend passed on a voice vote.
Senators Valentine, Jones, McAdams, Urquhart, Bramble, Robles, and Knudson commented.

On motion of Senator Jenkins, under suspension of the rules, **H.B. 1001**, REPEAL OF H.B. 477, 2011 ANNUAL GENERAL SESSION, was considered read the second and third times and passed on the following roll call:

**Yeas, 19; Nays, 5; Absent, 4.**

**Voting in the affirmative were:** Senators

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<th>Bramble</th>
<th>Davis</th>
<th>Hillyard</th>
<th>Hinkins</th>
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<td>Romero</td>
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<tr>
<td>Urquhart</td>
<td>Valentine</td>
<td>Van Tassell</td>
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</tbody>
</table>

**Voting in the negative were:** Senators

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<tr>
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<th>Thatcher</th>
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<td>Waddoups</td>
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</table>

**Absent or not voting were:** Senators

<table>
<thead>
<tr>
<th>Adams</th>
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<th>Okerlund</th>
<th>Stowell</th>
</tr>
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</table>

**H.B. 1001**, as amended, was returned to the House for further consideration.

* * *

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

The Senate was called to order at 4:05 p.m., with President Waddoups presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 25, 2011

the House refused to concur with the Senate amendments to **H.B. 1001**, REPEAL OF H.B. 477, 2011 GENERAL SESSION, by Representative J. Dougall, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Jenkins, the Senate voted to recede from its amendments to **H.B. 1001**. The bill passed on the following roll call vote:
Yeas, 19; Nays, 5; Absent, 4.

Voting in the affirmative were: Senators

Bramble       Davis        Hillyard        Hinkins
Jenkins       Jones        Knudson        Liljenquist
Mayne         McAdams      Morgan         Niederhauser
Robles        Romero       H. Stephenson  J. Stevenson
Urquhart      Valentine    Van Tassell

Voting in the negative were: Senators

Dayton        Madsen       Reid           Thatcher
Waddoups

Absent or not voting were: Senators

Adams         Christensen   Okerlund       Stowell

H.B. 1001 was signed by the President in open session and returned to the House for the signature of the Speaker.

INTENT LANGUAGE

On motion of Senator Jenkins, the Senate voted to include the following intent language in the Senate Journal:

The Senate intends that the governor reconvene the Legislature into a special session sometime after the conclusion of the work of the Legislative working groups.

* * *

On motion of Senator Bramble, the Senate voted to include the following intent language in the Senate Journal:

The Senate intends that the Legislative Management Committee refer government records issues to one or more interim committees for review during the 2011 interim; and those interim committees hold at least two meetings, both of which include opportunities for public comment.

* * *

President Waddoups appointed Senators John Valentine, Daniel Thatcher, and Gene Davis to join with a like committee from the House to wait upon the Governor’s representative and ask if he has any further business to bring before the Senate.
President Waddoups appointed Senators Stuart Reid, Mark Madsen, and Karen Mayne to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Valentine reported that his committee, with a like committee from the House notified the Governor’s representative that the Legislature has concluded its business and is ready to adjourn sine die.

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

Representatives Brad Wilcox, Joel Briscoe, and Ronda Menlove reported that the House of Representatives has its business and is ready to adjourned sine die.

On motion of Senator Niederhauser and at 4:25 p.m., the Senate adjourned sine die.
PAGE INDEX

H.B. 1001 — REPEAL OF H.B. 477, 2011 ANNUAL GENERAL SESSION (J. Dougall)

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Amendments .................................................................................................................. 1320
Read the second and third time ..................................................................................... 1323
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Receded from amendments ............................................................................................ 1323
Signed by the President and returned to the House ......................................................... 1324
Intent Language .............................................................................................................. 1326
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the First Veto Override Session of the Fifty-Ninth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the First Veto Override Session convening on Friday, May 6, 2011, and adjourning on Saturday, May 7, 2011.

Annette B. Moore  
Secretary of the Senate

Leslie McLean  
Manager, Senate Services

Mary B. Andrus  
Journal Clerk
SENATE JOURNAL

FIRST VETO OVERRIDE SESSION OF THE FIFTY–NINTH LEGISLATURE

In accordance with a joint proclamation of the members of the Fifty–Ninth Legislature of the State of Utah, the Senate met in the Senate Chamber at the State Capitol in the First Veto Override Session at 8:00 a.m. on Friday, May 6, 2011.

Prayer – Senator Dan Liljenquist
Pledge of Allegiance – Senator Ben McAdams

The Senate was called to order at 8:20 a.m., with President Michael Waddoups presiding.

Roll Call – All Senators present, except Senators Hillyard, Bramble, and Morgan, excused.

Annette B. Moore, Secretary of the Senate, read the following Proclamation and Certification:

CERTIFICATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Call for Legislative Veto Override Session issued on the 26th day of April, 2011 and signed by Michael G. Waddoups, President of the Senate and Rebecca D. Lockhart, Speaker of the Utah House of Representatives, is a true and correct copy of the original Call for Legislative Veto Override Session calling the Fifty–Ninth Legislature of the State of Utah into a Legislative Veto Override Session at the State Capitol at Salt Lake City, Utah, on the 6th day of May, 2011, at 8:00 a.m., for the purposes named in the Proclamation.
I further certify that the membership of the Utah State Senate has not changed from that of the 2011 1st Special Session with the following exception(s):

**TENTH DISTRICT: County of Salt Lake**

Aaron Osmond

**TWENTY-EIGHTH DISTRICT: Counties of Beaver, Garfield, Iron, Kane, Millard, Washington**

Vacant

IN TESTIMONY WHEREOF,

I have hereunto set my hand and affixed the Great Seal of the State of Utah at Salt Lake City this 27th day of April, 2011.

Greg Bell
Lieutenant Governor

---

**STATE OF UTAH**

**LEGISLATIVE DEPARTMENT**

**CALL OF LEGISLATIVE VETO OVERRIDE SESSION**

Pursuant to Article VII, Section 8 of the Utah Constitution and Utah State Legislative Joint Rule JR2–2–201 (4), the Legislature’s presiding officers, the Honorable Michael G. Waddoups, President of the Utah State Senate, and the Honorable Rebecca D. Lockhart, Speaker of the Utah House of Representatives, have polled the members of the Senate and the House of Representatives, and do hereby call the Utah State Legislature into a Legislative Veto Override Session to convene at 8:00 a.m. on Friday, May 6, 2011.

Two-thirds of each house voted in favor of convening a Veto Override Session to consider overriding the disapproval by Governor Gary R. Herbert of the following bills passed by the Legislature which adjourned on March 10, 2011, but which were disapproved by the Governor after adjournment, viz:

**S.B. 229**

TRANSPORTATION FUNDING REVISIONS

(Sen. J. S. Adams)
S.B. 294
PATIENT ACCESS REFORM (Sen. J. S. Adams)

S.B. 305
ECONOMIC DEVELOPMENT THROUGH EDUCATION/CAREER ALIGNMENT
(Sen. H. Stephenson)

H.B. 328
STATE GOVERNMENT WORK WEEK (Rep. M. Noel)

Michael G. Waddoups, President
Utah State Senate
Rebecca D. Lockhart, Speaker
House of Representatives

***

On motion of Senator Jenkins, the Senate voted that the President of the Senate and the Officers of the Senate for the First Veto Override Session be the same as for the 2011 General Session of the Fifty–Ninth Legislature.

On motion of Senator Dayton, the Senate voted that the Senate Rules and the Joint Rules of the 2011 General Session of the Fifty–Ninth Legislature be adopted for the First Veto Override Session.

***

President Waddoups appointed Senators Jerry Stevenson, Stephen Urquhart, and Karen Mayne as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

President Waddoups appointed a committee comprised of Senators John Valentine, Dan Liljenquists, and Pat Jones to notify the Governor that the Senate is convened in the First Veto Override Session.

Senator Stevenson reported that the House has been notified that the Senate is organized and ready to do business.

Senator Valentine reported that the Governor has been notified.

On motion of Senator Jenkins, under suspension of the rules, the Senate voted to suspend the reading of S.B. 229, S.B. 294, and S.B. 305 with their accompanying veto messages, place them immediately on the Third Reading Calendar for reconsideration, and spread the governor’s veto messages for S.B. 229, S.B. 294, S.B. 305, and H.B. 328 upon the pages of the Senate Journal.
COMMUNICATIONS FROM THE GOVERNOR

Dear President Waddoups and Speaker Lockhart: March 30, 2011

The Utah Senate has presented me with S.B. 229, TRANSPORTATION FUNDING REVISIONS. I have vetoed this bill because it would unduly restrict the State’s budget flexibility in future years.

S.B. 229 would earmark a growing percentage of certain sales tax proceeds for transportation projects. Although I agree that a modern and effective transportation system is vital to Utah’s economic success, I am concerned that S.B. 229’s automatic earmark will translate into decreased ability to fund other budget priorities, such as higher education, human services and economic development, in future years. The recent past has taught us that economic tides can turn quickly. To maintain our position as the best managed state in the nation, Utah must be able to react quickly to changed financial circumstances.

For these reasons, I have vetoed S.B. 229

Gary R. Herbert
Governor

***

Dear President Waddoups and Speaker Lockhart: March 30, 2011

The Utah Senate has presented me with S.B. 294, Second Substitute, PATIENT ACCESS REFORM. I have vetoed this bill because its provisions would negatively impact the State’s health reform efforts.

As you know, the Utah Health Exchange is a nationally recognized effort to expand access to, and reduce the cost of, health care. S.B. 294, which was publicly released in the waning hours of the 44th day of the session, would hurt the Exchange’s ability to operate effectively. It would likely lead to a redistribution of premiums in a fashion that would negatively impact older Utahns. S.B. 294 also carried a fiscal note that the Utah Legislature did not fund. At a time when we are challenging the federal government’s unconstitutional attempt to regulate health care and asking that this be lift to the states, it is imperative that Utah have the tools it needs to provide an example to the nation of how reform should occur.
For these reasons, I have vetoed S.B. 294.

Gary R. Herbert
Governor

* * *

Dear President Waddoups and Speaker Lockhart: March 30, 2011

The Utah Senate has presented me with S.B. 305, Second Substitute, ECONOMIC DEVELOPMENT THROUGH EDUCATION/CAREER ALIGNMENT. I have vetoed this bill.

UtahFutures.org is a web-based advisement tool that has been launched by a number of State agencies, including the State Office of Education, the State Board of Regents, the Utah State Library and the Division of Workforce Services. I applaud the efforts of S.B. 305 to better align education with the business community. Indeed, my Education Excellence Commission has recommended that we align education with economic development and workforce needs.

S.B. 305, however, raises the possibility of legislators performing executive branch functions in violation of Article V, Section 1 of the Utah Constitution. While this prevents me from signing S.B. 305, I will work with our state agencies to implement the intent of the bill by strengthening the education/career alignment in UtahFutures.org.

For this reason, I have vetoed S.B. 305.

Gary R. Herbert
Governor

* * *

Dear President Waddoups and Speaker Lockhart: March 30, 2011

The Utah House of Representatives has presented me with H.B. 328, STATE GOVERNMENT WORK WEEK. I have decided to veto this bill for a number of reasons.

First, there would be costs involved with moving the state back to a five day work week. My office, as well as the Department of Human Resource Management, alerted the Legislature that any bill proposing changes to the state work week would have to come with the monies attached to facilitate the change. Despite this, the bill passed without funding.

Second, the bill constitutes an unwarranted intrusion on the power granted to the Governor in Article VII, Section 5 of the Utah Constitution to faithfully
execute the law. As such H.B. 328 violates Article V, Section of the Utah Constitution.

Third, the people of Utah have grown accustomed to extended Monday through Thursday hours. Although H.B. 328 purports to permit those hours to continue, as a practical matter, the aforementioned lack of funding would require the State to abandon those extended hours. Surveys have shown that the public, as well as state employees, overwhelmingly support extended hours. It would be too disruptive, and simply bad policy, to change them now.

We have been searching for ways to keep extended hours on Monday through Thursday while making critical services available on Fridays. The State has made great strides providing services on−line and has opened physical offices on Fridays where we have seen a need. To better ensure that the people of Utah can obtain such critical services on Fridays, I am today issuing an Executive Order mandating that by October 1, 2011, all state agencies will ensure that critical, public−facing services will be available on Fridays in one of three manners: (1) in−person; (2) on−line; or (3) with telephone support.

For these reasons, I have vetoed H.B. 328.

Gary R. Herbert
Governor

***

On motion of Senator Adams, the Senate voted to override the Governor’s veto of S.B. 229, TRANSPORTATION FUNDING REVISIONS. Senator Adams explained the bill. Senators Stephenson, Reid, Okerlund, Valentine, Romero, Jones, Mayne, and Liljenquist commented. The veto override passed on the following roll call:

Yeas, 21; Nays, 3; Absent, 4.

Voting in the affirmative were: Senators

<table>
<thead>
<tr>
<th>Adams</th>
<th>Christensen</th>
<th>Davis</th>
<th>Dayton</th>
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<tr>
<td>Hinkins</td>
<td>Jenkins</td>
<td>Knudson</td>
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<td>Madsen</td>
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<td>Okerlund</td>
<td>Osmond</td>
<td>Reid</td>
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<td>J. Stevenson</td>
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<td>Urquhart</td>
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<td>Waddoups</td>
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</table>

Voting in the negative were: Senators

<table>
<thead>
<tr>
<th>Jones</th>
<th>Romero</th>
<th>Valentine</th>
</tr>
</thead>
</table>
Absent or not voting were: Senators
Bramble    Hillyard    Morgan    Robles

S.B. 229 was transmitted to the House for further consideration.

***

S.B. 294, PATIENT ACCESS REFORM, was before the Senate.

On motion of Senator Adams, the bill was circled.

***

S.B. 305, ECONOMIC DEVELOPMENT THROUGH EDUCATION / CAREER ALIGNMENT, was before the Senate.

On motion of Senator Stephenson, the bill was circled.

***

On motion of Senator Knudson, and at 9:30 a.m., the Senate sauntered.

The Senate was called to order at 11:10 a.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:  

On March 30, 2011, the Governor vetoed H.B. 328, STATE GOVERNMENT WORK WEEK, by Representative M. Noel, and by a vote of 50 ayes, 18 nays, 7 absent, the House overrode the Governor’s veto and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed.

H.B. 328 was placed on the Third Reading Calendar.

***

Mr. President:  

The House, by a vote of 50 yeas, 18 nays, 7 absent, overrode the Governor’s veto of S.B. 229, TRANSPORTATION FUNDING REVISIONS, by Senator J. S. Adams, and it is returned to the Senate for transmission to the Lt. Governor.

Sandy D. Tenney, Chief Clerk

Communications filed.
S.B. 229 was sent to the Lt. Governor’s office for filing.

THIRD READING CALENDAR

H.B. 328, STATE GOVERNMENT WORK WEEK, was before the Senate and explained by Senator Jenkins. Senators Jones, Romero, Valentine, Robles, Dayton, Davis, Urquhart, and Liljenquist commented.

On motion of Senator Jenkins, the bill was circled.

***

On motion of Senator Jenkins, and at 11:40 a.m., the Senate adjourned until 7:30 p.m., Saturday, May 7, 2011.
SECOND DAY

VETO OVERRIDE SESSION

The Senate was called to order at 7:45 p.m., with President Michael Waddoups presiding.

Prayer – Senator Stuart Reid
Pledge of Allegiance – Senator Peter Knudson
Roll Call – All Senators present except Senator Hillyard, excused.

THIRD READING CALENDAR

On motion of Senator Jenkins, the circle was removed from H.B. 328, STATE GOVERNMENT WORK WEEK, and it was before the Senate. Senator Jenkins explained the bill.

On motion of Senator Jenkins, the Senate voted to override the Governor’s veto of H.B. 328, STATE GOVERNMENT WORK WEEK. Senators Dayton, Adams, Bramble, Christensen, McAdams, and Valentine commented. The veto override passed on the following roll call:

Yeas, 21; Nays, 6; Absent, 1.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dayton
Hinkins  Jenkins  Knudson  Liljenquist
Madsen  Morgan  Niederhauser  Okerlund
Osmond  Reid  H. Stephenson  J. Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Waddoups

Voting in the negative were: Senators
Davis  Jones  Mayne  McAdams
Robles  Romero

Absent or not voting were: Senators
Hillyard

H.B. 328 was transmitted to the Lt. Governor for filing.

* * *

On motion of Senator Waddoups and at 8:17 p.m., the Senate adjourned.
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SENATE AND HOUSE BILLS

FIFTY-NINTH LEGISLATURE
VETO OVERRIDE SESSION

Convened on Friday, May 6, 2011
Adjourned on Saturday May 7, 2011
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- Transmitted to the House ....................................................... 1337
- Transmitted to the Lt. Governor for filing ............................. 1338

S.B. 294 — PATIENT ACCESS REFORM (J. S. Adams)
- Before the Senate ................................................................. 1337
- Circled .............................................................................. 1337

S.B. 305 — ECONOMIC DEVELOPMENT THROUGH EDUCATION / CAREER ALIGNMENT (H. Stephenson)
- Before the Senate ................................................................. 1337
- Circled .............................................................................. 1337
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the First Extraordinary Session of the Fifty-Ninth 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, May 18, 2011, 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
The Senate of the Fifty-Ninth Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the First Extraordinary Session at 1:15 p.m. on Wednesday, May 18, 2011.

The Senate was called to order at 1:45 p.m. with President Michael G. Waddoups presiding.

Prayer – Senator Steve Urquhart

Pledge – Senator Ross Romero

President Waddoups administered the oath of office to Casey Owen Anderson, newly appointed by Governor Herbert to fill the vacancy in District 28.

Annette Moore, Secretary of the Senate, read the following communication:

PROCLAMATION

WHEREAS, since the close of the 2011 General Session of the 59th 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 Senate in Extraordinary Session;

NOW, THEREFORE, I, GARY R. HERBERT, 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 59th Legislature into the First Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 18th day of May, 2011 at 1:15 p.m., 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 2011 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 11th day of May, 2011.

Gary R. Herbert
Governor

Greg Bell
Lieutenant Governor

CERTIFICATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of May 11, 2011, is a true and correct copy of the original Proclamation calling the Senate only into a First Extraordinary Session at the State Capitol Complex, in Salt Lake City, Utah, on the 18th day of May, 2011, at 1:15 p.m., for the purpose named in the Proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 16th day of May 2011.

Greg Bell
Lieutenant Governor

Roll call – All Senators present except Senator Bramble, excused.

On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2011 General Session of the Fifty-Ninth Legislature as the rules for the First Extraordinary Session.
President Waddoups appointed a committee comprised of Senators Ralph Okerlund, Daniel Thatcher, and Gene Davis to notify the Governor’s representative that the Senate is convened in the First Extraordinary Session in accordance with his proclamation.

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

* * *

Mr. President: March 24, 2011

Pursuant to Utah Code section 59−1−206(1)(a), the four Tax Commissioners, having previously consulted with Governor Gary R. Herbert, voted unanimously in today’s Commission Meeting to appoint Barry C. Conover as Executive Director of the Utah State Tax Commission. We propose and transmit this appointment for consideration and confirmation by the Utah State Senate. Thank you for your timely action on this matter.

R. Bruce Johnson, Chair
Utah State Tax Commission

* * *

Mr. President: May 10, 2011

At its meeting today, the Senate Revenue and Taxation Confirmation Committee voted unanimously to recommend that the Utah Senate approve the nomination of the following as the Executive Director of the Utah State Tax Commission:

Mr. Barry C. Conover

Curtis S. Bramble, Chair

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

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

**Voting in the affirmative were:** Senators

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<th>Adams</th>
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Absent or not voting was: Senator Bramble

COMMITTEE OF THE WHOLE

On motion of Senator Jenkins, Mr. Barry Conover spoke in Committee of the Whole. Senators commented.

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

ADVISE AND CONSENT

Mr. President: May 2, 2011

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

Drinking Water Board:
Tage I. Flint is appointed to replace Ronald Thompson as the water district representative of the Drinking Water Board, a term to expire May 8, 2015. See Utah Code Annotated 19−4−103.

    James William Webb is appointed to replace Petra Rust as the industry representative of the Drinking Water Board, a term to expire May 8, 2015. See Utah Code Annotated 19−4−103.

    Daniel Allen Fleming is reappointed as a member of the Drinking Water Board, a term to expire May 8, 2015. See Utah Code Annotated 19−4−103.

    David King Stevens is reappointed as a member of the Drinking Water Board, a term to expire May 8, 2015. See Utah Code Annotated 19−4−103.

Radiation Control Board:
Ulrich Andreas Rassner is appointed to replace John Thomson as the radiation physician of the Radiation Control Board, a term to expire July 1, 2015. See Utah Code Annotated 19−3−103.

Interstate Commission On Educational Opportunity For Military Children:

Board of State History:
Gregory C. Thompson is reappointed as a member of the Board of State History, a term to expire April 1, 2015. See Utah Code Annotated 9−8−204.
Robert McPherson is reappointed as a member of the Board of State History, a term to expire April 1, 2015. See Utah Code Annotated 9–8–204.

Maria J. Garcia is reappointed as a member of the Board of State History, a term to expire April 1, 2015. See Utah Code Annotated 9–8–204.

**Transportation Commission:**

J. Kent Millington is reappointed as a member of the Transportation Commission, a term to expire April 1, 2017. See Utah Code Annotated 72–1–301.

Eddie Lee Cox is appointed to replace Bevan Wilson as a member of the Transportation Commission, a term to expire April 1, 2017. See Utah Code Annotated 72–1–301.

**Board of Juvenile Justice Services:**

David B. Harper is appointed to replace Jody Valantine as a member of the Board of Juvenile Justice Services, a term to expire April 1, 2015. See Utah Code Annotated 62A–1–107 (3).

Karen G. Crompton is appointed as a member of the Board of Juvenile Justice Services, a term to expire April 1, 2015. See Utah Code Annotated 62A–1–107 (3).

Robert Lynn Flores is reappointed as a member of the Board of Juvenile Justice Services, a term to expire April 1, 2015. See Utah Code Annotated 62A–1–107 (3).

**Board of Water Resources:**


James Arnold Lemmon is reappointed as a member of the Board of Water Resources, a term to expire January 1, 2015. See Utah Code Annotated 73–10–2.

Robert Bessey is reappointed as a member of the Board of Water Resources, a term to expire January 1, 2015. See Utah Code Annotated 73–10–2.

Craig Eugene Johansen is reappointed as a member of the Board of Water Resources, a term to expire January 1, 2015. See Utah Code Annotated 73–10–2.

**State Money Management Council:**

Mark Orson McRae is reappointed as a member of the State Money Management Council, a term to expire March 1, 2015. See Utah Code Annotated 51–7–16.
Mark David Watkins is reappointed as a member of the State Money Management Council, a term to expire March 1, 2015. See Utah Code Annotated 51–7–16.

**Board of Oil, Gas and Mining**

Chris David Hansen is appointed to replace Douglas E. Johnson as a member of the Board of Oil, Gas and Mining, a term to expire March 1, 2015. See Utah Code Annotated 40–6–4.

Carl Frederick Kendell is appointed to replace Samuel C. Quigley as a member of the Board of Oil, Gas and Mining, a term to expire March 1, 2015. See Utah Code Annotated 40–6–4.

Ruland J. Gill is reappointed as a member of the Board of Oil, Gas and Mining, a term to expire March 1, 2015. See Utah Code Annotated 40–6–4.

**Utah Horse Racing Commission:**

Gary D. Allred is reappointed as a member of the Utah Horse Racing Commission, a term to expire December 31, 2014. See Utah Code Annotated 4–38–3.

Stuart J. Sprouse is reappointed as a member of the Utah Horse Racing Commission, a term to expire December 31, 2014. See Utah Code Annotated 4–38–3.

**Utah Arts Council Board of Directors:**

John T. Neilsen is appointed to replace Carol Smith as a member of the Utah Arts Council Board of Directors, a term to expire July 1, 2015. See Utah Code Annotated 9–6–204.

Andrew Yarosh is reappointed as a member of the Utah Arts Council Board of Directors, a term to expire July 1, 2015. See Utah Code Annotated 9–6–204.

Hal Cannon is reappointed as a member of the Utah Arts Council Board of Directors, a term to expire July 1, 2015. See Utah Code Annotated 9–6–204.

R. Scott Phillips is reappointed as a member and Chair of the Utah Arts Council Board of Directors, a term to expire July 1, 2015. See Utah Code Annotated 9–6–204.

**Air Quality Board:**

H. Craig Peterson is reappointed as a member of the Air Quality Board, a term to expire March 1, 2015. See Utah Code Annotated 19–2–103.
Stephen Clare Sands II is reappointed as a member of the Air Quality Board, a term to expire March 1, 2015. See Utah Code Annotated 19–2–103.

Kathy Van Dame is reappointed as a member of the Air Quality Board, a term to expire March 1, 2015. See Utah Code Annotated 19–2–103.

Darrell H. Smith is reappointed as a member of the Air Quality Board, a term to expire March 1, 2015. See Utah Code Annotated 19–2–103.

**Board of Business and Economic Development:**

Kate Rossiter Riggs is appointed to replace Mary Draper as a member of the Board of Business and Economic Development, a term to expire March 15, 2015. See Utah Code Annotated 63M–1–302.

Mike Dowse is reappointed as a member of the Board of Business and Economic Development, a term to expire March 15, 2015. See Utah Code Annotated 63M–1–302.

**Quality Growth Commission:**

Roger Wynn is appointed to replace Charles Rob Duboc Jr. as a member of the Utah Quality Growth Commission, a term to expire April 30, 2015. See Utah Code Annotated 11–38–201.

Holly Hubbard Daines is appointed to replace Laraine Swenson as a member of the Utah Quality Growth Commission, a term to expire April 30, 2015. See Utah Code Annotated 11–38–201.

Reed R. Erickson is reappointed as a member of the Utah Quality Growth Commission, a term to expire April 30, 2015. See Utah Code Annotated 11–38–201.

Sally Elliott is reappointed as a member of the Utah Quality Growth Commission, a term to expire April 30, 2015. See Utah Code Annotated 11–38–201.

Brent Tanner is reappointed as a member of the Utah Quality Growth Commission, a term to expire April 30, 2015. See Utah Code Annotated 11–38–201.

**Utah Comprehensive Health Insurance Pool Board of Directors:**

Steven B. Bateman is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire June 30, 2015. See Utah Code Annotated 31A–29–104.
Steven Madsen Canfield is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire June 30, 2015. See Utah Code Annotated 31A–29–104.

Robert “Chet” Loftis is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire June 30, 2015. See Utah Code Annotated 31A–29–104.

Stephen Dale Neeleman is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire June 30, 2015. See Utah Code Annotated 31A–29–104.

Randall R. Smart is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire June 30, 2015. See Utah Code Annotated 31A–29–104.

Securities Commission:
Tim Bangerter is reappointed as a member of the Securities Commission, a term to expire May 12, 2015. See Utah Code Annotated 61–1–18.5.

Utah Housing Corporation Board of Trustees:
Mark B. Cohen is appointed to replace Mark Cornelius as a member of the Utah Housing Corporation Board of Trustees, a term to expire June 1, 2015. See Utah Code Annotated 9–4–904.

Douglas L. DeFries is reappointed as a member of the Utah Housing Corporation Board of Trustees, a term to expire June 1, 2015. See Utah Code Annotated 9–4–904.

Robert M. Whatcott is reappointed as a member of the Utah Housing Corporation Board of Trustees, a term to expire June 1, 2015. See Utah Code Annotated 9–4–904.

Health Facility Committee:
F. Robert Reeder is reappointed as a member of the Health Facility Committee, a term to expire July 1, 2014. See Utah Code Annotated 26–1–3.

Utah Conservation Commission:
S. Bruce Karren is appointed to replace Paul Leishman as a member of the Utah Conservation Commission, a term to expire May 8, 2015. See Utah Code Annotated 4–18–4.

Alan Dean Brown is appointed to replace Wendell Stembridge as a member of the Utah Conservation Commission, a term to expire May 8, 2015. See Utah Code Annotated 4–18–4.
Wildlife Board:

Michael M. King is appointed to replace Keele Johnson as a member of the Wildlife Board, a term to expire August 15, 2017. See Utah Code Annotated 23−14−2.

John Glen Bair is appointed to replace Vaughn “Rick” Woodard as a member of the Wildlife Board, a term to expire August 15, 2017. See Utah Code Annotated 23−14−2.

Water Quality Board:

Clyde L. Bunker is appointed to replace Jay Olsen as a member of the Water Quality Board, a term to expire March 1, 2015. See Utah Code Annotated 19−5−103.

Jeffrey L. Tucker is appointed to replace David Echols as a member of the Water Quality Board, a term to expire March 1, 2015. See Utah Code Annotated 19−5−103.

Steven Phillip Simpson is reappointed as a member of the Water Quality Board, a term to expire March 1, 2015. See Utah Code Annotated 19−5−103.

Great Salt Lake Advisory Council:

Todd Bingham is appointed to replace Nicol Gagstetter as a member of the Great Salt Lake Advisory Council, the remaining portion of the term to expire June 1, 2012. See Utah Code Annotated 73−29−201.

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

Gary R. Herbert
Governor

Mr. President: May 17, 2011

The Senate Transportation and Public Utilities and Technology Confirmation Committee met on May 17, 2011, and reports favorable recommendations for the reappointment of Mr. Kent Millington and the appointment of Mr. Eddie Lee Cox as members of the Utah Transportation Commission.

Kevin Van Tassell, Chair

Senator Hillyard moved to consent to the appointments 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
Adams  Anderson  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudsen  Liljenquist  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Osmond  Reid  Robles
Romero  H. Stephenson  J. Stevenson  Thatcher
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting was: Senator
Bramble

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

Senator Okerlund 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 Jenkins, and at 2:15 p.m., the Senate adjourned sine die.
STATE OF UTAH

SENATE JOURNAL

SECOND EXTRAORDINARY SESSION
OF THE
FIFTY–NINTH LEGISLATURE

Convened and Adjourned on
Wednesday, June 15, 2011
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Second Extraordinary Session of the Fifty-Ninth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Second Extraordinary Session convening on Wednesday, June 15, 2011, 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

SECOND EXTRAORDINARY SESSION
of the
FIFTY–NINTH LEGISLATURE

The Senate of the Fifty–Ninth Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Second Extraordinary Session at 1:15 p.m. on Wednesday, June 15, 2011.

The Senate was called to order at 2:00 p.m. with President Michael G. Waddoups presiding.

Prayer – Senator Mark Madsen

Pledge – Senator Scott Jenkins

Annette Moore, Secretary of the Senate, read the following communication:

PROCLAMATION

WHEREAS, since the close of the 2011 General Session of the 59th 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 Senate in Extraordinary Session;

NOW, THEREFORE, I, GARY R. HERBERT, 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 59th Legislature into the Second Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 15th day of June, 2011 at 1:15 p.m., 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 2011 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 13th day of June, 2011.

Gary R. Herbert
Governor

Greg Bell
Lieutenant Governor

CERTIFICATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of June 13, 2011, is a true and correct copy of the original Proclamation calling the Senate only into a Second Extraordinary Session at the State Capitol Complex, in Salt Lake City, Utah, on the 15th day of June, 2011, at 1:15 p.m., for the purpose named in the Proclamation.

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 13th day of June 2011.

Greg Bell
Lieutenant Governor

Roll call – All Senators present except Senator Jones, excused.

On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2011 General Session of the Fifty-Ninth Legislature as the rules for the Second Extraordinary Session.
President Waddoups appointed a committee comprised of Senators David Hinkins, Stuart Reid, and Karen Mayne to notify the Governor’s representative that the Senate is convened in the Second Extraordinary Session in accordance with his proclamation.

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

* * *

Mr. President: May 2, 2011

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

Sam Granato is appointed to replace Nikos Linardakis as a member of the Board of Business and Economic Development, a term to start July 1, 2011, and then expire March 15, 2011. See Utah Annotated 63M-1-302.

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

Gary R. Herbert
Governor

* * *

Mr. President: June 15, 2011

At its meeting today, the Senate Business and Labor Confirmation Committee voted unanimously to recommend that the Utah Senate approve the nomination of Sam Granato to the board of Business and Economic Development.

John L. Valentine, Chair

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

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

**Voting in the affirmative were:** Senators

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<td>Waddoups</td>
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Absent or not voting were: Senators
Jones                Morgan

***

Mr. President:    May 31, 2011

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

State Tax Commission:
D’Arcy Dixon Pignanelli is reappointed as a member of the State Tax Commission, a term to expire June 30, 2015. See Utah Code Annotated 59–1–201.

Board of Business and Economic Development:
Jerry Oldroyd is reappointed as a member of the Board of Business and Economic Development, a term to expire March 15, 2015. See Utah Code Annotated 63M–1–302.

Title and Escrow Commission:
Larry Turner Blake is appointed to replace Garry Goodsell as a member of the Title and Escrow Commission, a term to expire June 30, 2015. See Utah Code Annotated 31A–2–403.

Kirk Donald Smith is appointed to replace Canyon Anderson as a member of the Title and Escrow Commission, a term to expire June 30, 2015. See Utah Code Annotated 31A–2–403.

Workers Compensation Fund Board of Directors:
Lane A. Summerhayes is appointed to replace Judd A. Turner as a member of the Workers Compensation Fund Board of Directors, a term to expire June 30, 2015. See Utah Code Annotated 31A–33–106.

Board of the Utah Geological Survey:
Sunny Hill Dent is appointed to replace Alisa Fleton Schofield as a member of the Board of the Utah Geological Survey, a term to expire April 1, 2015. See Utah Code Annotated 79–3–302.

Kenneth Philip Puchlik is reappointed as a member of the Board of the Utah Geological Survey, a term to expire April 1, 2015. See Utah Code Annotated 79–3–302.

Mark Donald Bunnell is reappointed as a member of the Board of the Utah Geological Survey, a term to expire April 1, 2015. See Utah Code Annotated 79–3–302.
**Air Quality Board:**

Dale L. Ipson is appointed to replace Brent Bradford as a member of the Air Quality Board, a term to expire March 1, 2015. See Utah Code Annotated 19–2–103.

Michael William Smith is appointed to replace Ernest Wessman as a member of the Air Quality Board, a term to expire March 1, 2015. See Utah Code Annotated 19–2–103.

**Wildlife Board:**

Calvin V. Crandall is appointed to replace Thomas Hatch as a member of the Wildlife Board, a term to expire August 15, 2017. See Utah Code Annotated 23–14–2.

**Solid and Hazardous Waste Control Board:**

Brett Douglas Mickelson is appointed to replace Michael Brehm as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2015. See Utah Code Annotated 19–6–103.

Brian E. Brower is appointed to replace Carlton Christensen as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2015. See Utah Code Annotated 19–6–103.

Dwayne Jex Woolley is appointed to replace John Newman as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2015. See Utah Code Annotated 19–6–103.

Robert Ryan Dupont is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2015. See Utah Code Annotated 19–6–103.

Jeffrey R. Coombs is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2015. See Utah Code Annotated 19–6–103.

Brad Mertz is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2015. See Utah Code Annotated 19–6–103.

**Utah Department of Health:**

W. David Patton is appointed as the Executive Director of the Utah Department of Health. See Utah Code Annotated 26–1–8.
Utah State University Board of Trustees:
Suzanne Pierce–Moore is reappointed as a member of the Utah State University Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B–18–1201(3)(b).

Scott R. Watterson is reappointed as a member of the Utah State University Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B–18–1201(3)(b).

Weber State University Board of Trustees:
Bryan Bowles is reappointed as a member of the Weber State University Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B–2–104.

Camille Cain is reappointed as a member of the Weber State University Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B–2–104.

Salt Lake Community College Board of Trustees:
Richard Tranter is reappointed as a member of the Salt Lake Community College Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B–2–104.

Stan Parrish is reappointed as a member of the Salt Lake Community College Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B–2–104.

Ashok Joshi is reappointed as a member of the Salt Lake Community College Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B–2–104.

Clint Ensign is appointed to replace Jeffrey Edwards as a member of the Salt Lake Community College Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B–2–104.

Utah Valley University Board of Trustees:
Ronald K. Hawkins is reappointed as a member of the Utah Valley University Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B–2–104.

Steven Jay Lund is reappointed as a member of the Utah Valley University Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B–2–104.
Southern Utah University Board of Trustees:
Sherrie Hansen is appointed to replace Lee Fife as a member of the Southern Utah University Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B−2−104.

Nathan B. Esplin is appointed to replace Anne Judd as a member of the Southern Utah University Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B−2−104.

Marshall Erb is appointed to replace Dwayne Nielson as a member of the Southern Utah University Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B−2−104.

Snow College Board of Trustees:
Dan Charles Jorgensen is reappointed as a member of the Snow College Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B−2−104.

Sam Cardon is appointed to replace Tim Barney as a member of the Snow College Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B−2−104.

James C. Shank is appointed to replace Jessie Pace as a member of the Snow College Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B−2−104.

Dixie State College Board of Trustees:
Max Henry Rose is reappointed as a member of the Dixie State College Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B−2−104.

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

Gary R. Herbert
Governor

* * *

Mr. President:

At its meeting today, the Senate Revenue and Taxation Confirmation Committee voted unanimously to recommend that the Utah Senate approve the
nomination of the following as Tax Commissioner of the Utah State Tax Commission:

Ms. D’Arcy Dixon Pignanelli

Curtis S. Bramble, Chair

Senator Hillyard moved to consent to the appointments 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

- Adams
- Anderson
- Bramble
- Christensen
- Davis
- Dayton
- Hillyard
- Hinkins
- Jenkins
- Knudson
- Liljenquist
- Madsen
- Mayne
- McAdams
- Morgan
- Niederhauser
- Okerlund
- Osmond
- Reid
- Robles
- Romero
- H. Stephenson
- J. Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Waddoups

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

* * *

Mr. President: June 14, 2011

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

**University of Utah Board of Trustees:**

Clark Ivory is reappointed as a member of the University of Utah Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B–2–104.

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

Gary R. Herbert
Governor

On motion of Senator Jenkins, the Senate voted to waive the 15–day requirement on the communication received June 14, 2011, for purposes of acting on gubernatorial nominees.

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

Adams  Anderson  Bramble  Christensen
Davis  Dayton  Hillyard  Hinkins
Jenkins  Knudson  Liljenquist  Madsen
Mayne  McAdams  Morgan  Niederhauser
Okerlund  Osmond  Reid  Robles
Romero  H. Stephenson  J. Stevenson  Thatcher
Urquhart  Valentine  Van Tassell  Waddoups

Absent or not voting was: Senator

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

Senator Hinkins 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 Jenkins, and at 2:25 p.m., the Senate adjourned sine die.
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