

**HOUSE JOURNAL**  
**of the**  
**FIFTY-NINTH LEGISLATURE**  
**of the**  
**STATE OF UTAH**  
**GENERAL SESSION**  
**FIRST DAY**  
**\* \* \***

**MORNING SESSION**

House Chamber  
State Capitol  
Salt Lake City, Utah  
January 24, 2011

The House was called to order by Former Speaker David Clark at 10:00 a.m.

Prayer given by Elder Ronald A. Rasband, The Church of Jesus Christ of Latter-Day Saints.

**PRAYER BY ELDER RONALD A. RASBAND**

Dear God, our Father in Heaven and Father of us all. We thank thee for the privilege of assembling in this historic and beautiful chamber this morning. We are grateful Father in Heaven for this great land of America, this free country that we live, and for the history that is here in the great state of Utah. We are grateful for the privilege of being here together and appreciate those who have been elected to office to represent the people of this great state. We are grateful for the past leadership of this House and we pray for the incoming leadership of the House that they will be wise and use good judgement as we move forward the affairs of the state. Heavenly Father we thank thee for the service of each of these elected officials, we're grateful for their willingness to run for public office and we pray that as they serve that thou wilt bless their affairs that they may prosper as they work diligently and serve the people here in the House in this great chamber. We thank Thee for their families and pray a blessing upon their families as well. Now Father in Heaven we acknowledge that there are many great issues before this House and we pray that thou wilt bless that there will we wisdom and there will be



THIRD DISTRICT: County of Cache	Jack R. Draxler
FOURTH DISTRICT: Counties of Cache, Rich	David Butterfield
FIFTH DISTRICT: County of Cache	R. Curt Webb
SIXTH DISTRICT: County of Weber	Brad J. Galvez
SEVENTH DISTRICT: County of Weber	Ryan D. Wilcox
EIGHTH DISTRICT: County of Weber	Gage Froerer
NINTH DISTRICT: County of Weber	Jeremy Peterson
TENTH DISTRICT: County of Weber	Dixon M. Pitcher
ELEVENTH DISTRICT: Counties of Davis, Weber	Brad L. Dee
TWELFTH DISTRICT: County of Weber	Richard A. Greenwood
THIRTEENTH DISTRICT: County of Davis	Paul Ray
FOURTEENTH DISTRICT: County of Davis	Curtis Oda
FIFTEENTH DISTRICT: County of Davis	Brad R. Wilson
SIXTEENTH DISTRICT: County of Davis	Stephen G. Handy
SEVENTEENTH DISTRICT: County of Davis	Julie Fisher
EIGHTEENTH DISTRICT: County of Davis	Roger E. Barrus
NINETEENTH DISTRICT: County of Davis	Jim Nielson
TWENTIETH DISTRICT: Counties of Davis, Salt Lake	Rebecca P. Edwards
TWENTY-FIRST DISTRICT: County of Tooele	Douglas Sagers
TWENTY-SECOND DISTRICT: County of Salt Lake	Susan Duckworth
TWENTY-THIRD DISTRICT: County of Salt Lake	Jennifer M. Seelig
TWENTY-FOURTH DISTRICT: County of Salt Lake	Rebecca Chavez-Houck

TWENTY-FIFTH DISTRICT: Counties of Salt Lake, Summit	Joel K. Briscoe
TWENTY-SIXTH DISTRICT: County of Salt Lake	David Litvack
TWENTY-SEVENTH DISTRICT: County of Utah	John Dougall
TWENTY-EIGHTH DISTRICT: County of Salt Lake	Brian S. King
TWENTY-NINTH DISTRICT: County of Salt Lake	Janice M. Fisher
THIRTIETH DISTRICT: County of Salt Lake	Jackie Biskupski
THIRTY-FIRST DISTRICT: County of Salt Lake	Larry B. Wiley
THIRTY-SECOND DISTRICT: County of Salt Lake	Ron Bigelow
THIRTY-THIRD DISTRICT: County of Salt Lake	Neal B. Hendrickson
THIRTY-FOURTH DISTRICT: County of Salt Lake	Johnny Anderson
THIRTY-FIFTH DISTRICT: County of Salt Lake	Mark A. Wheatley
THIRTY-SIXTH DISTRICT: County of Salt Lake	Patrice Arent
THIRTY-SEVENTH DISTRICT: County of Salt Lake	Carol Spackman Moss
THIRTY-EIGHTH: County of Salt Lake	Eric K. Hutchings
THIRTY-NINTH DISTRICT: County of Salt Lake	James A. Dunnigan
FORTIETH DISTRICT: County of Salt Lake	Lynn N. Hemingway
FORTY-FIRST DISTRICT: County of Salt Lake	Todd E. Kiser
FORTY-SECOND DISTRICT: County of Salt Lake	Jim Bird
FORTY-THIRD DISTRICT: County of Salt Lake	Wayne A. Harper
FORTY-FOURTH DISTRICT: County of Salt Lake	Tim M. Cosgrove
FORTY-FIFTH DISTRICT: County of Salt Lake	Steven Eliason
FORTY-SIXTH DISTRICT: County of Salt Lake	Marie H. Poulson

FORTY–SEVENTH DISTRICT: County of Salt Lake	Ken Ivory
FORTY–EIGHTH DISTRICT: County of Salt Lake	LaVar Christensen
FORTY–NINTH DISTRICT: County of Salt Lake	Derek Brown
FIFTIETH DISTRICT: County of Salt Lake	Merlynn T. Newbold
FIFTY–FIRST DISTRICT: County of Salt Lake	Gregory H. Hughes
FIFTY–SECOND DISTRICT: County of Salt Lake	Carl Wimmer
FIFTY–THIRD DISTRICT: Counties of Daggett, Morgan, Rich, Summit, Wasatch	Melvin R. Brown
FIFTY–FOURTH DISTRICT: Counties of Duchesne, Uintah, Wasatch	Kraig Powell
FIFTY–FIFTH DISTRICT: Counties of Grand, Uintah	John G. Mathis
FIFTY–SIXTH DISTRICT: County of Utah	Kenneth W. Sumsion
FIFTY–SEVENTH DISTRICT: County of Utah	Craig A. Frank
FIFTY–EIGHTH DISTRICT: County of Utah	Stephen E. Sandstrom
FIFTY–NINTH DISTRICT: County of Utah	Val Peterson
SIXTIETH DISTRICT: County of Utah	Bradley M. Daw
SIXTY–FIRST DISTRICT: County of Utah	Keith Grover
SIXTY–SECOND DISTRICT: County of Utah	Christopher N. Herrod
SIXTY–THIRD DISTRICT: County of Utah	Dean Sanpei
SIXTY–FOURTH DISTRICT: County of Utah	Rebecca D. Lockhart
SIXTY–FIFTH DISTRICT: County of Utah	Francis D. Gibson
SIXTY–SIXTH DISTRICT: County of Utah	Michael T. Morley
SIXTY–SEVENTH DISTRICT: Counties of Carbon, Juab, Sanpete, Utah	Patrick L. Painter

SIXTY-EIGHTH DISTRICT: Counties of Juab, Millard, Sanpete	William Wright
SIXTY-NINTH DISTRICT: Counties of Carbon, Emery Garfield, Grand, San Juan, Wayne	Christine F. Watkins
SEVENTIETH DISTRICT: Counties of Emery, Sanpete, Sevier	Kay L. McIff
SEVENTY-FIRST DISTRICT: County of Washington	Bradley G. Last
SEVENTY-SECOND DISTRICT: County of Iron	Evan J. Vickers
SEVENTY-THIRD DISTRICT: Counties of Beaver, Garfield, Kane, Piute, Sevier, Washington, Wayne	Michael E. Noel
SEVENTY-FOURTH DISTRICT: County Washington	David Clark
SEVENTY-FIFTH DISTRICT: County of Washington	Don L. Ipson

Since issuing the Certificates of Election I have become aware of two items:

First, I have been informed that, pursuant to Utah Code Section 20A-1-503(2), Fred C. Cox was appointed to fill the vacancy created in House District 32 following the resignation of Ron Bigelow.

Second, I have determined, pursuant to a request made under Utah Code Section 36-1-204, that Craig Frank resides within the boundaries of House District 27 and not House District 57.

Sincerely,  
Greg S. Bell  
Lieutenant Governor

Communication filed.

### **RESIGNATION LETTER**

Dear Speaker-elect Lockhart,

January 21, 2011

With deep regret and humility I submit my formal resignation from the Utah State House of Representatives. Effective immediately.

Respectfully,  
Rep. Craig Frank  
(R-Cedar Hills)  
House District 57

Communication filed.

### **MISCELLANEOUS BUSINESS**

Roll call showed all members present, except Representatives Patrick Painter and Larry Wiley

Former Speaker David Clark administered the Oath of Office to the members of the Fifty–ninth Legislature.

Representative David Litvack nominated Representative Rebecca Lockhart as Speaker of the House of Representatives for the 59th Legislature.

On motion of Representative Brad Dee, the House voted that Representative Rebecca Lockhart be elected as Speaker of the Utah House of Representatives for the 59th Legislature by acclamation.

Representatives Brad Dee and David Litvack escorted Speaker Rebecca Lockhart to the chair.

Former Speaker David Clark administered the Oath of Office to Speaker Rebecca Lockhart.

### **REMARKS BY SPEAKER REBECCA LOCKHART**

Like many University of Utah students, Mattie Hughes was a firebrand. She was outspoken and passionate. She was independent — washing dishes, doing laundry and secretarial jobs to work her own way through school.

She majored in Chemistry, and at age 25 launched her career as a doctor.

Today, she'd blend in among the U's 30,000 students. Except that "Mattie" Hughes went to school in the 1880s and the school was known then as the University of Deseret.

Hughes would go on to establish a training school for nurses, become a resident physician and marry Angus Munn Cannon. We now know her as Martha Hughes Cannon. She was drawn to politics, and felt so strongly about the issues of her day that she ran for office against her own husband in 1896. She defeated him and became the first woman in our nation to be elected to a State senate.

Martha Cannon may not have recognized the significance of her influence, but surely we recognize it now: She was a leader. She was the kind of leader who helped build this great State into the envy of our Nation: A safe environment for parents and their children. Fertile ground for businesses and their jobs. A desirable destination for visitors and their dreams.

Today, at the opening of the 59th Legislature ask yourselves: How can we be effective legislators? How can we be leaders?

A leader learns to navigate the legislative process. A leader reads the bills that come before him. A leader listens more than talks. A leader is a good example. A leader is respectful to Utah citizens who take the time to approach him on an issue.

Leaders are elected to understand the proper role of government and meet the looming challenges facing our State. In Utah, there is a legacy from past legislatures filled with many accolades including best managed State in America. However, we cannot just stand on the accomplishments of the past in order to build Utah's future. There is too much at stake. The decisions we make today will affect the generations of tomorrow. Our children and grandchildren will reap the consequences of our actions. As a State we face real challenges. We must address those challenges head on. When we do that, we enable our posterity to create their own bright future.

Over the next seven weeks, we will debate immigration reform and health care reform. We will address an economy that needs less government, not more while it recovers. We have an education system that needs attending to and a dangerous \$300 million problem known as structural imbalance.

There are fundamental principles upon which this country was founded. Federalism and State sovereignty. Our inspired United States Constitution limits the powers of the Federal Government. Are there instances when the federal government intrudes upon our State sovereignty? Is Utah willing to tell the federal government to go away when it oversteps its authority? Are we willing to heed the advice of Thomas Jefferson, who said "A government big enough to supply you with everything you need, is a government big enough to take away everything that you have"? I believe that together we can find answers to these questions.

Because we come from all walks of life, we have different world views and different ideas for solutions. On one hand we have Representative Fred Cox. Our newest member has been a representative for just two weeks and has yet to debate a bill, much less vote on one. On the other hand is Representative Neil Hendrickson, who has been around for over 1,000 weeks and has cast tens of thousands of votes.

We have Representative John Mathis, whose district is responsible for most of Utah's oil and gas production. And we have Representative Larry Wiley, who

actually produces and uses his own bio–diesel. Our youngest members — Representatives Ryan Wilcox and Jeremy Peterson could double their ages and still be younger — or should I say — less distinguished than our indomitable Representatives Kay McIff and Mel Brown. These differences give us strength as leaders and as a legislative body.

And so I encourage lively, energetic and passionate debate. I invite principled stands and the expression of deeply held convictions. I encourage you to be advocates and allies. But above all I encourage you to be statesmen and stateswomen. Because whether you find yourself soaring from victory or grounded in defeat, remember that the people who surround you in this chamber are your colleagues, your friends, your legislative family. We'll have our differing points of view — but never forget the bonds that unite us to work for policies that benefit the people of Utah. This Capitol and the legislative process will continue long after we are gone, but for this moment we serve together as Utah Representatives within these hallowed halls. It is our obligation to craft the policy and appropriate a budget that is best for the citizens of our great State.

While you're walking the corridors of power and being courted by the powerful you need to remember how you got here. You were chosen to lead by farmers and mechanics, attorneys and doctors, software programmers, teachers, and homemakers.

Even more than the respect we give each other, these constituents have the right to our time and attention. They have a right to an explanation for why we vote the way we do. They have a right to know how the laws we pass will affect them and their children, and future generations.

It was Mattie Hughes Cannon's eye toward future generations that made her work so hard 120 years ago. Mother, suffragette, doctor, wife and politician, she led the way for all of us.

On this, the opening day of Utah's 59th Legislature, I encourage you to consider your responsibilities as a leader. Ponder your commitment to the people of Utah. Let the history books record that this House of Representatives fearlessly faced difficult issues, carefully resolved fiscal problems and faithfully upheld cherished Utah values.

Thank you.

### MISCELLANEOUS BUSINESS

On motion of Representative Litvack, the House voted to have the prayer given by Elder Ronald A. Rasband and the remarks given by Speaker Rebecca Lockhart printed upon the pages of the House Journal.

On motion of Representative Harper, the House voted to adopt the same House Rules, Joint Rules, and Interim Rules as were adopted by the 58th Legislature until such time as new rules may be drafted and adopted by the 59th Legislature.

On motion of Representative Hughes, the House vote to authorize the Speaker to appoint a committee to notify the Senate to inform that Honorable Body that the House is organized and ready to do business. Speaker Lockhart appointed Representatives Jim Dunnigan, Steve Handy, and Patrice Arent.

On motion of Representative Seelig, the House voted to authorize the Speaker to appoint a committee to meet with a like committee from the Senate to wait upon the Governor to inform him that the Legislature is organized and ready to receive any communication or message he may have to offer. Speaker Lockhart appointed Representatives Merlynn Newbold, Eric Hutchings, and Larry Wiley.

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

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

Representative Brad L. Dee, Majority Leader  
Representative Gregory H. Hughes, Majority Whip  
Representative Ronda Rudd Menlove, Assistant Majority Whip

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

Representative David Litvack, Minority Leader  
Representative Jennifer Seelig, Minority Whip  
Representative Brian King, Assistant Minority Whip  
Representative Christine Watkins, Caucus Manager

On motion of Representative Dee, the House voted to print upon the pages of the House Journal that Representative Becky Edwards has been appointed as Chair of the Third House.

On motion of Representative Litvack, the House voted to print upon the pages of the House Journal that Representative Merlynn Newbold has been appointed as Speaker Pro Tempore.

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

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

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

Wayne Harper, *Chair*  
Ryan Wilcox, *Vice Chair*  
Jim Bird  
Jackie Biskupski  
David Clark

Michael T. Morley  
Larry B. Wiley  
Carl Wimmer  
Bill Wright

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

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

## STANDING COMMITTEES

### **Business and Labor**

James A. Dunnigan *Chair*  
 Dixon Pitcher, *Vice Chair*  
 Jackie Biskupski  
 Jim Bird  
 Derek Brown  
 Susan Duckworth  
 Gage Froerer  
 Francis Gibson  
 Don Ipson  
 Todd Kiser  
 Brad Last  
 Mike Morley  
 Curt Webb  
 Larry Wiley

### **Education**

Bill Wright, *Chair*  
 LaVar Christensen, *Vice Chair*  
 Patrice Arent  
 Ron Bigelow  
 Rebecca P. Edwards  
 Steve Eliason  
 Greg Hughes  
 John Mathis  
 Kay McIff  
 Carol Spackman Moss  
 Merlynn T. Newbold  
 Marie H. Poulson  
 Kraig Powell  
 Ken Sumsion

### **Ethics**

Francis Gibson, *Chair*  
 Rebecca Chavez–Houck, *Vice Chair*  
 Roger Barrus  
 Tim M. Cosgrove  
 John Dougall  
 Neal Hendrickson

Brian S. King  
 Ronda Menlove

### **Government Operations**

Vacant, *Chair*  
 Kraig Powell, *Vice Chair*  
 Rebecca Chavez–Houck  
 Janice Fisher  
 Brad Galvez  
 Richard Greenwood  
 Curtis Oda  
 Lee Perry  
 Doug Sagers  
 Evan Vickers

### **Health and Human Services**

Paul Ray, *Chair*  
 Evan Vickers, *Vice Chair*  
 Rebecca Chavez–Houck  
 David Clark  
 Tim Cosgrove  
 Bradley M. Daw  
 Ronda Menlove  
 Dean Sanpei  
 Christine Watkins

### **Judiciary**

Kay McIff, *Chair*  
 Francis Gibson, *Vice Chair*  
 Jackie Biskupski  
 Derek Brown  
 LaVar Christensen  
 Chris Herrod  
 Eric K. Hutchings  
 Ken Ivory  
 Brian S. King  
 Paul Ray  
 Mark A. Wheatley  
 Ryan Wilcox  
 Brad Wilson

**Law Enforcement and Criminal Justice**

Curt Oda, *Chair*  
Richard Greenwood, *Vice Chair*  
Patrice Arent  
David Butterfield  
Steve Eliason  
Greg Hughes  
Don Ipson  
David Litvack  
Lee Perry  
Jennifer M. Seelig  
Carl Wimmer  
Bill Wright

**Natural Resources, Agriculture, and Environment**

Roger E. Barrus, *Chair*  
Stephen Sandstrom, *Vice Chair*  
Ron Bigelow  
Joel Briscoe  
Mel Brown  
Brad L. Dee  
Jack R. Draxler  
Brad Galvez  
Neal B. Hendrickson  
John Mathis  
Michael E. Noel  
Patrick Painter

Doug Sagers  
Christine F. Watkins

**Political Subdivisions**

R Curt Webb, *Chair*  
Rebecca P. Edwards, *Vice Chair*  
Johnny Anderson  
Jack R. Draxler  
James A. Dunnigan  
Mike Morley  
Jeremy Peterson  
Dixon Pitcher  
Marie H. Poulson  
Stephen Sandstrom  
Jennifer M. Seelig  
Larry Wiley

**Public Utilities and Technology**

Michael E. Noel, *Chair*  
Stephen Handy, *Vice Chair*  
Roger E. Barrus  
John Dougall  
Keith Grover  
Lynn N. Hemingway  
Neal Hendrickson  
Chris Herrod  
Ken Ivory  
Ryan D. Wilcox  
Brad Wilson

**Retirement and Independent****Entities**

Don Ipson, *Chair*  
Gage Froerer, *Vice Chair*  
Brad Daw  
Susan Duckworth  
Wayne A. Harper  
Lynn Hemingway  
Bradley G. Last  
Merlynn T. Newbold  
Mark Wheatley

**Revenue and Taxation**

Patrick Painter, *Chair*  
Carl Wimmer, *Vice Chair*  
Joel Briscoe  
Mel Brown  
David Butterfield  
David Clark  
Tim M. Cosgrove  
John Dougall  
Susan Duckworth  
Julie Fisher  
Gage Froerer  
Wayne A. Harper  
Eric K. Hutchings  
Brian King  
Merlynn T. Newbold  
Jim Nielson

**Transportation**

Brad Daw, *Chair*  
Johnny Anderson, *Vice Chair*  
Janice M. Fisher  
Julie Fisher  
Stephen Handy  
Wayne A. Harper  
Lynn N. Hemingway  
Todd Kiser  
Bradley G. Last  
Carol Spackman Moss  
Jim Nielson  
Jeremy Peterson  
Val Peterson  
Ken Sumsion

**Workforce Services and  
Community  
and Economic Development**

Jim Bird, *Chair*  
Dean Sanpei, *Vice Chair*  
Keith Grover  
David Litvack  
Ronda Menlove  
Val Peterson  
Mark Wheatley

**JOINT APPROPRIATIONS SUBCOMMITTEES**

**Executive Appropriations**

Mel Brown, *Co-Chair*  
John Dougall, *Vice Chair*  
Rebecca D. Lockhart  
Brad Dee  
Greg Hughes  
Brian King  
David Litvack  
Ronda Menlove  
Jennifer M. Seelig  
Christine Watkins

**Business, Economic Development  
and Labor**

Todd Kiser, *Co-Chair*  
Julie Fisher, *Vice Chair*  
Jackie Biskupski  
Jim Dunnigan  
Greg Hughes  
Brian King  
Jeremy Peterson  
Val Peterson  
Ryan Wilcox

**Executive Offices and Criminal  
Justice**

Eric Hutchings, *Co-Chair*  
Chris Herrod, *Vice Chair*  
Joel Briscoe  
Richard Greenwood

Curtis Oda  
Paul Ray  
Jennifer Seelig  
Brad Wilson

**Higher Education**

Mike Morley, *Co-Chair*  
Jack Draxler, *Vice Chair*  
Patrice Arent  
Brad Daw  
Becky Edwards  
Don Ipson  
Kay McIff  
Doug Sagers  
Dean Sanpei  
Curt Webb  
Mark Wheatley

**Infrastructure and General  
Government**

Gage Froerer, *Chair*  
Carl Wimmer, *Vice Chair*  
Derek Brown  
David Butterfield  
Brad Dee  
Janice Fisher  
Wayne Harper  
Lynn Hemingway  
Neal Hendrickson  
Patrick Painter  
Evan Vickers

**Natural Resources, Agriculture & Environmental Quality**

John Mathis, *Co-Chair*  
 Keith Grover, *Vice Chair*  
 Roger Barrus  
 Susan Duckworth  
 Brad Galvez  
 Mike Noel  
 Lee Perry  
 Dixon Pitcher  
 Stephen Sandstrom  
 Christine Watkins

**Public Education**

Merlynn Newbold, *Co-Chair*  
 Ken Sumsion, *Vice Chair*  
 LaVar Christensen  
 Tim Cosgrove  
 Steve Eliason  
 Francis Gibson  
 Stephen Handy  
 Ken Ivory  
 Carol Spackman Moss  
 Jim Nielson  
 Marie Poulson  
 Bill Wright

**Retirement and Independent Entities**

Don Ipson, *Chair*  
 Gage Froerer, *Vice Chair*  
 Bradley M. Daw  
 Susan Duckworth  
 Wayne Harper  
 Lynn Hemingway  
 Bradley G. Last  
 Merlynn T. Newbold  
 Mark Wheatley

**Social Services**

David Clark, *Co-Chair*  
 Brad Last, *Vice Chair*  
 Johnny Anderson  
 Jim Bird  
 Rebecca Chavez-Houck  
 John Dougall  
 David Litvack  
 Ronda Menlove  
 Kraig Powell  
 Larry Wiley

**INTRODUCTION OF BILLS**

**H.B. 5, Business, Economic Development, and Labor Base Budget** (T. Kiser), read the first time by short title and referred to the Rules Committee.

**H.B. 6, Executive Offices and Criminal Justice Base Budget** (E. Hutchings), read the first time by short title and referred to the Rules Committee.

**H.B. 7, Infrastructure and General Government Base Budget** (G. Froerer), read the first time by short title and referred to the Rules Committee.

**H.B. 8, Social Services Base Budget** (D. Clark), read the first time by short title and referred to the Rules Committee.

**H.B. 9, National Guard, Veterans' Affairs, and Legislature Base Budget** (M. Brown), read the first time by short title and referred to the Rules Committee.

**H.B. 10, Renewal of Judgment Act** (G. Froerer), read the first time by short title and referred to the Rules Committee.

**H.B. 11, Inmate Health Insurance Amendments** (P. Ray), read the first time by short title and referred to the Rules Committee.

**H.B. 12, Personal Injury Claims by Personal Representative** (T. Kiser), read the first time by short title and referred to the Rules Committee.

**H.B. 13, Immunizations for Teen Mothers** (J. Seelig), read the first time by short title and referred to the Rules Committee.

**H.B. 14, Catastrophic Mental Health Coverage – Sunset Act** (J. Dunnigan), read the first time by short title and referred to the Rules Committee.

**H.B. 15, Controlled Substance Database – Licensing Amendments** (B. Daw), read the first time by short title and referred to the Rules Committee.

**H.B. 16, Pharmacy Benefits Manager Act** (E. Vickers), read the first time by short title and referred to the Rules Committee.

**H.B. 17, Enterprise Zone Amendments** (K. Powell), read the first time by short title and referred to the Rules Committee.

**H.B. 18, Health Reform – Cost Containment** (B. Daw), read the first time by short title and referred to the Rules Committee.

**H.B. 19, Insurance Law Related Amendments** (J. Dunnigan), read the first time by short title and referred to the Rules Committee.

**H.B. 20, Accident Responsibility Amendments** (C. Herrod), read the first time by short title and referred to the Rules Committee.

**H.B. 21, Statutorily Required Reports Amendments** (D. Ipson), read the first time by short title and referred to the Rules Committee.

**H.B. 22, Fire Prevention and Fireworks Act Amendments** (J. Dunnigan), read the first time by short title and referred to the Rules Committee.

**H.B. 23, Controlled Substance Modifications** (G. Froerer), read the first time by short title and referred to the Rules Committee.

**H.B. 24, Clean Fuel Vehicle Decal** (Julie Fisher), read the first time by short title and referred to the Rules Committee.

**H.B. 25, Mineral and Petroleum Literacy** (J. Draxler), read the first time by short title and referred to the Rules Committee.

**H.B. 26, High Occupancy Toll Lane Customer Information** (Julie Fisher), read the first time by short title and referred to the Rules Committee.

**H.B. 27, Workers' Compensation Rate Filings** (T. Kiser), read the first time by short title and referred to the Rules Committee.

**H.B. 28, Penalties for Unauthorized Use of Records** (R. Greenwood), read the first time by short title and referred to the Rules Committee.

**H.B. 29, Business Entity Mergers** (J. Dunnigan), read the first time by short title and referred to the Rules Committee.

**H.B. 30, Election Officials' Funds** (N. Hendrickson), read the first time by short title and referred to the Rules Committee.

**H.B. 32, Campaign and Financial Reporting Amendments** (K. Grover), read the first time by short title and referred to the Rules Committee.

**H.B. 34, Department of Transportation Settlement Agreement Amendments** (Julie Fisher), read the first time by short title and referred to the Rules Committee.

**H.B. 35, Sales and Use Tax Act Revisions** (W. Harper), read the first time by short title and referred to the Rules Committee.

**H.B. 36, Assessment, Collections, and Refunds Act Amendments** (T. Kiser), read the first time by short title and referred to the Rules Committee.

**H.B. 37, Determination of State Taxable Income** (E. Vickers), read the first time by short title and referred to the Rules Committee.

**H.B. 38, Severance Tax Amendments** (E. Vickers), read the first time by short title and referred to the Rules Committee.

**H.B. 39, Water Rights Amendments** (J. Draxler), read the first time by short title and referred to the Rules Committee.

**H.B. 40, Bonding Requirements for Government Officers and Employees** (R. Wilcox), read the first time by short title and referred to the Rules Committee.

**H.B. 41, State Capitol Preservation Board Fee Revisions** (N. Hendrickson), read the first time by short title and referred to the Rules Committee.

**H.B. 42, Alcoholic Beverage Control Act Retail License Quotas** (G. Froerer), read the first time by short title and referred to the Rules Committee.

**H.B. 43, Errors and Omissions Coverage for Insurance Producers** (J. Bird), read the first time by short title and referred to the Rules Committee.

**H.B. 44, Italian–american Heritage Month Designation** (C. Watkins), read the first time by short title and referred to the Rules Committee.

**H.B. 45, Vehicle Impound Amendments** (J. Peterson), read the first time by short title and referred to the Rules Committee.

**H.B. 46, County Recorder Amendments** (R. C. Webb), read the first time by short title and referred to the Rules Committee.

**H.B. 47, Contract Cancellation Option on Purchase of Used Vehicle** (J. Bird), read the first time by short title and referred to the Rules Committee.

**H.B. 48, Fingerprints of Juveniles** (J. Peterson), read the first time by short title and referred to the Rules Committee.

**H.B. 49, Utility Facility Siting** (D. Sagers), read the first time by short title and referred to the Rules Committee.

**H.B. 50, School Termination Procedures Modifications** (R. Menlove), read the first time by short title and referred to the Rules Committee.

**H.B. 51, School and Institutional Trust Lands** (R. Barrus), read the first time by short title and referred to the Rules Committee.

**H.B. 52, Limitation of Actions – Criminal Offenses** (B. Wilson), read the first time by short title and referred to the Rules Committee.

**H.B. 53, Seismic Requirements for Condominium Conversion Projects** (L. Wiley), read the first time by short title and referred to the Rules Committee.

**H.B. 54, Electronic Communications in Public Meetings** (K. Powell), read the first time by short title and referred to the Rules Committee.

**H.B. 55, Volunteer Search and Rescue Workers' Compensation Claims** (K. Powell), read the first time by short title and referred to the Rules Committee.

**H.B. 56, Expungement Amendments** (Julie Fisher), read the first time by short title and referred to the Rules Committee.

**H.B. 57, Joint Professional School of Veterinary Medicine** (J. Mathis), read the first time by short title and referred to the Rules Committee.

**H.B. 58, Emission Testing Modifications** (D. Butterfield), read the first time by short title and referred to the Rules Committee.

**H.B. 59, Arrest and Requirements – with or Without Warrants** (S. Handy), read the first time by short title and referred to the Rules Committee.

**H.B. 60, Prohibiting Contributions During Special Session** (P. Arent), read the first time by short title and referred to the Rules Committee.

**H.B. 61, Home Business Workers’ Compensation Amendments** (R. Barrus), read the first time by short title and referred to the Rules Committee.

**H.B. 62, Ownership of Subsurface Space for Injection** (R. Barrus), read the first time by short title and referred to the Rules Committee.

**H.B. 63, Left–hand Turn Penalty and Sentencing Requirements** (J. Peterson), read the first time by short title and referred to the Rules Committee.

**H.B. 64, Human Blood Procurement and Use** (S. Handy), read the first time by short title and referred to the Rules Committee.

**H.B. 65, Public School Funding** (W. Harper), read the first time by short title and referred to the Rules Committee.

**H.B. 66, Health Professional Authority – Death Certificates** (B. Last), read the first time by short title and referred to the Rules Committee.

**H.B. 67, State Bonding Commission Bonding Authority** (B. Last), read the first time by short title and referred to the Rules Committee.

**H.B. 184, Motor and Special Fuel Tax Act Amendments** (C. Herrod), read the first time by short title and referred to the Rules Committee.

**H.B. 185, Sales Information Disclosure for Commercial Real Property Transactions** (G. Froerer), read the first time by short title and referred to the Rules Committee.

**H.B. 186, Utah Code Technical Amendments** (B. Galvez), read the first time by short title and referred to the Rules Committee.

**H.B. 187, State Fire Code Appeals** (M. Morley), read the first time by short title and referred to the Rules Committee.

**H.B. 188, Labor Commission Related Amendments** (M. Morley), read the first time by short title and referred to the Rules Committee.

**H.B. 189, Real Property Reinvestment Fee Amendments** (G. Froerer), read the first time by short title and referred to the Rules Committee.

**H.B. 190, Delinquent Property Tax Amendments** (G. Froerer), read the first time by short title and referred to the Rules Committee.

**H.B. 191, Nonresident Tuition Waiver Amendments** (C. Wimmer), read the first time by short title and referred to the Rules Committee.

**H.B. 192, Controlled Substances Advisory Committee Amendments** (P. Ray), read the first time by short title and referred to the Rules Committee.

**H.B. 193, Public Highway Designation** (C. Watkins), read the first time by short title and referred to the Rules Committee.

**H.B. 194, Service Contracts Act Amendments** (J. Anderson), read the first time by short title and referred to the Rules Committee.

**H.B. 195, Debt Service Obligations of a Divided School District** (K. Sumsion), read the first time by short title and referred to the Rules Committee.

**H.B. 196, Continuing Education Requirements for Landscape Architects** (R. C. Webb), read the first time by short title and referred to the Rules Committee.

**H.B. 197, Amendments to Municipal and County Powers** (J. Anderson), read the first time by short title and referred to the Rules Committee.

**H.B. 198, Tobacco Related Penalty Amendments** (P. Ray), read the first time by short title and referred to the Rules Committee.

**H.B. 199, Advertisements on School Buses** (J. Bird), read the first time by short title and referred to the Rules Committee.

**H.B. 200, Sale of Synthetic Cannabinoids to Persons Younger than Nineteen** (J. Anderson), read the first time by short title and referred to the Rules Committee.

**H.B. 201, Tobacco Licensing Amendments** (P. Ray), read the first time by short title and referred to the Rules Committee.

**H.B. 202, Death Penalty Procedures Amendments** (K. McIff), read the first time by short title and referred to the Rules Committee.

**H.B. 203, Codification of State Construction and Fire Codes** (M. Morley), read the first time by short title and referred to the Rules Committee.

**H.B. 204, Protection of Athletes with Head Injuries** (P. Ray), read the first time by short title and referred to the Rules Committee.

**H.B. 205, Domestic Violence and Dating Violence Amendments** (P. Ray), read the first time by short title and referred to the Rules Committee.

**H.B. 206, Special Group License Plate Amendments** (W. Harper), read the first time by short title and referred to the Rules Committee.

**H.B. 207, Juvenile Amendments** (W. Harper), read the first time by short title and referred to the Rules Committee.

**H.B. 208, Administrative Services Amendments** (W. Harper), read the first time by short title and referred to the Rules Committee.

**H.B. 209, Workers' Compensation Premium Assessment** (M. Morley), read the first time by short title and referred to the Rules Committee.

**H.B. 210, Animal Cruelty Amendments** (C. Oda), read the first time by short title and referred to the Rules Committee.

**H.B. 211, Community Service Medicaid Pilot Program** (R. Menlove), read the first time by short title and referred to the Rules Committee.

**H.B. 212, Charges by Health Providers for Medical Records** (F. Gibson), read the first time by short title and referred to the Rules Committee.

**H.B. 213, Statutory Construction Amendments** (D. Brown), read the first time by short title and referred to the Rules Committee.

**H.B. 214, Concealed Firearm Permit Fees** (C. Oda), read the first time by short title and referred to the Rules Committee.

**H.B. 215, Fatality Review Act Amendments** (M. Newbold), read the first time by short title and referred to the Rules Committee.

**H.B. 216, Reunification Services Amendments** (M. Newbold), read the first time by short title and referred to the Rules Committee.

**H.B. 217, Appointment of Director of the Division of Health Care Financing** (D. Clark), read the first time by short title and referred to the Rules Committee.

**H.B. 218, Clubs in Public Schools** (S. Sandstrom), read the first time by short title and referred to the Rules Committee.

**H.B. 219, State Firearm Designation** (C. Wimmer), read the first time by short title and referred to the Rules Committee.

**H.B. 220, Civics Education Amendments** (M. Morley), read the first time by short title and referred to the Rules Committee.

**H.B. 221, Classic Car Inspections** (F. Cox), read the first time by short title and referred to the Rules Committee.

**H.B. 222, Support Obligation for Children in State Custody** (L. Wiley), read the first time by short title and referred to the Rules Committee.

**H.B. 223, Innkeeper's Rights Act Modifications** (S. Sandstrom), read the first time by short title and referred to the Rules Committee.

**H.B. 224, Radio Frequency Identification** (W. Harper), read the first time by short title and referred to the Rules Committee.

**H.B. 225, Condominium and Community Association Amendments** (G. Froerer), read the first time by short title and referred to the Rules Committee.

**H.B. 226, Local Government Fee Authority** (W. Harper), read the first time by short title and referred to the Rules Committee.

**H.B. 227, Test Driving Vehicles** (F. Cox), read the first time by short title and referred to the Rules Committee.

**H.B. 228, Administrative Rules Reauthorization** (C. Oda), read the first time by short title and referred to the Rules Committee.

**H.B. 229, Mental Health Professional Practice Act** (K. Grover), read the first time by short title and referred to the Rules Committee.

**H.B. 230, Disability Amendments** (P. Ray), read the first time by short title and referred to the Rules Committee.

**H.B. 231, Parent–time Schedule Amendments** (S. Sandstrom), read the first time by short title and referred to the Rules Committee.

**H.B. 232, Drug Paraphernalia Definition Amendments** (E. Vickers), read the first time by short title and referred to the Rules Committee.

**H.B. 233, Insurance Coverage for Amino Acid–based Formula** (C. Moss), read the first time by short title and referred to the Rules Committee.

**H.B. 234, Assertive Community Mental Health Treatment Pilot Program** (C. Moss), read the first time by short title and referred to the Rules Committee.

**H.C.R. 2, Utah State Flag Concurrent Resolution** (Julie Fisher), read the first time by short title and referred to the Rules Committee.

**H.C.R. 3, Concurrent Resolution Urging Congress to Pass Balanced Budget Amendment to U.s. Constitution** (C. Wimmer), read the first time by short title and referred to the Rules Committee.

**H.J.R. 1, Joint Resolution Amending State and Local Taxing Authority** (C. Wimmer), read the first time by short title and referred to the Rules Committee.

**H.J.R. 3, Joint Resolution Promoting Healthy and Energy Efficient Schools** (M. Wheatley), read the first time by short title and referred to the Rules Committee.

**H.J.R. 8, Joint Resolution Regarding School Supplies** (K. Powell), read the first time by short title and referred to the Rules Committee.

**H.J.R. 9, Navajo Code Talkers’ Joint Resolution** (C. Watkins), read the first time by short title and referred to the Rules Committee.

**H.J.R. 10, Rules Resolution on Electronic Meetings** (R. Menlove), read the first time by short title and referred to the Rules Committee.

**H.J.R. 11, Joint Resolution Honoring Law Enforcement Officers Killed in the Line of Fire** (K. Powell), read the first time by short title and referred to the Rules Committee.

**H.J.R. 12, Joint Resolution on Joint Rules Changes** (W. Harper), read the first time by short title and referred to the Rules Committee.

**H.J.R. 13, Joint Resolution to Implement Legislative Compensation Joint Rules Changes** (W. Harper), read the first time by short title and referred to the Rules Committee.

**H.R. 2, House Rules Changes Resolution** (W. Harper), read the first time by short title and referred to the Rules Committee.

### MISCELLANEOUS BUSINESS

On motion of Representative Dee, the House voted to saunter for 10 minutes.

On motion of Representative Dee, the House voted to cease to saunter. Speaker Lockhart called the House to order at 11:10 a.m.

Senators Hinkins, Thatcher, and Robles formally notified the House that the Senate was organized and ready to do business.

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

Representative Newbold reported that her committee had met with a like committee from the Senate and waited upon the Governor to inform His Excellency that the Legislature was organized and ready for any communication he may have to offer. He will address the citizens of the state at a Joint Convention of the Legislature on Wednesday, January 26, 2011 at 6:30 p.m.

### RULES COMMITTEE REPORT

Madam Speaker:

January 24, 2011

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

- |                |   |
|----------------|---|
| <b>H.B. 14</b> | Catastrophic Mental Health Coverage – Sunset Act<br>(Rep. J. Dunnigan)      |
| <b>H.B. 29</b> | Business Entity Mergers (Rep. J. Dunnigan)                                  |
| <b>H.B. 40</b> | Bonding Requirements for Government Officers and Employees (Rep. R. Wilcox) |
| <b>H.B. 30</b> | Election Officials’ Funds (Rep. N. Hendrickson)                             |
| <b>H.B. 15</b> | Controlled Substance Database – Licensing Amendments<br>(Rep. B. Daw)       |
| <b>H.B. 12</b> | Personal Injury Claims by Personal Representative<br>(Rep. T. Kiser)        |
| <b>H.B. 25</b> | Mineral and Petroleum Literacy (Rep. J. Draxler)                            |
| <b>H.B. 39</b> | Water Rights Amendments (Rep. J. Draxler)                                   |
| <b>H.B. 36</b> | Assessment, Collections, and Refunds Act Amendments<br>(Rep. T. Kiser)      |

<b>H.B. 37</b>	Determination of State Taxable Income (Rep. E. Vickers)
<b>H.B. 35</b>	Sales and Use Tax Act Revisions (Rep. W. Harper)
<b>H.B. 38</b>	Severance Tax Amendments (Rep. E. Vickers)
<b>H.R. 2</b>	House Rules Changes Resolution (Rep. W. Harper)
<b>H.B. 26</b>	High Occupancy Toll Lane Customer Information (Rep. Julie Fisher)
<b>H.B. 28</b>	Penalties for Unauthorized Use of Records (Rep. R. Greenwood)
<b>H.B. 41</b>	State Capitol Preservation Board Fee Revisions (Rep. N. Hendrickson)
<b>H.B. 27</b>	Workers' Compensation Rate Filings (Rep. T. Kiser)
<b>H.B. 21</b>	Statutorily Required Reports Amendments (Rep. D. Ipson)
<b>H.B. 22</b>	Fire Prevention and Fireworks Act Amendments (Rep. J. Dunnigan)

Wayne A. Harper, Chair

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

### **RULES COMMITTEE REPORT**

Madam Speaker:

January 24, 2011

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

#### **BUSINESS AND LABOR**

<b>H.B. 11</b>	Inmate Health Insurance Amendments (Rep. P. Ray)
<b>H.B. 19</b>	Insurance Law Related Amendments (Rep. J. Dunnigan)
<b>H.B. 42</b>	Alcoholic Beverage Control Act Retail License Quotas (Rep. G. Froerer)
<b>H.B. 43</b>	Errors and Omissions Coverage for Insurance Producers (Rep. J. Bird)
<b>H.B. 47</b>	Contract Cancellation Option on Purchase of Used Vehicle (Rep. J. Bird)
<b>H.B. 185</b>	Sales Information Disclosure for Commercial Real Property Transactions (Rep. G. Froerer)
<b>H.B. 187</b>	State Fire Code Appeals (Rep. M. Morley)
<b>H.B. 188</b>	Labor Commission Related Amendments (Rep. M. Morley)
<b>H.B. 196</b>	Continuing Education Requirements for Landscape Architects (Rep. R. C. Webb)
<b>H.B. 203</b>	Codification of State Construction and Fire Codes (Rep. M. Morley)

**H.B. 209** Workers' Compensation Premium Assessment  
(Rep. M. Morley)

#### **EDUCATION**

**H.B. 50** School Termination Procedures Modifications  
(Rep. R. Menlove)

**H.B. 195** Debt Service Obligations of a Divided School District  
(Rep. K. Sumsion)

**H.B. 218** Clubs in Public Schools (Rep. S. Sandstrom)

**H.B. 220** Civics Education Amendments (Rep. M. Morley)

#### **GOVERNMENT OPERATIONS**

**H.B. 32** Campaign and Financial Reporting Amendments  
(Rep. K. Grover)

**H.B. 186** Utah Code Technical Amendments (Rep. B. Galvez)

**H.B. 213** Statutory Construction Amendments (Rep. D. Brown)

**H.B. 215** Fatality Review Act Amendments (Rep. M. Newbold)

**H.C.R. 2** Utah State Flag Concurrent Resolution (Rep. Julie Fisher)

**H.C.R. 3** Concurrent Resolution Urging Congress to Pass Balanced  
Budget Amendment to U.s. Constitution  
(Rep. C. Wimmer)

#### **HEALTH AND HUMAN SERVICES**

**H.B. 13** Immunizations for Teen Mothers (Rep. J. Seelig)

**H.B. 16** Pharmacy Benefits Manager Act (Rep. E. Vickers)

**H.B. 18** Health Reform – Cost Containment (Rep. B. Daw)

**H.B. 23** Controlled Substance Modifications (Rep. G. Froerer)

**H.B. 198** Tobacco Related Penalty Amendments (Rep. P. Ray)

**H.B. 201** Tobacco Licensing Amendments (Rep. P. Ray)

**H.B. 204** Protection of Athletes with Head Injuries (Rep. P. Ray)

**H.B. 212** Charges by Health Providers for Medical Records  
(Rep. F. Gibson)

**H.B. 217** Appointment of Director of the Division of Health Care  
Financing (Rep. D. Clark)

#### **JUDICIARY**

**H.B. 10** Renewal of Judgment Act (Rep. G. Froerer)

**H.B. 48** Fingerprints of Juveniles (Rep. J. Peterson)

**H.B. 52** Limitation of Actions – Criminal Offenses  
(Rep. B. Wilson)

**H.B. 56** , Expungement Amendments (Rep. Julie Fisher)

**H.B. 205** Domestic Violence and Dating Violence Amendments  
(Rep. P. Ray)

**H.B. 207** Juvenile Amendments (Rep. W. Harper)

**LAW ENFORCEMENT AND CRIMINAL JUSTICE**

**H.B. 192** Controlled Substances Advisory Committee Amendments  
(Rep. P. Ray)

**H.B. 200** Sale of Synthetic Cannabinoids to Persons Younger than  
Nineteen (Rep. J. Anderson)

**H.B. 214** Concealed Firearm Permit Fees (Rep. C. Oda)

**NATURAL RESOURCES, AGRICULTURE AND ENVIRONMENT**

**H.B. 57** Joint Professional School of Veterinary Medicine  
(Rep. J. Mathis)

**H.B. 208** Administrative Services Amendments (Rep. W. Harper)

**H.B. 211** Community Service Medicaid Pilot Program  
(Rep. R. Menlove)

**POLITICAL SUBDIVISIONS**

**H.B. 44** Italian–american Heritage Month Designation  
(Rep. C. Watkins)

**H.B. 46** County Recorder Amendments (Rep. R. C. Webb)

**H.B. 53** Seismic Requirements for Condominium Conversion  
Projects (Rep. L. Wiley)

**H.B. 55** Volunteer Search and Rescue Workers' Compensation  
Claims (Rep. K. Powell)

**H.B. 219** State Firearm Designation (Rep. C. Wimmer)

**PUBLIC UTILITIES AND TECHNOLOGY**

**H.B. 49** Utility Facility Siting (Rep. D. Sagers)

**H.B. 54** Electronic Communications in Public Meetings  
(Rep. K. Powell)

**H.J.R. 10** Rules Resolution on Electronic Meetings  
(Rep. R. Menlove)

**REVENUE AND TAXATION**

**H.B. 189** Real Property Reinvestment Fee Amendments  
(Rep. G. Froerer)

**H.B. 190** Delinquent Property Tax Amendments (Rep. G. Froerer)

**H.J.R. 1** Joint Resolution Amending State and Local Taxing  
Authority (Rep. C. Wimmer)

**TRANSPORTATION**

- H.B. 20** Accident Responsibility Amendments (Rep. C. Herrod)  
**H.B. 24** Clean Fuel Vehicle Decal (Rep. Julie Fisher)  
**H.B. 34** Department of Transportation Settlement Agreement  
 Amendments (Rep. Julie Fisher)  
**H.B. 45** Vehicle Impound Amendments (Rep. J. Peterson)  
**H.B. 193** Public Highway Designation (Rep. C. Watkins)  
**H.B. 206** Special Group License Plate Amendments  
 (Rep. W. Harper)

**WORKFORCE SERVICES AND COMMUNITY & ECONOMIC DEVELOPMENT**

- H.B. 17** Enterprise Zone Amendments (Rep. K. Powell)  
**H.B. 194** Service Contracts Act Amendments (Rep. J. Anderson)  
**H.J.R. 9** Navajo Code Talkers' Joint Resolution (Rep. C. Watkins)

Wayne A. Harper, Chair

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

**MISCELLANEOUS BUSINESS**

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

**INTRODUCTION OF INTERNS****Representative**

Johnny Anderson  
 Patrice M. Arent  
 Roger E. Barrus  
 Rep. Jim Bird  
 Jackie Biskupski  
 Joel K. Briscoe  
 Derek E. Brown  
 Melvin R. Brown  
 David G. Butterfield  
 Rebecca Chavez–Houck  
 LaVar Christensen

**Intern**

Oakley Gordon  
 Jared Hansen  
 Hillary Blanco  
 Oakley Gordon  
 Andrew S. Davis  
 Michelle Doong  
 Rob Vera  
 Marc B. Watterson  
 Kevin Yack  
 Michelle Doong  
 Kyle Petersen

David Clark	Cody Jenkins
Tim M. Cosgrove	Garrison Burton
Fred C. Cox	Russ Duncan
Bradley M. Daw	Rob Vera
Brad L. Dee	Jordan Stauss
John Dougall	Brian Bean
Jack R. Draxler	Kevin Yack
Susan Duckworth	Andrew Jaeger
James A. Dunnigan	Jordan Bruner
Rebecca P. Edwards	Kathryn Hansen
Steve Eliason	Jared Price
Janice M. Fisher	Michael Smith
Julie Fisher	Joelle Graham
Gage Froerer	Jared Price
Brad J. Galvez	Leanna Ekstrom
Francis D. Gibson	Abraham Engh
Richard A. Greenwood	Leanna Ekstrom
Keith Grover	Kyle Larson
Stephen G. Handy	Todd M. Gee
Wayne A. Harper	Jeff Nuckols
Lynn N. Hemingway	Michael Smith
Neal B. Hendrickson	Peter Ballantine
Christopher N. Herrod	Paul Sparks
Gregory H. Hughes	Kristen Doe
Eric K. Hutchings	Spencer Arave
Don L. Ipson	Jay Sorensen
Ken Ivory	Kyle Petersen
Brian S. King	Jeff Robbins
Todd E. Kiser	Devin Kenney
Bradley G. Last	Cody Jenkins
David Litvack	Geneva Branson Thompson

Rebecca D. Lockhart	Hannah Marchant
John G. Mathis	Michael Zilles
Kay L. McIff	Alex White
Ronda Rudd Menlove	Erin Mower
Michael T. Morley	Rob McMurray
Carol Spackman Moss	Hannah Brown McKay
Merlynn T. Newbold	Suzette Swallow
Jim Nielson	Todd M. Gee
Michael E. Noel	Rob Carpenter
Curtis Oda	Joelle Graham
Patrick Painter	Alex White
Lee B. Perry	Russ Duncan
Jeremy A. Peterson	Jason Trudeau
Val L. Peterson	Abraham Engh
Dixon M. Pitcher	Jared Price
Marie H. Poulson	Andrew Jaeger
Kraig Powell	Kathryn Hansen
Paul Ray	Spencer Arave
Douglas Sagers	Kyle Larson
Stephen E. Sandstrom	Paul Sparks
Dean Sanpei	Rob McMurray
Jennifer M. Seelig	TJ Mitchell
Kenneth W. Sumsion	Rob Carpenter
Evan J. Vickers	Jay Sorensen
Christine F. Watkins	Colin Sibbersen
R. Curt Webb	Michael Zilles
Mark A. Wheatley	Peter Ballantine
Ryan D. Wilcox	Jason Trudeau
Larry B. Wiley	Peter Ballantine
Brad R. Wilson	Hillary Blanco
Carl Wimmer	Legislative Aide

Bill Wright

Legislative Aide

**INTRODUCTION OF HOUSE STAFF**

CHIEF DEPUTY OF THE HOUSE	Joe Pyrah
CHIEF CLERK	Sandy D. Tenney
ADMINISTRATIVE ASSISTANT	Kathy M. Jackson
ADMINISTRATIVE ASSISTANT TO THE SPEAKER	Emily Bergeson
ADMINISTRATIVE ASSISTANT TO THE MINORITY CAUCUS	Rhoda Struhs
MAJORITY COMMUNICATIONS COORDINATOR	Aaron Rennaker
MINORITY CAUCUS COMMUNICATIONS COORDINATOR	Holly Mullen
JOURNAL CLERK	Janice A. Gadd
READING, AMENDING & ENROLLING CLERK	Rebecca Bateman
VOTING SYSTEM OPERATOR	Barbara Hilbert
RECORDER	Linda McDonald
CHAMBER VIDEO SPECIALIST	Jan Phillips
SUPERVISOR OF SECRETARIES & RULES COMMITTEE SECRETARY	Barbara Bryner
COMMITTEE SECRETARIES	Linda Black Linda Error Jennifer Eyring Joanna Mackay Karen Mitchell Sylvia Newton Tamara Schaff Linda Service Rosemary Young

SUPERVISOR OF PAGES	Audrey Hadley
ASSISTANT SUPERVISOR OF PAGES	Jill Heyborne
PAGES	Linda Barton Suzanne Hansen Loralei Holt Nedra Johnson Sue Kemp Sherlyn Lewis Jean Moss Jewel Nelson Nina Rogers JoAnna Thorne
THIRD HOUSE STAFF	Cindy Peterson Evelyn Luce
KITCHEN STAFF	Birgitte Peterson Jeannie Nay
SESSION RECEPTIONIST	Judy Nielsen
TELEPHONE OPERATORS	Linda Grygla Dorothy Nielsen Barbara Robinson
SERGEANT AT ARMS	Mike Mitchell
ASSISTANT SERGEANT AT ARMS	Joe Pepper
SECURITY	Steven Bishop Don Bradford Richard Buchi Larry Burningham Jerry Campbell Lynn Cottrell Walter Dillman Lyle Glover Bob Grygla Larry Nielsen Richard Nielsen Keith Olsen Arman Peterson

	Gary Service Lynn Strong Richard Van Wageningen
COPY ROOM	Sherle Campbell
HOUSE IT STAFF	Cindy Hardman Scott Wunderlich Paul Gedge
WEST BUILDING RECEPTIONIST	Shauna Dopp
TOUR LIAISON/WEST BUILDING RECEPTIONIST	Lauren Nickl

### MISCELLANEOUS BUSINESS

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

### AFTERNOON SESSION

The House was called to order by Speaker Lockhart at 2:00 p.m.

### RULES COMMITTEE REPORT

Madam Speaker: January 24, 2011  
 The Rules Committee recommends **H.J.R. 12**, JOINT RESOLUTION ON JOINT RULES CHANGES, by Representative W. Harper, be replaced and favorably recommends **2nd Sub. H.J.R. 12**, JOINT RESOLUTION ON JOINT RULES CHANGES; and

The Rules Committee recommends **H.J.R. 13**, JOINT RESOLUTION TO IMPLEMENT LEGISLATIVE COMPENSATION JOINT RULES CHANGES, by Representative W. Harper, be replaced and favorably recommends **1st Sub. H.J.R. 13**, JOINT RESOLUTION TO IMPLEMENT LEGISLATIVE COMPENSATION JOINT RULES CHANGES.

Wayne A. Harper, Chair

Reports filed. On motion of Representative Harper, the report of the Rules Committee was adopted.

**2nd Sub. H.J.R. 12** and **1st Sub. H.J.R. 13**, read the second time by short title and placed on the Third Reading Calendar.

### **MISCELLANEOUS BUSINESS**

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

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

### **COMMITTEE OF THE WHOLE**

On motion of Representative Dee, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing from Chief Justice Christine Durham on the State of the Judiciary.

On motion of Representative Dee, the Committee of the Whole was dissolved.

### **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 10 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 10 key components. In addition to the front-end oversight, the Judicial Council has also developed an on-going 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.

### **MISCELLANEOUS BUSINESS**

On motion of Representative Hughes, and at 3:15 p.m., the House voted to adjourn until January 25, 2011, at 10:00 a.m.

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**H.B. 202** — DEATH PENALTY PROCEDURES AMENDMENTS (*K. McIff*)  
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**H.B. 203** — CODIFICATION OF STATE CONSTRUCTION AND FIRE CODES (*M. Morley*)  
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**H.B. 204** — PROTECTION OF ATHLETES WITH HEAD INJURIES (*P. Ray*)  
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**H.B. 205** — DOMESTIC VIOLENCE AND DATING VIOLENCE AMENDMENTS (*P. Ray*)  
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**H.B. 206** — SPECIAL GROUP LICENSE PLATE AMENDMENTS (*W. Harper*)  
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**H.B. 207** — JUVENILE AMENDMENTS (*W. Harper*)  
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**H.B. 208** — ADMINISTRATIVE SERVICES AMENDMENTS (*W. Harper*)  
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**H.B. 209** — WORKERS' COMPENSATION PREMIUM ASSESSMENT (*M. Morley*)  
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**H.B. 210** — ANIMAL CRUELTY AMENDMENTS (*C. Oda*)  
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**H.B. 211** — COMMUNITY SERVICE MEDICAID PILOT PROGRAM (*R. Menlove*)  
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**H.B. 212** — CHARGES BY HEALTH PROVIDERS FOR MEDICAL RECORDS (*F. Gibson*)  
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**H.B. 213** — STATUTORY CONSTRUCTION AMENDMENTS (*D. Brown*)  
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 Assigned to standing committee . . . . . 27

**H.B. 214** — CONCEALED FIREARM PERMIT FEES (*C. Oda*)  
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<b>H.B. 216</b> — REUNIFICATION SERVICES AMENDMENTS ( <i>M. Newbold</i> )	
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<b>H.B. 217</b> — APPOINTMENT OF DIRECTOR OF THE DIVISION OF HEALTH CARE FINANCING ( <i>D. Clark</i> )	
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<b>H.B. 224</b> — RADIO FREQUENCY IDENTIFICATION ( <i>W. Harper</i> )	
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<b>H.B. 228</b> — ADMINISTRATIVE RULES REAUTHORIZATION ( <i>C. Oda</i> )	
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<b>H.B. 229</b> — MENTAL HEALTH PROFESSIONAL PRACTICE ACT ( <i>K. Grover</i> )	
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<b>H.B. 231</b> — PARENT-TIME SCHEDULE AMENDMENTS ( <i>S. Sandstrom</i> )	
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