STATE OF UTAH

SENATE JOURNAL

FOURTH SPECIAL SESSION
OF THE
FIFTY–NINTH LEGISLATURE

Convened and Adjourned on Wednesday, June 20, 2012
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Fourth 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 Fourth Special Session convening on Wednesday, June 20, 2012, and adjourning sine die the same day.

Leslie McLean  
Secretary of the Senate

Joanna MacKay  
Manager, Senate Services

Mary B. Andrus  
Journal Clerk
SENATE JOURNAL
FOURTH SPECIAL SESSION
of the
FIFTY–NINTH LEGISLATURE

June 20, 2012

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 Fourth Special Session at 3:00 p.m. on Wednesday, June 20, 2012.

The Senate was called to order at 3:00 p.m., with President Michael Waddoups presiding.

Prayer – Senator Jerry Stevenson
Pledge of Allegiance – Senator Steve Urquhart
Roll Call – All Senators present except Senators Romero and Knudson, excused.

Leslie McLean read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the adjournment of the 2012 General Session of the Fifty–Ninth 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, call the Fifty–Ninth Legislature of the State of Utah into a Fourth Special Session at the Utah State Capitol, in Salt Lake City, Utah, on the 20th day of June 2012, at 3:00 p.m. solely for the following purposes:

(1) to consider modifying the 2012–2013 public education budget and related statutory provisions;
(2) to consider changes related to retail licenses and
enforcement provisions under the Alcohol Beverage
Control Act, and to make appropriations related to those
changes;

(3) to consider enacting provisions related to the retention of
outside counsel, expert witnesses and litigation support
services by the attorney general’s office;

(4) to consider removing the opinion question from the 2012
ballot that the Legislature authorized by passing House
Joint Resolution 13 in the 2012 General Session and to
make modifications to related statutory provisions;

(5) to consider modifying the accreditation requirements for
nursing education programs; and

(6) for the Senate to consent to appointments made by the
Governor.

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

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
18th day of June, 2012, and signed by Governor Gary R. Herbert, is a true and
correct copy of the original Proclamation calling the Fifty–Ninth Legislature of
the State of Utah into a Fourth Special Session at the State Capitol Complex at Salt
Lake City, Utah, on the 20th day of June, 2012, at 3:00 p.m., for the purposes
named in the Proclamations.
I FURTHER TESTIFY THAT the membership of the Utah State Senate has not changed from that of the 2012 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 19th day of June, 2012.

Greg Bell
Lieutenant Governor

* * *

On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2012 General Session of the Fifty-Ninth Legislature as the rules for the Fourth Special Session.

President Waddoups appointed a committee comprised of Senators John Valentine, Stuart Reid, and Gene Davis to join with a like committee from the House in notifying Governor Gary R. Herbert that the Legislature is gathered in the Fourth 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 Ralph Okerlund, Allen Christensen, and Luz Robles to notify the House of Representatives that the Senate is organized and ready to do business.

* * *

Representatives Evan Vickers, Val Peterson, and Christine Watkins reported that the House of Representatives is organized and ready to do business.

Senator Valentine reported that the Governor has been notified.

Senator Okerlund reported that the House has been notified.

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

**INTRODUCTION OF BILLS**

S.B. 4002, Retention of Outside Counsel, Expert Witnesses, and Litigation Support Services (J. S. Adams), was read the first time by short title.

S.B. 4004, Education Requirements for Nursing Licensure Amendments (G. Davis), was read the first time by short title.

S.B. 4003, New School Year Supplemental Public Education Budget Adjustments (A. Osmond), was read the first time by short title.

S.J.R. 401, Joint Resolution – Repealing Tax Opinion Question (R. Okerlund), was read the first time by short title.

S.B. 4001, Alcoholic Beverage Control Act Amendments (J. Valentine), was read the first time by short title.

** * * * **

On motion of Senator Jenkins, under suspension of the rules, the Senate voted to consider the following bills read for the first time and placed on the Second Reading Calendar:

S.B. 4002 RETENTION OF OUTSIDE COUNSEL, EXPERT WITNESSES, AND LITIGATION SUPPORT SERVICES

S.B. 4004 EDUCATION REQUIREMENTS FOR NURSING LICENSURE AMENDMENTS

S.B. 4003 NEW SCHOOL YEAR SUPPLEMENTAL PUBLIC EDUCATION BUDGET ADJUSTMENTS

S.J.R. 401 JOINT RESOLUTION – REPEALING TAX OPINION QUESTION

S.B. 4001 ALCOHOLIC BEVERAGE CONTROL ACT AMENDMENTS

**SECOND READING CALENDAR**

On motion of Senator Adams, under suspension of the rules, S.B. 4002, RETENTION OF OUTSIDE COUNSEL, EXPERT WITNESSES, AND LITIGATION SUPPORT SERVICES, was read the second and third times. Senator Adams explained the bill. The bill passed on the following roll call:
Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams        Anderson   Bramble        Christensen
Davis        Dayton     Hillyard      Hinkins
Jenkins      Jones      Madsen       Mayne
McAdams      Niederhauser Okerlund      Osmond
Reid         Robles     Stephenson    Stevenson
Thatcher     Urquhart   Valentine    Van Tassell
Weiler       Waddoups

Absent or not voting were: Senators
Knudson      Morgan      Romero

S.B. 4002 was transmitted to the House.

* * *

On motion of Senator Davis, under suspension of the rules, S.B. 4004, EDUCATION REQUIREMENTS FOR NURSING LICENSURE AMENDMENTS, was read the second and third times. Senator Davis explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams        Anderson   Bramble        Christensen
Davis        Dayton     Hillyard      Hinkins
Jenkins      Jones      Madsen       Mayne
McAdams      Morgan     Niederhauser Okerlund
Osmond       Reid       Robles       Stephenson
Stevenson    Thatcher   Urquhart    Valentine
Van Tassell  Weiler     Waddoups

Absent or not voting were: Senators
Knudson      Romero

S.B. 4004 was transmitted to the House.

* * *

On motion of Senator Osmond, under suspension of the rules, S.B. 4003, NEW SCHOOL YEAR SUPPLEMENTAL PUBLIC EDUCATION BUDGET ADJUSTMENTS, was read the second and third times. Senator Osmond
explained the bill. Senators Hillyard and Stephenson commented. The bill passed on the following roll call:

**Yeas, 26; Nays, 1; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

Madsen

**Absent or not voting were:** Senators

Knudson Romero

S.B. 4003 was transmitted to the House.

***

On motion of Senator Okerlund, under suspension of the rules, **S.J.R. 401**, JOINT RESOLUTION – REPEALING TAX OPINION QUESTION, was read the second and third times. Senator Okerlund explained the bill. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

Knudson Romero

S.J.R. 401 was transmitted to the House.
On motion of Senator Valentine, under suspension of the rules, **S.B. 4001, ALCOHOLIC BEVERAGE CONTROL ACT AMENDMENTS**, was read the second and third times. Senator Valentine explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 1; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators
- Adams
- Anderson
- Bramble
- Christensen
- Davis
- Hillyard
- Hinkins
- Jenkins
- Jones
- Madsen
- Mayne
- McAdams
- Morgan
- Niederhauser
- Okerlund
- Osmond
- Reid
- Robles
- Stephenson
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Weiler
- Waddoups

**Voting in the negative was:** Senator
- Dayton

**Absent or not voting were:** Senators
- Knudson
- Romero

**S.B. 4001** was transmitted to the House.

**ADVISE AND CONSENT**

Mr. President: June 5, 2012

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

**Workers’ Compensation Fund Board of Directors:**
- Heidi E. C. Leithead is appointed to replace John Eberhardt as a member of the Workers’ Compensation Fund Board of Directors, a term to expire June 30, 2016. See Utah Code Annotated 31A–33–106.

- Roger A. Livingston is reappointed as a member of the Workers’ Compensation Fund Board of Directors, a term to expire June 30, 2016. See Utah Code Annotated 31A–33–106.

**Real Estate Appraiser Licensing and Certification Board:**
- Paul W. Throndsen is reappointed as a member of the Real Estate Appraiser Licensing and Certification Board, a term to expire June 30, 2016. See Utah Code Annotated 61–2g–204.
Health Facility Committee:

Todd Fairbanks Cope is appointed to replace Paul Fairholm as a member of the Health Facility Committee, a term to expire June 30, 2016. See Utah Code Annotated 26–21–3j.

Rand A. Kerr is appointed to replace Ezra Segura as a member of the Health Facility Committee, with the remaining portion of the term to expire June 30, 2014. See Utah Code Annotated 26–21–3b.

Brent Dean Jones is appointed to replace Denell Bredsguard as a member of the Health Facility Committee, a term to expire June 30, 2016. See Utah Code Annotated 26–21–3l.

Earl K. Leeman is appointed to replace Lynn Dayton as a member of the Health Facility Committee, a term to expire June 30, 2016. See Utah Code Annotated 26–21–3a.

Health Data Committee:

Bill Crim is reappointed as a member of the Health Data Committee, a term to expire June 30, 2016. See Utah Code Annotated 26–33a–103.

Sharon Hunter Donnelly is reappointed as a member of the Health Data Committee, a term to expire June 30, 2016. See Utah Code Annotated 26–33a–103.

David Vaughn Holbrook is appointed to replace Russ Elbel as a member of the Health Data Committee, a term to expire June 30, 2015. See Utah Code Annotated 26–33a–103.

James Gregory Tabery is appointed to replace Sally E. Valdez as a member of the Health Data Committee, a term to expire June 30, 2014. See Utah Code Annotated 26–33a–103.

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

Gary R. Herbert
Governor

* * *

On motion of Senator Hillyard, the Senate voted to consent to the Governor’s appointments on the following roll call vote:

Yeas, 27; Nays, 0; Absent or not voting, 2.
Voting in the affirmative were: Senators
Adams  Anderson  Bramble  Christensen
Davis  Dayton  Hillyard  Hinkins
Jenkins  Jones  Madsen  Mayne
McAdams  Morgan  Niederhauser  Okerlund
Osmond  Reid  Robles  Stephenson
Stevenson  Thatcher  Urquhart  Valentine
Van Tassell  Weiler  Waddoups

Absent or not voting were: Senators
Knudson  Romero

On motion of Senator Jenkins, and at 4:00 p.m., the Senate sauntered.

The Senate was called to order at 4:30 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: June 20, 2012

The House passed, S.B. 4002, RETENTION OF OUTSIDE COUNSEL, EXPERT WITNESSES, AND LITIGATION SUPPORT SERVICES, 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. 4003, NEW SCHOOL YEAR SUPPLEMENTAL PUBLIC EDUCATION BUDGET ADJUSTMENTS, by Senator A. Osmond, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, S.B. 4004, EDUCATION REQUIREMENTS FOR NURSING LICENSURE AMENDMENTS, by Senator G. Davis, which has been signed by the Speaker, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

On motion of Senator Jenkins, and at 4:40 p.m., the Senate recessed.

The Senate was called to order at 5:05 p.m., with President Waddoups presiding.
COMMUNICATIONS FROM THE HOUSE

Mr. President: June 20, 2012

The House passed, **S.B. 4001**, ALCOHOLIC BEVERAGE CONTROL ACT 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.J.R. 401**, JOINT RESOLUTION – REPEALING TAX OPINION QUESTION, 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.

* * *

Representatives Brian Doughty, Merlynn Newbold, and Jim Bird reported that the House of Representatives is ready to adjourn sine die.

President Waddoups appointed John Valentine, Stuart Reid, and Gene Davis to join with a like committee from the House to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Waddoups appointed Senators Ralph Okerlund, Allen Christensen and Luz Robles 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 that the Legislature has concluded its business and is ready to adjourn sine die.

Senator Okerlund 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 5:15 p.m., the Senate adjourned sine die.
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STATE OF UTAH

SENATE JOURNAL

SIXTH EXTRAORDINARY SESSION OF
THE
FIFTY-NINTH LEGISLATURE

Convened and Adjourned on
Wednesday, August 15, 2012
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Sixth 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 Sixth Extraordinary Session convening on Wednesday, August 15, 2012, and adjourning sine die on the same day.

Leslie McLean  
Secretary of the Senate

Joanna MacKay  
Manager, Senate Services

Mary B. Andrus  
Journal Clerk
STATE OF UTAH

SENATE JOURNAL

SIXTH 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 Sixth Extraordinary Session at 1:30 p.m. on Wednesday, August 15, 2012.

The Senate was called to order at 2:40 p.m. with President Michael G. Waddoups presiding.

Prayer – Senator Scott Jenkins

Pledge – Senator Karen Mayne

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Leslie McLean, Secretary of the Senate, read the following communication:

PROCLAMATION

WHEREAS, since the close of the 2012 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 Sixth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 15th day of August, 2012 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 2012 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 August, 2012.

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 13, 2012, is a true and correct copy of the original Proclamation calling the Senate only into a Sixth Extraordinary Session at the State Capitol Complex, in Salt Lake City, Utah, on the 15th day of August, 2012, at 1:30 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 14th day of August 2012.

Greg Bell  
Lieutenant Governor  

Roll call – All Senators present except Senators Valentine and Hinkins, excused.
On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2012 General Session of the Fifty-Ninth Legislature as the rules for the Sixth Extraordinary Session.

President Waddoups appointed a committee comprised of Senators Christensen, Anderson, and Jones to notify the Governor’s representative that the Senate is convened in the Sixth Extraordinary Session in accordance with his proclamation.

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

COMMUNICATIONS FROM THE GOVERNOR

Mr. President: June 19, 2012
I am pleased to inform you that I have appointed Su J. Chon 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 you timely consideration and confirmation of Ms. Chon.

Gary R. Herbert
Governor

Mr. President: August 13, 2012
The Senate Judicial Confirmation Committee met on August 13, 2012, and reports an unfavorable recommendation for Ms. Su J. Chon to be confirmed to the position of Judge in the Third District Court.

Scott K. Jenkins, Chair

On motion of Senator Hillyard, the Senate voted to consent to the appointment of Su J. Chon on the following roll call vote:

Yeas, 17; Nays, 10; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams  Anderson  Bramble  Christensen
Davis  Jones  Mayne  McAdams
Morgan  Niederhauser  Osmond  Robles
Romero  Stevenson  Urquhart  Van Tassell
Weiler
Voting in the negative were: Senators
Dayton    Hillyard    Jenkins    Knudson
Madsen    Okerlund    Reid      Stephenson
Thatcher   Waddoups

Absent or not voting were: Senators
Hinkins    Valentine

* * *

Mr. President: June 19, 2012
I am pleased to inform you that I have appointed James T. Blanch 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 you timely consideration and confirmation of Mr. Blanch.

Gary R. Herbert
Governor

Mr. President: August 13, 2012
The Senate Judicial Confirmation Committee met on August 13, 2012, and reports a favorable recommendation for Mr. James T. Blanch to be confirmed to the position of Judge in the Third District Court.

Scott K. Jenkins, Chair

On motion of Senator Hillyard, the Senate voted to consent to the appointment of James T. Blanch on the following roll call vote:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams    Anderson    Bramble    Christensen
Davis    Dayton      Hillyard   Jenkins
Jones    Knudson     Madsen     Mayne
McAdams  Morgan      Niederhauser Okerlund
Osmond   Reid        Robles     Romero
Stephenson Stevenson Thatcher Urquhart
Van Tassell Weiler    Waddoups

Absent or not voting were: Senators
Hinkins    Valentine
COMMITTEE OF THE WHOLE

On motion of Senator Jenkins, Judges Su J. Chon and James T. Blanch spoke in Committee of the Whole.

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

ADVISE AND CONSENT

Mr. President: July 31, 2012

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

Real Estate Commission:
Russell K. Booth is appointed to replace Blaine Walker as a member of the Real Estate Commission, a term to expire June 30, 2016. See Utah Code Annotated 61–2f–103.

Lerron E. Little is appointed to replace Stefanie Tugaw as a member of the Real Estate Commission, a term to expire June 30, 2016. See Utah Code Annotated 61–2f–103.

Health Data Committee:
Lynette G. Hansen is appointed to replace David D. Call as a member of the Health Data Committee, a term to expire June 30, 2016. See Utah Code Annotated 26–33a–103.

Commissioner of Higher Education:
The appointment of David L. Buhler as Commissioner of Higher Education is approved. See Utah Code Annotated 53B–1–105.

State Board of Regents:
Marlin K. Jensen is appointed to replace Meghan Z. Holbrook as a member of the State Board of Regents, a term to expire June 30, 2018. See Utah Code Annotated 53B–1–104.

Dixie State College Board Of Trustees:
Julie Bangerter Beck is appointed to replace Michael Wilstead as a member of the Dixie State College Board of Trustees, the remaining portion of the term to expire June 30, 2013. See Utah Code Annotated 53B–2–104.

State Records Committee:
David M. Fleming is appointed to replace Scott Daniels as a member of the State Records Committee, a term to expire July 1, 2016. See Utah Code Annotated 63–2–501.
Crime Victim Reparations and Assistance Board:
  Dave Jay Fowers is appointed to replace Brent S. Scharman as a member of
  the Crime Victim Reparations and Assistance Board, a term to expire April 15,
  2016. See Utah Code Annotated 63M−7−504.

Defined Contribution Risk Adjuster Board of Directors:
  Roland James Murray is appointed to replace Mark A. Brown as a member of
  the Defined Contribution Risk Adjuster Board of Directors, a term to expire May
  20, 2016. See Utah Code Annotated 31A−42−201.

Radiation Control Board:
  Peter Jenkins is appointed as a health physicist member of the Radiation
  Control Board, a term to expire July 1, 2016. See Utah Code Annotated 19−3−103.

  Jerry Lynn Hurst is appointed as a government representative who does not
  represent the federal government member of the Radiation Control Board, a term
  to expire July 1, 2016. See Utah Code Annotated 19−3−103.

  Bradon Cutler Bradford is appointed as a government representative who
  does not represent the federal government member of the Radiation Control
  Board, a term to expire July 1, 2016. See Utah Code Annotated 19−3−103.

  Don Scott Bird is appointed as the uranium milling industry member of the
  Radiation Control Board, a term to expire July 1, 2016. See Utah Code Annotated
  19−3−103.

  Richard Blake Codell is appointed as the regulated industry who is
  knowledgeable about radiation control regulatory issues member of the Radiation
  Control Board, a term to expire July 1, 2016. See Utah Code Annotated 19−3−103.

  Ulrich Andreas Rassner is appointed as the public who is trained and
  experienced in public health member of the Radiation Control Board, a term to
  expire July 1, 2016. See Utah Code Annotated 19−3−103.

Utah Arts Council Board of Directors:
  Victoria Rowe Berry is reappointed as a member of the Utah Arts Council
  Board of Directors, a term to expire July 1, 2016. See Utah Code Annotated
  9−6−204.

  Roger A. Carter is appointed to replace Raymond Jones as a member of the
  Utah Arts Council Board of Directors, a term to expire July 1, 2016. See Utah
  Code Annotated 9−6−204.

  Pierre O. Langue is appointed to replace Anne Mooney as a member of the
  Utah Arts Council Board of Directors, a term to expire July 1, 2016. See Utah
  Code Annotated 9−6−204.
Clive J. Romney is appointed to replace the vacant folk arts member of the Utah Arts Council Board of Directors, a term to expire July 1, 2016. See Utah Code Annotated 9–6–204.

**Board Of Business And Economic Development:**
Stefanie Bevans is appointed to replace V. Lowry Snow as a member of the Board Of Business And Economic Development, the remaining portion of the term to expire March 15, 2014. See Utah Code Annotated 63M–1–302.


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

Gary R. Herbert
Governor

Mr. President: August 14, 2012

The Senate Education Confirmation Committee met on this date and reports a favorable recommendation of the appointment of David L. Buhler as Commissioner of Higher Education.

Aaron Osmond, Chair

Mr. President: August 14, 2012

The Senate Education Confirmation Committee met on this date and reports a favorable recommendation of the appointment of Marlin K. Jensen as a member of the State Board of Regents.

Aaron Osmond, Chair

Senator Hillyard moved to consent to the appointments as read by Joanna MacKay. Senators Romero, McAdams, Stephenson, Reid, and Hillyard commented. The motion passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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</table>
Absent or not voting were: Senators
Christensen  Hinkins     Valentine

COMMITTEE OF THE WHOLE

On motion of Senator Jenkins, David Buhler spoke in Committee of the Whole.

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

SPECIAL RECOGNITION

A citation was read honoring Peter J. Stang as the recipient of the Priestly Medal from the American Chemical Society.

* * *

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

Senator Anderson 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 3:20 p.m., the Senate adjourned sine die.
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Seventh 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 Seventh Extraordinary Session convening on Wednesday, September 19, 2012, and adjourning sine die on the same day.

Leslie McLean
Secretary of the Senate

Joanna MacKay
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 Seventh Extraordinary Session at 1:30 p.m. on Wednesday, September 19, 2012.

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

Prayer – Senator Todd Weiler

Pledge – Senator Karen Morgan

***

Leslie McLean, Secretary of the Senate, read the following communication:

PROCLAMATION

WHEREAS, since the close of the 2012 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 Seventh Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 19th day of September, 2012 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 2012 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 14th day of September, 2012.

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 14, 2012, is a true and correct copy of the original Proclamation calling the Senate only into a Seventh Extraordinary Session at the State Capitol Complex, in Salt Lake City, Utah, on the 19th day of September, 2012, at 1:30 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 17th day of September 2012.

Greg Bell
Lieutenant Governor

Roll call – All Senators present except Senators Christensen and Romero, excused.
On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2012 General Session of the Fifty-Ninth Legislature as the rules for the Seventh Extraordinary Session.

President Waddoups appointed a committee comprised of Senators Adams, Madsen, and Morgan to notify the Governor’s representative that the Senate is convened in the Seventh Extraordinary Session in accordance with his proclamation.

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

COMMUNICATIONS FROM THE GOVERNOR

Mr. President: July 31, 2012

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

Department of Alcohol Beverage Control:
Salvador D. Petilos is appointed to replace Francine A. Giani as Director of the Department of Alcohol Beverage Control.

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

Gary R. Herbert
Governor

Mr. President: September 19, 2012

At its meeting today, the Senate Business and Labor Confirmation Committee voted unanimously to recommend that the Utah Senate approve the nomination of Salvador D. Petilos as the Director of the Department of Alcoholic Beverage Control.

John L. Valentine, Chair

Mr. President: August 7, 2012

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

Harris H. Simmons is appointed to replace David Jordan as a member of the State Board of Regents, a term to expire June 30, 2015.
Thank you for you timely consideration and confirmation of the above appointment

Gary R. Herbert
Governor

Mr. President: September 18, 2012

The Senate Education Confirmation Committee met on September 18, 2012, and reports a favorable recommendation for Harris H. Simmons as a member of the State Board of Regents.

Aaron Osmond, Chair

ADVISE AND CONSENT

Mr. President: September 4, 2012

In accordance with Utah Code Annotated 67−1−1 and 67−1−2, I propose and transmit the following appointments:

Real Estate Appraiser Licensing and Certification Board:

John E. Ulibarri II is appointed to replace Craig Morley as a member of the Real Estate Appraiser Licensing and Certification Board, a term to expire June 30, 2016. See Utah Code Annotated 61−2g−204.

Jim Bringhurst is appointed to replace Debra Sjoblom as a member of the Real Estate Appraiser Licensing and Certification Board, a term to expire June 30, 2016. See Utah Code Annotated 61−2g−204.

Permanent Community Impact Fund Board:

Dennis B. Drake is reappointed as a member of the Permanent Community Impact Fund Board, a term to expire June 30, 2016. See Utah Code Annotated 35A−8−304.

Utah Commission on Uniform State Laws:

V. Lowry Snow is appointed to replace Lorie D. Fowlke as the Commissioner who is a member of the House of Representatives at the time of appointment on the Utah Commission on Uniform State Laws, a term to expire four years from the date of confirmation by the Senate. See Utah Code Annotated 68−4−5.

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 Joanna MacKay. The motion passed on the following roll call:
Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams          Anderson          Bramble          Davis
Hillyard       Hinkins          Jenkins          Jones
Knudson        Madsen           Mayne            McAdams
Morgan         Niederhauser     Okerlund         Osmond
Reid           Robles           Stephenson       Stevenson
Thatcher       Valentine        Van Tassell     Weiler
Waddoups

Absent or not voting were: Senators
Christensen    Dayton           Romero          Urquhart

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

Senator Adams 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

EIGHTH EXTRAORDINARY SESSION
OF THE
FIFTY–NINTH LEGISLATURE

Convened and Adjourned on
Wednesday, October 17, 2012
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Eighth 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 Eighth Extraordinary Session convening on Wednesday, October 17, 2012, and adjourning sine die on the same day.

Leslie McLean
Secretary of the Senate

Joanna MacKay
Manager, Senate Services

Mary B. Andrus
Journal Clerk
STATE OF UTAH

SENATE JOURNAL

EIGHTH 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 Eighth Extraordinary Session at 1:30 p.m. on Wednesday, October 17, 2012.

The Senate was called to order at 1:50 p.m. with President Michael G. Waddoups presiding.

Prayer – Senator Aaron Osmond

Pledge – Senator Gene Davis

***

Leslie McLean, Secretary of the Senate, read the following communication:

PROCLAMATION

WHEREAS, since the close of the 2012 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 Eighth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 17th day of October, 2012 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 2012 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 15th day of October, 2012.

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 under the date of October 15, 2012, is a true and correct copy of the original Proclamation calling the Senate only into an Eighth Extraordinary Session at the State Capitol Complex, in Salt Lake City, Utah, on the 17th day of October, 2012, at 1:30 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 15th day of October 2012.

Greg Bell
Lieutenant Governor

Roll call – All Senators present except Senator Robles, excused.

On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2012 General Session of the Fifty-Ninth Legislature as the rules for the Eighth Extraordinary Session.
President Waddoups appointed a committee comprised of Senators Stevenson, Reid, and McAdams to notify the Governor’s representative that the Senate is convened in the Eighth 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 Eighth Extraordinary Session.

COMMUNICATIONS FROM THE GOVERNOR

Mr. President: September 12, 2012

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

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

Gary R. Herbert
Governor

Mr. President: October 8, 2012

The Senate Judicial Confirmation Committee met on October 8, 2012, and reports a favorable recommendation for Mr. Barry G. Lawrence to be confirmed to the position of Judge in the Third District Court.

Scott K. Jenkins, Chair

On motion of Senator Hillyard, the Senate voted to consent to the appointment of Barry G. Lawrence on the following roll call vote:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

| Bramble | Robles |

COMMITTEE OF THE WHOLE

On motion of Senator Jenkins, Judge Barry G. Lawrence spoke in the Committee of the Whole.
On motion of Senator Jenkins, the Committee of the Whole was dissolved.

ADVISE AND CONSENT

Mr. President: October 2, 2012

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

Alcoholic Beverage Control Commission

Olivia Vela Agraz is appointed to a newly created position as a member of the Alcoholic Beverage Control Commission, a term to expire July 1, 2016.

Private Activity Bond Review Board:

K. Wayne Cushing is appointed to replace Steve Rawlings as a member of the Private Activity Bond Review Board, a term to expire October 31, 2016. See Utah Code Annotated 63M–1–3003.

James Paul Davidson is appointed to replace Tom Hardy as a member of the Private Activity Bond Review Board, the remaining portion of the term to expire April 30, 2014. See Utah Code Annotated 63M–1–3003.

State Board of Regents:

Nina R. Barnes is appointed to replace Katharine B. Garff as a member of the State Board of Regents, the remaining portion of the term to expire June 30, 2015. See Utah Code Annotated 53B–1–104.

Quality Growth Commission:

Alex Butwinski is appointed to replace Justin Allen as a member of the Quality Growth Commission, a term to expire April 15, 2016. See Utah Code Annotated 11–38–201.

State Records Committee:

Holly Joy Richardson is appointed to replace Scott Daniels as a member of the State Records Committee, a term to expire July 1, 2016. See Utah Code Annotated 63G–2–501.

Utah Digital Health Service Commission:

Wesley G. Smith is appointed to replace Natalie Gochnour as a member of the Utah Digital Health Service Commission, a term to expire October 1, 2015. See Utah Code Annotated 26–9f–103.

Scott Douglas Barlow is reappointed as a member of the Utah Digital Health Service Commission, a term to expire October 1, 2014. See Utah Code Annotated 26–9f–103.
Nancy Staggers is reappointed as a member of the Utah Digital Health Service Commission, a term to expire October 1, 2014. See Utah Code Annotated 26–9f–103.

Jan Root is reappointed as a member of the Utah Digital Health Service Commission, a term to expire October 1, 2014. See Utah Code Annotated 26–9f–103.

Marc F. Probst is reappointed as a member of the Utah Digital Health Service Commission, a term to expire October 1, 2014. See Utah Code Annotated 26–9f–103.

Department of Technology Services:
Mark A. VanOrden is appointed to replace Stephen Fletcher as the Executive Director of the Department of Technology Services. See Utah Code Annotated 63F–1–105.

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

Gary R. Herbert
Governor

Mr. President: October 2, 2012
The Senate Education Confirmation Committee met on October 15, 2012, and reports a favorable recommendation for Nina R. Barnes as a member of the State Board of Regents,

Aaron Osmond, Chair

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

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams  Anderson  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Madsen  Mayne
Morgan  Niederhauser  Okerlund  Osmond
Reid  Romero  Stephenson  Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Weiler  Waddoups

Absent or not voting were: Senators
Bramble  McAdams  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

NINTH EXTRAORDINARY SESSION OF
THE
FIFTY–NINTH LEGISLATURE

Convened and Adjourned on
Wednesday, November 14, 2012
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Ninth 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 Ninth Extraordinary Session convening on Wednesday, November 14, 2012, and adjourning sine die on the same day.

Leslie McLean
Secretary of the Senate

Joanna MacKay
Manager, Senate Services

Mary B. Andrus
Journal Clerk
STATE OF UTAH

SENATE JOURNAL

NINTH 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 Ninth Extraordinary Session at 1:30 p.m. on Wednesday, November 14, 2012.

The Senate was called to order at 1:45 p.m. with President Michael G. Waddoups presiding.

Prayer – Senator Stuart Reid

Pledge – Senator Karen Mayne

***

Leslie McLean, Secretary of the Senate, read the following communication:

PROCLAMATION

WHEREAS, since the close of the 2012 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 Ninth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 14th day of November, 2012 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 2012 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 9th day of November, 2012.

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 November 9, 2012, is a true and correct copy of the original Proclamation calling the Senate only into a Ninth Extraordinary Session at the State Capitol Complex, in Salt Lake City, Utah, on the 14th day of November, 2012, at 1:30 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 November 2012.

Greg Bell
Lieutenant Governor

Roll call – All Senators present except Senators Bramble, Okerlund, Niederhauser, and Stevenson, excused.
On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2012 General Session of the Fifty-Ninth Legislature as the rules for the Ninth Extraordinary Session.

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

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

COMMUNICATIONS FROM THE GOVERNOR

ADVISE AND CONSENT

Mr. President: October 30, 2012

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

Health Data Committee:

Kevin Joseph Potts is appointed to replace Scott Eastmond as a member of the Health Data Committee, a term to expire June 30, 2016. See Utah Code Annotated 26–33a–103.

Southern Utah University Board Of Trustees:

Ann Marie Allen is appointed to replace Nina Barnes as a member of the Southern Utah University Board Of Trustees, the remaining portion of the term to expire June 30, 2013. See Utah Code Annotated 53B–2–104.

Career Service Review Office:

Akiko Kawamura is appointed to replace Bob Thompson as the Administrator of the Career Service Review Office. See Utah Code Annotated 67–19a–201(2).

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 Joanna MacKay. The motion passed on the following roll call:

Yeas, 23; Nays, 0; Absent or not voting, 6.
**Voting in the affirmative were:** Senators

Adams  Anderson  Christensen  Davis
Dayton  Hillyard  Hinkins  Jenkins
Jones  Knudson  Madsen  Mayne
Morgan  Osmond  Reid  Robles
Stephenson  Thatcher  Urquhart  Valentine
Van Tassell  Weiler  Waddoups

**Absent or not voting were:** Senators

Bramble  McAdams  Niederhauser  Okerlund
Romero  Stevenson

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

Senator Van Tassell 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 2:00 p.m., the Senate adjourned sine die.
STATE OF UTAH

SENATE JOURNAL

TENTH EXTRAORDINARY SESSION OF
THE
FIFTY–NINTH LEGISLATURE

Convened and Adjourned on
Wednesday, December 19, 2012
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Tenth 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 Tenth Extraordinary Session convening on Wednesday, December 19, 2012, and adjourning sine die on the same day.

Leslie McLean
Secretary of the Senate

Joanna MacKay
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 Tenth Extraordinary Session at 1:00 p.m. on Wednesday, December 19, 2012.

The Senate was called to order at 1:30 p.m. with President Michael G. Waddoups presiding.

Prayer – Senator Scott Jenkins

Pledge – Senator Ross Romero

* * *

Leslie McLean, Secretary of the Senate, read the following communication:

Dear Senators: November 28, 2012

The Governor has appointed Franklin Richards Smith III as a judge of the Fourth District Juvenile Court. This appointment was made on November 6, 2012. The Senate Judicial Confirmation Committee will interview Mr. Smith on December 5, 2012.

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 28, 2013, 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 the authority vested in me in Article VIII, Section 8, of the Utah Constitution, I hereby call the Utah Senate into a Tenth Extraordinary Session on Wednesday, December 19, 2012, at 1:00 p.m. in the
Senate Chamber of the Utah State Capitol, for the purpose of considering the Governor’s appointment of Franklin Richards Smith III.

Michael G. Waddoups
President, Utah State Senate

Roll call – All Senators present except Senators Bramble, Anderson, Madsen, and Urquhart.

On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2012 General Session of the Fifty-Ninth Legislature as the rules for the Tenth Extraordinary Session.

COMMUNICATIONS FROM THE GOVERNOR

Mr. President: November 6, 2012
I am pleased to inform you that I have appointed Franklin Richards Smith III as a Judge of the Fourth 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. Smith.

Gary R. Herbert
Governor

Mr. President: December 5, 2012
The Senate Judicial Confirmation Committee met on December 5, 2012 and reports a favorable recommendation for Franklin Richards Smith III to be confirmed to the position of Judge in the Fourth District Juvenile Court.

Scott K. Jenkins, Chair

Senator Hillyard moved to consent to the appointment as read by Joanna MacKay. Senators Valentine, Christensen, and Davis commented. The motion passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Anderson     Bramble     Madsen     Urquhart

COMMITTEE OF THE WHOLE

On motion of Senator Jenkins, Judge Franklin Richards Smith III, spoke in the Committee of the Whole.

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

On motion of Senator Jenkins, and at 2:00 p.m., the Senate adjourned sine die.
STATE OF UTAH

SENATE JOURNAL

2013 GENERAL SESSION OF THE SIXTIETH LEGISLATURE

Convened
Monday, January 28, 2013

Adjourned Sine Die
Thursday, March 14, 2013
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the 2013 General Session of the Sixtieth 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 27, 2013, and adjourning sine die on Thursday, March 14, 2013.

Leslie McLean
Secretary of the Senate

Joanna MacKay
Manager, Senate Services

Mary B. Andrus
Journal Clerk
PRESIDENT OF THE SENATE
Wayne L. Niederhauser
2013 General Session
Sixtieth Legislature
SENATE LEADERSHIP

MAJORITY LEADERSHIP (Republican)

Ralph Okerlund  
*Majority Leader*

Stuart Adams  
*Majority Whip*

Peter Knudson  
*Asst. Majority Whip*

MINORITY LEADERSHIP (Democrat)

Gene Davis  
*Minority Leader*

Karen Mayne  
*Minority Whip*

Patricia Jones  
*Asst. Minority Whip*

SENATE STAFF

Leslie McLean  
*Secretary of the Senate*

Joanna MacKay  
*Manager Senate Services*

Mary Andrus  
*Journal Clerk*
SENATE LEADERSHIP
President of the Senate (R) ......................... Wayne L. Niederhauser
Majority Leader (R) ................................. Ralph Okerlund
Majority Whip (R) ................................. Stuart Adams
Assistant Majority Whip (R) ....................... Peter C. Knudson
Minority Leader (D) ................................. Gene Davis
Minority Whip (D) ................................. Karen Mayne
Assistant Minority Whip (D) ....................... Patricia Jones
Minority Caucus Manager (D) .................... Luz Robles

HOUSE LEADERSHIP
Speaker of the House (R) ......................... Rebecca Lockhart
Majority Leader (R) ................................. Brad L. Dee
Majority Whip (R) ................................. Gregory Hughes
Assistant Majority Whip (R) ....................... Don Ipson
Minority Leader (D) ................................. Jennifer Seelig
Minority Whip (D) ..................................... Tim Cosgrove
Assistant Minority Whip (D) ....................... Rebecca Chavez-Houck
Minority Caucus Manager (D) .................... Joel Briscoe

STATE OFFICIALS
Governor .............................................. Gary R. Herbert
Lieutenant Governor ............................... Greg Bell
Attorney General .............................. John Swallow
Auditor .................................................... John Dougall
Treasurer .................................................. Richard Ellis

CONGRESSIONAL DELEGATION
Senator ................................................. Mike Lee
Senator ................................................. Orrin G. Hatch
Congressman ......................................... Jim Matheson
Congressman ......................................... Rob Bishop
Congressman ................................. Jason Chavetz
Congressman ......................................... Chris Stewart

UTAH SUPREME COURT
Chief Justice ................................. Matthew B. Durrant
Assoc. Chief Justice ............................. Christine M. Durham
Justice .................................................. Thomas R. Lee
Justice .................................................. Jill Parrish
Justice .................................................. Ronald E. Nehring
MEMBERS OF THE SENATE  
Sixtieth Legislature

<table>
<thead>
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<th>Senator</th>
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<td>Ralph Okerlund</td>
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<td>Beaver, Garfield</td>
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<td>Kevin T Van Tassell</td>
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<td>David Hinkins</td>
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<td>Carbon, Emery, Grand, San Juan, Utah, Wasatch</td>
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<td>(435) 384–5550</td>
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<td>Evan Vickers</td>
<td>28</td>
<td>Beaver, Iron, Washington</td>
<td>2166 N Cobble Creek Dr Cedar City Ut 84721</td>
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<td>Stephen H Urquhart</td>
<td>29</td>
<td>Washington</td>
<td>634 E 1100 S St George Ut 84790</td>
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Pursuant to the provisions of the Constitution of the State of Utah, the Senators of the Sixtieth Legislature of the State of Utah convened in General Session in the Senate Chamber on Monday, January 28, 2013, at ten o’clock a.m.

The Senate was called to order at 10:35 a.m., by President Michael G. Waddoups, presiding.

POSTING OF COLORS & PLEDGE OF ALLEGIANCE

UTAH NATIONAL GUARD

Members of the Color Guard
Staff Sergeant Jada Slayton
Airman First Class James Forbes
Airman First Class Colton Elliott
Airman First Class Jaime Phair

Janie Despain, Miss Sandy Utah, performed “The Star Spangled Banner.”

Pledge of Allegiance – Christopher McCandless, Sandy City Council

PRAYER BY LINDA K. BURTON
PRESIDENT OF THE RELIEF SOCIETY OF THE
CHURCH OF JESUS CHRIST OF LATTER–DAY SAINTS

“Our Beloved Father in Heaven, we are grateful to gather in this capacity today. We acknowledge Thy wisdom, Thy power, Thy glory, and realize that compared to Thee, we are very small and dependent upon Thee as Thy children.”
But we realize that we are all Thy children and thank Thee for the privilege of meeting together this day. We are grateful for those who are willing to serve in these capacities. We ask Thee to bless them and bless their families who give up much to serve as public servants. Bless them with every possible need, Father.

We’re grateful for those who serve behind the scenes to prepare for such a session. We ask Thee to bless them and their families, and pray that we will be grateful for the service rendered the citizens of this great state.

We ask Thy blessings upon all that will transpire in the next several weeks. May there be civility; may there be integrity; may there be magnification through the process of counseling together in seeking solutions. Bless all those who serve with a capacity beyond their own, that they may be wiser and able to be discerning of needs and be able to deal with the difficult issues before them.

We ask a blessing on all who will serve in this house. We thank Thee for the freedoms that we enjoy to make choices, and we pray that we will be better citizens, and be supportive and involved.

We’re grateful for the many blessings that we have, and to live in this great nation. We pray for these many blessings and thank Thee for Thy goodness to us, and do it in the name of Jesus Christ, Amen.

SPECIAL MUSICAL PRESENTATION

The American Leadership Academy performed “Oh America” and “Bridge Over Troubled Waters.”

* * *

On motion of Senator Ralph Okerlund, the Senate thanked Sister Burton for delivering the invocation and requested her words to be spread upon the pages of the Senate Journal. He also expressed appreciation to the Utah Air National Guard, Christopher McCandless, for leading the Pledge of Allegiance, and to Janie Despain and the American Leadership Academy for their participation in the opening of the Utah State Senate.

* * *

Leslie McLean read the following Certification of Membership of the 2013 General Session of the Sixtieth Legislature.
CERTIFICATE OF MEMBERSHIP OF THE 2013
GENERAL SESSION
OF THE UTAH STATE SENATE

I, GREG BELL, Lieutenant Governor of the State of Utah, do hereby certify that at a General Election held within and for the State of Utah on Tuesday, November 6, 2012, the following named persons were chosen by the electors as members of the Legislature of the State of Utah, to serve in the Senate, each for a term of four years, beginning the January 1, 2013, to wit:

FIRST DISTRICT: County of Salt Lake
    Luz Robles
SIXTH DISTRICT: County of Salt Lake
    Wayne A. Harper
SEVENTH DISTRICT: County of Utah
    Deidre Henderson
EIGHTH DISTRICT: County of Salt Lake
    Brian E. Shiozawa
TENTH DISTRICT: County of Salt Lake
    Aaron Osmond
THIRTEENTH DISTRICT: Counties Salt Lake, Utah
    Mark B. Madsen
FOURTEENTH DISTRICT: County of Utah
    John L. Valentine
SIXTEENTH DISTRICT: Counties of Utah, Wasatch
    Curtis S. Bramble
NINETEENTH DISTRICT: Counties of Morgan, Summit, Weber
    Allen M. Christensen
TWENTIETH DISTRICT: Counties of Davis, Weber
    Scott K. Jenkins
TWENTY–THIRD DISTRICT: Counties of Davis, Salt lake
    Todd Weiler
TWENTY–FOURTH DISTRICT: Counties of Beaver, Garfield, Juab, Kane, Millard, Piute, Sanpete, Sevier, Utah, Wayne
    Ralph Okerlund
TWENTY–FIFTH DISTRICT: Counties of Cache, Rich
    Lyle W. Hillyard
TWENTY–SEVENTH DISTRICT: Counties of Carbon, Emery, Grand, San Juan, Utah, Wasatch
    David P. Hinkins
TWENTY-EIGHTH DISTRICT: Counties of Beaver, Iron, Washington
   Evan J. Vickers
TWENTY-NINTH DISTRICT: County of Washington
   Stephen H. Urquhart

I Further Certify, that at a General Election held within and for the State of Utah on Tuesday, November 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 Senate, each for a term of four years, beginning January 1, 2011, to wit:

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
NINTH DISTRICT: County of Salt Lake
   Wayne L. Niederhauser
ELEVENTH DISTRICT: Counties of Salt Lake, Utah
   Howard A. Stephenson
TWELTH DISTRICT: County of Salt Lake
   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, Morgan, Weber
   Stuart C. Reid
TWENTY-FIRST DISTRICT: County of Davis
   Jerry W. Stevenson
TWENTY-SECOND DISTRICT: County of Davis
   J. Stuart Adams
TWENTY-SIXTH DISTRICT: Counties of Daggett, Duchesne, Summit, Uintah, Wasatch
   Kevin T. Van Tassell

I Further Certify, that the following named person has been duly appointed as a member of the Legislature of the State of Utah, to serve in the Senate, filling a seat vacated in his respective district, to term expiring on December 31, 2014, to wit:
Former Senate President Michael G. Waddoups administered the Oath of Office to all newly elected/appointed, and reelected members.

**Roll Call** – All Senators present.

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

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

On motion of Senator Ralph Okerlund, and seconded by Senator Gene Davis, Senator Wayne L. Niederhauser was nominated to serve as President of the Utah State Senate.

On motion of Senator Stuart Adams, and seconded by Senator Karen Mayne, the nominations were closed and Senator Wayne L. Niederhauser was elected President of the Senate by acclamation. Senators Okerlund and Davis escorted President Niederhauser to the podium.

Former Senate President Michael G. Waddoups administered the Oath of Office to the President of the Senate, Wayne L. Niederhauser.

On motion of Senator Okerlund, the Senate expressed appreciation to former President Michael G. Waddoups for taking time from his busy schedule to participate in the opening of the Utah State Senate.

**WELCOMING REMARKS BY PRESIDENT NIEDERHAUSER**

I appreciate the last four years serving under President Waddoups and Anna Kaye. No doubt we are going to miss their influence in the Senate and we wish them Godspeed in their new assignment, wherever that may be.
I want to thank the Utah National Guard, Janie Despain, Miss Sandy, my dear friend and business associate Chris McCandless, Sister Linda Burton, General President of the Relief Society of The Church of Jesus Christ of Latter-day Saints and the American Leadership Academy Choir—Let’s see, it was Hannah and Haley and Jimmy—both, all three were children of Senator Henderson.

Thanks to all of our staff who have spent countless hours preparing for this day and making our session possible. We couldn’t do this without you. Thank you very much.

Senators, I would like to thank you for your support and vote of confidence. I am overwhelmed by the trust you have in me. Each one of you have made a significant impact in my life. I feel like I am among friends. What a privilege it is for me to be here before you in my new capacity as Senate President. This old country boy from Northern Utah doesn’t necessarily like all the ceremonial attention. I’d rather just start our business and get on with our work.

I even thought of ways to change how this morning takes place. But, then I realized how important it is to be traditional, especially here in the Senate. We could modernize a lot of the process and policies and we often do. But, we shouldn’t discard the past completely. Often we need to re-root ourselves in principles and values that have endured the test of time and focus our minds on what is right and good. It is not about me, it’s not about us, we are not the cog, we are the teeth on the cog. There is high honor in the offices that we assume. But the people in those offices, they come and they go.

I want to acknowledge my wife, Melissa. Seven years ago at this time we were making an important decision in our life, whether to run for the Senate or not. President Mansell, remember that? The opportunity had presented itself. It seemed pre-mature, but felt like the right thing to do. When I first told her that I wanted to give it try, she thought I was crazy. I have since proved her right. Nevertheless, it has been a wonderful singular experience for both of us. She has been by my side the whole time filling in the gaps and giving me a shoulder to cry on when times seemed tough. As time goes by, I find I appreciate her more and more, her seemingly endless capacity. I love her and thank you for all your support and love.

It is a thrill for me to have my three daughters and daughter-in-law here today as well as my son-in-law. My sons couldn’t make it. One has an important school commitment and the other is serving a mission in Wisconsin, the Milwaukee, Wisconsin Mission. Politics in our home has not come easy for them. They have come to hate putting up signs and stuffing envelopes—maybe the Shiozawa family can relate to that. I see one peeking at me and saying yes-- but the exposure
to the process is invaluable. I appreciate all the support they have given me. A special thanks to Melissa’s mother, Beverly Barrett. She has loved and lived politics for as long as I can remember. Beverly has played a significant role in the arts and the Miss America Pageant in Sandy City. Through her, we were able to have Miss Sandy perform for us today. And thanks again to Miss Sandy for her wonderful rendition of *The Star-Spangled Banner*.

Friday night, Melissa and I attended the viewing for David Adams, father and friend of Senator Adams. Though he lived a good and long life, 92 years, it doesn’t make it easier to lose a parent. You miss them and long for their counsel and companionship. Senator Knudson and I have had a couple of conversations about this over the past year. It seems the older you get, the more longing you have for a parent who has passed. My father died in April of 2003 from pancreatic cancer. He was always proud of me even in those times when it wasn’t easy to be proud. I know he would be shocked to see me serving in the legislature. I didn’t realize it until recently how much he enjoyed politics. He had earned a Political Science degree from Utah State University. As a kid I wondered, “What’s political science?” I remember that he always read the opinion section in the newspaper. As a boy and as a younger man, I always thought how boring, and I didn’t appreciate his love for our political system here in America. I recognize that about him now. I wish he could have lived to be here today.

Equally shocked is my mother, Mary Beth Niederhauser and maybe more shocked, my sister Teri Benson. My brother who flew in this morning by surprise—David, I appreciate you being here. All of them are here today. My mother has played a significant role in my life. Never did she imagine that I would be in politics. At times she wondered if I would even survive childhood. Always adventurous, I found myself in life threatening situations on several occasions. I know that she had questions about where I would be and where I would end up. I have a story that illustrates this that leads into my main message today. We have some technology coming here.

In 1967, our family lived in Tremonton, Utah. Dad worked for Mountain Fuel Supply Company. Mom was employed at Bear River State Bank. She worked as a teller. I remember her bringing home counter checks and teaching me how to write out a check. My mind was always financially oriented. Little wonder that I ended up as an accountant. I had a savings account at Bear State Bank and loved to save. In those days, the bank gave you a little book that was a record of your account. It was updated when you went to make a deposit or a withdrawal or when you had earned some interest. I remember getting the book out of my parent’s drawers just to look at the balance. I wanted to see that balance grow and get larger. I think I dreamed of having $100 in my account. I loved it! Money was fascinating to me. I loved coins and paper bills. There were few things greater in life than to look at a
hundred dollar bill. So I thought. Dad usually had one in his wallet. I would ask him occasionally to look at it.

I was in second grade at the time at North Park Elementary School. School lunches were purchased by paying for a 20 day card that was punched every time you went to lunch. The cost was $5.00. Every so often when needed, Dad would give me a $5.00 bill to buy a new lunch card. On the evening of March 13th or 14th in 1967, I told Dad that I needed money for lunches. He reached into his wallet and pulled out a beautiful $5.00 bill and gave it to me as he had done many times before. I walked to my bedroom marveling at the wonder of this extraordinary medium of exchange. President Lincoln was on the front. His memorial was on the back. I read every word, looked at the symbols wondering what they all meant and looked at both the signatures on the front. How I wished that I had one for my very own! Then it hit me, I could write out a check! Yes, I would pay for my lunches with a check and keep the $5.00 bill. Under my bed was a box where I kept the counter checks. I carefully filled one out. Notice the grown-up writing and the check number, TWA1000. I loved airplanes at the time and had a model TWA Boeing jet. The next morning I left for school. It was about a half a mile walk. The $5 dollar bill was in one of my front pockets and the check in the other. I didn’t know why it was wrong, but I felt that there was something not quite right. Upon arriving at school, I stood in line in the principal’s office. Principal Hawks issued the lunch cards. A war was going on in my mind. Should I give him the check or should I give him the money? Then, it was my turn. I reached into my pocket pulled out the check. He took it, stamped it and put it in his drawer and gave me a fresh new lunch card. The shoulder devil had won out, at least temporarily. Eureka, the $5 was mine. What a great system! This check writing. It was like pulling money out of thin air. After school, the $5 bill was placed in a special cupboard in my room. Over the next few days, I would pull it out and look at it and marvel that it was mine. Then, the unanticipated day arrived. It took about a week. You can’t get that kind of float today! I arrived home. The phone rang and I picked it up. It was Mom. “Wayne”, she said in an excited voice. “Do you have $5?” How did she know? What had happened? One of the bookkeepers at the bank came across the check and took it to my mother. She said, “Mary Beth, someone has forged your name!” When Mom saw the check, she knew immediately what had happened. Well, I gave up the five dollar bill to cover the check. It was gone along with all the counter checks. They didn’t even leave me one. I am fairly confident that I was the only seven year-old that understood how our checking system worked. I learned it by experience. It left a deep impression on my mind.

There are people today that think they can create money out of thin air. Adults write checks hoping that somehow money will show up in the checking account magically. The Federal Reserve buys US Treasury Bonds in exchange for money,
which the US Treasurer uses to pay government obligations. One day the checking account has to be covered. Even a second grader knows that! It is natural law. Often legislators and other government officials think that they can somehow legislate over natural law. They think that they have more power than they really do. It is often done in the name of entitlement or compassion or defense. Eventually, natural law wins out, lest we forget. Though forgetting is easy in the heat of the session when our constituents are bearing down upon us.

To help us remember, the pages are passing out some symbols that are familiar to us. Symbols are a visual representations of things simple or complex, principle or experience, but important reminders. When you get your coins, will you pull out the Senate Coin please. The first coin is the Senate Coin. On one side is the State Seal and on the other the Senate Seal.

The state seal was designed by Harry Emmett Edwards in 1896. It contains numerous symbols important to the state of Utah. The Utah Code describes the seal in this way: “The center a shield and perched thereon an American eagle with outstretched wings; the top of the shield pierced by six arrows crosswise; under the arrows the motto 'Industry'; beneath the motto a beehive, on either side growing sego lilies; below the beehive the figures '1847'; and on each side of the shield an American flag; encircling all, near the outer edge of the seal, beginning at the lower left-hand portion, the words 'The Great Seal of the State of Utah,' with the figures '1896' at the base.” The shield and the American eagle symbolize protection and the place that Utah has within the United States. The beehive represents hard work, perseverance, self-reliance, and industry. The sego lily symbolizes the state’s aspirations to peace and also reminds us of the sego lily roots that the early settlers ate to avoid starvation. The year 1847 is the year that the hardy pioneer settlers first came to Utah, and 1896 is the year that Utah became a state. The flags on either side of the shield represent Utah’s support for the nation.

The beehive, the state emblem, was chosen as the emblem for the State of Deseret in 1848. The word “deseret” means “honeybee” and was taken from the Book of Mormon. The beehive was meant to symbolize the importance of industry (meaning hard work, from which we are all benefactors today) to the early settlers as they persevered in cultivating the land and making Utah their home.

What a great reminder of our history, the sacrifices and the principles they have made our great State, lest we forget.

The Senate Seal is on the other side. Not a lot is written or recorded about the Senate Seal. This is what we found: A committee of Senators, the Majority and Minority party, and Senate Secretary got together and worked out the seal. The
symbols there mean: the beehive, the same Utah symbol of industry; the quill, representing the signature tool used historically to make many important decisions signed, sealed and delivered; and the gavel representing the work of the Senate. Mainly, the Senate Seal is a symbol of this great Constitutional process, of which I’ve become very fond of over the six years I’ve served in the Senate. Our process is wonderful. Any person and any mind can bring an initiative before the Legislature. There’s a process to deal with that. And what a great system we have in America.

On the edge, you read the words, “Life, Liberty and the Pursuit of Happiness” and also the word “Unalienable!” These are words from the Declaration of Independence. I quote, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”

What is unalienable cannot be denied, dismissed, or transferred. It is akin to natural law and governed by a power much higher than ours, lest we forget.

Lastly, I have handed out a Presidential Coin. On the tail side is the Statue of Liberty.

“The Statue of Liberty stands in Upper New York Bay, a universal symbol of freedom. Originally conceived as an emblem of the friendship between the people of France and the U.S. and a sign of their mutual desire for liberty, over the years the Statue has become much more. It is the Mother of Exiles, greeting millions of immigrants and embodying hope and opportunity for those seeking a better life in America. It stirs the desire for freedom in people all over the world.

It represents the United States itself.”

It is a great visual for my immigrant fore-bearers who came to this land for liberty. Lest we forget.

On the heads side of the coin is the bust of President Abraham Lincoln. Along the bottom of the bust in the fine print are the words, “In God We Trust” and “16th President 1861 -1865”.

I chose President Lincoln today for several reasons. One, he is a symbol of liberty and equality. Two, though apparently not disposed toward organized religion, many of his well documented statements give little doubt that he was a very religious person. Quotes like the one found in a farewell address on February
11, 1861. I’m not sure what farewell address that would be, but it’s well-documented. It says:

“Trusting in Him, who can go with me, and remain with you and be everywhere for good, let us confidently hope that all will yet be well. To His care commending you, as I hope in your prayers you will commend me, I bid you an affectionate farewell.”

Farewell Address on February 11, 1861 (CWAL IV:190)

Too, on July 31 of 1846:

“That I am not a member of any Christian Church, is true; but I have never denied the truth of the Scriptures; and I have never spoken with intentional disrespect of religion in general, or any denomination…”

--July 31, 1846 Handbill Replying to Charges of Infidelity

And, what a great thought this is. It was the National Day of Fasting, and it was given by President Abraham Lincoln. Listen very carefully to this one:

“We have been the recipients of the choicest bounties of heaven. We have been preserved, these many years, in peace and prosperity. We have grown in numbers, wealth and power, as no other nation has ever grown. But we have forgotten God. We have forgotten the gracious hand which preserved us in peace, and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us! It behooves us, then to humble ourselves before the offended Power, to confess our national sins, and to pray for clemency and forgiveness.”

Abraham Lincoln - Proclamation for a National Day of Fasting

Wow

Though documented, there are some that feel that the following quote is not from Lincoln. If it is not, there is little doubt that he believed it and practiced it based on other well documented statements.

“I have been driven many times upon my knees by the overwhelming conviction that I had nowhere else to go. My own wisdom, and that of all about me, seemed insufficient for the day.”

The third reason why I chose Lincoln was that he was President when the words “In God We Trust” were first engraved on the US coin. Lest we forget.

In December of 1863, Lincoln’s Secretary of the Treasury (Salmon P. Chase) decided on a new motto to engrave on U.S. coins. Lincoln’s involvement in this decision is unclear, but it appears quite probable that the expression, “In God We Trust,” was in keeping with Lincoln’s spiritual beliefs at the time.

According to The Congressional Record (1908, House), p. 3387, the motto was adopted “doubtless with his [Lincoln’s] knowledge and approval.”

This is some fascinating history that we talked about today. What some great symbols to think on and remember.

Again, in the fine print barely legible it reads “In God We Trust”. A timeless symbol of infinite meaning. Lest we forget the fine print.

That concludes my remarks. I thank you for your indulgence.

***

On motion of Senator Adams, the Senate voted to have President Niederhauser’s remarks spread upon the pages of the 2013 Senate Journal.

President Niederhauser appointed Senators Lyle Hillyard, Scott Jenkins, and Karen Mayne to join with a like committee from the House to notify Governor Herbert that the Legislature is organized for the 2013 General Session of the Sixtieth Legislature and ready to do business.

President Niederhauser appointed Senators Stuart Reid, Kevin Van Tassell, and Luz Robles as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

***

President Niederhauser directed that the following be recorded in the Senate Journal as leaders for the 60th Legislature 2013 General Session:

President – Wayne L. Niederhauser
Majority Leader – Ralph Okerlund
Majority Whip – Stuart Adams
Asst. Majority Whip – Peter C. Knudson
Minority Leader – Gene Davis
Minority Whip – Karen Mayne
Asst. Minority Whip – Patricia W. Jones
Minority Caucus Manager – Luz Robles
President Niederhauser appointed Senator Lyle Hillyard as Executive Appropriations Senate Chair and Senator Jerry Stevenson as Executive Appropriations Senate Vice Chair, Senator John Valentine as Senate Rules Chair and Senator Allen Christensen as the Committee Chair to serve Patronage and Employees.

Senator Hillyard, 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.

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

President Niederhauser appointed a Senate Rules Committee comprised of Senator John Valentine, Chair, Senators Peter Knudson, Mark Madsen, Stuart Reid, Kevin Van Tassell, Todd Weiler, Patricia Jones, and Karen Mayne to formulate the Senate Rules and work with the House of Representatives in formulating Joint Rules.

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

**Business and Labor**
Curtis Bramble, *Chair*
Gene Davis
Deidre Henderson
David Hinkins
Karen Mayne
Kevin Van Tassell
John Valentine

**Education**
Stuart Reid, *Chair*
Patricia Jones
Mark Madsen
Wayne Niederhauser
Aaron Osmond
Howard Stephenson
Jerry Stevenson
Steve Urquhart

**Natural Resources, Agriculture and Environment**
Scott Jenkins, *Chair*
Allen Christensen
Jim Dabakis
David Hinkins
Peter Knudson
Ralph Okerlund
Evan Vickers

**Health and Human Services**
Evan Vickers, *Chair*
Allen Christensen
Luz Robles
Brian Shiozawa
Daniel Thatcher

**Economic Development and Workforce Services**
Aaron Osmond, *Chair*
Patricia Jones
Peter Knudson
Karen Mayne
Ralph Okerlund
Stuart Reid
Jerry Stevenson

**Judiciary, Law Enforcement and Criminal Justice**
Mark Madsen, *Chair*
Lyle W. Hillyard
Patricia Jones
Luz Robles
Daniel Thatcher
Steve Urquhart
Todd Weiler

**Revenue and Taxation**
Deidre Henderson, *Chair*
Stuart Adams
Curt Bramble
Jim Dabakis
Gene Davis
Wayne Harper
Scott Jenkins
Howard Stephenson
John Valentine
Government Operations and Political Subdivisions
Margaret Dayton, Chair
Lyle Hillyard
Wayne Niederhauser
Luz Robles
Brian Shiozawa
Daniel Thatcher
Kevin Van Tassell

Ethics
Peter Knudson, Chair
Gene Davis, Vice Chair
Allen Christensen
Lyle Hillyard
Pat Jones
Karen Mayne
Stuart Reid
Luz Robles

Transportation and Public Utilities and Technology
Kevin Van Tassell, Chair
Stuart Adams
Margaret Dayton
Wayne Harper
Karen Mayne

Retirement and Independent Entities
Todd Weiler, Chair
Curtis Bramble
Gene Davis
Margaret Dayton
Karen Mayne
Daniel Thatcher

Senate Rules
John Valentine Chair
Patricia Jones
Peter Knudson
Mark Madsen
Karen Mayne
Stuart Reid
Kevin Van Tassell
Todd Weiler

SENATE MEMBERS JOINT APPROPRIATIONS SUBCOMMITTEES 2013 – 2014

EXECUTIVE APPROPRIATIONS COMMITTEE
Sen. Lyle Hillyard, Chair
Sen. Jerry Stevenson, Vice Chair
Sen. Wayne Niederhauser
Sen. Ralph Okerlund
Sen. Stuart Adams

Sen. Peter Knudson
Sen. Gene Davis
Sen. Karen Mayne
Sen. Patricia Jones
Sen. Luz Robles
<table>
<thead>
<tr>
<th>Committee</th>
<th>Chair(s)</th>
<th>Members</th>
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<tbody>
<tr>
<td>BUSINESS, ECONOMIC DEVELOPMENT &amp; LABOR</td>
<td>Sen. Brian Shiozawa, Co-Chair</td>
<td>Sen. Brian Shiozawa, Brian Shiozawa, Co-Chair, Curtis Bramble, Gene Davis, Wayne Harper, Scott Jenkins, Stuart Reid, Jerry Stevenson</td>
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<tr>
<td>EXECUTIVE OFFICES AND CRIMINAL JUSTICE</td>
<td>Sen. Daniel Thatcher, Co-Chair</td>
<td>Sen. Daniel Thatcher, Curtis Bramble, Jim Dabakis, Mark Madsen, Ralph Okerlund, Stuart Reid, Jerry Stevenson</td>
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<td>HIGHER EDUCATION</td>
<td>Sen. Steve Urquhart, Co-Chair</td>
<td>Sen. Steve Urquhart, Stuart Adams, Patricia Jones, Aaron Osmond, Howard Stephenson, Jerry Stevenson, John Valentine</td>
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<tr>
<td>NATURAL RESOURCES, AGRICULTURE &amp; ENVIRONMENTAL QUALITY</td>
<td>Sen. David Hinkins, Co-Chair</td>
<td>Sen. David Hinkins, Jim Dabakis, Margaret Dayton, Ralph Okerlund, John Valentine, Kevin Van Tassell</td>
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<tr>
<td>PUBLIC EDUCATION</td>
<td>Sen. Howard Stephenson, Co-Chair</td>
<td>Sen. Howard Stephenson, Stuart Adams, Lyle Hillyard, Patricia Jones, Mark Madsen, Aaron Osmond, Daniel Thatcher</td>
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<tr>
<td>RETIREMENT &amp; INDEPENDENT ENTITIES</td>
<td>Sen. Todd Weiler, Co-Chair</td>
<td>Sen. Todd Weiler, Curtis Bramble, Stuart Reid, Daniel Thatcher, Karen Mayne, Luz Robles</td>
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<tr>
<td>SOCIAL SERVICES</td>
<td>Sen. Allen Christensen, Co-Chair</td>
<td>Sen. Allen Christensen, Deidre Henderson, Peter Knudson, Wayne Niederhauser, Luz Robles, Brian Shiozawa, Evan Vickers, Todd Weiler</td>
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LEGISLATIVE MANAGEMENT COMMITTEE

Sen. Wayne Niederhauser, Chair
Sen. Ralph Okerlund
Sen. Stuart Adams
Sen. Peter Knudson
Sen. Gene Davis
Sen. Karen Mayne
Sen. Patricia Jones
Sen. Luz Robles

* * *

Senators Okerlund and Davis made opening remarks to the Senate.

On motion of Senator John Valentine, the 2012 Senate Rules, Joint Rules and Interim Rules of the Fifty–Ninth Legislature were adopted with the understanding that changes to these rules for the Sixtieth Legislature will be considered and adopted as soon as possible.

On motion of Senator Valentine, 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, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

<table>
<thead>
<tr>
<th>Adams</th>
<th>Bramble</th>
<th>Christensen</th>
<th>Dabakis</th>
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<tr>
<td>Davis</td>
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<td>Okerlund</td>
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<td>Reid</td>
<td>Robles</td>
<td>Shiozawa</td>
<td>Stephenson</td>
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<td>Stevenson</td>
<td>Thatcher</td>
<td>Urquhart</td>
<td>Valentine</td>
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<tr>
<td>Van Tassell</td>
<td>Weiler</td>
<td>Niederhauser</td>
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**Absent or not voting were:** Senators

| Madsen | Vickers |
The Senate voted to adopt the following committee report and employ the persons recommended by Senator Jones.

EMPLOYEE COMMITTEE REPORT

Senator Jones introduced the Senate Staff.

Leslie McLean               Secretary of the Senate
Ric Cantrell               Chief of Staff
Joanna MacKay               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
Karen C. Allred            Secretarial Supervisor
Cynthia Millar             Rules Secretary/Amending Clerk
Karen Allred               Committee Secretary
Wendy Hill                  Committee Secretary
Cami Deavila               Committee Secretary
Nancy Skidmore             Committee Secretary
Lorna Wells                Committee Secretary
Paula Winter               Committee Secretary
Lori Poole                 Amending Clerk/Committee Secretary
Thomas R. Shepherd         Sergeant At Arms
Paul Jacobs                Asst. Sergeant At Arms
Neal Barth                 Security
Dennis Bird                Security
Frank Christensen          Security
Steve Higham               Security
Glenn Hildebrand           Security
Jason Hildebrand           Security
Tony Mascaro               Security
Darrell Griggs             Security
Scott Lawrence             Security
Karmen Sanone              Security
Gayle C. Petersen          Page Supervisor
Linda Cornaby              Asst. Page Supervisor
Jewel Doxey                Page
Kris Chipman               Page
Claudette Eastman          Page
INTRODUCTION OF INTERNS

Senator David Hinkins introduced the Senate Interns for the 2013 General Session.

Sen. Stuart Adams
Sen. Curtis Bramble
Sen. Allen Christensen
Sen. Jim Dabalis
Sen. Gene Davis
Sen. Margaret Dayton
Sen. Wayne Harper
Sen. Deidre Henderson
Sen. Lyle Hillyard
Sen. David Hinkins
Sen. Scott Jenkins
Sen. Patricia Jones
Sen. Peter Knudson
Sen. Mark Madsen
Sen. Karen Mayne
Sen. Ralph Okerlund
Sen. Aaron Osmond
Sen. Stuart Reid
Sen. Luz Robles
Sen. Brian Shiozawa
Sen. Howard Stephenson
Sen. Jerry Stevenson
Sen. Daniel Thatcher
Matthew Gamett
Brock Jensen
Kyle B. Perkins
Ben Alder
Liz Stubbs
Will Kleinman
Nathan Payne
Emily Marshall
Jory Spotts
Chris Bjornestad
Ben Childs
Taylor Bouchard
Mikaela Ferry
Will Kleinman
Keegan Rank
Dillon Erickson
Ryan Davis
Ryan Davis
Marlo Organista
Kyle B. Perkins
Michael Melendez
Bryan Smith
Nathan Payne
INTRODUCTION OF BILLS

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

S.B. 5, 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. 6, Retirement and Independent Entities Base Budget (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 10, Retirement Eligibility Amendments (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 11, Alimony Amendments (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 12, Public Transit District Customer Information (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

S.B. 13, Amendments to Ignition Interlock Program (D. Thatcher), was read the first time by short title and referred to the Rules Committee.

S.B. 14, Research Using Pharmaceuticals (P. Jones), was read the first time by short title and referred to the Rules Committee.

S.B. 15, Industrial Accident Restricted Account (J. Valentine), was read the first time by short title and referred to the Rules Committee.

S.B. 16, Health Insurance Coverage Restrictions on Retired Governors and Legislators (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 17, Account for People with Disabilities Amendments (M. Dayton), was read the first time by short title and referred to the Rules Committee.
S.B. 18, Child Custody Proceedings Amendments (L. Robles), was read the first time by short title and referred to the Rules Committee.

S.B. 19, Commercial Driver License Amendments (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

S.B. 20, State Security Standards for Personal Information (S. Reid), was read the first time by short title and referred to the Rules Committee.

S.B. 21, Unincorporated Business Entities (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 22, Worker Classification Coordinated Enforcement Council (J. Valentine), was read the first time by short title and referred to the Rules Committee.

S.B. 23, Lieutenant Governor Candidate Amendments (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.B. 24, Absentee Ballot Amendments (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.B. 25, Elections During Declared Emergency (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.B. 26, Risk Management for Independent Entities (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 27, Health Care Provider Immunity Sunset Amendment (A. Christensen), was read the first time by short title and referred to the Rules Committee.

S.B. 28, Boards and Commissions Amendments (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.B. 29, State Highway System Modifications (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

S.B. 30, Water and Irrigation Amendments (M. Dayton), was read the first time by short title and referred to the Rules Committee.

S.B. 31, Special Needs Adoption Tax Credit (W. Harper), was read the first time by short title and referred to the Rules Committee.
S.B. 32, **Environmental Health Scientist Act Sunset Reauthorization** (G. Davis), was read the first time by short title and referred to the Rules Committee.

S.B. 33, **Sales and Use Tax Revisions** (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

S.B. 34, **Special Election Date for Ballot Propositions** (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

S.B. 35, **Property Taxation of Business Personal Property** (W. Harper), was read the first time by short title and referred to the Rules Committee.

S.B. 36, **Cigarette and Tobacco Tax and Licensing Amendments** (W. Harper), was read the first time by short title and referred to the Rules Committee.

S.B. 37, **Time Period for Paying a Tax, Interest, or Penalties after a Judicial Decision** (D. Henderson), was read the first time by short title and referred to the Rules Committee.

S.B. 38, **Reauthorization of Veterans Reintegration Task Force** (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.B. 39, **Parental Responsibility for Sex Education Training** (S. Reid), was read the first time by short title and referred to the Rules Committee.

S.B. 40, **Utah Navajo Royalties Amendments** (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

S.B. 41, **Uniform Commercial Code Amendments** (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 42, **Medical School Admissions Funding** (J. Valentine), was read the first time by short title and referred to the Rules Committee.

S.B. 43, **Financial and Economic Literacy Education Amendments** (P. Jones), was read the first time by short title and referred to the Rules Committee.

S.B. 44, **Construction Trades Licensing Revisions** (K. Mayne), was read the first time by short title and referred to the Rules Committee.
S.B. 45, Workers’ Compensation and Directors or Officers (E. Vickers), was read the first time by short title and referred to the Rules Committee.

S.B. 46, Occupational Safety and Health Amendments (L. Robles), was read the first time by short title and referred to the Rules Committee.

S.B. 47, Procurement Amendments – Small Purchases (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

S.B. 48, Special Group License Plate Revisions (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.B. 49, Child Welfare Modifications (W. Harper), was read the first time by short title and referred to the Rules Committee.

S.B. 106, Unemployment Tax Amendment (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 107, Public Shooting Ranges (A. Christensen), was read the first time by short title and referred to the Rules Committee.

S.B. 108, Civil Rights Amendments Relating to Persons with a Disability (P. Jones), was read the first time by short title and referred to the Rules Committee.

S.B. 109, Change Application Procedure (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

S.B. 110, School–based Budgeting Amendments (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

S.B. 111, Electronic Filing of Traffic Citations and Accident Reports (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 112, Work Week Amendments (A. Osmond), was read the first time by short title and referred to the Rules Committee.

S.B. 113, Long–term Disability Coverage Amendments (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 114, Safety Belt Amendments (L. Robles), was read the first time by short title and referred to the Rules Committee.
S.B. 115, Water Development Commission Amendments (M. Dayton), was read the first time by short title and referred to the Rules Committee.

S.B. 116, Garnishment for Debt Collection (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 117, Legislative Office Definitions (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 118, Rocky Mountain Center for Occupational and Environmental Health Amendments (K. Mayne), was read the first time by short title and referred to the Rules Committee.

S.B. 119, Youth Court Amendments (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

S.B. 120, Target Shooting and Wildfire Regulations (M. Dayton), was read the first time by short title and referred to the Rules Committee.

S.B. 121, Traffic Regulations Regarding Buses (K. Mayne), was read the first time by short title and referred to the Rules Committee.

S.B. 122, Student Leadership Skills Development (A. Osmond), was read the first time by short title and referred to the Rules Committee.

S.B. 123, Runaway Vehicle Ramp Requirements (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

S.B. 124, Sales and Use Tax Exemption for Database Access (W. Harper), was read the first time by short title and referred to the Rules Committee.

S.B. 125, District Court Judge Amendments (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

S.B. 126, Coordination of Services for Veterans (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.B. 127, Juvenile Court Judge Amendments (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

S.B. 128, Financial Transparency in Education (D. Thatcher), was read the first time by short title and referred to the Rules Committee.

S.B. 129, Office of State Debt Collection – Writ of Garnishment (L. Hillyard), was read the first time by short title and referred to the Rules Committee.
S.B. 130, Security Personnel Licensing Act Amendments (M. Dayton), was read the first time by short title and referred to the Rules Committee.

S.B. 131, Assault Amendments (A. Osmond), was read the first time by short title and referred to the Rules Committee.

S.B. 132, Utah Medical Education Council Amendments (W. Harper), was read the first time by short title and referred to the Rules Committee.

S.B. 133, School Performance Report Amendments (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

S.B. 134, Utah Performance Assessment System for Students (u-pass) Amendments (M. Dayton), was read the first time by short title and referred to the Rules Committee.

S.B. 135, Involuntary Commitment Amendments (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 136, Construction Trades Licensing Modifications (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.C.R. 2, Concurrent Resolution Recognizing Workers’ Compensation Fund for Workplace Safety (K. Mayne), was read the first time by short title and referred to the Rules Committee.

S.C.R. 3, Threatened Species Damage and Management Plan Concurrent Resolution (E. Vickers), was read the first time by short title and referred to the Rules Committee.

S.J.R. 1, Joint Rules Resolution on Performance Notes (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

S.J.R. 3, Joint Rules Resolution on Submitting and Numbering Legislation (A. Osmond), was read the first time by short title and referred to the Rules Committee.

S.J.R. 4, Joint Resolution on Ethics Complaint Procedures (L. Robles), was read the first time by short title and referred to the Rules Committee.

S.J.R. 5, Joint Resolution on State Superintendent of Public Instruction (S. Reid), was read the first time by short title and referred to the Rules Committee.

S.J.R. 6, Joint Rules Resolution on Circled Bills (A. Osmond), was read the first time by short title and referred to the Rules Committee.
On motion of Senator Okerlund, and at 12:15 p.m., the Senate recessed.

AFTERNOON SESSION

The Senate was called to order by President Wayne Niederhauser at 2:25 p.m.

COMMITTEE OF THE WHOLE

On motion of Senator Okerlund, the Legislature resolved itself into a Committee of the Whole for the purpose of hearing from Chief Justice Matthew B. Durrant, Utah Supreme Court.

STATE OF THE JUDICIARY

REMARKS BY CHIEF JUSTICE MATTHEW B. DURRANT

When I was an undergraduate at BYU, I was invited to a gathering at a professor’s home. As an icebreaker, he had us sit in a circle and introduce the person to our left. When it got to me, my introducer said, “This is Matt Durrant. He is the son of George Durrant.” My father was a BYU professor, and a well-known author and speaker.

Then he continued, “He is the brother of Devin Durrant.” Devin was a star player on the BYU basketball team.

He continued, “He is the cousin of Stephen Durrant, a language professor on campus.”

He then paused, looked a little embarrassed, and said, “He’s never really done much himself, but he is related to a lot of important people”

I think that my chief credential remains the same today. I am related to or now serve with a lot of important people. I am privileged to serve on our Supreme Court with four superb jurists, who are here with us today, each committed to diligently honoring the oaths they have taken. I am also honored to serve with the other members of our state’s judiciary, including the members of the Utah Judicial Council, who are also here in the gallery today, as well as our State Court Administrator, Dan Becker.

In Utah, we are fortunate to have judges of an extraordinarily high quality. Utah’s judges are selected by a nonpartisan vetting process that may well be more thorough and rigorous than any state in the nation, one designed to ensure that only those applicants who have established a reputation for excellence and integrity are selected.
As Chief Justice I wear two hats: I preside over our Supreme Court and I chair our Judicial Council. The Judicial Council is the constitutional body by which we govern the judiciary and is composed of judges from different court categories who have been elected by their peers to serve. The council makes policy and administrative decisions for the judicial branch.

While as Chief Justice I now have many more administrative responsibilities, above all I am a judge like the other 210 judges in our state. I, like they, feel the weight of the decisions we are called upon to make. People come to us at critical junctures in their lives. Their business, their family, their financial future, even their freedom may be at stake. They deserve a judge who is fair, impartial, and committed to fairly applying the law to the facts. They deserve a judge who is uninfluenced by public opinion, position, power, race, gender, or anything beyond the law and the facts.

A fair judiciary is also critical to our state’s economic success. A recent World Bank study indicates that the most important ingredient to the economic success and strength of a country is the presence of a court system that applies the rule of law fairly and impartially. To have a judiciary committed to the rule of law, one dedicated to fair and impartial justice, not only benefits those who now do business in our state, but it plays a key role in decisions being made by those who are considering locating here. In a survey conducted by the US Chamber of Commerce, of the 1500 employer respondents, two-thirds agreed that the litigation environment in a state is an important factor that impacts decisions of where to locate or do business.

In this regard, I can report to you that Utah’s court system is held in very high regard. This is something that I hadn’t fully appreciated before becoming Chief Justice. Through my involvement with the National Conference of Chief Justices, I have come to see how highly regarded our court system is nationally. Our governance structure, the way in which we select and retain our judiciary, our innovative juvenile courts, our application of alternative dispute resolution, and our use of technology are often cited as models that others should emulate.

But even more important is the opinion of Utah’s citizens. I am pleased to tell you that in an independent survey conducted last July and August, 81% of respondents indicated that they had confidence in Utah’s courts, with 29% responding that they were very confident. In a separate recent survey given to court users as they were leaving courthouses throughout our state, 96% indicated they had been treated with courtesy and respect by our staff. Notably, this survey was conducted at a time of historically high filings and workload in our courts.

Fortunately, as our Utah economy has improved, our record high civil filings are now returning to more normal levels of growth. We’ve made the business
adjustments necessary to continue to serve the public with fewer dollars and a downsized workforce and, importantly, we are not asking that any of the staff reductions taken over the past three years be restored. We commit to continue to provide excellent service to litigants, the bar, and the public with our new smaller, more tech-savvy, and better trained and educated staff.

A critical factor in our ability to achieve this success in our courts has been our relationship with this legislature. While there is, and should be, some tension between our branches, we are fortunate to live in a state where our legislators, while firmly committed to fiscal responsibility, are also committed to providing the resources necessary to ensure a fair and impartial judiciary of the highest quality. During these recent years of uncertainty, you have allowed us the flexibility to retool and right-size, and our exemplary performance is the result, and people are noticing – both our performance, and your contribution to it.

At a recent press conference held at the National Press Club in Washington DC, Utah was recognized as one of three states that had most successfully responded to budget reductions by changing its business model. Specifically, Utah was recognized for the positive and productive working relationship between our courts and this legislature. Representative Eric Hutchings, co-chair of our Appropriations Committee, was invited by the organizers of the event to participate in that press conference, which he did, and he represented all of you admirably. The cooperative and effective institutional support we enjoy is unsurpassed anywhere in the country.

We not only weathered the recession, but came out better for it. Though we faced a 10% staff reduction at the same time we were experiencing record high case filings, we were able to improve our efficiency, reducing the age of our pending cases by 34%. In other words, cases moved along faster. In fact, the average age of pending cases has improved over that of 2008 in every case category and in every judicial district. How has this happened? One key factor in our ability to increase productivity during workforce reductions and increased workload has been our unwavering investment in E-solutions.

We are almost to the finish line of operating in a fully electronic environment. We are now paperless statewide for all civil cases filed after July 1, 2012. Shortly after the gavel falls on this legislative session, all civil cases filed by the bar will be done so entirely electronically, and criminal cases are next. The advantages to these electronic solutions are endless.

- Efficiency – we move data, instead of pieces of paper, so everything can be seen and worked on by everyone at once.
• Security – redundant electronic storage means records won’t be lost in the case of fire, or, as we saw just a few days ago, a burst water pipe in our Farmington courthouse.

• Transparency – public records are much more accessible to the public. A visit to the courthouse is replaced by a visit to our website. Even court proceedings are more available without a trip to the courtroom, including digital audio recordings of justice court proceedings.

While we are already regarded as one of the most transparent court systems in the country—due both to our open, public governance meetings and to the way in which we report our performance—in detail, on our website—we have recently taken additional steps to enhance our openness and accountability. In November, the Judicial Council enacted a rule that allows the media to cover courtroom proceedings using audio and, now, video. While this represents a big change for our trial courts, the Judicial Council concluded that allowing this change makes Utah’s courts even more transparent and accountable.

While we are proud of the success we’ve had, and always working to improve the quality of our court system, we do face a number of significant challenges. The nature of what I will call our customer base, those using the courts, is changing. Fifty-seven languages had to be interpreted in Utah courts last year. And there are, of course, drug addiction or mental health issues in the vast majority—some estimate over 80%—of our district court criminal cases, as well as in many of our juvenile court referrals.

The number of litigants coming to court without an attorney has also continued to rise. For example, this year, in 56% of domestic cases, neither party had a lawyer. In the public opinion survey I mentioned earlier, 70% of respondents felt that the cost of hiring an attorney would be a barrier if they needed to access their courts. This should be troubling to all of us. And yet for many in today’s YouTube society, do-it-yourself is always the first choice, even if cost is not the barrier, and even for something as complex as a court proceeding.

To address this concern a number of resources, programs, and initiatives are in place. The court–run state–wide Self–Help Center you funded this past year is now serving people all across the state, and is on pace to assist 16,000 Utahns this year. Those 16,000 Utahns owe thanks to Senator Urquhart for his sponsorship of that legislation last year, and to all of you for its passage.

In addition to our Self–Help Center, we also have an online court assistance program, or OCAP, that helps self represented parties prepare court documents the way a TurboTax program might help prepare taxes, and our website has a great
A fatal tragedy took a young mother from her child. The mother’s devastated parents, grandparents to the little girl, sought help with how to take care of their granddaughter. They needed to become the legal guardians of their granddaughter, as the father is out of the picture. The grandparents are of meager means and cannot afford a lawyer. Fortunately, they found and called a Self−Help Center staffer, who then walked them, step by step, through the process of finding the correct online tool to help them. In this case they were able to answer questions in the OCAP program, and the result was a ready−to−file petition for guardianship of a minor, as well as instructions for what to expect in the court hearing. Within weeks, the grandparents became the court−appointed guardians of their grandchild and have the legal tools in place to care for that child for years to come.

There are thousands of stories similar to this one, and there are certainly other entities dedicated to assisting those with unmet legal needs. Utah Legal Services, to which you provide modest financial support, works mightily to address the demand for legal services, and the Utah State Bar has begun a state−wide pro bono initiative to provide legal help to those in the greatest need.

All of this and much more will be needed if we are to ensure that our courts are available to those without the financial means to seek representation from an attorney.

Once these court users—represented or not—do make it to court, we need to be sure there is a judge there to help them. In one part in our state that has become a critical issue.

I don’t need to tell you about the growth in the Uintah basin in recent years, but you may not be aware that it has resulted in a sustained explosion in the workload for both our juvenile and district courts serving Duchesne, Uintah, and Daggett counties – the Eighth Judicial District. The need for additional judges has actually been apparent for over four years, but because of the recession, we have done what was necessary to delay coming to you for help. We have used judges from neighboring judicial districts, as well as retired senior judges, to fill in, but the citizens of the Eighth Judicial District are entitled to more than a fill−in patchwork of judges.

I wish to give special recognition to the district and juvenile judges from the Seventh District who, for the last three years, have been covering all of their own courts, from Price to Blanding, plus the courts in Duchesne, which has meant...
many white knuckle drives between Price and Duchesne over Highway 191 during the winter months. They’ve done so willingly in order to ensure that the people of the Eighth District have access to court resources and timely justice. I should also note that the electronic record has allowed clerk offices in Price and Moab to provide case processing assistance to their colleagues in the Eighth District without leaving their offices. This is something new – being able to move work, rather than having to move people.

But I regard such assistance as a temporary emergency measure that has gone on too long and now needs to be addressed with permanent judges. The residents of Duchesne are entitled to have judges from their own community for whom they cast their retention vote. And, in juvenile court, the one judge/one family model that is in place everywhere else in the state, has had to be, in significant measure, sacrificed in the Eighth District because of the use of multiple visiting judges. In that district, our one judge juvenile court has the workload of two judges, and our two judge district court has the workload of three.

Senator Van Tassell has filed legislation that will address this long-standing need, and I hope you will give it your support. So please know that the state of the Utah judiciary is strong, efficient, and forward looking. I am fortunate that Justice Durham and the Judicial Council put our courts on a constructive and innovative path. I intend to continue on that path and to explore additional ways to improve our courts. But this can’t be our journey alone. We need you to believe in and to continue to support our courts.

And we need the public’s support as well. The courts don’t belong to judges or to the Judicial Council, they belong to the people. And the people have every right to expect their courts to be fair, independent, timely, and accessible. Our judges and staff by their actions every day show their commitment to these principles, and I can assure you that the Judicial Council is working diligently to ensure that the confidence the public has in our work is not only maintained, but enhanced. Our courts need to be welcoming to all. Legal problems are not limited to the wealthy, yet too often the services of lawyers are. The high cost of legal services has become a barrier not just to the poor, but the middle class as well.

So, I see a critical part of my job as making sure our courts are like a big tent, with its flaps wide open, with room for everyone, not like a walled fortress accessible only to the few. When the good people of Utah need our courts, we don’t ask them whether they, like that fellow seemed to think I was, are “related to a lot of important people,” we just welcome them and treat them as the important people they themselves are.

Let me conclude by thanking you, as Chief Justice, but more importantly, as a citizen, for your service. I know that you serve at great personal sacrifice and from
a commitment to improve the lives of our state’s citizens. We, as a judiciary, are proud to participate with you and with the governor in this great cause.

Thank you for the opportunity to talk with you today, and good luck with the session.

* * *

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

On motion of Senator Davis, the Senate voted to spread Chief Justice Durrant’s words upon the pages of the Senate Journal.

COMMUNICATIONS FROM THE GOVERNOR

To the Members of the Senate: December 21, 2012

I am pleased to inform you that I have appointed Jeffrey C. Wilcox as a Judge of the Fifth 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. Wilcox.

Gary R. Herbert
Governor

To the Members of the Senate: January 24, 2013

The Senate Judicial Confirmation Committee met on January 24, 2013 and reports a favorable recommendation for Mr. Jeffrey C. Wilcox to be confirmed to the position of Judge in the Fifth District Court.

Scott K. Jenkins, Chair

On motion of Senator Hillyard, the Senate voted to consent to the appointment of Jeffrey C. Wilcox as a Judge of the Fifth District Court on the following roll call vote:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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Absent or not voting was: Senator Bramble

Senator Reid declared a conflict of interest.

COMMITTEE OF THE WHOLE

On motion of Senator Okerlund, Judge Jeffrey C. Wilcox spoke in Committee of the Whole. Senator Hillyard commented.

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

RULES COMMITTEE REPORTS

To the Members of the Senate: January 28, 2013

The Rules Committee recommends assignment of the following bills to the Senate Second Reading Calendar:

**Business and Labor Committee**

S.B. 21 Unincorporated Business Entities (Sen. L. Hillyard)
S.B. 41 Uniform Commercial Code Amendments (Sen. L. Hillyard)
S.B. 44 Construction Trades Licensing Revisions (Sen. K. Mayne)
S.B. 136 Construction Trades Licensing Modifications (Sen. P. Knudson)

**Economic Development & Workforce Services**

S.C.R. 2 Concurrent Resolution Recognizing Workers’ Compensation Fund for Workplace Safety (Sen. K. Mayne)
S.B. 45 Workers’ Compensation and Directors or Officers (Sen. E. Vickers)
S.B. 46 Occupational Safety and Health Amendments (Sen. L. Robles)

**Education Committee**

S.B. 39 Parental Responsibility for Sex Education Training (Sen. S. Reid)
S.B. 42 Medical School Admissions Funding (Sen. J. Valentine)
S.B. 110 School–based Budgeting Amendments (Sen. H. Stephenson)
S.B. 122  Student Leadership Skills Development  
(Sen. A. Osmond)  
S.B. 128  Financial Transparency in Education (Sen. D. Thatcher)  
S.B. 133  School Performance Report Amendments  
(Sen. H. Stephenson)  
S.B. 134  Utah Performance Assessment System for Students  
(u–pass) Amendments (Sen. M. Dayton)  
S.J.R. 5  Joint Resolution on State Superintendent of Public Instruction (Sen. S. Reid)  

Government Operations and Political Subdivisions Committee  
S.B. 40  Utah Navajo Royalties Amendments  
(Sen. K. Van Tassell)  
S.B. 47  Procurement Amendments – Small Purchases  
(Sen. R. Okerlund)  
S.B. 112  Work Week Amendments (Sen. A. Osmond)  
S.B. 120  Target Shooting and Wildfire Regulations  
(Sen. M. Dayton)  
S.B. 126  Coordination of Services for Veterans  
(Sen. P. Knudson)  
S.B. 129  Office of State Debt Collection – Writ of Garnishment  
(Sen. L. Hillyard)  
S.B. 130  Security Personnel Licensing Act Amendments  
(Sen. M. Dayton)  

Health and Human Services Committee  
S.B. 118  Rocky Mountain Center for Occupational and Environmental Health Amendments (Sen. K. Mayne)  
S.B. 132  Utah Medical Education Council Amendments  
(Sen. W. Harper)  

Judiciary, Law Enforcement, and Criminal Justice Committee  
S.B. 11  Alimony Amendments (Sen. L. Hillyard)  
S.B. 18  Child Custody Proceedings Amendments (Sen. L. Robles)  
S.B. 107  Public Shooting Ranges (Sen. A. Christensen)  
S.B. 116  Garnishment for Debt Collection (Sen. L. Hillyard)  
S.B. 119  Youth Court Amendments (Sen. J. Stevenson)  
S.B. 125  District Court Judge Amendments (Sen. K. Van Tassell)  
S.B. 127  Juvenile Court Judge Amendments (Sen. K. Van Tassell)
Natural Resources, Agriculture and Environment Committee
S.B. 30 Water and Irrigation Amendments (Sen. M. Dayton)
S.B. 32 Environmental Health Scientist Act Sunset Reauthorization (Sen. G. Davis)
S.B. 109 Change Application Procedure (Sen. R. Okerlund)
S.B. 115 Water Development Commission Amendments (Sen. M. Dayton)
S.C.R. 3 Threatened Species Damage and Management Plan Concurrent Resolution (Sen. E. Vickers)

Retirement and Independent Entities Committee
S.B. 113 Long–term Disability Coverage Amendments (Sen. T. Weiler)

Revenue and Taxation Committee
S.B. 106 Unemployment Tax Amendment (Sen. C. Bramble)
S.B. 124 Sales and Use Tax Exemption for Database Access (Sen. W. Harper)

Transportation, Public Utilities and Technology Committee
S.B. 111 Electronic Filing of Traffic Citations and Accident Reports (Sen. L. Hillyard)
S.B. 121 Traffic Regulations Regarding Buses (Sen. K. Mayne)
S.B. 123 Runaway Vehicle Ramp Requirements (Sen. K. Van Tassell)

John L. Valentine
Rules Committee Chair

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

RULES COMMITTEE REPORTS

To the Members of the Senate: January 28, 2013

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

S.B. 10 Retirement Eligibility Amendments (Sen. T. Weiler)
S.B. 12 Public Transit District Customer Information (Sen. K. Van Tassell)
S.B. 14 Research Using Pharmaceuticals (Sen. P. Jones)
S.B. 15 Industrial Accident Restricted Account (Sen. J. Valentine)
S.B. 16 Health Insurance Coverage Restrictions on Retired Governors and Legislators (Sen. T. Weiler)
S.B. 19  Commercial Driver License Amendments  
(Sen. K. Van Tassell)

S.B. 20  State Security Standards for Personal Information  
(Sen. S. Reid)

S.B. 22  Worker Classification Coordinated Enforcement Council  
(Sen. J. Valentine)

S.B. 23  Lieutenant Governor Candidate Amendments  
(Sen. P. Knudson)

S.B. 24  Absentee Ballot Amendments (Sen. P. Knudson)

S.B. 25  Elections During Declared Emergency (Sen. P. Knudson)

S.B. 26  Risk Management for Independent Entities  
(Sen. T. Weiler)

S.B. 27  Health Care Provider Immunity Sunset Amendment (Sen. A. Christensen)

S.B. 28  Boards and Commissions Amendments (Sen. P. Knudson)

S.B. 29  State Highway System Modifications  
(Sen. K. Van Tassell)

S.B. 31  Special Needs Adoption Tax Credit (Sen. W. Harper)

S.B. 33  Sales and Use Tax Revisions (Sen. H. Stephenson)

S.B. 34  Special Election Date for Ballot Propositions  
(Sen. H. Stephenson)

S.B. 35  Property Taxation of Business Personal Property  
(Sen. W. Harper)

S.B. 36  Cigarette and Tobacco Tax and Licensing Amendments  
(Sen. W. Harper)

S.B. 37  Time Period for Paying a Tax, Interest, or Penalties after a Judicial Decision (Sen. D. Henderson)

S.B. 38  Reauthorization of Veterans Reintegration Task Force  
(Sen. P. Knudson)

S.J.R. 1  Joint Rules Resolution on Performance Notes  
(Sen. J. Stevenson)

    John L. Valentine  
    Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 137, Motor Vehicle Registration Enforcement Amendments  
(D. Thatcher), was read the first time by short title and referred to the Rules Committee.
S.J.R. 7, Joint Rules Resolution on Revenue Estimates for Federal Funds (W. Harper), was read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Okerlund and at 3:10 p.m., the Senate adjourned until 10:00 a.m., Tuesday, January 29, 2013.
SECOND DAY

January 29, 2013

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

Prayer – Pastor Rob Bruendle, Trinity United Methodist Church
Pledge of Allegiance – Senator Stuart Adams
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 28, 2013

The House passed H.B. 10, SEX OFFENSE AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed H.B. 12, ALARM COMPANY EMPLOYEE LICENSING, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed H.B. 16, DISPOSAL OF CERTAIN SURPLUS PROPERTY, by Representative S. Barlow, 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 28, 2013

The Education Committee reports a favorable recommendation on S.B. 42, MEDICAL SCHOOL ADMISSIONS FUNDING, by Senator J. Valentine; and

The Education Committee reports a favorable recommendation on S.B. 128, FINANCIAL TRANSPARENCY IN EDUCATION, by Senator D. Thatcher.

Stuart C. Reid, Chair

On motion of President Niederhauser, the committee reports were adopted. The bills were placed on Second Reading Calendar.
INTRODUCTION OF BILLS

S.B. 138, Amendments to Requirements for Governor’s Proposed Budget (W. Harper), was read the first time by short title and referred to the Rules Committee.

S.B. 139, Utah Science Center Authority Amendments (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 140, Service Area Board of Trustees (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 141, Education Contribution on Tax Returns (D. Thatcher), was read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

S.B. 10, RETIREMENT ELIGIBILITY AMENDMENTS, was read the second time. Senator Weiler explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne Okerlund
Osmond Reid Robles Shiozawa
Stephenson Stevenson Valentine Van Tassell
Weiler Niederhauser

Absent or not voting were: Senators
Thatcher Urquhart Vickers

* * *

S.B. 12, PUBLIC TRANSIT DISTRICT CUSTOMER INFORMATION, 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 or not voting, 4.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
S.B. 14, RESEARCH USING PHARMACEUTICALS, 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 or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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<tr>
<th>Urquhart</th>
<th>Vickers</th>
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S.B. 15, INDUSTRIAL ACCIDENT RESTRICTED ACCOUNT, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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

<table>
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<tr>
<th>Urquhart</th>
<th>Vickers</th>
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</table>
Absent or not voting were: Senators
Urquhart Vickers

***

S.B. 16. HEALTH INSURANCE COVERAGE RESTRICTIONS ON RETIRED GOVERNORS AND LEGISLATORS, was read the second time. Senator Weiler explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne Okerlund
Osmond Reid Shiozawa Stephenson
Stevenson Thatcher Urquhart Valentine
Van Tassell Weiler Niederhauser

Absent or not voting were: Senators
Robles Vickers

***

On motion of Senator Van Tassell, S.B. 19. COMMERCIAL DRIVER LICENSE AMENDMENTS, was read the second time and circled.

***

S.B. 20. STATE SECURITY STANDARDS FOR PERSONAL INFORMATION, was read the second time. Senator Reid explained the bill. Senator Harper commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Stevenson Thatcher Urquhart Valentine
Van Tassell Weiler Niederhauser
Absent or not voting were: Senators
Hillyard Vickers

***

S.B. 22, WORKER CLASSIFICATION COORDINATED ENFORCEMENT COUNCIL, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Stevenson Thatcher Urquhart Valentine
Van Tassell Weiler Niederhauser

Absent or not voting were: Senators
Hillyard Vickers

***

S.B. 23, LIEUTENANT GOVERNOR CANDIDATE AMENDMENTS, 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 or not voting, 2.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Shiozawa Stephenson
Stevenson Thatcher Urquhart Valentine
Van Tassell Weiler Niederhauser

Absent or not voting were: Senators
Robles Vickers
S.B. 24, ABSENTEE BALLOT AMENDMENTS, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Stevenson
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Absent or not voting was:** Senator

Adams

*S. B. 25, ELECTIONS DURING DECLARED EMERGENCY, 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 or not voting, 2.**

**Voting in the affirmative were:** Senators

- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Absent or not voting were:** Senators

- Adams
- Robles

*S. B. 26, RISK MANAGEMENT FOR INDEPENDENT ENTITIES, was read the second time. Senator Weiler explained the bill. Senator Dayton commented. The bill passed second reading on the following roll call:*
Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Bramble Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Stevenson Thatcher Urquhart Valentine
Van Tassell Weiler Niederhauser

Absent or not voting were: Senators
Adams Vickers

***

S.B. 27, HEALTH CARE PROVIDER IMMUNITY SUNSET AMENDMENT, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Bramble Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Stevenson Thatcher Urquhart Valentine
Van Tassell Weiler Niederhauser

Absent or not voting was: Senator
Adams

***

S.B. 28, BOARDS AND COMMISSIONS AMENDMENTS, was read the second time. Senator Knudson explained the bill. Senator Reid commented.

On motion of Senator Knudson, the bill was circled.

***

S.B. 29, STATE HIGHWAY SYSTEM MODIFICATIONS, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:
Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  Okerlund
Osmond  Reid  Robles  Shiozawa
Stephenson  Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Vickers  Weiler
Niederhauser

* * *

S.B. 31, SPECIAL NEEDS ADOPTION TAX CREDIT, was read the second time. Senator Harper explained the bill. The bill passed second reading on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  Okerlund
Osmond  Reid  Robles  Shiozawa
Stephenson  Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Vickers  Weiler
Niederhauser

* * *

S.B. 33, SALES AND USE TAX REVISIONS, was read the second time. Senator Stephenson explained the bill. Senators Jenkins, Hillyard, and Mayne commented. Senator Valentine declared a conflict of interest. The bill passed second reading on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  Okerlund
S.B. 34, SPECIAL ELECTION DATE FOR BALLOT PROPOSITIONS, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 29; Nays, 0; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
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- Osmond
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- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

***

S.B. 35, PROPERTY TAXATION OF BUSINESS PERSONAL PROPERTY, was read the second time. Senator Harper explained the bill. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 1; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Shiozawa
- Stevenson
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Voting in the negative was:** Senator

- Thatcher

**Absent or not voting were:** Senators

- Robles
- Stephenson
S.B. 36, CIGARETTE AND TOBACCO TAX AND LICENSING AMENDMENTS, was read the second time. Senator Harper explained the bill. Senator Christensen commented. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 2; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

<table>
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<th>Thatcher</th>
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S.B. 37, TIME PERIOD FOR PAYING A TAX, INTEREST, OR PENALTIES AFTER A JUDICIAL DECISION, was read the second time. Senator Henderson explained the bill. Senator Bramble commented. The bill passed second reading on the following roll call:

**Yeas, 28; Nays, 1; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

Thatcher

S.B. 38, REAUTHORIZATION OF VETERANS REINTEGRATION TASK FORCE, was read the second time. Senator Knudson explained the bill.
Senator Knudson proposed the following amendment:

1. Page 2, Line 31:
   Delete “$6,000” and insert “$4,000”

2. Page 2, Line 34:
   Delete “$9,000” and insert “$6,000”

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

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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<td>Vickers</td>
<td>Weiler</td>
<td>Niederhauser</td>
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**Absent or not voting was:** Senator

Valentine

**INTRODUCTION OF BILLS**

**S.B. 142, Repeal of Blacklisting Provisions** (D. Thatcher), was read the first time by short title and referred to the Rules Committee.

**S.B. 143, Mortgage and Financial Affairs Amendments** (W. Harper), was read the first time by short title and referred to the Rules Committee.

**S.B. 144, Reauthorization of Prohibitions on Practicing Law Without a License** (S. Jenkins), was read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Okerlund, and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Wednesday, January 30, 2013.
THIRD DAY

January 30, 2013

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

Prayer – Jacob Law, Smithfield City Youth Council Member
Pledge of Allegiance – Senator Mark B. Madsen
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 29, 2013

The House passed H.B. 18, CAMPAIGN FINANCE REPORTING PENALTIES, by Representative K. Grover, and it is transmitted for consideration; and

The House passed H.J.R. 6, JOINT RULES RESOLUTION – COMPENSATION AND EXPENSE REIMBURSEMENTS, 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 29, 2011

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

Business and Labor Committee

Government Operations and Political Subdivisions Committee
S.B. 140 Service Area Board of Trustees (Sen. T. Weiler)
S.J.R. 7 Joint Rules Resolution on Revenue Estimates for Federal Funds (Sen. W. Harper)
**H.B. 16** Disposal of Certain Surplus Property (Rep. S. Barlow)
(Sen. J. S. Adams)

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

**S.B. 114** Safety Belt Amendments (Sen. L. Robles)

**H.B. 10** Sex Offense Amendments (Rep. R. Greenwood)
(Sen. J. Valentine)

**Retirement & Independent Entities**

**S.B. 139** Utah Science Center Authority Amendments
(Sen. T. Weiler)

**Revenue and Taxation Committee**

**S.B. 141** Education Contribution on Tax Returns
(Sen. D. Thatcher)

**Transportation, Public Utilities and Technology Committee**

**S.B. 137** Motor Vehicle Registration Enforcement Amendments
(Sen. D. Thatcher)

John L. Valentine
Rules Committee Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President: January 29, 2013

The Economic Development and Workforce Services Committee reports a favorable recommendation on **S.B. 45**, WORKERS’ COMPENSATION AND DIRECTORS OR OFFICERS, by Senator E. Vickers, with the following amendments:

1. Page 3, Lines 82 through 89:

82 (b) If a corporation makes an election under Subsection (4)(a), the corporation shall

83 serve written notice naming the individuals who are directors or officers to be excluded from coverage:

84 (i) upon its insurance carrier [naming the persons to be excluded from coverage.], if

85 any; or
(ii) upon the commission if the corporation is self insured or has no employee other than the one or more directors or officers being excluded.

(c) A corporation may exclude no more than five individuals who are directors or officers under Subsection (4)(b)(ii); and

The Economic Development and Workforce Services Committee reports a favorable recommendation on S.C.R. 2, CONCURRENT RESOLUTION RECOGNIZING WORKERS’ COMPENSATION FUND FOR WORKPLACE SAFETY, by Senator K. Mayne.

Aaron Osmond, Chair

Mr. President: January 29, 2013

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 40, UTAH NAVAJO ROYALTIES AMENDMENTS, by Senator K. Van Tassell; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 120, TARGET SHOOTING AND WILDFIRE REGULATIONS, by Senator M. Dayton; and


Margaret Dayton, Chair

Mr. President: January 29, 2013

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 30, WATER AND IRRIGATION AMENDMENTS, by Senator M. Dayton; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 115, WATER DEVELOPMENT COMMISSION AMENDMENTS, by Senator M. Dayton; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.C.R. 3, THREATENED SPECIES DAMAGE
AND MANAGEMENT PLAN CONCURRENT RESOLUTION, by Senator E. Vickers.

Scott K. Jenkins, Chair

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

INTRODUCTION OF BILLS

S.B. 50, Department of Transportation Liability Amendments (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 51, Higher Education Tuition Waivers (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

S.B. 52, Game Fowl Fighting Amendments (G. Davis), was read the first time by short title and referred to the Rules Committee.

S.B. 145, County Attorney Chapter Recodification (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 146, Driving Under the Influence Amendments (S. Jenkins), was read the first time by short title and referred to the Rules Committee.

S.B. 147, Workers’ Compensation and Occupational Safety Related Amendments (K. Mayne), was read the first time by short title and referred to the Rules Committee.

S.B. 148, Conservation Districts – Closed Meetings Amendments (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift S.B. 1, PUBLIC EDUCATION BASE BUDGET, and S.B. 5, NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENTAL QUALITY BASE BUDGET, from the Rules Committee and place them at the top of the Second Reading Calendar.

THIRD READING CALENDAR

S.B. 10, RETIREMENT ELIGIBILITY AMENDMENTS, was read the third time, explained by Senator Weiler, and passed on the following roll call:
Yeas, 26; Nays, 0; Absent or not voting, 3.

**Voting in the affirmative were:** Senators

Adams  
Harper  
Jenkins  
Mayne  
Robles  
Thatcher  
Weiler

Bramble  
Henderson  
Jones  
Okerlund  
Shiozawa  
Urquhart  
Niederhauser

Davis  
Hillyard  
Knudson  
Osmond  
Stephenson  
Valentine  

Dayton  
Hinkins  
Madsen  
Reid  
Stevenson  
Van Tassell

**Absent or not voting were:** Senators

Christensen  
Dabakis  

Vickers

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

* * *

S.B. 12, PUBLIC TRANSIT DISTRICT CUSTOMER INFORMATION, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

**Voting in the affirmative were:** Senators

Adams  
Harper  
Jenkins  
Mayne  
Robles  
Thatcher  
Vickers

Bramble  
Henderson  
Jones  
Okerlund  
Shiozawa  
Urquhart  
Weiler

Davis  
Hillyard  
Knudson  
Osmond  
Stephenson  
Valentine  
Niederhauser

Dayton  
Hinkins  
Madsen  
Reid  
Stevenson  
Van Tassell

**Absent or not voting were:** Senators

Christensen  
Dabakis

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

* * *

S.B. 14, RESEARCH USING PHARMACEUTICALS, was read the third time, explained by Senator Jones, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.
Voting in the affirmative were: Senators
Adams
Davis
Hillyard
Knudson
Osmond
Stephenson
Valentine
Niederhauser

Bramble
Dayton
Hinkins
Madsen
Reid
Stevenson
Van Tassell

Christensen
Harper
Jenkins
Mayne
Robles
Thatcher
Vickers

Dabakis
Henderson
Jones
Okerlund
Shiozawa
Urquhart
Weiler

Voting in the affirmative were: Senators
Adams
Harper
Jones
Okerlund
Shiozawa
Valentine

Christensen
Hinkins
Knudson
Madsen
Robles
Stevenson

Dabakis
Henderson
Mayne
Osmond
Stephenson
Van Tassell

Dayton
Jenkins
Hinkins
Niederhauser

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

* * *

S.B. 15, INDUSTRIAL ACCIDENT RESTRICTED ACCOUNT, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams
Harper
Jones
Okerlund
Shiozawa
Valentine

Christensen
Henderson
Knudson
Madsen
Stevenson
Van Tassell

Dabakis
Hinkins
Mayne
Osmond
Robles
Stephenson

Dayton
Jenkins
Mayne
Niederhauser

Absent or not voting were: Senators
Bramble
Davis
Hillyard
Stephenson

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

* * *

S.B. 16, HEALTH INSURANCE COVERAGE RESTRICTIONS ON RETIRED GOVERNORS AND LEGISLATORS, was read the third time, explained by Senator Weiler, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams
Dayton

Christensen
Harper

Dabakis
Henderson

Davis
Hinkins

Niederhauser
Absent or not voting were: Senators
Bramble  Hillyard  Stephenson

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

***

S.B. 20, STATE SECURITY STANDARDS FOR PERSONAL INFORMATION, was read the third time, explained by Senator Reid, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams  Christensen  Dabakis  Davis
Dayton  Harper  Henderson  Hinkins
Jenkins  Jones  Knudson  Madsen
Mayne  Okerlund  Osmond  Reid
Robles  Shiozawa  Stevenson  Thatcher
Urquhart  Valentine  Van Tassell  Vickers
Weiler  Niederhauser

Absent or not voting were: Senators
Bramble  Hillyard  Stephenson

S.B. 20 was transmitted to the House for consideration.

***

S.B. 22, WORKER CLASSIFICATION COORDINATED ENFORCEMENT COUNCIL, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams  Christensen  Dabakis  Davis
Dayton  Harper  Henderson  Hinkins
Absent or not voting were: Senators
Bramble        Hillyard        Mayne        Stephenson

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

* * *

S.B. 23, LIEUTENANT GOVERNOR CANDIDATE AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Christensen     Dabakis        Davis        Dayton
Harper          Henderson      Hinkins      Jenkins
Jones           Knudson       Madsen       Mayne
Okerlund        Osmond        Reid         Robles
Shiozawa        Stevenson     Thatcher     Urquhart
Valentine       Van Tassell    Vickers      Weiler
Niederhauser

Absent or not voting were: Senators
Adams          Bramble        Hillyard     Stephenson

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

* * *

On motion of Senator Knudson, S.B. 24, ABSENTEE BALLOT AMENDMENTS, was read the third time and circled.

* * *

S.B. 25, ELECTIONS DURING DECLARED EMERGENCY, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.
Voting in the affirmative were: Senators
Christensen  Dabakis  Davis  Dayton
Harper  Henderson  Hinkins  Jenkins
Jones  Knudson  Madsen  Mayne
Okerlund  Osmond  Reid  Robles
Shiozawa  Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Vickers  Weiler
Niederhauser

Absent or not voting were: Senators
Adams  Bramble  Hillyard  Stephenson

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

***

S.B. 26, RISK MANAGEMENT FOR INDEPENDENT ENTITIES, was read the third time, explained by Senator Weiler, and passed on the following roll call:

Yea, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Christensen  Dabakis  Davis  Dayton
Harper  Henderson  Hinkins  Jenkins
Jones  Knudson  Madsen  Mayne
Okerlund  Osmond  Reid  Robles
Shiozawa  Stevenson  Stevenson  Thatcher
Urquhart  Valentine  Van Tassell  Vickers
Weiler  Niederhauser

Absent or not voting were: Senators
Adams  Bramble  Hillyard

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

***

S.B. 27, HEALTH CARE PROVIDER IMMUNITY SUNSET AMENDMENT, was read the third time, explained by Senator Christensen, and passed on the following roll call:

Yea, 27; Nays, 0; Absent or not voting, 2.
Voting in the affirmative were: Senators
Bramble           Christensen       Dabakis       Davis
Dayton            Harper           Henderson     Hinkins
Jenkins           Jones            Knudson       Madsen
Mayne             Okerlund         Osmond        Reid
Robles            Shiozawa         Stephenson    Stevenson
Thatcher           Urquhart       Valentine      Van Tassell
Vickers            Weiler          Niederhauser

Absent or not voting were: Senators
Adams              Hillyard

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

* * *

S.B. 29, STATE HIGHWAY SYSTEM MODIFICATIONS, was read the third time and explained by Senator Van Tassell.

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

1st Sub. S.B. 29 State Highway System Modifications (Van Tassell)

The bill, as substituted, passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Christensen       Dabakis       Davis       Dayton
Harper            Henderson     Hinkins     Jenkins
Jones             Knudson       Madsen      Mayne
Okerlund          Osmond        Reid        Robles
Shiozawa          Stephenson    Stevenson    Thatcher
Urquhart          Valentine     Van Tassell  Vickers
Weiler            Niederhauser

Absent or not voting were: Senators
Adams              Bramble       Hillyard

1st Sub. S.B. 29 was transmitted to the House for consideration.

* * *

SB. 31, SPECIAL NEEDS ADOPTION TAX CREDIT, was read the third time, explained by Senator Harper, and passed on the following roll call:
Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams          Dabakis          Davis          Dayton
Harper         Henderson       Hinkins        Jenkins
Jones          Knudson         Madsen        Mayne
Okerlund       Osmond         Reid           Robles
Shiozawa      Stephenson       Thatcher      Urquhart
Valentine      Van Tassell     Vickers        Weiler
Niederhauser

Absent or not voting were: Senators
Bramble         Christensen       Hillyard      Stevenson

S.B. 31 was transmitted to the House for consideration.

* * *

S.B. 33, SALES AND USE TAX REVISIONS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Yeas, 27; Nays, 1; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams          Bramble          Christensen    Dabakis
Dayton         Harper           Henderson      Hinkins
Jenkins        Jones           Knudson        Madsen
Mayne          Okerlund        Osmond         Reid
Robles         Shiozawa        Stephenson     Stevenson
Thatcher       Urquhart        Valentine      Van Tassell
Vickers        Weiler          Niederhauser

Voting in the negative was: Senator
Davis

Absent or not voting was: Senator
Hillyard

Senator Valentine declared a conflict of interest.

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

* * *

S.B. 34, SPECIAL ELECTION DATE FOR BALLOT PROPOSITIONS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:
Yeas, 26; Nays, 2; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams            Bramble            Christensen            Dabakis
Dayton           Harper             Henderson            Hinkins
Jenkins          Jones              Knudson              Madsen
Okerlund         Osmond             Reid               Robles
Shiozawa         Stephenson        Stevenson            Thatcher
Urquhart         Valentine          Van Tassell          Vickers
Weiler           Niederhauser

Voting in the negative were: Senators
Davis             Mayne

Absent or not voting was: Senator
Hillyard

S.B. 34 was transmitted to the House for consideration.

***

On motion of Senator Harper, S.B. 35, PROPERTY TAXATION OF BUSINESS PERSONAL PROPERTY, was read the third time and circled.

***

S.B. 36, CIGARETTE AND TOBACCO TAX AND LICENSING AMENDMENTS, was read the third time, explained by Senator Harper, and passed on the following roll call:

Yeas, 27; Nays, 2; Absent or not voting, 0.

Voting in the affirmative were: Senators
Adams            Bramble            Christensen            Dabakis
Davis            Dayton             Harper             Henderson
Hillyard         Hinkins            Jenkins             Jones
Knudson          Mayne              Okerlund            Osmond
Reid             Robles             Shiozawa            Stephenson
Stevenson        Thatcher           Valentine          Van Tassell
Vickers          Weiler             Niederhauser

Voting in the negative were: Senators
Madsen            Urquhart
S.B. 36 was transmitted to the House for consideration.

* * *

S.B. 37, TIME PERIOD FOR PAYING A TAX, INTEREST, OR PENALTIES AFTER A JUDICIAL DECISION, was read the third time, explained by Senator Henderson, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Christensen | Hillyard |

S.B. 37 was transmitted to the House for consideration.

* * *

S.B. 38, REAUTHORIZATION OF VETERANS REINTEGRATION TASK FORCE, was read the third time, explained by Senator Knudson, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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<thead>
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<th>Adams</th>
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<th>Davis</th>
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**Absent or not voting were:** Senators

| Christensen | Hillyard |

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

SPECIAL PRESENTATION

A citation was read honoring Aaron Beesley, member of the Utah Highway Patrol who lost his life in the service of others.

SECOND READING CALENDAR

On motion of Senator Mayne, S.C.R. 2, CONCURRENT RESOLUTION RECOGNIZING WORKERS’ COMPENSATION FUND FOR WORKPLACE SAFETY, will be considered February 4, 2013 at 10:20 a.m.

* * *

On motion of Senator Van Tassell, the circle was removed from S.B. 19, COMMERCIAL DRIVER LICENSE AMENDMENTS, and it was before the Senate. Senator Van Tassell explained the bill. Senators Thatcher, Jenkins, and Henderson commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 1; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Henderson  Hinkins
Jenkins  Jones  Knudson  Madsen
Mayne  Okerlund  Osmond  Reid
Robles  Shiozawa  Stephenson  Stevenson
Urquhart  Valentine  Van Tassell  Vickers
Weiler  Niederhauser

Voting in the negative was: Senator
Thatcher

Absent or not voting were: Senators
Harper  Hillyard

* * *

On motion of Senator Knudson, the circle was removed from S.B. 28, BOARDS AND COMMISSIONS AMENDMENTS, and it was before the Senate. Senator Knudson explained the bill.

Senator Knudson proposed the following amendment:
1. Page 1, Lines 13 through 27

This bill: 

☐ repeals the: 

• Municipal Government Fiscal Committee; 
• Citizens and County Officials Advisory Committee; 
• Antidiscrimination and Labor Advisory Council; 
• Occupational Safety and Health Advisory Council; 
• advisory committee to the Motorcycle Rider Education Program; 
• Utah Pioneer Communities Advisory Board; 
• Forestry, Fire, and State Lands Advisory Council; 
• Controlled Substance Precursor Advisory Board; 
• Environmental Health Scientist Board; 
• Families, Agencies, and Communities Together (FACT) Steering Committee; 
• Families, Agencies, and Communities Together (FACT) State Council; and  
• Job Enhancement Committee ; and  
• Radiologic Technologist Licensing Board. 

2. Page 2, Lines 37 through 57:

AMENDS: 

10–6–154, as last amended by Laws of Utah 2003, Chapter 292 
17–36–4, as last amended by Laws of Utah 1996, Chapter 212 
34A–1–202, as last amended by Laws of Utah 2009, Chapter 174 
34A–6–103, as last amended by Laws of Utah 2011, Chapter 413 
34A–6–202, as last amended by Laws of Utah 2011, Chapter 297 
35A–3–207, as last amended by Laws of Utah 2008, Chapter 382
44 53A–1a–601, as last amended by Laws of Utah 2011, Chapter 342
45 58–20a–102, as last amended by Laws of Utah 1997, Chapter 10
46 58–20a–302, as last amended by Laws of Utah 2009, Chapter 183
47 58–37c–3, as last amended by Laws of Utah 2008, Chapter 382
48 58–37c–8, as last amended by Laws of Utah 2010, Chapter 240
49 58–37c–11, as last amended by Laws of Utah 1999, Chapter 21
50 58–37c–19, as last amended by Laws of Utah 2000, Chapter 1
51 58–37c–19.5, as last amended by Laws of Utah 2004, Chapter 280
52 58–37c–19.7, as enacted by Laws of Utah 2000, Chapter 272
53 58–37c–19.9, as enacted by Laws of Utah 2000, Chapter 272
54 58–37c–20, as last amended by Laws of Utah 2007, Chapter 358
55 58–37d–3, as last amended by Laws of Utah 2003, Chapter 115
56 58–54–102, as renumbered and amended by Laws of Utah 2011, Chapter 61
57 58–54–302, as last amended by Laws of Utah 2012, Chapter 369

3. Page 3, Lines 66 through 75:

66 REPEALS:
67 10–6–153, as last amended by Laws of Utah 2010, Chapter 286
68 17–36–5, as last amended by Laws of Utah 2010, Chapters 286 and 324
69 34A–5–105, as last amended by Laws of Utah 2010, Chapter 286
70 34A–6–106, as last amended by Laws of Utah 2010, Chapter 286
71 53–3–908, as last amended by Laws of Utah 2010, Chapters 286 and 324
72 53A–1a–602, as last amended by Laws of Utah 2010, Chapter 286
4. Page 30, Line 923 through Page 33, Line 1011:
   Delete Lines 923 through 1011

5. Page 43, Lines 1306 through 1320:
   1306   Section 28. Repealer.
   1307   This bill repeals:
   1308   Section 10–6–153, Municipal government fiscal committee
          created — Members —
   1309   Terms — Vacancies — Recommendations.
   1310   Section 17–36–5, Creation of Citizens and County Officials
          Advisory Committee.
   1311   Section 34A–5–105, Antidiscrimination and Labor Advisory
          Council —
   1312   Membership — Appointment — Term — Powers and duties —
          Chair.
   1313   Section 34A–6–106, Occupational Safety and Health Advisory
          Council —
   1314   Appointment.
   1315   Section 53–3–908, Advisory committee.
   1316   Section 53A–1a–602, Job Enhancement Committee —
          Composition — Duties —
   1317   Appropriation.
   1318   Section 58–20a–201, Board.
   1319   Section 58–37c–4, Board.
   1320   {Section 58–54–201, Board created — Membership —
          Duties.}

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

# # #

Senator Davis proposed the following amendment:
This bill:

- repeals the:
  - Municipal Government Fiscal Committee;
  - Citizens and County Officials Advisory Committee;
  - Antidiscrimination and Labor Advisory Council;
  - Occupational Safety and Health Advisory Council;
  - advisory committee to the Motorcycle Rider Education Program;
  - Utah Pioneer Communities Advisory Board;
  - Forestry, Fire, and State Lands Advisory Council;
  - Controlled Substance Precursor Advisory Board;
  - [Environmental Health Scientist Board]

AMENDS:

- 10−6−154, as last amended by Laws of Utah 2003, Chapter 292
- 17−36−4, as last amended by Laws of Utah 1996, Chapter 212
- 34A−1−202, as last amended by Laws of Utah 2009, Chapter 174
- 34A−6−103, as last amended by Laws of Utah 2011, Chapter 413
- 34A−6−202, as last amended by Laws of Utah 2011, Chapter 297
- 35A−3−207, as last amended by Laws of Utah 2008, Chapter 382
- 53A−1a−601, as last amended by Laws of Utah 2011, Chapter 342
- [58−20a−102, as last amended by Laws of Utah 1997, Chapter 10]
- 58−20a−302, as last amended by Laws of Utah 2009, Chapter 183]
3. Page 3, Lines 66 through 73:

   REPEALS:
   66  10–6–153, as last amended by Laws of Utah 2010, Chapter 286
   67  17–36–5, as last amended by Laws of Utah 2010, Chapters 286 and 324
   69  34A–5–105, as last amended by Laws of Utah 2010, Chapter 286
   70  34A–6–106, as last amended by Laws of Utah 2010, Chapter 286
   71  53–3–908, as last amended by Laws of Utah 2010, Chapters 286 and 324
   72  53A–1a–602, as last amended by Laws of Utah 2010, Chapter 286
   73  {58–20a–201, as enacted by Laws of Utah 1995, Chapter 95}

4. Page 16, Line 482 through Page 18, Line 548:

   Delete Lines 482–548

5. Page 43, Lines 1306 through 1318:

   Section 28. Repealer.
   1307  This bill repeals:
   1308  Section 10–6–153, Municipal government fiscal committee created — Members —
   1309  Terms — Vacancies — Recommendations.
   1310  Section 17–36–5, Creation of Citizens and County Officials Advisory Committee.
   1311  Section 34A–5–105, Antidiscrimination and Labor Advisory Council —
   1312  Membership — Appointment — Term — Powers and duties — Chair.
   1313  Section 34A–6–106, Occupational Safety and Health Advisory Council —
   1314  Appointment.
Senator Davis’ motion to amend failed on a voice vote.

# # #

Senator Reid proposed the following amendment:

1. Page 1, Lines 10 through 11

   General Description:
   This bill repeals certain boards and commissions and repeals the Utah Commission on Immigration and Migration Act.

2. Page 1, Line 25:

   • Families, Agencies, and Communities Together (FACT) State Council;
   • Utah Commission on Immigration and Migration Act

3. Page 3, Line 75:

   58–54–201, as renumbered and amended by Laws of Utah 2011, Chapter 61
   63G–13–101, as enacted by Laws of Utah 2011, Chapter 19
   63G–13–102, as enacted by Laws of Utah 2011, Chapter 19
   63G–13–201, as last amended by Laws of Utah 2012, Chapter 212
   63G–13–202, as enacted by Laws of Utah 2011, Chapter 19
   63G–13–203, as enacted by Laws of Utah 2011, Chapter 19
   63G–13–301, as enacted by Laws of Utah 2011, Chapter 19
   63G–13–302, as enacted by Laws of Utah 2011, Chapter 19
   63G–13–303, as enacted by Laws of Utah 2011, Chapter 19
   63G–13–304, as enacted by Laws of Utah 2011, Chapter 19

4. Page 43, Lines 1307 through 1320:

   This bill repeals:
   Section 10–6–153, Municipal government fiscal committee created — Members —
Terms — Vacancies — Recommendations.

Section 17–36–5, Creation of Citizens and County Officials Advisory Committee.

Section 34A–5–105, Antidiscrimination and Labor Advisory Council —

Membership — Appointment — Term — Powers and duties — Chair.

Section 34A–6–106, Occupational Safety and Health Advisory Council —

Appointment.

Section 53–3–908, Advisory committee.

Section 53A–1a–602, Job Enhancement Committee —
Composition — Duties —

Appointment.

Section 58–20a–201, Board.

Section 58–37c–4, Board.

Section 58–54–201, Board created — Membership — Duties.

Section 63G–13–101, Title.
Section 63G–13–102, Definitions.
Section 63G–13–201, Creation of commission.
Section 63G–13–202, General powers and duties of the commission.
Section 63G–13–203, Collaboration on integration of immigrants.
Section 63G–13–301, Migrant Worker Visa Pilot Project.
Section 63G–13–302, Requirements for pilot project and pilot project memorandum of understanding.
Section 63G–13–303, Commission advisory group to conduct study — Commission to prepare recommendations.
Section 63G–13–304, Expansion to similar pilot projects.

Senator Reid’s motion to amend passed on a voice vote. Senators Dayton, Valentine, Vickers, Okerlund, Madsen, Van Tassell, and Mayne commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators

<table>
<thead>
<tr>
<th>Senator</th>
<th>Party</th>
<th>Affirmative</th>
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<tr>
<td>Bramble</td>
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<tr>
<td>Christensen</td>
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Hinkins  Jenkins  Jones  Knudson  
Madsen  Mayne  Okerlund  Osmond  
Reid  Robles  Shiozawa  Stephenson  
Stevenson  Thatcher  Urquhart  Valentine  
Van Tassell  Vickers  Niederhauser

Absent or not voting were: Senators
Adams  Weiler

INTRODUCTION OF BILLS

S.B. 149, Governmental Immunity Amendments (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

S.B. 150, Financial Institution Amendments (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

S.B. 151, Authorization of Charter Schools by Higher Education Institutions (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

S.B. 152, Alcohol and Drug Related Offense Amendments (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Okerlund, and at 12:00 p.m., the Senate adjourned until 10:00 a.m., Thursday, January 31, 2013.

JOINT CONVENTION

President Wayne Niederhauser called the Joint Convention to order at 6:15 p.m. in the Chamber of the Utah House of Representatives and recognized Rebecca Lockhart, Speaker of the House.

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

President Niederhauser appointed a Joint Committee comprised of Senators Ralph Okerlund, Stuart Adams and Gene Davis, and Representatives Brad Dee, Greg Hughes, and Jennifer Seelig to notify Governor Gary R. Herbert that the 2013 General Session of the Sixtieth Legislature is in Joint Convention and ready to hear his State—of—the—State address.
President Niederhauser acknowledged special guests and elected and appointed officials in attendance at the Joint Convention.

Senator Ralph Okerlund 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

Speaker Lockhart, President Niederhauser, members of the Utah Legislature, our many special guests here today, Lt. Governor and Mrs. Bell, Utah’s First Lady, my wonderful wife, Jeanette, and my fellow Utahns, it is a privilege to address you this evening.

We assemble tonight in our beloved State Capitol, an edifice to the values and liberty Utahns hold dear. That liberty is defended on the front line by the brave men and women of our armed forces, and on the home front by our public safety officers and first responders. They sacrifice time with loved ones, serve with valor, and sometimes give their lives on behalf of others. Last June on Mt. Olympus, the State of Utah lost one of its own noble public servants, State Trooper Aaron Beesley, who gave his life while rescuing stranded hikers. Aaron’s family members are here with us tonight. To every first responder, public safety officer, and member of our armed forces, as well as those who wait for them at home, on behalf of the people of the Great State of Utah, we thank you.

In last summer’s devastating wildfires, three firefighters were injured battling the Clay Springs Fire. I was grateful for the chance to visit them in the hospital, and I am especially grateful that they are here with us tonight. I would like to ask Clarke Christensen, Ross Anderson, and Camron Nielson, as representatives of all who courageously defended our communities from one of the worst fire seasons in Utah’s history, to please stand as we thank them for their service.

My friends, as this legislative session convenes, we are setting the course for the State of Utah in a uniquely challenging time. We face uncertainty throughout our nation, and difficult challenges here at home. But let me be clear: I have never been more optimistic about Utah’s future. The state of our State is strong—and continues to grow stronger!

We recognize our strength when we reflect on our accomplishments, the mileposts marking our remarkable progress on the road to economic recovery.
Last year, we united behind a commitment to education. We provided for 12,500 new students, we increased per pupil spending, we covered the increased cost of healthcare for our teachers, we invested millions in enhanced individualized instruction and help for at-risk children, and we put millions more in higher education, including our applied technology colleges.

Education is the largest and most important investment Utah makes. While we recognize that money isn’t everything, we should still take note—that while so many states face shrinking budgets and bleak forecasts, Utah has the means, the vision, and the commitment to rank education as its top priority. The proof of that investment is unmistakable. The national average Advanced Placement test score is 2.84. Utah’s is 3.1. More than 27,000 students prepare for college through concurrent enrollment, and compared to other states with a high percentage of students taking the ACT, Utah ranks second in our test scores.

Utah’s success starts with dedicated teachers, teachers like Maria Contreras of Alta View Elementary, where the dual immersion program boasts 275 students. For Maria, teaching is about more than just helping children learn Spanish, or Chinese, or French. It’s about cultural literacy, academic excellence, and preparing for a global economy. Immersion students often perform better on standardized testing, particularly in memory, attention control, and problem-solving. Tomorrow, more than 25,000 dedicated Utah teachers, just like Maria, will open the door to their classroom and start their day. Tonight, for opening young minds to the empowering knowledge and opportunity that awaits them, I thank every single Utah teacher.

Since the day I took office, my number one budget priority has been education—the key to a robust economy. I have invited educators, legislators and business leaders to serve on my Education Excellence Commission. We have a single, bold goal that is not only achievable, but for the sake of Utah’s economy and the future of our children, is essential. Our goal is that 66% of our adult population will have a college degree or post-secondary certificate by the year 2020. Right now, just 42.6% of our workforce meets that standard. In the next eight years we must improve that outcome by more than 50 %, and ensure that we are on pace to 66% by 2020.

Tonight, I call upon you, the members of this State Legislature, to unite behind the resolution supporting our 66% by 2020 goal, so we can declare with one voice, with singular focus, Utah WILL achieve education excellence. We must continue to fully invest in our growing schools, and we must also continue to provide our students critical tools, tools like computer adaptive testing and other technologies, across all grade levels and socioeconomic strata.
We must also remain fervently committed to STEM—science, technology, engineering and math education. As we discuss the future of STEM, the watchword is alignment—workforce alignment. Nothing matters more than preparing our children to face the new, interdependent global economy. So this year I propose we invest $20 million for STEM education. Eight state institutions of higher learning are reprioritizing their budgets to match that funding dollar for dollar. That’s a full $40 million for STEM programs to make Utah’s future workforce the smartest, most skilled, and most innovative workforce this nation has ever seen.

Aside from parents, teachers are the greatest influence on a child’s academic success. To ensure we have the most skilled educators, we must support continued implementation of teacher evaluation and performance pay. Once the federal fiscal dust settles, whether there is little to spend or a lot, education must continue to be our top priority. We can afford nothing less.

My vision for Utah remains steadfast: Utah will continue to lead the nation as the premier business location that provides opportunity for all Utahns. Thanks to Utah’s economic engine, we are well on the road to economic prosperity. While the nation’s unemployment rate is 7.8%, Utah’s is 5.2%. The U.S. economy is growing at 1.4%, while Utah’s economy is more than double that at 2.9%. That means that 35,800 Utahns who were jobless one year ago are working today. More Utahns are now able to pay their bills, buy their groceries, pay for gasoline, cover the mortgage, maybe afford piano lessons or soccer cleats for their children, and even start setting money aside for the future. Hundreds of thousands of Utah families now have the security of economic stability.

Lasting job creation and capital investment hinge on the free flow of commerce, another area where Utah excels. There is no better example than the I-15 CORE project, built faster than any other billion-dollar highway project in America, and $260 million under budget. UTA’s commuter rail now runs from Ogden to Provo, two years ahead of schedule and 15% under budget. We are building the infrastructure that will enable Utah’s future economic success.

Now, while I am optimistic about Utah’s future, I realize that 71,000 Utahns still seek employment. And I will continue to work tirelessly with you in the legislature to empower the private sector to create job opportunities for every Utahn.

For the third straight year, Forbes ranked Utah number one as the best place for business. That is no accident. Business continues to benefit from Utah’s stable environment and educated workforce. For example, homegrown Omniture attracted software giant Adobe to Utah. Adobe just completed its beautiful, new
280,000 square foot Lehi facility, a complex that will house 1,100 employees, and it’s just phase one of a three-part project!

With companies like Adobe and Microsoft expanding in northern Utah Valley, and eBay and Oracle in southern Salt Lake Valley, this area is rapidly becoming an IT hub. That is why it’s time to get serious about finding a more suitable location for the state prison. We must make this 700 acre parcel available for the continued growth of our IT industry. Sometimes promoting economic development means accepting the herculean task of moving and modernizing a prison.

And sometimes it means removing or simplifying overly oppressive or nonsensical regulation that also presents obstacles to job creation. Last year I told you about the results of our state regulatory reform effort. This year I am pleased to announce that I am partnering with the mayors of Provo, Ogden, Cedar City, and South Jordan on a pilot project to engage in regulatory reform at the local level that I hope could be a model for every city and county. These efforts exemplify the best kind of economic recovery, with government removing the obstacles to innovation and free market growth, creating real opportunity for all Utahns.

We all recognize the benefits of economic growth. But what may be less obvious is how our culture of innovation impacts individual lives, individuals like our own Allyson White Gamble who runs our Capitol Preservation Board Office. She is the remarkable survivor of two heart transplants. We are so grateful Allyson is here today with her husband, Jim, and son, Ben. The very same devices and procedures that saved Allyson’s life were created by a global leader in heart surgery, with a facility right here in Utah: Edwards Lifesciences. This company grew from about 200 employees in Utah in 2010, to 550 employees today. And they plan to double that number again in the next few years!—real jobs, with real impact on people’s lives.

Of course, I could go on and on about hundreds of companies making a difference in Utah and around the world, companies like BioFire Diagnostics, Boeing, and G-A-F. Whether you started a high tech manufacturing firm out of your garage like the Springville company IMSAR, maker of high performance radar systems now built for the Department of Defense, or whether you are the “Chief Sauce Maker” of the Utah-based BBQ company Snap Daddy’s, the Beehive State IS the best place for business and careers. As we look to the future, we shift our focus from economic recovery to economic prosperity. Take a look at our web page utahjobsplan.com. You’ll see that with another 8,800 jobs created just last quarter, Utah is well on its way toward the goal we set last year of 100,000 jobs in 1,000 days.
On Utah’s road to recovery, our course is sure, with a steady hand and fixed gaze on prosperity ahead, we are leading this nation out of the Great Recession. We must not waiver; we must remain vigilant, vigilant to maintain low taxes and sensible regulation, anchored in our conviction that in a free market, the private sector, not government, will propel Utah to prosperity.

Utah is also leading out in energy development. The Uintah Basin is booming, with an average unemployment rate of 4.5%. And industry leaders there are developing natural resources in environmentally sensitive ways. Consider Newfield Exploration’s efforts to protect the environment and decrease truck traffic with centralized collection points for black wax crude, and recycled water for oil extraction. Newfield is one of many companies proving that private sector innovation, not government regulation, will drive the future of responsible energy development.

That same spirit of innovation is driving Utah State University’s Aggie Bus. Created through a public-private partnership between USU and a company called Wave, this electric bus is refueled by recharging on electric pads throughout its route. It is 100% emissions free. I think it’s fair to say, this energy innovation at USU is every bit as exciting as the Aggies were on the football field last season.

We’re not just talking about emissions; we’re also talking about conservation. Last year I signed an agreement with 13 other states, securing bulk purchasing power that allows us to acquire more natural gas vehicles at discounted prices, thereby reducing emissions and our reliance on foreign oil. Add that to increased use of video conferencing to reduce employee travel, more public transit eco-passes, more HOV lanes on I-15, and my executive order to reduce idling for our state fleet, and it’s clear that Utah does more than just talk about conservation; we are actually doing it.

I’ve said it before, and I’ll say it again—in fact, I’ll keep saying it until it’s understood from L.A. to D.C.: Responsible development of Utah’s energy resources and the protection of Utah’s scenic wonders are not mutually exclusive ideas! Outdoor recreation, with its $5.8 billion annual economic impact, is fundamental to our culture, our health, our economy and our lifestyle. Some have even said it’s in our DNA. And it provides a market for many Utah companies like Salt Lake City’s Bluehouse Skis and West Valley City’s Petzl. So last week we announced that Utah is doing something no other state is doing: we launched a long-term outdoor recreation vision, which includes the creation of an Office of Outdoor Recreation. With our iconic red rock deserts, and mountain peaks capped with world-class snow, Utah offers unparalleled outdoor recreational experiences, from the backyard to the backcountry.
Whether you’re hiking Calf Creek Falls with Representative Brian King, running RAGNAR with Senator Deidre Henderson, mountain biking with President Wayne Niederhauser, deer hunting with Representative Mike McKell, or exploring the wilderness hunting for golf balls in the rough with Senator Curt Bramble, there are countless, wonderful outdoor activities to enjoy in Utah!

To protect this quality of life, and address the seasonal problem of poor air quality, we must all be part of the solution. Tonight, as your Governor, I call upon every Utahn, every public agency and every Utah business to do your part, and to find ways to do even more. For example, fifty two percent of the pollution during inversions comes from tailpipes. Whether it’s taking mass transit, idling your vehicle less and carpooling more, unplugging devices, or using energy efficient appliances, each of us individually can do our part. And when we consume less, we pollute less. You can find ideas about how to save more and pollute less at our web page www.ucair.utah.gov. And I urge every Utahn to join UCAIR, Utah’s Clean Air Partnership.

I am not only calling on individuals and public agencies to act, I am calling upon industry and higher education to innovate—innovate ways to make energy more accessible, more reliable, cleaner, and affordable.

In addition to conserving energy, Utah must also conserve our precious water. In the year 2000 we set a target to use 25% less water by the year 2050, and we’ve already reduced our consumption by 18%. So let’s go one step further. Let’s cut the time in half, and achieve that goal by the year 2025.

As a state, we continue to strive for better management in all we do. It’s called good governance. Because of the economic downturn, every family, every community, and every business was forced to do more with less. Utah government is no exception. Utah now offers more than 1,000 services online and, since 2007, “-government” has saved Utahns about $46 million! In the year 2000, there was one state employee for every 112 Utahns. Today, that ratio is one employee for every 139 Utahns, a 24% improvement.

While striving to maintain quality services, state agencies have innovated new ways to find efficiencies. For example, the Department of Technology Services installed a more efficient cooling system in our main data center, which now consumes 28% less energy. This saves more than 100,000 taxpayer dollars each year, and reduces carbon emissions equivalent to taking 268 cars off the road. Utah is providing great value to the taxpayer with lower cost, efficient, state government, but I believe there is more we can do.

With the taxpayers in mind, I have re-organized my Office of Planning and Budget to aggressively foster operational excellence across all of state
government. We have introduced legislation, sponsored by Senator Jerry Stevenson and Representative Brad Wilson, to rename GOPB, the Governor’s Office of Management and Budget. This change is not just about rhetoric. Tonight I am challenging my cabinet, and all state employee, through improving quality and reducing costs, to improve their operational efficiency by 25% over the next four years—because every dollar we save through efficiencies is another dollar we can invest in our classrooms.

Let me conclude with a brief story. A few months ago I asked a nationally prominent magazine editor why he hadn’t written lately about Utah’s robust economic recovery. He responded, “Your success isn’t news, it’s just what we have come to expect from Utah.” Others expect it, but we know we have worked hard for that success.

The I-15 CORE completion, the Adobe expansion, the 35,800 new jobs—the list goes on and on. As I said before, those successes did not just happen by accident. They are the result of hard work, fierce determination, and a consistent adherence to sound principles. It’s never the effort of just one individual, or one company. It’s the effort of all. And I thank each of you here in the legislature for all that you do to play your part in each of these success stories.

A friend of mine once said to his son: “If you stay on this path, you will end up where you’re going.” Let me tell you: Utah is on the right path—we’re on the right road and, together, we’re going in the right direction. And our destination is economic prosperity with an unparalleled quality of life.

I ask you to join me tonight with renewed commitment, with clear focus, with a spirit of collaboration and civility; to achieve economic prosperity, to enhance government efficiency, to expand energy innovation, and to ensure educational excellence for our children and their children.

The State of Utah is strong, and I am committed as your Governor to continue working with you to make it even stronger. I pledge to you my very BEST effort. May God bless you, this great nation, and may God continue to bless the Great State of Utah.

* * *

On motion of Representative Dee, the House voted to print the complete text of the Governor’s State—of—the—State Address upon the pages of the Senate and House Journals.

On motion of Representative Dee, the Committee of the Whole and Joint Convention were dissolved and the Legislature adjourned until January 31, 2013.
FOURTH DAY

January 31, 2013

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

Prayer – Bishop Lee Eschler
Pledge of Allegiance – Senator Deidre Henderson
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 30, 2013

The House passed H.B. 19, ELECTION CODE CRIMINAL PROVISIONS, by Representative K. Grover, and it is transmitted for consideration; and

The House passed, as amended, H.B. 22, UTAH COMMISSION ON SERVICE AND VOLUNTEERISM, by Representative J. Bird, and it is transmitted for consideration; and

The House passed H.B. 25, AGENCY REPORTING PROVISIONS, by Representative J. Bird, and it is transmitted for consideration; and

The House passed, as amended, H.B. 26, INMATE MEDICAL DONATION ACT, by Representative S. Eliason, and it is transmitted for consideration; and

The House passed H.B. 31, ENTICING A MINOR AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed H.B. 32, DRIVER LICENSE MOTORCYCLE ENDORSEMENT AMENDMENTS, by Representative V. Peterson, and it is transmitted for consideration; and

The House passed H.B. 37, REPEAL OF REPORTING REQUIREMENTS, 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: January 30, 2011

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

Business and Labor Committee
S.B. 142  Repeal of Blacklisting Provisions (Sen. D. Thatcher)
S.B. 143  Mortgage and Financial Affairs Amendments (Sen. W. Harper)

Economic Development & Workforce Services Committee
S.B. 147  Workers’ Compensation and Occupational Safety Related Amendments (Sen. K. Mayne)

Education Committee
S.B. 51   Higher Education Tuition Waivers (Sen. S. Urquhart)

Government Operations and Political Subdivisions Committee
S.B. 148  Conservation Districts – Closed Meetings Amendments (Sen. D. Hinkins)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 52   Game Fowl Fighting Amendments (Sen. G. Davis)
S.B. 131  Assault Amendments (Sen. A. Osmond)
S.B. 135  Involuntary Commitment Amendments (Sen. T. Weiler)
S.B. 144  Reauthorization of Prohibitions on Practicing Law Without a License (Sen. S. Jenkins)
S.B. 145  County Attorney Chapter Recodification (Sen. T. Weiler)
S.B. 146  Driving Under the Influence Amendments (Sen. S. Jenkins)

Revenue and Taxation Committee
S.B. 138  Amendments to Requirements for Governor’s Proposed Budget (Sen. W. Harper)

Transportation, Public Utilities and Technology Committee
S.B. 13   Amendments to Ignition Interlock Program (Sen. D. Thatcher)
S.B. 48   Special Group License Plate Revisions (Sen. P. Knudson)
**S.B. 50**  Department of Transportation Liability Amendments  
(Sen. L. Hillyard)  
John L. Valentine  
Rules Committee Chair  
Report filed. On motion of Senator Valentine, the committee report was adopted.

**STANDING COMMITTEE REPORTS**

Mr. President: January 29, 2013  
The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 125**, DISTRICT COURT JUDGE AMENDMENTS, by Senator K. Van Tassell; and  
Mark B. Madsen, Chair

Mr. President: January 30, 2013  
The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 111**, ELECTRONIC FILING OF TRAFFIC CITATIONS AND ACCIDENT REPORTS, by Senator L. Hillyard; and  
The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 123**, RUNAWAY VEHICLE RAMP REQUIREMENTS, by Senator K. Van Tassell.  
Kevin T. Van Tassell, Chair

* * *

Mr. President: January 30, 2013  
John L. Valentine, Chair  
On motion of Senator Valentine, the committee reports were adopted. The bills were placed on Second Reading Calendar.

**INTRODUCTION OF BILLS**  
**S.B. 53, Intergenerational Welfare Reform** (S. Reid), was read the first time by short title and referred to the Rules Committee.
S.B. 54, Licensing of Nursing Care Facility Beds (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 153, Local Government Development Amendments (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

S.B. 154, Sales and Use Taxation of Water (S. Jenkins), was read the first time by short title and referred to the Rules Committee.

S.B. 155, Open Adoption (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 156, Jail Release Amendments (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

S.C.R. 4, Standing with Israel Concurrent Resolution (C. Bramble), was read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 19, COMMERCIAL DRIVER LICENSE AMENDMENTS, was read the third time and explained by Senator Van Tassell.

Senator Jenkins proposed the following amendment:

1. Page 1, Lines 19 through 20

19 commercial driver license to include:
   • using a handheld wireless communication

20 device for certain purposes while operating a commercial motor vehicle; and
   • using a hand−held mobile telephone in violation of federal law
   while operating a commercial motor vehicle;

2. Page 14, Lines 415 through 418:

415 (h) operating a commercial motor vehicle without a CDL or CDIP license certificate in
416 the driver’s possession in violation of Section 53−3−404[; or]
417 (i) using a handheld wireless communication device [as defined in] in violation of Section 41−6a−1716
418 while operating a commercial motor vehicle; or
419 (j) using a hand−held mobile telephone while operating a commercial motor vehicle in violation of 49 C.F.R. Sec. 392.82.
Senator Jenkins’ motion to amend passed on a voice vote.

###

Senator Thatcher proposed the following amendment:

1. Page 14, Lines 417 and 418:
   Delete lines 417 and 418

Senator Thatcher’s motion to amend failed on a voice vote. Senators Madsen and Thatcher commented and the bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Bramble | Davis | Robles |

S.B. 19, as amended was transmitted to the House for consideration.

***

S.B. 28, BOARDS AND COMMISSIONS AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Bramble          Davis

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

SECOND READING CALENDAR

H.J.R. 6. JOINT RULES RESOLUTION – COMPENSATION AND EXPENSE REIMBURSEMENTS, was read the second time. Senator Okerlund explained the bill. Senators Hillyard, Jones, Bramble, Weiler, Dabakis, Valentine, Shiozawa, and Jenkins commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 3; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams          Christensen          Dabakis          Davis
Harper         Hillyard            Jenkins          Jones
Knudsen        Madsen              Mayne            Okerlund
Osmond         Reid                Robles           Shiozawa
Stevenson      Thatcher            Valentine        Vickers
Weiler

Voting in the negative were: Senators
Dayton         Hinkins             Van Tassell

Absent or not voting were: Senators
Bramble        Henderson           Stephenson       Urquhart
Niederhauser

***

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift S.B. 6, RETIREMENT AND INDEPENDENT ENTITIES BASE BUDGET, from the Rules Committee and place it on the Second Reading Calendar below S.B. 5.

***

S.B. 1. PUBLIC EDUCATION BASE BUDGET, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.
Voting in the affirmative were: Senators
Bramble    Christensen    Dabakis    Davis
Dayton     Harper         Henderson   Hillyard
Hinkins    Jenkins        Jones       Knudson
Madsen     Mayne          Okerlund    Osmond
Reid       Robles         Shiozawa    Stephenson
Stevenson  Thatcher       Urquhart    Valentine
Van Tassell Vickers       Weiler

Absent or not voting were: Senators
Adams      Niederhauser

***

On motion of Senator Okerlund, S.B. 5, NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENTAL QUALITY BASE BUDGET, was read the second time and circled.

***

On motion of Senator Bramble, the Senate voted to allow Senators Bramble, Urquhart, Henderson, Stephenson, and Niederhauser to be recorded as yea votes on the second reading of H.J.R. 6, JOINT RULES RESOLUTION – COMPENSATION AND EXPENSE REIMBURSEMENTS. The corrected vote is:

Yeas, 26; Nays, 3; Absent or not voting, 0.

Voting in the affirmative were: Senators
Adams      Bramble         Christensen  Dabakis
Davis      Harper          Henderson    Hillyard
Jenkins    Jones           Knudson     Madsen
Mayne      Okerlund        Osmond      Reid
Robles     Shiozawa        Stephenson  Stevenson
Thatcher   Urquhart        Valentine   Vickers
Weiler     Niederhauser

Voting in the negative were: Senators
Dayton     Hinkins         Van Tassell

COMMITTEE OF THE WHOLE

On motion of Senator Okerlund, U. S. Congressman Jim Matheson spoke in Committee of the Whole. Senators Hillyard, Davis, Shiozawa, and Reid commented.
On motion of Senator Okerlund, the Committee of the Whole was dissolved.

**SECOND READING CALENDAR**

On motion of Senator Hinkins, the circle was removed from **S.B. 5, NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENTAL QUALITY BASE BUDGET**, and it was before the Senate.

Senator Hinkins proposed the following amendment:

1. Page 4, Lines 114–117:
   Strike lines 114–117

2. Page 13, Line 451:
   Between lines 451 and 452 insert:
   “ITEM 46A To Department of Natural Resources – General Fund Restricted – Wildlife Resources
   From General Fund 74,800
   Schedule of Programs:
   General Fund Restricted – Wildlife Resources 74,800”

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

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

Christensen    Dabakis    Davis    Dayton
Harper         Henderson  Hillyard Hinkins
Jenkins        Jones      Madsen   Mayne
Okerlund       Osmond     Reid     Robles
Shiozawa       Stephenson Stevenson Thatcher
Urquhart       Valentine  Vickers  Weiler
Niederhauser

**Absent or not voting were:** Senators

Adams          Bramble   Knudson  Van Tassell

* * *

**S.B. 6, RETIREMENT AND INDEPENDENT ENTITIES BASE BUDGET**, was read the second time. Senator Weiler explained the bill. The bill passed second reading on the following roll call:
Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Bramble Christensen Dabakis Dayton
Harper Henderson Hillyard Hinkins
Jones Knudson Madsen Mayne
Okerlund Osmond Reid Robles
Shiozawa Stephenson Stevenson Thatcher
Urquhart Valentine Vickers Weiler
Niederhauser

Absent or not voting were: Senators
Adams Davis Jenkins Van Tassell

***

S.J.R. 1, JOINT RULES RESOLUTION ON PERFORMANCE NOTES, 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 or not voting, 5.

Voting in the affirmative were: Senators
Christensen Dabakis Davis Dayton
Harper Henderson Hillyard Hinkins
Jenkins Knudson Madsen Mayne
Okerlund Reid Robles Shiozawa
Stephenson Stevenson Thatcher Urquhart
Valentine Vickers Weiler Niederhauser

Absent or not voting were: Senators
Adams Bramble Jones Osmond
Van Tassell

***

On motion of Senator Stephenson, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Stephenson, the Senate voted to lift S.B. 1, PUBLIC EDUCATION BASE BUDGET, to the top of the Third Reading Calendar.
S.B. 1, PUBLIC EDUCATION BASE BUDGET, under suspension of the rules, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

Adams Van Tassell

S.B. 1 was transmitted to the House for consideration.

***

On motion of Senator Hinkins, under suspension of the rules, the Senate voted to lift S.B. 5, NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENTAL QUALITY BASE BUDGET, and RETIREMENT AND INDEPENDENT ENTITIES BASE BUDGET, to the top of the Third Reading Calendar.

S.B. 5, NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENTAL QUALITY BASE BUDGET, under suspension of the rules, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Hillyard       Jones

S.B. 5 was transmitted to the House for consideration.

***

S.B. 6, RETIREMENT AND INDEPENDENT ENTITIES BASE BUDGET, under suspension of the rules, was read the third time, explained by Senator Weiler, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams          Bramble       Christensen  Dabakis
Davis          Dayton        Harper       Henderson
Hillyard       Hinkins       Jenkins     Jones
Knudson        Madsen        Mayne       Okerlund
Osmond         Reid          Robles      Shiozawa
Stevenson      Thatcher      Urquhart    Valentine
Van Tassell    Vickers       Weiler      Niederhauser

Absent or not voting was: Senator
Stephenson

S.B. 6 was transmitted to the House for consideration.

INTRODUCTION OF BILLS

S.B. 157, Daylight Saving Time Amendments (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

S.B. 158, Municipal General Fund Amendments (D. Henderson), was read the first time by short title and referred to the Rules Committee.

***

On motion of Senator Okerlund, and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Friday, February 1, 2013.
FIFTH DAY

February 1, 2013

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

Prayer – Jeff Alexander, Stake President, Provo Edgemont Stake

Pledge of Allegiance – Troop 1251 Eagle Mountain

Roll Call – All Senators present except Senator Hillyard, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 31, 2013

The House passed H.B. 1, HIGHER EDUCATION BASE BUDGET, by Representative K. Grover, and it is transmitted for consideration; and

The House passed, as amended, H.B. 4, BUSINESS, ECONOMIC DEVELOPMENT, AND LABOR BASE BUDGET, by Representative J. Bird, and it is transmitted for consideration; and

The House passed H.B. 5, EXECUTIVE OFFICES AND CRIMINAL JUSTICE BASE BUDGET, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed H.B. 6, INFRASTRUCTURE AND GENERAL GOVERNMENT BASE BUDGET, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed H.B. 7, NATIONAL GUARD, VETERANS’ AFFAIRS, AND LEGISLATURE BASE BUDGET, by Representative M. Brown, and it is transmitted for consideration; and

The House passed, as amended, H.B. 8, SOCIAL SERVICES BASE BUDGET, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 24, UTAH RETIREMENT SYSTEM AMENDMENTS, by Representative D. Ipson, and it is transmitted for consideration; and
The House passed **H.B. 38**, CAMPAIGN CONTRIBUTION AMENDMENTS, by Representative K. Powell, and it is transmitted for consideration; and

The House passed **H.B. 41**, CAMPAIGN FILING BY MEDIA OWNER, by Representative K. Powell, and it is transmitted for consideration; and

The House passed **H.B. 42**, REPEAL OF HEALTH INSURANCE MANDATE REVIEW, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.B. 45**, REAUTHORIZATION OF PROVISIONS FOR INSURANCE COORDINATION WITH OTHER STATES, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.B. 46**, HEARING INSTRUMENT SPECIALIST LICENSING ACT, by Representative D. Brown, and it is transmitted for consideration; and

The House passed **H.B. 52**, CONTROLLED SUBSTANCES REVISIONS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 54**, PROPERTY TAX AND APPRAISER AMENDMENTS, 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.

**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. 54** Licensing of Nursing Care Facility Beds  
(Sen. C. Bramble)

**S.B. 150** Financial Institution Amendments (Sen. J. S. Adams)

**H.B. 37** Repeal of Reporting Requirements (Rep. J. Dunnigan)  
(Sen. J. Valentine)

**Economic Development and Workforce Services Committee**

**S.B. 53** Intergenerational Welfare Reform (Sen. S. Reid)
H.B. 22  Utah Commission on Service and Volunteerism  
(Rep. J. Bird) (Sen. A. Osmond)
(Sen. A. Osmond)

Education Committee
S.B. 151  Authorization of Charter Schools by Higher Education  
Institutions (Sen. J. S. Adams)

Government Operations and Political Subdivisions Committee
S.B. 149  Governmental Immunity Amendments (Sen. J. S. Adams)  
S.B. 153  Local Government Development Amendments  
(Sen. J. S. Adams)
(Sen. M. Dayton)
H.B. 26  Inmate Medical Donation Act (Rep. S. Eliason)  
(Sen. M. Dayton)
S.C.R. 4  Standing with Israel Concurrent Resolution  
(Sen. C. Bramble)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 152  Alcohol and Drug Related Offense Amendments  
(Sen. J. S. Adams)
S.B. 155  Open Adoption (Sen. L. Hillyard)
H.B. 31  Enticing a Minor Amendments (Rep. R. C. Webb)  
(Sen. L. Hillyard)

Revenue and Taxation Committee
S.B. 154  Sales and Use Taxation of Water (Sen. S. Jenkins)

Transportation, Public Utilities and Technology Committee
H.B. 32  Driver License Motorcycle Endorsement Amendments  
(Rep. V. Peterson) (Sen. P. Knudson)

John L. Valentine  
Rules Committee Chair

Report filed. On motion of Senator Valentine, the committee report was adopted with the correction that S.C.R. 4 be assigned to the Business and Labor Committee.
STANDING COMMITTEE REPORTS

Mr. President: January 31, 2013

The Business and Labor Committee reports a favorable recommendation on H.B. 12, ALARM COMPANY EMPLOYEE LICENSING, by Representative J. Dunnigan; and

The Business and Labor Committee recommends S.B. 41, UNIFORM COMMERCIAL CODE AMENDMENTS, by Senator L. Hillyard, be replaced and favorably recommends 1st Sub. S.B. 41, UNIFORM COMMERCIAL CODE AMENDMENTS; and

The Business and Labor Committee reports a favorable recommendation on S.B. 44, CONSTRUCTION TRADES LICENSING REVISIONS, by Senator K. Mayne; and

The Business and Labor Committee reports a favorable recommendation on S.B. 142, REPEAL OF BLACKLISTING PROVISIONS, by Senator D. Thatcher.

Curtis S. Bramble

Mr. President: January 31, 2013

The Health and Human Services Committee recommends S.B. 49, CHILD WELFARE MODIFICATIONS, by Senator W. Harper, be replaced and favorably recommends 1st Sub. S.B. 49, CHILD WELFARE MODIFICATIONS; and

The Health and Human Services Committee reports a favorable recommendation on S.B. 118, ROCKY MOUNTAIN CENTER FOR OCCUPATIONAL AND ENVIRONMENTAL HEALTH AMENDMENTS, by Senator K. Mayne; and
The Health and Human Services Committee reports a favorable recommendation on S.B. 132, UTAH MEDICAL EDUCATION COUNCIL AMENDMENTS, by Senator W. Harper.

Evan J. Vickers

Mr. President: January 30, 2013

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 119, YOUTH COURT AMENDMENTS, by Senator J. Stevenson.

Mark B. Madsen, Chair

Mr. President: January 31, 2013

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 16, DISPOSAL OF CERTAIN SURPLUS PROPERTY, by Representative S. Barlow; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 130, SECURITY PERSONNEL LICENSING ACT AMENDMENTS, by Senator M. Dayton, with the following amendments:

1. Page 2, Line 31:
   Reinstate “two” and delete “three”

2. Page 2, Line 37:
   Delete “one” and insert “two”

3. Page 3, Line 62:
   After “security company;” reinstate “or”

4. Page 3, Lines 63–65:
   Reinstate lines 63 thru 65
   and renumber accordingly; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.J.R. 7, JOINT RULES RESOLUTION ON REVENUE ESTIMATES FOR FEDERAL FUNDS, by Senator W. Harper.

Margaret Dayton, Chair

On motion of Senator Valentine, the committee reports were adopted. The bills were placed on Second Reading Calendar.
On motion of Senator Valentine, the Senate voted to lift the following bills from the Rules Committee and place them at the top of the Second Reading Calendar:

H.B. 1  Higher Education Base Budget
H.B. 4  Business, Economic Development, And Labor Base Budget
H.B. 5  Executive Offices And Criminal Justice Base Budget
H.B. 6  Infrastructure And General Government Base Budget
H.B. 7  National Guard, Veterans’ Affairs And Legislature Base Budget
H.B. 8  Social Services Base Budget

INTRODUCTION OF BILLS

S.B. 55, Insurance Coverage for Autism Spectrum Disorder (B. Shiozawa), was read the first time by short title and referred to the Rules Committee.

S.B. 159, Theft Amendments (D. Thatcher), was read the first time by short title and referred to the Rules Committee.

S.B. 160, Patronizing a Prostitute Amendments (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

S.C.R. 5, Concurrent Resolution Endorsing the Utah Education Excellence Commission (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

S.J.R. 8, Joint Resolution Concerning Railroad and Railroad Crossing Safety (K. Mayne), was read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

H.J.R. 6, JOINT RULES RESOLUTION – COMPENSATION AND EXPENSE REIMBURSEMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

Yeas, 23; Nays, 3; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Harper  Henderson  Jones
H.J.R. 6 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.J.R. 1, JOINT RESOLUTION ON PERFORMANCE NOTES, was read the third time, explained by Senator Stevenson, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

S.J.R. 1 was transmitted to the House for consideration.

* * *

On motion of Senator Harper, the circle was removed from S.B. 35, PROPERTY TAXATION OF BUSINESS PERSONAL PROPERTY, and it was before the Senate. Senator Harper explained the bill. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.
Day 5160 SENATE JOURNAL

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hinkins  Jones  Knudson  Madsen
Mayne  Okerlund  Osmond  Reid
Robles  Shiozawa  Stephenson  Stevenson
Thatcher  Valentine  Van Tassell  Vickers
Weiler  Niederhauser

Absent or not voting were: Senators
Hillyard  Jenkins  Urquhart

S.B. 35 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Valentine, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. On motion of Senator Valentine, under suspension of the rules, the Senate voted to suspend the rules requiring a committee hearing and the 24-hour requirement.

On motion of Senator Valentine, under suspension of the rules, H.B. 1, HIGHER EDUCATION BASE BUDGET, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hinkins  Jones  Knudson  Madsen
Mayne  Okerlund  Osmond  Reid
Robles  Shiozawa  Stephenson  Stevenson
Thatcher  Valentine  Van Tassell  Vickers
Weiler  Niederhauser

Absent or not voting were: Senators
Hillyard  Jenkins  Urquhart

H.B. 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 Shiozawa, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. On motion of Senator Shiozawa, under suspension
of the rules, the Senate voted to suspend the rules requiring a committee hearing and the 24–hour requirement.

On motion of Senator Shiozawa, under suspension of the rules, H.B. 4, BUSINESS, ECONOMIC DEVELOPMENT AND LABOR BASE BUDGET, was considered read the second and third times and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Hillyard | Jenkins | Urquhart |

H.B. 4 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Thatcher, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. On motion of Senator Thatcher, under suspension of the rules, the Senate voted to suspend the rules requiring a committee hearing and the 24–hour requirement.

On motion of Senator Thatcher, under suspension of the rules, H.B. 5, EXECUTIVE OFFICES AND CRIMINAL JUSTICE BASE BUDGET, was considered read the second and third times and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Hillyard Jenkins Urquhart

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 Harper, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. On motion of Senator Harper, under suspension of the rules, the Senate voted to suspend the rules requiring a committee hearing and the 24-hour requirement.

On motion of Senator Harper, under suspension of the rules, H.B. 6, INFRASTRUCTURE AND GENERAL GOVERNMENT BASE BUDGET, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hinkins Jones Knudson Madsen
Mayne Okerlund Osmond Reid
Robles Shiozawa Stephenson Stevenson
Valentine Van Tassell Vickers Weiler
Niederhauser

Absent or not voting were: Senators
Hillyard Jenkins Thatcher Urquhart

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 Stevenson, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. On motion of Senator Stevenson, under suspension of the rules, the Senate voted to suspend the rules requiring a committee hearing and the 24-hour requirement.

On motion of Senator Stevenson, under suspension of the rules, H.B. 7, NATIONAL GUARD, VETERANS’ AFFAIRS, AND LEGISLATURE BASE BUDGET, was considered read the second and third times and passed on the following roll call:
Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams          Bramble  Christensen  Dabakis  
Davis          Dayton   Harper       Henderson 
Hinkins        Jones    Knudson     Madsen   
Mayne          Okerlund Osmond      Reid      
Robles         Shiozawa Stephenson  Stevenson 
Thatcher       Valentine Van Tassell Vickers 
Weiler         Niederhauser

Absent or not voting were: Senators
Hillyard       Jenkins   Urquhart

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, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. On motion of Senator Christensen, under suspension of the rules, the Senate voted to suspend the rules requiring a committee hearing and the 24-hour requirement.

On motion of Senator Christensen, under suspension of the rules, H.B. 8, SOCIAL SERVICES BASE BUDGET, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams          Bramble  Christensen  Dabakis  
Dayton         Harper   Henderson   Hinkins  
Jones          Knudson  Madsen     Mayne    
Okerlund       Osmond   Reid       Robles   
Shiozawa       Stephenson Stevenson Thatcher 
Valentine      Van Tassell Vickers  Weiler 
Niederhauser

Absent or not voting were: Senators
Davis          Hillyard Jenkins   Urquhart

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.
SPECIAL PRESENTATION

A citation was read honoring Kristina and Phil Lowry and their family as he returns from active duty in the Army.

SECOND READING CALENDAR

On motion of Senator Okerlund, S.B. 42, MEDICAL SCHOOL ADMISSIONS FUNDING, was read the second time and circled.

* * *

S.B. 128, FINANCIAL TRANSPARENCY IN EDUCATION, was read the second time. Senator Thatcher explained the bill. Senators Mayne, Vickers, and Madsen commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hinkins
- Jones
- Knudsen
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Absent or not voting were:** Senators

- Hillyard
- Jenkins
- Urquhart

* * *

On motion of Senator Valentine, the circle was removed from S.B. 42, MEDICAL SCHOOL ADMISSIONS FUNDING, and it was before the Senate. Senator Valentine explained the bill. Senators Robles, Henderson, Shiozawa and Vickers commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Jenkins
- Jones
- Knudsen
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stevenson
- Thatcher
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser
Absent or not voting were: Senators
Hillyard  Hinkins  Madsen  Stephenson  Urquhart

COMMITTEE OF THE WHOLE


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

SECOND READING CALENDAR

S.B. 45, WORKERS’ COMPENSATION AND DIRECTORS OR OFFICERS was read the second time. Senator Vickers explained the bill. Senator Mayne commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stevenson
Valentine  Van Tassell  Vickers  Weiler
Niederhauser

Absent or not voting were: Senators
Hillyard  Stephenson  Thatcher  Urquhart

***

On motion of Senator Van Tassell, S.B. 40, UTAH NAVAJO ROYALTIES AMENDMENTS, was read the second time and circled.

***

On motion of Senator Dayton, S.B. 120, TARGET SHOOTING AND WILDFIRE REGULATIONS, was read the second time and circled.

INTRODUCTION OF BILLS

S.B. 56, Utah 211 Referral Information Network (T. Weiler), was read the first time by short title and referred to the Rules Committee.
S.B. 96, Political Subdivisions Employment Revisions (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 161, Restitution Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 162, Concurrent Enrollment Amendments (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

S.B. 163, Status Verification System Amendments (K. Mayne), was read the first time by short title and referred to the Rules Committee.

S.J.R. 2, Joint Resolution Reappointing Legislative Fiscal Analyst (W. Niederhauser), was read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Okerlund, and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Monday, February 4, 2013.
EIGHTH DAY

February 4, 2013

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

Prayer – Father Michael Kouremetis, Prophet Elias Greek Orthodox Church
Pledge of Allegiance – Senator Wayne Harper
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 1, 2013

The House passed, S.B. 1, PUBLIC EDUCATION BASE BUDGET, 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. 5, 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. 6, RETIREMENT AND INDEPENDENT ENTITIES BASE BUDGET, by Senator T. Weiler, 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 1, 2013

The House passed H.B. 14, REQUIREMENTS TO CHANGE FORM OF COUNTY GOVERNMENT, by Representative K. Grover, and it is transmitted for consideration; and

The House passed, as substituted, 2nd Sub. H.B. 15, STATE PARK ACCESS AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and
The House passed **H.B. 35**, RETIREMENT ANALYSIS FOR NEW PUBLIC ENTITIES, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 48**, MEDICAL RESERVE CORPS AMENDMENTS, by Representative E. Redd, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 51**, PROFESSIONAL LICENSING REVISIONS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.B. 262**, UNAFFILIATED VOTER AMENDMENTS, by Representative C. Hall, and it is transmitted for consideration; and

The House passed **H.J.R. 7**, 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: February 1, 2011

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

**Business and Labor Committee**

**S.B. 55** Insurance Coverage for Autism Spectrum Disorder  
(Sen. B. Shiozawa)

**H.B. 42** Repeal of Health Insurance Mandate Review  
(Rep. J. Dunnigan) (Sen. J. Valentine)

**H.B. 45** Reauthorization of Provisions for Insurance Coordination with Other States (Rep. J. Dunnigan) (Sen. J. Valentine)

**H.B. 46** Hearing Instrument Specialist Licensing Act  

**Education Committee**

**S.C.R. 5** Concurrent Resolution Endorsing the Utah Education Excellence Commission (Sen. J. Stevenson)
Government Operations and Political Subdivisions Committee
S.B. 158 Municipal General Fund Amendments
(Sen. D. Henderson)
H.B. 38 Campaign Contribution Amendments (Rep. K. Powell)
(Sen. P. Knudson)
H.B. 41 Campaign Filing by Media Owner (Rep. K. Powell)
(Sen. P. Knudson)

Health and Human Services Committee
H.B. 52 Controlled Substances Revisions (Rep. P. Ray)
(Sen. A. Christensen)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 156 Jail Release Amendments (Sen. J. S. Adams)
S.B. 159 Theft Amendments (Sen. D. Thatcher)
S.B. 160 Patronizing a Prostitute Amendments (Sen. J. Stevenson)

Retirement and Independent Entities Committee
(Sen. T. Weiler)

Revenue and Taxation Committee
1st Sub. H.B. 54 Property Tax and Appraiser Amendments
(Rep. G. Froerer) (Sen. H. Stephenson)

Transportation, Public Utilities and Technology Committee
S.J.R. 8 Joint Resolution Concerning Railroad and Railroad Crossing Safety (Sen. K. Mayne)

John L. Valentine
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 31, 2013

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 138, AMENDMENTS TO REQUIREMENTS FOR GOVERNOR’S PROPOSED BUDGET, by Senator W. Harper; and
The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 141**, **EDUCATION CONTRIBUTION ON TAX RETURNS**, by Senator D. Thatcher

Deidre Henderson, Chair

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

**STANDING COMMITTEE REPORTS**

**Mr. President:** January 31, 2013

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 106**, **UNEMPLOYMENT TAX AMENDMENT**, by Senator C. Bramble, and recommends it be considered read for the second time and placed on the Consent Calendar

Deidre Henderson, Chair

On motion of Senator Niederhauser, the committee report was adopted. The bill was considered read the second time and placed on the Consent Calendar.

**INTRODUCTION OF BILLS**

**S.B. 57**, **Agriculture Environmental Steward Amendments** (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

**S.B. 58**, **Amendments to Sales and Use Tax** (W. Harper), was read the first time by short title and referred to the Rules Committee.

**S.B. 97**, **Propelling a Bodily Substance Amendments** (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

**S.B. 98**, **Propelling a Bodily Substance Revisions** (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

**S.B. 99**, **Labor Amendments** (W. Harper), was read the first time by short title and referred to the Rules Committee.

**S.B. 100**, **Higher Education Scholarship Amendments** (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

**S.B. 101**, **Division of Water Rights Revisions** (M. Dayton), was read the first time by short title and referred to the Rules Committee.
S.J.R. 9, Joint Resolution – Jail Contracting (M. Madsen), was read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 128, FINANCIAL TRANSPARENCY IN EDUCATION, was read the third time, explained by Senator Thatcher, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators

Adams Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Stevenson Thatcher Urquhart Valentine
Van Tassell Vickers Weiler Niederhauser

Absent or not voting was: Senator Bramble

S.B. 128 was transmitted to the House for consideration.

***

S.B. 42, MEDICAL SCHOOL ADMISSIONS FUNDING, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators

Adams Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

Absent or not voting were: Senators

Bramble Stevenson

S.B. 42 was transmitted to the House for consideration.
* * *

S.B. 45, WORKERS’ COMPENSATION AND DIRECTORS OR OFFICERS, was read the third time, explained by Senator Vickers, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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

S.B. 45 was transmitted to the House for consideration.

**TIME CERTAIN CALENDAR**

S.C.R. 2, CONCURRENT RESOLUTION RECOGNIZING WORKERS’ COMPENSATION FUND FOR WORKPLACE SAFETY, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

Hinkins  Valentine

**COMMITTEE OF THE WHOLE**

On motion of Senator Davis, Ray Pickup, Director of Worker’s Compensation Fund spoke in Committee of the Whole.
On motion of Senator Davis, the Committee of the Whole was dissolved.

***

Senator Bramble requested to be counted as an aye vote on final passage for S.B. 128, S.B. 42, and S.B. 45. The motion passed and the corrected votes are as follows:

**S.B. 128**

*Yeas, 29; Nays, 0; Absent or not voting, 0.*

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**S.B. 42**

*Yeas, 28; Nays, 0; Absent or not voting, 1.*

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Absent or not voting was:** Senator

- Stevenson

**S.B. 45**

*Yeas, 29; Nays, 0; Absent or not voting, 0.*

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
On motion of Senator Valentine, the Senate voted to lift S.B. 114, SAFETY BELT AMENDMENTS, from the Judiciary, Law Enforcement, and Criminal Justice Committee and assign it to the Health and Human Services Committee

SECOND READING CALENDAR

S.B. 129, OFFICE OF STATE DEBT COLLECTION – WRIT OF GARNISHMENT, was read the second time. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 1, Lines 1 through 2

   OFFICE OF STATE DEBT COLLECTION – {WRIT OF GARNISHMENT} ADMINISTRATIVE GARNISHMENT ORDER

2. Page 1, Lines 10 through 11:

   This bill authorizes the Office of State Debt Collection to issue {a writ of garnishment} an administrative garnishment order for a wage claim debt or criminal restitution debt.

3. Page 1, Lines 14 through 16:

   authorizes the Office of State Debt Collection (the office) to issue {a writ of garnishment} an administrative garnishment order for a wage claim debt or criminal restitution debt;

4. Page 2, Lines 31 through 35:
63A-3-507. Administrative garnishment order.

(1) If a judgment or final administrative order is entered against a debtor, the office may, subject to Subsection (2), issue an administrative garnishment order against the debtor’s personal property and wages in the possession of a third party in the same manner and with the same effect as if the order was a writ of garnishment issued on a judgment of a district court.

5. Page 2, Lines 36 through 37:

(2) The office may issue the administrative garnishment order if:

(a) the order is:

6. Page 2, Line 45:

(3) An administrative garnishment order issued in accordance with this section is subject to the

7. Page 2, Line 48:

(4) An administrative garnishment order issued by the office shall:

8. Page 4, Lines 103 through 105:

(7) A person is not liable as a garnishee for drawing, accepting, making, or endorsing a negotiable instrument if the instrument is not in the possession or control of the garnishee at the time of service of the administrative garnishment order.

9. Page 4, Lines 113 through 114:

(i) is not required to apply the property to the debt when the office issues the administrative garnishment order; and

10. Page 4, Lines 117 through 118:
(b) Notwithstanding Subsection (10)(a)(i):

(i) the administrative garnishment order remains in effect; and

11. Page 5, Line 126:

(11) (a) The office may issue a continuing garnishment order against a nonexempt

12. Page 5, Line 132:

(c) A continuing garnishment order issued in accordance with this section applies to

13. Page 5, Lines 136 through 138:

(ii) the judgment upon which the administrative garnishment order is issued

137 is stayed, vacated, or satisfied in full; or

138 (iii) the office releases the order.

14. Page 5, Lines 145 through 146:

(e) If the order issued by the office:  

145 of a writ issued by the district court, the order issued by the office:

15. Page 5, Line 151:

disposable earnings described in Subsection (12) and the amount being garnished by an existing

Senator Hillyard’s motion to amend passed on a voice vote. The bill, as amended, passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators

Bramble Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Stevenson Thatcher Urquhart Valentine
Van Tassell Vickers Weiler Niederhauser
Absent or not voting was: Senator Adams

***

S.B. 30, WATER AND IRRIGATION AMENDMENTS, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators

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S.B. 115, WATER DEVELOPMENT COMMISSION AMENDMENTS, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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S.C.R. 3, THREATENED SPECIES DAMAGE AND MANAGEMENT PLAN CONCURRENT RESOLUTION, was read the second time. Senator Vickers explained the bill.
Senator Vickers proposed the following amendment:

1. Page 1, Lines 19 through 25

19 urges that Iron County’s five-year opportunity to manage the Utah Prairie Dog population include agreements that Iron County shall maintain a specific number of Utah Prairie Dogs, that the same amount of funding to the United States Fish and Wildlife Service and the Utah Department of Natural Resources’ Division of Wildlife Resources be provided to Iron County through the five-year contract period, and that Iron County claims certain constitutional protections from illegal search and seizure of private property without just compensation.

2. Page 3, Line 84 through Page 4, Line 90:

84 BE IT FURTHER RESOLVED that the Legislature and the Governor urges that Iron County’s five year opportunity to manage the Utah Prairie Dog population include agreements that Iron County shall maintain a specific number of Utah Prairie Dogs, that the same amount of funding to the United States Fish and Wildlife Service and the Utah Department of Natural Resources’ Division of Wildlife Resources be provided to Iron County through the five-year contract period, and that Iron County claims certain constitutional protections from illegal search and seizure of private property without just compensation.

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

Yeas, 26; Nays, 0; Absent or not voting, 3.
**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**S.B. 125, DISTRICT COURT JUDGE AMENDMENTS,** 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 or not voting, 6.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**S.B. 127, JUVENILE COURT JUDGE AMENDMENTS,** was read the second time. Senator **S.B. 128** Van Tassell explained the bill. The bill passed second reading on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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Reid         Robles      Shiozawa       Stephenson  
Stevenson    Thatcher    Urquhart      Valentine  
Van Tassell  Vickers     Weiler         Niederhauser  

Absent or not voting was: Senator Adams

***

S.B. 111, ELECTRONIC FILING OF TRAFFIC CITATIONS AND ACCIDENT REPORTS, was read the second time. Senator Hillyard explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Bramble      Christensen  Dabakis        Davis   
Dayton       Harper       Henderson      Hillyard 
Hinkins      Jenkins      Jones          Knudson 
Mayne        Okerlund     Reid           Robles  
Shiozawa     Stephenson   Stevenson      Thatcher 
Urquhart     Valentine    Van Tassell   Vickers 
Weiler       Niederhauser

Absent or not voting were: Senators
Adams       Madsen        Osmond

***

S.B. 123, RUNAWAY VEHICLE RAMP REQUIREMENTS, 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 or not voting, 3.

Voting in the affirmative were: Senators
Bramble      Christensen  Dabakis        Davis   
Dayton       Henderson    Hillyard       Hinkins  
Jenkins      Jones        Knudson        Madsen  
Mayne        Okerlund     Osmond         Reid    
Robles       Shiozawa     Stevenson      Stevenson 
Thatcher     Urquhart     Valentine      Van Tassell 
Vickers      Niederhauser
Absent or not voting were: Senators
Adams     Harper     Weiler

* * *

Senator Henderson requested to be recorded as an aye vote on second reading for S.C.R. 3. The motion passed and for corrected vote is as follows:

Y eas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams     Bramble   Christensen   Davis
Dayton    Harper     Henderson    Hillyard
Hinkins   Jenkins    Jones        Knudson
Madsen    Mayne      Okerlund     Osmond
Reid      Robles     Shiozawa     Stephenson
Stevenson Thatcher    Valentine    Van Tassell
Vickers   Weiler     Niederhauser

Absent or not voting were: Senators
Dabakis    Urquhart

* * *

1st Sub. S.B. 41, UNIFORM COMMERCIAL CODE AMENDMENTS, was read the second time. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 34, Lines 1038 through 1042

1038 (d) subject to Subsection (7), if the debtor is an individual to whom the state Driver License Division of the Department of Public Safety has issued

1039 a driver license that has not expired, or if the debtor does not have an unexpired driver license,

1040 an individual to whom the state Driver License Division of the Department of Public Safety has issued an unexpired identification card, only if the

1041 financing statement provides the name of the individual which is indicated on the driver license

1042 or identification card;
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 or not voting, 0.**

**Voting in the affirmative were:** Senators

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On motion of Senator Mayne, **S.B. 44, CONSTRUCTION TRADES LICENSING REVISIONS**, was read the second time and circled.

***

**S.B. 142, REPEAL OF BLACKLISTING PROVISIONS**, was read the second time. Senator Thatcher explained the bill. Senators Davis and Valentine commented. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 5; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

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<th>Christensen</th>
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**Voting in the negative were:** Senators

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<th>Dabakis</th>
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<th>Harper</th>
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<td>Robles</td>
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**Absent or not voting were:** Senators

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<th>Adams</th>
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<th>Urquhart</th>
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**1st Sub. S.B. 49, CHILD WELFARE MODIFICATIONS**, was read the second time. Senator Harper explained the bill. Senator Vickers commented. The bill passed second reading on the following roll call:
**Yeas, 27; Nays, 1; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators  
Adams  Bramble  Christensen  Dabakis  
Davis  Dayton  Harper  Henderson  
Hillyard  Hinkins  Jenkins  Jones  
Knudson  Madsen  Mayne  Okerlund  
Osmond  Reid  Robles  Shiozawa  
Stephenson  Stevenson  Thatcher  Urquhart  
Valentine  Van Tassell  Niederhauser

**Voting in the negative was:** Senator  
Vickers

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

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**S.B. 118.** ROCKY MOUNTAIN CENTER FOR OCCUPATIONAL AND ENVIRONMENTAL HEALTH AMENDMENTS, was read the second time. Senator Mayne explained the bill. Senators Dayton, Harper, Okerlund, Dabakis, Madsen, Hillyard, and Henderson commented. The bill failed second reading on the following roll call:

**Yeas, 14; Nays, 11; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators  
Dabakis  Davis  Hillyard  Hinkins  
Jones  Mayne  Reid  Robles  
Shiozawa  Thatcher  Van Tassell  Vickers  
Weiler  Niederhauser

**Voting in the negative were:** Senators  
Adams  Christensen  Dayton  Harper  
Henderson  Madsen  Okerlund  Osmond  
Stephenson  Stevenson  Valentine

**Absent or not voting were:** Senators  
Bramble  Jenkins  Knudson  Urquhart

**S.B. 118** was filed.
***

INTRODUCTION OF BILLS

S.B. 102, Contractor Licensing Amendments (W. Harper), was read the first time by short title and referred to the Rules Committee.

***

On motion of Senator Okerlund, and at 12:12 p.m., the Senate adjourned until 10:00 a.m., Tuesday, February 5, 2013.
NINTH DAY

February 5, 2013

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

Prayer – Pastor David Springer, Church at Liberty Park
Pledge of Allegiance – Senator Aaron Osmond
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, Page 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 4, 2013

The House passed, as amended, **H.B. 23**, HIGH OCCUPANCY VEHICLE LANE AMENDMENTS, by Representative S. Handy, and it is transmitted for consideration; and

The House passed **H.B. 29**, ADJUDICATION OF WATER RIGHTS, by Representative J. Briscoe, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 33**, EXPUNGEMENT PROCESS AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed **H.B. 34**, SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative V. Peterson, and it is transmitted for consideration; and

The House passed **H.B. 36**, STORM WATER CAPTURE AMENDMENTS, by Representative J. Nielson, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 53**, ELECTION LAW AMENDMENTS, by Representative K. Powell, and it is transmitted for consideration; and

The House passed **H.B. 56**, BEHAVIORAL HEALTH CARE WORKFORCE AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and
The House passed **H.B. 57**, MENTAL AND BEHAVIORAL HEALTH AMENDMENTS, by Representative D. Sanpei, and it is transmitted for consideration; and

The House passed **H.B. 249**, REFUGEE SERVICES FUND AMENDMENTS, by Representative J. Peterson, and it is transmitted for consideration; and

The House passed **H.B. 261**, PAYROLL AMENDMENTS – PUBLIC SAFETY, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 272**, TRAFFIC SIGNAL AMENDMENTS, by Representative M. Kennedy, 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**

**H.B. 51** Professional Licensing Revisions (Rep. J. Dunnigan) (Sen. J. Valentine)

**S.B. 99** Labor Amendments (Sen. W. Harper)

**S.B. 161** Restitution Amendments (Sen. C. Bramble)

**Education Committee**

**S.B. 162** Concurrent Enrollment Amendments (Sen. S. Urquhart)

**Government Operations and Political Subdivisions Committee**

**S.B. 96** Political Subdivisions Employment Revisions (Sen. T. Weiler)

**S.B. 101** Division of Water Rights Revisions (Sen. M. Dayton)

**S.J.R. 2** Joint Resolution Reappointing Legislative Fiscal Analyst (Sen. W. Niederhauser)

H.J.R. 7 Joint Resolution Approving Compensation of In−session Employees (Rep. B. Dee) (Sen. R. Okerlund)

Health and Human Services Committee
S.B. 100 Higher Education Scholarship Amendments (Sen. J. Stevenson)
H.B. 48 Medical Reserve Corps Amendments (Rep. E. Redd) (Sen. B. Shiozawa)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 97 Propelling a Bodily Substance Amendments (Sen. J. Stevenson)
S.B. 98 Propelling a Bodily Substance Revisions (Sen. J. Stevenson)
S.J.R. 9 Joint Resolution – Jail Contracting (Sen. M. Madsen)

Natural Resources, Agriculture and Environment Committee
S.B. 57 Agriculture Environmental Steward Amendments (Sen. R. Okerlund)
S.B. 157 Daylight Saving Time Amendments (Sen. S. Urquhart)

Retirement and Independent Entities Committee
S.B. 56 Utah 211 Referral Information Network (Sen. T. Weiler)

Revenue and Taxation Committee
S.B. 58 Amendments to Sales and Use Tax (Sen. W. Harper)

Transportation, Public Utilities and Technology Committee

John L. Valentine Rules Committee Chair

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

RULES COMMITTEE REPORTS

To the Members of the Senate: February 4, 2011

The Rules Committee recommends that, with the written consent of the sponsor, S.B. 43, Financial and Economic Literacy Education Amendments
(Sen. P. Jones) be replaced and favorably recommends that **1st Sub. S.B. 43**, Financial and Economic Literacy Education Amendments be adopted and assigned to the Education Committee.

John L. Valentine  
Rules Committee Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President: February 4, 2013

The Business and Labor Committee reports a favorable recommendation on **S.B. 150**, FINANCIAL INSTITUTION AMENDMENTS, by Senator J. S. Adams.

Curtis S. Bramble, Chair

Mr. President: February 4, 2013

The Economic Development and Workforce Services Committee reports a favorable recommendation on **S.B. 53**, INTERGENERATIONAL WELFARE REFORM, by Senator S. Reid.

Aaron Osmond, Chair

Mr. President: February 4, 2013

The Education Committee reports a favorable recommendation on **S.B. 51**, HIGHER EDUCATION TUITION WAIVERS, by Senator S. Urquhart; and

The Education Committee reports a favorable recommendation on **S.B. 151**, AUTHORIZATION OF CHARTER SCHOOLS BY HIGHER EDUCATION INSTITUTIONS, by Senator J. S. Adams, with the following amendments:

1. Page 1, Line 20:\n
   20 applications; \{-and-\}
   \[^{\text{new}}\] modifies an annual fee for payment of a board of trustee’s costs in providing oversight and technical support to a charter school; and

2. Page 1, Line 25:

   25 \{-None-\} This bill provides an immediate effective date.

3. Page 4, Lines 117 through 120:
Subsection (6)(a) may not exceed the product of (i) 3% of the revenue the charter school receives from the state in the current fiscal year and (ii) the October 1 enrollment count of the charter school for the current fiscal year.

4. Page 5, Lines 122 through 125:

described in Subsection (6)(a) may not exceed the product of (i) 1% of the revenue a charter school receives from the state in the current fiscal year and (ii) the October 1 enrollment count of the charter school for the current fiscal year.

5. Page 5, Line 151:

policy governing the procedures or criteria described in Subsection (8)(a).

Section 3. 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.

6. Page 1, Line 17:

a charter school; and

7. Page 1, Lines 20 through 21:

applications and

prohibits a higher education institution from operating a charter school.

8. Page 1, Line 28:

{53A-1a-518, as last amended by Laws of Utah 2010, Chapter 162—}

9. Page 2, Line 32 through Page 3, Line 80:
Section 1. Section 53A-1a-518 is amended to read:

53A-1a-518. Regulated transactions and relationships — Definitions — Entities prohibited from operating a charter school.

(1) As used in this section:

(a) "Charter school officer" means:

(i) a member of a charter school's governing board;

(ii) a member of a board or an officer of a nonprofit corporation under which a charter school is organized and managed; or

(iii) the chief administrative officer of a charter school.

(b) (i) "Employment" means a position in which a person’s salary, wages, pay, or compensation, whether as an employee or contractor, is paid from charter school funds.

(ii) "Employment" does not include a charter school volunteer.

(c) "Relative" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

(2) (a) Except as provided in Subsection (2)(b), a relative of a charter school officer may not be employed at a charter school.

(b) If a relative of a charter school officer is to be considered for employment in a charter school, the charter school officer shall:

(i) disclose the relationship, in writing, to the other charter school officers;

(ii) submit the employment decision to the charter school’s governing board for the approval, by majority vote, of the charter school’s governing board;
(iii) abstain from voting on the issue; and
(iv) be absent from any meeting when the employment is being considered and
determined.

(3) (a) Except as provided in Subsections (3)(b) and (3)(c), a charter school officer or a
relative of a charter school officer may not have a financial interest in a contract or other
transaction involving a charter school in which the charter school officer serves as a charter
school officer.

(b) If a charter school’s governing board considers entering into a contract or executing
a transaction in which a charter school officer or a relative of a charter school officer has a
financial interest, the charter school officer shall:
(i) disclose the financial interest, in writing, to the other charter school officers;
(ii) submit the contract or transaction decision to the charter school’s governing board
for the approval, by majority vote, of the charter school’s governing board;
(iii) abstain from voting on the issue; and
(iv) be absent from any meeting when the contract or transaction is being considered
and determined.

(c) The provisions in Subsection (3)(a) do not apply to a reasonable contract of
employment for:
(i) the chief administrative officer of a charter school; or
(ii) a relative of the chief administrative officer of a charter school whose employment
is approved in accordance with the provisions in Subsection (2).
(4) The following entities may not operate a charter school:
(a) the State Board of Education;
(b) the State Charter School Board; and
(c) a higher education institution listed in Section 53B−2−101.

Section 2−1. Section 53A−1a−521 is amended to read: ; and

The Education Committee reports a favorable recommendation on S.C.R. 5, CONCURRENT RESOLUTION ENDORSING THE UTAH EDUCATION EXCELLENCE COMMISSION, by Senator J. Stevenson.

Stuart C. Reid, Chair

Mr. President: February 4, 2013

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 140, SERVICE AREA BOARD OF TRUSTEES, by Senator T. Weiler, with the following amendments:

1. Page 8, Lines 229 through 230:

   (iv) A vote by a member of the board of trustees may be weighted or proportional {–if the
   same voting distribution was agreed to in the agreement described in Subsection (3)(a)(iii) } ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 148, CONSERVATION DISTRICTS − CLOSED MEETINGS AMENDMENTS, by Senator D. Hinkins; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 153, LOCAL GOVERNMENT DEVELOPMENT AMENDMENTS, by Senator J. S. Adams; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 18, CAMPAIGN FINANCE REPORTING PENALTIES, by Representative K. Grover; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 19, ELECTION CODE CRIMINAL PROVISIONS, by Representative K. Grover; and
The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 26**, INMATE MEDICAL DONATION ACT, by Representative S. Eliason.

Margaret Dayton, Chair

Mr. President: February 1, 2013

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 18**, CHILD CUSTODY PROCEEDINGS AMENDMENTS, by Senator L. Robles; and


Mark B. Madsen, Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President: February 4, 2013

The Business and Labor Committee reports a favorable recommendation on **S.B. 54**, LICENSING OF NURSING CARE FACILITY BEDS, by Senator C. Bramble, 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. 37**, REPEAL OF REPORTING REQUIREMENTS, by Representative J. Dunnigan, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

Mr. President: February 4, 2013

The Economic Development and Workforce Services Committee reports a favorable recommendation on **H.B. 22**, UTAH COMMISSION ON SERVICE AND VOLUNTEERISM, by Representative J. Bird, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Economic Development and Workforce Services Committee reports a favorable recommendation on **H.B. 25**, AGENCY REPORTING PROVISIONS,
by Representative J. Bird, and recommends it be considered read for the second time and placed on the Consent Calendar.

Aaron Osmond, Chair

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

INTRODUCTION OF BILLS

S.B. 59, Workers’ Compensation Coordination of Benefits Amendments (K. Mayne), was read the first time by short title and referred to the Rules Committee.

S.B. 60, Abortion Statistics and Reporting Requirements (M. Dayton), was read the first time by short title and referred to the Rules Committee.

S.B. 102, Contractor Licensing Amendments (W. Harper), was read the first time by short title and referred to the Rules Committee.

S.B. 103, Carson Smith Scholarship Amendments (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

S.B. 104, Vulnerable Users of Highways Amendments (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 105, Board of Pardons and Parole Revisions (D. Thatcher), was read the first time by short title and referred to the Rules Committee.

S.B. 164, Parole Violator Centers Allocations (L. Robles), was read the first time by short title and referred to the Rules Committee.

S.C.R. 8, Concurrent Resolution for the Provo Reservoir Canal Title Transfer (M. Dayton), was read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.C.R. 2, CONCURRENT RESOLUTION RECOGNIZING WORKERS’ COMPENSATION FUND FOR WORKPLACE SAFETY, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.
Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Stevenson Thatcher Urquhart Valentine
Van Tassell Vickers Weiler Niederhauser

Absent or not voting was: Senator Jenkins

S.C.R. 2 was transmitted to the House for consideration.

COMMITTEE OF THE WHOLE

On motion of Senator Hillyard, Markaye Hassan, an art student from Utah, spoke in Committee of the Whole.

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

THIRD READING CALENDAR

S.B. 129, OFFICE OF STATE DEBT COLLECTION – WRIT OF GARNISHMENT, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jones Knudson
Madsen Okerlund Osmond Reid
Shiozawa Stephenson Stevenson Thatcher
Urquhart Valentine Vickers Niederhauser

Absent or not voting were: Senators
Jenkins Mayne Robles Van Tassell
Weiler

S.B. 129 was transmitted to the House for consideration.

***

S.B. 30, WATER AND IRRIGATION AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:
Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators
Adams           Bramble           Christensen       Dabakis
Davis           Dayton           Harper            Henderson
Hillyard        Hinkins          Jenkins           Jones
Knudson         Madsen           Mayne             Okerlund
Osmond          Reid             Robles            Shiozawa
Stephenson      Stevenson        Thatcher          Urquhart
Valentine       Van Tassell      Vickers           Weiler
Niederhauser

S.B. 30 was transmitted to the House for consideration.

***

S.B. 115, WATER DEVELOPMENT COMMISSION AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:
Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams           Bramble           Christensen       Dabakis
Davis           Dayton           Harper            Henderson
Hillyard        Jenkins          Jones             Knudson
Madsen          Mayne            Okerlund          Osmond
Reid            Robles           Shiozawa          Stephenson
Stephenson      Thatcher         Urquhart          Valentine
Van Tassell     Vickers          Weiler            Niederhauser

Absent or not voting was: Senator
Hinkins

S.B. 115 was transmitted to the House for consideration.

***

S.C.R. 3, THREATENED SPECIES DAMAGE AND MANAGEMENT PLAN CONCURRENT RESOLUTION, was read the third time, explained by Senator Vickers, and passed on the following roll call:
Yeas, 26; Nays, 0; Absent or not voting, 3.
Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Jenkins Jones Knudson Madsen
Mayne Okerlund Reid Robles
Shiozawa Stephenson Stevenson Thatcher
Urquhart Valentine Van Tassell Vickers
Weiler Niederhauser

Absent or not voting were: Senators
Hillyard Hinkins Osmond

S.C.R. 3 was transmitted to the House for consideration.

* * *

S.B. 125, DISTRICT COURT JUDGE AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams Bramble Dabakis Davis
Dayton Harper Henderson Hillyard
Jenkins Jones Knudson Madsen
Mayne Okerlund Osmond Reid
Robles Shiozawa Stevenson Van Tassell Vickers
Urquhart Valentine Van Tassell Vickers
Weiler Niederhauser

Absent or not voting were: Senators
Christensen Hinkins Thatcher

S.B. 125 was transmitted to the House for consideration.

* * *

Senator Osmond requested leave of the body for permission to cast an aye vote on S.C.R. 3. The request was granted and the corrected vote is as follows:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Jenkins  Jones  Knudson  Madsen
Mayne   Okerlund  Osmond  Reid
Robles  Shiozawa  Stephenson  Stevenson
Thatcher Urquhart  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Hillyard  Hinkins

***

S.B. 127, JUVENILE COURT JUDGE AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators
Adams   Bramble  Christensen  Dabakis
Davis   Dayton  Harper    Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  Okerlund
Osmond  Reid  Robles  Shiozawa
Stephenson  Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Vickers  Weiler
Niederhauser

S.B. 127 was transmitted to the House for consideration.

***

S.B. 111, ELECTRONIC FILING OF TRAFFIC CITATIONS AND ACCIDENT REPORTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators
Adams   Bramble  Christensen  Dabakis
Davis   Dayton  Harper    Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  Okerlund
Osmond  Reid  Robles  Shiozawa
Stephenson  Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Vickers  Weiler
Niederhauser
S.B. 111 was transmitted to the House for consideration.

* * *

S.B. 123, RUNAWAY VEHICLE RAMP REQUIREMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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

S.B. 123 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 41, UNIFORM COMMERCIAL CODE AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

Christensen Dayton Madsen

1st Sub. S.B. 41 was transmitted to the House for consideration.
S.B. 142, REPEAL OF BLACKLISTING PROVISIONS, was read the third time, explained by Senator Thatcher, and passed on the following roll call:

Yeas, 25; Nays, 2; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams              Bramble              Dabakis              Dayton
Henderson          Hinkins              Jenkins              Jones
Knudson            Madsen              Mayne                Okerlund
Osmond             Reid                 Robles               Shiozawa
Stephenson         Stevenson            Thatcher             Urquhart
Valentine          Van Tassell          Vickers              Weiler
Niederhauser

Voting in the negative were: Senators
Davis              Harper

Absent or not voting were: Senators
Christensen        Hillyard

S.B. 142 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 49, CHILD WELFARE MODIFICATIONS, was read the third time, explained by Senator Harper, and passed on the following roll call:

Yeas, 26; Nays, 1; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams              Bramble              Christensen            Dabakis
Davis              Dayton               Harper                 Henderson
Hinkins            Jenkins              Jones                 Knudson
Madsen            Mayne                Okerlund              Osmond
Reid               Robles               Shiozawa              Stephenson
Stevenson          Thatcher             Urquhart              Valentine
Weiler             Niederhauser

Voting in the negative was: Senator
Vickers

Absent or not voting were: Senators
Hillyard            Van Tassell
**1st Sub. S.B. 49** was transmitted to the House for consideration.

**SECOND READING CALENDAR**

On motion of Senator Harper, **S.B. 132**, UTAH MEDICAL EDUCATION COUNCIL AMENDMENTS, was read the second time and circled.

* *** *

On motion of Senator Adams, the Senate voted to reconsider its action on **S.B. 118**, ROCKY MOUNTAIN CENTER FOR OCCUPATIONAL AND ENVIRONMENTAL HEALTH AMENDMENTS. Senator Bramble commented.

**S.B. 118**, ROCKY MOUNTAIN CENTER FOR OCCUPATIONAL AND ENVIRONMENTAL HEALTH AMENDMENTS, was before the Senate.

On motion of Senator Mayne, the bill was circled.

* *** *

**S.B. 119**, YOUTH COURT AMENDMENTS, was read the second time. Senator Stevenson explained the bill.

Senator Stevenson proposed the following amendment:

1. Page 3, Lines 84 through 85

84  (12) Proceedings and dispositions of a youth court may only be shared with the 85 referring agency, juvenile court, and victim.

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

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Hillyard           Thatcher           Van Tassell

* * *

S.B. 130, SECURITY PERSONNEL LICENSING ACT AMENDMENTS, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 2; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams            Bramble         Christensen       Dabakis
Dayton           Harper           Henderson        Hinkins
Jenkins          Jones           Knudson          Mayne
Okerlund         Reid            Robles           Shiozawa
Stephenson       Stevenson       Thatcher         Valentine
Vickers          Niederhauser

Voting in the negative were: Senators
Davis            Madsen

Absent or not voting were: Senators
Hillyard         Osmond          Urquhart        Van Tassell
Weiler

* * *

S.J.R. 7, JOINT RULES RESOLUTION ON REVENUE ESTIMATES FOR FEDERAL FUNDS, was read the second time. Senator Harper explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 1; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams            Bramble         Christensen       Dabakis
Davis            Dayton          Harper           Henderson
Hinkins          Jenkins         Jones            Knudson
Madsen           Mayne           Okerlund         Osmond
Reid             Robles          Shiozawa         Stephenson
Stevenson        Thatcher        Valentine        Vickers
Weiler           Niederhauser

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

Urquhart  Van Tassell  

* * *

S.B. 138, AMENDMENTS TO REQUIREMENTS FOR GOVERNOR’S PROPOSED BUDGET, was read the second time. Senator Harper explained the bill. Senator Okerlund commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis  
Davis  Dayton  Harper  Henderson  
Hillyard  Hinkins  Jenkins  Jones  
Madsen  Okerlund  Osmond  Reid  
Robles  Shiozawa  Stephenson  Stevenson  
Thatcher  Urquhart  Valentine  Vickers  
Weiler  Niederhauser

Absent or not voting were: Senators

Knudson  Mayne  Van Tassell  

* * *

S.B. 141, EDUCATION CONTRIBUTION ON TAX RETURNS, 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 or not voting, 5.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis  
Davis  Dayton  Harper  Henderson  
Hinkins  Jenkins  Jones  Knudson  
Madsen  Mayne  Reid  Robles  
Shiozawa  Stephenson  Stevenson  Thatcher  
Urquhart  Valentine  Weiler  Niederhauser  

Absent or not voting were: Senators

Hillyard  Okerlund  Osmond  Van Tassell  
Vickers
S.B. 150, FINANCIAL INSTITUTION AMENDMENTS, was read the second time. Senator Adams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 53, INTERGENERATIONAL WELFARE REFORM, was read the second time. Senator Reid explained the bill. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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On motion of Senator Adams, S.B. 51, HIGHER EDUCATION TUITION WAIVERS, was read the second time and circled.
S.B. 151, AUTHORIZATION OF CHARTER SCHOOLS BY HIGHER EDUCATION INSTITUTIONS, was read the second time. Senator Adams explained the bill. The bill passed second reading on the following roll call:

Y eas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Stevenson  Thatcher  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Hillyard  Urquhart

S.B. 140, SERVICE AREA BOARD OF TRUSTEES, was read the second time. Senator Weiler explained the bill. The bill passed second reading on the following roll call:

Y eas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  Okerlund
Osmond  Reid  Robles  Shiozawa
Stephenson  Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Vickers  Weiler
Niederhauser

On motion of Senator Stevenson, S.C.R. 5, CONCURRENT RESOLUTION ENDORSING THE UTAH EDUCATION EXCELLENCE COMMISSION, was read the second time and circled.
S.B. 148, CONSERVATION DISTRICTS – CLOSED MEETINGS AMENDMENTS, was read the second time. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

Adams  Bramble  Dabakis  Davis  
Dayton  Harper  Henderson  Hillyard  
Hinkins  Jenkins  Jones  Knudson  
Madsen  Mayne  Okerlund  Osmond  
Reid  Robles  Shiozawa  Stephenson  
Stevenson  Thatcher  Urquhart  Valentine  
Van Tassell  Vickers  Weiler  Niederhauser

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

* ***

S.B. 153, LOCAL GOVERNMENT DEVELOPMENT AMENDMENTS, was read the second time. Senator Adams explained the bill. Senator Harper commented. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

Adams  Christensen  Dabakis  Davis  
Dayton  Harper  Henderson  Hillyard  
Hinkins  Jenkins  Jones  Knudson  
Madsen  Mayne  Okerlund  Osmond  
Reid  Robles  Shiozawa  Stephenson  
Stevenson  Thatcher  Urquhart  Valentine  
Van Tassell  Vickers  Weiler  Niederhauser

**Absent or not voting were:** Senators

Bramble  Urquhart

* ***

S.B. 18, CHILD CUSTODY PROCEEDINGS AMENDMENTS, was read the second time. Senator Robles explained the bill. Senators Hillyard, Madsen,
Weiler, Jones, Dayton, Reid, Valentine, and Mayne commented. The bill passed second reading on the following roll call:

**Y eas, 21; Nays, 5; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

- Dabakis
- Hinkins
- Okerlund
- Shiozawa
- Valentine
- Niederhauser

- Davis
- Jones
- Osmond
- Stevenson
- Van Tassell

- Harper
- Madsen
- Reid
- Thatcher
- Vickers

- Henderson
- Mayne
- Robles
- Urquhart
- Weiler

**Voting in the negative were:** Senators

- Christensen
- Dayton
- Hillyard
- Knudson

- Jenkins

**Absent or not voting were:** Senators

- Adams
- Bramble
- Stephenson

**INTRODUCTION OF BILLS**

**S.J.R. 10, Joint Resolution on the Protection of the Greater Canyonlands Region** (J. Dabakis), was read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Okerlund, and at 12:00 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 6, 2013.
TENTH DAY

February 6, 2013

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

Prayer – Senator Brian Shiozawa
Pledge of Allegiance – Senator Stuart Reid
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, Page 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 5, 2013

The House passed, as substituted, 1st Sub. H.B. 11, LOCAL TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 21, WORKFORCE SERVICES AMENDMENTS, by Representative J. Bird, and it is transmitted for consideration; and

The House passed, as amended, H.B. 40, SCHEDULING OF SPECIAL ELECTIONS, by Representative K. Powell, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 66, POLITICAL SUBDIVISION AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 69, EXPUNGEMENT OF RECORDS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed, as amended, H.B. 72, SAFE DRINKING WATER DISCLOSURE ACT, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed, as amended, H.B. 73, WATER EASEMENT AMENDMENTS, by Representative J. Mathis, and it is transmitted for consideration; and
The House passed, as substituted, **1st Sub. H.B. 85**, VOTING RECOUNT AMENDMENTS, by Representative C. Hall, and it is transmitted for consideration; and

The House passed **H.B. 243**, OFFENDER REGISTRY REVIEW, by Representative J. Draxler, and it is transmitted for consideration; and

The House passed **H.B. 250**, SUNSET REAUTHORIZATION – ENERGY PRODUCER STATES’ AGREEMENT, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 254**, COLLEGE CREDITS FOR VETERANS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 274**, TAX CREDITS FOR EMPLOYING A HOMELESS PERSON, by Representative B. King, 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 5, 2011

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

**Business and Labor Committee**

**S.B. 102** Contractor Licensing Amendments (Sen. W. Harper)

**Economic Development and Workforce Services Committee**


**Education Committee**

**S.B. 103** Carson Smith Scholarship Amendments (Sen. J. S. Adams)

**Government Operations and Political Subdivisions Committee**

**S.B. 60** Abortion Statistics and Reporting Requirements (Sen. M. Dayton)
S.C.R. 8 Concurrent Resolution for the Provo Reservoir Canal Title Transfer (Sen. M. Dayton)


H.B. 262 Unaffiliated Voter Amendments (Rep. C. Hall) (Sen. T. Weiler)

Health and Human Services Committee
H.B. 56 Behavioral Health Care Workforce Amendments (Rep. R. Menlove) (Sen. A. Christensen)
H.B. 57 Mental and Behavioral Health Amendments (Rep. D. Sanpei) (Sen. A. Christensen)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 105 Board of Pardons and Parole Revisions (Sen. D. Thatcher)
S.B. 164 Parole Violator Centers Allocations (Sen. L. Robles)

Natural Resources, Agriculture and Environment Committee

Transportation, Public Utilities and Technology Committee
S.B. 104 Vulnerable Users of Highways Amendments (Sen. T. Weiler)
H.B. 23 High Occupancy Vehicle Lane Amendments (Rep. S. Handy) (Sen. J. S. Adams)
H.B. 34 Special Group License Plate Amendments (Rep. V. Peterson) (Sen. T. Weiler)

John L. Valentine
Rules Committee Chair

Report filed. On motion of Senator Valentine, the committee report was adopted.
STANDING COMMITTEE REPORTS

Mr. President: February 5, 2013

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 96, POLITICAL SUBDIVISIONS EMPLOYMENT REVISIONS, by Senator T. Weiler; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 101, DIVISION OF WATER RIGHTS REVISIONS, by Senator M. Dayton; and

The Government Operations and Political Subdivisions Committee recommends S.B. 126, COORDINATION OF SERVICES FOR VETERANS, by Senator P. Knudson, be replaced and favorably recommends 1st Sub. S.B. 126, COORDINATION OF SERVICES FOR VETERANS with the following amendments:

1. Page 4, Lines 94 through 100:

   95 (1) This section applies to;
   96 (a) the Department of { Health and } Human Services;
   97 (b) the institutions of higher education listed in 53B–1–102;
   98 (c) the Division of Professional and Occupational Licensing;
   99 (d) the Department of Public Safety; { and }
  100 (e) the Department of Workforce Services ; and
   (f) the Department of Health ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 158, MUNICIPAL GENERAL FUND AMENDMENTS, by Senator D. Henderson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.J.R. 2, JOINT RESOLUTION REAPPOINTING LEGISLATIVE FISCAL ANALYST, by Senator W. Niederhauser; and
The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.J.R. 7**, JOINT RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES, by Representative B. Dee.

Margaret Dayton, Chair

Mr. President: February 4, 2013

The Health and Human Services Committee reports a favorable recommendation on **H.B. 52**, CONTROLLED SUBSTANCES REVISIONS, by Representative P. Ray.

Evan J. Vickers, Chair

Mr. President: February 5, 2013

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 144**, REAUTHORIZATION OF PROHIBITIONS ON PRACTICING LAW WITHOUT A LICENSE, by Senator S. Jenkins; and


Mark B. Madsen, Chair

Mr. President: February 5, 2013

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 57**, AGRICULTURE ENVIRONMENTAL STEWARD AMENDMENTS, by Senator R. Okerlund.

Scott K. Jenkins, Chair

Mr. President: February 5, 2013

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 13**, AMENDMENTS TO IGNITION INTERLOCK PROGRAM, by Senator D. Thatcher; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 48**, SPECIAL GROUP LICENSE PLATE REVISIONS, by Senator P. Knudson; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 50**, DEPARTMENT OF TRANSPORTATION LIABILITY AMENDMENTS, by Senator L. Hillyard; and
The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 137, MOTOR VEHICLE REGISTRATION ENFORCEMENT AMENDMENTS, by Senator D. Thatcher; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 32, DRIVER LICENSE MOTORCYCLE ENDORSEMENT AMENDMENTS, by Representative V. Peterson.

Kevin T. Van Tassell, Chair

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

INTRODUCTION OF BILLS

S.B. 61, Hunting Permit Amendments (A. Christensen), was read the first time by short title and referred to the Rules Committee.

S.B. 62, Governor’s Fire Suppression Authority (M. Dayton), was read the first time by short title and referred to the Rules Committee.

S.B. 63, Transportation Planning and Funding Task Force (W. Harper), was read the first time by short title and referred to the Rules Committee.

S.B. 64, Homeowner Association Reserve Account Amendments (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

S.B. 165, Physical Therapy Practice Act Amendments (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 166, Hospital Provider Assessment Amendments (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 167, Alcoholic Beverage Control Amendments (J. Valentine), was read the first time by short title and referred to the Rules Committee.

S.B. 168, Certified Public Accountant Licensing Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.J.R. 11, Joint Resolution on Environmental and Developmental Policies (T. Weiler), was read the first time by short title and referred to the Rules Committee.
### THIRD READING CALENDAR

On motion of Senator Stevenson, **S.B. 119**, YOUTH COURT AMENDMENTS, was read the third time and circled.

* * *

**S.B. 130**, SECURITY PERSONNEL LICENSING ACT AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Knudson | Stephenson | Urquhart |

**S.B. 130** was transmitted to the House for consideration.

* * *

**S.J.R. 7**, JOINT RULES RESOLUTION ON REVENUE ESTIMATES FOR FEDERAL FUNDS, was read the third time and explained by Senator Harper. Senator Henderson commented and the bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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Absent or not voting was: Senator Urquhart

S.J.R. 7 was transmitted to the House for consideration.

* * *

S.B. 138, AMENDMENTS TO REQUIREMENTS FOR GOVERNOR’S PROPOSED BUDGET, was read the third time, explained by Senator Harper, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis  
Davis  Dayton  Harper  Henderson  
Hinkins  Jenkins  Jones  Knudson  
Madsen  Mayne  Okerlund  Osmond  
Reid  Robles  Shiozawa  Stephenson  
Stevenson  Thatcher  Valentine  Van Tassell  
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Hillyard  Urquhart  

S.B. 138 was transmitted to the House for consideration.

* * *

S.B. 141, EDUCATION CONTRIBUTION ON TAX RETURNS, was read the third time, explained by Senator Thatcher, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis  
Dayton  Harper  Henderson  Hinkins  
Jenkins  Jones  Knudson  Madsen  
Mayne  Okerlund  Osmond  Reid  
Robles  Shiozawa  Stephenson  Stevenson  
Thatcher  Valentine  Van Tassell  Vickers  
Weiler  Niederhauser
Absent or not voting were: Senators
Davis       Hillyard       Urquhart

S.B. 141 was transmitted to the House for consideration.

***

On motion of Senator Adams, S.B. 150, FINANCIAL INSTITUTION AMENDMENTS, was read the third time and circled.

***

S.B. 53, INTERGENERATIONAL WELFARE REFORM, was read the third time, explained by Senator Reid, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams       Bramble       Christensen       Dabakis
Davis       Dayton       Harper           Henderson
Hinkins     Jenkins       Jones           Knudson
Madsen      Mayne        Okerlund        Osmond
Reid        Robles       Shiozawa       Stephenson
Stevenson   Valentine     Van Tassell    Vickers
Weiler      Niederhauser

Absent or not voting were: Senators
Hillyard    Thatcher       Urquhart

S.B. 53 was transmitted to the House for consideration.

***

On motion of Senator Adams, S.B. 151, AUTHORIZATION OF CHARTER SCHOOLS BY HIGHER EDUCATION INSTITUTIONS, was read the third time and circled.

***

S.B. 140, SERVICE AREA BOARD OF TRUSTEES, was read the third time, explained by Senator Weiler, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams       Bramble       Christensen       Dabakis
Davis       Dayton       Harper           Henderson
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Stevenson  Valentine  Van Tassell  Vickers
Weiler  Niederhauser

Absent or not voting were: Senators
Hillyard  Thatcher  Urquhart

S.B. 140 was transmitted to the House for consideration.

* * *

S.B. 148, CONSERVATION DISTRICTS – CLOSED MEETINGS AMENDMENTS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Stevenson  Thatcher  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Hillyard  Urquhart

S.B. 148 was transmitted to the House for consideration.

* * *

On motion of Senator Adams, the circle was removed from S.B. 150, FINANCIAL INSTITUTION AMENDMENTS, and it was before the Senate. Senator Adams explained the bill. Senator Jenkins commented. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Absent or not voting were: Senators
Hillyard Urquhart

S.B. 150 was transmitted to the House for consideration.

* * *

S.B. 153, LOCAL GOVERNMENT DEVELOPMENT AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne Okerlund
Osmond Reid Robles Shiozawa
Stephenson Stevenson Thatcher Valentine
Van Tassell Vickers Weiler Niederhauser

Absent or not voting was: Senator
Urquhart

S.B. 153 was transmitted to the House for consideration.

* * *

On motion of Senator Robles, S.B. 18, CHILD CUSTODY PROCEEDINGS AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Stevenson, the circle was removed from S.B. 119, YOUTH COURT AMENDMENTS, and it was before the Senate. Senator Stevenson explained the bill. The bill passed on the following roll call:
Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams          Bramble          Christensen        Dabakis
Davis          Dayton          Harper           Henderson
Hillyard       Hinkins         Jenkins         Jones
Madsen         Mayne           Okerlund        Osmond
Reid           Robles          Shiozawa        Stephenson
Stevenson      Thatcher       Valentine       Van Tassell
Vickers        Weiler          Niederhauser

Absent or not voting were: Senators
Knudson        Urquhart

S.B. 119 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Adams, H.B. 12, ALARM COMPANY EMPLOYEE LICENSING, was read the second time and circled.

* * *

H.B. 16, DISPOSAL OF CERTAIN SURPLUS PROPERTY, was read the second time. Senator Adams explained the bill. Senator Jenkins commented. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams          Bramble          Christensen        Dabakis
Davis          Dayton          Harper           Henderson
Hillyard       Hinkins         Jenkins         Jones
Knudson        Madsen          Mayne           Okerlund
Osmond         Reid            Robles          Shiozawa
Stephenson     Stevenson       Thatcher       Valentine
Van Tassell    Vickers         Weiler          Niederhauser

Absent or not voting was: Senator
Urquhart

* * *

H.B. 18, CAMPAIGN FINANCE REPORTING PENALTIES, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:
Yeas, 26; Nays, 1; Absent or not voting, 2.

Voting in the affirmative were: Senators
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Voting in the negative was: Senator
| Reid |

Absent or not voting were: Senators
| Adams | Urquhart |

* * *

H.B. 19, ELECTION CODE CRIMINAL PROVISIONS, 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 or not voting, 1.

Voting in the affirmative were: Senators
<table>
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<tr>
<th>Adams</th>
<th>Bramble</th>
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Absent or not voting was: Senator
| Urquhart |

* * *

H.B. 26, INMATE MEDICAL DONATION ACT, 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 or not voting, 2.
Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  Okerlund
Osmond  Reid  Shiozawa  Stephenson
Stevenson  Thatcher  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Robles  Urquhart

***

On motion of Senator Okerlund, H.J.R. 7, JOINT RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES, was read the second time and circled.

***

H.B. 52, CONTROLLED SUBSTANCES REVISIONS, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 1; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Mayne  Okerlund  Osmond
Reid  Shiozawa  Stephenson  Stevenson
Thatcher  Valentine  Van Tassell  Vickers
Weiler  Niederhauser

Voting in the negative was: Senator
Madsen

Absent or not voting were: Senators
Robles  Urquhart

***

On motion of Senator Knudson, H.B. 32, DRIVER LICENSE MOTORCYCLE ENDORSEMENT AMENDMENTS, was read the second time and circled.
On motion of Senator Adams, under suspension of the rules, the Senate voted to consider Senate Bills today.

***

**S.B. 135, INVOLUNTARY COMMITMENT AMENDMENTS**, was read the second time. Senator Weiler explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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<th>Adams</th>
<th>Jones</th>
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***

On motion of Senator Okerlund, the circle was removed from **H.J.R. 7, JOINT RESOLUTION APPROVING COMPENSATION OF IN–SESSION EMPLOYEES**, and it was before the Senate. Senator Okerlund explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

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

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<th>Adams</th>
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On motion of Senator Valentine, the circle was removed from **H.B. 12, ALARM COMPANY EMPLOYEE LICENSING**, and it was before the Senate. Senator Valentine explained the bill. Senator Osmond commented. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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<thead>
<tr>
<th>Voting for the affirmative</th>
<th>Senator</th>
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**Absent or not voting were:** Senators

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<td>Hillyard</td>
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**S.B. 96, POLITICAL SUBDIVISIONS EMPLOYMENT REVISIONS,** was read the second time. Senator Weiler explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Senators

<table>
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<tr>
<th>Voting for the affirmative</th>
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**S.B. 101, DIVISION OF WATER RIGHTS REVISIONS,** was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:
Yeas, 25; Nays, 0; Absent or not voting, 4.

**Voting in the affirmative were:** Senators

<table>
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<th>Senator Name</th>
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On motion of Senator Knudson, **1st Sub. S.B. 126**, COORDINATION OF SERVICES FOR VETERANS, was read the second time and circled.

* * *

On motion of Senator Henderson, **S.B. 158**, MUNICIPAL GENERAL FUND AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Dayton, **S.J.R. 2**, JOINT RESOLUTION REAPPOINTING LEGISLATIVE FISCAL ANALYST, was read the second time and circled.

* * *

On motion of Senator Knudson, **S.B. 144**, REAUTHORIZATION OF PROHIBITIONS ON PRACTICING LAW WITHOUT A LICENSE, was read the second time and circled.

* * *

On motion of Senator Knudson, the circle was removed from **1st Sub. S.B. 126**, COORDINATION OF SERVICES FOR VETERANS, and it was before the Senate. Senator Knudson explained the bill. Senator Mayne commented. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**
Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Stevenson Thatcher Urquhart Valentine
Van Tassell Vickers Niederhauser

Absent or not voting were: Senators
Hillyard Weiler

***

S.B. 146, DRIVING UNDER THE INFLUENCE AMENDMENTS, was read the second time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Bramble Christensen Dabakis Davis
Dayton Harper Henderson Hinkins
Jenkins Jones Knudson Madsen
Mayne Okerlund Osmond Reid
Robles Shiozawa Stephenson Stevenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

Absent or not voting were: Senators
Adams Hillyard

***

On motion of Senator Okerlund, S.B. 57, AGRICULTURE ENVIRONMENTAL STEWARD AMENDMENTS, was read the second time and circled.

***

On motion of Senator Jenkins, the circle was removed from S.B. 144, REAUTHORIZATION OF PROHIBITIONS ON PRACTICING LAW WITHOUT A LICENSE, and it was before the Senate. Senator Jenkins explained the bill. Senator Urquhart commented. The bill passed second reading on the following roll call:
Yeas, 21; Nays, 5; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Davis
Dayton Harper Henderson Jenkins
Jones Mayne Okerlund Osmond
Reid Robles Shiozawa Stevenson
Thatcher Valentine Van Tassell Weiler
Niederhauser

Voting in the negative were: Senators
Hinkins Madsen Stephenson Urquhart
Vickers

Absent or not voting were: Senators
Bramble Hillyard Knudson

* * *

S.B. 13, AMENDMENTS TO IGNITION INTERLOCK PROGRAM, 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 or not voting, 4.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Dayton
Harper Henderson Hinkins Jenkins
Jones Knudson Madsen Mayne
Okerlund Reid Robles
Shiozawa Stephenson Stevenson Thatcher
Valentine Van Tassell Vickers Weiler
Niederhauser

Absent or not voting were: Senators
Bramble Davis Hillyard Urquhart

* * *

On motion of Senator Niederhauser, the circle was removed from S.J.R. 2, JOINT RESOLUTION REAPPOINTING LEGISLATIVE FISCAL ANALYST, and it was before the Senate. Senator Niederhauser explained the bill. Senators Weiler and Knudson commented. The bill passed second reading on the following roll call:
Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Davis
Dayton Harper Hinkins Jenkins
Jones Knudson Madsen Mayne
Okerlund Osmond Reid Robles
Shiozawa Stephenson Stevenson Thatcher
Valentine Van Tassell Vickers Weiler
Niederhauser

Absent or not voting were: Senators
Bramble Henderson Hillyard Urquhart

***

On motion of Senator Knudson, S.B. 48, SPECIAL GROUP LICENSE PLATE REVISIONS, was read the second time and circled.

***

On motion of Senator Okerlund, S.B. 50, DEPARTMENT OF TRANSPORTATION LIABILITY AMENDMENTS, was read the second time and circled.

***

S.B. 137, MOTOR VEHICLE REGISTRATION ENFORCEMENT AMENDMENTS, was read the second time. Senator Thatcher explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Davis
Dayton Harper Henderson Hinkins
Jenkins Jones Knudson Madsen
Mayne Okerlund Osmond Reid
Robles Shiozawa Stevenson Stephenson
Thatcher Valentine Van Tassell Vickers
Weiler Niederhauser

Absent or not voting were: Senators
Bramble Hillyard Urquhart
On motion of Senator Okerlund, and at 11:40 a.m., the Senate adjourned until 10:00 a.m., Thursday, February 7, 2013.
ELEVENTH DAY
February 7, 2013

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

Prayer – Pastor Curtis Price, Salt Lake First Baptist Church
Pledge of Allegiance – Senator Scott Jenkins
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 6, 2013

The House passed, as substituted, 1st Sub. H.B. 58, PROTECTION OF ATHLETES WITH HEAD INJURIES ACT AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, H.B. 70, UTAH STATE RAILROAD MUSEUM AUTHORITY AMENDMENTS, by Representative J. Peterson, and it is transmitted for consideration; and

The House passed, as amended, H.B. 79, MOTOR VEHICLE REGISTRATION AND INSURANCE AMENDMENTS, by Representative S. Handy, and it is transmitted for consideration; and

The House passed, as amended, H.B. 83, SPEED LIMIT AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed H.B. 251, SUNSET REAUTHORIZATION – EMPLOYMENT SERVICES FOR THE DISABLED, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, H.B. 259, INSURANCE AMENDMENTS, by Representative J. Bird, and it is transmitted for consideration; and

The House passed, as amended, H.B. 269, TRAINING OF SCHOOL NURSES, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, H.B. 281, HEALTH DISCOUNT PROGRAM REVISIONS, by Representative J. Dunnigan, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 289**, FIREWORKS AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 290**, DIVISION OF REAL ESTATE AMENDMENTS, 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.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 6, 2011

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

**Business and Labor Committee**

**S.B. 64** Homeowner Association Reserve Account Amendments  
(Sen. S. Urquhart)

**S.B. 167** Alcoholic Beverage Control Amendments  
(Sen. J. Valentine)

**Economic Development and Workforce Services Committee**

(Sen. S. Reid)

**Education Committee**

**1st Sub. H.B. 254** College Credits for Veterans (Rep. P. Ray)  
(Sen. P. Knudson)

**Government Operations and Political Subdivisions Committee**

**S.B. 17** Account for People with Disabilities Amendments  
(Sen. M. Dayton)

**S.B. 62** Governor’s Fire Suppression Authority (Sen. M. Dayton)

**S.J.R. 11** Joint Resolution on Environmental and Developmental Policies (Sen. T. Weiler)

**H.B. 40** Scheduling of Special Elections (Rep. K. Powell)  
(Sen. P. Knudson)

**1st Sub. H.B. 66** Political Subdivision Amendments (Rep. R. C. Webb)  
(Sen. P. Knudson)

**1st Sub. H.B. 85** Voting Recount Amendments (Rep. C. Hall)  
(Sen. D. Henderson)
Health and Human Services Committee
S.B. 165  Physical Therapy Practice Act Amendments  
(Sen. T. Weiler)
S.B. 166  Hospital Provider Assessment Amendments  
(Sen. L. Hillyard)

Judiciary, Law Enforcement, and Criminal Justice Committee
(Sen. S. Reid)
H.B. 243  Offender Registry Review (Rep. J. Draxler)  
(Sen. L. Hillyard)

Natural Resources, Agriculture and Environment Committee
S.B. 61  Hunting Permit Amendments (Sen. A. Christensen)
S.J.R. 10  Joint Resolution on the Protection of the Greater  
Canyonlands Region (Sen. J. Dabakis)
H.B. 72  Safe Drinking Water Disclosure Act (Rep. R. Barrus)  
(Sen. J. Stevenson)
H.B. 73  Water Easement Amendments (Rep. J. Mathis)  
(Sen. K. Van Tassell)
H.B. 250  Sunset Reauthorization – Energy Producer States’  

Revenue and Taxation Committee
S.B. 168  Certified Public Accountant Licensing Amendments  
(Sen. C. Bramble)
H.B. 274  Tax Credits for Employing a Homeless Person  
(Rep. B. King) (Sen. C. Bramble)

Transportation, Public Utilities and Technology Committee
S.B. 63  Transportation Planning and Funding Task Force  
(Sen. W. Harper)
1st Sub. H.B. 11  Local Transportation Corridor Preservation Fund  
Amendments (Rep. B. Last) (Sen. E. Vickers)

John L. Valentine  
Rules Committee Chair

Report filed. On motion of Senator Valentine, the committee report was adopted with the exception that **S.B. 168** will be assigned to the Business and Labor Committee.
STANDING COMMITTEE REPORTS

Mr. President: February 6, 2013

The Business and Labor Committee reports a favorable recommendation on S.B. 161, RESTITUTION AMENDMENTS, by Senator C. Bramble, with the following amendments:

1. Page 4, Lines 117 through 119:

   117 (7) The fine and bail forfeiture provisions of this section apply to all warrants [and] fines, fees, and surcharges issued in cases charging a taxpayer with a felony, a misdemeanor, or an infraction described in this section, which are outstanding on or after February 16, 1984.

2. Page 12, Line 344:

   344 (e) (i) “Victim” means any person or entity, including the Utah Office for Victims of Crime, who the court determines has suffered pecuniary

3. Page 17, Lines 511 through 512:

   511 (2) Bail may not be accepted without receiving in writing at the time the bail is posted the current mailing address and telephone number of the surety. ; and

The Business and Labor Committee reports a favorable recommendation on S.C.R. 4, STANDING WITH ISRAEL CONCURRENT RESOLUTION, by Senator C. Bramble.

Curtis S. Bramble, Chair

Mr. President: February 6, 2013

The Education Committee reports a favorable recommendation on 1st Sub. S.B. 43, FINANCIAL AND ECONOMIC LITERACY EDUCATION AMENDMENTS, by Senator P. Jones; and

The Education Committee reports a favorable recommendation on S.B. 122, STUDENT LEADERSHIP SKILLS DEVELOPMENT, by Senator A. Osmond, with the following amendments:

1. Page 1, Lines 13 through 14:
requires the State Board of Education to contract with at least two providers, selected through a request for proposals process, for a three–year pilot program to develop students’

2. Page 2, Lines 41 through 42:

(1) The State Board of Education shall contract with at least two providers, selected through a request for proposals process, for a three–year pilot program to develop student behaviors and ; and

The Education Committee reports a favorable recommendation on S.B. 162, CONCURRENT ENROLLMENT AMENDMENTS, by Senator S. Urquhart.

Stuart C. Reid, Chair

Mr. President: February 6, 2013

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 38, CAMPAIGN CONTRIBUTION AMENDMENTS, by Representative K. Powell; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 41, CAMPAIGN FILING BY MEDIA OWNER, by Representative K. Powell; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on 1st Sub. H.B. 53, ELECTION LAW AMENDMENTS, by Representative K. Powell; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 262, UNAFFILIATED VOTER AMENDMENTS, by Representative C. Hall; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 60, ABORTION STATISTICS AND REPORTING REQUIREMENTS, by Senator M. Dayton, with the following amendments:

1. Page 1, Lines 15 through 17:

the number of abortions performed in the state;
16  • at what stage of pregnancy the abortions took place; and

• the race and ethnicity of the women on whom the abortions were
performed; and

17  • makes technical changes.

2. Page 2, Lines 36 through 44:

36  (ii) estimated week of pregnancy;
(c) the races of the women who obtained the abortions described in
Subsection (1)(a), including:
   (i) Alaska Native;
   (ii) American Indian;
   (iii) Asian;
   (iv) Black or African American;
   (v) Hispanic or Latino;
   (vi) Native Hawaiian or Pacific Islander;
   (vii) White, not Hispanic or Latino; and
   (viii) some other race;

37  [(a)] {-(e) } (d) the total amount of informed consent
material described in this section that

38  was distributed or accessed;

39  [(b)] {-(e) } (e) the number of women who obtained
abortions in this state without receiving

40  the informed consent materials described in this section;

41  [(c)] {-(e) } (f) the number of statements signed by
attending physicians under Subsection

42  76–7–305.6(4); and

43  [(d)] {-(f) } (g) any other information pertaining to
obtaining informed consent from a woman

44  who seeks an abortion. ; and

The Government Operations and Political Subdivisions Committee reports a
favorable recommendation on S.C.R. 8, CONCURRENT RESOLUTION FOR
THE PROVO RESERVOIR CANAL TITLE TRANSFER, by Senator M. Dayton.

 Margaret Dayton, Chair

Mr. President: February 6, 2013

The Health and Human Services Committee reports a favorable
recommendation on H.B. 48, MEDICAL RESERVE CORPS AMENDMENTS,
by Representative E. Redd; and
The Health and Human Services Committee reports a favorable recommendation on **S.B. 100**, HIGHER EDUCATION SCHOLARSHIP AMENDMENTS, by Senator J. Stevenson; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 114**, SAFETY BELT AMENDMENTS, by Senator L. Robles, with the following amendments:

1. **Page 1, Line 15:**

   15 limit of less than 55 miles per hour; { and

   ▶ provides that a state or local law enforcement officer may not issue a citation to a person 19 years of age or older who has been detained for the first time for a safety belt violation that is enforced as a primary offense but shall issue the person a warning informing the person that wearing a safety belt while operating or a passenger in a motor vehicle is enforced as a primary offense on a highway with a posted speed limit of 55 miles per hour or more; and

2. **Page 2, Line 56:**

   56 operated on a highway with a posted speed limit of less than 55 miles per hour.

   (c) A state or local law enforcement officer may not issue a citation to a person 19 years of age or older who has been detained for the first time for a violation of Subsection (1)(a)(i) or (2) that is enforced as a primary offense but shall issue the person a warning informing the person that wearing a safety belt in a motor vehicle is enforced as a primary offense on a highway with a posted speed limit of 55 miles per hour or more.

Evan J. Vickers, Chair

Mr. President: February 6, 2013

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 97**, PROPELLING A BODILY SUBSTANCE AMENDMENTS, by Senator J. Stevenson; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 98**, PROPELLING A BODILY SUBSTANCE REVISIONS, by Senator J. Stevenson; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 152**, ALCOHOL AND DRUG RELATED OFFENSE
AMENDMENTS, by Senator J. Valentine, be replaced and favorably recommends **1st Sub. S.B. 152**, ALCOHOL AND DRUG RELATED OFFENSE AMENDMENTS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 156**, JAIL RELEASE AMENDMENTS, by Senator J. S. Adams; and


Mark B. Madsen, Chair

Mr. President: February 6, 2013

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 29**, ADJUDICATION OF WATER RIGHTS, by Representative J. Briscoe; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 36**, STORM WATER CAPTURE AMENDMENTS, by Representative J. Nielson, with the following amendments:

1. Page 5, Lines 139 through 143:

   139 (6) Beneficial use of water under Subsection (2)(b) does not constitute a water right and may not be:
   140   (a) changed under Section 73−3−3;
   141   (b) assigned; {−or }
   142   (c) consolidated with a water right {− } ; or
   143   (d) used as a basis to establish the availability of water for land use development. ; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 32**, ENVIRONMENTAL HEALTH SCIENTIST ACT SUNSET REAUTHORIZATION, by Senator G. Davis.

Scott K. Jenkins, Chair

Mr. President: February 6, 2013

The Retirement and Independent Entities Committee reports a favorable recommendation on **1st Sub. H.B. 24**, UTAH RETIREMENT SYSTEM AMENDMENTS, by Representative D. Ipson; and
The Retirement and Independent Entities Committee reports a favorable recommendation on **H.B. 35**, RETIREMENT ANALYSIS FOR NEW PUBLIC ENTITIES, by Representative D. Ipson; and

The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 56**, UTAH 211 REFERRAL INFORMATION NETWORK, by Senator T. Weiler; and

The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 113**, LONG−TERM DISABILITY COVERAGE AMENDMENTS, by Senator T. Weiler.

Todd Weiler, Chair

Mr. President: February 4, 2013

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 54**, PROPERTY TAX AND APPRAISER AMENDMENTS, by Representative G. Froerer, with the following amendments:

1. Page 4, Lines 99 through 101:

   99 (ii) making an application by telephone or other electronic means within the time period described in Subsection (2) if the county legislative body passes a resolution under Subsection (7) authorizing applications to be made by telephone or other electronic means.

2. Page 7, Lines 203 through 206:

   203 (b) “Opinion of value” means an estimate of fair market value that is:

   204 (i) is made by a licensed appraiser; and

   205 (ii) complies with the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board as described in 12 U.S.C. Sec. 3339; and

The Revenue and Taxation Committee recommends **S.B. 124**, SALES AND USE TAX EXEMPTION FOR DATABASE ACCESS, by Senator W. Harper, be replaced and favorably recommends **1st Sub. S.B. 124**, SALES AND USE TAX EXEMPTION FOR DATABASE ACCESS with the following amendments:
1. Page 35, Lines 1058 through 1059:

1058  (98)  (101)  (a) Except as provided in Subsection
1059  (98)  (101)(b), “repairs or renovations of
1059  tangible personal property” means:

2. Page 122, Lines 3760 through 3766:

3760  (75) amounts paid or charged to access a database:
3761  (a) if the primary purpose for accessing the database is to view
3761  or retrieve information
3762  from the database; and
3763  (b) {−except for }  not including  amounts paid or
3763  charged for a:
3764  (i) digital audiowork;
3765  (ii) digital audio–visual work; or
3766  (iii) digital book.

Deidre Henderson, Chair

Mr. President: February 6, 2013

The Transportation and Public Utilities and Technology Committee reports a
favorable recommendation on 2nd Sub. H.B. 15, STATE PARK ACCESS
AMENDMENTS, by Representative B. Last; and

The Transportation and Public Utilities and Technology Committee reports a
favorable recommendation on H.B. 23, HIGH OCCUPANCY VEHICLE LANE
AMENDMENTS, by Representative S. Handy; and

The Transportation and Public Utilities and Technology Committee reports a
favorable recommendation on H.B. 34, SPECIAL GROUP LICENSE PLATE
AMENDMENTS, by Representative V. Peterson; and

The Transportation and Public Utilities and Technology Committee reports a
favorable recommendation on H.B. 261, PAYROLL AMENDMENTS – PUBLIC
SAFETY, by Representative R. Greenwood; and
The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 272**, TRAFFIC SIGNAL AMENDMENTS, by Representative M. Kennedy; and

Kevin T. Van Tassell, Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President: February 6, 2013

The Business and Labor Committee reports a favorable recommendation on **H.B. 42**, REPEAL OF HEALTH INSURANCE MANDATE REVIEW, by Representative J. Dunnigan, 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. 45**, REAUTHORIZATION OF PROVISIONS FOR INSURANCE COORDINATION WITH OTHER STATES, by Representative J. Dunnigan, 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. 46**, HEARING INSTRUMENT SPECIALIST LICENSING ACT, by Representative D. Brown, 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. 51**, PROFESSIONAL LICENSING REVISIONS, by Representative J. Dunnigan, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

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

**INTRODUCTION OF BILLS**

**S.B. 65, Election Code – Financial Reporting Requirement Amendments**

(J. Valentine), was read the first time by short title and referred to the Rules Committee.
S.B. 66, Referendum Revisions (S. Reid), was read the first time by short title and referred to the Rules Committee.

S.B. 95, Whistleblower Amendments (S. Reid), was read the first time by short title and referred to the Rules Committee.

S.B. 169, Education Task Force (S. Reid), was read the first time by short title and referred to the Rules Committee.

S.B. 170, Identity Fraud Amendments (D. Thatcher), was read the first time by short title and referred to the Rules Committee.

S.B. 171, Sales and Use Tax Exemption for Electronic Financial Payment Services (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

S.B. 172, Use of Bond Proceeds by Political Subdivisions (J. Valentine), was read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Bramble, S.B. 161, RESTITUTION AMENDMENTS, will be considered Tuesday, February 12, 2013 at 10:45 a.m.

On motion of Senator Bramble, S.C.R. 4, STANDING WITH ISRAEL CONCURRENT RESOLUTION, will be considered Thursday, February 14, 2013, at 11:00 a.m.

CONSENT CALENDAR

S.B. 106, UNEMPLOYMENT TAX AMENDMENT, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis    Dayton  Harper    Henderson
Hillyard Hinkins  Jones    Knudson
Madsen   Okerlund Osmond  Reid
Shiozawa Thatcher  Urquhart  Van Tassell
Vickers  Weiler    Niederhauser

Absent or not voting were: Senators
Jenkins  Mayne    Robles    Stephenson
Stevenson Valentine
S.B. 106 was transmitted to the House for consideration.

**THIRD READING CALENDAR**

H.B. 16, DISPOSAL OF CERTAIN SURPLUS PROPERTY, was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators

Adams  Bramble  Christensen  Dabakis  
Davis   Dayton   Henderson   Hinkins   
Jenkins Jones  Madsen    Okerlund   
Osmond  Reid     Robles    Shiozawa   
Stephenson Thatcher  Urquhart  Valentine   
Van Tassell Vickers  Weiler    Niederhauser  

**Absent or not voting were:** Senators

Harper  Hillyard  Knudson  Mayne   
Stevenson  

H.B. 16 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 18, CAMPAIGN FINANCE REPORTING PENALTIES, was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

Adams  Bramble  Christensen  Dabakis  
Davis   Dayton   Henderson   Hinkins   
Jenkins Jones  Madsen    Okerlund   
Okerlund Osmond  Reid     Robles   
Shiozawa Stephenson  Thatcher  Urquhart   
Valentine Van Tassell  Vickers  Weiler  
Niederhauser  

**Absent or not voting were:** Senators

Harper  Hillyard  Mayne    Stevenson   

H.B. 18 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
H.B. 19, ELECTION CODE CRIMINAL PROVISIONS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Yeas, 26; Nays, 0;Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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H.B. 19 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 26, INMATE MEDICAL DONATION ACT, was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting 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.
SPECIAL RECOGNITION

Senator Davis introduced a group of outstanding youth representing Boys and Girls Clubs of Utah.

THIRD READING CALENDAR

H.B. 52, CONTROLLED SUBSTANCES REVISIONS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

Yeas, 24; Nays, 3; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hinkins  Jenkins  Jones  Knudson
Mayne  Okerlund  Osmond  Reid
Robles  Shiozawa  Urquhart  Valentine
Van Tassell  Vickers  Weiler  Niederhauser

Voting in the negative were: Senators
Madsen  Stephenson  Stevenson

Absent or not voting were: Senators
Hillyard  Thatcher

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.

* * *

On motion of Senator Robles, the circle was removed from S.B. 18, CHILD CUSTODY PROCEEDINGS AMENDMENTS, and it was before the Senate.

Senator Robles proposed the following amendment:

1. Page 3, Lines 60 through 62

   60 controlling and the court may determine the children’s custody or parent–time otherwise. The
   61 desires of a child [14] years of age or older shall be given added weight, but is not {→} the
   62 single {→} controlling factor.
Senator Robles’ motion to amend passed on a voice vote. Senator Robles explained the bill. Senator Valentine commented. The bill passed on the following roll call:

**Yeas, 23; Nays, 2; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

Dayton  Jenkins

**Absent or not voting were:** Senators

Bramble Christensen Hillyard Stephenson

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

***

On motion of Senator Weiler, **S.B. 135, INVOLUNTARY COMMITMENT AMENDMENTS**, was read the third time and circled.

***

**H.J.R. 7, JOINT RESOLUTION APPROVING COMPENSATION OF IN–SESSION EMPLOYEES**, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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* * *
Absent or not voting were: Senators
Bramble Christensen Hillyard

H.J.R. 7 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 12, ALARM COMPANY EMPLOYEE LICENSING, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Y eas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Jenkins Jones Knudson Madsen
Mayne Okerlund Osmond Reid
Robles Shiozawa Stephenson Stevenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

Absent or not voting were: Senators
Hillyard Hinkins

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.

* * *

On motion of Senator Weiler, S.B. 96, POLITICAL SUBDIVISIONS EMPLOYMENT REVISIONS, was read the third time and circled.

* * *

On motion of Senator Okerlund, S.B. 101, DIVISION OF WATER RIGHTS REVISIONS, was read the third time and circled.

* * *

1st Sub. S.B. 126, COORDINATION OF SERVICES FOR VETERANS, was read the third time, explained by Senator Knudson, and passed on the following roll call:
Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Davis
Harper Henderson Hillyard Hinkins
Jenkins Jones Knudson Madsen
Mayne Osmond Reid Robles
Shiozawa Stephenson Stevenson Thatcher
Urquhart Valentine Van Tassell Vickers
Weiler Niederhauser

Absent or not voting were: Senators
Bramble Dayton Okerlund

1st Sub. S.B. 126 was transmitted to the House for consideration.

* * *

S.B. 146, DRIVING UNDER THE INFLUENCE AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Harper Henderson Hinkins Jenkins
Jones Knudson Madsen Mayne
Osmond Reid Robles Shiozawa
Stephenson Stevenson Thatcher Valentine
Van Tassell Vickers Weiler Niederhauser

Absent or not voting were: Senators
Davis Dayton Hillyard Okerlund
Urquhart

S.B. 146 was transmitted to the House for consideration.

* * *

S.B. 144, REAUTHORIZATION OF PROHIBITIONS ON PRACTICING LAW WITHOUT A LICENSE, was read the third time and explained by Senator Jenkins. Senator Weiler commented and the bill passed on the following roll call:
Yeas, 21; Nays, 4; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams         Bramble         Christensen       Dabakis
Harper        Henderson       Jenkins          Jones
Knudson       Mayne           Okerlund         Osmond
Reid          Robles          Shiozawa         Stevenson
Thatcher      Valentine       Van Tassell      Weiler
Niederhauser

Voting in the negative were: Senators
Hinkins       Madsen          Stephenson       Vickers

Absent or not voting were: Senators
Davis         Dayton          Hillyard         Urquhart

S.B. 144 was transmitted to the House for consideration.

***

S.B. 13, AMENDMENTS TO IGNITION INTERLOCK PROGRAM, was read the third time, explained by Senator Thatcher, and passed on the following roll call:

Yeas, 25; Nays, 1; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams         Bramble         Christensen       Dabakis
Davis         Harper          Henderson        Jenkins
Jones         Knudson         Madsen           Mayne
Okerlund      Osmond          Reid             Robles
Shiozawa      Stephenson      Stevenson        Thatcher
Valentine     Van Tassell     Vickers          Weiler
Niederhauser

Voting in the negative was: Senator
Hinkins

Absent or not voting were: Senators
Dayton        Hillyard        Urquhart

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

***

On motion of Senator Adams, S.J.R. 2, JOINT RESOLUTION REAPPOINTING LEGISLATIVE FISCAL ANALYST, was read the third time and circled.
S.B. 137, MOTOR VEHICLE REGISTRATION ENFORCEMENT AMENDMENTS, was read the third time and explained by Senator Thatcher. Senators Bramble and Weiler commented and the bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 137 was transmitted to the House for consideration.

**On motion of Senator Niederhauser, the circle was removed from S.J.R. 2, JOINT RESOLUTION REAPPOINTING LEGISLATIVE FISCAL ANALYST, and it was before the Senate. Senator Niederhauser explained the bill. The bill passed on the following roll call:**

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.J.R. 2 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Van Tassell, the circle was removed from S.B. 40, UTAH NAVAJO ROYALTIES AMENDMENTS, and it was before the Senate. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators

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On motion of Senator Knudson, the circle was removed from H.B. 32, DRIVER LICENSE MOTORCYCLE ENDORSEMENT AMENDMENTS, and it was before the Senate. Senator Knudson explained the bill. Senator Christensen commented. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 0; Absent or not voting, 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 Knudson, H.B. 38, CAMPAIGN CONTRIBUTION AMENDMENTS, was read the second time and circled.

** ***

On motion of Senator Knudson, H.B. 41, CAMPAIGN FILING BY MEDIA OWNER, was read the second time and circled.

** ***

On motion of Senator Knudson, 1st Sub. H.B. 53, ELECTION LAW AMENDMENTS, was read the second time and circled.

** ***

H.B. 262, UNAFFILIATED VOTER AMENDMENTS, was read the second time. Senator Weiler explained the bill. Senators Stephenson, Dabakis, Jones, Madsen, Vickers, and Hillyard commented. The bill passed second reading on the following roll call:

** Yeas, 24; Nays, 4; Absent or not voting, 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

Hinkins

** ***

On motion of Senator Okerlund, and at 12:00 p.m., the Senate adjourned until 10:00 a.m., Friday, February 8, 2013.
TWELFTH DAY

February 8, 2013

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

Prayer – Lieutenant Colonel Kenneth Crooks, U. S. Chaplin
Pledge of Allegiance – Senator Jim Dabakis
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, page 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 7, 2013

The House passed, S.J.R. 1, JOINT RULES RESOLUTION ON PERFORMANCE NOTES, by Senator J. Stevenson, 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 7, 2013

The House passed, as amended, H.B. 27, THREAT OF TERRORISM PENALTY AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 44, ELECTION POLLING, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed H.B. 49, VOTED AND BOARD LEVY PROGRAMS AMENDMENTS, by Representative S. Handy, and it is transmitted for consideration; and

The House passed H.B. 60, UTILITY FACILITY SITING, by Representative D. Sagers, and it is transmitted for consideration; and

The House passed, as amended, H.B. 64, FELON’S RIGHT TO HOLD OFFICE, by Representative C. Moss, and it is transmitted for consideration; and
The House passed **H.B. 87**, **ATTEMPTED AGGRAVATED MURDER AMENDMENTS**, by Representative L. Perry, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 252**, **NATIVE AMERICAN INDIAN RELATED AMENDMENTS**, by Representative J. Draxler, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 270**, **PRESCRIPTION DRUG DATABASE ACCESS AMENDMENTS**, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 276**, **NEWBORN SCREENING FOR CRITICAL CONGENITAL HEART DEFECTS**, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 284**, **NET METERING BILLING CYCLES**, by Representative K. Stratton, 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**

**H.B. 259**  

**H.B. 289**  
Fireworks Amendments (Rep. J. Dunnigan)  
(Sen. J. Valentine)

**1st Sub. H.B. 290**  
Division of Real Estate Amendments (Rep. G. Froerer)  
(Sen. J. S. Adams)

**Economic Development and Workforce Services Committee**

**H.B. 70**  
Utah State Railroad Museum Authority Amendments  
(Rep. J. Peterson) (Sen. P. Knudson)

**Education Committee**

**S.B. 169**  
Education Task Force (Sen. S. Reid)

**H.B. 269**  
Training of School Nurses (Rep. P. Ray)  
(Sen. A. Christensen)
Government Operations and Political Subdivisions Committee
S.B. 172  Use of Bond Proceeds by Political Subdivisions (Sen. J. Valentine)

Health and Human Services Committee

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 170  Identity Fraud Amendments (Sen. D. Thatcher)

Revenue and Taxation Committee
S.B. 171  Sales and Use Tax Exemption for Electronic Financial Payment Services (Sen. H. Stephenson)

Transportation, Public Utilities and Technology Committee
H.B. 83  Speed Limit Amendments (Rep. J. Dunnigan) (Sen. S. Jenkins)

John L. Valentine
Rules Committee Chair

Report filed. On motion of Senator Valentine, the committee report was adopted.
STANDING COMMITTEE REPORTS

Mr. President: February 6, 2013

The Economic Development and Workforce Services Committee reports a favorable recommendation on **H.B. 249**, REFUGEE SERVICES FUND AMENDMENTS, by Representative J. Peterson.

Aaron Osmond, Chair

Mr. President: February 8, 2013

The Health and Human Services Committee reports a favorable recommendation on **H.B. 56**, BEHAVIORAL HEALTH CARE WORKFORCE AMENDMENTS, by Representative R. Menlove; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 57**, MENTAL AND BEHAVIORAL HEALTH AMENDMENTS, by Representative D. Sanpei; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 165**, PHYSICAL THERAPY PRACTICE ACT AMENDMENTS, by Senator T. Weiler.

Evan J. Vickers, Chair

Mr. President: February 7, 2013

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 73**, WATER EASEMENT AMENDMENTS, by Representative J. Mathis; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 250**, SUNSET REAUTHORIZATION – ENERGY PRODUCER STATES’ AGREEMENT, by Representative R. Barrus; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 61**, HUNTING PERMIT AMENDMENTS, by Senator A. Christensen.

Scott K. Jenkins, Chair

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

STANDING COMMITTEE REPORTS

The Health and Human Services Committee reports a favorable recommendation on **S.B. 166**, HOSPITAL PROVIDER ASSESSMENT
AMENDMENTS, by Senator L. Hillyard, with the following amendments considers it be considered read for the second time and placed on the Consent Calendar.

1. Page 4, Line 111 through Page 5, Line 121:


112 [(1) The division shall calculate the inpatient upper payment limit gap for hospitals for each state fiscal year.]

114 [(2)] (1) (a) An annual assessment is payable on a quarterly basis for each hospital in an amount calculated at a uniform assessment rate for each hospital discharge, in accordance with this section.

117 (b) The uniform assessment rate shall be determined using the total number of hospital discharges for assessed hospitals divided into the total nonfederal [portion of the upper payment limit gap] in an amount [equal to the $154 million ] consistent with 26–36a–205 that is needed to support capitated rates for accountable care organizations for purposes of hospital services provided to Medicaid enrollees.

2. Page 8, Line 242 through Page 9, Line 245:

242 Quarterly assessments imposed by this chapter shall be paid to the division within [40]

243 15 business days after the [hospital receives its Medicaid inpatient hospital access payment due for the applicable quarter under Section 26–36a–205] original invoice date that appears on the invoice issued by the division.

3. Page 9, Lines 247 through 253:
249 (4) To preserve and improve access to hospital services, the division shall make Medicaid inpatient hospital access payments to hospitals in accordance with this section,
250 Section 26–36a–204, and Subsection 26–36a–203(7), for accountable care organization rates effective on or after April 1, 2013, incorporate an annualized amount equal to $154 million into the accountable care organization rate structure calculation consistent with the certified actuarial rate range.

4. Page 11, Line 328 through Page 12, Line 340:

328 Section 7. Section 26–36a–207 is amended to read:
330 (1) There is created a restricted special revenue fund known as the “Hospital Provider Assessment Special Revenue Fund.”
332 (2) The fund shall consist of:
333 (a) the assessments collected by the department under this chapter;
334 (b) any interest and penalties levied with the administration of this chapter; and
335 (c) any other funds received as donations for the restricted fund and appropriations
336 from other sources.
337 (3) Money in the fund shall be used:
338 [(a) to make inpatient hospital access payments under Section 26–36a–205; and]
339 (a) to support capitated rates consistent with 26–36a–203(1)(d) for accountable care organizations in an amount equal to
On motion of Senator Valentine, legislative staff was authorized to draft a resolution regarding government subsidies for hotels.

INTRODUCTION OF BILLS

S.B. 67, Consumer Protection Revisions (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 92, Tethering of Animals (G. Davis), was read the first time by short title and referred to the Rules Committee.

S.B. 93, Interlocal Cooperation Act Amendments (J. Valentine), was read the first time by short title and referred to the Rules Committee.

S.B. 94, Government Records Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 174, Warrant Collection Amendments (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

S.C.R. 1, Concurrent Resolution Approving Solid Waste Facility Landfill Permit (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

S.C.R. 6, Concurrent Resolution on Federal Gas Tax (D. Henderson), was read the first time by short title and referred to the Rules Committee.

COMMITTEE OF THE WHOLE

On motion of Senator Okerlund, U. S. Congressman Jason Chaffetz spoke in Committee of the Whole. Senators Hillyard, Jones, Jenkins, and Okerlund commented.

On motion of Senator Okerlund, the Committee of the Whole was dissolved.
On motion of Senator Valentine, the Senate voted to lift S.B. 166, HOSPITAL PROVIDER ASSESSMENT AMENDMENTS, from the Consent Calendar and place it at the bottom of the Second Reading Calendar.

CONSENT CALENDAR

S.B. 54, LICENSING OF NURSING CARE FACILITY BEDS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 54 was transmitted to the House for consideration.

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H.B. 37, REPEAL OF REPORTING REQUIREMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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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. 22, UTAH COMMISSION ON SERVICE AND VOLUNTEERISM, was read the third time, explained by Senator Osmond, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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H.B. 22 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, AGENCY REPORTING PROVISIONS, was read the third time, explained by Senator Osmond, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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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.

THIRD READING CALENDAR

S.B. 40, UTAH NAVAJO ROYALTIES AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Y eas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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S.B. 40 was transmitted to the House for consideration.

***

On motion of Senator Weiler, legislative staff was authorized to draft a bill regarding incorporation amendments.

***

On motion of Senator Weiler, the circle was removed from S.B. 135, INVOLUNTARY COMMITMENT AMENDMENTS, and it was before the Senate. Senator Weiler explained the bill.

Senator Weiler proposed the following amendment:

1. Page 1, Line 14

   14 appropriate local mental health authority before the court may issue a judicial order if the local mental health authority appears at the commitment hearing;

2. Page 2, Line 45:
Subject to Subsection (2)(b), before issuing a judicial order, the court may require the applicant to consult a professional from that local mental health authority to interview the applicant and the proposed patient to determine the existing facts and report them to the court. The consultation described in Subsection (2)(a):

(i) may take place at or before the hearing; and
(ii) is required if the local mental health authority appears at the hearing.

If the court finds from the application, from any other statements under oath, or

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

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Mayne  Okerlund  Osmond  Reid
Robles  Shiozawa  Stephenson  Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

**Absent or not voting were:** Senators
Knudson  Madsen

S.B. 135 was transmitted to the House for consideration.

***

On motion of Senator Christensen, H.B. 32, DRIVER LICENSE MOTORCYCLE ENDORSEMENT AMENDMENTS, was read the third time and circled.

***

On motion of Senator Weiler, H.B. 262, UNAFFILIATED VOTER AMENDMENTS, was read the third time and circled.
On motion of Senator Dayton, the circle was removed from **S.B. 101**, DIVISION OF WATER RIGHTS REVISIONS, and it was before the Senate. Senator Dayton explained the bill. The bill passed on the following roll call:

**Yea's, 24; Nay's, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dabakis
- Dayton
- Harper
- Henderson
- Jones
- Knudson
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Absent or not voting were:** Senators

- Davis
- Hillyard
- Hinkins
- Jenkins
- Madsen

**S.B. 101** was transmitted to the House for consideration.

On motion of Senator Knudson, the circle was removed from **H.B. 32**, DRIVER LICENSE MOTORCYCLE ENDORSEMENT AMENDMENTS, and it was before the Senate. Senator Dayton commented and the bill passed on the following roll call:

**Yea's, 28; Nay's, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

- Adams
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hillyard
- Hinkins
- Jenkins
- Knudson
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Absent or not voting was:** Senator

- Bramble

**H.B. 32** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
On motion of Senator Weiler, the circle was removed from **H.B. 262, UNAFFILIATED VOTER AMENDMENTS**, and it was before the Senate. Senators Jenkins, Stephenson, Davis, and Madsen commented and the bill passed on the following roll call:

**Y eas, 23; Nays, 6; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**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.

**COMMUNICATIONS FROM THE GOVERNOR**

**ADVISE AND CONSENT**

Mr. President: January 25, 2013

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

**Utah Insurance Department:**

Todd Evan Kiser is appointed to replace Neal Gooch as the Insurance Commissioner. See Utah Code 31A–2–102.
Thank you for your timely consideration and confirmation of the above appointments.

Gary R. Herbert  
Governor

Mr. President: January 30, 2013

At its meeting today, the Senate Business and Labor Confirmation Committee voted unanimously to recommend that the Utah Senate approved the nomination of Todd Kiser as Insurance Commissioner.

Curtis S. Bramble, Chair

On motion of Senator Bramble, the Senate voted to approve the appointment by the Governor on the following roll call vote:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators

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COMMITTEE OF THE WHOLE

On motion of Senator Okerlund, Commissioner Todd Kiser spoke in Committee of the Whole. Senator Hillyard commented.

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

INTRODUCTION OF BILLS

S.B. 175, Assessment of College Readiness (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

S.B. 176, Office of Planning and Budget Restructuring Amendments (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Okerlund, and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Monday, February 11, 2013.
FIFTEENTH DAY

February 11, 2013

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

Prayer – Imam Muhammed Mehtar, Islamic Society of Greater Salt Lake City

Pledge of Allegiance – Senator Brian Shiozawa

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 8, 2013

The House passed, as amended, H.B. 67, PERSONAL PROPERTY TAXATION REVISIONS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed H.B. 71, MOBILE AND MANUFACTURED HOME AMENDMENTS, by Representative M. Roberts, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 74, PROPERTY TAX MODIFICATIONS, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed H.B. 82, ELECTIONS AND EARLY VOTING DURING A DECLARED EMERGENCY, by Representative R. Chavez–Houck, and it is transmitted for consideration; and

The House passed, as amended, H.B. 93, TRAFFIC VIOLATIONS AMENDMENTS, by Representative J. Peterson, and it is transmitted for consideration; and

The House passed H.B. 257, STATE TREASURER AMENDMENTS, by Representative J. Bird, and it is transmitted for consideration; and

The House passed H.B. 282, SEXUAL EXPLOITATION AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and
The House passed **H.B. 285**, MODIFICATION OF EDUCATION–RELATED REPORTING REQUIREMENTS, by Representative F. Gibson, and it is transmitted for consideration; and

The House passed **H.B. 291**, MOTOR VEHICLE SAFETY INSPECTION AMENDMENTS, by Representative J. Peterson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 294**, BICYCLES ON STREETS, by Representative Johnny Anderson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 297**, BICYCLE AND MOPED AMENDMENTS, by Representative Johnny Anderson, and it is transmitted for consideration; and

The House passed **H.C.R. 1**, CONCURRENT RESOLUTION URGING USE OF ADVANCE SIGNAL WARNING, by Representative J. Draxler, 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**

S.B. 67 Consumer Protection Revisions (Sen. C. Bramble)

S.B. 94 Government Records Amendments (Sen. C. Bramble)

**Government Operations and Political Subdivisions Committee**


H.B. 49 Voted and Board Levy Programs Amendments (Rep. S. Handy) (Sen. H. Stephenson)

H.B. 252 Native American Indian Related Amendments (Rep. J. Draxler) (Sen. K. Van Tassell)

**Health and Human Services Committee**

H.B. 276 Newborn Screening for Critical Congenital Heart Defects (Rep. P. Ray) (Sen. R. Okerlund)
Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 174  Warrant Collection Amendments (Sen. S. Urquhart)
H.B. 27  Threat of Terrorism Penalty Amendments
         (Rep. E. Hutchings) (Sen. S. Urquhart)
H.B. 64  Felon’s Right to Hold Office (Rep. C. Moss)
         (Sen. P. Jones)
H.B. 87  Attempted Aggravated Murder Amendments
         (Rep. L. Perry) (Sen. P. Knudson)
2nd Sub. H.B. 270 Prescription Drug Database Access Amendments
             (Rep. R. Menlove) (Sen. C. Bramble)

Natural Resources, Agriculture and Environment Committee

S.B. 92  Tethering of Animals (Sen. G. Davis)
S.C.R. 1  Concurrent Resolution Approving Solid Waste Facility
          Landfill Permit (Sen. D. Hinkins)

Transportation, Public Utilities and Technology Committee

S.C.R. 6  Concurrent Resolution on Federal Gas Tax
          (Sen. D. Henderson)
          (Sen. E. Vickers)

John L. Valentine
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 7, 2013

The Business and Labor Committee recommends S.B. 55, INSURANCE
COVERAGE FOR AUTISM SPECTRUM DISORDER, by Senator B. Shiozawa,
be replaced and favorably recommends 1st Sub. S.B. 55, INSURANCE
COVERAGE FOR AUTISM SPECTRUM DISORDER; and

The Business and Labor Committee reports a favorable recommendation on
S.B. 167, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, by Senator
J. Valentine, with the following amendments:

1. Page 1, Lines 12 through 17:

   12 This bill:
Day 15

13 ► modifies the definition of “retail license”;
14 ► addresses new master licenses under the law enforcement quota;
15 ► addresses the powers of the commission;
16 ▶ prohibits multiple retail licenses at the same building under certain circumstances;
17 ▶ creates a master full-service restaurant license;

2. Page 2, Lines 33 through 36:

33 ENACTS:
34 { 32B−5−207, Utah Code Annotated 1953– }
35 32B−6−206, Utah Code Annotated 1953
36 32B−6−306, Utah Code Annotated 1953

3. Page 26, Lines 775 through 797:

775 { Section 4. Section 32B−5−207 is enacted to read:
776 32B−5−207. Multiple retail licenses at same building.
777 (1) (a) On or after the effective date of this bill, the commission may not issue to a
778 retail licensee more than one type of retail license for the same building unless the commission
779 determines that:
780 (i) (A) the licensed premises for each retail license is in a separate room within the
781 building; and
782 (B) the requirements for each retail license are met; or
783 (ii) (A) the different retail licenses are operational at different days or hours;
784 (B) the retail licensee posts a notice that is conspicuous and states the days and hours
785 for each retail license that operates on the premises; and
786 (C) the requirements for each retail license are met.
787 (b) The commission may define “separate room” by rule made in accordance with Title
63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) (a) Notwithstanding Subsection (1), if on the effective date of this bill a retail licensee has more than one type of retail license within a building in a manner that violates Subsection (1), the retail licensee may operate under the different types of retail licenses until January 1, 2015.

(b) By no later than January 1, 2015, the retail licensee shall:

(i) choose which retail license the retail licensee wants to retain, subject to being qualified to continue to hold the retail license; and

(ii) let expire or return to the commission a retail license that the retail licensee has chosen not to retain.

4. Page 26, Line 800 through Page 27, Line 807:

(1) (a) The commission may issue a master full-service restaurant license that authorizes a person to store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on premises at multiple locations as full-service restaurants if the person applying for the master full-service restaurant license:

(i) owns each of the full-service restaurants;  

(ii) except for the fee requirements, establishes to the satisfaction of the commission that each location of a full-service restaurant under the master full-service restaurant license separately meets the requirements of this part; and

(iii) the master full-service restaurant license includes at least five full-service restaurant locations.

5. Page 29, Lines 866 through 873:
(1) (a) The commission may issue a master limited-service restaurant license that

authorizes a person to store, sell, offer for sale, furnish, or allow the consumption of an

alcoholic product on premises at multiple locations as limited-service restaurants if the person

applying for the master limited-service restaurant license:

(i) owns each of the limited-service restaurants; {and}

(ii) except for the fee requirements, establishes to the satisfaction of the commission

that each location of a limited-service restaurant under the master limited-service restaurant license separately meets the requirements of this part {and}

(iii) the master limited-service restaurant includes at least five limited-service restaurant locations. and

The Business and Labor Committee reports a favorable recommendation on S.B. 168, CERTIFIED PUBLIC ACCOUNTANT LICENSING AMENDMENTS, by Senator C. Bramble.

Curtis S. Bramble, Chair

Mr. President: February 7, 2013

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 131, ASSAULT AMENDMENTS, by Senator A. Osmond, with the following amendments:

1. Page 1, Line 14:

14 servicemember in uniform if the offender is a repeat offender or causes substantial bodily injury; and

2. Page 2, Line 46:

46 degree felony.] {Subsection (2)} a class A or a felony violation of this section or; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 145, COUNTY ATTORNEY CHAPTER RECODIFICATION, by Senator T. Weiler, with the following amendments:
1. Page 11, Lines 327 through 330:

327  (3) A public prosecutor may not after the filing of an indictment or information and without the consent of the court:
328  (a) compromise a prosecution; or
329  (b) enter a plea of nolle prosequi after the filing of an indictment or information without the consent of the court.

2. Page 13, Lines 373 through 378:

373  (2) The attorney:
374  (a) does not represent a county commission, county agency, county board, county council, county officer, or county employee;
375  (b) counsels with the county regarding civil matters; and
376  (c) receives direction from the county through the county elected officers in accordance with the officers’ duties and powers in accordance with law.
377  (3) Notwithstanding Subsection (2)(a), the attorney may:
378  (a) with the approval of the county executive; and
379  (b) if permitted by law and the Rules of Professional Conduct.

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 164, PAROLE VIOLATOR CENTERS ALLOCATIONS, by Senator L. Robles.

Mark B. Madsen, Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 8, 2013

The Economic Development and Workforce Services Committee reports a favorable recommendation on 1st Sub. H.B. 21, WORKFORCE SERVICES AMENDMENTS, by Representative J. Bird, and recommends it be considered read for the second time and placed on the Consent Calendar; and
The Economic Development and Workforce Services Committee reports a favorable recommendation on H.B. 70, UTAH STATE RAILROAD MUSEUM AUTHORITY AMENDMENTS, by Representative J. Peterson, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 2, Line 31
   House Floor Amendments
   2–6–2013:

   31 (2) The authority is composed of 12 members as follows:

2. Page 2, Line 40
   House Floor Amendments
   2–6–2013:

   40 [(d)] (e) eight public members appointed by the governor, as follows:

3. Page 2, Line 44
   House Floor Amendments
   2–6–2013:

   44 (iii) five individuals representing railroad historic and heritage preservation

4. Page 2, Line 58 through Page 3, Line 59
   House Floor Amendments
   2–6–2013:

   58 (5) Any of the eight public members may be removed from office by the governor or

   59 for cause by an affirmative vote of seven members of the authority.

5. Page 3, Lines 71 through 72:

   71 (12) (a) Seven members constitute a quorum for transaction of authority business.
(b) An affirmative vote of at least seven members is necessary for an action to be taken by Aaron Osmond, Chair

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

**INTRODUCTION OF BILLS**

**S.B. 177. Highway Designation Amendments** (S. Reid), was read the first time by short title and referred to the Rules Committee.

**S.B. 178. Department of Transportation Revisions** (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

**S.B. 179. Local Government Financial Reporting Revisions** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**S.B. 180. Public Utilities Amendments** (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

**S.B. 181. Political Subdivisions Property Amendments** (W. Harper), was read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Adams, the Senate voted to lift 1st Sub. H.B. 66, POLITICAL SUBDIVISIONS AMENDMENTS, from the Government Operations and Political Subdivisions Committee and reassign it to the Revenue and Taxation Committee.

**SECOND READING CALENDAR**

1st Sub. S.B. 43, FINANCIAL AND ECONOMIC LITERACY EDUCATION AMENDMENTS, 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 or not voting, 2.**

**Voting in the affirmative were:** Senators

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Madsen      Mayne      Okerlund     Osmond
Reid        Robles     Shiozawa    Stephenson
Stevenson   Thatcher   Valentine   Van Tassell
Vickers     Weiler     Niederhauser

Absent or not voting were: Senators
Bramble     Urquhart

* * *

S.B. 122, STUDENT LEADERSHIP SKILLS DEVELOPMENT, was read the second time. Senator Osmond explained the bill. The bill passed second reading on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators

Adams       Bramble    Christensen  Dabakis
Davis       Dayton     Harper      Henderson
Hillyard    Hinkins    Jenkins     Jones
Knudson     Madsen     Mayne      Okerlund
Osmond      Reid       Robles     Shiozawa
Stephenson  Stevenson  Thatcher    Urquhart
Valentine   Van Tassell Vickers    Weiler
Niederhauser

* * *

S.B. 162, CONCURRENT ENROLLMENT AMENDMENTS, was read the second time. Senator Urquhart explained the bill. Senator Dayton commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 1; Absent or not voting, 1.

Voting in the affirmative were: Senators

Adams       Bramble    Christensen  Dabakis
Davis       Dayton     Henderson   Hillyard
Hinkins     Jenkins    Jones      Knudson
Madsen      Mayne      Okerlund   Osmond
Reid        Robles     Shiozawa   Stephenson
Stephenson  Thatcher    Urquhart  Valentine
Van Tassell Vickers    Weiler

Voting in the negative was: Senator
Harper
Absent or not voting was: Senator
Niederhauser

***

On motion of Senator Knudson, the circle was removed from H.B. 38, CAMPAIGN CONTRIBUTION AMENDMENTS, and it was before the Senate. Senator Knudson explained the bill. Senators Jones and Mayne commented. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 10; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams Christensen Davis Harper
Hillyard Hinkins Jenkins Knudson
Mayne Okerlund Osmond Robles
Shiozawa Stephenson Stevenson Thatcher
Van Tassell Vickers

Voting in the negative were: Senators
Bramble Dabakis Dayton Henderson
Jones Madsen Reid Urquhart
Valentine Weiler

Absent or not voting was: Senator
Niederhauser

***

On motion of Senator Knudson, the circle was removed from H.B. 41, CAMPAIGN FILING BY MEDIA OWNER, and it was before the Senate. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 1; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams Bramble Christensen Davis
Dayton Harper Henderson Hillyard
Jenkins Jones Knudson Madsen
Mayne Okerlund Osmond Reid
Robles Shiozawa Stevenson Thatcher
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler
Voting in the negative was: Senator Dabakis

Absent or not voting were: Senators
Hinkins Niederhauser

***

On motion of Senator Knudson, the circle was removed from 1st Sub. H.B. 53, ELECTION LAW AMENDMENTS, and it was before the Senate. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne Okerlund
Osmond Reid Robles Shiozawa
Stephenson Stevenson Thatcher Urquhart
Valentine Van Tassell Vickers Weiler
Niederhauser

***

On motion of Senator Knudson, the circle was removed from S.B. 48, SPECIAL GROUP LICENSE PLATE REVISIONS, and it was before the Senate. Senator Knudson explained the bill. Senator Harper commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 2; Absent or not voting, 3.

Voting in the affirmative were: Senators
Bramble Christensen Dabakis Dayton
Henderson Hinkins Jenkins Jones
Knudson Madsen Mayne Okerlund
Osmond Reid Robles Shiozawa
Stephenson Stevenson Thatcher Urquhart
Valentine Van Tassell Vickers Weiler
Niederhauser

Voting in the negative were: Senators
Harper Vickers
Absent or not voting were: Senators
Adams                      Davis                      Hillyard

COMMITTEE OF THE WHOLE

On motion of Senator Okerlund, U. S. Congressman Rob Bishop spoke in Committee of the Whole. Senators Reid, Dabakis, Stevenson, Dayton, and Davis commented.

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

SECOND READING CALENDAR

On motion of Senator Urquhart, the circle was removed from S..B. 51, HIGHER EDUCATION TUITION WAIVERS, and it was before the Senate.

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

1st Sub. S.B. 51 Higher Education Tuition Waivers (S. Urquhart)

Senator Urquhart explained the bill. Senators Valentine, Knudson, and Vickers commented. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams                      Bramble                   Christensen            Dabakis
Davis                      Dayton                    Harper                Henderson
Hillyard                   Hinkins                   Jenkins               Jones
Knudson                    Madsen                    Mayne                Okerlund
Osmond                     Reid                      Robles               Shiozawa
Stephenson                 Thatcher                  Urquhart              Valentine
Van Tassell                Vickers                   Weiler               Niederhauser

Absent or not voting was: Senator
Stevenson

* * *

On motion of Senator Weiler, the Senate voted to move S.B. 56, UTAH 211 REFERRAL INFORMATION NETWORK, to the top of the Second Reading Calendar.
S.B. 56, UTAH 211 REFERRAL INFORMATION NETWORK, was read the second time. Senator Weiler explained the bill.

Senator Harper proposed the following amendment:

1. Page 3, Line 73

   73  (4) The department shall coordinate  
   (a) with the approved 211 service provider and other

2. Page 3, Line 75:

   75 information database for use by the approved 211 service
   provider (--) ; and
   (b) public transportation providers and human services
   transportation services, and ensure that by 2014, Utah 211 serves as a
   single contact point to coordinate efforts, calls, and dispatch.

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

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Bramble  Christensen  Dabakis  Davis
Dayton  Harper  Henderson  Hillyard
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Stevenson  Thatcher  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Adams  Urquhart

***

On motion of Senator Osmond, legislative staff was authorized to draft a resolution allowing the state to secure state lands.

***

On motion of Senator Stevenson, the circle was removed from S.C.R. 5, CONCURRENT RESOLUTION ENDORSING THE UTAH EDUCATION EXCELLENCE COMMISSION, and it was before the Senate.
On motion of Senator Stevenson, the following substitute bill replaced the original bill:

2nd Sub. S.C.R. 5 Concurrent Resolution Endorsing the Utah Education Excellence Commission (J. Stevenson)

On motion of Senator Stevenson, the bill was circled.

* * *

On motion of Senator Okerlund, and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Tuesday, February 12, 2013.
SIXTEENTH DAY

February 12, 2013

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

Prayer – Mr. John Moran, Coach at Skaggs Catholic Center
Pledge of Allegiance – Senator Jerry Stevenson
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 11, 2013

The House passed, **S.B. 15**, INDUSTRIAL ACCIDENT RESTRICTED ACCOUNT, 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. 22**, WORKER CLASSIFICATION COORDINATED ENFORCEMENT COUNCIL, 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. 27**, HEALTH CARE PROVIDER IMMUNITY SUNSET AMENDMENT, 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 11, 2013

The House passed, as amended, **H.B. 90**, FISHING LICENSE WAIVER AMENDMENTS, by Representative R. Chavez–Houck, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 298**, PARENT SEMINAR ON YOUTH PROTECTION, by Representative S. Eliason, and it is transmitted for consideration; and
The House passed **H.B. 301**, BAIL BOND RECOVERY LICENSURE AMENDMENTS, by Representative E. Redd, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 2**, CONCURRENT RESOLUTION TO REDUCE OBESITY IN UTAH, by Representative S. Barlow, 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 11, 2011

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

**Business and Labor Committee**

- **S.B. 59**
  Workers’ Compensation Coordination of Benefits Amendments (Sen. K. Mayne)

- **S.B. 179**
  Local Government Financial Reporting Revisions (Sen. C. Bramble)

- **H.B. 71**
  Mobile and Manufactured Home Amendments (Rep. M. Roberts) (Sen. J. Valentine)

**Economic Development and Workforce Committee**

- **S.B. 66**
  Referendum Revisions (Sen. S. Reid)

**Education Committee**

- **S.B. 175**
  Assessment of College Readiness (Sen. H. Stephenson)

- **H.B. 285**
  Modification of Education-related Reporting Requirements (Rep. F. Gibson) (Sen. A. Osmond)

**Government Operations and Political Subdivisions Committee**

- **S.B. 176**
  Office of Planning and Budget Restructuring Amendments (Sen. J. Stevenson)

- **H.B. 82**
  Elections and Early Voting During a Declared Emergency (Rep. R. Chavez–Houck) (Sen. P. Knudson)

- **H.B. 257**
Judiciary, Law Enforcement, and Criminal Justice Committee

(Sen. C. Bramble)

Revenue and Taxation Committee

H.B. 67  Personal Property Taxation Revisions (Rep. G. Froerer)  
(Sen. W. Harper)

(Sen. K. Van Tassell)

Transportation, Public Utilities and Technology Committee

S.B. 178  Department of Transportation Revisions  
(Sen. K. Van Tassell)

H.B. 93  Traffic Violations Amendments (Rep. J. Peterson)  
(Sen. J. Valentine)

H.B. 291  Motor Vehicle Safety Inspection Amendments  
(Rep. J. Peterson) (Sen. S. Reid)

H.B. 294  Bicycles on Streets (Rep. Johnny Anderson)  
(Sen. D. Thatcher)

H.B. 297  Bicycle and Moped Amendments (Rep. Johnny  
Anderson) (Sen. D. Thatcher)

H.C.R. 1  Concurrent Resolution Urging Use of Advance Signal  
Warning (Rep. J. Draxler) (Sen. P. Knudson)

John L. Valentine  
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President:  
February 11, 2013

The Business and Labor Committee reports a favorable recommendation on  
H.B. 289, FIREWORKS AMENDMENTS, by Representative J. Dunnigan, with  
the following amendments:

1. Page 3, Line 74  
   House Committee Amendments  
   2–4–2013:

   74 matches, and smoking materials  \( \overrightarrow{i} \)  
   (i) the \( \overrightarrow{\text{ignition or use of the source in mountainous}} \)
2. Page 3, Lines 76 through 79
   House Committee Amendments
   2–4–2013:

   76 which the hazardous environmental conditions exist may prohibit only the ignition or use of the
   77 ignition source in mountainous, brush-covered, or forest-covered areas or the wildland
   77a urban interface area, which means the line, area, or zone where structures or other human
   77b development meet or
   78 intermingle with undeveloped wildland or [vegetative fuel, except in approved areas as allowed
   79 by the AHJ. “] land being used for an agricultural purpose ; and
   (ii) where the hazardous environmental conditions exist in unincorporated areas that meet the description in Subsection (3)(b)(i), the state forester may prohibit the ignition or use of the ignition source in all or part of these areas, after consulting with the county fire code official having jurisdiction over that area ; and

The Business and Labor Committee reports a favorable recommendation on

Curtis S. Bramble, Chair

Mr. President: February 11, 2013

The Education Committee reports a favorable recommendation on S.B. 39, PARENTAL RESPONSIBILITY FOR SEX EDUCATION TRAINING, by Senator S. Reid; and

The Education Committee reports a favorable recommendation on S.B. 169, EDUCATION TASK FORCE, by Senator S. Reid, with the following amendments:

1. Page 3, Lines 60 through 61:

   60 (a) identification of long–term education policies necessary to help job creation and education quality to
improve the state’s economic prosperity;

Stuart C. Reid, Chair

Mr. President: February 11, 2013
The Health and Human Services Committee reports a favorable recommendation on 1st Sub. H.B. 58, PROTECTION OF ATHLETES WITH HEAD INJURIES ACT AMENDMENTS, by Representative P. Ray; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 251, SUNSET REAUTHORIZATION – EMPLOYMENT SERVICES FOR THE DISABLED, by Representative R. Menlove.

Evan J. Vickers, Chair

Mr. President: February 11, 2013
The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 159, THEFT AMENDMENTS, by Senator D. Thatcher.

Mark B. Madsen, Chair

Mr. President: February 11, 2013
The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on 1st Sub. H.B. 11, LOCAL TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS, by Representative B. Last; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 79, MOTOR VEHICLE REGISTRATION AND INSURANCE AMENDMENTS, by Representative S. Handy; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 83, SPEED LIMIT AMENDMENTS, by Representative J. Dunnigan; and
The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.C.R. 6, CONCURRENT RESOLUTION ON FEDERAL GAS TAX**, by Senator D. Henderson.

Kevin T. Van Tassell, Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President: February 11, 2013

The Business and Labor Committee reports a favorable recommendation on **H.B. 259, INSURANCE AMENDMENTS**, by Representative J. Bird, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

Mr. President: February 11, 2013

The Health and Human Services Committee reports a favorable recommendation on **H.B. 281, HEALTH DISCOUNT PROGRAM REVISIONS**, 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 3, Lines 67 through 67b
   House Committee Amendments
   2–4–2013:
   67 the health discount program by entering into a contract or agreement, directly or indirectly.
   67a with a person or persons in this state who agree to provide discounts for health care services to
   67b enrollees of the health discount program and determines the charge to members.

2. Page 6, Lines 181 through 182:
   181 (3) (a) A contract shall be signed by the purchaser acknowledging the terms before any
   182 fees are collected and shall include notice of the purchaser’s
   {−10−day−} 30−day [rescission] {rescission} free look rights.
195 31A–8a–205.5. {Rescission} Free look right.

196 (1) Except as provided in Subsection (2), a person that purchases a health discount program may, with or without cause, within 30 days after the day on which the purchase contract is signed, cancel the contract without payment, damages, penalty, or liability of any kind by giving written notice of cancellation to the other party to the contract.

199 (2) A person may not exercise the right of cancellation described in Subsection (1) if the person has used the services of the health discount program under the contract.

202 (3) If a person cancels a contract under Subsection (1), the other party to the contract shall refund all money and other consideration paid in relation to the health discount program, less a maximum of $25 of any enrollment charge, regardless of whether the enrollment charge was designated as nonrefundable.

Evan J. Vickers, Chair

Mr. President: February 11, 2013

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 243, OFFENDER REGISTRY REVIEW, by Representative J. Draxler, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

Mr. President: February 11, 2013

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.C.R. 1, CONCURRENT RESOLUTION APPROVING SOLID WASTE FACILITY LANDFILL PERMIT, by Senator
D. Hinkins, and recommends it be considered read for the second time and placed on the Consent Calendar.

Scott K. Jenkins, Chair

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

INTRODUCTION OF BILLS

S.B. 68, State Surplus Property Program Amendments (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 69, Assessment and Reporting of Student Performance (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

S.B. 182, Storage Unit Amendments (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

S.B. 183, Adoption Agency Modifications (L. Robles), was read the first time by short title and referred to the Rules Committee.

S.C.R. 7, Concurrent Resolution to Reduce Utah’s Dependence on Federal Funds (A. Osmond), was read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 42, REPEAL OF HEALTH INSURANCE MANDATE REVIEW, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators

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Absent or not voting were: Senators
Bramble    Hillyard    Okerlund    Van Tassell

H.B. 42 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 45, REAUTHORIZATION OF PROVISIONS FOR INSURANCE COORDINATION WITH OTHER STATES, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams    Christensen    Dabakis    Davis
Dayton    Harper    Henderson    Hillyard
Hinkins    Jenkins    Jones    Knudson
Madsen    Mayne    Okerlund    Osmond
Reid    Robles    Shiozawa    Stephenson
Stevenson    Thatcher    Urquhart    Valentine
Vickers    Weiler    Niederhauser

Absent or not voting were: Senators
Bramble    Van Tassell

H.B. 45 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 46, HEARING INSTRUMENT SPECIALIST LICENSING ACT, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams    Christensen    Dabakis    Davis
Dayton    Harper    Henderson    Hillyard
Hinkins    Jenkins    Jones    Knudson
Madsen    Mayne    Okerlund    Osmond
Reid    Robles    Shiozawa    Stephenson
Stevenson    Thatcher    Urquhart    Valentine
Weiler    Niederhauser
Absent or not voting were: Senators
Bramble    Van Tassell    Vickers

H.B. 46 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 51, PROFESSIONAL LICENSING REVISIONS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yea, 24; Nay, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams    Christensen    Dabakis    Davis
Harper    Henderson    Hillyard    Hinkins
Jenkins    Jones    Knudson    Madsen
Mayne    Okerlund    Osmond    Reid
Robles    Shiozawa    Stephenson    Stevenson
Urquhart    Valentine    Weiler    Niederhauser

Absent or not voting were: Senators
Bramble    Dayton    Thatcher    Van Tassell
Vickers

H.B. 51 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, 2nd Sub. H.B. 61, DIXIE STATE COLLEGE – UNIVERSITY STATUS, will be considered Wednesday, February 13, 2013 at 11:20 a.m.

***

On motion of Senator Bramble, the Senate voted to lift S.C.R. 4, STANDING WITH ISRAEL CONCURRENT RESOLUTION, from the Time Certain Calendar and place it at the bottom of the Second Reading Calendar.

THIRD READING CALENDAR

1st Sub.  S.B. 43, FINANCIAL AND ECONOMIC LITERACY EDUCATION AMENDMENTS, was read the third time, explained by Senator Jones, and passed on the following roll call:
Yeas, 23; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Senators
Bramble Dabakis Davis Harper
Henderson Hillyard Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Stevenson Thatcher Urquhart Valentine
Vickers Weiler Niederhauser

Absent or not voting were: Senators
Adams Christensen Dayton Hinkins
Jenkins Van Tassell

1st Sub. S.B. 43 was transmitted to the House for consideration.

* * *

S.B. 122, STUDENT LEADERSHIP SKILLS DEVELOPMENT, was read the third time and explained by Senator Osmond. Senator Mayne commented and the bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne Okerlund
Osmond Reid Shiozawa Stephenson
Stevenson Thatcher Urquhart Valentine
Van Tassell Vickers Weiler Niederhauser

Absent or not voting was: Senator
Robles

S.B. 122 was transmitted to the House for consideration.

* * *

S.B. 162, CONCURRENT ENROLLMENT AMENDMENTS, was read the third time and explained by Senator Urquhart. Senator Stephenson commented and the bill passed on the following roll call:
Yeas, 26; Nays, 2; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Stevenson Thatcher Urquhart Valentine
Weiler Niederhauser

Voting in the negative were: Senators
Harper Van Tassell

Absent or not voting was: Senator
Vickers

S.B. 162 was transmitted to the House for consideration.

***

On motion of Senator Knudson, H.B. 38, CAMPAIGN CONTRIBUTION AMENDMENTS, was read the third time and circled.

***

H.B. 41, CAMPAIGN FILING BY MEDIA OWNER, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 27; Nays, 2; Absent or not voting, 0.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Mayne Okerlund Osmond
Reid Robles Shiozawa Stevenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

Voting in the negative were: Senators
Madsen Stephenson

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.
** * * *

1st Sub. H.B. 53, ELECTION LAW AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

** Yeas, 28; Nays, 0; Absent or not voting, 1. **

**Voting in the affirmative were:** Senators

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

1st Sub. H.B. 53 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**TIME CERTAIN CALENDAR**

S.B. 161, RESTITUTION AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

** Yeas, 29; Nays, 0; Absent or not voting, 0. **

**Voting in the affirmative were:** Senators

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**THIRD READING CALENDAR**

S.B. 48, SPECIAL GROUP LICENSE PLATE REVISIONS, was read the third time, explained by Senator Knudson, and passed on the following roll call:
Yeas, 26; Nays, 2; Absent or not voting, 1.

**Voting in the affirmative were:** Senators
Bramble Christensen Dabakis Davis
Dayton Henderson Hillyard Hinkins
Jenkins Jones Knudson Madsen
Mayne Okerlund Osmond Reid
Robles Shiozawa Stephenson Stevenson
Thatcher Urquhart Valentine Van Tassell
Weiler Niederhauser

**Voting in the negative were:** Senators
Harper Vickers

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

_S.B. 48_ was transmitted to the House for consideration.

* * *

1st Sub. _S.B. 51_, _HIGHER EDUCATION TUITION WAIVERS_, was read the third time and explained by Senator Urquhart. Senator Jenkins commented and the bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

**Voting in the affirmative were:** Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne Okerlund
Osmond Reid Robles Shiozawa
Stephenson Stevenson Thatcher Urquhart
Valentine Van Tassell Vickers Weiler
Niederhauser

1st Sub. _S.B. 51_ was transmitted to the House for consideration.

* * *

On motion of Senator Knudson, the circle was removed from _H.B. 38_, _CAMPAIGN CONTRIBUTION AMENDMENTS_, and it was before the Senate.
Senator Valentine proposed an amendment:

Senator Harper proposed the following substitute amendment:

1. Page 1, Lines 16 through 18

16  ► prohibits an anonymous cash contribution over \(-\$100\) \(\{\$25\} \$50\);

17  ► requires a candidate to disburse an anonymous cash contribution or public service assistance over \(-\$100\) \(\{\$25\} \$50\) to:

2. Page 1, Line 24:

24  ► allows a filing entity to aggregate on a report contributions that do not exceed \(-\$100\) \(\{\$25\} \$50\);

3. Page 3, Lines 73 through 76:

73  (b) “Reporting limit” means for each calendar year:

74  (i) \(\{\$50\} \(-\$100\) \(\{\$25\} \$50\) ; or

75  (ii) an amount lower than \(\{\$50\} \(-\$100\) \(\{\$25\} \$50\)

that is specified in an ordinance of the municipality.

4. Page 5, Lines 129 through 130:

129  (4) (a) A municipality may, by ordinance:

130  (i) provide a reporting limit lower than \(\{\$50\} \(-\$100\) \(\{\$25\} \$50\) ;

5. Page 7, Lines 197 through 198:

197  (A) for each contribution of more than \(\{\$50\} \(-\$100\) \(\{\$25\} \$50\), the name of the donor of the

198  contribution, if known, and the amount of the contribution; and

6. Page 7, Lines 204 through 208:

204  (vi) a requirement that a person who makes a cash contribution that exceeds \(-\$100\) \(\{\$25\} \$50\)
205 disclose the person’s name to the candidate who receives the contribution; and

206 (vii) a requirement that a candidate for county office who receives a cash contribution

207 that exceeds \{ \$100 \} \{ \$25 \} \$50 from a donor whose name is unknown shall, within 30 days after receiving

208 the contribution, disburse the amount of the contribution to:

7. Page 8, Line 236 through Page 9, Line 245:

236 (a) seven days before the date of the regular general election, reporting each

237 contribution of more than \{ \$50 \} \{ \$100 \} \{ \$25 \} \$50 and each expenditure as of 10 days before the date of the

238 regular general election; and

239 (b) no later than 30 days after the date of the regular general election.

240 (5) (a) The statement filed seven days before the regular general election shall include:

241 (i) a list of each contribution of more than \{ \$50 \} \{ \$100 \} \{ \$25 \} \$50 received by the candidate, and

242 the name of the donor, if known;

243 (ii) an aggregate total of all contributions of \{ \$50 \} \{ \$100 \} \{ \$25 \} \$50 or less received by the

244 candidate; and

245 (iii) a list of each expenditure for political purposes made during the campaign period,

8. Page 9, Lines 247 through 251:

247 (b) The statement filed 30 days after the regular general election shall include:

248 (i) a list of each contribution of more than \{ \$50 \} \{ \$100 \} \{ \$25 \} \$50 received after the cutoff date for

249 the statement filed seven days before the election, and the name of the donor;

250 (ii) an aggregate total of all contributions of \{ \$50 \} \{ \$100 \} \{ \$25 \} \$50 or less received by the
251 candidate after the cutoff date for the statement filed seven days before the election; and

9. Page 9, Lines 270 through 272:

270 (7) Within 30 days after receiving a cash contribution that exceeds \( -$100 \) \( -$25 \) \$50\] from a donor

271 whose name is unknown, a county office candidate shall disburse the amount of the

272 contribution to:

10. Page 22, Lines 673 through 674:

673 (7) Within 30 days after receiving a cash contribution that exceeds \( -$100 \) \( -$25 \) \$50\] from an unknown source, a state office candidate shall disburse the amount of the contribution to:

11. Page 23, Lines 708 through 709:

708 (b) (i) For all single contributions or public service assistance of \( -$50 \) \( -$100 \) \( -$25 \) \$50\] or less, a

709 single aggregate figure may be reported without separate detailed listings.

12. Page 24, Lines 710 through 711:

710 (ii) Two or more contributions from the same source that have an aggregate total of

711 more than \( -$50 \) \( -$100 \) \( -$25 \) \$50\] may not be reported in the aggregate, but shall be reported separately.

13. Page 25, Lines 758 through 761:

758 (3) (a) For all individual contributions or public service assistance of \( -$50 \) \( -$100 \) \( -$25 \) \$50\] or

759 less, a single aggregate figure may be reported without separate detailed listings.

760 (b) Two or more contributions from the same source that have an aggregate total of

761 more than \( -$50 \) \( -$100 \) \( -$25 \) \$50\] may not be reported in the aggregate, but shall be reported separately.
14. Page 27, Lines 807 through 808:

807 (6) Within 30 days after receiving a cash contribution that exceeds \(-\$100\) \(\$25\) \$50 from an
808 unknown source, a legislative office candidate shall disburse the amount of the contribution to:

15. Page 28, Lines 857 through 860:

857 (b) (i) For all individual contributions or public service assistance of \(\$50\) \(-\$100\) \(\$25\) \$50 or
858 less, a single aggregate figure may be reported without separate detailed listings.
859 (ii) Two or more contributions from the same source that have an aggregate total of
860 more than \(\$50\) \(-\$100\) \(\$25\) \$50 may not be reported in the aggregate, but shall be reported separately.

16. Page 30, Lines 905 through 908:

905 (3) (a) For all individual contributions or public service assistance of \(\$50\) \(-\$100\) \(\$25\) \$50 or
906 less, a single aggregate figure may be reported without separate detailed listings.
907 (b) Two or more contributions from the same source that have an aggregate total of
908 more than \(\$50\) \(-\$100\) \(\$25\) \$50 may not be reported in the aggregate, but shall be reported separately.

17. Page 31, Lines 945 through 948:

945 (b) (i) For all individual contributions or public service assistance of \(\$50\) \(-\$100\) \(\$25\) \$50 or
946 less, a single aggregate figure may be reported without separate detailed listings.
947 (ii) Two or more contributions from the same source that have an aggregate total of
948 more than \(\$50\) \(-\$100\) \(\$25\) \$50 may not be reported in the aggregate, but shall be reported separately.
18. Page 32, Lines 960 through 962:

960 (5) Within 30 days after receiving a cash contribution or cash public service assistance that exceeds \( \{ \$100 \} \{ \$25 \} \$50 \) from an unknown source, an officeholder shall disburse the amount of the contribution or public service assistance to:

19. Page 32, Lines 974 through 977:

974 (3) A registered political party or county political party may not expend a cash contribution for political purposes or a political issues expenditure if the cash contribution:

976 (a) exceeds \( \{ \$100 \} \{ \$25 \} \$50 \); and

977 (b) is from an unknown source.

20. Page 33, Lines 998 through 1001:

998 (b) (i) For all individual contributions [or public service assistance] of \( \{ \$50 \} \{ \$100 \} \{ \$25 \} \$50 \) or less, a single aggregate figure may be reported without separate detailed listings.

1000 (ii) Two or more contributions from the same source that have an aggregate total of more than \( \{ \$50 \} \{ \$100 \} \{ \$25 \} \$50 \) may not be reported in the aggregate, but shall be reported separately.

21. Page 34, Lines 1037 through 1040:

1037 (3) (a) For all individual contributions [or public service assistance] of \( \{ \$50 \} \{ \$100 \} \{ \$25 \} \$50 \) or less, a single aggregate figure may be reported without separate detailed listings.

1039 (b) Two or more contributions from the same source that have an aggregate total of more than \( \{ \$50 \} \{ \$100 \} \{ \$25 \} \$50 \) may not be reported in the aggregate, but shall be reported separately.

22. Page 34, Lines 1046 through 1048:
1046    (1) A county political party officer of a county political party
that has received
1047    contributions totaling at least $750, or disbursed expenditures
totaling at least \$50 \{ \$100 \} \{ \$25 \} \$50 ,
1048    during a calendar year shall file a summary report by January 10
of the following year.

23. Page 35, Lines 1064 through 1067:

1064    (b) (i) For all individual contributions \{ or public service
assistance \} of \$50 \{ \$100 \} \{ \$25 \} \$50 less, a single aggregate figure may be reported without separate
detailed listings.
1065    (ii) Two or more contributions from the same source that have
an aggregate total of
1066    more than \$50 \{ \$100 \} \{ \$25 \} \$50 may not be
reported in the aggregate, but shall be reported separately.

24. Page 35, Lines 1077 through 1080:

1077    (1) (a) A county political party officer of a county political party
that has received
1078    contributions totaling at least $750, or disbursed expenditures
totaling at least \$50 \{ \$100 \} \{ \$25 \} \$50 ,
1079    during a calendar year shall file an interim report at the
following times in any year in which
1080    there is a regular general election:

25. Page 36, Lines 1108 through 1111:

1108    (3) (a) For all individual contributions \{ or public service
assistance \} of \$50 \{ \$100 \} \{ \$25 \} \$50 less, a single aggregate figure may be reported without separate
detailed listings.
1110    (b) Two or more contributions from the same source that have
an aggregate total of
1111    more than \$50 \{ \$100 \} \{ \$25 \} \$50 may not be
reported in the aggregate, but shall be reported separately.

26. Page 37, Lines 1120 through 1124:
(b) If a political action committee is organized after the January 10 filing date, the political action committee shall file an initial statement of organization no later than seven days after:

(i) receiving contributions totaling at least $750; or

(ii) distributing expenditures for political purposes totaling at least $50.

27. Page 38, Lines 1169 through 1171:

(1) (a) Each registered political action committee that has received contributions totaling at least $750, or disbursed expenditures totaling at least $50, during a calendar year shall file a verified financial statement with the lieutenant governor’s office:

27. Page 40, Lines 1209 through 1213:

(b) (i) Contributions received by a political action committee that have a value of $50 or less need not be reported individually, but shall be listed on the report as an aggregate total.

(ii) Two or more contributions from the same source that have an aggregate total of more than $50 may not be reported in the aggregate, but shall be reported separately.

29. Page 40, Lines 1225 through 1228:

(5) A political action committee may not expend a cash contribution for political purposes if the cash contribution:

(a) exceeds $50; and

(b) is from an unknown source.

30. Page 41, Lines 1245 through 1248:
That statement shall include:

(a) the name and address of each individual, entity, or group of individuals or entities that received a political issues expenditure of more than \([\$50]\) \(-[\$100]\) \(\{\$25\}\) \(\$50\) from the corporation, and

the amount of each political issues expenditure;

31. Page 41, Lines 1258 through 1262:

(b) If a political issues committee is organized after the January 10 filing date, the political issues committee shall file an initial statement of organization no later than seven days after:

(i) receiving political issues contributions totaling at least \(\$750\); or

(ii) disbursing political issues expenditures totaling at least \([\$50]\) \(-[\$100]\) \(\{\$25\}\) \(\$50\).

32. Page 43, Lines 1308 through 1311:

(1) (a) Each registered political issues committee that has received political issues contributions totaling at least \(\$750\), or disbursed political issues expenditures totaling at least \([\$50]\) \(-[\$100]\) \(\{\$25\}\) \(\$50\), during a calendar year, shall file a verified financial statement with the lieutenant governor’s office:

33. Page 44, Lines 1347 through 1350:

(vi) except as provided in Subsection (2)(c), the name and address of each individual, entity, or group of individuals or entities that received a political issues expenditure of more than \([\$50]\) \(-[\$100]\) \(\{\$25\}\) \(\$50\) from the reporting political issues committee, and the amount of each political issues expenditure;
34. Page 45, Lines 1362 through 1367:

   (b) (i) Political issues contributions received by a political
despite that have a
   value of [\$50] \{-\$100\} \{\$25\} \$50 or less need not be
reported individually, but shall be listed on the report as
an aggregate total.
   (ii) Two or more political issues contributions from the same
source that have an
aggregate total of more than [\$50]
\{-\$100\} \{\$25\} \$50 may not be reported in the aggregate, but
shall be
reported separately.

35. Page 45, Lines 1380 through 1383:

   (4) A political issues committee may not expend a cash
contribution for a political
issues expenditure if the cash contribution:
   (a) exceeds \{-\$100\} \{\$25\} \$50 ; and
   (b) is from an unknown source.

36. Page 45, Line 1391 through Page 46, Line 1392:

   (4) make a contribution that exceeds
\{-\$100\} \{\$25\} \$50 without disclosing the person’s name.

37. Page 47, Lines 1436 through 1437:

   (7) Within 30 days after receiving a cash contribution that
exceeds \{-\$100\} \{\$25\} \$50 from an
unknown source, a school board office candidate shall disburse
the contribution to:

38. Page 49, Lines 1486 through 1489:

   (b) (i) For all individual contributions or public service
assistance of [\$50] \{-\$100\} \{\$25\} \$50 or
less, a single aggregate figure may be reported without separate
detailed listings.
(ii) Two or more contributions from the same source that have an aggregate total of

more than \[50 \text{ or more than } 100 \text{ or more than } 25 \text{ or } 50\] may not be reported in the aggregate, but shall be reported separately.

39. Page 50, Lines 1534 through 1537:

(3) (a) For all individual contributions or public service assistance of \[50 \text { or less, a single aggregate figure may be reported without separate detailed listings.}

(b) Two or more contributions from the same source that have an aggregate total of

more than \[50 \text{ or more than } 100 \text{ or more than } 25 \text{ or } 50\] may not be reported in the aggregate, but shall be reported separately.

40. Page 51, Lines 1562 through 1565:

(2) The financial statement shall include:

(a) the name and address of each reporting entity that received an expenditure or

political issues expenditure of more than \[50 \text { from the labor organization, and the amount of each expenditure or political issues expenditure;}

41. Page 54, Lines 1654 through 1656:

(4) Within 30 days after receiving a cash contribution that exceeds \[50 \text { from an unknown source, a judge or the judge’s personal campaign committee shall disburse the amount of the contribution to:}

42. Page 55, Lines 1679 through 1682:

(b) (i) For all single contributions of \[50 \text { or less, an aggregate figure may be reported without a separate detailed listing.

(ii) Two or more contributions from the same source for a total of more than \[50\]
1682 \{ \$100 \} \{ \$25 \} \$50 may not be reported in the aggregate, but shall be reported in the detailed listing.

43. Page 56, Lines 1703 through 1706:

1703 (3) (a) For all individual contributions of \{ \$50 \} \{ \$100 \} \{ \$25 \} \$50 or less, a single aggregate figure may be reported without separate detailed listings.

1704 (b) Two or more contributions from the same source that have an aggregate total of

1706 more than \{ \$50 \} \{ \$100 \} \{ \$25 \} \$50 may not be reported in the aggregate, but shall be reported separately.

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

Senators Jenkins, Madsen, Dayton, Jones, Bramble, Robles, Dabakis, Harper, Okerlund, and Henderson commented and the bill passed on the following roll call:

**Y eas, 28; Nays, 1; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators

Adams  Bramble  Christensen  Dabakis
Davis  Harper  Henderson  Hillyard
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Stevenson  Thatcher  Urquhart  Valentine
Van Tassell  Vickers  Weiler  Niederhauser

**Voting in the negative was:** Senator Dayton

**H.B. 38**, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Weiler, **S.B. 56**, UTAH 211 REFERRAL INFORMATION NETWORK, was read the third time and circled.

**SECOND READING CALENDAR**

On motion of Senator Dayton, **S.B. 60**, ABORTION STATISTICS AND REPORTING REQUIREMENTS, was read the second time and circled.
On motion of Senator Okerlund, the circle was removed from S.B. 57, AGRICULTURE ENVIRONMENTAL STEWARD AMENDMENTS, and it was before the Senate.

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

1st Sub. S.B. 57 Agriculture Environmental Steward Amendments (R. Okerlund)

On motion of Senator Okerlund, the bill was circled.

S.C.R. 8, CONCURRENT RESOLUTION FOR THE PROVO RESERVOIR CANAL TITLE TRANSFER, was read the second time. Senator Dayton explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators

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<thead>
<tr>
<th>Bramble</th>
<th>Christensen</th>
<th>Dabakis</th>
<th>Davis</th>
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<td>Van Tassell</td>
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Absent or not voting were: Senators

<table>
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<th>Adams</th>
<th>Madsen</th>
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S.B. 100, HIGHER EDUCATION SCHOLARSHIP AMENDMENTS, was read the second time. Senator Stevenson explained the bill.

Senator Dayton proposed the following amendment:

1. Page 1, Lines 12 through 14
allows the Board of Regents to assign additional weights to grades earned in
International Baccalaureate program courses in determining scholarship eligibility
in the Regents’ Scholarship Program;

2. Page 5, Line 143 through Page 7, Line 183:

Section 2. Section 53B−8−109 is amended to read:
53B−8−109. Regents’ Scholarship Program—Base Regents’ scholarship—
Qualifications—Application.
(1) A student qualifies for a Base Regents’ scholarship if the student:
(a) completes the high school graduation requirements of:
(i) a public school established by the State Board of Education
and the student’s school
(ii) a private high school in the state that is accredited by a
regionally accrediting body
approved by the board;
(b) completes high school with at least a 3.0 cumulative grade point average;
(c) has at least one reported ACT test score; and
(d) (i) completes the following high school or college credit in
grades 9−12:
(A) four units of credit of English;
(B) four units of credit of mathematics;
(C) three and one-half units of credit of social science;
(D) three units of credit of lab-based natural science; and
(E) two units of credit of sequential world or classical language
other than English; and
(ii) except as provided in Subsection (4), earns a course grade on
a transcript of “C” or
(2) The board shall establish policies to determine specific courses that meet the requirements under Subsection (1)(d)(i).

(3) To be eligible for the scholarship, a student:

(a) shall submit an application to the board with:

(i) a copy of the student’s official high school transcript and ACT scores; and

(ii) if applicable, a college transcript showing a college course the student has completed to meet the requirements of Subsection (1)(d);

(b) shall be a citizen of the United States or a noncitizen who is eligible to receive federal student aid;

(c) may not have a criminal record, with the exception of a misdemeanor traffic citation; and

(d) if applicable, shall meet the application deadlines as established by the board under Subsection 53B−8−108(9).

(4) For purposes of determining if a student meets the grade requirements of Subsection (1)(d)(ii), the board shall assign additional weights to grades earned in courses described in Subsection (1)(d)(i) that are advanced placement, concurrent enrollment, or International Baccalaureate program courses.

(5) (a) The amount of the Base Regents’ scholarship is $1,000.

(b) The board may adjust the amount of the Base Regents’ scholarship by up to a percentage of the average percentage tuition increase approved by the board for institutions in
Section 3. Section 53B−8−111 is amended to read:

3. Page 8, Lines 227 through 230:

(7) For purposes of determining if a student meets the grade requirements of Subsection (1)(b), the board shall assign additional weights to grades earned in courses described in Subsection 53B−8−109(1)(d)(i) that are advanced placement or concurrent enrollment courses.

Senator Dayton’s motion to amend failed on a voice vote.

# # #

Senator Christensen proposed the following amendment:

1. Page 1, Line 18:
   After “register” insert “and maintain”

2. Page 5, Line 123:
   After “register” insert “and maintain”

3. Page 8, Line 222:
   After “register” insert “and maintain”

Senator Christensen’s motion to amend failed on a voice vote.

# # #

Senator Valentine proposed the following amendment:

1. Page 10, Line 294:
   Delete “; and”

2. Page 10, Lines 295 to 297:
   Delete lines 295 to 297

Senator Valentine’s motion to amend passed on a voice vote. Senators Jones, Davis, Shiozawa, Valentine, Christensen, Jenkins, Robles, Vickers, Reid, and Madsen commented. The bill passed second reading on the following roll call:
Yeas, 26; Nays, 2; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams             Bramble            Christensen         Dabakis
Davis             Harper             Henderson           Hillyard
Jenkins           Jones              Knudson             Mayne
Okerlund          Osmond             Reid                Robles
Shiozawa          Stephenson         Stevenson           Thatcher
Urquhart          Valentine          Van Tassell         Vickers
Weiler            Niederhauser

Voting in the negative were: Senators
Dayton            Madsen

Absent or not voting was: Senator
Hinkins

* * *

On motion of Senator Okerlund, and at 12:00 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 13, 2013.
SEVENTEENTH DAY
February 13, 2013

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

Prayer – Seleck Rigby, Canyon View High School
National Anthem – Tiara Johnson
Pledge of Allegiance – Karlee Hirschi
Roll Call – All Senators present except Senator Bramble, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 12, 2013

The House passed, as amended, H.B. 13, PROTECTION OF CHILDREN RIDING IN MOTOR VEHICLES, by Representative P. Arent, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 28, CAMPUS SAFETY AMENDMENTS, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed, as amended, H.B. 30, LINE–OF–DUTY DEATH AND DISABILITY AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as substituted, 2nd Sub. H.B. 47, INSURANCE LAW AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as substituted and amended, 2nd Sub. H.B. 81, CYTOMEGALOVIRUS PUBLIC HEALTH INITIATIVE, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed H.B. 101, HOMEOWNERS ASSOCIATION AMENDMENTS, by Representative J. Stanard, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 245, CONSUMER PROTECTION AMENDMENTS, by Representative D. Brown, and it is transmitted for consideration; and
The House passed **H.B. 255**, CLASSIFIED SCHOOL EMPLOYEE AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 279**, ADMINISTRATIVE HEARINGS BY COUNTIES, by Representative S. Cox, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 295**, ELECTRONIC PROOF OF OWNER’S OR OPERATOR’S SECURITY, by Representative D. Brown, and it is transmitted for consideration; and

The House passed **H.J.R. 4**, JOINT RESOLUTION ON REMOTE SALES, by Representative S. Eliason, 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 12, 2011

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

**Business and Labor Committee**

S.B. 182 Storage Unit Amendments (Sen. J. S. Adams)

**Education Committee**

S.B. 69 Assessment and Reporting of Student Performance (Sen. R. Okerlund)


**Government Operations and Political Subdivisions Committee**

S.B. 68 State Surplus Property Program Amendments (Sen. T. Weiler)

S.B. 181 Political Subdivisions Property Amendments (Sen. W. Harper)

S.C.R. 7 Concurrent Resolution to Reduce Utah’s Dependence on Federal Funds (Sen. A. Osmond)
Health and Human Services Committee

H.C.R. 2  Concurrent Resolution to Reduce Obesity in Utah
(Rep. S. Barlow) (Sen. A. Christensen)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 183  Adoption Agency Modifications (Sen. L. Robles)
H.B. 301  Bail Bond Recovery Licensure Amendments
(Rep. E. Redd) (Sen. L. Hillyard)

Natural Resources, Agriculture and Environment Committee

H.B. 90  Fishing License Waiver Amendments
(Rep. R. Chavez−Houck) (Sen. R. Okerlund)

Transportation, Public Utilities and Technology Committee

S.B. 180  Public Utilities Amendments (Sen. K. Van Tassell)

John L. Valentine
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President:  February 12, 2013

The Business and Labor Committee reports a favorable recommendation on
H.B. 71, MOBILE AND MANUFACTURED HOME AMENDMENTS, by
Representative M. Roberts; and

The Business and Labor Committee reports a favorable recommendation on
S.B. 94, GOVERNMENT RECORDS AMENDMENTS, by Senator C. Bramble.

Curtis S. Bramble, Chair

Mr. President:  February 12, 2013

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on
S.B. 62, GOVERNOR’S FIRE SUPPRESSION AUTHORITY, by Senator M. Dayton; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on
S.B. 65, ELECTION CODE – FINANCIAL REPORTING REQUIREMENT AMENDMENTS, by Senator J. Valentine; and
The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 172**, **USE OF BOND PROCEEDS BY POLITICAL SUBDIVISIONS**, by Senator J. Valentine; and


Margaret Dayton, Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President: February 12, 2013

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 14**, **REQUIREMENTS TO CHANGE FORM OF COUNTY GOVERNMENT**, by Representative K. Grover, and recommends it be considered read for the second time and placed on the Consent Calendar.

Margaret Dayton, Chair

On motion of Senator Valentine, the committee report was adopted. The bill was considered read the second time and placed on the Consent Calendar.

**INTRODUCTION OF BILLS**

**S.B. 70**, **Commission Relating to Federal Issues** (D. Henderson), was read the first time by short title and referred to the Rules Committee.

**S.B. 184**, **Youth Suicide Prevention Revisions** (L. Robles), was read the first time by short title and referred to the Rules Committee.

**S.B. 185**, **Division of Oil, Gas, and Mining Amendments** (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

**S.B. 186**, **Insurance Transactions Amendments** (L. Robles), was read the first time by short title and referred to the Rules Committee.

**S.B. 187**, **Food Handler Licensing Amendments** (C. Bramble), was read the first time by short title and referred to the Rules Committee.
S.B. 188, Amendments to Adoption Requirements (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 189, Oncology Insurance Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

On motion of Senator Okerlund, S.B. 161, RESTITUTION AMENDMENTS, was read the third time and circled.

***

S.C.R. 8, CONCURRENT RESOLUTION FOR THE PROVO RESERVOIR CANAL TITLE TRANSFER, was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.C.R. 8 was transmitted to the House for consideration.

***

On motion of Senator Stevenson, S.B. 100, HIGHER EDUCATION SCHOLARSHIP AMENDMENTS, was read the third time and circled.

***

On motion of Senator Knudson, the circle was removed from S.B. 24, ABSENTEE BALLOT AMENDMENTS, and it was before the Senate.

On motion of Senator Knudson, the following substitute bill replaced the original bill:
1st Sub. S.B. 24, Absentee Ballot Amendments (P. Knudson)

On motion of Senator Knudson, the bill was circled.

SECOND READING CALENDAR

H.B. 48, MEDICAL RESERVE CORPS AMENDMENTS, was read the second time. Senator Shiozawa explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Shiozawa Stevenson Thatcher
Valentine Van Tassell Vickers Weiler
Niederhauser

Absent or not voting were: Senators
Bramble Robles Stephenson Urquhart

* * *

H.B. 29, ADJUDICATION OF WATER RIGHTS, 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 or not voting, 4.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Shiozawa Stevenson Thatcher
Valentine Van Tassell Vickers Weiler
Niederhauser

Absent or not voting were: Senators
Bramble Robles Stephenson Urquhart
** * **

On motion of Senator Okerlund, the circle was removed from 1st Sub. S.B. 57, AGRICULTURE ENVIRONMENTAL STEWARD AMENDMENTS, and it was before the Senate. Senator Okerlund explained the bill. The bill passed second reading on the following roll call:

** Yeas, 25; Nays, 0; Absent or not voting, 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 Okerlund, H.B. 36, STORM WATER CAPTURE AMENDMENTS, was read the second time and circled.

** * **

On motion of Senator Weiler, 1st Sub. H.B. 24, UTAH RETIREMENT SYSTEM AMENDMENTS, was read the second time and circled.

** * **

H.B. 35, RETIREMENT ANALYSIS FOR NEW PUBLIC ENTITIES, was read the second time. Senator Weiler explained the bill. The bill passed second reading on the following roll call:

** Yeas, 24; Nays, 0; Absent or not voting, 5. **

** Voting in the affirmative were: ** Senators

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Absent or not voting were: Senators
Bramble Hillyard Robles Thatcher Urquhart

* * *

1st Sub. H.B. 54, PROPERTY TAX AND APPRAISER AMENDMENTS, was read the second time. Senator Stephenson explained the bill. Senator Mayne commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Shiozawa Stephenson Stevenson
Thatcher Van Tassell Vickers Weiler
Niederhauser

Absent or not voting were: Senators
Bramble Robles Urquhart Valentine

* * *

2nd Sub. H.B. 15, STATE PARK ACCESS AMENDMENTS, was read the second time. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Reid
Shiozawa Stephenson Stevenson Thatcher
Valentine Van Tassell Vickers Weiler
Niederhauser

Absent or not voting were: Senators
Bramble Osmond Robles Urquhart
**H.B. 23, HIGH OCCUPANCY VEHICLE LAND AMENDMENTS,** was read the second time. Senator Adams explained the bill. Senators Dabakis, Madsen, Van Tassell, and Thatcher commented. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 2; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

| Dabakis       | Davis       |

**Absent or not voting were:** Senators

| Bramble       | Hinkins     | Robles | Urquhart |

**H.B. 34, SPECIAL GROUP LICENSE PLATE AMENDMENTS,** was read the second time and circled.

**H.B. 261, PAYROLL AMENDMENTS – PUBLIC SAFETY,** was read the second time. Senator Weiler explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Bramble   Robles   Stephenson   Thatcher
Urquhart

***

H.B. 272, TRAFFIC SIGNAL AMENDMENTS, was read the second time. Senator Madsen explained the bill. Senators Jenkins and Adams commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams     Christensen   Dabakis   Davis
Dayton    Harper        Henderson  Hillyard
Hinkins   Jenkins       Jones     Knudson
Madsen    Mayne         Okerlund  Osmond
Reid      Shiozawa     Stevenson  Valentine
Van Tassell  Vickers   Weiler   Niederhauser

Absent or not voting were: Senators
Bramble   Robles   Stephenson   Thatcher
Urquhart

SPECIAL RECOGNITION

A citation was read recognizing the Utah Tour Guide Association.

SECOND READING CALENDAR

H.B. 249, REFUGEE SERVICES FUND AMENDMENTS, was read the second time. Senator Harper explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Senators
Adams     Christensen   Dabakis   Davis
Dayton    Harper        Henderson  Hillyard
Jenkins   Jones         Knudson   Mayne
Okerlund  Osmond       Reid      Shiozawa
Stephenson Stevenson  Valentine  Van Tassell
Vickers   Weiler       Niederhauser
Absent or not voting were: Senators
Bramble Hillyard Madsen Robles
Thatcher Urquhart

***

H.B. 56, BEHAVIORAL HEALTH CARE WORKFORCE AMENDMENTS, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Davis
Dayton Harper Henderson Hinkins
Jenkins Jones Knudson Mayne
Okerlund Osmond Reid Shiozawa
Stephenson Stevenson Thatcher Urquhart
Valentine Van Tassell Vickers Weiler
Niederhauser

Absent or not voting were: Senators
Bramble Hillyard Madsen Robles

***

H.B. 57, MENTAL AND BEHAVIORAL HEALTH AMENDMENTS, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Dayton
Harper Henderson Hinkins Jenkins
Jones Knudson Okerlund Osmond
Reid Shiozawa Stephenson Stevenson
Urquhart Valentine Van Tassell Vickers
Weiler Niederhauser

Absent or not voting were: Senators
Bramble Davis Hillyard Madsen
Mayne Robles Thatcher

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 13, 2013

The House passed, as substituted, 2nd Sub. H.B. 61, DIXIE STATE COLLEGE – UNIVERSITY STATUS, by Representative D. Ipson, 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.

TIME CERTAIN CALENDAR

On motion of Senator Valentine, the Senate voted to lift 2nd Sub. H.B. 61, DIXIE STATE COLLEGE – UNIVERSITY STATUS, from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Urquhart, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Urquhart, under suspension of the rules, the Senate voted to suspend the rules requiring a committee hearing and the 24-hour requirement.

On motion of Senator Urquhart, under suspension of the rules, 2nd Sub. H.B. 61, DIXIE STATE COLLEGE – UNIVERSITY STATUS, was considered read the second and third times. Senators Vickers, Jones, Okerlund, and Weiler commented and the bill passed on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams  Christensen  Dabakis  Davis
Dayton  Henderson  Hinkins  Jenkins
Jones  Knudson  Madsen  Mayne
Okerlund  Osmond  Reid  Shiozawa
Stephenson  Stevenson  Urquhart  Valentine
Van Tassell  Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Bramble  Harper  Hillyard  Robles
Thatcher

2nd Sub. H.B. 61 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
SECOND READING CALENDAR

On motion of Senator Weiler, the circle was removed from H.B. 34, SPECIAL GROUP LICENSE PLATE AMENDMENTS, and it was before the Senate.

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

1st Sub. H.B. 34 Special Group License Plate Amendments
(Rep. V. Peterson)

Senator Weiler explained the bill. Senators Dabakis and Harper commented. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Senators

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INTRODUCTION OF BILLS

S.B. 71, Results–based Financing for Early Childhood Education
(A. Osmond), was read the first time by short title and referred to the Rules Committee.

S.B. 190, Procurement Revisions (S. Jenkins), was read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Okerlund, and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Thursday, February 14, 2013.
The Senate was called to order at 10:00 a.m., with President Wayne Niederhauser presiding.

Prayer – Vanessa Watson, American Heart Association
Pledge of Allegiance – Senator Scott Jenkins
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 13, 2013
The House passed, S.B. 10, RETIREMENT ELIGIBILITY AMENDMENTS, by Senator T. Weiler, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, S.B. 12, PUBLIC TRANSIT DISTRICT CUSTOMER INFORMATION, 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. 14, RESEARCH USING PHARMACEUTICALS, 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. 16, HEALTH INSURANCE COVERAGE RESTRICTIONS ON RETIRED GOVERNORS AND LEGISLATORS, by Senator T. Weiler, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, S.B. 19, COMMERCIAL DRIVER LICENSE 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. 25, ELECTIONS DURING DECLARED EMERGENCY, 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. 26, RISK MANAGEMENT FOR INDEPENDENT ENTITIES, by Senator T. Weiler, which has been signed by the Speaker, and it is transmitted for the signature of the President; and
The House passed, **S.B. 37**, TIME PERIOD FOR PAYING A TAX, INTEREST, OR PENALTIES AFTER A JUDICIAL DECISION, by Senator D. Henderson, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 142**, REPEAL OF BLACKLISTING PROVISIONS, by Senator D. Thatcher, 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 13, 2013

The House passed, as amended, **H.B. 86**, PROPERTY TAX RATE CERTIFICATION DATE, by Representative M. Nelson, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 309**, JUDICIAL PERFORMANCE EVALUATION AMENDMENTS, by Representative V. L. Snow, 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 13, 2011

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

**Business and Labor Committee**

**S.B. 187** Food Handler Licensing Amendments (Sen. C. Bramble)

**S.B. 189** Oncology Insurance Amendments (Sen. C. Bramble)


**H.B. 101** Homeowners Association Amendments (Rep. J. Stanard)

**H.J.R. 4** Joint Resolution on Remote Sales (Rep. S. Eliason)
Education Committee
S.B. 184 Youth Suicide Prevention Revisions (Sen. L. Robles)
(Sen. J. Valentine)
H.B. 255 Classified School Employee Amendments
(Rep. B. Last) (Sen. S. Urquhart)

Government Operations and Political Subdivisions Committee
S.B. 70 Commission Relating to Federal Issues
(Sen. D. Henderson)
H.B. 279 Administrative Hearings by Counties (Rep. S. Cox)
(Sen. E. Vickers)

Health and Human Services Committee
2nd Sub. H.B. 81 Cytomegalovirus Public Health Initiative
(Rep. R. Menlove) (Sen. C. Bramble)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 188 Amendments to Adoption Requirements
(Sen. T. Weiler)

Natural Resources, Agriculture and Environment Committee
S.B. 185 Division of Oil, Gas, and Mining Amendments
(Sen. K. Van Tassell)

Retirement and Independent Entities Committee
H.B. 30 Line–of–duty Death and Disability Amendments
(Rep. R. Menlove) (Sen. C. Bramble)

Transportation, Public Utilities and Technology Committee
H.B. 295 Electronic Proof of Owner’s or Operator’s Security

John L. Valentine
Rules Committee Chair

Report filed. On motion of Senator Valentine, the committee report was adopted.
STANDING COMMITTEE REPORTS

Mr. President: February 12, 2013

The Education Committee reports a favorable recommendation on 1st Sub. H.B. 254, COLLEGE CREDITS FOR VETERANS, by Representative P. Ray, with the following amendments:

1. Page 2, Lines 36 through 41:

   36 (2) An institution of higher education listed in Section 53B–2–101 shall award credit for
   37 military service and training as recommended by a postsecondary accreditation agency or
   38 association designated by the State Board of Regents or the Utah College of Applied Technology Board of Trustees if:
   39 (a) requested by the student; and
   40 (b) the student has met with an advisor at an institution of higher education listed in
   41 Section {–53B–1–101 } 53B–2–101 at which the student
   intends to enroll to discuss applicability of credit to ; and

   The Education Committee reports a favorable recommendation on H.B. 269, TRAINING OF SCHOOL NURSES, by Representative P. Ray; and

   The Education Committee reports a favorable recommendation on H.B. 285, MODIFICATION OF EDUCATION–RELATED REPORTING REQUIREMENTS, by Representative F. Gibson; and

   The Education Committee reports a favorable recommendation on S.B. 175, ASSESSMENT OF COLLEGE READINESS, by Senator H. Stephenson.

   Stuart C. Reid, Chair

Mr. President: February 13, 2013

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 49, VOTED AND BOARD LEVY PROGRAMS AMENDMENTS, by Representative S. Handy; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on 1st Sub. H.B. 85, VOTING RECOUNT AMENDMENTS, by Representative C. Hall; and
The Government Operations and Political Subdivisions Committee recommends S.B. 17, ACCOUNT FOR PEOPLE WITH DISABILITIES AMENDMENTS, by Senator M. Dayton, be replaced and favorably recommends 1st Sub. S.B. 17, ACCOUNT FOR PEOPLE WITH DISABILITIES AMENDMENTS; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 68, STATE SURPLUS PROPERTY PROGRAM AMENDMENTS, by Senator T. Weiler.

Margaret Dayton, Chair

Mr. President: February 12, 2013

The Health and Human Services Committee reports a favorable recommendation on H.B. 276, NEWBORN SCREENING FOR CRITICAL CONGENITAL HEART DEFECTS, by Representative P. Ray, with the following amendments:

1. Page 3, Lines 88a through 88h
   House Committee Amendments 2–4–2013:

   88a  Ĥ-> (6) Prior to implementing the test required by Subsection (1)(d), the department

   88b shall conduct a pilot program for testing newborns for critical congenital heart defects using

   88c pulse oximetry. The pilot program shall include the development of:

   88d (a) appropriate oxygen saturation levels that would indicate a need for further medical

   88e follow-up; and

   88f (b) the best methods for implementing the pulse oximetry screening in newborn care

   88g units {−→ and

   88h (c) electronic reporting mechanisms } ←Ĥ

Evan J. Vickers, Chair

Mr. President: February 11, 2013

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends H.B. 10, SEX OFFENSE AMENDMENTS, by Representative
R. Greenwood, be replaced and favorably recommends 1st Sub. H.B. 10, SEX OFFENSE AMENDMENTS with the following amendments:

1. Page 1, Line 26 through Page 2, Line 26
   This bill provides an immediate effective date.

26 {None

2. Page 3, Line 85:

85 (5) A violation of Subsection [(2)(d)] (2)(b)(iv) is a class A misdemeanor.

Section 3. Effective date.
If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 33, EXPUNGEMENT PROCESS AMENDMENTS, by Representative E. Hutchings, with the following amendments:

1. Page 4, Lines 110 through 114:

110 (a) Subsection 58–37–8(2), except any offense under Subsection 58–37–8(2)(b)(i) 

111 possession of 100 pounds or more of marijuana, any offense enhanced under Subsection

112 58–37–8(2)(e) {− for } 

113 controlled substance illegally in the person's body and negligently causing serious bodily injury

114 or death of another; ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 87, ATTEMPTED AGGRAVATED MURDER AMENDMENTS, by Representative L. Perry, with the following amendments:

1. Page 1, Line 14:
2. Page 1, Line 27 through Page 2, Line 28:

27 (a) (i) a capital felony, or a felony punishable by imprisonment for life without parole, is a first degree felony; except that:

28 (ii) except as provided in Subsection (2), an attempt to commit aggravated murder, Section 76–5–202.

3. Page 2, Line 39:

39 (d) except as provided in Subsection (3), any of the following offenses is a first degree

4. Page 2, Line 51:

(2) If, when imposing a sentence under Subsection (1)(a)(ii), a court finds that a lesser term than the term described in Subsection (1)(a)(ii) is in the interests of justice and the court states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:

(a) 10 years and which may be for life; or

(b) six years and which may be for life.

51 (3) If, when imposing a sentence under Subsection (1)(d), a court finds that a lesser; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 105, BOARD OF PARDONS AND PAROLE REVISIONS, by Senator D. Thatcher, with the following amendments:

1. Page 1, Line 16:

16 includes a definition of family member.

2. Page 2, Line 28:

28 Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole.

3. Page 2, Line 31:
31 (b) “Immediate family” means parents, spouse, surviving spouse, children, and siblings

4. Page 2, Line 48:

48 assault of attempted murder on a judge [or a member of the Board of Pardons and Parole], a; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 170, IDENTITY FRAUD AMENDMENTS, by Senator D. Thatcher.

Mark B. Madsen, Chair

Mr. President: February 12, 2013

The Revenue and Taxation Committee recommends H.B. 67, PERSONAL PROPERTY TAXATION REVISIONS, by Representative G. Froerer, be replaced and favorably recommends 1st Sub. H.B. 67, PROPERTY TAXATION REVISIONS and, due to a short title change, recommends that it be read for the first and second time; and

The Revenue and Taxation Committee reports a favorable recommendation on 1st Sub. H.B. 74, PROPERTY TAX MODIFICATIONS, by Representative J. Mathis, with the following amendments:

1. Page 11, Lines 318 through 327

House Floor Amendments 2–8–2013:

318 “Split estate mineral rights owner” means a person who:

319 (a) has a legal right to extract a mineral from property;

320 (b) does not hold more than a [4%] 25% interest in:

321 (i) the property’s land surface rights of the property where the wellhead is located; or

322 (ii) an entity with an ownership interest in the property’s land surface rights of the property where the wellhead is located;

323 (c) is not an entity in which the owner of the property holds more
than a \( \hat{H} \rightarrow \{ \text{property's } \} \) land surface rights of the property where the wellhead is located \( \hat{H} \rightarrow \{ \text{that} \) is a relationship described in Subsection 267(b), Internal Revenue Code, except that the term \( 1\% \) shall be substituted for the term \( 50\% \) in Subsection 267(b), Internal Revenue Code; and

The Revenue and Taxation Committee recommends S.B. 58, AMENDMENTS TO SALES AND USE TAX, by Senator W. Harper, be replaced and favorably recommends 2nd Sub. S.B. 58, AMENDMENTS TO SALES AND USE TAX with the following amendments:

1. Page 29, Lines 875 through 878:

   (7) (a) The revenue and interest described in Subsection (6)(a) may be \{ expended for \}

   local purposes \} used to lower sales tax rates as the Legislature may provide by statute.

   (b) The revenue and interest described in Subsection (6)(b) may \{ be expended as the \}

   Legislature \} be used to lower sales tax rates as may \{ provide \} be provided by statute; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 171, SALES AND USE TAX EXEMPTION FOR ELECTRONIC FINANCIAL PAYMENT SERVICES, by Senator H. Stephenson.

Deidre M. Henderson, Chair

Mr. President: February 13, 2013

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 63, TRANSPORTATION PLANNING AND FUNDING TASK FORCE, by Senator W. Harper; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 180, PUBLIC UTILITIES AMENDMENTS, by Senator K. Van Tassell, with the following amendments:

1. Page 6, Lines 175 through 178:
(ii) Notwithstanding Subsection (5)(c)(i), if, within six months after the date that any oil filled equipment is transferred, the receiving party discovers that the transferred oil filled equipment contains polychlorinated biphenyl, the transferring party shall reimburse the receiving party for the cost of testing and disposal of that oil filled equipment.

Kevin T. Van Tassell, Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 13, 2013

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 252, NATIVE AMERICAN INDIAN RELATED AMENDMENTS, by Representative J. Draxler, and recommends it be considered read for the second time and placed on the Consent Calendar

Margaret Dayton, Chair

Mr. President: February 13, 2013

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends 1st Sub. H.B. 69, EXPUNGEMENT OF RECORDS, by Representative R. Greenwood, be replaced and favorably recommends 2nd Sub. H.B. 69, EXPUNGEMENT OF RECORDS and that 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 2nd Sub. H.B. 270, PRESCRIPTION DRUG DATABASE ACCESS AMENDMENTS, by Representative R. Menlove, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

Mr. President: February 13, 2013

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 90, FISHING LICENSE WAIVER
AMENDMENTS, by Representative R. Chavez–Houck, and recommends it be considered read for the second time and placed on the Consent Calendar.

Scott K. Jenkins, Chair

Mr. President: February 13, 2013

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 60**, UTILITY FACILITY SITING, by Representative D. Sagers, 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.C.R. 1**, CONCURRENT RESOLUTION URGING USE OF ADVANCE SIGNAL WARNING, by Representative J. Draxler, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 178**, DEPARTMENT OF TRANSPORTATION REVISIONS, by Senator K. Van Tassell, 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 Valentine, 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, Prison Relocation and Development Amendments** (S. Jenkins), was read the first time by short title and referred to the Rules Committee.

**S.B. 173, Residential Construction Contract Amendments** (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

**S.B. 191, Administrative Law Judge Amendments** (W. Harper), was read the first time by short title and referred to the Rules Committee.

**S.B. 192, Economic Development Incentives Act Amendments** (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

**S.B. 193, Vehicle Registration Amendments** (S. Jenkins), was read the first time by short title and referred to the Rules Committee.
COMMITTEE OF THE WHOLE

On motion of Senator Davis, Ms. Rozan Abdulkader Ahmad Dizayee, Ph.D, Member of Iraqi Kurdistan Parliament spoke in Committee of the Whole.

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

CONSENT CALENDAR

1st Sub. H.B. 21, WORKFORCE SERVICES AMENDMENTS, was read the third time, explained by Senator Reid, and passed on the following roll call:

Y eas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams  Bramble    Christensen  Dabakis
Dayton  Harper     Henderson  Hillyard
Hinkins Jenkins    Jones      Knudson
Madsen  Mayne     Okerlund   Osmond
Reid    Shiozawa   Stevenson  Thatcher
Urquhart Valentine Van Tassell Vickers
Weiler  Niederhauser

Absent or not voting were: Senators
Davis  Robles      Stephenson

1st Sub. 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.

* * *

H.B. 70, UTAH STATE RAILROAD MUSEUM AUTHORITY AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Y eas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams  Bramble    Christensen  Dayton
Harper  Henderson  Hillyard   Hinkins
Jenkins Jones   Knudson     Madsen
Mayne  Okerlund   Osmond     Reid
Shiozawa Stevenson Thatcher Urquhart
Valentine Van Tassell Vickers Weiler
Niederhauser
Absent or not voting were: Senators
Dabakis Davis Robles Stephenson

H.B. 70, as amended, was returned to the House for further consideration.

THIRD READING CALENDAR

H.B. 48, MEDICAL RESERVE CORPS AMENDMENTS, was read the third time and explained by Senator Shiozawa. Senator Van Tassell commented and the bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne Okerlund
Osmond Reid Shiozawa Stephenson
Stevenson Thatcher Urquhart Valentine
Van Tassell Vickers Weiler Niederhauser

Absent or not voting was: Senator
Robles

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.

* * *

On motion of Senator Bramble, the circle was removed from S.B. 161, RESTITUTION AMENDMENTS, and it was before the Senate.

Senator Bramble proposed the following amendment:

1. Page 1, Lines 19 through 21

19 { provides that, before refunding bail that is posted in cash, by credit card, or by debit card, the court shall, after applying the amount posted towards any fine ordered by the court, apply the remaining amount toward restitution; }

2. Page 17, Lines 518 through 520

Senate Committee Amendments 2–7–2013:
(5) Before refunding bail that is posted in cash, by credit card, or by debit card in a case, the court shall apply the amount posted toward accounts receivable, as defined in Section 63A-3-501, that are owed by the defendant.

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

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators

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S.B. 161 was transmitted to the House for consideration.

***

H.B. 29, ADJUDICATION OF WATER RIGHTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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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.

***

1st Sub. S.B. 57, AGRICULTURE ENVIRONMENTAL STEWARD AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

| Senators       | Adams           | Christensen | Dabakis | Davis       | Dayton           | Harper | Henderson | Hillyard | Hinkins | Jenkins | Knudson | Madsen | Mayne | Okerlund | Osmond | Reid      | Shiozawa | Stephenson | Stevenson | Thatcher | Urquhart | Valentine | Van Tassell | Vickers | Weiler | Niederhauser |
|----------------|-----------------|-------------|---------|-------------|------------------|--------|------------|----------|---------|---------|---------|--------|--------|---------|--------|----------|----------|-----------|----------|----------|---------|-----------|-----------|---------|
|                |                 |             |         |             |                  |        |            |          |         |         |         |        |        |         |        |           |          |           |          |           |          |          |          |          |          |

**Absent or not voting were:** Senators

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1st Sub. S.B. 57 was transmitted to the House for consideration.

***

On motion of Senator Valentine, H.B. 35, RETIREMENT ANALYSIS FOR NEW PUBLIC ENTITIES, was read the third time and circled.

***

On motion of Senator Stevenson, the circle was removed from S.B. 100, HIGHER EDUCATION SCHOLARSHIP AMENDMENTS, and it was before the Senate.

Senator Valentine proposed the following amendment:

1. Page 1, Lines 20 through 21

20 exempts the Board of Regents from verifying lawful presence of certain scholarship applicants **under a certain verification program**.

and
requires an applicant for a New Century or Regents’ scholarship to certify, under penalty of perjury, that the applicant is a United States citizen or lawfully present in the country.

2. Page 5, Lines 135 through 138:

135  (9) (a) The board shall adopt policies establishing an application process and an appeal process for a New Century scholarship.
136  (b) The board shall disclose on all applications and related materials that the amount of the scholarship is subject to funding and may be reduced, in accordance with Subsection (8)(c).
137  (c) The board shall require an applicant for a New Century scholarship to certify under penalty of perjury that:
138        (i) the applicant is a United States citizen; or
139        (ii) the applicant is a noncitizen who is eligible to receive federal student aid.
140  (d) The certification under this Subsection (9) shall include a statement advising the signer that providing false information subjects the signer to penalties for perjury.

3. Page 6, Lines 180 through 182:

180  (b) The board may adjust the amount of the Base Regents’ scholarship by up to a percentage of the average percentage tuition increase approved by the board for institutions in the system of higher education.
181  (6)(a) The board shall require an applicant for a Regents’ scholarship to certify under penalty of perjury that:
182        (i) the applicant is a United States citizen; or
183        (ii) the applicant is a noncitizen who is eligible to receive federal student aid.
184  (b) The certification under this Subsection (6) shall include a statement advising the signer that providing false information subjects the signer to penalties for perjury.

4. Page 10, Lines 294 through 297

Senate 2nd Reading Amendments 2–12–2013:
294 individual’s lawful presence in the United States; and

295 (l) an applicant for:
296 (i) a Regents’ scholarship described in Section 53B–8–109; or
297 (ii) a New Century scholarship described in Section 53B–8–105.

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

###

Senator Valentine proposed the following amendment:

1. Page 1, Line 12 to 14:
   Delete lines 12 through 14

2. Page 6, Line 177:
   After “enrollment delete “or”

3. Page 6, Line 178:
   Delete “International Baccalaureate program”

Senator Valentine’s motion to amend passed on a voice vote. Senator Stevenson explained the bill. Senators Dayton, Valentine, Bramble, Weiler, Osmond, Hillyard, Jones, Reid, and Dabakis commented. The bill passed on the following roll call:

**Yeas, 27; Nays, 1; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators
Adams  Bramble  Christensen  Dabakis  
Davis  Dayton  Harper  Henderson  
Hillyard  Jenkins  Jones  Knudson  
Madsen  Mayne  Okerlund  Osmond  
Reid  Shiozawa  Stephenson  Stevenson  
Thatcher  Urquhart  Valentine  Van Tassell  
Vickers  Weiler  Niederhauser  

**Voting in the negative was:** Senator  
Hinkins

**Absent or not voting was:** Senator  
Robles
S.B. 100 was transmitted to the House for consideration.

* * *

1st Sub. H.B. 54, PROPERTY TAX AND APPRAISER AMENDMENTS, was read the third time and explained by Senator Stephenson.

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

2nd Sub. H.B. 54 Property Tax and Appraiser Amendments
(Rep. G. Froerer)

On motion of Senator Stephenson, the bill was circled.

* * *

2nd Sub. H.B. 15, STATE PARK ACCESS AMENDMENTS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

Yea, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne Okerlund
Osmond Reid Shiozawa Stephenson
Stevenson Thatcher Urquhart Valentine
Van Tassell Vickers Weiler Niederhauser

Absent or not voting was: Senator
Robles

2nd Sub. H.B. 15 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Knudson, the circle was removed from 1st Sub. S.B. 24, ABSENTEE BALLOT AMENDMENTS, and it was before the Senate. Senator Knudson explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.
Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  Okerlund
Osmond  Reid  Shiozawa  Stephenson
Stevenson  Thatcher  Urquhart  Valentine
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Robles  Van Tassell

1st Sub. S.B. 24 was transmitted to the House for consideration.

* * *

On motion of Senator Stephenson, H.B. 33, EXPUNGEMENT PROCESS AMENDMENTS, will be considered Friday, February 15, 2013 at 10:30 a.m.

* * *

On motion of Senator Weiler, the circle was removed from H.B. 35, RETIREMENT ANALYSIS FOR NEW PUBLIC ENTITIES, and it was before the Senate. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  Okerlund
Osmond  Reid  Shiozawa  Stephenson
Stevenson  Thatcher  Urquhart  Valentine
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Robles  Van Tassell

H.B. 35 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, HIGH OCCUPANCY VEHICLE LAND AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:
Yeas, 25; Nays, 3; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dayton
Harper  Henderson  Hillyard  Hinkins
Jenkins  Jones  Knudson  Madsen
Mayne  Okerlund  Osmond  Reid
Shiozawa  Stephenson  Stevenson  Thatcher
Urquhart  Valentine  Van Tassell  Vickers
Niederhauser

Voting in the negative were: Senators
Dabakis  Davis  Weiler

Absent or not voting was: Senator
Robles

H.B. 23 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 261, PAYROLL AMENDMENTS – PUBLIC SAFETY, was read the third time, explained by Senator Weiler, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Shiozawa  Stephenson  Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Hinkins  Robles

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.

* * *

H.B. 272, TRAFFIC SIGNAL AMENDMENTS, was read the third time, explained by Senator Madsen, and passed on the following roll call:
Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Shiozawa Stephenson Stevenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

Absent or not voting were: Senators
Bramble Robles

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 Stephenson, the circle was removed from 2nd Sub. H.B. 54, PROPERTY TAX AND APPRAISER AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Mayne Okerlund Osmond Reid
Shiozawa Stephenson Stevenson Thatcher
Urquhart Valentine Van Tassell Vickers
Weiler Niederhauser

Absent or not voting were: Senators
Bramble Madsen Robles

2nd Sub. H.B. 54 was returned to the House for further consideration.

***

On motion of Senator Stevenson, the Senate voted to reconsider its action on S.B. 100, HIGHER EDUCATION SCHOLARSHIP AMENDMENTS.
On motion of Senator Stevenson, the bill was placed at the top of the Third Reading Calendar and circled.

***

**H.B. 249**, REFUGEE SERVICES FUND AMENDMENTS, was read the third time, explained by Senator Harper, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

Adams  Bramble  Christensen  Dabakis  
Davis  Dayton  Harper  Henderson  
Hillyard  Hinkins  Jenkins  Knudson  
Madsen  Mayne  Okerlund  Osmond  
Reid  Shiozawa  Stephenson  Stevenson  
Thatcher  Urquhart  Valentine  Van Tassell  
Vickers  Weiler  Niederhauser

**Absent or not voting were:** Senators

Jones  Robles

**H.B. 249** 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**, BEHAVIORAL HEALTH CARE WORKFORCE AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

Adams  Bramble  Christensen  Dabakis  
Davis  Dayton  Harper  Henderson  
Hillyard  Hinkins  Jenkins  Knudson  
Madsen  Mayne  Okerlund  Osmond  
Reid  Shiozawa  Stephenson  Stevenson  
Thatcher  Urquhart  Valentine  Van Tassell  
Vickers  Weiler  Niederhauser

**Absent or not voting were:** Senators

Jones  Robles
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 Harper, legislative staff was authorized to draft a bill regarding capital improvement requirements.

***

On motion of Senator Christensen, legislative staff was authorized to draft a bill regarding a code correction on a passed bill.

***

INTRODUCTION OF BILLS

S.B. 194, Pharmacy Practice Act Amendments (E. Vickers), was read the first time by short title and referred to the Rules Committee.

S.B. 196, License Plate Reader Amendments (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 197, Private Investigators Qualification Amendments (M. Dayton), was read the first time by short title and referred to the Rules Committee.

***

On motion of Senator Okerlund, and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Friday, February 15, 2013.
The Senate was called to order at 10:05 a.m., with President Wayne Niederhauser presiding.

**Prayer** – Dr. Charles Clark, Salt Lake Bible Church  
**Pledge of Allegiance** – Senator Kevin Van Tassell  
**Roll Call** – All Senators present

**READING OF TITLES OF BILLS AND RESOLUTIONS**  
(Please refer to Day 1, Page 81)

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 14, 2013

The House passed, **S.B. 18**, CHILD CUSTODY PROCEEDINGS AMENDMENTS, 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, **1st Sub. S.B. 41**, UNIFORM COMMERCIAL CODE 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. 144**, REAUTHORIZATION OF PROHIBITIONS ON PRACTICING LAW WITHOUT A LICENSE, 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. 2**, CONCURRENT RESOLUTION RECOGNIZING WORKERS’ COMPENSATION FUND FOR WORKPLACE SAFETY, 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: February 14, 2013

The House passed **H.B. 303**, TRUST DEED ASSIGNMENT AMENDMENTS, by Representative R. C. Webb, 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.

* * *
Government Operations and Political Subdivisions Committee
S.B. 190  Procurement Revisions (Sen. S. Jenkins)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 72  Prison Relocation and Development Amendments
         (Sen. S. Jenkins)
S.B. 191  Administrative Law Judge Amendments (Sen. W. Harper)
1st Sub. H.B. 309 Judicial Performance Evaluation Amendments
         (Rep. V. L. Snow) (Sen. S. Urquhart)

Revenue and Taxation Committee
H.B. 86  Property Tax Rate Certification Date (Rep. M. Nelson)
         (Sen. P. Knudson)

Transportation, Public Utilities and Technology Committee
S.B. 193 Vehicle Registration Amendments (Sen. S. Jenkins)

John L. Valentine
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 14, 2013

The Education Committee reports a favorable recommendation on 1st Sub.
H.B. 28, CAMPUS SAFETY AMENDMENTS, by Representative D. Ipson; and

The Education Committee reports a favorable recommendation on H.B. 298,
PARENT SEMINAR ON YOUTH PROTECTION, by Representative S. Eliason; and

The Education Committee reports a favorable recommendation on S.B. 110,
SCHOOL−BASED BUDGETING AMENDMENTS, by Senator H. Stephenson.

Stuart C. Reid, Chair
Mr. President: February 14, 2013

The Health and Human Services Committee reports a favorable recommendation on 2nd Sub. H.B. 81, CYTOMEGALOVIRUS PUBLIC HEALTH INITIATIVE, by Representative R. Menlove.

Evan J. Vickers, Chair

Mr. President: February 14, 2013

The Natural Resources, Agriculture, and Environment Committee recommends S.B. 109, CHANGE APPLICATION PROCEDURE, by Senator R. Okerlund, be replaced and favorably recommends 1st Sub. S.B. 109, CHANGE APPLICATION PROCEDURE.

Scott K. Jenkins, Chair

Mr. President: February 14, 2013

The Transportation and Public Utilities and Technology Committee recommends H.B. 93, TRAFFIC VIOLATIONS AMENDMENTS, by Representative J. Peterson, be replaced and favorably recommends 1st Sub. H.B. 93, TRAFFIC VIOLATIONS AMENDMENTS; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 284, NET METERING BILLING CYCLES, by Representative K. Stratton; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 295, ELECTRONIC PROOF OF OWNER’S OR OPERATOR’S SECURITY, by Representative D. Brown; and

The Transportation and Public Utilities and Technology Committee recommends S.B. 104, VULNERABLE USERS OF HIGHWAYS AMENDMENTS, by Senator T. Weiler, be replaced and favorably recommends 1st Sub. S.B. 104, VULNERABLE USERS OF HIGHWAYS AMENDMENTS.

Kevin T. Van Tassell, Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 14, 2013

The Health and Human Services Committee reports a favorable recommendation on H.C.R. 2, CONCURRENT RESOLUTION TO REDUCE
OBESITY IN UTAH, by Representative S. Barlow, and recommends it be considered read for the second time and placed on the Consent Calendar.

Evan J. Vickers, Chair

Mr. President:
February 14, 2013

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 185, DIVISION OF OIL, GAS, AND MINING AMENDMENTS, by Senator K. Van Tassell, and recommends it be considered read for the second time and placed on the Consent Calendar.

Scott K. Jenkins, Chair

Mr. President:
February 14, 2013

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 291, MOTOR VEHICLE SAFETY INSPECTION AMENDMENTS, by Representative J. 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 recommends S.J.R. 8, JOINT RESOLUTION CONCERNING RAILROAD AND RAILROAD CROSSING SAFETY, by Senator K. Mayne, be replaced and favorably recommends 1st Sub. S.J.R. 8, JOINT RESOLUTION CONCERNING RAILROAD AND RAILROAD CROSSING SAFETY and that it be considered read for the second time and placed on the Consent Calendar.

Kevin T. Van Tassell, Chair

On motion of Senator Valentine, 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, Outdoor Recreation Office Act (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

S.B. 74, Dignified Burial of Veterans Remains (E. Vickers), was read the first time by short title and referred to the Rules Committee.

S.B. 75, Publication of Property Tax Appeals for Nonresidential Property (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

S.B. 195, Utah Charity Care Commission (J. S. Adams), was read the first time by short title and referred to the Rules Committee.
On motion of Senator Bramble, legislative staff was authorized to draft a bill regarding immigration statutes.

**CONSENT CALENDAR**

**H.B. 259, INSURANCE AMENDMENTS,** was read the third time, explained by Senator Vickers, and passed on the following roll call:

*Yeas, 26; Nays, 0; Absent or not voting, 3.*

**Voting in the affirmative were:** Senators

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**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.

* * *

**H.B. 281, HEALTH DISCOUNT PROGRAM REVISIONS,** was read the third time, explained by Senator Adams, and passed on the following roll call:

*Yeas, 26; Nays, 0; Absent or not voting, 3.*

**Voting in the affirmative were:** Senators

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H.B. 281, as amended, was returned to the House for further consideration.

* * *

H.B. 243, OFFENDER REGISTRY REVIEW, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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H.B. 243 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.C.R. 1, CONCURRENT RESOLUTION APPROVING SOLID WASTE FACILITY LANDFILL PERMIT, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.C.R. 1 was transmitted to the House for consideration.

THIRD READING CALENDAR

H.B. 57, MENTAL AND BEHAVIORAL HEALTH AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Stevenson  Thatcher  Urquhart  Valentine
Van Tassell  Vickers  Weiler  Niederhauser

Absent or not voting was: Senator Jenkins

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 Dayton, 1st Sub. S.B. 17, ACCOUNT FOR PEOPLE WITH DISABILITIES AMENDMENTS, will be considered Tuesday, February 19, 2013 at 11:30 a.m.

***

1st Sub. H.B. 34, SPECIAL GROUP LICENSE PLATE AMENDMENTS, was read the third time, explained by Senator Weiler, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dayton
Harper  Henderson  Hillyard  Hinkins
Jenkins  Jones  Knudson  Madsen
Mayne  Okerlund  Osmond  Reid
Robles    Shiozawa    Stephenson    Stevenson
Thatcher   Urquhart   Valentine   Van Tassell
Vickers    Weiler     Niederhauser

Absent or not voting were: Senators
Dabakis    Davis

1st Sub. H.B. 34, as amended, was returned to the House for further consideration.

***

On motion of Senator Stevenson, the circle was removed from S.B. 100, HIGHER EDUCATION SCHOLARSHIP AMENDMENTS, and it was before the Senate. Senators Valentine, Harper, Urquhart, and Davis commented.

On motion of Senator Valentine, the bill was circled.

TIME CERTAIN CALENDAR

H.B. 33, EXPUNGEMENT PROCESS AMENDMENTS, was read the second time. Senator Stephenson explained the bill. Senator Thatcher commented. The bill passed second reading on the following roll call:

Y eas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators
Adams    Bramble    Christensen    Dabakis
Davis    Dayton     Harper       Henderson
Hillyard Hinkins    Jenkins     Jones
Knudson  Madsen     Mayne       Okerlund
Osmond   Reid       Robles      Shiozawa
Stephenson Stevenson  Thatcher    Urquhart
Valentine Van Tassell Vickers     Weiler
Niederhauser

***

On motion of Senator Stevenson, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Stevenson, the circle was removed from S.B. 100, HIGHER EDUCATION SCHOLARSHIP AMENDMENTS, and it was before the Senate.
Senator Valentine proposed the following amendment:

1. Page 1, Line 12 to 14:
   Reinstate lines 12 through 14

2. Page 6, Line 177:
   After “enrollment” reinstate “, or”

3. Page 6, Line 178:
   Reinstate “International Baccalaureate program”

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

# # #

Senator Valentine proposed Amendment #1 dated February 11, 2013, under Senator Dayton’s name. (See Day 16). Senator Valentine’s motion failed on a voice vote.

   Senator Stevenson explained the bill. Senators Valentine, Urquhart, Dayton, Osmond, Madsen, and Jones commented. The bill passed on the following roll call:

**Yeas, 21; Nays, 7; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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

S.B. 100 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from S.B. 50, DEPARTMENT OF TRANSPORTATION LIABILITY AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill.
Senator Valentine proposed the following amendment:

1. Page 1, Lines 14 through 20

   14 { provides that the Department of Transportation shall exercise reasonable care in
   15 designing, constructing, and maintaining a state highway in a reasonably safe
   16 condition for travel; }
   17 provides that nothing in the Department of Transportation’s defined responsibilities
   18 shall be construed as { —
   19 — creating a private right of action; or
   20 } expanding or changing the department’s common law duty for liability purposes;

2. Page 3, Lines 60 through 65:

   60 (2) { (a) The department shall exercise reasonable care in designing, constructing, and
   61 maintaining a state highway in a reasonably safe condition for travel.
   62 (b) Nothing in this section shall be construed as:
   63 (i) creating a private right of action; or
   64 (ii) expanding or changing the department’s common law duty as described in
   65 Subsection (2)(a) for liability purposes. } Nothing in this section shall be construed as expanding or changing the department’s common law duty of care for liability purposes.

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

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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On motion of Senator Mayne, the circle was removed from S.B. 44, CONSTRUCTION TRADES LICENSING REVISIONS, and it was before the Senate.

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

1st Sub. S.B. 44, Construction Trades Licensing Revisions (K. Mayne)

Senator Mayne explained the bill. Senators Bramble and Valentine commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators

Bramble | Christensen | Dabakis | Davis
Dayton | Harper | Henderson | Hinkins
Jenkins | Jones | Knudson | Madsen
Mayne | Okerlund | Osmond | Reid
Robles | Shiozawa | Thatcher | Valentine
Van Tassell | Vickers | Weiler | Niederhauser

Absent or not voting were: Senators
Adams | Hillyard | Stephenson | Stevenson
Urquhart

COMMUNICATION FROM THE GOVERNOR

Mr. President: January 25, 2013

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

State Tax Commission

Robert P. Pero is appointed to replace Marc B. Johnson as a member of the State Tax Commission, a term to expire June 30, 2016.
Thank you for your timely consideration of the above appointment.

Gary R. Herbert
Governor

* * *

Mr. President:  
February 13, 2013

The Senate Revenue and Taxation Confirmation Committee met on February 13, 2013, and reports a favorable recommendation for Mr. Robert P. Pero to be confirmed as the State Tax Commissioner.

John L. Valentine, Chair

On motion of Senator Valentine, the Senate voted to approve the Governor’s appointment on the following roll call vote:

**Yeas, 29; Nays, 0; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators

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**COMMITTEE OF THE WHOLE**

On motion of Senator Valentine, Mr. Robert P. Pero, State Tax Commissioner spoke in Committee of the Whole.

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

* * *

On motion of Senator Okerlund, and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Tuesday, February 19, 2013.
TWENTY-SECOND DAY

February 19, 2013

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

Prayer – Pastor Dee Cairoli, Roosevelt Christian Assembly
Pledge of Allegiance – Senator Margaret Dayton
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, Page 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 15, 2013

The House passed, S.B. 119, YOUTH COURT 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. 141, EDUCATION CONTRIBUTION ON TAX RETURNS, 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. 148, CONSERVATION DISTRICTS – CLOSED MEETINGS AMENDMENTS, by Senator D. Hinkins, which has been signed by the Speaker, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

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, 2013

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 54, PROPERTY TAX AND APPRAISER AMENDMENTS, by Representative G. Froerer, 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 of the House.
Mr. President: February 15, 2013

The House passed, as amended, H.B. 50, DATING VIOLENCE PROTECTION ACT, by Representative J. Seelig, and it is transmitted for consideration; and

The House passed H.B. 215, WATER QUALITY AMENDMENTS, by Representative R. Wilcox, and it is transmitted for consideration; and

The House passed H.B. 216, WASTING WILDLIFE AMENDMENTS, by Representative R. Wilcox, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 278, PUBLIC SCHOOL SEISMIC STUDIES, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed H.B. 304, ENTERPRISE ZONE AMENDMENTS, by Representative K. Powell, 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 14, 2013

The Business and Labor Committee reports a favorable recommendation on S.B. 64, HOMEOWNER ASSOCIATION RESERVE ACCOUNT AMENDMENTS, by Senator S. Urquhart, with the following amendments:

1. Page 7, Lines 201 through 211:

   201  (6)  {An} Each year that a new or updated reserve analysis is completed, an association of unit owners shall:

   202  (a)  {annually} at the annual meeting of unit owners or at a special meeting of unit owners:

   203   (i) present the reserve [study] analysis; [and]

   204   (ii) [provide an opportunity for unit owners to] discuss reserves and [to] the reserve
(iii) vote [on], by a majority of unit owners present at the annual meeting of unit owners, whether to fund a reserve fund [and, if so,]

how to fund it and in what amount] in the manner and amount suggested in the reserve analysis

or in some other manner and amount; and

(b) prepare and keep minutes of each meeting held under Subsection (6)(a) and

indicate in the minutes any decision relating to funding a reserve fund.

2. Page 11, Line 331 through Page 12, Line 340:

(6) Each year that a new or updated reserve analysis is completed, an association shall:

(a) at the annual meeting of lot owners or at a special meeting of lot owners:

(i) present the reserve [study] analysis; [and]

(ii) [provide an opportunity for lot owners to] discuss reserves and [to] the reserve

analysis; and

(iii) vote [on], by a majority of lot owners present at the annual meeting of lot owners, whether to fund a reserve fund [and, if so,]

how to fund it and in what amount] in the manner and amount suggested in the reserve analysis

or in some other manner and amount; and

(b) prepare and keep minutes of each meeting held under Subsection (6)(a) and

indicate in the minutes any decision relating to funding a reserve fund. ; and
The Business and Labor Committee recommends **S.B. 182**, STORAGE UNIT AMENDMENTS, by Senator J. S. Adams, be replaced and favorably recommends **1st Sub. S.B. 182**, STORAGE UNIT AMENDMENTS.

Curtis S. Bramble, Chair

Mr. President: February 15, 2013

The Economic Development and Workforce Services Committee reports a favorable recommendation on **S.B. 66**, REFERENDUM REVISIONS, by Senator S. Reid, with the following amendments:

1. Page 5, Lines 121 through 123:

   121 (b) obtain legal signatures of individuals who are registered to vote in the area subject to the jurisdiction of the local government in which the law applies in each voting precinct or subprecinct in an amount equal to or:

   123 greater than:

2. Page 5, Lines 142 through 144

   142 (3) If the local legislative body repeals a law described in Subsection (1) before the election day on which the law will otherwise be submitted to a vote of the people {−x}:

   (a) the law may not be submitted to a vote of the people {−x}; and

   (b) any votes cast for or against the referendum may not be counted.

3. Page 7, Line 213 through Page 8, Line 214

   213 {−(e) The Supreme Court shall certify to the clerk or recorder of the local government a}

   214 written estimate that complies with the requirements of this section. } ; and
The Economic Development and Workforce Services Committee reports a favorable recommendation on S.B. 71, RESULTS–BASED FINANCING FOR EARLY CHILDHOOD EDUCATION, by Senator A. Osmond.

Aaron Osmond, Chair

Mr. President: February 15, 2013

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on 1st Sub. H.B. 44, ELECTION POLLING, by Representative G. Hughes; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 82, ELECTIONS AND EARLY VOTING DURING A DECLARED EMERGENCY, by Representative R. Chavez–Houck; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 176, OFFICE OF PLANNING AND BUDGET RESTRUCTURING AMENDMENTS, by Senator J. Stevenson, with the following amendments:

1. Page 1, Lines 21 through 22:

   21 Other Special Clauses:

   22 {None–} This bill provides revisor instructions.

2. Page 121, Lines 3735 through 3743:

   3735 (d) for the Commissioner of Public Safety:

   3736 (i) an accidental death insurance policy if POST certified; and

   3737 (ii) a public safety vehicle for official and personal use;

   3738 (e) for the executive director of the Department of Corrections:

   3739 (i) an accidental death insurance policy if POST certified; and

   3740 (ii) a public safety vehicle for official and personal use;

   3741 (f) for the Adjutant General a vehicle for official and personal use; and

   3742 (g) for each member of the Board of Pardons and Parole a vehicle for commute and

   3743 official use.

   Section 75. Revisor instructions.
The Legislature intends that if S.B. 176, Office of Planning and Budget Restructuring Amendments, passes, the Office of Legislative Research and General Counsel in preparing the Utah Code database for publication, change any reference to “Office of Planning and Budget” to “Office of Management and Budget”.

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 190, PROCUREMENT REVISIONS, by Senator S. Jenkins.

Margaret Dayton, Chair

Mr. President: February 14, 2013

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 64, FELON’S RIGHT TO HOLD OFFICE, by Representative C. Moss; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 282, SEXUAL EXPLOITATION AMENDMENTS, by Representative R. Greenwood; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends S.B. 52, GAME FOWL FIGHTING AMENDMENTS, by Senator G. Davis, be replaced and favorably recommends 1st Sub. S.B. 52, GAME FOWL FIGHTING AMENDMENTS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends S.B. 155, OPEN ADOPTION, by Senator L. Hillyard, be replaced and favorably recommends 1st Sub. S.B. 155, POSTADOPTION CONTACT AGREEMENTS.

Mark B. Madsen, Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 15, 2013

The Economic Development and Workforce Services Committee recommends S.B. 147, WORKERS’ COMPENSATION AND OCCUPATIONAL SAFETY RELATED AMENDMENTS, by Senator K. Mayne, be replaced and favorably recommends 1st Sub. S.B. 147, WORKERS’ COMPENSATION AND
OCCUPATIONAL SAFETY RELATED AMENDMENTS and that it be considered read for the second time and placed on the Consent Calendar.

Aaron Osmond, Chair

Mr. President: February 14, 2013

The Business and Labor Committee reports a favorable recommendation on S.B. 179, LOCAL GOVERNMENT FINANCIAL REPORTING REVISIONS, 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: February 15, 2013

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 257, STATE TREASURER AMENDMENTS, by Representative J. Bird, and recommends it be considered read for the second time and placed on the Consent Calendar.

Margaret Dayton, Chair

On motion of Senator Valentine, 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, Outdoor Advertising Technology Amendments (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.B. 78, Pharmacy Act Amendments (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

S.B. 79, Student–centered Learning Pilot Program (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

S.B. 80, Removal from Database Restricting Firearm Purchase (D. Thatcher), was read the first time by short title and referred to the Rules Committee.

S.B. 198, Utah Unitrust Act (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 199, Energy Revisions (C. Bramble), was read the first time by short title and referred to the Rules Committee.
S.B. 200, Local and Special Service Districts Amendments (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

S.B. 201, Public Use Trails Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 203, Prescription Label Information and Education Amendments (P. Jones), was read the first time by short title and referred to the Rules Committee.

S.B. 204, Judiciary Amendments (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 205, Campaign Finance Amendments (L. Robles), was read the first time by short title and referred to the Rules Committee.

S.B. 206, Office of Medicaid Inspector General Amendments (A. Christensen), was read the first time by short title and referred to the Rules Committee.

S.C.R. 9, Concurrent Resolution Designating a Week to Recognize Workplace Safety (K. Mayne), was read the first time by short title and referred to the Rules Committee.

S.C.R. 10, Concurrent Resolution Regarding Monticello Mill Tailings Site (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

S.J.R. 12, Joint Resolution on Taiwan (P. Knudson), was read the first time by short title and referred to the Rules Committee.

SPECIAL RECOGNITION

Senator Hillyard requested citations be read recognizing Utah Mother of the Year, Judy Clark and Utah Young Mother of the Year, Michelle Lehnardt.

COMMITTEE OF THE WHOLE

On motion of Senator Hillyard, Judy Cook and Michelle Lehnardt spoke in Committee of the Whole. Senators Dayton, Jones, and Weiler commented.

On motion of Senator Hillyard, the Committee of the Whole was dissolved

SPECIAL RECOGNITION

Senator Henderson paid special recognition to Utah students who were winners of the Utah High School Arts Competition.
CONSENT CALENDAR

H.B. 14, REQUIREMENTS TO CHANGE FORM OF COUNTY GOVERNMENT, was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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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.

CONCURRENCE CALENDAR

S.B. 34, SPECIAL ELECTION DATE FOR BALLOT PROPOSITIONS, was before the Senate.

On motion of Senator Stephenson, the bill was circled.

***

On motion of Senator Harper, the Senate voted to concur in the House amendments to **1st Sub. S.B. 35, PROPERTY TAXATION OF BUSINESS PERSONAL PROPERTY.** The bill, as amended, passed on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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Absent or not voting was: Senator Bramble

1st Sub. S.B. 35 was returned to the House for the signature of the Speaker.

***

S.B. 146, DRIVING UNDER THE INFLUENCE AMENDMENTS, was before the Senate.

On motion of Senator Dayton, the bill was circled.

***

On motion of Senator Stephenson, the circle was removed from S.B. 34, SPECIAL ELECTION DATE FOR BALLOT PROPOSITIONS, and it was before the Senate.

On motion of Senator Stephenson, the Senate voted to concur in the House amendments to S.B. 34, SPECIAL ELECTION DATE FOR BALLOT PROPOSITIONS. The bill, as amended, passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators

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S.B. 34 was returned to the House for the signature of the Speaker.

***

On motion of Senator Jenkins, the circle was removed from S.B. 146, DRIVING UNDER THE INFLUENCE AMENDMENTS, and it was before the Senate.

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to S.B. 146, DRIVING UNDER THE INFLUENCE
AMENDMENTS. Senator Valentine commented and the bill, as amended, passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 146 was returned to the House for the signature of the Speaker.

***

On motion of Senator Adams, the Senate voted to recall **H.B. 23**, HIGH OCCUPANCY VEHICLE LANE AMENDMENTS, from the House for the purpose of making technical amendments.

***

On motion of Senator Adams, the Senate voted to recall **H.B. 281**, HEALTH DISCOUNT PROGRAM REVISIONS, from the House for the purpose of making technical amendments.

THIRD READING CALENDAR

**H.B. 33**, EXPUNGEMENT PROCESS AMENDMENTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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Absent or not voting was: Senator Bramble

H.B. 33, as amended, was returned to the House for further consideration.

***

S.B. 50, DEPARTMENT OF TRANSPORTATION LIABILITY AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Dayton  Harper  Henderson  Hillyard
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Stevenson  Thatcher  Urquhart  Valentine
Van Tassell  Vickers  Weiler  Niederhauser

Absent or not voting was: Senator Davis

S.B. 50 was transmitted to the House for consideration.

***

On motion of Senator Osmond, S.B. 131, ASSAULT AMENDMENTS, will be considered Thursday, February 21, 2013 at 2:30 p.m.

***

1st Sub. S.B. 44, CONSTRUCTION TRADES LICENSING REVISIONS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hinkins  Jenkins  Jones  Knudson
1st Sub. S.B. 44 was transmitted to the House for consideration.

* * *

On motion of Senator Weiler, the circle was removed from S.B. 56, UTAH 211 REFERRAL INFORMATION NETWORK, and it was before the Senate.

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

1st Sub. S.B. 56 Utah 211 Referral Information Network (T. Weiler)

Senator Weiler explained the bill. The bill passed on the following roll call:

_Yeas, 28; Nays, 0; Absent or not voting, 1._

**Voting in the affirmative were:** Senators

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_Absent or not voting was:_ Senator

Hillyard

1st Sub. S.B. 56 was transmitted to the House for consideration.

**SECOND READING CALENDAR**

On motion of Senator Stevenson, the circle was removed from 2nd Sub. S.C.R. 5, CONCURRENT RESOLUTION ENDORSING THE UTAH EDUCATION EXCELLENCE COMMISSION, and it was before the Senate.
Senator Madsen proposed the following amendment:

1. Page 2, Line 27:
   After “families” insert “and individuals”

2. Page 2, Line 38:
   After “K–12” delete “public and”

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

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**TIME CERTAIN CALENDAR**

1st Sub. S.B. 17, ACCOUNT FOR PEOPLE WITH DISABILITIES AMENDMENTS, was read the second time. Senator Dayton explained the bill. Senators Davis, Jones, Christensen, and Valentine commented. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Adams       Bramble        Henderson       Madsen

SECOND READING CALENDAR

On motion of Senator Harper, the circle was removed from **S.B. 132**, UTAH MEDICAL EDUCATION COUNCIL AMENDMENTS, and it was before the Senate.

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

1st Sub. S.B. 132 Utah Medical Education Council Amendments
(W. Harper)

Senator Harper explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were: Senators**
Christensen   Dabakis      Dayton       Harper
Henderson     Hillyard     Jones       Knudson
Madsen        Mayne        Okerlund    Osmond
Reid          Robles       Shiozawa    Stephenson
Stevenson     Thatcher     Valentine   Van Tassell
Vickers       Weiler       Niederhauser

Absent or not voting were: Senators
Adams         Bramble      Davis        Hinkins
Jenkins       Urquhart

* * *

On motion of Senator Henderson, the circle was removed from **S.B. 158**, MUNICIPAL GENERAL FUND AMENDMENTS, and it was before the Senate. Senator Henderson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 1; Absent or not voting, 6.**

**Voting in the affirmative were: Senators**
Christensen   Dabakis      Davis           Dayton
Henderson     Hillyard     Jones          Knudson
Madsen        Mayne        Okerlund       Osmond
Reid          Robles       Shiozawa      Stevenson
Thatcher      Valentine    Van Tassell   Vickers
Weiler        Niederhauser

Voting in the negative was: Senator Stephenson

Absent or not voting were: Senators
Adams        Bramble      Harper        Hinkins
Jenkins      Urquhart

* * *

On motion of Senator Dayton, the circle was removed from S.B. 60, ABORTION STATISTICS AND REPORTING REQUIREMENTS, and it was before the Senate.

Senator Dayton proposed the following amendment:

1. Page 2, Line 30:
   Delete “July 1” and insert “December 31”

2. Page 2, Line 31:
   Delete “fiscal” and insert “calendar”

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

###

Senator Dayton proposed the following amendment:

1. Page 1, Line 15
   Senate Committee Amendments
   2–7–2013:

   15 • the number of abortions performed in the state;
   Š⇒ [and] Š⇒
   • the reported reason, if any, why the patient sought the abortion;

2. Page 2, Line 33
   a.Senate Committee Amendments
   b.2–7–2013:
   (b) the reported reasons, if any, the women sought the abortions described in Subsection (1)(a);
the stage of pregnancy in which the abortions described in Subsection (1)(a) were

3. Page 2, Line 36a
   Senate Committee Amendments
   2–7–2013:

   36a \[ \text{the races of the women who obtained the abortions described in Subsection} \]

4. Page 2, Line 37
   Senate Committee Amendments
   2–7–2013:

   37 \[ \text{the total amount of informed consent material described in this} \]

5. Page 2, Line 39
   Senate Committee Amendments
   2–7–2013:

   39 \[ \text{the number of women who obtained abortions in this state without} \]

6. Page 2, Line 41
   Senate Committee Amendments
   2–7–2013:

   41 \[ \text{the number of statements signed by attending physicians under} \]

7. Page 2, Line 43
   Senate Committee Amendments
   2–7–2013:

   43 \[ \text{any other information pertaining to obtaining informed consent from a} \]

Senator Dayton’s motion to amend passed on a voice vote. Senator Dayton explained the bill. Senators Robles, Davis, Dabakis, Jones, and Mayne commented. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 2; Absent or not voting, 6.**

**Voting in the affirmative were:** Senators

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<th>Christensen</th>
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<tr>
<td>Henderson</td>
<td>Hillyard</td>
<td>Hinkins</td>
<td>Jones</td>
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</table>
Voting in the negative were: Senators
Knudson Madsen Mayne Okerlund
Osmond Reid Shiozawa Stephenson
Thatcher Valentine Vickers Weiler
Niederhauser

Absent or not voting were: Senators
Dabakis Robles
Adams Bramble Jenkins Stevenson
Urquhart Van Tassell

COMMITTEE OF THE WHOLE

On motion of Senator Okerlund, U. S. Senator Mike Lee spoke in Committee of the Whole. Senators Van Tassell and Hillyard commented.

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

* * *

On motion of Senator Okerlund, and at 12:00 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 20, 2013.
TWENTY-THIRD DAY

February 20, 2013

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

Prayer – Senator Mark B. Madsen
Pledge of Allegiance – Senator John Valentine
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 19, 2013

The Speaker of the House has signed S.B. 34, SPECIAL ELECTION DATE FOR BALLOT PROPOSITIONS, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 1st Sub. S.B. 35, PROPERTY TAXATION OF BUSINESS PERSONAL PROPERTY, by Senator W. Harper, and it is transmitted for the signature of the President; and

The House passed, S.B. 54, LICENSING OF NURSING CARE FACILITY BEDS, 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. 135, INVOLUNTARY COMMITMENT AMENDMENTS, by Senator T. Weiler, 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. 146, DRIVING UNDER THE INFLUENCE AMENDMENTS, by Senator S. Jenkins, and it is transmitted for the signature of the President; and

The House passed, S.B. 150, FINANCIAL INSTITUTION AMENDMENTS, 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:

The House concurred in the Senate amendments and passed H.B. 70, UTAH STATE RAILROAD MUSEUM AUTHORITY AMENDMENTS, by Representative J. Peterson, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communications filed. The bill was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

Mr. President:

The House passed, as substituted and amended, 2nd Sub. H.B. 65, INSURANCE BENEFICIARY CHANGES, by Representative J. Bird, and it is transmitted for consideration; and

The House passed H.B. 89, JUDICIAL REVIEW OF PEACE OFFICER STANDARDS AND TRAINING ACTIONS, by Representative M. Nelson, and it is transmitted for consideration; and

The House passed H.B. 198, AGING AND ADULT SERVICES AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 220, REPEAL OF STATE AUDITOR RELATED PROVISIONS, by Representative J. Knotwell, and it is transmitted for consideration; and

The House passed H.B. 226, BENEFITS WHILE A PRISONER, by Representative B. Wilson, and it is transmitted for consideration; and

The House passed H.B. 229, CRIMINAL IDENTITY FRAUD AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed H.B. 232, CRIMINAL PENALTY AMENDMENTS, by Representative C. Hall, and it is transmitted for consideration; and

The House passed, as substituted and amended, 2nd Sub. H.B. 286, DISPOSITION OF PERSONAL PROPERTY ON VACATED PROPERTY, by Representative G. Froerer, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 302**, EMERGENCY RESPONSE AMENDMENTS, by Representative R. Greenwood, 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 19, 2011

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

**Business and Labor Committee**

S.B. 199  Energy Revisions (Sen. C. Bramble)
S.B. 201  Public Use Trails Amendments (Sen. C. Bramble)
H.B. 303  Trust Deed Assignment Amendments (Rep. R. C. Webb)
          (Sen. S. Urquhart)

**Economic Development and Workforce Committee**

S.J.R. 12  Joint Resolution on Taiwan (Sen. P. Knudson)
H.B. 304  Enterprise Zone Amendments (Rep. K. Powell)
          (Sen. K. Van Tassell)

**Education Committee**

S.B. 79  Student–centered Learning Pilot Program
        (Sen. H. Stephenson)

        (Sen. S. Jenkins)

**Government Operations and Political Subdivisions Committee**

S.B. 73  Outdoor Recreation Office Act (Sen. J. Stevenson)
S.B. 74  Dignified Burial of Veterans Remains (Sen. E. Vickers)
S.B. 200  Local and Special Service Districts Amendments
          (Sen. J. Stevenson)

**Health and Human Services Committee**

S.B. 78  Pharmacy Act Amendments (Sen. J. S. Adams)
S.B. 194  Pharmacy Practice Act Amendments (Sen. E. Vickers)
S.B. 195  Utah Charity Care Commission (Sen. J. S. Adams)
S.B. 206  Office of Medicaid Inspector General Amendments  
(Sen. A. Christensen)

Judiciary, Law Enforcement, and Criminal justice Committee
S.B. 80  Removal from Database Restricting Firearm Purchase  
(Sen. D. Thatcher)
S.B. 204  Judiciary Amendments (Sen. L. Hillyard)
H.B. 50  Dating Violence Protection Act (Rep. J. Seelig)  
(Sen. C. Bramble)

Natural Resources and, Agricultural and Environment Committee
H.B. 215  Water Quality Amendments (Rep. R. Wilcox)  
(Sen. R. Okerlund)
H.B. 216  Wasting Wildlife Amendments (Rep. R. Wilcox)  
(Sen. A. Christensen)

Revenue and Taxation Committee
S.B. 75  Publication of Property Tax Appeals for Nonresidential  
Property (Sen. K. Van Tassell)  
Transportation, Public Utilities and Technology Committee
S.B. 76  Outdoor Advertising Technology Amendments  
(Sen. P. Knudson)
S.B. 196  License Plate Reader Amendments (Sen. T. Weiler)

John L. Valentine
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 19, 2013

The Education Committee reports a favorable recommendation on H.B. 255,  
CLASSIFIED SCHOOL EMPLOYEE AMENDMENTS, by Representative  
B. Last; and

The Education Committee reports a favorable recommendation on S.B. 103,  
CARSON SMITH SCHOLARSHIP AMENDMENTS, by Senator J. S. Adams,  
with the following amendments:

1. Page 2, Line 39:
(i) the product of the average scholarship amount awarded as of December 1 in the

2. Page 2, Line 43:

statewide who have an IEP on December 1 of the previous year; and

3. Page 2, Line 45:

(e) If the number of scholarship students as of December 1 in any school year equals or

4. Page 2, Line 47:

statewide who have an IEP as of December 1 in the same school year, the Public Education

5. Page 3, Lines 83 through 84:

at, a private school, the board shall make scholarship payments quarterly in four equal amounts no later than September 1, November 1, February 1, and April 15 of each school year in which a

6. Page 2, Lines 37 through 38:

amount of money appropriated under Subsection (1)(b).

(d) For the 2013–14 school year, the amount of the increase shall equal:

(i) the product of the average scholarship amount awarded as of December 1 in the previous year; and

(ii) the product of:

(A) the number of students in grades kindergarten through 12 in public schools statewide who have an IEP on December 1 of the previous year; and

(B) 0.0014.

e) For the 2014–15 school year, the amount of the increase shall equal:

(i) the product of the average scholarship amount awarded as of December 1 in the previous year; and

(ii) the product of:

(A) the number of students in grades kindergarten through 12 in public schools statewide who have an IEP on December 1 of the previous year; and
(B) 0.003.

38  {-(d) The –}  (f) For the 2015–16 school year and thereafter, the amount of the increase shall equal:

7. Page 2, Line 45:

45  {-(e) –}  (g) If the number of scholarship students as of October 1 in any school year equals or ; and

The Education Committee reports a favorable recommendation on S.B. 184, YOUTH SUICIDE PREVENTION REVISIONS, by Senator L. Robles.

Stuart C. Reid, Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 19, 2013

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 294, BICYCLES ON STREETS, by Representative Johnny Anderson, 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. 297, BICYCLE AND MOPED AMENDMENTS, by Representative Johnny Anderson, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 193, VEHICLE REGISTRATION AMENDMENTS, by Senator S. Jenkins, 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 Valentine, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 77, Availability of Government Information (D. Henderson), was read the first time by short title and referred to the Rules Committee.
S.B. 81, School Property Tax Funding (A. Osmond), was read the first time by short title and referred to the Rules Committee.

S.B. 91, State Auditor Amendments (J. Valentine), was read the first time by short title and referred to the Rules Committee.

S.B. 202, Extensions of Natural Gas Lines (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

S.B. 207, Repeal of Health and Human Services Reports and Expired or Discontinued Programs (A. Christensen), was read the first time by short title and referred to the Rules Committee.

S.B. 208, Solar Photovoltaic Contractor License Amendments (E. Vickers), was read the first time by short title and referred to the Rules Committee.

S.B. 209, Grants for Personal Mobile Learning Devices (A. Osmond), was read the first time by short title and referred to the Rules Committee.

S.B. 210, Amendments Related to Use of Business Names (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.J.R. 13, Joint Resolution Urging Governor and Utah’s Congressional Delegation to Secure Utah State Land (A. Osmond), was read the first time by short title and referred to the Rules Committee.

***

On motion of Senator Bramble, the Senate voted to recall H.B. 33, EXPUNGEMENT PROCESS AMENDMENTS, from the House for the purpose of an amendment.

CONSENT CALENDAR

H.B. 252, NATIVE AMERICAN INDIAN RELATED AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Senators

Adams  Bramble  Dabakis  Davis
Dayton  Harper  Henderson  Hinkins
Absent or not voting were: Senators
Christensen  Hillyard  Jenkins  Madsen
Robles       Thatcher

H.B. 252 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

2nd Sub. H.B. 69, EXPUNGEMENT OF RECORDS, was read the third time, explained by Senator Reid, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams        Bramble       Dabakis        Davis
Dayton       Harper        Henderson      Hinkins
Jenkins      Jones         Knudson       Mayne
Okerlund     Osmond        Reid          Shiozawa
Stephenson   Stevenson     Urquhart      Valentine
Van Tassell  Vickers       Weiler        Niederhauser

Absent or not voting were: Senators
Christensen  Hillyard     Madsen        Robles
Thatcher

2nd Sub. H.B. 69, as amended, was returned to the House for further consideration.

* * *

2nd Sub. H.B. 270, PRESCRIPTION DRUG DATABASE ACCESS AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams        Bramble       Dabakis        Davis
Dayton       Harper        Henderson      Hinkins
Absent or not voting were: Senators  
Christensen  Hillyard  Madsen  Thatcher

2nd Sub. H.B. 270 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 90, FISHING LICENSE WAIVER AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators  
Adams  Bramble  Christensen  Dabakis  
Davis  Dayton  Harper  Henderson  
Hinkins  Jenkins  Jones  Knudson  
Mayne  Okerlund  Osmond  Reid  
Robles  Shiozawa  Stephenson  Stevenson  
Urquhart  Valentine  Van Tassell  Vickers  
Weiler  Niederhauser

Absent or not voting were: Senators  
Hillyard  Madsen  Thatcher

H.B. 90 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, UTILITY FACILITY SITING, was read the third time, explained by Senator Vickers, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators  
Adams  Bramble  Christensen  Dabakis  
Davis  Dayton  Harper  Henderson
Absent or not voting were: Senators
Madsen Valentine

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.C.R. 1, CONCURRENT RESOLUTION URGING USE OF ADVANCE SIGNAL WARNING, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams Bramble Dabakis Davis
Dayton Harper Henderson Hinkins
Jenkins Jones Knudson Madsen
Mayne Okerlund Osmond Reid
Robles Shiozawa Stephenson Stevenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

Absent or not voting were: Senators
Christensen Hillyard

H.C.R. 1 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 178, DEPARTMENT OF TRANSPORTATION REVISIONS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams Bramble Dabakis Davis
Dayton Harper Henderson Hinkins
Absent or not voting were: Senators
Christensen Hillyard Vickers

S.B. 178 was transmitted to the House for consideration.

THIRD READING CALENDAR

2nd Sub. S.C.R. 5. CONCURRENT RESOLUTION ENDORSING THE UTAH EDUCATION EXCELLENCE COMMISSION, was read the third time and explained by Senator Stevenson.

Senator Madsen proposed the following amendment:

1. Page 2, Line 27:
   After “K−12” delete “public”

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

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Stevenson Thatcher Urquhart Valentine
Van Tassell Vickers Weiler Niederhauser

Absent or not voting was: Senator
Dayton

2nd Sub. S.C.R. 5 was transmitted to the House for consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 19, 2013

The House transmits H.B. 23, HIGH OCCUPANCY VEHICLE LANE AMENDMENTS, by Representative S. Handy, for further consideration.

Sandy D. Tenney, Chief Clerk

Communication filed.
On motion of Senator Adams, the Senate voted to place **H.B. 23** at the top of the Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Adams, **H.B. 23**, HIGH OCCUPANCY VEHICLE LANE AMENDMENTS, was considered read for the first, second and third times and passed on the following roll call vote:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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<tr>
<th>Adams</th>
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<th>Davis</th>
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<td>Dayton</td>
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<td>Vickers</td>
<td>Weiler</td>
<td>Niederhauser</td>
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**Absent or not voting were:** Senators

| Dabakis | Hillyard |

**H.B. 23** 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 Okerlund, U. S. Senator Orrin Hatch spoke in Committee of the Whole. Senators Mayne, Osmond, Jenkins, Valentine, and Jones commented.

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

***

On motion of Senator Knudson, **S.J.R. 12**, JOINT RESOLUTION ON TAIWAN, will be considered Monday, February 25, 2013 at 10:30 a.m.

On motion of Senator Knudson, **H.C.R. 3**, CONCURRENT RESOLUTION HONORING MAJOR GENERAL BRIAN L. TARBET, will be considered Wednesday, February 27, 2013 at 10:30 a.m.

***

On motion of Senator Hinkins, legislative staff was authorized to draft a bill regarding Green River Energy.
THIRD READING CALENDAR

1st Sub. S.B. 17, ACCOUNT FOR PEOPLE WITH DISABILITIES AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Y eas, 23; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Dayton Harper Henderson Hinkins
Jenkins Jones Knudson Mayne
Okerlund Osmond Reid Robles
Shiozawa Stevenson Urquhart Valentine
Van Tassell Weiler Niederhauser

Absent or not voting were: Senators
Davis Hillyard Madsen Stephenson
Thatcher Vickers

1st Sub. S.B. 17 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 132, UTAH MEDICAL EDUCATION COUNCIL AMENDMENTS, was read the third time.

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

2nd Sub. S.B. 132 Utah Medical Education Council Amendments
(W. Harper)

Senator Valentine proposed the following amendment:

1. Page 2, Line 54 through Page 3, Line 71:


55 As used in this chapter:

56 (1) “Accredited clinical education program” means a clinical education program for a

57 health care profession that is accredited by the Accreditation Council on Graduate Medical
Education.

(2) “Accredited clinical training program” means a clinical training program that is accredited by an entity recognized within medical education circles as an accrediting body for medical education, advanced practice nursing education, physician assistance education, or doctor of pharmacy education.

(3) “Council” means the Medical Education Council created under Section 53B–24–302.

(4) “Health Care Financing Administration” means the Health Care Financing Administration within the United States Department of Health and Human Services.

(5) “Health care professionals in training” means medical students and residents, advance practice nursing students, physician assistant students, and doctor of pharmacy students, and registered nursing students.

(6) “Program” means the Medical Education Program created under Section 53B–24–202.

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

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hinkins  Jenkins  Jones  Knudson
Mayne  Okerlund  Osmond  Reid
Robles  Shiozawa  Stephenson  Stevenson
Thatcher  Urquhart  Valentine  Vickers
Weiler  Niederhauser
Absent or not voting were: Senators
Hillyard Madsen Van Tassell

2nd Sub. S.B. 132 was transmitted to the House for consideration.

* * *

S.B. 158, MUNICIPAL GENERAL FUND AMENDMENTS, was read the third time, explained by Senator Henderson, and passed on the following roll call:

Yeas, 27; Nays, 1; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stevenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

Voting in the negative was: Senator
Stephenson

Absent or not voting was: Senator
Hillyard

S.B. 158 was transmitted to the House for consideration.

* * *

S.B. 60, ABORTION STATISTICS AND REPORTING REQUIREMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 23; Nays, 5; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dayton
Harper Henderson Hinkins Jenkins
Knudson Madsen Okerlund Osmond
Reid Shiozawa Stephenson Stevenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser
Voting in the negative were: Senators
Dabakis Davis Jones Mayne
Robles

Absent or not voting was: Senator
Hillyard

S.B. 60 was transmitted to the House for consideration.

SECOND READING CALENDAR

H.B. 73, WATER EASEMENT AMENDMENTS, 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 or not voting, 3.

Voting in the affirmative were: Senators
Bramble Dabakis Davis Dayton
Harper Henderson Hinkins Jenkins
Jones Knudson Madsen Mayne
Okerlund Osmond Reid Robles
Shiozawa Stephenson Stevenson Thatcher
Urquhart Valentine Van Tassell Vickers
Weiler Niederhauser

Absent or not voting were: Senators
Adams Christensen Hillyard

* * *

H.B. 250, SUNSET REAUTHORIZATION – ENERGY PRODUCER STATES’ AGREEMENT, was read the second time. Senator Jenkins explained the bill. Senator Mayne commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Bramble Christensen Dabakis Davis
Dayton Henderson Hinkins Jenkins
Jones Madsen Mayne Okerlund
Osmond Reid Robles Shiozawa
Stephenson Stevenson Thatcher Urquhart
Valentine Van Tassell Vickers Weiler
Niederhauser
Absent or not voting were: Senators
Adams Harper Hillyard Knudson

* * *

H.B. 289, FIREWORKS AMENDMENTS, was read the second time. Senator Valentine explained the bill.

Senator Valentine proposed the following amendment:

1. Page 4, Line 113c
   House Committee Amendments
2–4–2013:

   113c (a) as provided in Subsection {15A–5–202(3)(b)}
   15A–5–202.5(1)(c) ; or

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

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Bramble Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stevenson
Thatcher Valentine Van Tassell Vickers
Weiler Niederhauser

Absent or not voting were: Senators
Adams Stephenson Urquhart

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 20, 2013

The House transmits H.B. 33, EXPUNGEMENT PROCESS AMENDMENTS, by Representative E. Hutchings, for further consideration.

Sandy D. Tenney, Chief Clerk

Communication filed.

On motion of Senator Bramble, the Senate voted to place H.B. 33 at the top of the Third Reading Calendar.
On motion of Senator Bramble, the Senate voted to reconsideration it actions on **H.B. 33, EXPUNGEMENT PROCESS AMENDMENTS**.

Senator Bramble proposed the following amendment:

1. Page 6, Line 174:
   After “(iv)” insert “felony”

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

**H.B. 33, EXPUNGEMENT PROCESS AMENDMENTS**, under suspension of the rules, was considered read the first, second, and third times and passed on the following roll call vote:

**Yeas, 29; Nays, 0; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators

<table>
<thead>
<tr>
<th>Adams</th>
<th>Bramble</th>
<th>Christensen</th>
<th>Dabakis</th>
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<tr>
<td>Davis</td>
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<td>Weiler</td>
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<tr>
<td>Niederhauser</td>
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**H.B. 33**, as amended, was returned to the House for further consideration.

***

On motion of Senator Adams, the Senate voted to move to Second Reading Calendar.

**COMMUNICATIONS FROM THE HOUSE**

The House transmits **H.B. 281, HEALTH DISCOUNT PROGRAM REVISIONS**, by Representative J. Dunnigan, for further consideration.

Sandy D. Tenney, Chief Clerk

Communication filed.

On motion of Senator Adams, the Senate voted to place **H.B. 281** at the top of the Second Reading Calendar.
SECOND READING CALENDAR

On motion of Senator Adams, the Senate voted to reconsider its actions on **H.B. 281, HEALTH DISCOUNT PROGRAM REVISIONS**.

On motion of Senator Adams, under suspension of the rules, **H.B. 281, HEALTH DISCOUNT PROGRAM REVISIONS**, was considered read the first, second and third times and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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<thead>
<tr>
<th>Adams</th>
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<td>Van Tassell</td>
<td>Vickers</td>
<td>Weiler</td>
<td>Niederhauser</td>
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**Absent or not voting was:** Senator Bramble

**H.B. 281** was returned to the House for further consideration.

* * *

On motion of Senator Okerlund, and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Thursday, February 21, 2013.
TWENTY-FOURTH DAY
MORNING SESSION
February 21, 2013

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

Prayer – Hunter Ballam, Student Body President, Logan High
Pledge of Allegiance – Senator Allen Christensen
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 20, 2013

The House passed, S.B. 13, AMENDMENTS TO IGNITION INTERLOCK PROGRAM, 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. 30, WATER AND IRRIGATION AMENDMENTS, by Senator M. Dayton, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, S.B. 45, WORKERS’ COMPENSATION AND DIRECTORS OR OFFICERS, by Senator E. Vickers, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, S.B. 106, UNEMPLOYMENT TAX AMENDMENT, 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. 115, WATER DEVELOPMENT COMMISSION AMENDMENTS, by Senator M. Dayton, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, S.B. 123, RUNAWAY VEHICLE RAMP REQUIREMENTS, 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. 137**, MOTOR VEHICLE REGISTRATION ENFORCEMENT 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. 140**, SERVICE AREA BOARD OF TRUSTEES, by Senator T. Weiler, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 153**, LOCAL GOVERNMENT DEVELOPMENT AMENDMENTS, 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: February 20, 2013

The House passed **H.B. 95**, AMORTIZATION RATE CONTRIBUTION FOR REEMPLOYED RETIREES REVISIONS, by Representative D. Sagers, and it is transmitted for consideration; and

The House passed **H.B. 234**, CORPORATE FRANCHISE AND INCOME TAX FINE AND PENALTY AMENDMENTS, by Representative B. Greene, and it is transmitted for consideration; and

The House passed **H.B. 246**, EXPANDED USES OF SCHOOL DISTRICT PROPERTY TAX REVENUE, by Representative K. McIff, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 3**, CONCURRENT RESOLUTION HONORING MAJOR GENERAL BRIAN L. TARBET, 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: February 20, 2013

The House passed, as amended, **S.B. 28**, BOARDS AND COMMISSIONS AMENDMENTS, by Senator P. Knudson, and it is transmitted for further consideration; and
The House passed, as amended, **S.B. 111**, ELECTRONIC FILING OF TRAFFIC CITATIONS AND ACCIDENT REPORTS, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House passed, as amended, **S.C.R. 3**, THREATENED SPECIES DAMAGE AND MANAGEMENT PLAN CONCURRENT RESOLUTION, by Senator E. Vickers, 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 20, 2011

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

<table>
<thead>
<tr>
<th>Committee</th>
<th>Bill Number</th>
<th>Title and Details</th>
</tr>
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<tbody>
<tr>
<td>Business and Labor Committee</td>
<td>S.B. 93</td>
<td>Interlocal Cooperation Act Amendments (Sen. J. Valentine)</td>
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<td>S.B. 208</td>
<td>Solar Photovoltaic Contractor License Amendments (Sen. E. Vickers)</td>
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<tr>
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<td>S.B. 210</td>
<td>Amendments Related to Use of Business Names (Sen. T. Weiler)</td>
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<tr>
<td>Economic Development and Workforce Services Committee</td>
<td>S.C.R. 9</td>
<td>Concurrent Resolution Designating a Week to Recognize Workplace Safety (Sen. K. Mayne)</td>
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<tr>
<td>Education Committee</td>
<td>S.B. 81</td>
<td>School Property Tax Funding (Sen. A. Osmond)</td>
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<td>S.B. 209</td>
<td>Grants for Personal Mobile Learning Devices (Sen. A. Osmond)</td>
</tr>
<tr>
<td>Government Operations and Political Subdivisions Committee</td>
<td>S.B. 77</td>
<td>Availability of Government Information (Sen. D. Henderson)</td>
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S.B. 91  State Auditor Amendments (Sen. J. Valentine)
                   (Rep. J. Knotwell) (Sen. A. Osmond)
          (Sen. J. Valentine)

Health and Human Services Committee
S.B. 207  Repeal of Health and Human Services Reports and
          Expired or Discontinued Programs (Sen. A. Christensen)
H.B. 198  Aging and Adult Services Amendments (Rep. B. Last)
          (Sen. E. Vickers)

Judiciary, Law Enforcement, and Criminal Justice Committee
H.B. 89  Judicial Review of Peace Officer Standards and Training
H.B. 226  Benefits While a Prisoner (Rep. B. Wilson)
          (Sen. T. Weiler)
H.B. 229  Criminal Identity Fraud Amendments (Rep. C. Oda)
          (Sen. D. Henderson)
H.B. 232  Criminal Penalty Amendments (Rep. C. Hall)
          (Sen. D. Thatcher)

Natural Resources, Agriculture and Environment Committee
S.C.R. 10  Concurrent Resolution Regarding Monticello Mill
           Tailings Site (Sen. D. Hinkins)
S.J.R. 13  Joint Resolution Urging Governor and Utah’s
           Congressional Delegation to Secure Utah State Land
           (Sen. A. Osmond)

John L. Valentine
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President:  February 19, 2013

The Business and Labor Committee recommends S.B. 67, CONSUMER
PROTECTION REVISIONS, by Senator C. Bramble, be replaced and favorably
recommends 3rd Sub. S.B. 67, CONSUMER PROTECTION REVISIONS with
the following amendments:

1.  Page 1, Lines 9 through 10:
This bill prohibits sellers from imposing a surcharge on a transaction paid for with a financial transaction card.

prohibits sellers from imposing a surcharge on a transaction for $10,000 or less that is paid for with a financial transaction card; repeals the provisions in this bill related to financial transaction card surcharges on

prohibits sellers from imposing a surcharge on a transaction paid for by using a financial transaction card, but not added to a transaction paid for by a means other than a financial transaction card.

“Surcharge” means an additional charge added to a transaction paid for by using a financial transaction card.

This part is known as “Credit Card Surcharges.”

A seller may not impose a surcharge on a transaction for $10,000 or less that is paid by using a financial transaction card.
(2) A seller may offer a discount on a transaction that is paid for by means other than a 

{financial transaction} credit card; and

The Business and Labor Committee recommends S.B. 187, FOOD HANDLER LICENSING AMENDMENTS, by Senator C. Bramble, be replaced and favorably recommends 1st Sub. S.B. 187, FOOD HANDLER LICENSING AMENDMENTS with the following amendments:

1. Page 3, Line 86 through Page 4, Line 95:

(7) The department, in consultation with local health departments, shall:

(a) approve the content of an approved food handler training program required under

Subsection (3):

(b) approve, as qualified, each instructor who will provide classroom-based training;

(b) approve, as qualified, each provider; and

(c) in accordance with applicable rules made under Subsection (10), provide a means
to authenticate:

(i) documents used in an approved food handler training program;

(ii) the identity of an approved instructor; and

(iii) an approved provider; and
The Business and Labor Committee reports a favorable recommendation on **S.B. 189, ONCOLOGY INSURANCE AMENDMENTS**, by Senator C. Bramble.

Curtis S. Bramble, Chair

Mr. President: February 20, 2013

The Economic Development and Workforce Services Committee reports a favorable recommendation on **S.J.R. 12, JOINT RESOLUTION ON TAIWAN**, by Senator P. Knudson.

Aaron Osmond, Chair

Mr. President: February 20, 2013

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 279, ADMINISTRATIVE HEARINGS BY COUNTIES**, by Representative S. Cox; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 70, COMMISSION RELATING TO FEDERAL ISSUES**, by Senator D. Henderson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 73, OUTDOOR RECREATION OFFICE ACT**, by Senator J. Stevenson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 74, DIGNIFIED BURIAL OF VETERANS REMAINS**, by Senator E. Vickers; and

The Government Operations and Political Subdivisions Committee recommends **S.B. 112, WORK WEEK AMENDMENTS**, by Senator A. Osmond, be replaced and favorably recommends **1st Sub. S.B. 112, WORK WEEK AMENDMENTS**; and

The Government Operations and Political Subdivisions Committee recommends **S.B. 200, LOCAL AND SPECIAL SERVICE DISTRICTS AMENDMENTS**, by Senator J. Stevenson, be replaced and favorably recommends **1st Sub. S.B. 200, LOCAL AND SPECIAL SERVICE DISTRICTS AMENDMENTS**.

Margaret Dayton, Chair

On motion of Senator Valentine, the committee reports were adopted. The bills were placed on Second Reading Calendar.
STANDING COMMITTEE REPORTS

The Business and Labor Committee reports a favorable recommendation on S.B. 21, UNINCORPORATED BUSINESS ENTITIES, by Senator L. Hillyard, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 45, Lines 1361 through 1363:

   1361 (ii) Title 42, Names; or
   1362 (iii) on or before {-- June 30, 2014--} December 31, 2013,
   Title 48, Partnership, and on and after {--July--} January 1, 2014,
   1363 Title 48, Unincorporated Business [Entities] Entity Act; or

2. Page 47, Lines 1431 through 1433:

   1431 Until this chapter is repealed January 1, 2016, this chapter applies only to a partnership
   1432 formed on or before {-- June 30, 2014--} December 31, 2013, that has not elected to be governed by Chapter 1d, Utah
   1433 Uniform Partnership Act, as provided in Section 48–1d–1405.

3. Page 101, Lines 3119 through 3125:

   3119 (31) “Protected agreement” means:
   3120 (a) a record evidencing indebtedness and any related agreement
   in effect on {--July--} January 1, 2014;
   3121 2014;
   3122 (b) an agreement that is binding on an entity on
   {--July--} January 1, 2014;
   3123 (c) the organic rules of an entity in effect on
   {--July--} January 1, 2014; or
   3124 (d) an agreement that is binding on any of the governors or
   interest holders of an entity
   3125 on {--July--} January 1, 2014.

4. Page 110, Lines 3388 through 3391:

   3388 (3) If a protected agreement contains a provision that applies to
   a merger of a domestic
3389 partnership but does not refer to an interest exchange, the provision applies to an interest exchange in which the domestic partnership is the acquired entity as if the interest exchange were a merger until the provision is amended after {–July–} January 1, 2014.

5. Page 114, Lines 3523 through 3524:

3523 partnership but does not refer to a conversion, the provision applies to a conversion of the entity as if the conversion were a merger until the provision is amended after {–July–} January 1, 2014.

6. Page 119, Lines 3682 through 3683:

3682 domestication of the limited liability partnership as if the domestication were a merger until the provision is amended after {–July–} January 1, 2014.

7. Page 144, Lines 4439 through 4443:

4439 (1) Before January 1, 2016, this chapter governs only:

4440 (a) a partnership formed on or after {–July–} January 1, 2014; and

4441 (b) except as otherwise provided in Subsection (3), a partnership formed before {–July–} January 1, 2014, which elects, in the manner provided in its partnership agreement or by law for amending the partnership agreement, to be subject to this chapter.

8. Page 144, Line 4460 through Page 145, Line 4462:

4460 Until this chapter is repealed January 1, 2016, this chapter applies only to a limited partnership formed on or before {–June–30, 2014–} December 31, 2013, that has not elected to be governed by Chapter 2e, Utah Uniform Limited Partnership Act, as provided in Section 48–2e–1205.
9. Page 145, Lines 4465 through 4467:

4465  Until this chapter is repealed January 1, 2016, this chapter applies only to a limited liability company formed on or before {June 30, 2014} December 31, 2013, that has not elected to be governed by Chapter 3a, Utah Revised Uniform Limited Liability Company Act, as provided in Section 4467.

10. Page 216, Lines 6682 through 6689:

6682  (31) “Protected agreement” means:
6683     (a) a record evidencing indebtedness and any related agreement in effect on {July} January 1, 2014;
6684     (b) an agreement that is binding on an entity on {July} January 1, 2014;
6685     (c) the organic rules of an entity in effect on {July} January 1, 2014; or
6686     (d) an agreement that is binding on any of the governors or interest holders of an entity on {July} January 1, 2014.
6687  (32) “Public organic record” means the record, the filing of which by the division is

11. Page 225, Lines 6957 through 6960:

6957  interest exchange in which the domestic limited partnership is the acquired entity as if the
6958  interest exchange were a merger until the provision is amended after {July} January 1, 2014.
6959  Section 255. Section 48–2e–1132 is enacted to read:

12. Page 230, Lines 7099 through 7102:

7099  limited partnership but does not refer to a conversion, the provision applies to a conversion of
7100 the entity as if the conversion were a merger until the provision is amended after {−July−} January 1, 2014.

7101 Section 261. Section 48–2e–1142 is enacted to read:


13. Page 235, Lines 7257 through 7259:

7257 domestication of the limited partnership as if the domestication were a merger until the

7258 provision is amended after {−July−} January 1, 2014.

7259 Section 267. Section 48–2e–1152 is enacted to read:

14. Page 240, Line 7429 through Page 241, Line 7451:

7429 (1) Before January 1, 2016, this chapter governs only:

7430 (a) a limited partnership formed on or after {−July−} January 1, 2014; and

7431 (b) except as otherwise provided in Subsections (3) and (4), a limited partnership formed before {−July−} January 1, 2014, which elects, in the manner provided in its partnership agreement or by law for amending the partnership agreement, to be subject to this chapter.

7434 (2) Except as otherwise provided in Subsection (3), on and after January 1, 2016, this chapter governs all limited partnerships.

7436 (3) With respect to a limited partnership formed before {−July−} January 1, 2014, the following rules apply except as the partners otherwise elect in the manner provided in the partnership agreement or by law for amending the partnership agreement:

7437 (a) Subsection 48–2e–104(3) does not apply and the limited partnership has whatever duration it had under the law applicable immediately before {−July−} January 1, 2014.

7441 (b) Sections 48–2e–601 and 48–2e–602 do not apply and a limited partner has the same
right and power to dissociate from the limited partnership, with the same consequences, as

existed immediately before July 1, 2014.

(c) Subsection 48–2e–603(4) does not apply and the partners have the same right and

to expel a general partner as existed immediately before July 1, 2014.

(d) Subsection 48–2e–603(5) does not apply and a court has the same power to expel a
general partner as the court had immediately before July 1, 2014.

(e) Subsection 48–2e–801(1)(c) does not apply and the connection between a person’s
dissociation as a general partner and the dissolution of the limited partnership is the same as

existed immediately before July 1, 2014.

(4) With respect to a limited partnership that elects pursuant to Subsection (1)(b) to be

(30) “Protected agreement” means:

(a) a record evidencing indebtedness and any related agreement in effect on July 1, 2014;

(b) an agreement that is binding on an entity on July 1, 2014;

(c) the organic rules of an entity in effect on July 1, 2014; or

(d) an agreement that is binding on any of the governors or interest holders of an entity on July 1, 2014.

(31) “Public organic record” means the record the filing of which by the division is
interest exchange in which the domestic limited liability company is the acquired entity as if the interest exchange were a merger until the provision is amended after July 1, 2014.

Section 370. Section 48–3a–1032 is enacted to read:

limited liability company but does not refer to a conversion, the provision applies to a conversion of the entity as if the conversion were a merger until the provision is amended after July 1, 2014.

Section 376. Section 48–3a–1042 is enacted to read:

limited liability company but does not refer to a domestication, the provision applies to a domestication of the limited liability company as if the domestication were a merger until the provision is amended after July 1, 2014.

Section 382. Section 48–3a–1052 is enacted to read:

(1) Before January 1, 2016, this chapter governs only:

(a) a limited liability company formed on or after January 1, 2014; and

(b) except as otherwise provided in Subsection (3), a limited liability company formed before January 1, 2014, which elects, in the manner provided in its operating agreement or by law for amending the operating agreement, to be subject to this chapter.

Section 382. Section 48–3a–1052 is enacted to read:

(3) For the purposes of applying this chapter to a limited liability company formed
The Business and Labor Committee recommends 2nd Sub. H.B. 47, INSURANCE LAW AMENDMENTS, by Representative J. Dunnigan, be replaced and favorably recommends 3rd Sub. H.B. 47, INSURANCE LAW AMENDMENTS and that it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

Mr. President: February 20, 2013

The Economic Development and Workforce Services Committee reports a favorable recommendation on H.B. 304, ENTERPRISE ZONE AMENDMENTS, by Representative K. Powell, and recommends it be considered read for the second time and placed on the Consent Calendar.

Aaron Osmond, Chair

Mr. President: February 19, 2013

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 27, THREAT OF TERRORISM PENALTY AMENDMENTS, by Representative E. Hutchings, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 301, BAIL BOND RECOVERY LICENSURE AMENDMENTS, by Representative E. Redd, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

On motion of Senator Valentine, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.
INTRODUCTION OF BILLS

S.B. 82, Student Achievement Backpack (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

S.B. 83, Limitations on Outside Employment by Government Employee (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 84, Sales and Use Tax Exemption for Short-term Lodging Consumables (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

S.B. 211, Redevelopment Agency Amendments (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

S.B. 212, Judicial Code Amendments (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

S.B. 213, Employer Association Health Plan Amendments (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.B. 214, Continuing Education for Prescription Drugs (P. Jones), was read the first time by short title and referred to the Rules Committee.

S.B. 215, Peace Officer Standards and Training Certification Age Requirement (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 216, Water Pollution Task Force (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

S.B. 217, Utility Liability Limits (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 218, Receiving Centers Funding Amendments (D. Thatcher), was read the first time by short title and referred to the Rules Committee.

S.B. 219, Disaster Recovery Liens (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

S.J.R. 14, Joint Resolution Amending Civil Procedure Rule 62 (C. Bramble), was read the first time by short title and referred to the Rules Committee.
S.J.R. 15, Joint Resolution Regarding the Impact of Adult Images on Children’s Development (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.R. 1, Senate Resolution on Government Subsidies of Hotels (J. Valentine), was read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

On motion of Senator Hillyard, H.C.R. 2, CONCURRENT RESOLUTION TO REDUCE OBESITY IN UTAH, was read the third time and circled.

* * *

S.B. 185, DIVISION OF OIL, GAS, AND MINING AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Voting in the affirmative were: Senators
Adams  Bramble  Dabakis  Davis
Dayton  Henderson  Hillyard  Hinkins
Jenkins  Jones  Knudson  Madsen
Mayne  Okerlund  Osmond  Reid
Robles  Shiozawa  Stevenson  Urquhart
Valentine  Van Tassell  Vickers  Weiler
Niederhauser

Absent or not voting were: Senators
Christensen  Harper  Stephenson  Thatcher

S.B. 185 was transmitted to the House for consideration.

* * *

On motion of Senator Christensen, the circle was removed from H.C.R. 2, CONCURRENT RESOLUTION TO REDUCE OBESITY IN UTAH, and it was before the Senate. The bill passed on the following roll call:

Voting in the affirmative were: Senators
Adams  Christensen  Dabakis  Davis
Dayton  Harper  Henderson  Hillyard
Hinkins  Jones  Knudson  Madsen  
Mayne  Okerlund  Osmond  Reid  
Shiozawa  Stephenson  Stevenson  Urquhart  
Valentine  Van Tassell  Vickers  Weiler  
Niederhauser  

Absent or not voting were: Senators  
Bramble  Jenkins  Robles  Thatcher  

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.  

* * *  

H.B. 291, MOTOR VEHICLE SAFETY INSPECTION AMENDMENTS, was read the third time, explained by Senator Reid, and passed on the following roll call:  

Yeas, 25; Nays, 0; Absent or not voting, 4.  

Voting in the affirmative were: Senators  
Adams  Christensen  Dabakis  Davis  
Dayton  Harper  Henderson  Hillyard  
Hinkins  Jones  Knudson  Madsen  
Mayne  Okerlund  Osmond  Reid  
Shiozawa  Stephenson  Stevenson  Urquhart  
Valentine  Van Tassell  Vickers  Weiler  
Niederhauser  

Absent or not voting were: Senators  
Bramble  Jenkins  Robles  Thatcher  

H.B. 291 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.  

* * *  

1st Sub. S.J.R. 8, JOINT RESOLUTION CONCERNING RAILROAD AND RAILROAD CROSSING SAFETY, was read the third time, explained by Senator Mayne, and passed on the following roll call:  

Yeas, 25; Nays, 0; Absent or not voting, 4.  

Voting in the affirmative were: Senators  
Adams  Bramble  Christensen  Dabakis  
Davis  Dayton  Harper  Henderson  

Absent or not voting were: Senators
Hillyard Jenkins Reid Robles

1st Sub. S.J.R. 8 was transmitted to the House for consideration.

THIRD READING CALENDAR

H.B. 73, WATER EASEMENT AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Jones Knudson Madsen Mayne
Okerlund Osmond Shiozawa Stephenson
Stevenson Thatcher Urquhart Valentine
Van Tassell Vickers Weiler Niederhauser

Absent or not voting were: Senators
Hillyard Hinkins Jenkins Reid Robles

H.B. 73 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 250, SUNSET REAUTHORIZATION – ENERGY PRODUCER STATES’ AGREEMENT, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams Bramble Dabakis Davis
Dayton Harper Henderson Hinkins
Absent or not voting were: Senators
Christensen    Hillyard    Reid    Robles

**H.B. 250** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

**H.B. 289**, FIREWORKS AMENDMENTS, was read the third time and explained by Senator Valentine. Senator Jones commented and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

Voting in the affirmative were: Senators
Adams          Bramble        Dabakis       Davis
Dayton         Harper         Henderson     Hinkins
Jenkins        Jones          Madsen        Mayne
Okerlund       Osmond         Robles        Shiozawa
Stephenson     Stevenson      Thatcher      Urquhart
Valentine      Vickers        Weiler        Niederhauser

Absent or not voting were: Senators
Christensen    Hillyard     Knudson      Reid
Van Tassell

**H.B. 289**, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Jenkins, **H.C.R. 6**, CONCURRENT RESOLUTION RECOGNIZING THE 50TH ANNIVERSARY OF THE VIETNAM WAR, will be considered Friday, February 22, 2013 at 11:15 a.m.

SECOND READING CALENDAR

On motion of Senator Adams, **1st Sub. H.B. 290**, DIVISION OF REAL ESTATE AMENDMENTS, was read the second time and circled.
**1st Sub. H.B. 58, PROTECTION OF ATHLETES WITH HEAD INJURIES ACT 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 or not voting, 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. 24, UTAH RETIREMENT SYSTEM AMENDMENTS,** was read the second time. Senator Weiler explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators

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**1st Sub. S.B. 109, CHANGE APPLICATION PROCEDURE,** will be considered Monday, February 25, 2013 at 10:45 a.m.
H.B. 251, SUNSET REAUTHORIZATION – EMPLOYMENT SERVICES FOR THE DISABLED, was read the second time. Senator Christensen explained the bill. Senator Weiler commented and the bill passed second reading on the following roll call:

Yeas, 25; Nays, 2; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Mayne  Okerlund  Osmond
Reid  Shiozawa  Stevenson  Urquhart
Valentine  Van Tassell  Vickers  Weiler
Niederhauser

Voting in the negative were: Senators
Madsen  Stephenson

Absent or not voting were: Senators
Robles  Thatcher

1st Sub. H.B. 11, LOCAL TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS, was read the second time. Senator Vickers explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  Okerlund
Osmond  Reid  Shiozawa  Stephenson
Stevenson  Urquhart  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Robles  Thatcher
H.B. **79**, MOTOR VEHICLE REGISTRATION AND INSURANCE AMENDMENTS, was read the second time. Senator Vickers explained the bill. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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H.B. **83**, SPEED LIMIT AMENDMENTS, was read the second time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Senators

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H.B. **71**, MOBILE AND MANUFACTURED HOME 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 or not voting, 6.

Voting in the affirmative were: Senators
- Christensen
- Dabakis
- Dayton
- Harper
- Henderson
- Hillyard
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Reid
- Robles
- Shiozawa
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

Absent or not voting were: Senators
- Adams
- Bramble
- Davis
- Hinkins
- Osmond
- Stephenson

* * *

1st Sub. H.B. 254, COLLEGE CREDITS FOR VETERANS, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Hillyard
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Reid
- Robles
- Shiozawa
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

Absent or not voting were: Senators
- Adams
- Bramble
- Davis
- Hinkins
- Osmond
- Stephenson

* * *

H.B. 269, TRAINING OF SCHOOL NURSES, was read the second time. Senator Christensen explained the bill. Senator Mayne commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hillyard
- Hinkins
On motion of Senator Okerlund, H.B. 285, MODIFICATION OF EDUCATION–RELATED REPORTING REQUIREMENTS, was read the second time and circled.

**H.B. 49, VOTED AND BOARD LEVY PROGRAMS AMENDMENTS,** was read the second time. Senator Stephenson explained the bill. Senators Hillyard and Dayton commented. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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On motion of Senator Hillyard, H.B. 49 was placed on Third Reading Table due to fiscal impact.

**SPECIAL RECOGNITION**

A citation was read honoring the Utah Department of Financial Institutions.

**COMMITTEE OF THE WHOLE**

On motion of Senator Hillyard, G. Edward Leary, Department of Financial Institutions spoke in Committee of the Whole.
On motion of Senator Hillyard, the Committee of the Whole was dissolved.

SECOND READING CALENDAR

1st Sub. H.B. 85, VOTING RECOUNT AMENDMENTS, was read the second time. Senator Henderson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Bramble | Stephenson |

***

On motion of Senator Okerlund, H.B. 276, NEWBORN SCREENING FOR CRITICAL CONGENITAL HEART DEFECTS, was read the second time and circled.

***

On motion of Senator Valentine, 1st Sub. H.B. 10, SEX OFFENSE AMENDMENTS, was read the second time and circled.

***

On motion of Senator Dayton, H.B. 87, ATTEMPTED AGGRAVATED MURDER AMENDMENTS, was read the second time and circled.

***

1st Sub. H.B. 67, PERSONAL PROPERTY TAXATION REVISIONS, was read the second time. Senator Harper explained the bill. The bill passed second reading on the following roll call:
Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Shiozawa Stevenson Thatcher
Urquhart Valentine Van Tassell Vickers
Weiler Niederhauser

Absent or not voting were: Senators
Bramble Robles Stephenson

* * *

1st Sub. H.B. 74, PROPERTY TAX MODIFICATIONS, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Shiozawa Stevenson Thatcher
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

Absent or not voting were: Senators
Henderson Robles

* * *

On motion of Senator Knudson, the circle was removed from H.B. 87, ATTEMPTED AGGRAVATED MURDER AMENDMENTS, and it was before the Senate. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Day 24

Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Shiozawa Stephenson Stevenson
Thatcher Urquhart Valentine Vickers
Weiler Niederhauser

Absent or not voting were: Senators
Dabakis Robles Van Tassell

* * *

On motion of Senator Bramble, legislative staff was authorized to draft a bill regarding municipal bonds litigation.

* * *

On motion of Senator Okerlund, and at 11:45 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:30 p.m., with President Niederhauser presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 21, 2013

The House passed, S.B. 40, UTAH NAVAJO ROYALTIES 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. 43, FINANCIAL AND ECONOMIC LITERACY EDUCATION AMENDMENTS, by Senator P. Jones, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, S.B. 53, INTERGENERATIONAL WELFARE REFORM, 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. 130, SECURITY PERSONNEL LICENSING ACT AMENDMENTS, by Senator M. Dayton, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, S.B. 138, AMENDMENTS TO REQUIREMENTS FOR GOVERNOR’S PROPOSED BUDGET, by Senator W. Harper, which has been signed by the Speaker, and it is transmitted for the signature of the President; and
The House passed, **S.J.R. 7**, JOINT RULES RESOLUTION ON REVENUE ESTIMATES FOR FEDERAL FUNDS, by Senator W. Harper, 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 21, 2013

The House passed, as amended, **S.B. 101**, DIVISION OF WATER RIGHTS REVISIONS, by Senator M. Dayton, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 129**, OFFICE OF STATE DEBT COLLECTION – ADMINISTRATIVE GARNISHMENT ORDER, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 162**, CONCURRENT ENROLLMENT AMENDMENTS, by Senator S. Urquhart, 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 21, 2013

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

**Business and Labor Committee**

**S.B. 214**  Continuing Education for Prescription Drugs  
(Sen. P. Jones)

**S.B. 219**  Disaster Recovery Liens (Sen. S. Urquhart)

**S.J.R. 14**  Joint Resolution Amending Civil Procedure Rule 62  
(Sen. C. Bramble)

**Economic Development and Workforce Services Committee**

**S.B. 211**  Redevelopment Agency Amendments (Sen. J. Stevenson)

**Education Committee**

**S.B. 82**  Student Achievement Backpack (Sen. J. Stevenson)
Government Operations and Political Subdivisions Committee
S.B. 83 Limitations on Outside Employment by Government Employee (Sen. T. Weiler)
S.R. 1 Senate Resolution on Government Subsidies of Hotels (Sen. J. Valentine)
H.C.R. 3 Concurrent Resolution Honoring Major General Brian L. Tarbet (Rep. V. Peterson) (Sen. P. Knudson)

Health and Human Services Committee
S.B. 213 Employer Association Health Plan Amendments (Sen. P. Knudson)
S.J.R. 15 Joint Resolution Regarding the Impact of Adult Images on Children’s Development (Sen. T. Weiler)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 212 Judicial Code Amendments (Sen. R. Okerlund)
S.B. 215 Peace Officer Standards and Training Certification Age Requirement (Sen. L. Hillyard)
S.B. 218 Receiving Centers Funding Amendments (Sen. D. Thatcher)

Natural Resources, Agriculture and Environment Committee
S.B. 216 Water Pollution Task Force (Sen. R. Okerlund)

Retirement and Independent Entities Committee
H.B. 95 Amortization Rate Contribution for Reemployed Retirees Revisions (Rep. D. Sagers) (Sen. T. Weiler)

Revenue and Taxation Committee

John L. Valentine
Rules Committee Chair

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

To the Members of the Senate: February 21, 2011

The Rules Committee recommends that, with the written consent of the sponsor, S.B. 203, Prescription Label Information and Education Amendments (Sen. P. Jones) be replaced and favorably recommends that 1st Sub.S.B. 203, Prescription Label Information and Education Amendments (Sen. P. Jones) be adopted and assigned to the Health and Human Services Committee.

John L. Valentine
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 20, 2013

The Business and Labor Committee reports a favorable recommendation on H.J.R. 4, JOINT RESOLUTION ON REMOTE SALES, by Representative S. Eliason, with the following amendments:

1. Page 1, Lines 16 through 19:
   
   16  urges the United States Congress to act to authorize states, subject to the enactment of any necessary state laws, and subject to principles established in the resolution to require all retailers whose sales to consumers in the state exceed a minimum threshold to collect applicable sales taxes on the sales in the state. ; and

   The Business and Labor Committee recommends S.B. 59, WORKERS’ COMPENSATION COORDINATION OF BENEFITS AMENDMENTS, by Senator K. Mayne, be replaced and favorably recommends 1st Sub. S.B. 59, WORKERS’ COMPENSATION COORDINATION OF BENEFITS AMENDMENTS; and

   The Business and Labor Committee recommends S.B. 99, LABOR AMENDMENTS, by Senator W. Harper, be replaced and favorably recommends 1st Sub. S.B. 99, LABOR AMENDMENTS; and

   The Business and Labor Committee recommends S.B. 102, CONTRACTOR LICENSING AMENDMENTS, by Senator W. Harper, be replaced and favorably
recommends **1st Sub. S.B. 102, CONTRACTOR LICENSING AMENDMENTS**; and

The Business and Labor Committee recommends **S.B. 143, MORTGAGE AND FINANCIAL AFFAIRS AMENDMENTS**, by Senator W. Harper, be replaced and favorably recommends **1st Sub. S.B. 143, MORTGAGE AND FINANCIAL AFFAIRS AMENDMENTS**; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 186, INSURANCE TRANSACTIONS AMENDMENTS**, by Senator L. Robles, with the following amendments:

1. Page 2, Line 39:

   39 from an English language policy that complies with this title.
   (4) If an insurance policy, endorsement, or rider is provided in a language other than English, it shall be accompanied by:
   (a) the corresponding English language version; and
   (b) a disclaimer in both English and the other language that states that the foreign language version is provided only as an accommodation or courtesy to the customer and the English language version shall control the resolution of any dispute or complaint; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 201, PUBLIC USE TRAILS AMENDMENTS**, by Senator C. Bramble.

Curtis S. Bramble, Chair

Mr. President: February 20, 2013

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 181, POLITICAL SUBDIVISIONS PROPERTY AMENDMENTS**, by Senator W. Harper, with the following amendments:

1. Page 1, Line 11:

   11 {—consideration in the form of—} fair market value for the property.

2. Page 1, Line 17:

   17 {—consideration in the form of—} fair market value for the property; and

3. Page 6, Lines 165 through 170:
“Consideration” means something of value given or done in exchange for something given or done by another, including money, a service, or labor; or provided in the public interest supporting health, safety, and welfare of the citizens of a political subdivision.

“Educational entity” means a school district or charter school; and an institution of higher education as described in Section 53B-2-101.

“Fair market value” means the amount consideration at which property would change hands.

4. Page 7, Line 197:

dispose of property without receiving fair market value for the

5. Page 7, Line 204:

(i) subject to Subsection (3), a record requested in accordance with Title 63G, Chapter 2, Government Records

6. Page 7, Line 206:

(ii) is requested for a purpose, including media purposes, other than commercial use;

7. Page 7, Line 208:

political subdivision, or the federal government; the acquisition or disposal of property in accordance with Section 10-8-2; or any transfer of property specifically authorized by law.

(3)(a) If a records request has apparent significant commercial value, the custodian of the property may require the requestor to attest in writing, under penalty of perjury, whether the material is to be used for commercial resale purposes.
(b) If the request is for commercial resale purposes, the requestor shall pay fair market value for the property as provided in Subsection (1).

Margaret Dayton, Chair

Mr. President: February 20, 2013

The Health and Human Services Committee reports a favorable recommendation on S.B. 78, PHARMACY ACT AMENDMENTS, by Senator J. S. Adams, with the following amendments:

1. Page 17, Lines 501 through 509:

(7) A pharmacist or pharmacy intern who substitutes an interchangeable biosimilar product for a prescribed biological product shall communicate the substitution to the purchaser. The interchangeable biosimilar product container shall be labeled with the name of the interchangeable biosimilar product dispensed, and the pharmacist, pharmacy intern, or pharmacy technician shall indicate on the file copy of the prescription both the name of the prescribed biological product and the name of the interchangeable biosimilar product dispensed in its place.

(a) communicate the substitution to the purchaser;

(b) ensure that the interchangeable product container is labeled with the name and the manufacturer of the interchangeable biosimilar product dispensed; and

(c) indicate on the file copy of the prescription:

(i) the name and the manufacturer of the prescribed biological product; and

(ii) the name and the manufacturer of the interchangeable biosimilar product dispensed in place of the prescribed biological product.

2. Page 17, Lines 510 through 516:

(8) A pharmacist or pharmacy intern who substitutes an interchangeable biosimilar product for a prescribed biological product shall communicate the substitution to the purchaser. The interchangeable biosimilar product container shall be labeled with the name of the interchangeable biosimilar product dispensed, and the pharmacist, pharmacy intern, or pharmacy technician shall indicate on the file copy of the prescription both the name of the prescribed biological product and the name of the interchangeable biosimilar product dispensed in its place.
product for a prescribed biological product shall:

(a) notify the prescriber in writing, by fax, telephone, or electronic transmission of the substitution, as soon as practicable, but not later than three business days after dispensing the interchangeable biosimilar product in place of the prescribed biological product; and

(b) include the name and manufacturer of the interchangeable biosimilar product substituted.

3. Page 17, Lines 517 through 521:

(9) The pharmacist or pharmacy intern shall:

(a) retain a written record of the substitution for at least five years; and

(b) include the name and manufacturer of the interchangeable product substituted—

(10) A licensed medical practitioner who fails to specify that no substitution is authorized does not constitute evidence of negligence.

The Health and Human Services Committee reports a favorable recommendation on S.B. 194, PHARMACY PRACTICE ACT AMENDMENTS, by Senator E. Vickers, with the following amendments:

1. Page 1, Line 16:

amends pharmacy technician licensure qualifications;

authorizes, under certain circumstances, the dispensing of one or more refills at the time a legend drug prescription is dispensed;

2. Page 2, Line 28:

58–17b–612, as last amended by Laws of Utah 2010, Chapter 101 ENACTS:

58–17b–608.1, Utah Code Annotated 1953

3. Page 10, Line 302 through Page 11, Line 313:
“Practice as a licensed pharmacy technician” does not include:

(i) performing a drug utilization review, prescription drug order clarification from a prescriber, final review of the prescription and prescribed drug prepared for dispensing, dispensing of the drug, or counseling a patient with respect to a prescription drug;

(ii) except as permitted by rules made by the division in consultation with the board:

(A) final review of a prescription; or

(B) final review of a prescribed drug prepared for dispensing;

(iii) counseling regarding nonprescription drugs and dietary supplements unless delegated by the supervising pharmacist; or

(iv) receiving new prescription drug orders when communicating telephonically or electronically unless the original information is recorded so the pharmacist may review the prescription drug order as transmitted.

4. Page 14, Line 428:

with the division.

Section 4. Section 58–17b–608.1 is enacted to read:


If a prescription for a legend drug includes authorization for one or more refills, a pharmacist or pharmacy intern may dispense one or more of the refills at the time the drug is dispensed, if:

(1) the drug is not a controlled substance;

(2) the prescription does not include “Dispense as Written,” “DAW”, or some other notation having similar meaning;

(3) the total dosage units dispensed, including the units for both the prescription and any refills, do not exceed a 180–day supply; and

(4) in the professional judgment of the pharmacist or pharmacy intern the refill, or refills, should be dispensed at the time the prescription
is dispensed.
Renumber remaining sections accordingly.; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 206, OFFICE OF MEDICAID INSPECTOR GENERAL AMENDMENTS**, by Senator A. Christensen.

Evan J. Vickers, Chair

Mr. President: February 21, 2013

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 72, SAFE DRINKING WATER DISCLOSURE ACT**, by Representative R. Barrus.

Scott K. Jenkins, Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President: February 20, 2013

The Business and Labor Committee recommends **H.B. 101, HOMEOWNERS ASSOCIATION AMENDMENTS**, by Representative J. Stanard, be replaced and favorably recommends **1st Sub. H.B. 101, HOMEOWNERS ASSOCIATION AMENDMENTS** and that 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 **S.B. 173, RESIDENTIAL CONSTRUCTION CONTRACT AMENDMENTS**, 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

Mr. President: February 21, 2013

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 215, WATER QUALITY AMENDMENTS**, by Representative R. Wilcox, 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.B. 216, WASTING WILDLIFE**
AMENDMENTS, by Representative R. Wilcox, and recommends it be considered read for the second time and placed on the Consent Calendar.

Scott K. Jenkins, Chair

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

INTRODUCTION OF BILLS

S.B. 220, Traffic Code Amendments (P. Knudson), was read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Valentine, 1st Sub. H.B. 28, CAMPUS SAFETY AMENDMENTS, was read the second time and circled.

* * *

H.B. 298, PARENT SEMINAR ON YOUTH PROTECTION, was read the second time. Senator Osmond explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 2; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams        Bramble        Christensen        Dabakis
Davis        Harper         Henderson        Hillyard
Hinkins      Jenkins        Jones            Knudson
Mayne        Okerlund       Osmond          Reid
Robles       Shiozawa       Stevenson        Thatcher
Urquhart     Valentine      Van Tassell      Vickers
Weiler        Niederhauser

Voting in the negative were: Senators
Dayton        Madsen

Absent or not voting was: Senator
Stephenson

* * *

On motion of Senator Valentine, the circle was removed from 1st Sub. H.B. 28, CAMPUS SAFETY AMENDMENTS, and it was before the Senate.
Senator Valentine explained the bill. The bill passed second reading on the following roll call:

**Yea**s, 27; **Nay**s, 0; **A**bsent or **n**ot voting, 2.

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Valentine
- Vickers
- Weiler
- Niederhauser

**Absent or not voting were:** Senators

- Urquhart
- Van Tassell

* * *

**S.B. 131,** ASSAULT AMENDMENTS, was read the second time. Senator Osmond explained the bill. Senators Madsen, Thatcher, and Mayne commented. The bill passed second reading on the following roll call:

**Yeas,** 21; **Nays,** 6; **Absent or not voting,** 2.

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Dabakis
- Henderson
- Hillyard
- Jones
- Knudson
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Vickers
- Weiler
- Niederhauser

**Voting in the negative were:** Senators

- Christensen
- Dayton
- Harper
- Jenkins
- Madsen
- Stephenson

**Absent or not voting were:** Senators

- Davis
- Hinkins

* * *

On motion of Senator Valentine, the circle was removed from **1st Sub. H.B. 10,** SEX OFFENSE AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill.
Senator Valentine proposed the following amendment:

1. Page 2, Line 55
   Senate Committee Amendments
   2–13–2013:

   55 circumstances not amounting to an offense listed under Subsection (3), {an actor} a person who is [40 or

2. Page 3, Lines 58 through 59
   Senate Committee Amendments
   2–13–2013:

   58 the sexual conduct[;] {knowingly, intentionally, or
   recklessly} engages in any conduct listed in

   59 Subsection (2)(b) ; and the person knew or reasonably should have known the age of the minor ; or

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

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Osmond | Urquhart |

On motion of Senator Valentine, **1st Sub. H.B. 10** was placed on Third Reading Table due to fiscal impact.

**2nd Sub. H.B. 81, CYTOMEGALOVIRUS PUBLIC HEALTH INITIATIVE**, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:
Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators

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Absent or not voting was: Senator Urquhart

On motion of Senator Bramble, 2nd Sub. H.B. 81 was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Okerlund, and at 3:00 p.m., the Senate adjourned until 10:00 a.m., Friday, February 22, 2013.
The Senate was called to order at 10:00 a.m., with President Wayne Niederhauser presiding.

Prayer – Senator Mark Pendleton, Young Men General Board, LDS Church
Pledge of Allegiance – Senator Allen Christensen
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 21, 2013

The House concurred in the Senate amendments and passed 1st Sub. H.B. 34, SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative V. Peterson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 69, EXPUNGEMENT OF RECORDS, by Representative R. Greenwood, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

***

Mr. President: February 21, 2013

The House passed, as substituted and amended, 1st Sub. H.B. 62, DISPLAY OF PRISONER OF WAR AND MISSING IN ACTION FLAG, by Representative J. Westwood, and it is transmitted for consideration; and

The House passed, as amended, H.B. 92, FACTUAL INNOCENCE ASSISTANCE AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed H.B. 104, WIRELESS CALL LOCATION INFORMATION, by Representative M. Wheatley, and it is transmitted for consideration; and
The House passed **H.B. 113**, COUNTY GOVERNING BODY AUTHORITY, by Representative S. Handy, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 212**, DISEASE TESTING FOR PUBLIC SAFETY OFFICERS AMENDMENTS, by Representative D. 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.

**INTRODUCTION OF BILLS**

**S.B. 221**, Assessment Area Act Amendments (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

**S.B. 222**, Transportation Amendments (W. Harper), was read the first time by short title and referred to the Rules Committee.

**CONSENT CALENDAR**

**1st Sub. S.B. 147**, WORKERS’ COMPENSATION AND OCCUPATIONAL SAFETY RELATED AMENDMENTS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

Adams    Bramble    Christensen    Dabakis
Davis    Dayton    Harper    Henderson
Hinkins    Jenkins    Jones    Knudson
Madsen    Mayne    Okerlund    Osmond
Reid    Robles    Shiozawa    Stevenson
Thatcher    Valentine    Van Tassell    Vickers
Weiler    Niederhauser

**Absent or not voting were:** Senators

Hillyard    Stephenson    Urquhart

**1st Sub. S.B. 147** was transmitted to the House for consideration.

***

**S.B. 179**, LOCAL GOVERNMENT FINANCIAL REPORTING REVISIONS, was read the third time, explained by Senator Bramble, and passed on the following roll call:
Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams    Bramble    Christensen    Dabakis
Davis    Dayton    Harper    Henderson
Hinkins    Jenkins    Jones    Knudson
Madsen    Mayne    Okerlund    Osmond
Reid    Robles    Shiozawa    Stephenson
Stevenson    Thatcher    Urquhart    Valentine
Van Tassell    Vickers    Weiler    Niederhauser

Absent or not voting was: Senator
Hillyard

S.B. 179 was transmitted to the House for consideration.

* * *

H.B. 257, STATE TREASURER AMENDMENTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams    Bramble    Christensen    Dabakis
Davis    Dayton    Harper    Henderson
Hinkins    Jenkins    Jones    Knudson
Mayne    Okerlund    Osmond    Reid
Robles    Shiozawa    Stephenson    Stevenson
Thatcher    Urquhart    Valentine    Van Tassell
Vickers    Weiler    Niederhauser

Absent or not voting were: Senators
Hillyard    Madsen

H.B. 257 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the Senate voted to lift 3rd Sub. H.B. 47, INSURANCE LAW AMENDMENTS, from the Consent Calendar and place it at the top of the Second Reading Calendar.
On motion of Senator Stevenson, the Senate voted to lift S.B. 212, JUDICIAL CODE AMENDMENTS, from the Judiciary, Law Enforcement, Criminal Justice Committee and assign it to the Economic Development and Workforce Services Committee.

**CONCURRENCE CALENDAR**

On motion of Senator Knudson, the Senate voted to concur in the House amendments to S.B. 28, BOARDS AND COMMISSIONS AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yea, 27; Nay, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Hillyard | Jones |

S.B. 28 was returned to the House for the signature of the Speaker.

* * *

S.B. 111, ELECTRONIC FILING OF TRAFFIC CITATIONS AND ACCIDENT REPORTS, was before the Senate.

On motion of Senator Christensen, the bill was circled.

* * *

On motion of Senator Vickers, the Senate voted to concur in the House amendments to S.C.R. 3, THREATENED SPECIES DAMAGE AND MANAGEMENT PLAN CONCURRENT RESOLUTION. The bill, as amended, passed on the following roll call:

**Yea, 27; Nay, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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S.C.R. 3 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. 101, DIVISION OF WATER RIGHTS REVISIONS. The bill, as amended, passed on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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S.B. 101 was returned to the House for the signature of the Speaker.

* * *

S.B. 129, OFFICE OF STATE DEBT COLLECTION – ADMINISTRATIVE GARNISHMENT ORDER, was before the Senate.

On motion of Senator Knudson, the bill was circled.

* * *

On motion of Senator Urquhart, the Senate voted to concur in the House amendments to S.B. 162, CONCURRENT ENROLLMENT AMENDMENTS. The bill, as amended, passed on the following roll call:
Y eas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Stevenson  Thatcher  Urquhart  Valentine
Van Tassell  Vickers  Weiler  Niederhauser

Absent or not voting was: Senator
Hillyard

S.B. 162 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

1st Sub. H.B. 58, PROTECTION OF ATHLETES WITH HEAD INJURIES ACT AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

Y eas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Stevenson  Thatcher  Urquhart  Valentine
Van Tassell  Vickers  Weiler  Niederhauser

Absent or not voting was: Senator
Hillyard

1st Sub. H.B. 58 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SPECIAL RECOGNITION

Senator Jones read a citation honoring National Board Certified Teachers from Utah.
THIRD READING CALENDAR

On motion of Senator Adams, 1st Sub. H.B. 24, UTAH RETIREMENT SYSTEM AMENDMENTS, was read the third time and circled.

***

H.B. 251, SUNSET REAUTHORIZATION – EMPLOYMENT SERVICES FOR THE DISABLED, was read the third time, explained by Senator Christensen, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Hillyard | Mayne   | Van Tassell | Weiler |

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.

***

1st Sub. H.B. 11, LOCAL TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS, was read the third time, explained by Senator Vickers, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Madsen    Robles    Thatcher

1st Sub. H.B. 11 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 79, MOTOR VEHICLE REGISTRATION AND INSURANCE AMENDMENTS, was read the third time, explained by Senator Vickers, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams    Bramble    Christensen    Dabakis
Dayton   Harper    Henderson    Hillyard
Hinkins  Jenkins    Jones    Knudson
Madsen   Mayne    Okerlund    Osmond
Reid     Robles    Shiozawa    Stephenson
Stevenson Thatcher    Urquhart    Valentine
Van Tassell Vickers    Weiler    Niederhauser

Absent or not voting was: Senator
Davis

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.

* * *

H.B. 83, SPEED LIMIT AMENDMENTS, was read the third time and explained by Senator Jenkins. Senator Shiozawa commented and the bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators
Adams    Bramble    Christensen    Dabakis
Davis    Dayton    Harper    Henderson
Hillyard Hinkins    Jenkins    Jones
Knudson  Madsen    Mayne    Okerlund
Osmond   Reid    Robles    Shiozawa
Stephenson Stevenson    Thatcher    Urquhart
Valentine Van Tassell Vickers    Weiler
Niederhauser
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.

* * *

H.B. 71, MOBILE AND MANUFACTURED HOME AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 29; Nays, 0; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators

Adams       Bramble       Christensen       Dabakis
Davis       Dayton        Harper           Henderson
Hillyard    Hinkins       Jenkins          Jones
Knudson     Madsen        Mayne            Okerlund
Osmond      Reid          Robles           Shiozawa
Stephenson  Stevenson     Thatcher         Urquhart
Valentine   Van Tassell   Vickers          Weiler
Niederhauser

H.B. 71 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 254, COLLEGE CREDITS FOR VETERANS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

Adams       Bramble       Christensen       Dabakis
Davis       Dayton        Harper           Henderson
Hillyard    Hinkins       Jenkins          Knudson
Madsen      Mayne         Okerlund         Osmond
Reid        Robles        Shiozawa         Stephenson
Stevenson   Thatcher      Urquhart        Valentine
Van Tassell Vickers        Weiler          Niederhauser

**Absent or not voting was:** Senator

Jones

1st Sub. H.B. 254, as amended, was returned to the House for further consideration.
* * *

On motion of Senator Weiler, the Senate voted to recall 1st Sub. H.B. 58 PROTECTION OF ATHLETES WITH HEAD INJURIES ACT AMENDMENTS for a clarification.

* * *

H.B. 269, TRAINING OF SCHOOL NURSES, was read the third time, explained by Senator Christensen, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

**Voting in the affirmative were:** Senators

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

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. 85, VOTING RECOUNT AMENDMENTS, was read the third time, explained by Senator Henderson, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

**Voting in the affirmative were:** Senators

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1st Sub. H.B. 85 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 67, PERSONAL PROPERTY TAXATION REVISION, was read the third time and explained by Senator Harper.

Senator Harper proposed the following amendment:

1. Page 11, Line 316: Delete “and”

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

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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

1st Sub. H.B. 67, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 74, PROPERTY TAX MODIFICATIONS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

**Yeas, 29; Nays, 0; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators

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1st Sub. H.B. 74, as amended, was returned to the House for further consideration.

* * *

H.B. 87, ATTEMPTED AGGRAVATED MURDER AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators

Adams Christensen Dabakis Davis
Dayton Harper Hillyard Hinkins
Jenkins Jones Knudson Madsen
Mayne Okerlund Reid
Robles Shiozawa Stevenson
Thatcher Urquhart Valentine
Vickers Weiler Niederhauser

Absent or not voting were: Senators

Bramble Henderson

H.B. 87, as amended, was returned to the House for further consideration.

* * *

H.B. 298, PARENT SEMINAR ON YOUTH PROTECTION, was read the third time and explained by Senator Osmond. Senator Vickers commented and the bill passed on the following roll call:

Yeas, 23; Nays, 4; Absent or not voting, 2.

Voting in the affirmative were: Senators

Adams Christensen Dabakis Davis
Harper Henderson Hillyard Jones
Knudson Mayne Okerlund Osmond
Voting in the negative were: Senators
Dayton Hinkins Madsen Vickers

Absent or not voting were: Senators
Bramble Jenkins

H.B. 298 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 Weiler, the circle was removed from 1st Sub. H.B. 24, UTAH RETIREMENT SYSTEM AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Stevenson Thatcher Urquhart Valentine
Van Tassell Vickers Weiler Niederhauser

Absent or not voting was: Senator
Jenkins

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 Valentine, 1st Sub. H.B. 28, CAMPUS SAFETY AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Osmond, the Senate voted to recall H.B. 298, PARENT SEMINAR ON YOUTH PROTECTION for a revote.
S.B. 131, ASSAULT AMENDMENTS, was read the third time and explained by Senator Osmond. Senator Madsen and Thatcher commented and the bill passed on the following roll call:

**Yeas, 22; Nays, 5; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators  
Bramble          Christensen          Dabakis          Davis  
Henderson        Hillyard            Jones            Knudson  
Mayne            Okerlund            Osmond           Reid  
Robles           Shiozawa            Stevenson         Thatcher  
Urquhart         Valentine           Van Tassell      Vickers  
Weiler           Niederhauser

**Voting in the negative were:** Senators  
Adams            Dayton             Harper           Madsen  
Stephenson

**Absent or not voting were:** Senators  
Hinkins          Jenkins

S.B. 131 was transmitted to the House for consideration.

**Yeas, 22; Nays, 4; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators  
Bramble          Dabakis            Davis            Harper  
Henderson        Hillyard           Jones            Knudson  
Mayne            Okerlund           Osmond           Reid  
Robles           Shiozawa           Stevenson         Thatcher  
Urquhart         Valentine           Van Tassell      Vickers  
Weiler           Niederhauser

**Voting in the negative were:** Senators  
Adams            Dayton             Jenkins           Madsen  

On motion of Senator Osmond, the Senate voted to reconsider its action on H.B. 298.

H.B. 298, PARENT SEMINAR ON YOUTH PROTECTION, was before the Senate, explained by Senator Osmond, and passed on the following roll call:

**Yeas, 22; Nays, 4; Absent or not voting, 3.**
Absent or not voting were: Senators
Christensen  Hinkins  Stephenson

H.B. 298 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 22, 2013

The House passed H.C.R. 6, CONCURRENT RESOLUTION RECOGNIZING THE 50TH ANNIVERSARY OF THE VIETNAM WAR, by Representative C. Oda, 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 Valentine, the Senate voted to lift H.C.R. 6, CONCURRENT RESOLUTION RECOGNIZING THE 50TH ANNIVERSARY OF THE VIETNAM WAR, from Rules and placed it on the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Jenkins, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. On motion of Senator Valentine, under suspension of the rules, the Senate voted to suspend the rules requiring a committee hearing and the 24-hour requirement.

On motion of Senator Jenkins, under suspension of the rules, H.C.R. 6, CONCURRENT RESOLUTION RECOGNIZING THE 50TH ANNIVERSARY OF THE VIETNAM WAR, was considered read the second and third times. Senator Jones commented and the bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  Okerlund
Osmond  Reid  Robles  Shiozawa
Stephenson  Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Vickers  Weiler
Niederhauser
H.C.R. 6 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SPECIAL RECOGNITION

Senator Christensen paid tribute to soldiers serving in the Armed Forces from Utah.

***

On motion of Senator Okerlund, and at 12:00 p.m., the Senate adjourned until 10:00 a.m., Monday, February 25, 2013.
TWENTY-EIGHTH DAY

MORNING SESSION

February 25, 2013

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

Prayer – Charlie Smith, Bishop, Cedar Pass 2nd Ward, LDS Church
Pledge of Allegiance – Senator Luz Robles
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

SPECIAL ORDER OF BUSINESS

Senator Hillyard presented budget issues to the Senate. Senator Valentine commented.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 22, 2013

The House passed, S.B. 161, RESTITUTION AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, S.C.R. 8, CONCURRENT RESOLUTION FOR THE PROVO RESERVOIR CANAL TITLE TRANSFER, 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 22, 2013

The House concurred in the Senate amendments and passed H.B. 33, EXPUNGEMENT PROCESS AMENDMENTS, by Representative E. Hutchings, and it is transmitted for the signature of the President; and
The House concurred in the Senate amendments and passed **H.B. 281**, HEALTH DISCOUNT PROGRAM REVISIONS, 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. 289**, FIREWORKS AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

Mr. President: February 22, 2013

The House passed, as substituted, **2nd Sub. H.B. 100**, INTERNET PRIVACY AMENDMENTS, by Representative S. Barlow, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 107**, HOSPITAL LIEN LAW AMENDMENTS, by Representative M. McKell, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 108**, METAL THEFT AMENDMENTS, by Representative J. Draxler, and it is transmitted for consideration; and

The House passed **H.B. 125**, INTERSTATE LOCAL EMERGENCY RESPONSE ACT, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 201**, STATE BOARD OF EDUCATION LEADERSHIP AMENDMENTS, by Representative S. Eliason, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 213**, PEACE OFFICER STANDARDS AND TRAINING AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 223**, EMERGENCY MANAGEMENT FUNDING AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and
The House passed, as substituted, **1st Sub. H.B. 230**, EMERGENCY VEHICLE OPERATORS TRAINING REQUIREMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 299**, BICYCLE MODIFICATIONS, by Representative Johnny 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.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 22, 2011

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

**Government Operations and Political Subdivisions Committee**

S.B. 221 Assessment Area Act Amendments (Sen. K. Van Tassell)

H.B. 113 County Governing Body Authority (Rep. S. Handy) (Sen. K. Van Tassell)

**Health and Human Services Committee**


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


**Revenue and Taxation Committee**

S.B. 84 Sales and Use Tax Exemption for Short–term Lodging Consumables (Sen. J. S. Adams)


**Transportation, Public Utilities and Technology Committee**

S.B. 220 Traffic Code Amendments (Sen. P. Knudson)

S.B. 222 Transportation Amendments (Sen. W. Harper)
H.B. 104  Wireless Call Location Information (Rep. M. Wheatley)  
(Sen. G. Davis)

John L. Valentine  
Rules Committee Chair

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

RULES COMMITTEE REPORTS

To the Members of the Senate:  

February 22, 2011

The Rules Committee recommends that, with the written consent of the sponsor, S.B. 177, Highway Designation Amendments (Sen. S. Reid) be replaced and favorably recommends that 1st Sub. S.B. 177, Highway Designation Amendments (Sen. S. Reid), be adopted and assigned to the Economic Development and Workforce Services Committee.

John L. Valentine  
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President:  

February 22, 2013

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 40, SCHEDULING OF SPECIAL ELECTIONS, by Representative K. Powell, with the following amendments:

1. Page 2, Line 36: (ii) in an odd-numbered year

2. Page 2, Line 37: (A) the second Tuesday following the first Monday in August; or

3. Page 2, Line 38: (B) on the first Tuesday after the first Monday in November; or; and

Margaret Dayton, Chair

Mr. President: February 22, 2013

The Retirement and Independent Entities Committee reports a favorable recommendation on **H.B. 30**, LINE−OF−DUTY DEATH AND DISABILITY AMENDMENTS, by Representative R. Menlove.

Todd Weiler, Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President: February 22, 2013

The Economic Development and Workforce Services Committee reports a favorable recommendation on **S.C.R. 9**, CONCURRENT RESOLUTION DESIGNATING A WEEK TO RECOGNIZE WORKPLACE SAFETY, by Senator K. Mayne, and recommends it be considered read for the second time and placed on the Consent Calendar.

Aaron Osmond, Chair

Mr. President: February 22, 2013

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 220**, REPEAL OF STATE AUDITOR RELATED PROVISIONS, by Representative J. Knotwell, 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.C.R. 7**, CONCURRENT RESOLUTION TO REDUCE UTAH’S DEPENDENCE ON FEDERAL FUNDS, by Senator A. Osmond, and recommends it be considered read for the second time and placed on the Consent Calendar.

Margaret Dayton, Chair

Mr. President: February 22, 2013

The Retirement and Independent Entities Committee reports a favorable recommendation on **H.B. 95**, AMORTIZATION RATE CONTRIBUTION FOR
REEMPLOYED RETIREES REVISIONS, by Representative D. Sagers, and recommends it be considered read for the second time and placed on the Consent Calendar.

Todd Weiler, Chair

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

INTRODUCTION OF BILLS

S.B. 225, Immigration Trigger Dates (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 226, Sales and Use Tax Amendments (W. Harper), was read the first time by short title and referred to the Rules Committee.

S.B. 227, Patient Information Protection Amendments (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

S.B. 228, Penalties for Specified Juvenile Offenses (B. Shiozawa), was read the first time by short title and referred to the Rules Committee.

S.B. 229, Appellate Bond for State Entities (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 230, Miners’ Hospital Grants Amendments (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

S.B. 231, Political Action Committee Amendments (E. Vickers), was read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 294, BICYCLES ON STREETS, was read the third time, explained by Senator Thatcher, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators

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Senator
Osmond

**H.B. 294** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

**H.B. 297**, BICYCLE AND MOPED AMENDMENTS, was read the third time, explained by Senator Thatcher, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

Voting in the affirmative were: Senators

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Absent or not voting was: Senator
Osmond

**H.B. 297** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

**S.B. 193**, VEHICLE REGISTRATION AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

Voting in the affirmative were: Senators

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Absent or not voting was: Senator
Osmond

**S.B. 193** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
Reid Robles Shiozawa Stephenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

Absent or not voting were: Senators
Osmond Stevenson

S.B. 193 was transmitted to the House for consideration.

CONCURRENCE CALENDAR

On motion of Senator Hillyard, the circle was removed from S.B. 111, ELECTRONIC FILING OF TRAFFIC CITATIONS AND ACCIDENT REPORTS, and it was before the Senate.

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to S.B. 111, ELECTRONIC FILING OF TRAFFIC CITATIONS AND ACCIDENT REPORTS. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne Okerlund
Reid Robles Shiozawa Stephenson
Stevenson Thatcher Urquhart Valentine
Van Tassell Vickers Weiler Niederhauser

Absent or not voting was: Senator
Osmond

S.B. 111 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, the circle was removed from S.B. 129, OFFICE OF STATE DEBT COLLECTION – ADMINISTRATIVE GARNISHMENT ORDER, and it was before the Senate.

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to S.B. 129, OFFICE OF STATE DEBT COLLECTION –
ADMINISTRATIVE GARNISHMENT ORDER. The bill, as amended, passed on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator

Osmond

**S.B. 129** was returned to the House for the signature of the Speaker.

**TIME CERTAIN CALENDAR**

On motion of Senator Valentine, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Knudson, under suspension of the rules, the Senate voted to suspend the rules requiring a committee hearing and the 24–hour requirement.

On motion of Senator Knudson, under suspension of the rules, **S.J.R. 12**, JOINT RESOLUTION ON TAIWAN, was considered read the second and third times. Senator Knudson explained the bill. The bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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Absent or not voting was: Senator Dabakis

S.J.R. 12 was transmitted to the House.

COMMITTEE OF THE WHOLE

On motion of Senator Knudson, Bruce Fuh, Taipei Economic and Cultural Director General spoke in Committee of the Whole.

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

THIRD READING CALENDAR

1st Sub. H.B. 58, PROTECTION OF ATHLETES WITH HEAD INJURIES ACT AMENDMENTS, was before the Senate.

On motion of Senator Christensen, the Senate voted to reconsider its action on 1st Sub. H.B. 58.

The bill was explained by Senator Christensen and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators

Adams    Bramble    Christensen    Dabakis
Davis    Dayton    Harper    Henderson
Hinkins    Jenkins    Jones    Knudson
Madsen    Okerlund    Osmond    Reid
Robles    Shiozawa    Stephenson    Stevenson
Thatcher    Urquhart    Valentine    Van Tassell
Vickers    Weiler    Niederhauser

Absent or not voting were: Senators

Hillyard    Mayne

1st Sub. H.B. 58 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, the circle was removed from 1st Sub. H.B. 28, CAMPUS SAFETY AMENDMENTS and, it was before the Senate. The bill passed on the following roll call:
Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis
Davis   Dayton  Harper   Henderson
Hillyard Jenkins  Jones    Knudson
Madsen  Mayne   Okerlund Osmond
Reid    Robles  Shiozawa Stephenson
Stevenson Thatcher  Urquhart Valentine
Van Tassell Vickers  Weiler   Niederhauser

Absent or not voting was: Senator
Hinkins

1st Sub. H.B. 28 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

TIME CERTAIN CALENDAR

1st Sub. S.B. 109, CHANGE APPLICATION PROCEDURE, was read the second time. Senator Okerlund explained the bill. Senators Jones, Bramble, Madsen, Dayton, Valentine, Jenkins, and Stevenson commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 7; Absent or not voting, 1.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis
Davis   Harper   Henderson Jenkins
Knudson  Mayne   Okerlund   Osmond
Reid    Robles  Shiozawa  Stevenson
Thatcher  Urquhart Valentine Vickers
Niederhauser

Voting in the negative were: Senators
Dayton   Hinkins  Jones    Madsen
Stephenson  Van Tassell  Weiler

Absent or not voting was: Senator
Hillyard

SECOND READING CALENDAR

S.B. 114, SAFETY BELT AMENDMENTS, was read the second time.
Senator Robles proposed the following amendment:

1. Page 1, Lines 15a through 15f  
   Senate Committee Amendments  
   2–7–2013:

   15a ▶ provides that until July 1, 2014, a state or local law enforcement officer may not issue a citation to a person 19 years of age or older who has been detained for a safety belt violation that is enforced as a primary offense but shall issue the person a warning informing the person that wearing a safety belt while operating or a passenger in a motor vehicle is enforced as a primary offense on a highway with a posted speed limit of 55 miles per hour or more.

2. Page 2, Lines 56a through 56e  
   a. Senate Committee Amendments  
   b. 2–7–2013:

   56a ▶ (c) tearDown UnâJuly 1, 2014, a state or local law enforcement officer may not issue a citation to a person 19 years of age or older who has been detained for the first time for a violation of Subsection (1)(a)(i) or (2) that is enforced as a primary offense but shall issue the person a warning informing the person that wearing a safety belt in a motor vehicle is enforced as a primary offense on a highway with a posted speed limit of 55 miles per hour or more.

Senator Robles’ motion to amend passed on a voice vote.

###

Senator Vickers proposed the following amendment:
1. Page 1, Line 13
Senate Committee Amendments
2–7–2013:

provides that until July 1, 2015, a state or local law enforcement officer may only enforce the safety

2. Page 1, Line 15a
c. Senate Committee Amendments
d. 2–7–2013:

provides that until July 1, 2015, a state or local law enforcement officer may not issue a citation to a

3. Page 2, Lines 50 through 56
Senate Committee Amendments
2–7–2013:

[(4)] (b) (i) Until July 1, 2015, and for a person 19 years of age or older who violates Subsection (1)(a)(i) or (2), enforcement by a state or local law enforcement officer shall be only as a secondary action

[when] if the person:

(A) has been detained for a suspected violation of Title 41, Motor Vehicles, other than Subsection (1)(a)(i) or (2), or for another offense.

(B) was operating the motor vehicle or was a passenger in a motor vehicle being operated on a highway with a posted speed limit of less than 55 miles per hour.

(ii) Beginning on or after July 1, 2015, and for a person 19 years of age or older who violates Subsection (1)(a)(i) or (2), enforcement by a state or local law enforcement officer shall be only as a secondary action if the person has been detained for a suspected violation of Title 41, Motor Vehicles, other than Subsection (1)(a)(i) or (2), or for another offense.

4. Page 2, Lines 56a through 56c
Senate Committee Amendments
2–7–2013:
56a Ŧ (c) (−A−) Until July 1, 2015, a state or local law enforcement officer may not issue a citation to a person 19 years of age or older who has been detained for the first time for a violation of Subsection 56c (1)(a)(i) or (2) that is enforced as a primary offense but shall issue the person a warning.

Senator Vickers’ motion to amend passed on a voice vote. Senator Robles explained the bill. The bill passed second reading on the following roll call:

**Yeas, 15; Nays, 14; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**S.B. 97, PROPELLING A BODILY SUBSTANCE AMENDMENTS,** was read the second time. Senator Stevenson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator Robles
S.B. 98, PROPELING A BODILY SUBSTANCE REVISIONS, was read the second time. Senator Stevenson explained the bill. Senator Thatcher commented. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 3; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators
- Adams
- Bramble
- Christensen
- Davis
- Dayton
- Harper
- Henderson
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Mayne
- Okerlund
- Osmond
- Reid
- Shiozawa
- Stephenson
- Stevenson
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Voting in the negative were:** Senators
- Dabakis
- Madsen
- Thatcher

**Absent or not voting was:** Senator
- Robles

1st Sub. S.B. 152, ALCOHOL AND DRUG RELATED OFFENSE 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, 29; Nays, 0; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators
- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

On motion of Senator Okerlund, and at 11:45 a.m., the Senate recessed.
AFTERNOON SESSION

The Senate reassembled at p.m., with President Niederhauser presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 25, 2013

The Speaker of the House has signed S.B. 28, BOARDS AND COMMISSIONS AMENDMENTS, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 101, DIVISION OF WATER RIGHTS REVISIONS, by Senator M. Dayton, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 111, ELECTRONIC FILING OF TRAFFIC CITATIONS AND ACCIDENT REPORTS, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 129, OFFICE OF STATE DEBT COLLECTION – ADMINISTRATIVE GARNISHMENT ORDER, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 162, CONCURRENT ENROLLMENT AMENDMENTS, by Senator S. Urquhart, and it is transmitted for the signature of the President; and

The House passed, S.C.R. 1, CONCURRENT RESOLUTION APPROVING SOLID WASTE FACILITY LANDFILL PERMIT, by Senator D. Hinkins, 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.C.R. 3, THREATENED SPECIES DAMAGE AND MANAGEMENT PLAN CONCURRENT RESOLUTION, by Senator E. Vickers, and it is transmitted for the signature of the President; and

The House passed, S.J.R. 12, JOINT RESOLUTION ON TAIWAN, 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 25, 2013

The House concurred in the Senate amendments and passed H.B. 87, ATTEMPTED AGGRAVATED MURDER AMENDMENTS, by Representative L. Perry, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 254, COLLEGE CREDITS FOR VETERANS, by Representative P. Ray, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

Mr. President: February 25, 2013

The House passed, as substituted and amended, 2nd Sub. H.B. 99, SUBMITTING GOVERNMENTAL REPORTS, by Representative P. Arent, and it is transmitted for consideration; and

The House passed, as amended, H.B. 112, ASSESSMENT OF PROPERTY IF THREATENED OR ENDANGERED SPECIES IS PRESENT, by Representative M. Noel, and it is transmitted for consideration; and

The House passed H.B. 119, FIRE PREVENTION AMENDMENTS, by Representative J. Seelig, and it is transmitted for consideration; and

The House passed, as substituted, 2nd Sub. H.B. 211, CONCEALED WEAPON PERMIT FOR SERVICE MEMBERS, by Representative V. Peterson, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 217, STATE FIRE CODE ACT AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 218, ALCOHOL AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 241**, UNDERGROUND PETROLEUM STORAGE TANK FINANCIAL VIABILITY STUDY, by Representative S. Eliason, 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, 2013

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

**Business and Labor Committee**

S.B. 225 Immigration Trigger Dates (Sen. C. Bramble)
S.B. 229 Appellate Bond for State Entities (Sen. C. Bramble)

**Education Committee**

S.B. 230 Miners’ Hospital Grants Amendments (Sen. D. Hinkins)
H.B. 201 State Board of Education Leadership Amendments (Rep. S. Eliason) (Sen. A. Osmond)

**Government Operations and Political Subdivisions Committee**

S.B. 197 Private Investigators Qualification Amendments (Sen. M. Dayton)
S.B. 231 Political Action Committee Amendments (Sen. E. Vickers)

**Health and Human Services Committee**

S.B. 227 Patient Information Protection Amendments (Sen. S. Urquhart)
Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 228 Penalties for Specified Juvenile Offenses
     (Sen. B. Shiozawa)
H.B. 108 Metal Theft Amendments (Rep. J. Draxler)
     (Sen. J. Stevenson)
1st Sub. H.B. 213 Peace Officer Standards and Training Amendments

Revenue and Taxation Committee
S.B. 226 Sales and Use Tax Amendments (Sen. W. Harper)

Public Utilities and Technology Committee
2nd Sub. H.B. 100 Internet Privacy Amendments (Rep. S. Barlow)
     (Sen. J. S. Adams)
     (Sen. D. Thatcher)

John L. Valentine
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 25, 2013

The Business and Labor Committee reports a favorable recommendation on
2nd Sub. H.B. 65, INSURANCE BENEFICIARY CHANGES, by Representative
J. Bird; and

The Business and Labor Committee reports a favorable recommendation on
1st Sub. H.B. 245, CONSUMER PROTECTION AMENDMENTS, by Representative
D. Brown; and

The Business and Labor Committee reports a favorable recommendation on
2nd Sub. H.B. 286, DISPOSITION OF PERSONAL PROPERTY ON VACATED
PROPERTY, by Representative G. Froerer; and

The Business and Labor Committee recommends S.B. 214, CONTINUING
EDUCATION FOR PRESCRIPTION DRUGS, by Senator P. Jones, be replaced
and favorably recommends 1st Sub. S.B. 214, CONTINUING EDUCATION FOR PRESCRIPTION DRUGS.

Curtis S. Bramble, Chair

Mr. President: February 25, 2013
The Education Committee reports a favorable recommendation on 1st Sub. H.B. 278, PUBLIC SCHOOL SEISMIC STUDIES, by Representative G. Froerer.

Stuart C. Reid, Chair

Mr. President: February 25, 2013
The Health and Human Services Committee reports a favorable recommendation on 1st Sub. S.B. 203, PRESCRIPTION LABEL INFORMATION AND EDUCATION AMENDMENTS, by Senator P. Jones, with the following amendments:

1. Page 4, Lines 97 through 101:

   97 (2) as part of the website information, specify that information described in Subsection

   98 (1) should not be included on the label if {→

   99 (a) the prescription order does not include a refill; or

   100 (b)} the prescriber or patient indicates that the information may not be included on the

   101 label; and

The Health and Human Services Committee reports a favorable recommendation on S.J.R. 15, JOINT RESOLUTION REGARDING THE IMPACT OF ADULT IMAGES ON CHILDREN’S DEVELOPMENT, by Senator T. Weiler.

Evan J. Vickers, Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 25, 2013
The Business and Labor Committee reports a favorable recommendation on H.B. 303, TRUST DEED ASSIGNMENT AMENDMENTS, by Representative
R. C. Webb, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

On motion of Senator Valentine, 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, Adoption Code Revisions (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 233, Request for Emergency Medical Assistance Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 234, Fire Code Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 235, Interstate Mining Compact (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

S.C.R. 11, Concurrent Resolution on Radon Gas (J. Valentine), was read the first time by short title and referred to the Rules Committee.

SPECIAL RECOGNITION

A citation was read honoring Mike Williams and Danny Berger, Utah State University

SECOND READING CALENDAR

S.B. 156, JAIL RELEASE 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 or not voting, 4.

Voting in the affirmative were: Senators

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Day 28  Monday, February 25, 2013  473

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**Absent or not voting were:** Senators

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S.B. 160, PATRONIZING A PROSTITUTE AMENDMENTS, was read the second time. Senator Stevenson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 2; Absent or not voting, 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. 32, ENVIRONMENTAL HEALTH SCIENTIST ACT SUNSET REAUTHORIZATION, was read the second time. Senator Davis explained the bill. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 1; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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Voting in the negative was: Senator Dayton

Absent or not voting were: Senators Bramble Harper

* * *

S.B. 113, LONG-TERM DISABILITY COVERAGE AMENDMENTS, was read the second time. Senator Weiler explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators Adams Christensen Dabakis Davis Dayton Henderson Hillyard Hinkins Jones Knudson Madsen Mayne Okerlund Osmond Reid Robles Shiozawa Stephenson Stevenson Thatcher Urquhart Valentine Van Tassell Vickers Weiler Niederhauser

Absent or not voting were: Senators Bramble Harper Jenkins

* * *

On motion of Senator Henderson, 1st Sub. S.B. 124, SALES AND USE TAX EXEMPTION FOR DATABASE ACCESS, was read the second time and circled.

* * *

S.B. 165, PHYSICAL THERAPY PRACTICE ACT AMENDMENTS, was read the second time. Senator Weiler explained the bill. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators Adams Christensen Dabakis Davis Dayton Harper Henderson Hillyard Hinkins Jenkins Jones Knudson Madsen Mayne Okerlund Osmond
S.B. 61, HUNTING PERMIT AMENDMENTS, was read the second time.

Senator Christensen proposed the following amendment:

1. Page 3, Line 88 through Page 4, Line 94:

   88  (4) A person may transfer a certificate of registration to harvest brine shrimp and brine shrimp eggs if:
   89    (a) the person submits to the division an application to transfer the certificate on a form provided by the division;
   90    (b) the proposed transferee meets all requirements necessary to obtain an original certificate of registration; and
   91    (c) the division approves the transfer of the certificate.

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

**Yeas, 29; Nays, 0; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators

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On motion of Senator Harper, the circle was removed from **1st Sub. S.B. 124**, SALES AND USE TAX EXEMPTION FOR DATABASE ACCESS, and it was before the Senate. Senator Harper explained the bill. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 2; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**S.B. 166, HOSPITAL PROVIDER ASSESSMENT AMENDMENTS, was read the second time.**

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

**2nd Sub. S.B. 166 Hospital Provider Assessment Amendments**

(L. Hillyard)

Senator Hillyard explained the bill. Senators Reid and Dayton commented. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 5; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators
Dayton  Jenkins  Madsen  Reid
Stephenson

***

On motion of Senator Shiozawa, **1st Sub. S.B. 55.** INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDER, was read the second time and circled.

***

**S.B. 167.** ALCOHOL BEVERAGE CONTROL AMENDMENTS, was read the second time. Senator Valentine explained the bill. Senators Jones, Hillyard, and Reid commented. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 1; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators
Adams  Bramble  Christensen  Dabakis
Davis  Harper  Henderson  Hillyard
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

**Voting in the negative was:** Senator
Dayton

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

***

**S.B. 168.** CERTIFIED PUBLIC ACCOUNTANT LICENSING AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
S.B. 145, COUNTY ATTORNEY CHAPTER RECODIFICATION, was read the second time.

Senator Valentine proposed the following amendment:

1. Page 6, Line 167:
   After “full-time” insert “at will”.

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

**Yea, 27; Nays, 0; Absent or not voting, 2.**

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

Bramble     Van Tassell

**S.B. 164, PAROLE VIOLATOR CENTERS ALLOCATIONS, was read the second time. Senator Robles explained the bill. The bill passed second reading on the following roll call:**

**Yea, 29; Nays, 0; Absent or not voting, 0.**
Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne Okerlund
Osmond Reid Robles Shiozawa
Stephenson Stevenson Thatcher Urquhart
Valentine Van Tassell Vickers Weiler
Niederhauser

***

On motion of Senator Reid, S.B. 39, PATERNAL RESPONSIBILITY FOR SEX EDUCATION, was read the second time and circled.

***

S.B. 169, EDUCATION TASK FORCE, was read the second time. Senator Reid explained the bill. Senators Jones and Urquhart commented. The bill passed second reading on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne Okerlund
Osmond Reid Robles Shiozawa
Stephenson Stevenson Thatcher Urquhart
Valentine Van Tassell Vickers Weiler
Niederhauser

***

S.B. 159, THEFT AMENDMENTS, 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 or not voting, 2.
Absent or not voting were: Senators
Madsen   Robles

***

S.C.R. 6, CONCURRENT RESOLUTION ON FEDERAL GAS TAX, was read the second time. Senator Henderson explained the bill. The bill passed second reading on the following roll call:

Yea, 27; Nay, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams     Bramble     Christensen     Dabakis
Davis     Dayton      Harper         Henderson
Hillyard  Hinkins     Jenkins       Jones
Knudson   Madsen      Mayne         Okerlund
Osmond    Reid        Shiozawa      Stephenson
Stevenson Urquhart   Valentine     Van Tassell
Vickers   Weiler      Niederhauser

Absent or not voting were: Senators
Robles    Thatcher

***

S.C.R. 4, STANDING WITH ISRAEL CONCURRENT RESOLUTION, was read the second time.

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

1st Sub. S.C.R. 4 Standing With Israel Concurrent Resolution
(C. Bramble)

Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yea, 26; Nay, 0; Absent or not voting, 3.
Voting in the affirmative were: Senators
Adams Bramble Christensen Davis
Dayton Harper Henderson Hillyard
Hinkins Jones Knudson Madsen
Mayne Okerlund Osmond Reid
Shiozawa Stephenson Stevenson Thatcher
Urquhart Valentine Van Tassell Vickers
Weiler Niederhauser

Absent or not voting were: Senators
Dabakis Jenkins Robles

* * *

S.B. 94, GOVERNMENT RECORDS AMENDMENTS, 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 or not voting, 2.

Voting in the affirmative were: Senators
Adams Bramble Christensen Davis
Dayton Harper Henderson Hillyard
Hinkins Jones Knudson Madsen
Mayne Okerlund Osmond Reid
Robles Shiozawa Stephenson Stevenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

Absent or not voting were: Senators
Dabakis Jenkins

* * *

S.B. 62, GOVERNOR’S FIRE SUPPRESSION AUTHORITY, 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 or not voting, 2.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jones Knudson
Mayne Okerlund Osmond Reid
Robles Shiozawa Stevenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

Absent or not voting were: Senators
Dabakis Jenkins

* * *
On motion of Senator Dayton, the circle was removed from **S.B. 120, TARGET SHOOTING AND WILDLIFE REGULATIONS**, and it was before the Senate.

Senator Dayton proposed the following amendment:

1. Page 2, Lines 29 through 32:

   29  (b) \{ The closure shall include the prohibition of open fires for the period of time he finds necessary.
   30   \}
   31  The closure may include the restriction or prohibition of the use of firearms in
   32  target shooting. \} The closure shall include, for the period of time the state forester considers necessary, the prohibition of open fires, and may include restrictions and prohibitions on:

   (i) smoking;
   (ii) the use of vehicles or equipment;
   (iii) welding, cutting, or grinding of metals;
   (iv) fireworks;
   (v) explosives; or
   (vi) the use of firearms for target shooting.

(c) Any restriction or closure relating to firearms use:

   (i) shall be done with support of the duly elected county sheriff of the affected county or counties;
   (ii) shall undergo a formal review by the State Forester and County Sheriff every 14 days; and
   (iii) may not prohibit a person from legally possessing a firearm or lawfully participating in a hunt.

Senator Dayton’s motion to amend passed on a voice vote. Senator Dayton explained the bill. The bill passed on the following roll call:
Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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On motion of Senator Okerlund, and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Tuesday, February 26, 2013.
TWENTY–NINTH DAY
MORNING SESSION
February 26, 2013

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

Prayer – Rabbi Benny Zippel, Chabad Lubavitch of Utah
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 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 25, 2013

The House passed, as substituted, 1st Sub. H.B. 102, ARSON PENALTIES AMENDMENTS, by Representative L. Wiley, and it is transmitted for consideration; and

The House passed, as amended, H.B. 103, WIRELESS TELEPHONE USE RESTRICTIONS, by Representative L. Perry, and it is transmitted for consideration; and

The House passed, as amended, H.B. 116, SUDDEN CARDIAC ARREST SURVIVAL ACT AMENDMENTS, by Representative R. Cunningham, and it is transmitted for consideration; and

The House passed, as substituted, 2nd Sub. H.B. 118, AUTOMATIC EXTERNAL DEFIBRILLATOR RESTRICTED ACCOUNT, by Representative R. Cunningham, and it is transmitted for consideration; and

The House passed H.B. 195, BUDGETARY PROCEDURES ACT REVISIONS, by Representative K. Ivory, and it is transmitted for consideration; and

The House passed, as amended, H.B. 224, IMPACT FEES AMENDMENTS, by Representative D. McCay, and it is transmitted for consideration; and

The House passed H.B. 227, COHABITANT DEFINITION, by Representative B. Wilson, and it is transmitted for consideration; and
The House passed H.B. 231, HAZARDOUS WASTE AND MIXED WASTE FEES, by Representative M. Nelson, and it is transmitted for consideration; and

The House passed H.B. 233, FUNERAL SERVICES LICENSING ACT AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed H.B. 237, SURETY BOND PENALTY, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 287, RETURN OF WEAPONS RECOVERED BY LAW ENFORCEMENT, by Representative K. Stratton, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 292, PREMIUM ASSISTANCE UNDER MEDICAID AND CHIP, by Representative D. Sanpei, 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 25, 2013

The Health and Human Services Committee reports a favorable recommendation on S.B. 207, REPEAL OF HEALTH AND HUMAN SERVICES REPORTS AND EXPIRED OR DISCONTINUED PROGRAMS, by Senator A. Christensen, with the following amendments:

1. Page 2, Line 35:

35 {−26−7−2, as last amended by Laws of Utah 2011, Chapter 492−}

2. Page 2, Line 49:

49 {−26−52−202, as last amended by Laws of Utah 2012, Chapters 242 and 402−}

3. Page 2, Line 57:

57 {−59−14−204, as last amended by Laws of Utah 2012, Chapter 341−}
(a) "Multicultural or minority health issue" means a health issue, including a mental and oral health issue, of particular interest to cultural, ethnic, racial, or other subpopulations, including:

(i) disparities in:

(A) disease incidence, prevalence, morbidity, mortality, treatment, and treatment response; and

(B) access to care; and

(ii) cultural competency in the delivery of health care.

(b) "Office" means the Office of Health Disparities Reduction created in this section.

(2) There is created within the department the Office of Health Disparities Reduction.

(3) The office shall:

(a) promote and coordinate the research, data production, dissemination, education, and health promotion activities of the following that relate to a multicultural or minority health issue:

(i) the department;

(ii) local health departments;

(iii) local mental health authorities;

(iv) public schools;

(v) community-based organizations; and

(vi) other organizations within the state;
(b) assist in the development and implementation of one or more programs to address a multicultural or minority health issue;

(c) promote the dissemination and use of information on a multicultural or minority health issue by minority populations, health care providers, and others;

(d) seek federal funding and other resources to accomplish the office's mission;

(e) provide technical assistance to organizations within the state seeking funding to study or address a multicultural or minority health issue;

(f) develop and increase the capacity of the office to:

(i) ensure the delivery of qualified timely culturally appropriate translation services across department programs; and

(ii) provide, when appropriate, linguistically competent translation and communication services for limited English proficiency individuals; and

(g) provide staff assistance to any advisory committee created by the department to study a multicultural or minority health issue;

(h) annually report to the Legislature on its activities and accomplishments.

5. Page 36, Line 1100 through Page 38, Line 1165:

Section 21. Section 26–52–202 is amended to read:

26–52–202. Autism Treatment Account Advisory Committee

Membership

Time limit.

(1) (a) There is created an Autism Treatment Account Advisory Committee consisting of six members appointed by the governor to two–year terms of office as follows:
(i) one person holding a doctorate degree who has experience in treating persons with an autism spectrum disorder;

(ii) one person who is a board certified behavior analyst;

(iii) one person who is a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, who has completed a residency program in pediatrics;

(iv) one person who is employed in the Department of Health; and

(v) two persons from the community who are familiar with autism spectrum disorders and their effects, diagnosis, treatment, rehabilitation, and support needs, including:

(A) family members of a person with an autism spectrum disorder;

(B) representatives of an association which advocates for persons with an autism spectrum disorder; and

(C) specialists or professionals who work with persons with autism spectrum disorders.

(b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every year.

(c) If a vacancy occurs in the committee membership for any reason, a replacement may be appointed for the unexpired term.

(2) The department shall provide staff support to the committee.
(3) (a) The committee shall elect a chair from the membership on an annual basis.

(b) A majority of the committee constitutes a quorum at any meeting, and, if a quorum exists, the action of the majority of members present shall be the action of the committee.

(c) The executive director may remove a committee member:

(i) if the member is unable or unwilling to carry out the member’s assigned responsibilities; or

(ii) for good cause.

(4) The committee may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules governing the committee’s activities, which rules shall:

(a) comply with the requirements of this title; and

(b) include:

(i) qualification criteria and procedures for selecting children who may qualify for assistance from the account;

(ii) qualifications, criteria, and procedures for evaluating the services and providers to include in the program, which shall include at least:

(A) applied behavior analysis provided by or supervised by a board-certified behavior analyst or a licensed psychologist with equivalent university training and supervised experience;

(B) collaboration with existing telehealth networks to reach children in rural and under-served areas of the state; and

(C) methods to engage family members in the treatment process; and
(iii) provisions to address and avoid conflicts of interest that may arise in relation to the committee’s work.

(5) The committee shall meet as necessary to carry out its duties and shall meet upon a call of the committee chair or a call of a majority of the committee members.

(6) The committee shall comply with the procedures and requirements of:

(a) Title 52, Chapter 4, Open and Public Meetings Act; and

(b) Title 63G, Chapter 2, Government Records Access and Management Act.

(7) Committee members shall receive no compensation or per diem allowance for their services.

(8) (a) Not later than November 30 of each year, the committee shall provide a written report summarizing the activities of the committee to:

(i) the executive director [of the department;]

(ii) the Legislature’s Health and Human Services Interim Committee; and

(iii) the Legislature’s Social Services Appropriations Subcommittee.

(b) The report under Subsection (8)(a) shall include:

(i) the number of children diagnosed with autism spectrum disorder who are receiving services under this chapter;

(ii) the types of services provided to children under this chapter; and

(iii) results of any evaluations on the effectiveness of treatments and services provided under this chapter.}
6. Page 49, Line 1495 through Page 50, Line 1538:

{ 1495 Section 29. Section 59–14–204 is amended to read:
1496 59–14–204. Tax basis — Rate — Future increase — Cigarette
1497 Tax–Restricted
1498 Account — Appropriation and expenditure of revenues.
1499 (1) Except for cigarettes described under Subsection
1500 59–14–210(3), there is levied a tax
1501 upon the sale, use, storage, or distribution of cigarettes in the
1502 state.
1503 (2) The rates of the tax levied under Subsection (1) are, beginning on July 1, 2010:
1504 (a) 8.5 cents on each cigarette, for all cigarettes weighing not
1505 more than three pounds
1506 per thousand cigarettes; and
1507 (b) 9.963 cents on each cigarette, for all cigarettes weighing in
1508 excess of three pounds
1509 per thousand cigarettes.
1510 (3) Except as otherwise provided under this chapter, the tax
1511 levied under Subsection
1512 (1) shall be paid by any person who is the manufacturer, jobber,
1513 importer, distributor,
1514 wholesaler, retailer, user, or consumer.
1515 (4) The tax rates specified in this section shall be increased by
1516 the commission by the
1517 same amount as any future reduction in the federal excise tax on
1518 cigarettes.
1519 (5) (a) There is created within the General Fund a restricted
1520 account known as the
1521 “Cigarette Tax Restricted Account.”
1522 (b) The Cigarette Tax Restricted Account consists of:
1523 (i) the first $7,950,000 of the revenues collected from a tax
1524 under this section; and
(ii) any other appropriations the Legislature makes to the Cigarette Tax Restricted Account.

(c) For each fiscal year beginning with fiscal year 2011−12 and subject to appropriation by the Legislature, the Division of Finance shall distribute money from the Cigarette Tax Restricted Account as follows:

(i) $250,000 to the Department of Health to be expended for a tobacco prevention and control media campaign targeted towards children;

(ii) $2,900,000 to the Department of Health to be expended for tobacco prevention, reduction, cessation, and control programs;

(iii) $2,000,000 to the University of Utah Health Sciences Center for the Huntsman Cancer Institute to be expended for cancer research; and

(iv) $2,800,000 to the University of Utah Health Sciences Center to be expended for medical education at the University of Utah School of Medicine.

(d) In determining how to appropriate revenue deposited into the Cigarette Tax Restricted Account that is not otherwise appropriated under Subsection (5)(c), the Legislature shall give particular consideration to enhancing Medicaid provider reimbursement rates and medical coverage for the uninsured.

[(e) Any program or entity that receives funding under Subsection (5)(c) shall provide an annual report to the Health and Human Services Interim Committee no later that September of each year. The report shall include:]
{(i) the amount funded;}
{(ii) the amount expended;}
{(iii) a description of the effectiveness of the program; and}
{(iv) if the program is a tobacco cessation program, the report
required in Section 51–9–203.} }

Evan J. Vickers, Chair

On motion of Senator Valentine, the committee report was adopted. The bill
was placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 25, 2013
The Health and Human Services Committee reports a favorable
recommendation on H.B. 198, AGING AND ADULT SERVICES
AMENDMENTS, by Representative B. Last, and recommends it be considered
read for the second time and placed on the Consent Calendar.

Evan J. Vickers, Chair

Mr. President: February 25, 2013
The Transportation and Public Utilities and Technology Committee reports a
favorable recommendation on S.B. 222, TRANSPORTATION AMENDMENTS,
by Senator W. Harper, with the following amendments and recommends it be
considered read for the second time and placed on the Consent Calendar:

1. Page 1, Lines 12 through 15:

12 ▶ provides that beginning on the date that the Motor
Vehicle Division has implemented the Motor Vehicle Division’s GenTax
system, the requirement to pass a safety inspection annually or obtain
a valid
13 annual federal inspection only applies to a motor vehicle with a
gross vehicle
14 weight rating of 10,001 pounds or more if the motor vehicle is a
commercial
15 vehicle; and
2. Page 3, Lines 60 through 62:

60 (b) [motor vehicle] Beginning on the date that the Motor Vehicle Division has implemented the Motor Vehicle Division’s GenTax system, a commercial vehicle as defined in Section 41−1a−102 with a gross vehicle weight rating of 10,001 pounds or more is required to pass a safety inspection annually or comply with Subsection (1)(b)(iv)(B).

Kevin T. Van Tassell, Chair

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

INTRODUCTION OF BILLS

S.B. 85, Community Health Worker Program (L. Robles), was read the first time by short title and referred to the Rules Committee.

S.B. 223, State Senate Boundary Amendments (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

Leslie McLean, Secretary of the Senate, read the following statement:

“I, Leslie McLean, in the presence of the Senate, certify that I have personally verified the electronic file security code on the DVD portion of Senate Bill 223 matches the security code on the printed bill. The printed bill and its associated electronic content is now available on the Legislature’s web site.”

S.B. 224, State Board of Education Boundary Amendments (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

Leslie McLean, Secretary of the Senate, read the following statement:

“I, Leslie McLean, in the presence of the Senate, certify that I have personally verified the electronic file security code on the DVD portion of Senate Bill 224 matches the security code on the printed bill. The printed bill and its associated electronic content is now available on the Legislature’s web site.”

S.B. 236, Uninsured and Underinsured Motorist Coverage Amendments (L. Hillyard), was read the first time by short title and referred to the Rules Committee.
S.B. 238, Property Tax Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 239, Alcoholic Beverage Control Act Sampling Amendments (J. Valentine), was read the first time by short title and referred to the Rules Committee.

S.B. 241, Disclosure Requirements for Midterm Vacancy Candidates (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 243, Bullying and Hazing Amendments (L. Robles), was read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Bramble, legislative staff was authorized to draft a bill regarding debt collection process.

CONSENT CALENDAR

S.B. 21, UNINCORPORATED BUSINESS ENTITIES, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams, Bramble, Christensen, Dabakis
Davis, Dayton, Harper, Henderson
Hillyard, Hinkins, Jenkins, Knudson
Mayne, Okerlund, Osmond, Reid
Robles, Shiozawa, Stevenson, Thatcher
Urquhart, Valentine, Van Tassell, Vickers
Weiler, Niederhauser

Absent or not voting were: Senators
Jones, Madsen, Stephenson

S.B. 21 was transmitted to the House for consideration.

* * *

H.B. 304, ENTERPRISE ZONE AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:
Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Stevenson  Thatcher  Urquhart  Valentine
Van Tassell  Vickers  Weiler  Niederhauser

Absent or not voting was: Senator
Madsen

H.B. 304 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, H.B. 27, THREAT OF TERRORISM PENALTY AMENDMENTS, was read the third time and circled.

***

H.B. 301, BAIL BOND RECOVERY LICENSURE AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Stevenson  Thatcher  Urquhart  Valentine
Van Tassell  Vickers  Weiler  Niederhauser

Absent or not voting was: Senator
Madsen

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 Urquhart, 1st Sub. H.B. 101, HOMEOWNERS ASSOCIATION AMENDMENTS, was read the third time and circled.

S.B. 173, RESIDENTIAL CONSTRUCTION CONTRACT AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Madsen | Valentine |

S.B. 173 was transmitted to the House for consideration.

H.B. 215, WATER QUALITY AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Stevenson | Thatcher | Valentine |


**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.

***

**H.B. 216**, WASTING WILDLIFE AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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

**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.

***

On motion of Senator Urquhart, the circle was removed from **H.B. 27**, THREAT OF TERRORISM PENALTY AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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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 Urquhart, the circle was removed from 1st Sub. H.B. 101, HOMEOWNER ASSOCIATION AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Stevenson  Thatcher  Urquhart  Van Tassell
Vickers  Weiler  Niederhauser

**Absent or not voting were:** Senators

Hillyard  Valentine

1st Sub. H.B. 101 was returned to the House for further consideration.

**THIRD READING CALENDAR**

1st Sub. S.B. 109, CHANGE APPLICATION PROCEDURE, was read the third time and explained by Senator Okerlund. Senator Hinkins made the motion to substitute the bill. The motion failed on a voice vote. Senators Reid, Dayton, Madsen, Bramble, Jenkins, and Stephenson commented. The bill passed on the following roll call:

**Yeas, 19; Nays, 9; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

Adams  Bramble  Christensen  Dabakis
Davis  Harper  Jones  Knudson
Mayne  Okerlund  Osmond  Reid
Robles  Shiozawa  Stevenson  Urquhart
Valentine  Vickers  Niederhauser

**Voting in the negative were:** Senators

Dayton  Henderson  Hillyard  Hinkins
Jenkins  Madsen  Stephenson  Thatcher
Weiler
Absent or not voting was: Senator Van Tassell

1st Sub. S.B. 109 was transmitted to the House for consideration.

***

On motion of Senator Robles, S.B. 114, SAFETY BELT AMENDMENTS, was read the third time and circled.

***

On motion of Senator Reid, S.B. 97, PROPELLING A BODILY SUBSTANCE AMENDMENTS, was read the third time and circled.

***

On motion of Senator Adams, S.B. 98, PROPELLING A BODILY SUBSTANCE REVISIONS, was read the third time and circled.

***

1st Sub. S.B. 152, ALCOHOL AND DRUG RELATED OFFENSE AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 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. 152 was transmitted to the House for consideration.

***

S.B. 156, JAIL RELEASE AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:
Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators

- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Shiozawa
- Stephenson
- Thatcher
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

Absent or not voting were: Senators

- Hillyard
- Robles
- Stevenson
- Urquhart

S.B. 156 was transmitted to the House for consideration.

***

On motion of Senator Adams, S.B. 160, PATRONIZING A PROSTITUTE AMENDMENTS, was read the third time and circled.

***

S.B. 32, ENVIRONMENTAL HEALTH SCIENTIST ACT SUNSET REAUTHORIZATION, was read the third time, explained by Senator Davis, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators

- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Shiozawa
- Stephenson
- Thatcher
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

Absent or not voting were: Senators

- Hillyard
- Robles
- Stevenson
- Urquhart

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

***

S.B. 113, LONG-TERM DISABILITY COVERAGE AMENDMENTS, was read the third time, explained by Senator Weiler, and passed on the following roll call:
Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Thatcher  Valentine  Van Tassell  Vickers
Weiler  Niederhauser

Absent or not voting were: Senators
Hillyard  Stevenson  Urquhart

S.B. 113 was transmitted to the House for consideration.

* * *

S.B. 165, PHYSICAL THERAPY PRACTICE ACT AMENDMENTS, was read the third time, explained by Senator Weiler, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hinkins  Jenkins  Jones  Knudson
Mayne  Okerlund  Osmond  Reid
Robles  Shiozawa  Stephenson  Thatcher
Valentine  Van Tassell  Vickers  Weiler
Niederhauser

Absent or not voting were: Senators
Hillyard  Madsen  Stevenson  Urquhart

S.B. 165 was transmitted to the House for consideration.

* * *

S.B. 61, HUNTING PERMIT AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent or not voting, 6.
Voting in the affirmative were: Senators
Adams          Bramble          Christensen          Dabakas
Davis          Dayton          Harper          Henderson
Hinkins        Jenkins          Jones          Okerlund
Osmond         Reid            Robles          Shiozawa
Stephenson     Thatcher        Valentine        Van Tassell
Vickers        Weiler          Niederhauser

Absent or not voting were: Senators
Hillyard       Knudson          Madsen          Mayne
Stevenon       Urquhart

S.B. 61 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 124, SALES AND USE TAX EXEMPTION FOR DATABASE ACCESS, was read the third time, explained by Senator Harper, and passed on the following roll call:

Yeas, 23; Nays, 2; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams          Bramble          Christensen          Davis
Dayton         Harper          Henderson          Hinkins
Jenkins        Jones           Knudson          Madsen
Mayne          Okerlund        Osmond          Reid
Shiozawa       Thatcher        Valentine        Van Tassell
Vickers        Weiler          Niederhauser

Voting in the negative were: Senators
Dabakas        Robles

Absent or not voting were: Senators
Hillyard       Stephenson        Stevenson        Urquhart

1st Sub. S.B. 124 was transmitted to the House for consideration.

* * *

On motion of Senator Christensen, 2nd Sub. S.B. 166, HOSPITAL ASSESSMENT AMENDMENTS, was read the third time and circled.

* * *

S.B. 167, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:
Yeas, 25; Nays, 1; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams        Bramble       Christensen       Dabakis
Davis        Harper        Henderson       Hinkins
Jenkins      Jones         Knudson        Madsen
Mayne        Okerlund     Osmond         Reid
Robles       Shiozawa     Stephenson     Thatcher
Valentine    Van Tassell   Vickers       Weiler
Niederhauser

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators
Hillyard    Stevenson     Urquhart

S.B. 167 was transmitted to the House for consideration.

SPECIAL RECOGNITION

A citation was read honoring Ann Millner, former President of Weber State University. Senators Adams, Weiler, Dayton, Jenkins, Reid, and Stephenson commented.

***

Senator Stephenson asked leave of the body to allow him to cast an aye vote on 1st Sub. S.B. 124. The corrected vote is as follows:

Yeas, 24; Nays, 2; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams        Bramble       Christensen       Davis
Dayton       Harper        Henderson       Hinkins
Jenkins      Jones         Knudson        Madsen
Mayne        Okerlund     Osmond         Reid
Shiozawa     Stephenson     Thatcher       Valentine
Van Tassell   Vickers       Weiler       Niederhauser

Voting in the negative were: Senators
Dabakis     Robles

Absent or not voting were: Senators
Hillyard    Stevenson     Urquhart
THIRD READING CALENDAR

S.B. 168, CERTIFIED PUBLIC ACCOUNTANT LICENSING AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 21; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 168 was transmitted to the House for consideration.

* * *

S.B. 145, COUNTY ATTORNEY CHAPTER RECODIFICATION, was read the third time, explained by Senator Weiler, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 145 was transmitted to the House for consideration.

* * *

S.B. 164, PAROLE VIOLATOR CENTERS ALLOCATIONS, was read the third time, explained by Senator Robles, and passed on the following roll call:
Yeas, 23; Nays, 0; Absent or not voting, 6.

**Voting in the affirmative were:** Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Jenkins Jones Madsen
Mayne Okerlund Osmond Reid
Robles Shiozawa Stephenson Thatcher
Valentine Weiler Niederhauser

**Absent or not voting were:** Senators
Hinkins Knudson Stevenson Urquhart
Van Tassell Vickers

*S.B. 164* was transmitted to the House for consideration.

* * *

*S.B. 169*, EDUCATION TASK FORCE, was read the third time, explained by Senator Reid, and passed on the following roll call:

Yeas, 23; Nays, 2; Absent or not voting, 4.

**Voting in the affirmative were:** Senators
Adams Bramble Dabakis Dayton
Harper Henderson Hillyard Hinkins
Jenkins Knudson Madsen Mayne
Okerlund Osmond Reid Robles
Shiozawa Stephenson Stevenson Thatcher
Valentine Weiler Niederhauser

**Voting in the negative were:** Senators
Davis Jones

**Absent or not voting were:** Senators
Christensen Urquhart Van Tassell Vickers

*S.B. 169* was transmitted to the House for consideration.

* * *

On motion of Senator Hillyard, the circle was removed from 2nd Sub. *S.B. 166*, HOSPITAL ASSESSMENT AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill. On motion of Senator Hillyard, under
suspension of the rules, the Senate voted to consider the bill read for the first, second, and third time. The bill passed on the following roll call:

**Yeas, 22; Nays, 6; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

Adams  
Bramble  
Christensen  
Dabakis  
Davis  
Harper  
Hillyard  
Hinkins  
Jenkins  
Jones  
Knudson  
Mayne  
Okerlund  
Osmond  
Robles  
Shiozawa  
Stevenson  
Thatcher  
Urquhart  
Vickers  
Weiler  
Niederhauser

**Voting in the negative were:** Senators

Dayton  
Henderson  
Madsen  
Reid  
Stephenson  
Valentine

**Absent or not voting was:** Senator  
Van Tassell

2nd Sub. S.B. 166 was transmitted to the House for consideration.

* * *

S.B. 159, THEFT AMENDMENTS, was read the third time, explained by Senator Thatcher, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

Adams  
Bramble  
Christensen  
Dabakis  
Davis  
Dayton  
Harper  
Henderson  
Hillyard  
Hinkins  
Jenkins  
Jones  
Knudson  
Madsen  
Mayne  
Okerlund  
Osmond  
Robles  
Shiozawa  
Stephenson  
Stevenson  
Thatcher  
Urquhart  
Valentine  
Vickers  
Weiler  
Niederhauser

**Absent or not voting was:** Senator  
Van Tassell

S.B. 159 was transmitted to the House for consideration.

* * *

On motion of Senator Okerlund, and at 11:45 p.m., the Senate recessed.
COMMUNICATIONS FROM THE HOUSE

Mr. President: February 26, 2013

The House concurred in the Senate amendments and passed 1st Sub. H.B. 67, PROPERTY TAXATION REVISIONS, by Representative G. Froerer, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 74, PROPERTY TAX MODIFICATIONS, by Representative J. Mathis, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

Mr. President: February 26, 2013

The House passed, as substituted, 1st Sub. H.B. 43, CAMPAIGN FINANCE REPORTING BY CORPORATIONS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as amended, H.B. 117, REGULATION OF TATTOO INDUSTRY, by Representative J. Stanard, and it is transmitted for consideration; and

The House passed H.B. 126, OFF−HIGHWAY VEHICLE USER FEE AMENDMENTS, by Representative S. Cox, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 135, MEDICAL MALPRACTICE AMENDMENTS, by Representative D. Sanpei, and it is transmitted for consideration; and

The House passed, as amended, H.B. 194, STATE EMPLOYEE BENEFITS AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed H.B. 206, INTERNET SAFETY FOR PUBLIC SCHOOLS, by Representative E. Hutchings, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 306, SCHOOL LAND TRUST PROGRAM AMENDMENTS**, by Representative L. Perry, 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 26, 2011

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

**Business and Labor Committee**

- **S.B. 198** Utah Unitrust Act (Sen. L. Hillyard)
- **S.B. 233** Request for Emergency Medical Assistance Amendments (Sen. C. Bramble)
- **S.B. 234** Fire Code Amendments (Sen. C. Bramble)
- **S.B. 239** Alcoholic Beverage Control Act Sampling Amendments (Sen. J. Valentine)
- **S.C.R. 11** Concurrent Resolution on Radon Gas (Sen. J. Valentine)

**Education Committee**

- **S.B. 243** Bullying and Hazing Amendments (Sen. L. Robles)

**Government Operations and Political Subdivisions Committee**

- **S.B. 223** State Senate Boundary Amendments (Sen. R. Okerlund)
- **S.B. 224** State Board of Education Boundary Amendments (Sen. R. Okerlund)
- **S.B. 241** Disclosure Requirements for Midterm Vacancy Candidates (Sen. T. Weiler)

**Health and Human Services Committee**

- **S.B. 232** Adoption Code Revisions (Sen. T. Weiler)
H.B. 116  Sudden Cardiac Arrest Survival Act Amendments  
(Rep. R. Cunningham) (Sen. C. Bramble)
2nd Sub. H.B. 118  Automatic External Defibrillator Restricted Account  
(Rep. R. Cunningham) (Sen. C. Bramble)
H.B. 233  Funeral Services Licensing Act Amendments  
(Rep. R. Menlove) (Sen. J. Stevenson)
1st Sub. H.B. 292  Premium Assistance Under Medicaid and Chip  

Judiciary, Law Enforcement, and Criminal Justice Committee
1st Sub. H.B. 102  Arson Penalties Amendments  
(Rep. L. Wiley) (Sen. G. Davis)
2nd Sub. H.B. 211  Concealed Weapon Permit for Service Members  
(Rep. V. Peterson) (Sen. P. Knudson)
H.B. 227  Cohabitant Definition  
(Rep. B. Wilson) (Sen. J. Stevenson)
H.B. 237  Surety Bond Penalty  
(Rep. R. Greenwood) (Sen. S. Jenkins)
1st Sub. H.B. 287  Return of Weapons Recovered by Law Enforcement  
(Rep. K. Stratton) (Sen. J. Valentine)

Natural Resources, Agriculture and Environment Committee
S.B. 235  Interstate Mining Compact  
(Sen. D. Hinkins)
H.B. 112  Assessment of Property If Threatened or Endangered Species Is Present  
H.B. 224  Impact Fees Amendments  
H.B. 231  Hazardous Waste and Mixed Waste Fees  
H.B. 241  Underground Petroleum Storage Tank Financial Viability Study  
(Rep. S. Eliason) (Sen. H. Stephenson)

Revenue and Taxation Committee
S.B. 238  Property Tax Amendments  
(Sen. C. Bramble)

Transportation, Public Utilities and Technology Committee
S.B. 236  Uninsured and Underinsured Motorist Coverage Amendments  
(Sen. L. Hillyard)
H.B. 103  Wireless Telephone Use Restrictions (Rep. L. Perry)  
(Sen. L. Hillyard)  

John L. Valentine  
Rules Committee Chair  

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

STANDING COMMITTEE REPORTS

Mr. President:  
February 26, 2013  
The Economic Development and Workforce Services Committee reports a favorable recommendation on S.B. 212, JUDICIAL CODE AMENDMENTS, by Senator R. Okerlund.

Aaron Osmond, Chair

Mr. President:  
February 26, 2013  
The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 113, COUNTY GOVERNING BODY AUTHORITY, by Representative S. Handy; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 83, LIMITATIONS ON OUTSIDE EMPLOYMENT BY GOVERNMENT EMPLOYEE, by Senator T. Weiler; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 221, ASSESSMENT AREA ACT AMENDMENTS, by Senator K. Van Tassell, with the following amendments:

1. Page 14, Line 426:  
   After “person” insert “or institution”; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.R. 1, SENATE RESOLUTION ON GOVERNMENT SUBSIDIES OF HOTELS, by Senator J. Valentine, with the following amendments:
1. Page 3, Line 74:
   After “the” delete “CVB”

Margaret Dayton, Chair

Mr. President: February 25, 2013

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 80, REMOVAL FROM DATABASE RESTRICTING FIREARM PURCHASE, by Senator D. Thatcher; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends S.B. 191, ADMINISTRATIVE LAW JUDGE AMENDMENTS, by Senator W. Harper, be replaced and favorably recommends 1st Sub. S.B. 191, ADMINISTRATIVE LAW JUDGE AMENDMENTS with the following amendments:

1. Page 3, Lines 60 through 61:

   60 (b) “Administrative law judge” does not mean:
   (i) an individual who reviews an order or
   61 ruling of an administrative law judge;
   or
   (ii) the executive director of a state agency.

2. Page 3, Lines 74 through 75:

   74 (3) An administrative law judge who destroys evidence submitted to
   (the) an administrative
   75 law judge is guilty of a class B misdemeanor. This section does not apply to documents

3. Page 5, Lines 127 through 128:

   127 (5) If the department provides any information to an administrative law judge or the

   128 (commission) committee, the information shall be provided in such a way as to protect the confidentiality of

4. Page 7, Lines 195 through 196:

   195 (1) Upon a determination that a complaint requires further action, the executive
director shall select four executive directors or their designees and convene the committee. The executive

Mark B. Madsen, Chair

Mr. President: February 25, 2013

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 216**. WATER POLLUTION TASK FORCE, by Senator R. Okerlund; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.C.R. 10**. CONCURRENT RESOLUTION REGARDING MONTICELLO MILL TAILINGS SITE, by Senator D. Hinkins; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.J.R. 13**. JOINT RESOLUTION URGING GOVERNOR AND UTAH’S CONGRESSIONAL DELEGATION TO SECURE UTAH STATE LAND, by Senator A. Osmond.

Scott K. Jenkins, Chair

Mr. President: February 26, 2013

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 62**. DISPLAY OF PRISONER OF WAR AND MISSING IN ACTION FLAG, by Representative J. Westwood; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 84**. SALES AND USE TAX EXEMPTION FOR SHORT-TERM LODGING CONSUMABLES, by Senator J. S. Adams, with the following amendments:

1. Page 124, Lines 3814 through 3815:

   3814 (75) purchases or sales of a short-term lodging consumable to a business that

   3815 provides accommodations and services described in Subsection 59-12-103(1)(i); and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 226**. SALES AND USE TAX AMENDMENTS, by Senator W. Harper, with the following amendments:
1. Page 15, Lines 450 through 460:

450 (d) (i) “Online advertising” (includes:) means advertising that is anonymous and passive in nature.

(ii) “Online advertising includes:

451 (A) email communication advertising generated as a result of generic algorithmic functions that are anonymous and passive in nature;

452 (B) an advertisement tied to an Internet search engine;

453 (C) a banner advertisement;

454 (D) a click-through advertisement;

455 (E) a cost-per-action advertisement;

456 (F) a link to a seller’s website; or

457 (G) an online advertising service similar to Subsections (1)(d) (i) (ii)(A) through (vi) (F) as the commission may define by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

458 Deidre M. Henderson, Chair

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

STANDING COMMITTEE REPORTS

Mr. President:

February 25, 2013

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends S.B. 204, JUDICIARY AMENDMENTS, by Senator L. Hillyard, be replaced and favorably recommends 1st Sub. S.B. 204, JUDICIARY AMENDMENTS and that it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

Mr. President:

February 26, 2013

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 234, CORPORATE FRANCHISE AND INCOME TAX FINE AND
PENALTY AMENDMENTS, by Representative B. Greene, and recommends it be considered read for the second time and placed on the Consent Calendar.

Deidre M. Henderson, Chair

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

INTRODUCTION OF BILLS

S.B. 86, Independent Executive Branch Ethics Commission (J. Valentine), was read the first time by short title and referred to the Rules Committee.

S.B. 237, Taxation of Short–term Lodging (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

S.B. 240, Billboard Amendments (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

S.B. 242, Health Insurance Market Amendments (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 244, Utah Department of Agriculture and Food Amendments (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.C.R. 6, CONCURRENT RESOLUTION ON FEDERAL GAS TAX, was read the third time, explained by Senator Henderson, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams  Davis  Hillyard  Knudson  Reid  Thatcher  Vickers
Bramble  Dayton  Hinkins  Madsen  Robles  Urquhart  Weiler
Christensen  Harper  Jenkins  Mayne  Shiozawa  Valentine  Niederhauser
Dabakis  Henderson  Jones  Okerlund  Stephenson  Van Tassell

Absent or not voting were: Senators
Osmond  Stevenson
S.C.R. 6 was transmitted to the House for consideration.

***

On motion of Senator Bramble, 1st Sub. S.C.R. 4, STANDING WITH ISRAEL CONCURRENT RESOLUTION, will be considered Tuesday, March 5, 2013 at 10:45 a.m.

***

S.B. 94, GOVERNMENT RECORDS AMENDMENTS, was read the third time and explained by Senator Bramble. Senator Weiler commented and the bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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<td>Vickers</td>
<td>Weiler</td>
<td>Niederhauser</td>
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**Absent or not voting was:** Senator Stephenson

S.B. 94 was transmitted to the House for consideration.

**SPECIAL RECOGNITION**

A citation was read honoring students participating in the culinary arts program at Salt Lake Community College.

***

S.B. 62, GOVERNOR’S FIRE SUPPRESSION AUTHORITY, was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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<td>Harper</td>
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Absent or not voting was: Senator Stephenson

S.B. 62 was transmitted to the House for consideration.

* * *

S.B. 120, TARGET SHOOTING AND WILDFIRE REGULATIONS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators

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S.B. 120 was transmitted to the House for consideration.

* * *

On motion of Senator Stevenson, the circle was removed from S.B. 97, PROPELLING A BODILY SUBSTANCE AMENDMENTS, and it was before the Senate. Senator Stevenson explained the bill. The bill passed on the following roll call:

Yeas, 26; Nays, 2; Absent or not voting, 1.

Voting in the affirmative were: Senators

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Knudson      Mayne      Okerlund      Osmond  
Reid         Robles     Shiozawa     Stevenson 
Thatcher     Urquhart   Valentine    Vickers  
Weiler       Niederhauser  

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

**Absent or not voting was:** Senator  
Van Tassell  

*S.B. 97* was transmitted to the House for consideration.

* * *

On motion of Senator Stevenson, the circle was removed from *S.B. 98*, PROPELLING A BODILY SUBSTANCE REVISIONS, and it was before the Senate. Senator Stevenson explained the bill. Senator Harper commented. The bill passed on the following roll call:

**Yeas, 18; Nays, 9; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators
Adams        Bramble    Christensen    Davis 
Hillyard     Jones      Knudson       Mayne  
Okerlund     Osmond     Reid          Robles 
Stevenson    Urquhart   Valentine     Vickers 
Weiler       Niederhauser  

**Voting in the negative were:** Senators
Dabakis      Dayton     Harper        Henderson 
Jenkins      Madsen     Shiozawa     Stephenson 
Thatcher     

**Absent or not voting were:** Senators
Hinkins      Van Tassell  

*S.B. 98* was transmitted to the House for consideration.

* * *

On motion of Senator Stevenson, the circle was removed from *S.B. 160*, PATRONIZING A PROSTITUTE AMENDMENTS, and it was before the Senate. Senator Stevenson explained the bill. Senator Thatcher commented. The bill passed on the following roll call:
Yeas, 23; Nays, 5; Absent or not voting, 1.

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting was:** Senator

Bramble

**S.B. 160** was transmitted to the House for consideration.

* * *

Senators Stephenson and Madsen asked leave of the body to allow them to cast aye votes on **S.B. 97**. The corrected vote is as follows:

Yeas, 28; Nays, 0; Absent or not voting, 1.

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator

Van Tassell

**SECOND READING CALENDAR**

**S.B. 65, ELECTION CODE – FINANCIAL REPORTING REQUIREMENT 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 or not voting, 4.

**Voting in the affirmative were**: Senators

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On motion of Senator Osmond, **S.B. 112**, WORK WEEK AMENDMENTS, will be considered Friday, March 1, 2013 at 11:00 a.m.

***

**S.B. 172**, USE OF BOND PROCEEDS BY POLITICAL SUBDIVISIONS, 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 or not voting, 3.

**Voting in the affirmative were**: Senators

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**S.J.R. 11**, JOINT RESOLUTION ON ENVIRONMENTAL AND DEVELOPMENTAL POLICIES, was read the second time. Senator Weiler explained the bill. Senators Niederhauser, Mayne, and Hinkins commented. The bill passed second reading on the following roll call:
Yeas, 25; Nays, 1; Absent or not voting, 3.

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

Dabakis

**Absent or not voting were:** Senators

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On motion of Senator Reid, the circle was removed from **S.B. 39, PARENTAL RESPONSIBILITY FOR SEX EDUCATION TRAINING**, and it was before the Senate.

Senator Reid proposed the following amendment:

1. Page 1, Lines 10 through 11:

10 This bill requires the State Board of Education to offer instruction to parents regarding

11 health education, including human sexuality, for their children.

2. Page 1, Lines 14 through 18:

14 requires the State Board of Education to develop and offer instruction to parents with

15 information on health education and human sexuality; and

16 requires the State Board of Education to:

17 develop an instructional curriculum, including materials parents may use to educate

18 their children; and

3. Page 2, Lines 33 through 42:
“Parent health education instructional program” means the instructional program described in Subsection (2) developed by the board.

(2) The board shall develop a parent health education instructional program for parents of minors, including curricula and materials, to instruct parents how to educate their children on health education, including instruction on human sexuality.

(3) The curricula and instructional materials for the parent health education instructional program shall:

(a) include information on health education and human sexuality; and

(b) be consistent with the instructional requirements of Section 53A−13−101.

(4) The parent health education instructional program shall:

4. Page 3, Lines 63 through 67:

November 2013 meeting, on the progress of the development of the parent health education instructional program.

(8) The board shall report to the Legislature’s Education Interim Committee by the November 2014 meeting on:

(a) the progress of the implementation of the parent health education instructional program;

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

Yeas, 22; Nays, 1; Absent or not voting, 6.
Voting in the affirmative were: Senators
Adams     Bramble     Dabakis     Davis
Dayton    Harper      Henderson   Hinkins
Jenkins   Jones       Knudson    Mayne
Okerlund  Osmond      Reid       Shiozawa
Thatcher  Urquhart    Van Tassell Vickers
Weiler    Niederhauser

Voting in the negative was: Senator Stephenson

Absent or not voting were: Senators
Christensen  Hillyard  Madsen     Robles
Stevenson    Valentine

* * *

S.B. 175, ASSESSMENT OF COLLEGE READINESS, was read the second time.

Senator Stephenson proposed the following amendment:

1. Page 2, Line 30:

   30 This bill provides an effective date.
   This bill provides for retrospective operation.

2. Page 13, Line 389:

   389 Section 10. Effective date — Retrospective operation

3. Page 13, Line 394:

   394 (2) Uncodified Section 9, Appropriation, takes effect on July 1, 2013.
   (3) The amendments to the following sections have retrospective
       operation to July 1, 2012.
       (a) Section 53A–1–602;
       (b) Section 53A–1–603;
       (c) Section 53A–1–604;
       (d) Section 53A–1–609;
       (e) Section 53A–1–611; and
       (f) Section 53A–3–602.5.
Senator Stephenson’s motion to amend passed on a voice vote. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**S.B. 68, STATE SURPLUS PROPERTY PROGRAM AMENDMENTS**, was read the second time.

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

**1st Sub. S.B. 68 State Surplus Property Program Amendments** (T. Weiler)

Senator Weiler explained the bill.

On motion of Senator Weiler, the bill was circled.

* * *

**S.B. 105, BOARD OF PARDONS AND PAROLE REVISIONS**, was read the second time. Senator Thatcher explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Senators

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Osmond    Reid    Stephenson    Thatcher
Urquhart  Valentine  Van Tassell  Vickers
Weiler     Niederhauser

Absent or not voting were: Senators
Christensen  Hillyard  Jones  Madsen
Robles  Shiozawa  Stevenson

* * *

S.B. 170, IDENTITY FRAUD AMENDMENTS, was read the second time. Senator Thatcher explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Senators
Adams    Bramble    Dabakis    Davis
Dayton    Harper    Henderson    Hinkins
Jenkins    Knudson    Mayne    Okerlund
Osmond    Reid    Shiozawa    Stephenson
Thatcher    Urquhart    Valentine    Van Tassell
Vickers    Weiler    Niederhauser

Absent or not voting were: Senators
Christensen  Hillyard  Jones  Madsen
Robles  Stevenson

* * *

2nd Sub. S.B. 58, AMENDMENTS TO SALES AND USE TAX, was read the second time. Senator Harper explained the bill.

Senator Valentine proposed the following amendment:

1. Page 29, Lines 875 through 878
   Senate Committee Amendments 2–13–2013:

   875  (7) (a) The revenue and interest described in Subsection (6)(a) may be [expended for [expanded for

   876  [local purposes] used to lower [local sales and use [tax rates

   as the Legislature may provide by statute,]
(b) The revenue and interest described in Subsection (6)(b) may [be expended as the Legislature] be used to lower state sales and use tax rates as [provided—] provide [by]

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

**Yeas, 19; Nays, 3; Absent or not voting, 7.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

| Dabakis | Davis | Urquhart |

**Absent or not voting were:** Senators

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**S.B. 171, SALES AND USE TAX EXEMPTION FOR ELECTRONIC FINANCIAL PAYMENT SERVICES**, was read the second time. Senator Stephenson explained the bill. Senators Jones, Hinkins, and Dabakis commented. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 2; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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Voting in the negative were: Senators
Dabakis        Davis

Absent or not voting were: Senators
Robles        Thatcher

* * *

S.B. 63, TRANSPORTATION PLANNING AND FUNDING TASK FORCE, was read the second time. Senator Harper explained the bill. Senators Bramble, Mayne, and Valentine commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams        Bramble        Christensen        Davis
Dayton       Harper         Henderson        Hillyard
Hinkins      Jenkins        Jones           Knudson
Madsen       Mayne          Okerlund        Osmond
Reid         Shiozawa       Stephenson       Urquhart
Valentine    Van Tassell    Vickers         Weiler
Niederhauser

Absent or not voting were: Senators
Dabakis        Robles        Stevenson        Thatcher

* * *

On motion of Senator Hinkins, legislative staff was authorized to draft a bill regarding uniform agriculture cooperative association.

* * *

S.B. 180, PUBLIC UTILITIES AMENDMENTS, was read the second time.

Senator Van Tassell proposed the following amendment:

1. Page 3, Line 75:

75  (d) “Electrical corporation” {–has—the—same
meaning—} means:  
   (i) an entity as defined in Section 54–2–1 ; and  
   (ii) an improvement district system described in Subsection
Senator Van Tassell’s motion to amend passed on a voice vote. Senator Van Tassell explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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On motion of Senator Stephenson, **S.B. 110, SCHOOL–BASED BUDGETING AMENDMENTS**, was read the second time and circled.

***

**1st Sub. S.B. 104, VULNERABLE USERS OF HIGHWAYS AMENDMENTS**, was read the second time.

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

**2nd Sub. S.B. 104 Vulnerable Users of Highways Amendments** (T. Weiler)

Senator Weiler explained the bill. Senators Jenkins, Henderson, Bramble, Hillyard, and Madsen commented. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 6; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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Voting in the negative were: Senators
Christensen Dayton Henderson Madsen
Stephenson Vickers

Absent or not voting were: Senators
Thatcher Urquhart Niederhauser

* * *

On motion of Senator Okerlund, S.B. 64, HOMEOWNER ASSOCIATION RESERVE ACCOUNT AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Okerlund, 1st Sub. S.B. 182, STORAGE UNIT AMENDMENTS, was read the second time and circled.

* * *

S.B. 66, REFERENDUM REVISIONS, was read the second time. Senator Reid explained the bill. Senator Jones commented. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 5; Absent or not voting, 5.

Voting in the affirmative were: Senators
Bramble Christensen Davis Dayton
Harper Henderson Hillyard Hinkins
Jenkins Knudson Madsen Okerlund
Osmond Reid Shiozawa Stevenson
Van Tassell Vickers Weiler

Voting in the negative were: Senators
Dabakis Jones Mayne Robles
Stephenson

Absent or not voting were: Senators
Adams Thatcher Urquhart Valentine
Niederhauser
On motion of Senator Osmond, **S.B. 71**, RESULTS–BASED FINANCING FOR EARLY CHILDHOOD EDUCATION, was read the second time and circled.

On motion of Senator Stevenson, **S.B. 176**, OFFICE OF PLANNING AND BUDGET RESTRUCTURING AMENDMENTS, was read the second time and circled.

**S.B. 190**, PROCUREMENT REVISIONS, was read the second time.

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

**1st Sub. S.B. 190 Procurement Revisions** (S. Jenkins)

On motion of Senator Jenkins, the bill was circled.

On motion of Senator Weiler, the circle was removed from **1st Sub. S.B. 68**, STATE SURPLUS PROPERTY PROGRAM AMENDMENTS, and it was before the Senate. Senator Weiler explained the bill.

Senator Weiler proposed the following amendment:

1. Page 3, Lines 82 through 86:

   82 (b) “Surplus property” does not include:
   83   (i) real property;  
   84   (ii) assets of the School and Institutional Trust Lands Administration; or
   85   (iii) an aluminum can or an item made primarily of paper, plastic, or cardboard that is:
   86   (A) discarded; and
   87   (B) recyclable.

   Senator Weiler’s motion to amend passed on a voice vote. Senator Madsen commented. The bill passed second reading on the following roll call:
Yeas, 26; Nays, 0; Absent or not voting, 3.

**Voting in the affirmative were:** Senators
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler

**Absent or not voting were:** Senators
- Adams
- Thatcher
- Niederhauser

* * *

On motion of Senator Stevenson, the circle was removed from **S.B. 176**, OFFICE OF PLANNING AND BUDGET RESTRUCTURING AMENDMENTS, and it was before the Senate. Senator Stevenson explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

**Voting in the affirmative were:** Senators
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stevenson
- Stevenson
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler

**Absent or not voting were:** Senators
- Adams
- Stephenson
- Thatcher
- Niederhauser

* * *

On motion of Senator Davis, **1st Sub. S.B. 52**, GAME FOWL FIGHTING AMENDMENTS, was read the second time and circled.

* * *

**1st Sub. S.B. 155**, POST ADOPTION CONTACT AGREEMENTS, was read the second time. Senator Hillyard explained the bill. Senators Valentine and Mayne commented. The bill passed second reading on the following roll call:
Yeas, 24; Nays, 1; Absent or not voting, 4.

Voting in the affirmative were: Senators
Bramble  Christensen  Dabakis  Davis
Harper  Henderson  Hillyard  Jenkins
Jones  Knudson  Madsen  Mayne
Okerlund  Osmond  Reid  Robles
Shiozawa  Stephenson  Stevenson  Urquhart
Valentine  Van Tassell  Vickers  Weiler

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators
Adams  Hinkins  Thatcher  Niederhauser

* * *

On motion of Senator Okerlund, and at 5:00 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 27, 2013.
THIRTIETH DAY

February 27, 2013

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

Prayer – The Most Reverend John C. Wester, Bishop of Salt Lake City
Pledge of Allegiance – Senator Patricia Jones
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 26, 2013

The House passed, as substituted and amended, 1st Sub. H.B. 106, MEDICAID INSPECTOR GENERAL AMENDMENTS, by Representative R. Wilcox, and it is transmitted for consideration; and

The House passed, as amended, H.B. 121, FIREARMS SAFE HARBOR, by Representative D. Pitcher, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 193, UTAH STATE EMPLOYMENT AMENDMENTS, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 200, REVISOR’S STATUTE, by Representative B. Dee, and it is transmitted for consideration; and

The House passed H.B. 205, CONTINGENCY PLANS FOR POLITICAL SUBDIVISIONS, by Representative K. Ivory, and it is transmitted for consideration; and

The House passed, as amended, H.B. 210, MOTOR VEHICLE EMISSION AMENDMENTS, by Representative E. Redd, and it is transmitted for consideration; and

The House passed, as amended, H.B. 244, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS, by Representative E. Redd, 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. 245, Court Fees for Political Subdivisions (D. Thatcher), was read the first time by short title and referred to the Rules Committee.

S.B. 246, Volunteer Workers Amendments (S. Jenkins), was read the first time by short title and referred to the Rules Committee.

S.B. 247, Amendments to Revenue and Taxation (W. Harper), was read the first time by short title and referred to the Rules Committee.

S.B. 248, Alcoholic Beverage Control Act and Small Manufacturers (J. Valentine), was read the first time by short title and referred to the Rules Committee.

S.B. 249, Salvage and Nonrepairable Vehicle Amendments (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

On motion of Senator Valentine, S.B. 65, ELECTION CODE – FINANCIAL REPORTING REQUIREMENT AMENDMENTS, was read the third time and circled.

* * *

S.B. 172, USE OF BOND PROCEEDS BY POLITICAL SUBDIVISIONS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Stevenson  Thatcher  Urquhart  Valentine
Van Tassell  Vickers  Weiler  Niederhauser

Absent or not voting was: Senator
Madsen
S.B. 172 was transmitted to the House for consideration.

* * *

S.J.R. 11, JOINT RESOLUTION ON ENVIRONMENTAL AND DEVELOPMENTAL POLICIES, was read the third time, explained by Senator Weiler, and passed on the following roll call:

Yeas, 22; Nays, 4; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dayton
Harper  Henderson  Hinkins  Jenkins
Jones  Knudson  Madsen  Okerlund
Osmond  Reid  Stephenson  Thatcher
Urquhart  Valentine  Van Tassell  Vickers
Weiler  Niederhauser

Voting in the negative were: Senators
Dabakis  Davis  Mayne  Robles

Absent or not voting were: Senators
Hillyard  Shiozawa  Stevenson

S.J.R. 11 was transmitted to the House for consideration.

* * *

S.B. 39, PARENTAL RESPONSIBILITY FOR SEX EDUCATION TRAINING, was read the third time, explained by Senator Reid, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Robles  Stephenson  Thatcher
Urquhart  Valentine  Van Tassell  Vickers
Niederhauser

Absent or not voting were: Senators
Hillyard  Shiozawa  Stevenson  Weiler
S.B. 39 was transmitted to the House for consideration.

***

S.B. 175, ASSESSMENT OF COLLEGE READINESS, was read the third time and explained by Senator Stephenson. Senator Dayton commented and the bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

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S.B. 175 was transmitted to the House for consideration.

***

S.B. 105, BOARD OF PARDONS AND PAROLE REVISIONS, was read the third time, explained by Senator Thatcher, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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S.B. 105 was transmitted to the House for consideration.
S.B. 170, IDENTITY FRAUD AMENDMENTS, was read the third time, explained by Senator Thatcher, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Robles  Stephenson  Thatcher
Urquhart  Valentine  Van Tassell  Vickers
Weiler  Niederhauser

Absent or not voting were: Senators
Hillyard  Shiozawa  Stevenson

S.B. 170 was transmitted to the House for consideration.

* * *

2nd Sub. S.B. 58, AMENDMENTS TO SALES AND USE TAX, was read the third time, explained by Senator Harper, and passed on the following roll call:

Yeas, 18; Nays, 8; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Harper
Henderson  Hinkins  Jenkins  Knudson
Madsen  Okerlund  Osmond  Reid
Thatcher  Valentine  Van Tassell  Vickers
Weiler  Niederhauser

Voting in the negative were: Senators
Dabakis  Davis  Dayton  Jones
Mayne  Robles  Stephenson  Urquhart

Absent or not voting were: Senators
Hillyard  Shiozawa  Stevenson

2nd Sub. S.B. 58 was transmitted to the House for consideration.
S.B. 171, SALES AND USE TAX EXEMPTION FOR ELECTRONIC FINANCIAL PAYMENT SERVICES, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

**Y** eas, 21; **N** ays, 5; **Absent or not voting**, 3.

**Voting in the affirmative were:** Senators
Adams Bramble Christensen Dayton
Harper Henderson Hinkins Jenkins
Knudson Madsen Okerlund Osmond
Reid Stephenson Thatcher Urquhart
Valentine Van Tassell Vickers Weiler
Niederhauser

**Voting in the negative were:** Senators
Dabakis Davis Jones Mayne
Robles

**Absent or not voting were:** Senators
Hillyard Shiozawa Stevenson

S.B. 171 was transmitted to the House for consideration.

**S.B. 63, TRANSPORTATION PLANNING AND FUNDING TASK FORCE,** was read the third time, explained by Senator Harper, and passed on the following roll call:

**Y** eas, 26; **N** ays, 0; **Absent or not voting**, 3.

**Voting in the affirmative were:** Senators
Adams Bramble Christensen Dayton
Davis Dayton Harper Henderson
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Stephenson Thatcher
Urquhart Valentine Van Tassell Vickers
Weiler Niederhauser

**Absent or not voting were:** Senators
Hillyard Shiozawa Stevenson
S.B. 63 was transmitted to the House for consideration.

***

S.B. 180, PUBLIC UTILITIES AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 180 was transmitted to the House for consideration.

***

2nd Sub. S.B. 104, VULNERABLE USERS OF HIGHWAYS AMENDMENTS, was read the third time and explained by Senator Weiler.

Senator Madsen proposed the following amendment:

1. Page 1, Lines 20 through 21:

   20. force or attempt to force a vulnerable user of a highway off of the roadway for {—a

   21. purpose unrelated to public safety—} the purpose of causing violence or injury to the vulnerable user of a highway ;

2. Page 3, Lines 60 through 61:

   60. (b) distract or attempt to distract a vulnerable user of a highway for {—a purpose unrelated

   61. to public safety—} the purpose of causing violence or injury to the vulnerable user of a highway ; or
Senator Madsen’s motion to amend passed on a voice vote. The bill passed on the following roll call:

**Yeas, 17; Nays, 8; Absent or not voting, 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

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2nd Sub. S.B. 104 was transmitted to the House for consideration.

* * *

On motion of Senator Reid, S.B. 66, REFERENDUM REVISIONS, was read the third time and circled.

* * *

1st Sub. S.B. 68, STATE SURPLUS PROPERTY PROGRAM AMENDMENTS, was read the third time, explained by Senator Weiler, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 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. 68 was transmitted to the House for consideration.

* * *

On motion of Senator Okerlund, S.B. 176, OFFICE OF PLANNING AND BUDGET RESTRUCTURING AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Okerlund, 1st Sub. S.B. 155, POST ADOPTION CONTACT AGREEMENTS, was read the third time and circled.

SECOND READING CALENDAR

3rd Sub. H.B. 47, INSURANCE LAW AMENDMENTS, was read the second time.

Senator Bramble proposed the following amendment:

1. Page 102, Lines 3127 through 3130:

   3127 (2) Subsection (1) does not } limit or expand
   the authority granted to :
   3128 (a) a person defined as an escrow agent in Section 7–22–101;
   { or }
   3129 (b) a person licensed to practice law in Utah, if that person meets
   the requirements of
   3130 Section 31A–23a–204 } and
   (c) a person licensed under Title 61, Chapter 2f, Real Estate Licensing
   and Practices Act; or
   (d) a person licensed under Title 58, Chapter 55, Utah Construction
   Trades Licensing Act.

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

Yeas, 23; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
On motion of Senator Adams, the circle was removed from 1st Sub. H.B. 290, DIVISION OF REAL ESTATE AMENDMENTS, and it was before the Senate.

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

2nd Sub. H.B. 290 Division of Real Estate Amendments (Rep. G. Froerer)

Senator Adams explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators

Adams
Davis
Hinkins
Madsen
Reid
Urquhart
Weiler

Bramble
Dayton
Jenkins
Mayne
Shiozawa
Valentine
Weiler

Christensen
Harper
Jones
Okerlund
Stephenson
Van Tassell
Niederhauser

Dabakis
Henderson
Knudsen
Osmond
Thatcher
Vickers

Absent or not voting were: Senators

Hillyard
Robles

Jenkins
Stevenson

Osmond

On motion of Senator Adams, the Senate voted to spread the following intent language upon the pages of the Senate Journal:

INTENT LANGUAGE

“The 2013 Legislature intends that the changes in this bill to Utah Code Section 61–2f–409 apply retroactively to May 11, 2010. The 2013 Legislature
applies this law retroactively to remedy a defect in previous legislation that was
discovered just before this 2013 General Session. During the 2010 General
Session, while attempting to clean-up and clarify the Code sections related to real
estate, the 2010 Legislature narrowed the class of persons authorized to maintain a
cause of action to collect a commission, collect a fee, or otherwise recover for
actions prohibited by Title 61, Chapter 2f. That change resulted primarily from
amending the word 'person' to the word 'individual.' The 2013 Legislature
believes that the 2010 amendment is problematic from both a legal and a policy
standpoint. By passing this bill, the 2013 Legislature intends to enact language
that reflects what it believes was the 2010 Legislature’s original intent – that either
a principal broker or the entity with which the principal broker is affiliated may
maintain a cause of action described in Subsection 61–2f–409(1).”

* * *

On motion of Senator Okerlund, the circle was removed from H.B. 276,
NEWBORN SCREENING FOR CRITICAL CONGENITAL HEART
DEFECTS, and it was before the Senate.

Senator Okerlund proposed the following amendment:

1. Page 2, Line 35:
   Delete “for”

2. Page 2, Line 37:
   Delete “for”

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

Yeas, 18; Nays, 8; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams     Bramble     Dabakis     Davis
Harper     Hinkins     Jenkins     Jones
Knudson    Mayne      Okerlund    Reid
Shiozawa   Thatcher    Urquhart    Valentine
Van Tassell Vickers

Voting in the negative were: Senators
Christensen Dayton     Henderson    Madsen
Osmond     Stephenson  Weiler      Niederhauser

Absent or not voting were: Senators
Hillyard   Robles     Stevenson
On motion of Senator Okerlund, **H.B. 276** was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Osmond, the circle was removed from **H.B. 285**, MODIFICATION OF EDUCATION–RELATED REPORTING REQUIREMENTS, and it was before the Senate. Senator Osmond explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Davis
- Dayton
- Harper
- Henderson
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Shiozawa
- Stephenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Absent or not voting were:** Senators

- Dabakis
- Hillyard
- Hinkins
- Jenkins
- Robles
- Stevenson

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 27, 2013

The House passed, as amended, **H.C.R. 4**, CONCURRENT RESOLUTION ON UTAH WILDFIRES, by Representative J. Briscoe, 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 Valentine, the Senate voted to lift **H.C.R. 4**, CONCURRENT RESOLUTION ON UTAH WILDFIRES, from Rules and place it at the top of the Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Mayne, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.
On motion of Senator Mayne, under suspension of the rules, the Senate voted to suspend the rules requiring a committee hearing and the 24–hour requirement.

On motion of Senator Mayne, under suspension of the rules, H.C.R. 4, CONCURRENT RESOLUTION ON UTAH WILDFIRES, was considered read the second and third times. Senators Valentine, Okerlund, and Dayton commented and the bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Jenkins  Jones  Knudson  Madsen
Mayne  Okerlund  Osmond  Reid
Robles  Shiozawa  Stephenson  Thatcher
Valentine  Van Tassell  Vickers  Weiler
Niederhauser

Absent or not voting were: Senators
Hillyard  Hinkins  Stevenson  Urquhart

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.

***

On motion of Senator Valentine, 1st Sub. H.B. 93, TRAFFIC VIOLATIONS AMENDMENTS, was read the second time and circled.

***

H.B. 284, NET METERING BILLING CYCLES, was read the second time. Senator Vickers explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 0; Absent or not voting, 9.

Voting in the affirmative were: Senators
Bramble  Christensen  Dabakis  Davis
Dayton  Harper  Henderson  Hillyard
Jenkins  Jones  Knudson  Okerlund
Reid  Robles  Thatcher  Urquhart
Valentine  Vickers  Weiler  Niederhauser
Absent or not voting were: Senators
Adams         Hinkins         Madsen         Mayne
Osmond       Shiozawa       Stephenson    Stevenson
Van Tassell

* * *

H.B. 295, ELECTRONIC PROOF OF OWNER’S OR OPERATOR’S SECURITY, was read the second time. Senator Weiler explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams         Bramble       Christensen    Dabakis
Davis         Harper        Henderson      Jenkins
Jones         Knudson       Madsen        Mayne
Okerlund      Osmond        Reid          Shiozawa
Stephenson    Thatcher      Urquhart      Valentine
Van Tassell   Vickers       Weiler        Niederhauser

Absent or not voting were: Senators
Dayton        Hillyard      Hinkins       Robles
Stevenson

* * *

On motion of Senator Christensen, 1st Sub. H.B. 44, ELECTION POLLING, was read the second time and circled.

* * *

H.B. 82, ELECTIONS AND EARLY VOTING DURING A DECLARED EMERGENCY, 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 or not voting, 7.

Voting in the affirmative were: Senators
Adams         Bramble       Christensen    Dabakis
Davis         Harper        Henderson      Jenkins
Jones         Knudson       Madsen        Mayne
Okerlund      Osmond        Reid          Shiozawa
Stephenson    Thatcher      Van Tassell   Vickers
Weiler        Niederhauser
Absent or not voting were: Senators
Dayton          Hillyard          Hinkins          Robles
Stevenson       Urquhart         Valentine

* * *

H.B. 64. FELON’S RIGHT TO HOLD OFFICE, was read the second time. Senator Jones explained the bill. Senators Henderson, Weiler, Thatcher, and Bramble commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 2; Absent or not voting, 5.

Voting in the affirmative were: Senators
Bramble          Christensen        Dabakis          Davis
Dayton           Harper            Henderson         Hinkins
Jenkins          Jones             Knudson           Mayne
Okerlund         Osmond            Reid             Robles
Shiozawa         Stephenson        Van Tassell       Vickers
Weiler           Niederhauser

Voting in the negative were: Senators
Madsen           Thatcher

Absent or not voting were: Senators
Adams            Hillyard          Stevenson        Urquhart
Valentine

SPECIAL RECOGNITION

A citation was read honoring Dr. Dan Jones on his retirement from teaching after 52 years.

COMMITTEE OF THE WHOLE

On motion of Senator Jones, Dr. Dan Jones spoke in Committee of the Whole. Senators Niederhauser, Jenkins, and Davis commented.

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

* * *

On motion of Senator Valentine, the Senate voted to lift 1st Sub. H.B. 106, MEDICAID INSPECTOR GENERAL AMENDMENTS, from Rules and assign it to the Revenue and Taxation Committee.
* * *

On motion of Senator Okerlund, and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Thursday, February 28, 2013.
THIRTY-FIRST DAY

MORNING SESSION

February 28, 2013

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

Prayer – Mrs. Marilee Stowell, wife of former Senator Dennis Stowell
Pledge of Allegiance – Senator Stuart Adams
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 27, 2013

The House passed, **1st Sub. S.B. 29**, 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. 36**, CIGARETTE AND TOBACCO TAX AND LICENSING AMENDMENTS, by Senator W. Harper, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 48**, SPECIAL GROUP LICENSE PLATE REVISIONS, 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.B. 57**, AGRICULTURE ENVIRONMENTAL STEWARD 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. 158**, MUNICIPAL GENERAL FUND AMENDMENTS, by Senator D. Henderson, 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.
Mr. President: February 27, 2013

The House concurred in the Senate amendments and passed 1st Sub. H.B. 101, HOMEOWNERS ASSOCIATION AMENDMENTS, by Representative J. Stanard, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communication filed. The bill was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

Mr. President: February 27, 2013

The House passed H.B. 105, SERIOUS YOUTH OFFENDER AMENDMENTS, by Representative V. L. Snow, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 124, RADIATION CONTROL AMENDMENTS, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as amended, H.B. 128, DRIVER LICENSE SUSPENSION MODIFICATIONS, by Representative D. Sagers, and it is transmitted for consideration; and

The House passed, as amended, H.B. 142, PUBLIC LANDS POLICY COORDINATING OFFICE AMENDMENTS, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed, as amended, H.B. 238, COSMETOLOGY AND HAIR BRAIDING, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as amended, H.B. 300, RETENTION OF SALES AND USE TAX COLLECTIONS BY CERTAIN REMOTE SELLERS, by Representative S. Eliason, and it is transmitted for consideration; and

The House passed H.B. 334, SPECIAL SERVICE DISTRICT REORGANIZATION, by Representative D. McCay, and it is transmitted for consideration; and
The House passed **H.B. 348, LOCAL DISTRICT AMENDMENTS**, by Representative D. Ipson, 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 27, 2011

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

**Business and Labor Committee**

- **S.B. 217** Utility Liability Limits (Sen. T. Weiler)
- **S.B. 248** Alcoholic Beverage Control Act and Small Manufacturers (Sen. J. Valentine)
- **S.B. 249** Salvage and Nonrepairable Vehicle Amendments (Sen. S. Urquhart)

**Education Committee**

- **H.B. 206** Internet Safety for Public Schools (Rep. E. Hutchings)
  (Sen. K. Mayne)
- **H.B. 306** School Land Trust Program Amendments (Rep. L. Perry)
  (Sen. A. Osmond)

**Government Operations and Political Subdivisions Committee**

- **S.B. 246** Volunteer Workers Amendments (Sen. S. Jenkins)
- **H.B. 194** State Employee Benefits Amendments (Rep. J. Dunnigan)
  (Sen. T. Weiler)
  (Sen. R. Okerlund)
- **H.B. 205** Contingency Plans for Political Subdivisions

**Health and Human Services Committee**

- **S.B. 85** Community Health Worker Program (Sen. L. Robles)
- **H.B. 117** Regulation of Tattoo Industry (Rep. J. Stanard)
  (Sen. K. Mayne)
- **1st Sub. H.B. 135** Medical Malpractice Amendments (Rep. D. Sanpei)
  (Sen. J. Valentine)
H.B. 244 Mental Health Professional Practice Act Amendments (Rep. E. Redd) (Sen. A. Christensen)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 245 Court Fees for Political Subdivisions (Sen. D. Thatcher)

Natural Resources, Agriculture and Environment Committee
S.B. 244 Utah Department of Agriculture and Food Amendments (Sen. D. Hinkins)

Retirement and Independent Entities Committee
S.B. 86 Independent Executive Branch Ethics Commission (Sen. J. Valentine)

Revenue and Taxation Committee
S.B. 237 Taxation of Short−term Lodging (Sen. J. S. Adams)
S.B. 247 Amendments to Revenue and Taxation (Sen. W. Harper)

Transportation, Public Utilities and Technology Committee
S.B. 240 Billboard Amendments (Sen. S. Urquhart)

John L. Valentine
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 27, 2013

The Business and Labor Committee reports a favorable recommendation on S.B. 93, INTERLOCAL COOPERATION ACT AMENDMENTS, by Senator J. Valentine; and

The Business and Labor Committee reports a favorable recommendation on S.B. 208, SOLAR PHOTOVOLTAIC CONTRACTOR LICENSE AMENDMENTS, by Senator E. Vickers; and
The Business and Labor Committee recommends S.B. 219, DISASTER RECOVERY LIENS, by Senator S. Urquhart, be replaced and favorably recommends 1st Sub. S.B. 219, DISASTER RECOVERY LIENS; and

The Business and Labor Committee reports a favorable recommendation on S.B. 225, IMMIGRATION TRIGGER DATES, by Senator C. Bramble; and

The Business and Labor Committee reports a favorable recommendation on S.B. 229, APPELLATE BOND FOR STATE ENTITIES, by Senator C. Bramble; and

The Business and Labor Committee reports a favorable recommendation on S.J.R. 14, JOINT RESOLUTION AMENDING CIVIL PROCEDURE RULE 62, by Senator C. Bramble.

Curtis S. Bramble, Chair

Mr. President: February 27, 2013

The Education Committee reports a favorable recommendation on S.B. 79, STUDENT−CENTERED LEARNING PILOT PROGRAM, by Senator H. Stephenson; and

The Education Committee reports a favorable recommendation on S.B. 81, SCHOOL PROPERTY TAX FUNDING, by Senator A. Osmond, with the following amendments:

1. Page 1, Lines 13 through 16:

   13 ► sets the school minimum basic tax rate at a fixed rate;
   ► provides for certain notification and certification requirements related to the school minimum basic tax rate;

   14 ► repeals certain public notice requirements related to the school minimum basic tax rate;

   15 ► requires specified increases in the value of the weighted pupil unit as the minimum basic tax rate generates additional revenue for the basic program;

   16 ► amends a school board local levy;

2. Page 1, Lines 23 through 24:

   23 Other Special Clauses:
This bill has retrospective operation to January 1, 2013. This bill coordinates with S.B. 1, Public Education Base Budget, by providing superseding substantive amendments.

3. Page 2, Line 34:

63I–1–253, as last amended by Laws of Utah 2012, Chapter 369
Utah Code Sections Affected by Coordination Clause:
53A–17a–135, as last amended by Laws of Utah 2012, Chapters 4 and 421

4. Page 9, Lines 266 through 268:

[(c) (3) (a) On or before June 8, the State Tax Commission shall provide the State Board of Education and each school district with an initial estimate of:
(i) the minimum basic tax rate to be imposed under Subsection (2); and
(ii) the basic levy increment rate.

(b) The State Tax Commission shall certify on or before June 22 the [rate that generates $289,021,900 in revenues statewide] minimum basic tax rate to be imposed under Subsection (2) and the basic levy increment rate.

5. Page 10, Lines 283 through 288:

(6) The Legislature shall annually increase the {dollar amount appropriated for the basic } program the value of the weighted pupil unit, except for the value of add–on weighted pupil units for the special education program described in Section 53A–17a–111 and the career and technical education program described in Section 53A–17a–113, by an amount that fully appropriates an amount equal to any difference between:

(a) the amount of revenue generated statewide by the tax rate imposed in accordance with Subsection (2); and

(b) the amount of revenue that would be generated statewide by a tax rate equal to the certified revenue levy.
This bill has retrospective operation to January 1, 2013.

Section 10. Coordinating S.B. 81 with S.B. 1 — Superseding substantive amendments.

If this S.B. 81 and S.B. 1, Public Education Base Budget, both pass and become law, the Legislature intends that the amendments to Section 53A-17a-135 in this S.B. 81 supersede the amendments to Section 53A-17a-135 in S.B. 1, when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication.

Stuart C. Reid, Chair

Mr. President: February 27, 2013

The Health and Human Services Committee reports a favorable recommendation on H.B. 13, PROTECTION OF CHILDREN RIDING IN MOTOR VEHICLES, by Representative P. Arent; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 212, DISEASE TESTING FOR PUBLIC SAFETY OFFICERS AMENDMENTS, by Representative D. Brown; and

The Health and Human Services Committee reports a favorable recommendation on 1st Sub. H.B. 230, EMERGENCY VEHICLE OPERATORS TRAINING REQUIREMENTS, by Representative G. Froerer.

Evan J. Vickers, Chair

Mr. President: February 27, 2013

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 50, DATING VIOLENCE PROTECTION ACT, by Representative J. Seelig; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends S.B. 183, ADOPTION AGENCY MODIFICATIONS, by Senator L. Robles, be replaced and favorably recommends 2nd Sub. S.B. 183, ADOPTION AGENCY MODIFICATIONS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends S.B. 72, PRISON RELOCATION AND DEVELOPMENT AMENDMENTS, by Senator S. Jenkins, be replaced and favorably recommends 2nd Sub. S.B. 72, PRISON RELOCATION AND DEVELOPMENT AMENDMENTS with the following amendments:
1. Page 4, Line 102:

former prison land, as defined in Section \([63H-67-102\), 63H-7-102\], shall be distributed to the Prison Land.

2. Page 19, Line 582:

\([63H-7-401\), 63H-7-402\] shall identify and quantify sources of funds that the proposal relies on for its

3. Page 20, Line 602:

\([63H-7-401\), 63H-7-402\], the authority shall

4. Page 30, Line 895:

Development’s Enterprise Zone Act \([\ldots, as provided in Section 63M-1-416\).\]

Mark B. Madsen, Chair

Mr. President: February 27, 2013

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 241, UNDERGROUND PETROLEUM STORAGE TANK FINANCIAL VIABILITY STUDY, by Representative S. Eliason; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 224, IMPACT FEES AMENDMENTS, by Representative D. McCay.

Scott K. Jenkins, Chair

Mr. President: February 27, 2013

The Transportation and Public Utilities and Technology Committee recommends S.B. 196, LICENSE PLATE READER AMENDMENTS, by Senator T. Weiler, be replaced and favorably recommends 2nd Sub. S.B. 196, LICENSE PLATE READER AMENDMENTS with the following amendments:

1. Page 3, Line 78:

\([\ldots\)\] seven days for private entities and nine months for public entities except pursuant to:
2. Page 5, Line 127:

127 A person who violates a provision under this part is guilty of a class C misdemeanor.

3. Page 3, Lines 64 through 66:

64 An automatic license plate reader system may be used:
65 (a) by a law enforcement agency for the purpose of protecting public safety, conducting criminal investigations, or ensuring compliance with local and state laws; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 236, UNINSURED AND UNDERINSURED MOTORIST COVERAGE AMENDMENTS, by Senator L. Hillyard.

Kevin T. Van Tassell, Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President: February 27, 2013

The Natural Resources, Agriculture, and Environment Committee has tabled S.B. 92, TETHERING OF ANIMALS, by Senator G. Davis, with the following amendments and has returned it to the Rules Committee for filing.

1. Page 1, Lines 12 through 13:

12 prohibits the restraining of a dog by a tether for more than 10 hours in a 24-hour period and applies this offense only in a first or second class county;
13 prohibits use of a tether that causes harm to the dog and applies this offense only in a first or second class county; and

2. Page 4, Line 94:

94 uses in counties of the first or second class, restrains a dog by use of a tether that is not:

3. Page 4, Line 96:
96 (ii) of an appropriate design for the \{breed, \} age, size, and weight of the dog for which

4. Page 4, Line 100:

100 (g) in counties of the first or second class. \{tethers\} restrains a dog by means of a tether in any manner that could reasonably be expected to:

5. Page 4, Line 106:

106 (h) \{tethers\} in counties of the first or second class, restrains a dog by use of a tether for longer than 10 hours within a 24-hour period.

Scott K. Jenkins, Chair

On motion of Senator Valentine, the committee reports were adopted. The bill was returned to the Rules Committee for filing.

STANDING COMMITTEE REPORTS

Mr. President: February 27, 2013

The Education Committee reports a favorable recommendation on S.B. 230, MINERS’ HOSPITAL GRANTS AMENDMENTS, by Senator D. Hinkins, and recommends it be considered read for the second time and placed on the Consent Calendar.

Stuart C. Reid, Chair

Mr. President: February 27, 2013

The Health and Human Services Committee reports a favorable recommendation on 1st Sub. H.B. 107, HOSPITAL LIEN LAW AMENDMENTS, by Representative M. McKell, and recommends it be considered read for the second time and placed on the Consent Calendar.

Evan J. Vickers, Chair

Mr. President: February 27, 2013

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 215, PEACE OFFICER STANDARDS AND TRAINING CERTIFICATION AGE REQUIREMENT, by Senator L. Hillyard, 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 **S.B. 228**, PENALTIES FOR SPECIFIED JUVENILE OFFENSES, by Senator B. Shiozawa, 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 **1st Sub. H.B. 309**, JUDICIAL PERFORMANCE EVALUATION AMENDMENTS, by Representative V. L. Snow, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

Mr. President: February 27, 2013

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 231**, HAZARDOUS WASTE AND MIXED WASTE FEES, by Representative M. Nelson, 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.B. 112**, ASSESSMENT OF PROPERTY IF THREATENED OR ENDANGERED SPECIES IS PRESENT, 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 **S.B. 235**, INTERSTATE MINING COMPACT, by Senator D. Hinkins, and recommends it be considered read for the second time and placed on the Consent Calendar.

Scott K. Jenkins, Chair

Mr. President: February 27, 2013

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **2nd Sub. H.B. 100**, INTERNET PRIVACY AMENDMENTS, by Representative S. Barlow, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

1. Page 4, Lines 97 through 102:

97 (d) restricting or prohibiting an employee’s access to certain websites while using an
98 electronic communications device supplied by, or paid for in whole or in part by the employer or while using
99 an employer’s network or resources, in accordance with state and federal law; or
100 (e) monitoring, reviewing, accessing, or blocking electronic data stored on an
101 electronic communications device supplied by, or paid for in whole or in part by the employer, or
102 stored on an employer’s network, in accordance with state and federal law.

2. Page 5, Lines 141 through 143:

141 (b) “Personal Internet account” does not include an account created, maintained, used, or accessed by a student or prospective student for education related communications or for an educational purpose of the postsecondary institution.

3. Page 6, Lines 151 through 152:

151 (1) request a student or prospective student to disclose a username and password, or
152 a password that allows access to the student’s or prospective student’s personal Internet account; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **2nd Sub. H.B. 299, BICYCLE MODIFICATIONS**, by Representative Johnny Anderson, 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 Valentine, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

**S.B. 250, Sales and Use Tax Exemption for Sales of a Fuel Cell** (R. Okerlund), was read the first time by short title and referred to the Rules Committee.
S.B. 251, **Truth in Advertising** (B. Shiozawa), was read the first time by short title and referred to the Rules Committee.

S.B. 252, **Hospital Credentialing Amendments** (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

S.B. 253, **Sale of Dogs and Cats** (G. Davis), was read the first time by short title and referred to the Rules Committee.

S.B. 254, **Penalty for Well Drilling Without a License** (W. Harper), was read the first time by short title and referred to the Rules Committee.

S.B. 255, **Human Services Amendments** (W. Harper), was read the first time by short title and referred to the Rules Committee.

S.B. 256, **Preconstruction and Construction Liens Amendments** (S. Jenkins), was read the first time by short title and referred to the Rules Committee.

**CONSENT CALENDAR**

S.C.R. 9, **CONCURRENT RESOLUTION DESIGNATING A WEEK TO RECOGNIZE WORKPLACE SAFETY**, was read the third time, explained by Senator Mayne, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

Adams  Christensen  Dabakis  Davis  
Dayton  Harper  Henderson  Hinkins  
Jenkins  Jones  Knudson  Madsen  
Mayne  Okerlund  Osmond  Reid  
Shiozawa  Stephenson  Stevenson  Thatcher  
Urquhart  Valentine  Van Tassell  Vickers  
Weiler  Niederhauser  

**Absent or not voting were:** Senators

Bramble  Hillyard  Robles  

S.C.R. 9 was transmitted to the House for consideration.

***

**1st Sub. H.B. 220, REPEAL OF STATE AUDITOR RELATED PROVISIONS**, was read the third time, explained by Senator Osmond, and passed on the following roll call:
Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Shiozawa  Stephenson  Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators

Hillyard  Robles

1st Sub. H.B. 220 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.C.R. 7, CONCURRENT RESOLUTION TO REDUCE UTAH’S DEPENDENCE ON FEDERAL FUNDS, was read the third time, explained by Senator Osmond, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Shiozawa  Stephenson  Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators

Hillyard  Robles  Valentine

S.C.R. 7 was transmitted to the House for consideration.

* * *

H.B. 95, AMORTIZATION RATE CONTRIBUTION FOR REEMPLOYED RETIREES REVISIONS, was read the third time, explained by Senator Weiler, and passed on the following roll call:
Yeas, 25; Nays, 0; Absent or not voting, 4.

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**H.B. 95** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

**H.B. 303**, TRUST DEED ASSIGNMENT AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**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.

**THIRD READING CALENDAR**

**3rd Sub. H.B. 47**, INSURANCE LAW AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:
Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hinkins Jones Knudson Madsen
Mayne Okerlund Osmond Reid
Robles Shiozawa Stephenson Stevenson
Urquhart Valentine Van Tassell Vickers
Weiler Niederhauser

Absent or not voting were: Senators
Hillyard Jenkins Thatcher

3rd Sub. H.B. 47, as amended, was returned to the House for further consideration.

* * *

2nd Sub. H.B. 290, DIVISION OF REAL ESTATE AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams Bramble Christensen Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Thatcher Valentine Van Tassell Vickers
Weiler Niederhauser

Absent or not voting were: Senators
Dabakis Stevenson Urquhart

2nd Sub. H.B. 290, as amended, was returned to the House for further consideration.

* * *

H.B. 285, MODIFICATION OF EDUCATION–RELATED REPORTING REQUIREMENTS, was read the third time, explained by Senator Osmond, and passed on the following roll call:
Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Dayton  Harper  Henderson  Hillyard
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Shiozawa  Stephenson  Thatcher
Valentine  Van Tassell  Vickers  Weiler
Niederhauser

Absent or not voting were: Senators
Dabakis  Robles  Stevenson  Urquhart

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 Hillyard, the circle was removed from 1st Sub. S.B. 155, POSTADOPTION CONTACT AGREEMENTS, and it was before the Senate. Senator Hillyard explained the bill. Senator Mayne commented.

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to consider the bill read for the first, second, and third time and up for final passage. The bill passed on the following roll call:

Yeas, 25; Nays, 1; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Harper  Henderson  Hillyard  Hinkins
Jenkins  Jones  Knudson  Madsen
Mayne  Okerlund  Reid  Robles
Shiozawa  Stephenson  Thatcher  Urquhart
Valentine  Van Tassell  Vickers  Weiler
Niederhauser

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators
Dabakis  Osmond  Stevenson
1st Sub. S.B. 155 was transmitted to the House for consideration.

* * *

H.B. 284, NET METERING BILLING CYCLES, was read the third time, explained by Senator Vickers, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

Absent or not voting were: Senators
Hillyard Stevenson

H.B. 284 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, the circle was removed from S.B. 65, ELECTION CODE − FINANCIAL REPORTING REQUIREMENT AMENDMENTS, and it was before the Senate.

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


Senator Valentine explained the bill. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Henderson Hinkins
Jenkins Jones Knudson Madsen
2nd Sub. S.B. 65 was transmitted to the House for consideration.

** **

H.B. 295, ELECTRONIC PROOF OF OWNER’ S OR OPERATOR’ S SECURITY, was read the third time, explained by Senator Weiler, and passed on the following roll call:

Y eas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators

- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Henderson
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Shiozawa
- Stephenson
- Thatcher
- Urquhart
- Van Tassell
- Vickers
- Weiler
- Niederhauser

Absent or not voting were: Senators

- Harper
- Hillyard
- Stevenson
- Valentine

H.B. 295 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

** **

H.B. 82, ELECTIONS AND EARLY VOTING DURING A DECLARED EMERGENCY, was read the third time and explained by Senator Knudson.

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

1st Sub. H.B. 82 Elections and Early Voting During a Declared Emergency (Rep. R. Chavez–Houck)
The bill passed on the following roll call:

**Yea, 26; Nay, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Henderson  Hinkins
Jenkins  Jones  Knudsen  Madsen
Mayne  Okerlund  Osmond  Reid
Robles  Shiozawa  Stephenson  Thatcher
Urquhart  Valentine  Van Tassell  Vickers
Weiler  Niederhauser

**Absent or not voting were:** Senators
Harper  Hillyard  Stevenson

1st Sub. H.B. 82, as amended, was returned to the House for further consideration.

***

H.B. 64, FELON’S RIGHT TO HOLD OFFICE, was read the third time, explained by Senator Jones, and passed on the following roll call:

**Yea, 19; Nay, 5; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators
Adams  Bramble  Christensen  Dabakis
Dayton  Henderson  Hinkins  Jones
Knudsen  Okerlund  Osmond  Reid
Robles  Shiozawa  Stephenson  Thatcher
Vickers  Weiler  Niederhauser

**Voting in the negative were:** Senators
Jenkins  Madsen  Thatcher  Valentine
Van Tassell

**Absent or not voting were:** Senators
Davis  Harper  Hillyard  Mayne
Stevenson

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.
On motion of Senator Okerlund, the Senate voted to lift H.B. 108, METAL THEFT AMENDMENTS, from the Judiciary, Law Enforcement and Criminal Justice and reassign it to the Economic Development and Workforce Services Committee.

SECOND READING CALENDAR

H.B. 282, SEXUAL EXPLOITATION AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Y eas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams    Bramble    Christensen    Dabakis
Davis    Dayton    Henderson    Hinkins
Jenkins  Jones     Knudson     Madsen
Mayne    Okerlund  Osmond      Reid
Robles   Shiozawa  Stephenson  Urquhart
Valentine Van Tassell Vickers    Weiler
Niederhauser

Absent or not voting were: Senators
Harper    Hillyard    Stevenson    Thatcher

On motion of Senator Dayton, the circle was removed from 1st Sub. H.B. 44, ELECTION POLLING, and it was before the Senate. Senator Dayton explained the bill.

Senator Jones proposed the following amendment:

1. Page 9, Lines 256 through 263:

256 (36) (a) “Poll” means the survey of a person regarding the person’s opinion or

257 knowledge of (a candidate) an individual who has filed a declaration of candidacy for public office, or of a ballot proposition that has legally qualified for placement on the ballot, which is conducted in person or by telephone,
facsimile, Internet, postal mail, or email.

(b) “Poll” does not include:

(i) a ballot; or

(ii) an interview of a focus group that is conducted, in person, by one individual, if:

(A) the focus group consists of more than three, and less than thirteen, individuals; and

(B) all individuals in the focus group are present during the interview.

2. Page 12, Line 345:

(b) deposit the fine described in Subsection (2)(a) in the General Fund.

(3) A person does not violate Subsection (1) if the person is prevented from making the disclosure at the conclusion of the poll, because the person being surveyed terminates the survey before the survey is completed.

Senator Jones’ motion to amend passed on a voice vote. Senators Bramble, Valentine, Dabakis, and Henderson commented. Senator Jones declared a conflict of interest. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 3; Absent or not voting, 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

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On motion of Senator Jenkins, the circle was removed from **1st Sub. S.B. 190, PROCUREMENT REVISIONS**, and it was before the Senate. Senator Jenkins
explained the bill. Senators Osmond and Vickers commented. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 1; Absent or not voting, 5.**

### Voting in the affirmative were:

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### Voting in the negative was:

*Senator Dayton*

### Absent or not voting were:

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On motion of Senator Shiozawa, the circle was removed from **1st Sub. S.B. 55, INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDER,** and it was before the Senate.

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

**4th Sub. S.B. 55 Insurance Coverage for Autism Spectrum Disorder**  
(B. Shiozawa)

On motion of Senator Shiozawa, the bill was circled.

** ***

On motion of Senator Urquhart, the circle was removed from **S.B. 64, HOMEOWNER ASSOCIATION RESERVE ACCOUNT AMENDMENTS,** and it was before the Senate.

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

**1st Sub. S.B. 64 Homeowner Association Reserve Account Amendments**  
(S. Urquhart)
On motion of Senator Urquhart, the bill was circled.

***

On motion of Senator Urquhart, **H.B. 255, CLASSIFIED SCHOOL EMPLOYEE AMENDMENTS**, was read the second time and circled.

***

**H.B. 279, ADMINISTRATIVE HEARINGS BY COUNTIES**, was read the second time. Senator Vickers explained the bill. Senator Van Tassell commented. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 6; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Henderson
- Hinkins
- Jones
- Knudson
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Valentine
- Vickers
- Niederhauser

**Voting in the negative were:** Senators

- Harper
- Jenkins
- Madsen
- Stephenson
- Van Tassell
- Weiler

**Absent or not voting were:** Senators

- Hillyard
- Stevenson
- Thatcher
- Urquhart

***

**H.J.R. 4, JOINT RESOLUTION ON REMOTE SALES**, was read the second time.

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


Senator Harper explained the bill. Senator Bramble commented. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
On motion of Senator Okerlund, H.B. 72, SAFE DRINKING WATER DISCLOSURE, was read the second time and circled.

* * *

H.B. 40, SCHEDULING OF SPECIAL ELECTIONS, 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 or not voting, 6.**

**Voting in the affirmative were:** Senators

Bramble Christensen Dabakis Davis
Dayton Harper Henderson Jenkins
Jones Knudson Madsen Mayne
Okerlund Osmond Reid Robles
Shiozawa Stephenson Valentine Van Tassell
Vickers Weiler Niederhauser

**Absent or not voting were:** Senators

Adams Hillyard Hinkins Stevenson
Thatcher Urquhart

* * *

On motion of Senator Okerlund, and at 11:45 a.m., the Senate recessed.
AFTERNOON SESSION

The Senate reassembled at 2:10 p.m., with President Niederhauser presiding.

COMMUNICATIONS FROM THE GOVERNOR

ADVISE AND CONSENT

Mr. President: February 12, 2013

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

State Engineer:

Kent LeRoi Jones is reappointed as the State Engineer, a term to expire January 1, 2017. See Utah Code 73−2−1.

Department of Financial Institutions:

G. Edward Leary is reappointed as the Commissioner of the Department of Financial Institutions, a term to expire January 6, 2017. See Utah Code 7−1−202.

Utah Science Technology and Research Governing Authority:

Neil H. Ashdown is appointed to replace Hunter Jackson as a member of the Utah Science Technology and Research Governing Authority, a term to expire July 1, 2016. See Utah Code 63M−2−301.

Public Service Commission:

David R. Clark has been appointed to replace Ric Campbell as a member of the Public Service Commission. Mr. Clark is also appointed to a term to expire March 1, 2019. See Utah Code 54−1−1.5.

Transportation Commission:

Dan R. McConkie is reappointed as a member of the Transportation Commission, a term to expire April 1, 2019. See Utah Code 72−1−301.

Meghan Z. Holbrook is reappointed as a member of the Transportation Commission, a term to expire April 1, 2019. See Utah Code 72−1−301.

Utah Athletic Foundation Board of Directors:

John Edwin Bennion is reappointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 15, 2015. See SJR 1 Passed February 3, 2007 and Bylaws of Utah Athletic Foundation.

Charles Brett Hopkins is appointed to replace Robert Garff as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 15, 2015. See SJR 1 Passed February 3, 2007 and Bylaws of Utah Athletic Foundation.
Grant Thomas is appointed to replace Gordon Strachan as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 15, 2015. See SJR 1 Passed February 3, 2007 and Bylaws of Utah Athletic Foundation.

**State Money Management Council:**

John B. Bond is appointed to replace Mark Altom as a member of the State Money Management Council, a term to expire March 1, 2017. See Utah Code 51–7–16.

Douglas Lamar DeFries is appointed to replace Richard C. Schwarz as a member of the State Money Management Council, a term to expire March 1, 2017. See Utah Code 51–7–16.

Kirt W. Slaugh is appointed to replace William W. Wallace as a member of the State Money Management Council, a term to expire March 1, 2017. See Utah Code 51–7–16.

**Radiation Control Board:**

Matt William Rydalch is appointed to be a member of the Radiation Control Board, a term to expire June 30, 2014. See Utah Code 19–3–103.

Lindsey Christensen Nesbitt is appointed to be a member of the Radiation Control Board, a term to expire June 30, 2014. See Utah Code 19–3–103.

**Board of Water Resources:**

David Scott Humphreys is reappointed as a member of the Board of Water Resources, a term to expire January 1, 2017. See Utah Code 73–10–2.

Joseph Stewart Paulick is reappointed as a member of the Board of Water Resources, a term to expire January 1, 2017. See Utah Code 73–10–2.

Neal Gawain Snow is reappointed as a member of the Board of Water Resources, a term to expire January 1, 2017. See Utah Code 73–10–2.

Charles W. Holmgren is appointed to replace Blair Francis as a member of the Board of Water Resources, a term to expire January 1, 2017. See Utah Code 73–10–2.

**Board of the Utah Geological Survey:**

Marc Turner Eckels is reappointed as a member of the Board of the Utah Geological Survey, a term to expire April 1, 2017. See Utah Code Annotated 79–3–302.

William Dornan Loughlin is reappointed as a member of the Board of the Utah Geological Survey, a term to expire April 1, 2017. See Utah Code Annotated 79–3–302.
Tom Tripp is reappointed as a member of the Board of the Utah Geological Survey, a term to expire April 1, 2017. See Utah Code Annotated 79−3−302.

Peter Marshall Kilbourne is appointed to replace John Hamilton as a member of the Board of the Utah Geological Survey, a term to expire April 1, 2017. See Utah Code Annotated 79−3−302.

**Board of Oil, Gas and Mining:**

James T. Jensen is reappointed as a member of the Board of Oil, Gas and Mining, a term to expire March 1, 2017. See Utah Code 40−6−4.

Kelly Lynn Payne is reappointed as a member of the Board of Oil, Gas and Mining, a term to expire March 1, 2017. See Utah Code 40−6−4.

Michael Rex Brown is appointed to replace Jean Semborski as a member of the Board of Oil, Gas and Mining, a term to expire March 1, 2017. See Utah Code 40−6−4.

Susan Summers Davis is appointed to replace Jake Harouny as a member of the Board of Oil, Gas and Mining, a term to expire March 1, 2017. See Utah Code 40−6−4.

**Utah State Fair Corporation Board of Directors:**

Maura Carabello is reappointed as a member of the Utah State Fair Corporation Board of Directors, a term to expire December 1, 2016. See Utah Code 63H−6−104.

**Utah State Board of Education:**

Heather Groom is appointed to replace Craig Coleman as a member of the Utah State Board of Education, the remaining portion of the term to expire December 31, 2014. See Utah Code 20A−1−507.

**State Council on Military Children:**

Martell Menlove is appointed to replace Larry K. Shumway as a member of the State Council on Military Children. See Utah Code 53A−1−1002.
Thank you for your timely consideration and confirmation of the above appointments.

Gary R. Herbert
Governor

***

Mr. President: February 15, 2013

The Senate Transportation and Public Utilities and Technology Confirmation Committee met on February 15, 2013 and reports a favorable recommendation for the appointment of Mr. David R. Clark to the Public Service Commission.

Kevin T. Van Tassell

***

Mr. President: February 20, 2013

The Senate Education Confirmation Committee met on February 20, 2013, and reports a favorable recommendation for Ms. Heather Groom as a member of the Utah State Board of Education.

Stephen H. Urquhart, Chair

On motion of Senator Urquhart, the Senate voted to consent to the Governor’s appointments on the following roll call vote:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

Knudson

Robles

**TIME CERTAIN CALENDAR**

On motion of Senator Knudson, the Senate voted to lift H.C.R. 3, CONCURRENT RESOLUTION HONORING MAJOR GENERAL BRIAN L. TARBET, from the Government Operations and Political Subdivisions Committee and place it at the top of the Second Reading Calendar.
On motion of Senator Knudson, under suspension of the rules, **H.C.R. 3**, CONCURRENT RESOLUTION HONORING MAJOR GENERAL BRIAN L. TARBET, was considered read the second and third times and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator

Robles

**H.C.R. 3** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**COMMITTEE OF THE WHOLE**


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

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:

February 28, 2013

The House passed, **1st Sub. S.B. 56**, UTAH 211 REFERRAL INFORMATION NETWORK, by Senator T. Weiler, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 100**, HIGHER EDUCATION SCHOLARSHIP 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.J.R. 8**, JOINT RESOLUTION CONCERNING RAILROAD AND RAILROAD CROSSING SAFETY, 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: February 28, 2013

The House passed **H.B. 129**, AMENDMENTS TO POWERS, FUNCTIONS, AND DUTIES OF OFFICE OF LEGISLATIVE FISCAL ANALYST, by Representative B. Wilson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 202**, ENERGY CONSERVATION CODE AMENDMENTS, by Representative B. Wilson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 310**, CONSTRUCTION CODE AMENDMENTS, by Representative B. Wilson, and it is transmitted for consideration; and

The House passed **H.C.R. 7**, CONCURRENT RESOLUTION ON FEDERAL DESIGNATION OF CRITICAL HABITAT FOR GUNNISON SAGEGROUSE, 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.

* * *

Mr. President: February 28, 2013

The House passed, as amended, **1st Sub. S.B. 51**, HIGHER EDUCATION TUITION WAIVERS, by Senator S. Urquhart, 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 28, 2011

The Rules Committee recommends assignment of the following bills to standing committees:
Business and Labor Committee
S.B. 251  Truth in Advertising (Sen. B. Shiozawa)
S.B. 256  Preconstruction and Construction Liens Amendments
          (Sen. S. Jenkins)
H.B. 238  Cosmetology and Hair Braiding (Rep. J. Dunnigan)
          (Sen. J. Valentine)

Government Operations and Political Subdivisions Committee
H.B. 334  Special Service District Reorganization (Rep. D. McCay)
          (Sen. J. Stevenson)
H.B. 348  Local District Amendments (Rep. D. Ipson)
          (Sen. M. Dayton)

Health and Human Services Committee
S.B. 255  Human Services Amendments (Sen. W. Harper)

Judiciary, Law Enforcement, and Criminal Justice Committee
H.B. 105  Serious Youth Offender Amendments (Rep. V. L. Snow)
          (Sen. L. Hillyard)

Natural Resources, Agriculture and Environment Committee
S.B. 242  Health Insurance Market Amendments (Sen. L. Hillyard)
S.B. 252  Hospital Credentialing Amendments (Sen. R. Okerlund)
S.B. 254  Penalty for Well Drilling Without a License
          (Sen. W. Harper)
          (Sen. R. Okerlund)
H.B. 142  Public Lands Policy Coordinating Office Amendments
          (Rep. R. Barrus) (Sen. R. Okerlund)

Revenue and Taxation Committee
S.B. 250  Sales and Use Tax Exemption for Sales of a Fuel Cell
          (Sen. R. Okerlund)
H.B. 300  Retention of Sales and Use Tax Collections by Certain

Transportation, Public Utilities and Technology Committee
S.B. 253  Sale of Dogs and Cats (Sen. G. Davis)
H.B. 128  Driver License Suspension Modifications  

John L. Valentine  
Rules Committee Chair  

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

STANDING COMMITTEE REPORTS

Mr. President:  
February 28, 2013  
The Economic Development and Workforce Services Committee  recommends S.B. 211, REDEVELOPMENT AGENCY AMENDMENTS, by Senator J. Stevenson, be replaced and favorably recommends 1st Sub. S.B. 211, REDEVELOPMENT AGENCY AMENDMENTS.

Aaron Osmond, Chair

Mr. President:  
February 28, 2013  
The Government Operations and Political Subdivisions Committee reports a favorable recommendation on 2nd Sub. H.B. 99, SUBMITTING GOVERNMENTAL REPORTS, by Representative P. Arent; and 

The Government Operations and Political Subdivisions Committee recommends S.B. 77, AVAILABILITY OF GOVERNMENT INFORMATION, by Senator D. Henderson, be replaced and favorably recommends 1st Sub. S.B. 77, AVAILABILITY OF GOVERNMENT INFORMATION; and 

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 241, DISCLOSURE REQUIREMENTS FOR MIDTERM VACANCY CANDIDATES, by Senator T. Weiler.

Margaret Dayton, Chair

Mr. President:  
February 28, 2013  
The Revenue and Taxation Committee reports a favorable recommendation on S.B. 238, PROPERTY TAX AMENDMENTS, by Senator C. Bramble; and
The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 246**, EXPANDED USES OF SCHOOL DISTRICT PROPERTY TAX REVENUE, by Representative K. McIff.

Deidre Henderson, Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President: February 28, 2013

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 125**, INTERSTATE LOCAL EMERGENCY RESPONSE ACT, 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. 195**, BUDGETARY PROCEDURES ACT REVISIONS, by Representative K. Ivory, 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. 223**, EMERGENCY MANAGEMENT FUNDING AMENDMENTS, by Representative C. Oda, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 223**, STATE SENATE BOUNDARY AMENDMENTS, by Senator R. Okerlund, 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. 224**, STATE BOARD OF EDUCATION BOUNDARY AMENDMENTS, by Senator R. Okerlund, 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. 231**, POLITICAL ACTION COMMITTEE
AMENDMENTS, by Senator E. Vickers, and recommends it be considered read for the second time and placed on the Consent Calendar.

Margaret Dayton, Chair

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

***

On motion of Senator Valentine, the Senate voted to lift S.B. 232, ADOPTION CODE REVISIONS, from the Health and Human Services Committee and reassign it to the Judiciary, Law Enforcement, and Criminal Justice Committee.

***

On motion of Senator Valentine, legislative staff was authorized to draft a bill regarding property tax exemption amendments.

INTRODUCTION OF BILLS

S.B. 258, Rename Utah State University – College of Eastern Utah (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Valentine, the circle was removed from 1st Sub. H.B. 93, TRAFFIC VIOLATIONS AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators

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Absent or not voting were: Senators
Robles                Urquhart

***

On motion of Senator Osmond, the circle was removed from S.B. 71, RESULTS–BASED FINANCING FOR EARLY CHILDHOOD EDUCATION, and it was before the Senate.

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

1st Sub. S.B. 71 Results–based Financing for Early Childhood Education
(A. Osmond)

On motion of Senator Osmond, the bill was circled.

***

On motion of Senator Jenkins, the Senate voted to lift 2nd Sub. S.B. 72, PRISON RELOCATION AND DEVELOPMENT AMENDMENTS, to the top of the Second Reading Calendar. Senators Weiler and Madsen commented.

2nd Sub. S.B. 72, PRISON RELOCATION AND DEVELOPMENT AMENDMENTS, was read the second time. Senator Jenkins explained the bill. Senators Valentine, Hillyard, Davis, Urquhart, Jones, Mayne, Dayton, and Stephenson commented. The bill passed second reading on the following roll call:

Yea, 18; Nay, 7; Absent or not voting, 4.

Voting in the affirmative were: Senators

Adams                Bramble              Christensen        Dayton
Henderson            Jenkins              Knudson            Madsen
Okerlund             Osmond               Shiozawa           Stephenson
Stevenson            Thatcher             Urquhart           Valentine
Van Tassell          Vickers

Voting in the negative were: Senators

Dabakis             Davis                 Harper             Hillyard
Jones               Mayne                 Robles

Absent or not voting were: Senators

Hinkins               Reid                 Weiler             Niederhauser
**H.B. 302, EMERGENCY RESPONSE 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 or not voting, 6.***

**Voting in the affirmative were:** Senators  
Bramble  Christensen  Dabakis  Davis  
Dayton  Harper  Henderson  Hillyard  
Hinkins  Jenkins  Jones  Knudson  
Madsen  Mayne  Okerlund  Osmond  
Robles  Shiozawa  Stephenson  Thatcher  
Valentine  Vickers  Weiler

**Absent or not voting were:** Senators  
Adams  Reid  Stevenson  Urquhart  
Van Tassell  Niederhauser

**H.B. 30, LINE–OF–DUTY DEATH AND DISABILITY AMENDMENTS, was read the second time. Senator Bramble explained the bill. Senator Weiler commented. The bill passed second reading on the following roll call:**

**Yeas, 23; Nays, 0; Absent or not voting, 6.***

**Voting in the affirmative were:** Senators  
Bramble  Christensen  Dabakis  Davis  
Dayton  Harper  Henderson  Hillyard  
Hinkins  Jenkins  Jones  Knudson  
Mayne  Okerlund  Osmond  Reid  
Robles  Shiozawa  Stephenson  Thatcher  
Valentine  Vickers  Weiler

**Absent or not voting were:** Senators  
Adams  Madsen  Stevenson  Urquhart  
Van Tassell  Niederhauser

On motion of Senator Hillyard, **H.B. 30** was placed on Third Reading Table due to fiscal impact.

**2nd Sub. H.B. 65, INSURANCE BENEFICIARY CHANGES, was read the second time.***
Senator Weiler proposed the following amendment:

1. Page 2, Lines 50 through 53:

50 (ii) an order requiring the parties to notify respective creditors or obligees, regarding
51 the court’s division of debts, obligations, or liabilities and regarding the parties’ separate,
52 current addresses; { } and { }
53 (iii) provisions for the enforcement of these orders; { } and { }

2. Page 2, Line 56 through Page 3, Line 60:

56 (e) if either party owns a life insurance policy or an annuity contract, an
57 acknowledgment by the court that the owner { } has:
58 (i) has reviewed and updated, where appropriate, the list of beneficiaries; { } and { }
59 (ii) has affirmed that those listed as beneficiaries are in fact the intended beneficiaries after
60 the divorce becomes final; and
61 (iii) understands that if no changes are made to the policy or contract, the beneficiaries currently listed will receive any funds paid by the insurance company under the terms of the policy or contract.

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

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Madsen   Urquhart   Van Tassell   Niederhauser

SPECIAL RECOGNITION

Senator Stephenson paid tribute to teachers and students participating in the China Teachers/Dual Immersion Program.

COMMITTEE OF THE WHOLE

On motion of Senator Stephenson, Jane Sandberg and Seth Frandsen, students in the China Teachers/Dual Immersion Program spoke in Committee of the Whole. Senators Dabakis, Bramble, Dayton, Harper, and Osmond commented.

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

SECOND READING CALENDAR

1st Sub. H.B. 245, CONSUMER PROTECTION AMENDMENTS, was read the second time. Senator Jones explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Dayton  Harper  Henderson  Hillyard
Hinkins  Jones  Knudson  Mayne
Okerlund  Osmond  Reid  Robles
Shiozawa  Stevenson  Thatcher  Van Tassell
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Dabakis  Jenkins  Madsen  Stephenson
Urquhart  Valentine

* * *

2nd Sub. H.B. 286, DISPOSITION OF PERSONAL PROPERTY ON VACATED PROPERTY, 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 or not voting, 5.
Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Dayton  Harper  Henderson  Hillyard
Hinkins  Jones  Knudson  Mayne
Okerlund  Osmond  Reid  Robles
Shiozawa  Stevenson  Thatcher  Urquhart
Van Tassell  Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Dabakis  Jenkins  Madsen  Stephenson
Valentine

* * *

On motion of Senator Urquhart, the circle was removed from H.B. 255, CLASSIFIED SCHOOL EMPLOYEE AMENDMENTS, and it was before the Senate. Senator Urquhart explained the bill. Senator Weiler commented. The bill passed on the following roll call:

Yeas, 22; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Senators
Bramble  Christensen  Davis  Dayton
Harper  Henderson  Hillyard  Hinkins
Jones  Knudson  Mayne  Okerlund
Osmond  Reid  Shiozawa  Stevenson
Thatcher  Urquhart  Van Tassell  Vickers
Weiler  Niederhauser

Absent or not voting were: Senators
Adams  Dabakis  Jenkins  Madsen
Robles  Stephenson  Valentine

* * *

On motion of Senator Okerlund, 1st Sub. H.B. 278, PUBLIC SCHOOL SEISMIC STUDIES, was read the second time and circled.

* * *

H.B. 113, COUNTY GOVERNMENT BODY AUTHORITY, was read the second time. Senator Van Tassell explained the bill. Senator Niederhauser commented. The bill passed second reading on the following roll call:
Yeas, 23; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Senators
Bramble Christensen Dayton Harper
Henderson Hillyard Hinkins Jones
Knudson Mayne Okerlund Osmond
Reid Robles Shiozawa Stevenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

Absent or not voting were: Senators
Adams Dabakis Davis Jenkins
Madsen Stephenson

* * *

1st Sub. H.B. 62, DISPLAY OF PRISONER OR WAR AND MISSING IN ACTION FLAG, was read the second time. Senator Vickers explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Bramble Christensen Davis Dayton
Harper Henderson Hillyard Hinkins
Jenkins Jones Knudson Mayne
Okerlund Osmond Reid Robles
Shiozawa Stevenson Thatcher Urquhart
Valentine Van Tassell Vickers Weiler
Niederhauser

Absent or not voting were: Senators
Adams Dabakis Madsen Stephenson

* * *

H.B. 13, PROTECTION OF CHILDREN RIDING IN MOTOR VEHICLES, was read the second time. Senator Osmond explained the bill. Senators Vickers, Jones, Mayne, Henderson, Harper, Dabakis, Dayton, Bramble, and Shiozawa commented. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 10; Absent or not voting, 0.

Voting in the affirmative were: Senators
Christensen Dabakis Davis Hillyard
Hinkins Jones Knudson Mayne
Okerlund      Osmond      Robles      Shiozawa
Stevenson    Urquhart    Valentine  Van Tassell
Vickers      Weiler      Niederhauser

**Voting in the negative were:** Senators
Adams        Bramble     Dayton     Harper
Henderson    Jenkins     Madsen    Reid
Stephenson   Thatcher

* * *

On motion of Senator Reid, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Reid, the circle was removed from **S.B. 66, REFERENDUM REVISIONS**, and it was before the Senate.

On motion of Senator Reid, the bill was circled.

* * *

On motion of Senator Okerlund, and at 5:05 p.m., the Senate adjourned until 10:00 a.m., Friday, March 1, 2013.
THIRTY–SECOND DAY
MORNING SESSION
March 1, 2013

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

Prayer – Pastor France Davis, Calvary Baptist Church
Pledge of Allegiance – Senator Lyle Hillyard
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2013

The House passed, as substituted, 1st Sub. H.B. 39, CANDIDATE AMENDMENTS, by Representative K. Powell, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 96, CLEANER BURNING FUELS TAX CREDITS AMENDMENTS, by Representative J. Draxler, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 139, SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS ACTION CENTER, by Representative V. Peterson, and it is transmitted for consideration; and

The House passed H.B. 145, YOUTH DEVELOPMENT ORGANIZATION RESTRICTED ACCOUNT AND INCOME TAX CONTRIBUTION, by Representative S. Eliason, and it is transmitted for consideration; and

The House passed, as substituted, 4th Sub. H.B. 204, ELECTION AMENDMENTS, by Representative S. Eliason, and it is transmitted for consideration; and

The House passed, as substituted, 2nd Sub. H.B. 209, PUBLIC ASSISTANCE RESTRICTIONS, by Representative D. Brown, and it is transmitted for consideration; and
The House passed, as substituted and amended, **1st Sub. H.B. 235**, PROCESS SERVER AMENDMENTS, by Representative L. Perry, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 240**, ALCOHOL SERVICE IN RESTAURANTS, by Representative Janice Fisher, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 268**, DISORDERLY CONDUCT AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 320**, TEMPORARY IDENTIFICATION CARD, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed **H.B. 332**, ALTERNATE DISPUTE RESOLUTION AMENDMENTS, 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.

* * *

**Mr. President:** February 28, 2013

The House passed, as amended, **S.B. 23**, LIEUTENANT GOVERNOR CANDIDATE 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.

**INTRODUCTION OF BILLS**

**S.B. 257, Personalized Educator Evaluation Technology** (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

**S.B. 259, Amendments to Disability Waiting List** (A. Christensen), was read the first time by short title and referred to the Rules Committee.

**S.B. 260, Reading Assessment Amendments** (S. Urquhart), was read the first time by short title and referred to the Rules Committee.
S.B. 262, Employment and Housing Antidiscrimination Amendments
(S. Urquhart), was read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 198, AGING AND ADULT SERVICES AMENDMENTS, was read the third time, explained by Senator Vickers, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams       Bramble     Dabakis    Davis
Dayton      Harper      Henderson  Hillyard
Hinkins     Jenkins     Jones      Knudson
Madsen      Mayne       Okerlund   Osmond
Reid        Robles      Shiozawa   Stephenson
Stevenson   Urquhart    Valentine  Van Tassell
Vickers     Weiler      Niederhauser

Absent or not voting were: Senators
Christensen  Thatcher

H.B. 198 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

S.B. 222, TRANSPORTATION AMENDMENTS, was read the third time, explained by Senator Harper, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams       Bramble     Dabakis    Davis
Dayton      Harper      Henderson  Hillyard
Hinkins     Jenkins     Jones      Knudson
Mayne       Okerlund    Osmond     Reid
Robles      Shiozawa    Stephenson Stevenson
Urquhart    Valentine   Van Tassell Vickers
Weiler      Niederhauser

Absent or not voting were: Senators
Christensen  Madsen     Thatcher
S.B. 222 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 204, JUDICIARY AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators
Adams  Bramble  Dabakis  Davis
Dayton  Harper  Henderson  Hillyard
Hinkins  Jones  Knudson  Madsen
Mayne  Okerlund  Osmond  Reid
Robles  Shiozawa  Stephenson  Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

**Absent or not voting were:** Senators
Christensen  Jenkins

1st Sub. S.B. 204 was transmitted to the House for consideration.

* * *

H.B. 234, CORPORATE FRANCHISE AND INCOME TAX FINE AND PENALTY AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators
Adams  Bramble  Dabakis  Davis
Dayton  Harper  Henderson  Hinkins
Jones  Knudson  Madsen  Mayne
Okerlund  Robles  Shiozawa
Stephenson  Thatcher  Urquhart  Valentine
Van Tassell  Vickers  Weiler  Niederhauser

**Absent or not voting were:** Senators
Christensen  Hillyard  Jenkins  Osmond
Stevenson

H.B. 234 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
CONCURRENCE CALENDAR

On motion of Senator Urquhart, the Senate voted to concur in the House amendments to 1st Sub. S.B. 51, HIGHER EDUCATION TUITION WAIVERS. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams Bramble Dabakis Davis
Dayton Harper Henderson Hinkins
Jenkins Jones Knudson Madsen
Mayne Okerlund Osmond Reid
Robles Shiozawa Stephenson Thatcher
Urquhart Van Tassell Vickers Weiler
Niederhauser

Absent or not voting were: Senators
Christensen Hillyard Stevenson Valentine

1st Sub. S.B. 51 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 282, SEXUAL EXPLOITATION AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams Bramble Dabakis Davis
Dayton Harper Henderson Hinkins
Jenkins Jones Knudson Madsen
Mayne Okerlund Osmond Reid
Robles Shiozawa Stephenson Thatcher
Urquhart Van Tassell Vickers Weiler
Niederhauser

Absent or not voting were: Senators
Christensen Hillyard Stevenson Valentine

H.B. 282 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
1st Sub. H.B. 44, ELECTION POLLING, was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Y eas, 19; Nays, 6; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

Adams  Davis  Dayton  Harper  
Jenkins  Jones  Knudson  Madsen  
Mayne  Okerlund  Osmond  Reid  
Shiozawa  Stephenson  Thatcher  Urquhart  
Van Tassell  Vickers  Niederhauser

**Voting in the negative were:** Senators

Bramble  Dabakis  Henderson  Hinkins  
Robles  Weiler

**Absent or not voting were:** Senators

Christensen  Hillyard  Stevenson  Valentine

1st Sub. H.B. 44, as amended, was returned to the House for further consideration.

* * *

1st Sub. S.B. 190, PROCUREMENT REVISIONS, was read the third time and explained by Senator Jenkins.

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

2nd Sub. S.B. 190 Procurement Revisions (S. Jenkins)

The bill passed on the following roll call:

**Y eas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

Adams  Bramble  Christensen  Dabakis  
Davis  Harper  Henderson  Hinkins  
Jenkins  Jones  Knudson  Mayne  
Okerlund  Osmond  Reid  Robles  
Shiozawa  Stephenson  Thatcher  Urquhart  
Valentine  Van Tassell  Vickers  Weiler  
Niederhauser
Absent or not voting were: Senators
Dayton                Hillyard               Madsen               Stevenson

2nd Sub. S.B. 190 was transmitted to the House for consideration.

***

H.B. 279, ADMINISTRATIVE HEARINGS BY COUNTIES, was read the third time and explained by Senator Vickers.

Senator Harper proposed the following amendment:

1. Page 2, Lines 39h through 39i
   House Floor Amendments
   2–12–2013:

   39h   (b) A county may not impose a civil penalty and adjudication for the violation of a

   39i   county moving traffic ordinance. ✏️

   (6) If the county collects funds paid for a fine described in this section, the county shall deposit the funds, less administrative costs, in the Uniform School Fund described in Section 53A–16–101.

Senator Harper’s motion to amend passed on a voice vote. Senators Jenkins and Thatcher commented and the bill failed on the following roll call:

Yeas, 10; Nays, 17; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams               Christensen         Davis              Harper
Jones              Mayne             Okerlund           Urquhart
Van Tassell            Vickers

Voting in the negative were: Senators
Bramble          Dabakis            Dayton           Henderson
Hinkins           Jenkins           Knudson           Madsen
Osmond            Reid              Robles           Shiozawa
Stephenson       Thatcher           Valentine         Weiler
Niederhauser

Absent or not voting were: Senators
Hillyard             Stevenson
H.B. 279, as amended, was filed.

* * *

1st Sub. H.J.R. 4, JOINT RESOLUTION ON REMOTE SALES, was read the third time, explained by Senator Harper, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Harper
Henderson  Hinkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Thatcher  Valentine  Van Tassell  Vickers
Weiler  Niederhauser

Absent or not voting were: Senators
Dabakis  Davis  Dayton  Hillyard
Jenkins  Stevenson  Urquhart

1st Sub. H.J.R. 4, as amended, was returned to the House for further consideration.

* * *

H.B. 40, SCHEDULING OF SPECIAL ELECTIONS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 21; Nays, 0; Absent or not voting, 8.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Harper
Henderson  Hinkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Valentine  Van Tassell  Vickers  Weiler
Niederhauser

Absent or not voting were: Senators
Dabakis  Davis  Dayton  Hillyard
Jenkins  Stevenson  Thatcher  Urquhart

H.B. 40, as amended, was returned to the House for further consideration.
TIME CERTAIN CALENDAR

1st Sub. S.B. 112, WORK WEEK AMENDMENTS, was read the second time.

Senator Osmond proposed the following amendment:

1. Page 2, Lines 29 through 37:

30 (1) [Except for a legal holiday established under Section 63G–1–301, a state agency
31 shall operate at least one physical location, and as many physical
32 locations necessary,] Except
33 as provided in Subsection (2), and subject to Subsection
34 (3){–}:
(a) a state agency with five or more employees shall, at least
35 {nine} hours [a] per day on Monday, Tuesday, Wednesday,
36 Thursday, and Friday [to], provide a
37 service required by statute to another entity of the state, a political
38 subdivision, or the public[.]
39 (a) in person;
40 (b) online; or
41 (c) by telephone;
(b) a state agency with less than five employees shall, at least eight hours
per day on Monday, Tuesday, Wednesday, Thursday, and Friday, provide
a service required by statute to another entity of the state, a political
subdivision, or the public:
(i) in person;
(ii) online; or
(iii) by telephone.

2. Page 2, Line 41:

41 agencies shall operate at least one physical location, and as many
physical locations as necessary.

3. Page 3, Line 58:
 Senator Osmond’s motion to amend passed on a voice vote. Senator Osmond explained the bill. Senator Van Tassell commented. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 4; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators
- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Harper
- Henderson
- Jenkins
- Jones
- Knudson
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Voting in the negative were:** Senators
- Dayton
- Hinkins
- Madsen
- Stephenson
- Hillyard
- Stevenson

**Absent or not voting were:** Senators
- Hillyard
- Stevenson

**THIRD READING CALENDAR**

1st Sub. H.B. 93, TRAFFIC VIOLATIONS AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators
- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hinkins
- Jenkins
- Jones
- Knudson
- Mayne
- Okerlund
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Absent or not voting were:** Senators
- Hillyard
- Stevenson

1st Sub. H.B. 93, as amended, was returned to the House for further consideration.
On motion of Senator Thatcher, the Senate voted to reconsider its action on **H.B. 279, ADMINISTRATIVE HEARINGS BY COUNTIES.**

On motion of Senator Thatcher, the Senate voted to place the bill at the top of the Third Reading Calendar.

**H.B. 279, ADMINISTRATIVE HEARINGS BY COUNTIES,** was before the Senate and explained by Senator Vickers.

Senator Thatcher proposed the following amendment:

1. Page 2, Line 39b:
   After “class” delete “B” and insert “C”

2. Page 2, Line 39g:
   After “class” delete “B” and insert “C”

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

**Yeas, 18; Nays, 9; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

- Adams
- Christensen
- Dabakis
- Davis
- Harper
- Hinkins
- Jones
- Knudson
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Thatcher
- Urquhart
- Van Tassell
- Vickers
- Niederhauser

**Voting in the negative were:** Senators

- Bramble
- Dayton
- Henderson
- Jenkins
- Madsen
- Shiozawa
- Stephenson
- Valentine
- Weiler

**Absent or not voting were:** Senators

- Hillyard
- Stevenson

**H.B. 279,** as amended, was returned to the House for further consideration.

**COMMITTEE OF THE WHOLE**

On motion of Senator Knudson, Suni Norman performed a violin solo in Committee of the Whole.
On motion of Senator Knudson, the Committee of the Whole was dissolved.

A citation was read honoring Suni Norman on her accomplishments in violin performance.

**THIRD READING CALENDAR**

2nd Sub. S.B. 72, PRISON RELOCATION AND DEVELOPMENT AMENDMENTS, was read the third time and explained by Senator Jenkins.

Senator Jenkins proposed the following amendment:

1. Page 15, Line 437:
   
   437 member of the {of the} State Commission on Criminal and Juvenile Justice;

2. Page 19, Line 577
   
   Senate Committee Amendments 2–28–2013:

   577 described in this section.
   
   (7) The former prison land may not be sold, exchanged, leased, or made subject to an option without the Legislature’s prior approval.

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

On motion of Senator Jenkins, the bill was circled.

** ***

On motion of Senator Reid, the circle was removed from S.B. 66, REFERENDUM REVISIONS, and it was before the Senate.

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

1st Sub. S.B. 66 Referendum Revisions ( S. Reid)

On motion of Senator Reid, the bill was circled.

** ***

On motion of Senator Valentine, H.B. 302, EMERGENCY RESPONSE AMENDMENTS, was read the third time and circled.
On motion of Senator Knudson, and at 11:45 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:10 p.m., with President Niederhauser presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 1, 2013

The Speaker of the House has signed 1st Sub. S.B. 51, HIGHER EDUCATION TUITION WAIVERS, by Senator S. Urquhart, and it is transmitted for the signature of the President; and

The House passed, S.B. 185, DIVISION OF OIL, GAS, AND MINING 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: March 1, 2013

The House concurred in the Senate amendments and passed 1st Sub. H.B. 82, ELECTIONS AND EARLY VOTING DURING A DECLARED EMERGENCY, by Representative R. Chavez–Houck, et al, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communication filed. The bill was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

Mr. President: March 1, 2013

The House passed, as substituted, 1st Sub. H.B. 76, CONCEALED WEAPON CARRY AMENDMENTS, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 134, PARENTAL NOTIFICATION RELATED TO STUDENT SAFETY, by Representative G. Froerer, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 147**, UTAH MARRIAGE COMMISSION, by Representative L. Christensen, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 173**, NECESSARILY EXISTENT SMALL SCHOOLS FUNDING AMENDMENTS, by Representative K. Powell, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 256**, REAUTHORIZATION OF ADMINISTRATIVE RULES, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 316**, TRAFFIC AMENDMENTS, by Representative Johnny Anderson, and it is transmitted for consideration; and

The House passed **H.B. 325**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, by Representative B. Dee, and it is transmitted for consideration; and

The House passed **H.B. 326**, DIVISION OF WATER RIGHTS AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed **H.B. 329**, MEDICAID VISION AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 330**, FINANCIAL REPORTING AMENDMENTS, by Representative S. Eliason, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 333**, STATE LANDS AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as substituted, 1st **Sub. H.B. 336**, AMENDMENTS TO ECONOMIC DEVELOPMENT, by Representative R. Wilcox, 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:

The House refused to concur with the Senate Amendments to 2nd Sub. H.B. 290, DIVISION OF REAL ESTATE AMENDMENTS, by Representative G. Froerer, 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 2nd Sub. H.B. 290. President Niederhauser appointed a conference committee consisting of Senators Adams, Harper, and Jones to meet with a like committee from the House.

STANDING COMMITTEE REPORTS

Mr. President:

The Business and Labor Committee recommends 1st Sub. H.B. 217, STATE FIRE CODE ACT AMENDMENTS, by Representative J. Dunnigan, be replaced and favorably recommends 2nd Sub. H.B. 217, STATE FIRE CODE AMENDMENTS; and

The Business and Labor Committee reports a favorable recommendation on S.B. 239, ALCOHOLIC BEVERAGE CONTROL ACT SAMPLING AMENDMENTS, by Senator J. Valentine; and

The Business and Labor Committee reports a favorable recommendation on S.B. 248, ALCOHOLIC BEVERAGE CONTROL ACT AND SMALL MANUFACTURERS, by Senator J. Valentine.

Curtis S. Bramble, Chair

Mr. President:

The Education Committee reports a favorable recommendation on S.B. 133, SCHOOL PERFORMANCE REPORT AMENDMENTS, by Senator H. Stephenson.

Stuart C. Reid, Chair

Mr. President:

The Health and Human Services Committee reports a favorable recommendation on H.B. 116, SUDDEN CARDIAC ARREST SURVIVAL ACT AMENDMENTS, by Representative R. Cunningham; and
The Health and Human Services Committee reports a favorable recommendation on **H.B. 117**, REGULATION OF TATTOO INDUSTRY, by Representative J. Stanard; and

The Health and Human Services Committee reports a favorable recommendation on **2nd Sub. H.B. 118**, AUTOMATIC EXTERNAL DEFIBRILLATOR RESTRICTED ACCOUNT, by Representative R. Cunningham; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 135**, MEDICAL MALPRACTICE AMENDMENTS, by Representative D. Sanpei; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 292**, PREMIUM ASSISTANCE UNDER MEDICAID AND CHIP, by Representative D. Sanpei; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 85**, COMMUNITY HEALTH WORKER PROGRAM, by Senator L. Robles, with the following amendments:

1. Page 2, Lines 29 through 33:

   29 Money Appropriated in this Bill:
   30 This bill appropriates in fiscal year 2014:
   31 to the Department of Health – Disease Control and Prevention – **Health Promotion**, as an ongoing appropriation:
   32
   33 from the General Fund, $250,000.

2. Page 4, Line 119 through Page 5, Line 128:

   119 Section 2. Appropriation.
   120 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
   121 the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following sums of money
   122 are appropriated from resources not otherwise appropriated, or reduced from amounts
   123 previously appropriated, out of the funds or accounts indicated. These sums of money are in
addition to any amounts previously appropriated for fiscal year 2014.

To Department of Health – Disease Control and Prevention

From General Fund $250,000

Schedules of programs

{Department of Health – Disease Control and Prevention} Health Promotion $250,000

Evan J. Vickers, Chair

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

STANDING COMMITTEE REPORTS

Mr. President: March 1, 2013

The Business and Labor Committee reports a favorable recommendation on H.B. 119, FIRE PREVENTION AMENDMENTS, by Representative J. Seelig, 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 S.B. 198, UTAH UNITRUST ACT, by Senator L. Hillyard, 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 S.B. 233, REQUEST FOR EMERGENCY MEDICAL ASSISTANCE AMENDMENTS, by Senator C. Bramble, 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 S.B. 234, FIRE CODE AMENDMENTS, by Senator C. Bramble, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Business and Labor Committee recommends S.C.R. 11, CONCURRENT RESOLUTION ON RADON GAS, by Senator J. Valentine, be replaced and favorably recommends 1st Sub. S.C.R. 11, CONCURRENT RESOLUTION ON RADON GAS and that it be amended as follows, considered read for the second time, and placed on the Consent Calendar.
1. Page 2, Line 52 through Page 3, Line 57:

BE IT FURTHER RESOLVED that the Legislature and the Governor call upon real estate licensees to use their access to buyers and sellers of real estate to inform them, by use of a radon-specific Buyers Disclosure and Acknowledgment form {approved by the Utah Division of Real Estate}, of the dangers and risks of radon exposure, encourage testing and remediation, and educate the public about the dangers of radon,

BE IT FURTHER RESOLVED that the Legislature and the Governor call upon home Curtis S. Bramble, Chair

Mr. President: March 1, 2013

The Health and Human Services Committee reports a favorable recommendation on H.B. 233, FUNERAL SERVICES LICENSING ACT AMENDMENTS, by Representative R. Menlove, 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. 244, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS, by Representative E. Redd, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Human Services Committee recommends S.B. 213, EMPLOYER ASSOCIATION HEALTH PLAN AMENDMENTS, by Senator P. Knudson, be replaced and favorably recommends 1st Sub. S.B. 213, EMPLOYER ASSOCIATION HEALTH PLAN AMENDMENTS and that it be considered read for the second time and placed on the Consent Calendar.

Evan J. Vickers, Chair

On motion of Senator Valentine, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.
RULES COMMITTEE REPORTS

To the Members of the Senate: March, 2011

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

Business and Labor Committee

Economic Development and Workforce Services Committee
S.B. 262 Employment and Housing Antidiscrimination Amendments (Sen. S. Urquhart)

Education Committee
S.B. 257 Personalized Educator Evaluation Technology (Sen. J. S. Adams)
S.B. 258 Rename Utah State University – College of Eastern Utah (Sen. D. Hinkins)
S.B. 260 Reading Assessment Amendments (Sen. S. Urquhart)

Government Operations and Political Subdivisions Committee

Health and Human Services Committee
S.B. 259 Amendments to Disability Waiting List (Sen. A. Christensen)
Judiciary, Law Enforcement, and Criminal Justice Committee

H.B. 332  Alternate Dispute Resolution Amendments (Rep. R. Edwards) (Sen. J. Valentine)

Natural Resources, Agriculture and Environment Committee


Revenue and Taxation Committee


Transportation, Public Utilities and Technology Committee


John L. Valentine  
Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 261, Amendments Related to Alcoholic Beverage Control  (J. Valentine), was read the first time by short title and referred to the Rules Committee.

S.B. 263, Child Care Costs Amendments (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 264, Office of Recovery Services Pilot Program  (A. Christensen), was read the first time by short title and referred to the Rules Committee.

S.B. 265, Referendum Amendments (J. Valentine), was read the first time by short title and referred to the Rules Committee.
S.B. 266, Tax Revisions (J. Valentine), was read the first time by short title and referred to the Rules Committee.

S.B. 267, New Convention Hotel Development Incentive Act (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

S.B. 269, Property Tax Revisions (J. Valentine), was read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

2nd Sub. H.B. 65, INSURANCE BENEFICIARY CHANGES, was read the third time, explained by Senator Harper, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators

Adams
Davis
Hillyard
Knudson
Osmond
Stephenson
Valentine
Niederhauser
Bramble
Dayton
Hinkins
Madsen
Reid
Steveson
Van Tassell

Christensen
Harper
Jenkins
Mayne
Robles
Thatcher
Vickers

Dabakis
Henderson
Jones
Okerlund
Shiozawa
Urquhart
Weiler

2nd Sub. H.B. 65, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 245, CONSUMER PROTECTION AMENDMENTS, was read the third time, explained by Senator Jones, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators

Adams
Davis
Hillyard
Knudson
Osmond
Stephenson
Valentine
Niederhauser
Bramble
Dayton
Hinkins
Madsen
Reid
Steveson
Van Tassell

Christensen
Harper
Jenkins
Mayne
Robles
Thatcher
Vickers

Dabakis
Henderson
Jones
Okerlund
Shiozawa
Urquhart
Weiler
1st Sub. H.B. 245 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

2nd Sub. H.B. 286, DISPOSITION OF PERSONAL PROPERTY ON VACATED PROPERTY, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 29; Nays, 0; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators

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2nd Sub. H.B. 286 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 255, CLASSIFIED SCHOOL EMPLOYEE AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

**Yeas, 25; Nays, 3; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

<table>
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<th>Mayne</th>
<th>Robles</th>
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</table>
Absent or not voting was: Senator Davis

H.B. 255 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 Reid, the circle was removed from 1st Sub. S.B. 66, REFERENDUM REVISIONS, and it was before the Senate. Senator Reid explained the bill. Senator Dabakis commented. The bill passed on the following roll call:

Yeas, 27; Nays, 1; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Harper Henderson Hillyard Hinkins
Jenkins Jones Knudson Madsen
Mayne Okerlund Osmond Reid
Robles Shiozawa Stephenson Stevenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

Voting in the negative was: Senator Dayton

Absent or not voting was: Senator Davis

1st Sub. S.B. 66 was transmitted to the House for consideration.

***

On motion of Senator Stevenson, the circle was removed from S.B. 176, OFFICE OF PLANNING AND BUDGET RESTRUCTURING AMENDMENTS, and it was before the Senate. Senator Stevenson explained the bill. The bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
S.B. 176 was transmitted to the House for consideration.

***

H.B. 113, COUNTY GOVERNING BODY AUTHORITY, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

Bramble | Urquhart |

H.B. 113 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Valentine, the Senate voted to lift S.B. 237, TAXATION OF SHORT-TERM LODGING, from the Revenue and Taxation Committee and reassign it to the Business and Labor Committee.

***

1st Sub. H.B. 62, DISPLAY OF PRISONER OF WAR AND MISSING IN ACTION FLAG, was read the third time, explained by Senator Vickers, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**
Voting in the affirmative were: Senators
Adams         Christensen   Dabakis   Davis
Dayton        Harper        Henderson Hillyard
Hinkins       Jenkins       Jones     Knudson
Madsen        Mayne        Okerlund  Osmond
Reid          Shiozawa     Stephenson Stevenson
Thatcher       Valentine    Vickers   Weiler
Niederhauser

Absent or not voting were: Senators
Bramble       Robles       Urquhart  Van Tassell

1st Sub. H.B. 62 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 13, PROTECTION OF CHILDREN RIDING IN MOTOR VEHICLES, was read the third time and explained by Senator Osmond. Senators Madsen, Christensen, Henderson, Dayton, Harper, Vickers, Jenkins, Hillyard, Shiozawa, Dabakis, and Jones commented and the bill passed on the following roll call:

Y eas, 16; Nays, 13; Absent or not voting, 0.

Voting in the affirmative were: Senators
Christensen   Dabakis   Davis     Hillyard
Jones         Mayne     Okerlund  Osmond
Robles        Shiozawa  Stevenson Urquhart
Valentine     Vickers   Weiler    Niederhauser

Voting in the negative were: Senators
Adams         Bramble   Dayton    Harper
Henderson     Hinkins   Jenkins   Knudson
Madsen        Reid      Stephenson Thatcher
Van Tassell

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 Valentine, the circle was removed from H.B. 302, EMERGENCY RESPONSE AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:
Yeas, 28; Nays, 0; Absent or not voting, 1.

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator

Vickers

**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.

**SECOND READING CALENDAR**

On motion of Senator Bramble, the Senate voted to lift **S.B. 199**, ENERGY REVISIONS, from the Business and Labor Committee and place it on the Second Reading Calendar.

***

**S.B. 103**, CARSON SMITH SCHOLARSHIP AMENDMENTS, was read the second time. Senator Adams explained the bill. Senators Christensen, Shiozawa, and Jones commented. The bill passed second reading on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

**Voting in the affirmative were:** Senators

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**S.B. 184**, YOUTH SUICIDE PREVENTION REVISIONS, was read the second time. Senator Robles explained the bill. Senators Harper, Henderson, and Madsen commented. The bill passed second reading on the following roll call:
Yeas, 25; Nays, 2; Absent or not voting, 2.

Voting in the affirmative were: Senators
Bramble Christensen Dabakis Davis
Harper Henderson Hinkins Jenkins
Jones Knudson Mayne Okerlund
Osmond Reid Robles Shiozawa
Stephenson Stevenson Thatcher Urquhart
Valentine Van Tassell Vickers Weiler
Niederhauser

Voting in the negative were: Senators
Dayton Madsen

Absent or not voting were: Senators
Adams Hillyard

* * *

S.B. 199, ENERGY REVISIONS, was read the second time. Senator Bramble explained the bill.

On motion of Senator Bramble, the Senate voted to strike the enacting clause on the bill.

On motion of Senator Bramble, the Senate voted to include the following language in the Senate Journal:

“At the commission we are often asked how new resources, including power plants, are selected and if certain types of plant are automatically excluded. The existing Integrated Resource Plan process, the ‘IRP’, must consider all resource energy development, including nuclear. Regardless of the resource, economic data and expert evidence guide the selection of the most prudent resources.”

* * *

3rd Sub. S.B. 67, CONSUMER PROTECTION REVISIONS, was read the second time. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 3, Lines 80 through 81
   Senate Committee Amendments
   2–20–2013:
“Seller” means a person other than a government entity that accepts payment by a financial transaction card.

“Seller” does not include:
(i) a government entity; or
(ii) a person acting on behalf of a government entity.

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

Senator Valentine proposed the following amendment:

1. Page 3, Lines 82 through 84
   Senate Committee Amendments 2–20–2013:

   “Surcharge” means an additional charge added to a transaction paid for by using a financial transaction card, but not added to a transaction paid for by a means other than a financial transaction card.

   “Surcharge” does not include:
   (i) an exclusion from a discount that is offered on transactions paid for by means other than a credit card;
   (ii) a fee charged by a credit card company for use of a credit card; or
   (iii) a fee authorized under Section 7–16a–202.

2. Page 4, Line 118 through Page 5, Line 119
   Senate Committee Amendments 2–20–2013:

   A seller may offer a discount on a transaction that is paid for by means other than a financial transaction card.

   This section does not prohibit a seller from offering a discount on a transaction that is paid for with a credit card that:
   (a) is issued by the seller or an entity that is affiliated with the seller;
or

(b) bears the seller’s service mark or trademark.

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

**Yeas, 25; Nays, 0; Absent or not voting, 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. 187, FOOD HANDLER LICENSING AMENDMENTS, was read the second time.

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

**2nd Sub. S.B. 187 Food Handler Licensing Amendments** (C. Bramble)

Senator Bramble explained the bill. Senators Vickers and Osmond commented. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Hinkins         Jones

***

S.B. 189, ONCOLOGY INSURANCE AMENDMENTS, was read the second time.

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

1st Sub. S.B. 189 Oncology Insurance Amendments (C. Bramble)

On motion of Senator Bramble, the bill was circled.

***

On motion of Senator Okerlund, and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Monday, March 4, 2013.
The Senate was called to order at 9:40 a.m., with President Wayne Niederhauser presiding.

Prayer – Elder Gene R. Chidester, Quorum of Seventy, LDS Church
Pledge of Allegiance – Senator Gene Davis
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 1, 2013

The House concurred in the Senate amendments and passed 3rd Sub. H.B. 47, INSURANCE LAW AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk
Communication filed. The bill was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

***

Mr. President: March 1, 2013

The House passed, as substituted, 2nd Sub. H.B. 111, EMINENT DOMAIN AMENDMENTS, by Representative L. Perry, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 127, MOTOR VEHICLE EVENT DATA RECORDERS, by Representative D. Lifferth, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 131, CONSTITUTIONAL AND FEDERALISM DEFENSE ACT, by Representative K. Ivory, and it is transmitted for consideration; and
The House passed, as substituted and amended, 1st Sub. H.B. 149, AMENDMENTS TO UTAH EXEMPTIONS ACT, by Representative E. Tanner, and it is transmitted for consideration; and

The House passed H.B. 154, SUICIDE PREVENTION PROGRAMS, by Representative S. Eliason, and it is transmitted for consideration; and

The House passed H.B. 192, COUNTY CLERK MISCONDUCT PENALTY, by Representative D. Layton, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 280, COUNTY GOVERNMENT REFORM, by Representative M. Brown, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 315, OFFICE OF INSPECTOR GENERAL OF MEDICAID SERVICES AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as amended, H.B. 352, COUNTY GOVERNMENT AMENDMENTS, by Representative D. Brown, and it is transmitted for consideration; and

The House passed H.J.R. 9, JOINT RESOLUTION RECOMMENDING A NAME FOR NEW FEDERAL COURTHOUSE, by Representative Johnny 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: March 1, 2013

The House requests the return of S.B. 23, LIEUTENANT GOVERNOR CANDIDATE AMENDMENTS, by Senator P. Knudson, for correction.

Sandy D. Tenney, Chief Clerk

On motion of Senator Knudson, the bill was returned to the House.

INTRODUCTION OF BILLS

S.B. 90. Condominium and Community Association Amendments (J. S. Adams), was read the first time by short title and referred to the Rules Committee.
S.B. 268, **Human Services Background Checks Amendments** (A. Christensen), was read the first time by short title and referred to the Rules Committee.

S.B. 270, **Controlled Substance Amendments** (E. Vickers), was read the first time by short title and referred to the Rules Committee.

S.B. 271, **School Grading Amendments** (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

S.B. 272, **Public School Funding Amendments** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 273, **Declared Emergency Amendments** (M. Madsen), was read the first time by short title and referred to the Rules Committee.

S.B. 274, **Condominium Foreclosure Amendments** (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

S.B. 275, **Energy Amendments** (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

S.B. 276, **Water Conservancy District Capital Assets** (J. Valentine), was read the first time by short title and referred to the Rules Committee.

**THIRD READING CALENDAR**

On motion of Senator Valentine, **1st Sub. S.B. 112, WORK WEEK AMENDMENTS**, was read the third time and circled.

***

On motion of Senator Weiler, the circle was removed from **S.B. 96, POLITICAL SUBDIVISIONS EMPLOYMENT REVISIONS**, and it was before the Senate.

On motion of Senator Weiler, the Senate voted to strike the enacting clause on the bill.

***

On motion of Senator Adams, **S.B. 103, CARSON SMITH SCHOLARSHIP AMENDMENTS**, was read the third time and circled.

***

On motion of Senator Robles, **S.B. 184, YOUTH SUICIDE PREVENTION REVISIONS**, was read the third time and circled.
3rd Sub. S.B. 67, CONSUMER PROTECTION REVISIONS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Y eas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
- Adams
- Bramble
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

Absent or not voting were: Senators
- Christensen
- Hillyard
- Stevenson
- Thatcher

3rd Sub. S.B. 67 was transmitted to the House for consideration.

On motion of Senator Bramble, 2nd Sub. S.B. 187, FOOD HANDLER LICENSING AMENDMENTS, was read the third time and circled.

On motion of Senator Osmond, the circle was removed from 1st Sub. S.B. 112, WORK WEEK AMENDMENTS, and it was before the Senate. Senator Osmond explained the bill. Senator Valentine commented. The bill failed on the following roll call:

Y eas, 14; Nays, 11; Absent or not voting, 4.

Voting in the affirmative were: Senators
- Christensen
- Dabakis
- Davis
- Henderson
- Jones
- Mayne
- Okerlund
- Osmond
- Reid
- Shiozawa
- Stephenson
- Urquhart
- Van Tassell
- Vickers
- Niederhauser

Voting in the negative were: Senators
- Adams
- Bramble
- Dayton
- Harper
- Hinkins
- Jenkins
- Knudson
- Madsen
- Stephenson
- Stevenson
- Valentine
Absent or not voting were: Senators
Hillyard Robles Thatcher Weiler

1st Sub. S.B. 112 was filed.

SECOND READING CALENDAR

On motion of Senator Bramble, the circle was removed from 1st Sub. S.B. 189, ONCOLOGY INSURANCE AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. Senator Vickers commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 1; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Harper Henderson Hillyard
Hinkins Jenkins Jones Madsen
Mayne Okerlund Osmond Reid
Robles Shiozawa Stephenson Stevenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

Voting in the negative was: Senator
Dayton

Absent or not voting was: Senator
Knudson

***

On motion of Senator Davis, the circle was removed from 1st Sub. S.B. 52, GAME FOWL FIGHTING AMENDMENTS, and it was before the Senate. Senator Davis explained the bill. Senators Weiler and Thatcher commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 11; Absent or not voting, 1.

Voting in the affirmative were: Senators
Bramble Dabakis Davis Henderson
Hillyard Jones Mayne Okerlund
Osmond Robles Shiozawa Thatcher
Urquhart Van Tassell Vickers Weiler
Niederhauser
Voting in the negative were: Senators
Adams Christensen Dayton Harper
Hinkins Jenkins Knudson Reid
Stephenson Stevenson Valentine

Absent or not voting was: Senator
Madsen

***

S.B. 70, COMMISSION RELATING TO FEDERAL ISSUES, was read the second time. Senator Henderson explained the bill. Senator Bramble commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 1; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams Bramble Christensen Davis
Harper Henderson Hillyard Hinkins
Jenkins Knudson Madsen Mayne
Okerlund Osmond Reid Robles
Shiozawa Stephenson Stevenson Thatcher
Urquhart Valentine Van Tassell Vickers
Weiler Niederhauser

Voting in the negative was: Senator
Dabakis

Absent or not voting were: Senators
Dayton Jones

***

On motion of Senator Adams, legislative staff was authorized to draft a concurrent resolution regarding the Huntsman Cancer Institute.

***

On motion of Senator Urquhart, the circle was removed from 1st Sub. S.B. 64, HOMEOWNER ASSOCIATION RESERVE ACCOUNT AMENDMENTS, and it was before the Senate. Senator Urquhart explained the bill. Senators Jenkins, Niederhauser, and Vickers commented. The bill passed second reading on the following roll call:
Y eas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Reid
Robles  Shiozawa  Stephenson  Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators

Hillyard  Osmond

* * *

On motion of Senator Shiozawa, the circle was removed from 4th Sub. S.B 55, COVERAGE FOR AUTISM SPECTRUM DISORDER, and it was before the Senate. Senator Shiozawa explained the bill. Senators Jones, Henderson, and Christensen commented. The bill passed second reading on the following roll call:

Y eas, 18; Nays, 6; Absent or not voting, 5.

Voting in the affirmative were: Senators

Adams  Bramble  Dabakis  Davis
Harper  Henderson  Hillyard  Hinkins
Jones  Mayne  Okerlund  Robles
Shiozawa  Stevenson  Valentine  Vickers
Weiler  Niederhauser

Voting in the negative were: Senators

Christensen  Dayton  Jenkins  Knudson
Madsen  Reid

Absent or not voting were: Senators

Osmond  Stephenson  Thatcher  Urquhart
Van Tassell

* * *

S.B. 73, OUTDOOR RECREATION OFFICE ACT, was read the second time.

Senator Stevenson proposed the following amendment:
1. Page 1, Line 17:

17     requires the director to submit an annual report to legislative committees.

2. Page 2, Lines 54 through 55:

54     (a) coordinate outdoor recreation policy, management, and promotion:
55     (i) among state and federal agencies and local government entities in the state; and
     (ii) with the Public Lands Policy Coordinating Office created in Section 63J–4–602, if public land is involved;

3. Page 3, Line 82:

82     Economic Development and Workforce Services Interim Committee and the Natural Resources, Agriculture, and Environment Interim Committee.

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

**Yeas, 23; Nays, 2; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators
Adams Bramble Christensen Dabakis
Davis Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Mayne Okerlund Reid Shiozawa
Stevenson Thatcher Valentine Van Tassell
Vickers Weiler Niederhauser

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

**Absent or not voting were:** Senators
Osmond Robles Stephenson Urquhart

***

**S.B. 74, DIGNIFIED BURIAL OF VETERANS REMAINS,** was read the second time. Senator Vickers explained the bill. The bill passed second reading on the following roll call:
Yeas, 22; Nays, 0; Absent or not voting, 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 Stevenson, **1st Sub. S.B. 200**, LOCAL AND SPECIAL SERVICE DISTRICTS AMENDMENTS, was read the second time and circled.

***

On motion of Senator Mayne, **1st Sub. S.B. 59**, WORKERS’ COMPENSATION COORDINATION OF BENEFITS AMENDMENTS, was read the second time and circled.

***

**1st Sub. S.B. 99**, LABOR AMENDMENTS, was read the second time. Senator Harper explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

**Voting in the affirmative were:** Senators

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SPECIAL RECOGNITION

A citation was read honoring John Njord for his 25 years of service to the Utah Department of Transportation. Senators Adams, Jones, Hillyard, Mayne, Van Tassell, Stevenson, Reid, Harper, Jenkins, Knudson, and Okerlund commented.

SECOND READING CALENDAR

1st Sub S.B. 102, CONTRACTOR LICENSING AMENDMENTS, was read the second time. Senator Harper explained the bill.

Senator Mayne proposed the following amendment:

1. Page 1, Lines 14 through 20:

14 requires that before a course may be included in the program of approved continuing education for contractors, the Construction Services Commission shall invite and consider written input regarding the proposed course from:

15 • the Associated General Contractors of Utah;

16 • the Homebuilders Association of Utah; {and—}

17 • the Utah Subcontractors Council; {and—}

18 • the Utah Plumbing & Heating Contractors Association; and

19 • the Independent Electrical Contractors of Utah; and

20 makes technical changes.

2. Page 14, Lines 400 through 407:

400 (b) Before a new course or a course being considered for reapproval may be included in the program of approved continuing education for contractor licensees, the commission and the division shall invite and consider written input, received within 30 days of the invitation, regarding the course from:

401 (i) the Associated General Contractors of Utah;

402 (ii) the Homebuilders Association of Utah; {and—}
(iii) the Utah Subcontractors Council; (iv) the Utah Plumbing & Heating Contractors Association; and (v) the Independent Electrical Contractors of Utah.

(3) The division may contract with a person to establish and maintain a continuing

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

###

Senator Knudson proposed the following amendment:

1. Page 1, Lines 14 through 20:

   requires that before a course may be included in the program of approved continuing education for contractors, the Construction Services Commission shall invite and consider written input regarding the proposed course from:

   • the Associated General Contractors of Utah;
   • the Homebuilders Association of Utah;
   • the Utah Subcontractors Council;
   • the Utah Plumbing & Heating Contractors Association;
   • the Independent Electrical Contractors of Utah; and
   • the Rocky Mountain Gas Association;

   makes technical changes.

2. Page 14, Lines 400 through 407:

   (b) Before a new course or a course being considered for reapproval may be included in the program of approved continuing education for contractor licensees, the commission and the division shall invite and consider written input, received within 30 days of the invitation, regarding the course from:

   (i) the Associated General Contractors of Utah;
(ii) the Homebuilders Association of Utah; (–and–)
(iii) the Utah Subcontractors Council; (–)
(iv) the Utah Plumbing & Heating Contractors Association;
(v) the Independent Electrical Contractors of Utah; and
(vi) the Rocky Mountain Gas Association.

(3) The division may contract with a person to establish and maintain a continuing

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

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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1st Sub. S.B. 143, MORTGAGE AND FINANCIAL AFFAIRS AMENDMENTS, was read the second time. Senator Harper explained the bill. Senators Valentine commented. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Dayton Urquhart Niederhauser

* * *

On motion of Senator Mayne, the circle was removed from 1st Sub S.B. 59, WORKERS’ COMPENSATION COORDINATION OF BENEFITS AMENDMENTS, and it was before the Senate. Senator Mayne explained the bill. Senators Urquhart and Osmond commented. The bill passed second reading on the following roll call:

Y eas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Bramble Christensen Dabakis Davis
Harper Henderson Hillyard Jenkins
Jones Knudson Madsen Mayne
Okerlund Osmond Reid Robles
Shiozawa Stephenson Stevenson Thatcher
Urquhart Valentine Van Tassell Vickers
Weiler

Absent or not voting were: Senators
Adams Dayton Hinkins Niederhauser

* * *

On motion of Senator Robles, S.B. 186, INSURANCE TRANSACTIONS AMENDMENTS, was read the second time and circled.

* * *

S.B. 201, PUBLIC USE TRAILS AMENDMENTS, was read the second time.

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

1st Sub. S.B. 201 Public Use Trails Amendments (C. Bramble)


On motion of Senator Bramble, the bill was circled.
INTRODUCTION OF BILLS

S.B. 277, Green River Energy Zone (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

S.B. 278. Capital Improvement Amendments (W. Harper), was read the first time by short title and referred to the Rules Committee.

S.B. 279, Math Literacy – Stem Initiative (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

S.B. 280. Dispensing Medical Practitioner Amendments (E. Vickers), was read the first time by short title and referred to the Rules Committee.

* * *

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

AFTERNOON SESSION

The Senate reassembled at 2:10 p.m., with President Niederhauser presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2013

The House passed, S.B. 32, ENVIRONMENTAL HEALTH SCIENTIST ACT SUNSET REAUTHORIZATION, by Senator G. Davis, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 147, WORKERS’ COMPENSATION AND OCCUPATIONAL SAFETY RELATED AMENDMENTS, 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. 179, LOCAL GOVERNMENT FINANCIAL REPORTING REVISIONS, by Senator C. Bramble, which has been signed by the Speaker, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

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, 2013

The House concurred in the Senate amendments and passed 1st Sub. H.B. 44, ELECTION POLLING, by Representative G. Hughes, and it is transmitted for the signature of the President; and
The House concurred in the Senate amendments and passed 1st Sub. H.B. 93, TRAFFIC VIOLATIONS 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 1st Sub. H.J.R. 4, JOINT RESOLUTION ON REMOTE SALES, by Representative S. Eliason, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

Mr. President: March 4, 2013

The House passed, as amended, H.B. 141, MEDICAID EMERGENCY ROOM AND PRIMARY CARE AMENDMENTS, by Representative M. Kennedy, and it is transmitted for consideration; and

The House passed H.B. 219, AUDIT REVISIONS, by Representative L. Christensen, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 337, PERMANENT STATE TRUST FUND INVESTMENT AMENDMENTS, by Representative J. Nielson, and it is transmitted for consideration; and

The House passed H.B. 340, SNOW COLLEGE ECONOMIC DEVELOPMENT AND WORKFORCE PREPARATION ADVISORY COMMITTEE, by Representative K. McIff, and it is transmitted for consideration; and

The House passed, as amended, H.B. 350, AMENDMENTS RELATED TO ALCOHOL, by Representative C. Oda, and it is transmitted for consideration; and

The House passed H.J.R. 12, JOINT RESOLUTION DISSOLVING CLARKSTON JUSTICE COURT, by Representative J. Draxler, 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, 2013

The House refused to concur with the Senate Amendments to H.B. 40, SCHEDULING OF SPECIAL ELECTIONS, by Representative K. Powell, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Knudson, the Senate voted to refuse to recede from its amendments to H.B. 40. President Niederhauser appointed a conference committee consisting of Senators Knudson, Dayton, and Davis to meet with a like committee from the House.

RULES COMMITTEE REPORTS

To the Members of the Senate: March 4, 2011

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

Business and Labor Committee
S.B. 90 Condominium and Community Association Amendments (Sen. J. S. Adams)
S.B. 261 Amendments Related to Alcoholic Beverage Control (Sen. J. Valentine)
S.B. 272 Public School Funding Amendments (Sen. C. Bramble)
S.B. 274 Condominium Foreclosure Amendments (Sen. S. Urquhart)

Economic Development and Workforce Services Committee
S.B. 95 Whistleblower Amendments (Sen. S. Reid)
S.B. 267 New Convention Hotel Development Incentive Act (Sen. J. S. Adams)

Education Committee
S.B. 271 School Grading Amendments (Sen. J. S. Adams)

Government Operations and Political Subdivisions Committee
S.B. 265 Referendum Amendments (Sen. J. Valentine)
(Sen. S. Jenkins)

1st Sub. H.B. 131  Constitutional and Federalism Defense Act  
(Rep. K. Ivory) (Sen. M. Madsen)

H.B. 192  County Clerk Misconduct Penalty (Rep. D. Layton)  
(Sen. D. Henderson)

(Sen. H. Stephenson)

(Sen. D. Hinkins)

H.B. 325  Military Installation Development Authority  
Amendments (Rep. B. Dee) (Sen. J. Stevenson)

(Sen. C. Bramble)

(Sen. B. Shiozawa)

H.J.R. 9  Joint Resolution Recommending a Name for New Federal  
Courthouse (Rep. Johnny Anderson)  
(Sen. L. Hillyard)

**Health and Human Services Committee**

S.B. 264  Office of Recovery Services Pilot Program  
(Sen. A. Christensen)

S.B. 268  Human Services Background Checks Amendments  
(Sen. A. Christensen)

S.B. 270  Controlled Substance Amendments (Sen. E. Vickers)

H.B. 147  Utah Marriage Commission (Rep. L. Christensen)  
(Sen. J. Valentine)

H.B. 154  Suicide Prevention Programs (Rep. S. Eliason)  
(Sen. A. Osmond)

H.B. 329  Medicaid Vision Amendments (Rep. R. Menlove)  
(Sen. A. Christensen)

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

1st Sub. H.B. 149  Amendments to Utah Exemptions Act (Rep. E. Tanner)  
(Sen. T. Weiler)

S.B. 263  Child Care Costs Amendments (Sen. T. Weiler)

S.B. 273  Declared Emergency Amendments (Sen. M. Madsen)

**Natural Resources, Agriculture and Environment Committee**

S.B. 275  Energy Amendments (Sen. J. S. Adams)
S.B. 276 Water Conservancy District Capital Assets
(Sen. J. Valentine)
H.B. 326 Division of Water Rights Amendments (Rep. R. C. Webb)
(Sen. C. Bramble)
H.B. 333 State Lands Amendments (Rep. R. Menlove)
(Sen. L. Hillyard)

Revenue and Taxation Committee
S.B. 266 Tax Revisions (Sen. J. Valentine)
S.B. 269 Property Tax Revisions (Sen. J. Valentine)

Transportation, Public Utilities and Technology Committee
(Sen. M. Madsen)
(Sen. S. Urquhart)

John L. Valentine
Rules Committee Chair
Report filed. On motion of Senator Valentine, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President: March 4, 2013

The Economic Development and Workforce Services Committee reports a favorable recommendation on H.B. 108, METAL THEFT AMENDMENTS, by Representative J. Draxler; and

The Economic Development and Workforce Services Committee reports a favorable recommendation on 2nd Sub. H.B. 209, PUBLIC ASSISTANCE RESTRICTIONS, by Representative D. Brown; and

Aaron Osmond, Chair

Mr. President: March 4, 2013

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 129, AMENDMENTS TO POWERS, FUNCTIONS, AND DUTIES OF OFFICE OF LEGISLATIVE FISCAL ANALYST, by Representative B. Wilson; and
The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 194**, **STATE EMPLOYEE BENEFITS AMENDMENTS**, by Representative J. Dunnigan; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **4th Sub. H.B. 204**, **ELECTION AMENDMENTS**, by Representative S. Eliason; and


Margaret Dayton, Chair

Mr. President:

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 107**, **PUBLIC SHOOTING RANGES**, by Senator A. Christensen, be replaced and favorably recommends **2nd Sub. S.B. 107**, **PUBLIC SHOOTING RANGES** with the following amendments:

1. Page 2, Lines 44 through 46:

   | 44 | (1) “Air gun” means a .177 or .20 caliber, or equivalent 4.5mm or 5.0mm, **pellet** rifle or **pellet** pistol |
   | 45 | whose projectile is pneumatically propelled by compressed air or compressed gas such as |
   | 46 | carbon dioxide. |

2. Page 6, Lines 165 through 173:

   | 165 | (1) This part does not apply to: |
   | 172 | (e) the **Department of Public Safety Peace Officer Standards and Training indoor tactical firing range on the Salt Lake Community College Miller Campus**; and; and |

3. Page 6, Lines 174 through 175:

   | 174 | (f) ranges owned and operated by municipal public safety agencies {if they are available |
   | 175 | for use by the agencies on a continuous 24 hour basis}.
The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 232, ADOPTION CODE REVISIONS, by Senator T. Weiler, with the following amendments:

1. Page 9, Lines 253 through 254:

   253 (b) leaving the adoptee with a third party, without providing the third party with knowledge of the parent’s whereabouts identification, for 30 consecutive days;

Mark. B. Madsen, Chair

Mr. President: March 1, 2013

The Retirement and Independent Entities Committee reports a favorable recommendation on S.B. 86, INDEPENDENT EXECUTIVE BRANCH ETHICS COMMISSION, by Senator J. Valentine.

Todd Weiler, Chair

Mr. President: March 4, 2013

The Revenue and Taxation Committee recommends 1st Sub. H.B. 66, POLITICAL SUBDIVISION AMENDMENTS, by Representative R. C. Webb, be replaced and favorably recommends 5th Sub. H.B. 66, POLITICAL SUBDIVISION AMENDMENTS; and

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 300, RETENTION OF SALES AND USE TAX COLLECTIONS BY CERTAIN REMOTE SELLERS, by Representative S. Eliason; and

The Revenue and Taxation Committee recommends S.B. 247, AMENDMENTS TO REVENUE AND TAXATION, by Senator W. Harper, be replaced and favorably recommends 1st Sub. S.B. 247, AMENDMENTS TO REVENUE AND TAXATION.

Deidre M. Henderson, Chair

Mr. President: March 4, 2013

The Rules Committee recommends S.J.R. 3, JOINT RULES RESOLUTION ON SUBMITTING AND NUMBERING LEGISLATION, by Senator A. Osmond, be replaced and favorably recommends 1st Sub. S.J.R. 3, JOINT
RULES RESOLUTION ON SUBMITTING AND NUMBERING LEGISLATION.

John L. Valentine, Chair

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

STANDING COMMITTEE REPORTS

Mr. President: March 4, 2013

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on 1st Sub. H.B. 39, CANDIDATE AMENDMENTS, by Representative K. Powell, 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. 334, SPECIAL SERVICE DISTRICT REORGANIZATION, by Representative D. McCay, 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. 348, LOCAL DISTRICT AMENDMENTS, by Representative D. Ipson, and recommends it be considered read for the second time and placed on the Consent Calendar; and

Margaret Dayton, Chair

Mr. President: March 1, 2013

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on 2nd Sub. H.B. 211, CONCEALED WEAPON PERMIT FOR SERVICE MEMBERS, by Representative V. Peterson, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 226, BENEFITS WHILE A PRISONER, by Representative B. Wilson, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 229, CRIMINAL IDENTITY FRAUD AMENDMENTS, by Representative C. Oda, and recommends it be considered read for the second time and placed on the Consent Calendar; and
The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 218, RECEIVING CENTERS FUNDING AMENDMENTS, by Senator D. Thatcher, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 1, Lines 12 through 16:
   
   states that funding for receiving centers and youth services programs is intended to include federal grant money, local government money, and private donations. states that money appropriated to receiving centers shall be used to contract with each public agency designated to oversee the receiving center and cover administrative costs.}

2. Page 2, Line 28:

   Funding for receiving centers and youth services programs under this part is intended to be broad based, be provided by an appropriation by the Legislature to the division, and include federal grant money, local government money, and private donations.

3. Page 2, Lines 31 through 33:

   The money appropriated shall be used to contract with each public agency designated to oversee the operation and accountability of a receiving center and to cover administrative costs of coordination of the receiving centers’ operations.

4. Page 2, Lines 28 through 30:

   Funding for receiving centers under this part is intended to be broad based, be provided by an appropriation by the Legislature to the division, and include federal grant money, local government money, and private donations.

Mark B. Madsen, Chair

Mr. President: March 4, 2013

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 86, PROPERTY TAX RATE CERTIFICATION DATE, by
Representative M. Nelson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Deidre, M. Henderson, Chair

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

INTRODUCTION OF BILLS

S.C.R. 12, Children’s and Families’ Cancer Research Facility Concurrent Resolution (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2013

The Speaker of the House has appointed a Conference Committee consisting of Representatives G. Froerer, R. C. Webb, and L. Wiley to meet with a like committee from the Senate to consider or amend 2nd Sub. H.B. 290, DIVISION OF REAL ESTATE AMENDMENTS, by Representative G. Froerer.

Sandy D. Tenney, Chief Clerk

THIRD READING CALENDAR

On motion of Senator Robles, the circle was removed from S.B. 114, SAFETY BELT AMENDMENTS, and it was before the Senate.

On motion of Senator Vickers, the Senate voted to delete Amendment #2 under his name that passed on Day 28.

Senator Vickers proposed the following amendment:

1. Page 1, Line 13
   Senate Committee Amendments 2–7–2013:
   13 provides that until July 1, 2015, a state or local law enforcement officer may only enforce the safety

2. Page 2, Lines 50 through 56
   Senate Committee Amendments 2–7–2013:
Day 35

[(4) (b) (---For--) (i) Until July 1, 2015, and for a person 19 years of age or older who violates Subsection (1)(a)(i) or (2), enforcement by a state or local law enforcement officer shall be only as a secondary action [when if the person; 

(A) has been detained for a suspected violation of Title 41, Motor Vehicles, other than Subsection (1)(a)(i) or (2), or for another offense[.]; and

(B) was operating the motor vehicle or was a passenger in a motor vehicle being operated on a highway with a posted speed limit of less than 55 miles per hour.]

(ii) Beginning on or after July 1, 2015, and for a person 19 years of age or older who violates Subsection (1)(a)(i) or (2), enforcement by a state or local law enforcement officer shall be only as a secondary action if the person has been detained for a suspected violation of Title 41, Motor Vehicles, other than Subsection (1)(a)(i) or (2), or for another offense.

Senator Vickers’ motion to amend passed on a voice vote. Senator Robles explained the bill. Senator Hillyard commented. The bill failed on the following roll call:

**Yeas, 6; Nays, 23; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators
Dabakis Davis Jones Mayne
Robles Shiozawa

**Voting in the negative were:** Senators
Adams Bramble Christensen Dayton
Harper Henderson Hillyard Hinkins
Jenkins Knudson Madsen Okerlund
Osmond Reid Stephenson Stevenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

**S.B. 114** was filed.

* * *

On motion of Senator Bramble, the circle was removed from **2nd Sub. S.B. 187**, FOOD HANDLER LICENSING AMENDMENTS, and it was before
the Senate. Senator Bramble explained the bill. Senators Stephenson, Osmond, and Madsen commented. The bill passed on the following roll call:

**Yeas, 16; Nays, 11; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators  
Bramble  Dabakis  Davis  Henderson  
Jones  Mayne  Okerlund  Reid  
Robles  Shiozawa  Stevenson  Thatcher  
Valentine  Van Tassell  Vickers  Niederhauser

**Voting in the negative were:** Senators  
Adams  Dayton  Harper  Hillyard  
Jenkins  Knudson  Madsen  Osmond  
Stephenson  Urquhart  Weiler

**Absent or not voting were:** Senators  
Christensen  Hinkins

2nd Sub. S.B. 187 was transmitted to the House for consideration.

* * *

On motion of Senator Jenkins, the circle was removed from 2nd Sub. S.B. 72, PRISON RELOCATION AND DEVELOPMENT AMENDMENTS, and it was before the Senate.

Senator Madsen proposed the following amendment: #6

1. Page 1, Line 24 through Page 2, Line 27:  
   24 development project; and  
   25 provides for a property tax increment to be paid to the authority to be applied to  
   26 specified costs;  
   27 modifies the distribution of some local option sales tax revenues; and}

2. Page 2, Line 36:  
   36 {−59−12−205, as last amended by Laws of Utah 2012, Chapter 9−}
49 \{ -63H–7–205, Utah Code Annotated 1953 – \}

4. Page 3, Lines 63 through 64:

63 \{ -63H–7–505, Utah Code Annotated 1953 \}
64 63H–7–506, Utah Code Annotated 1953 – \}

5. Page 3, Line 77 through Page 7, Line 187:

77 \{ -Section 1. Section 59–12–205 is amended to read: \}
78 59–12–205. Ordinances to conform with statutory amendments — Distribution of
79 tax revenues — Determination of population.
80  (1) A county, city, or town, in order to maintain in effect sales
81 and use tax ordinances
82 adopted pursuant to Section 59–12–204, shall, within 30 days of an
83 amendment to an applicable
84 provision of Part 1, Tax Collection, adopt amendments to the
85 county’s, city’s, or town’s sales
86 and use tax ordinances as required to conform to the amendments to
87 Part 1, Tax Collection.
88  (2) Except as provided in Subsections (3) through (5) and
89 subject to Subsection (6):
90 (a) 50% of each dollar collected from the sales and use tax
91 authorized by this part shall
92 be distributed to each county, city, and town on the basis of the
93 percentage that the population
94 of the county, city, or town bears to the total population of all
95 counties, cities, and towns in the
96 state; and
97 (b) (i) except as provided in [Subsection] Subsections (2)(b)(ii)
98 and (iii), 50% of each
99 dollar collected from the sales and use tax authorized by this part
100 shall be distributed to each
101 county, city, and town on the basis of the location of the transaction
102 as determined under
Sections 59–12–211 through 59–12–215; [and]

(ii) 50% of each dollar collected from the sales and use tax authorized by this part

within a project area described in a project area plan adopted by the military installation

development authority under Title 63H, Chapter 1, Military Installation Development

Authority Act, shall be distributed to the military installation development authority created in

Section 63H–1–201[.]; and

(iii) beginning the first day of the calendar quarter that is at least 90 days after the

Prison Land Management Authority, created in Section 63H–7–201, gives notice to the tax

commission of the Authority’s intent to receive sales and use tax revenue under this Subsection

(2)(b)(iii), 50% of each dollar collected from the sales and use tax authorized by this part on

former prison land, as defined in Section 63H–67–102, shall be distributed to

the Prison Land

Management Authority.

(3) (a) 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:

(i) the county, city, or town is a:

(A) county of the third, fourth, fifth, or sixth class;

(B) city of the fifth class;

(C) town;

(ii) the county, city, or town received a distribution under this section for the calendar

year beginning on January 1, 2008, that was less than the distribution under this section that the
112 county, city, or town received for the calendar year beginning on January 1, 2007;

113 (iii) (A) for a county described in Subsection (3)(a)(i)(A), the county had located

114 within the unincorporated area of the county for one or more days during the calendar year

115 beginning on January 1, 2008, an establishment described in NAICS Industry Group 2121,

116 Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the 2002 North

117 American Industry Classification System of the federal Executive Office of the President,

118 Office of Management and Budget; or

119 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection

120 (3)(a)(i)(C), the city or town had located within the city or town for one or more days during

121 the calendar year beginning on January 1, 2008, an establishment described in NAICS Industry

122 Group 2121, Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the

123 2002 North American Industry Classification System of the federal Executive Office of the

124 President, Office of Management and Budget; and

125 (iv) (A) for a county described in Subsection (3)(a)(i)(A), at least one establishment

126 described in Subsection (3)(a)(iii)(A) located within the unincorporated area of the county for

127 one or more days during the calendar year beginning on January 1, 2008, was not the holder of a

128 direct payment permit under Section 59−12−107.1; or

129 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection

130 (3)(a)(i)(C), at least one establishment described in Subsection (3)(a)(iii)(B) located within a
city or town for one or more days during the calendar year beginning on January 1, 2008, was not the holder of a direct payment permit under Section 59-12-107.1.

(b) The commission shall make the distribution required by this Subsection (3) to a county, city, or town described in Subsection (3)(a):

(i) from the distribution required by Subsection (2)(a); and

(ii) before making any other distribution required by this section.

(c) (i) For purposes of this Subsection (3), the distribution is the amount calculated by multiplying the fraction calculated under Subsection (3)(c)(ii) by $333,583.

(ii) For purposes of Subsection (3)(c)(i):

(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, 2008, from the distribution under this section that the county, city, or town received for the calendar year beginning on January 1, 2007; and

(B) the denominator of the fraction is $333,583.

(d) A distribution required by this Subsection (3) is in addition to any other distribution required by this section.

(4) (a) For fiscal years beginning with fiscal year 1983-84 and ending with fiscal year 2005-06, a county, city, or town may not receive a tax revenue distribution less than .75% of the taxable sales within the boundaries of the county, city, or town.

(b) The commission shall proportionally reduce monthly distributions to any county,
city, or town that, but for the reduction, would receive a distribution in excess of 1% of the sales and use tax revenue collected within the boundaries of the county, city, or town.

(5) (a) As used in this Subsection (5):

(i) “Eligible county, city, or town” means a county, city, or town that receives $2,000 or more in tax revenue distributions in accordance with Subsection (4) for each of the following fiscal years:

(A) fiscal year 2002–03;
(B) fiscal year 2003–04; and
(C) fiscal year 2004–05.

(ii) “Minimum tax revenue distribution” means the greater of:

(A) the total amount of tax revenue distributions an eligible county, city, or town receives from a tax imposed in accordance with this part for fiscal year 2000–01; or
(B) the total amount of tax revenue distributions an eligible county, city, or town receives from a tax imposed in accordance with this part for fiscal year 2004–05.

(b) (i) Except as provided in Subsection (5)(b)(ii), beginning with fiscal year 2006–07 and ending with fiscal year 2012–13, an eligible county, city, or town shall receive a tax revenue distribution for a tax imposed in accordance with this part equal to the greater of:

(A) the payment required by Subsection (2); or
(B) the minimum tax revenue distribution.

(ii) If the tax revenue distribution required by Subsection (5)(b)(i) for an eligible county, city, or town is equal to the amount described in Subsection (5)(b)(i)(A) for three
consecutive fiscal years, for fiscal years beginning with the fiscal year immediately following that three consecutive fiscal year period, the eligible county, city, or town shall receive the tax revenue distribution equal to the payment required by Subsection (2).

(c) For a fiscal year beginning with fiscal year 2013−14 and ending with fiscal year 2015−16, an eligible county, city, or town shall receive the minimum tax revenue distribution for that fiscal year if for fiscal year 2012−13 the payment required by Subsection (2) to that eligible county, city, or town is less than or equal to the product of:

(i) the minimum tax revenue distribution; and

(ii) .90.

(6) (a) Population figures for purposes of this section shall be based on the most recent official census or census estimate of the United States Census Bureau.

(b) If a needed population estimate is not available from the United States Census Bureau, population figures shall be derived from the estimate from the Utah Population Estimates Committee created by executive order of the governor.

(c) The population of a county for purposes of this section shall be determined only from the unincorporated area of the county.

6. Page 7, Lines 198 through 201:

(2) “Base taxable value” means, for former prison land that is exempt from property tax at the time the authority accepts a proposal for a former prison land development project, as provided in this chapter, a taxable value of zero.
“Board” means the authority’s governing body established under Section

“Conceptual plan” means a plan that provides the conceptual framework for the

“Division” means the Division of Facilities Construction and Management created

“Former prison” means the state prison operating as of February 1, 2013 in Salt

“Former prison land” means all the land owned or controlled by the state on which

“Former prison land development project” means a project to develop the former

“Host city” means the city in which the former prison land is located.

“Host county” means the county in which the former prison land is located.

“Master development project” means a former prison land development project

“New prison” means a prison to be built to replace the former prison.

“New prison development project”:

“New prison land” means land on which a new prison is or is projected to be built.
“Prison programming” means a policy, plan, or program that, if implemented by

“Property tax” includes privilege tax and each levy on an ad valorem basis on tangible or intangible personal or real property.

“Public entity” means:

(a) the state, including any department, division, agency, or other instrumentality of the state; or

(b) a political subdivision of the state, including a county, city, town, school district, local district, special service district, or interlocal entity.

“Publicly owned infrastructure and improvements” means water, sewer, storm

“State ownership” means ownership by the state or any department, division, or

“Taxable value” means the value of property as shown on the last equalized assessment roll as certified by the county assessor.

“Tax increment” means the difference between:

(a) the amount of property tax revenues generated each tax year by all taxing entities from the former prison land, using the current assessed value of the property; and

(b) the amount of property tax revenues that would be generated from that same land, using the base taxable value of the property.

“Taxing entity” means a public entity that levies a tax on former prison land.
18. Page 10, Lines 280 through 281:

280  { (f) receive tax increment and other taxes and fees as provided in this chapter;  

281  { (g) } (f) accept financial or other assistance from any public or private source for the  

19. Page 10, Line 284:

284  { (h) } (g) borrow money on a short-term basis, contract with, or accept financial or other  

20. Page 10, Lines 287 through 290:

287  { (i) } (h) hire employees, including:  

288  { (A) } (i) contract employees; and  

289  { (B) } (ii) a chief administrative officer;  

290  { (j) } (i) transact other business and exercise all other powers provided for in this chapter;  

21. Page 10, Line 292:

292  { (k) } (j) exercise powers and perform functions that the authority is authorized by statute to  

22. Page 11, Line 315:

315  (1) The authority may use { tax increment and other funds available to the authority;  

23. Page 11, Lines 319 through 320:

319  (c) to pay for all or part of the development of the former prison land  

320  tax increment funds or other funds were collected  

24. Page 11, Lines 323 through 324:

323  infrastructure and improvements on the former prison land  

324  were collected;} ;  

25. Page 11, Line 335 through Page 12, Line 337:
For purposes of Subsection (1), the authority may use tax revenues received under Subsection 59-12-205(2)(b)(iii). The determination of the authority board under Subsection (1)(e) regarding benefit.

The authority may give to another state or local government entity any of the funds if the funds are used for a purpose listed in Subsections (1)(i) through (4) or (2).

Section 7. Section 63H-7-204 is enacted to read:

Authority receipt and use of tax increment — Distribution of tax increment.

(1) (a) The authority may:

(i) subject to Subsection (1)(b), receive up to 50% of tax increment for up to 25 years, as provided in this part; and

(ii) use tax increment during and after the period described in Subsection (1)(a)(i).

(b) With respect to a parcel located on former prison land, the 25-year period described in Subsection (1)(a)(i) begins on the day on which the authority receives the first tax increment from that parcel.

(2) Improvements on a parcel on former prison land become subject to property tax on January 1 immediately following the day on which the authority issues a certificate of occupancy with respect to those improvements.

(3) A county that collects property tax on former prison land shall pay and distribute to
the authority the tax increment that the authority is entitled to
collect under this title, in the
manner and at the time provided in Section 59−2−1365.
(4) The board shall determine by resolution when the entire
former prison land or an
individual parcel on former prison land is subject to tax
increment.

Section 8. Section 63H−7− 205 is enacted to read:
63H−7− 204 Authority funds nonlapsing.

27. Page 20, Lines 586 through 588
Senate Committee Amendments
2−28−2013:
(b) tax increment;
(e) sales tax revenue under Subsection
59−12−205(2)(b)(iii);
(c) savings realized from funds that had been
intended for maintenance and upkeep of

28. Page 20, Line 591
Senate Committee Amendments
2−28−2013:
(d) the amount of future construction costs
anticipated to be spent for prison facilities

29. Page 20, Line 593
Senate Committee Amendments
2−28−2013:
(e) reductions in future years’ budgets of the
Department of Corrections that equal the

30. Page 20, Lines 596 through 599
Senate Committee Amendments
2−28−2013:
(f) proceeds from the issuance of bonds;
(g) legislative appropriations;
598  { (i) }  (h) financing provided by the developer; and
599  { (i) }  (i) any other source of funds that the offeror proposes to be made available in order to

31. Page 21, Line 640 through Page 22, Line 646:

640  (6)  { (a) }  Within 30 days after adopting an annual budget, the authority board shall file a
641  copy of the annual budget with the auditor of the host county { in which the authority is located } , the
642  State Tax Commission, and the state auditor { the State Board of Education, and each taxing entity
643  that levies a tax on property from which the authority collects tax increment } .
644  { (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
state as a taxing entity is met if the authority files a copy with the State Tax Commission and
the state auditor. }

32. Page 22, Lines 655 through 669:

655  { Section 20. Section 63H−7−503 is enacted to read:
656  63H−7−503. Authority report.
657  (1) (a) On or before November 1 of each year, the authority shall prepare and file a
658  report with the county auditor, the State Tax Commission, the State Board of Education, and
each taxing entity that levies a tax on property from which the authority collects tax increment.
659  (b) The requirement of Subsection (1)(a) to file a copy of the report with the state as a
taxing entity is met if the authority files a copy with the State Tax Commission and the state
660  auditor.
661  (2) Each report under Subsection (1) shall contain:
664 (a) an estimate of the tax increment to be paid to the authority for the calendar year ending December 31; and
665 (b) an estimate of the tax increment to be paid to the authority for the calendar year beginning the next January 1.

668 Section 21. Section 63H−7−503 is enacted to read:

669 63H−7−503. Audit requirements.

33. Page 22, Line 673 through Page 23, Line 689:

673 {Section 22. Section 63H−7−505 is enacted to read:}
674 63H−7−505. Audit report.
675 (1) The authority shall, within 180 days after the end of the authority’s fiscal year, file a
676 copy of the audit report with the county auditor, the State Tax Commission, the State Board of
677 Education, and each taxing entity that levies a tax on property from which the authority collects
678 tax increment.
679 (2) Each audit report under Subsection (1) shall include:
680 (a) the tax increment collected by the authority for each project area;
681 (b) the outstanding principal amount of bonds issued or other loans incurred to finance
682 the costs associated with the authority’s project areas; and
683 (c) the actual amount expended for:
684 (i) acquisition of property;
685 (ii) site improvements or site preparation costs;
686 (iii) installation of public utilities or other public improvements; and
687 (iv) administrative costs of the authority—}
688 Section 23. Section 63H−7−504 is enacted to read:
Authority chief financial officer is a public treasurer.—Certain

34. Page 23, Lines 695 through 696:

(2) Notwithstanding Subsection 63E–2–110(2)(a), tax increment funds, municipal services revenue, and appropriations that the authority receives from the state:

Renumber remaining sections accordingly.

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

 Senator Madsen proposed the following amendment: #7

1. Page 3, Line 58:

(63H–7–403, Utah Code Annotated 1953–)

2. Page 17, Line 499 through Page 18, Line 522:

(63H–7–401. Formulation and adoption of a conceptual plan.

(1) The authority shall formulate and adopt a conceptual plan, as provided in this section.

(2) (a) In a request for proposals under Section 63H–7–402, the authority may request offerors to include a proposed conceptual plan.

(b) A proposed conceptual plan included in a proposal submitted under this part is a public record if it is considered at a public hearing under Subsection (4).

(3) The authority may incorporate into a conceptual plan some or all of the features of a general plan described in Title 10, Chapter 9a, Part 4, General Plan.

(4) The authority shall hold at least two public hearings at least one week apart on the
proposed conceptual plan or plans it is considering adopting.

(5) Before adopting a conceptual plan, the authority shall consult with and consider the suggestions of the host city.

(6) Following the public hearings required under Subsection (4), the authority may adopt a conceptual plan that it formulates or that is proposed in a proposal submitted in response to a request for proposals.

(7) Upon the authority’s adoption of a conceptual plan:

(a) the conceptual plan governs the development of the former prison land; and

(b) the development of the former prison land shall be consistent with the adopted conceptual plan.

(8) Nothing in this section may be construed to limit the authority from modifying a proposed conceptual plan before the authority adopts the conceptual plan.

Section 16. Section 63H–7–402 is enacted to read:

(c) A person submitting a proposal for a former prison land development project shall include in the proposal a conceptual plan and an explanation of how the conceptual plan is proposed to be implemented.

(ii) the operation of a new prison.

3. Page 19, Line 560

Senate 2nd Reading Amendments 3–2–2013:

(ii) the operation of a new prison.

(c) A person submitting a proposal for a former prison land development project shall include in the proposal a conceptual plan and an explanation of how the conceptual plan is proposed to be implemented.

4. Page 19, Lines 578 through 579

Senate 2nd Reading Amendments 3–2–2013:
578 Section 17. Section 63H–7 {−403−} 402 is enacted to read:

579 63H–7 {−403−} 402. Sources of funds for master development project — Additional

5. Page 19, Line 582
Senate 2nd Reading Amendments
3–2–2013:

582 (2) (a) In issuing a request for proposals under Section {−Ŝ−}63H–7–402 {Ŝ−}63H–7–401 shall identify and quantify sources of funds that the proposal relies

6. Page 20, Line 602
Senate Committee Amendments
2–28–2013:

602 (2) (a) In issuing a request for proposals under Section {−Ŝ−}63H–7–402 {Ŝ−}63H–7–401, Renumber remaining sections accordingly.

Senator Madsen’s motion to amend failed on a voice vote.

# # #

Senator Urquhart proposed the following amendment:

1. Page 1, Lines 22 through 24:

22 provides for the creation of two subcommittees to advise the authority’s board on

23 matters relating to a former prison land development project and a new prison

24 development project;—)

2. Page 12, Line 363:

363 Part 3. Authority Board {and Subcommittees—}

3. Page 13, Lines 368 through 370:

368 (3) The board shall appoint a chair from among its members {−½−}

369 {−(a) a chair of the board; and
4. Page 13, Lines 383 through 396:

(b) Eight members of the board shall be appointed by the governor as follows:

(i) an individual from the Department of Corrections;

(ii) an individual from the Governor's Office of Economic Development;

(iii) four individuals, two with commercial construction experience and two with experience in the real estate industry;

(iv) a member of the State Commission on Criminal and Juvenile Justice, created in Section 63M–7–201; and

(v) an individual who would not qualify for appointment under Subsections (1)(b)(i) through (iv).

(c) The other three members of the board shall be:

(i) a member of the Senate, appointed by the president of the Senate;

(ii) a member of the House of Representatives, appointed by the speaker of the House of Representatives; and

(iii) an individual appointed by the host city.

(b) Two members of the board shall be appointed by the legislative body of the host city.

(c) Four members of the board shall be appointed by the governor.

(d) One member of the board shall be appointed by the Utah Association of Counties.

(e) Two members of the board shall be members of the Senate appointed by the president of the Senate.

(f) Two members of the board shall be members of the House of Representatives appointed by the speaker of the House of Representatives.
5. Page 14, Line 409 through Page 16, Line 463:

409 {−63H−7−303. Subcommittees.
410 (1) There are created, to act in an advisory capacity to the board:
411 (a) the Former Prison Land Development Subcommittee; and
412 (b) the New Prison Development Subcommittee.
413 (2) The Former Prison Land Development Subcommittee consists of:
414 (a) the board member from the Governor’s Office of Economic Development appointed
415 under Subsection 63H−7−302(1)(b)(ii);
416 (b) one of the board members with commercial construction experience appointed
417 under Subsection 63H−7−302(1)(b)(iii);
418 (c) one of the board members with experience in the real estate industry appointed
419 under Subsection 63H−7−302(1)(b)(iii);
420 (d) the board member appointed under Subsection 63H−7−302(1)(b)(v), if the governor
421 assigns that board member to serve on the Former Prison Land Development Subcommittee;
422 (e) the board member who is a member of the House of Representatives appointed
423 under Subsection 63H−7−302(1)(c)(ii);
424 (f) the board member appointed by the host city under Subsection 63H−7−302(1)(c)(iii);
425 (g) a member of the Senate appointed to the subcommittee by the president of the
426 Senate;
427 (h) an individual appointed to the subcommittee by the host city; and
428 (i) an individual appointed to the subcommittee by the host county.
(3) The New Prison Development Subcommittee consists of:

(a) the board member from the Department of Corrections appointed under Subsection 63H−7−302(1)(b)(i);

(b) one of the board members with commercial construction experience appointed under Subsection 63H−7−302(1)(b)(iii);

(c) one of the board members with experience in the real estate industry appointed under Subsection 63H−7−302(1)(b)(iii);

(d) the board member, appointed under Subsection 63H−7−302(1)(b)(iv), who is a member of the State Commission on Criminal and Juvenile Justice;

(e) the board member appointed under Subsection 63H−7−302(1)(b)(v), if the governor assigns that board member to serve on the New Prison Development Subcommittee;

(f) the board member who is a member of the Senate appointed under Subsection 63H−7−302(1)(c)(i);

(g) a member of the House of Representatives appointed to the subcommittee by the speaker of the House of Representatives; and

(h) an individual appointed to the subcommittee by the Utah Association of Counties.

(4) The governor may appoint the board member referred to in Subsection 63H−7−302(1)(b)(v) to only one subcommittee.

(5) (a) The Former Prison Land Development Subcommittee shall advise the board concerning:

(i) the formulation of a conceptual plan for the former prison land;
(ii) the formulation of a request for proposals under Section 63H–7–402, to the extent that the request relates to a former prison land development project; and (iii) the board’s evaluation of and decision on proposals that the board receives pursuant to a request for proposals, to the extent proposals relate to a former prison land development project, whether as a separate project or as a part of a master development project.

(b) The New Prison Development Subcommittee shall advise the board concerning: (i) the formulation of any prison programming proposals; (ii) the formulation of a request for proposals under Section 63H–7–402, to the extent that the request relates to a new prison development project; and (iii) the board’s evaluation of and decision on proposals that the board receives pursuant to a request for proposals, to the extent proposals relate to a new prison development project, whether as a separate project or as a part of a master development project.

Section 12. Section 63H–7–304 is enacted to read:

(a) the board member from the Department of Corrections appointed under Subsection 63H–7–302(1)(b)(i); (b) one of the board members with commercial construction experience appointed under Subsection 63H–7–302(1)(b)(ii); (c) one of the board members with experience in the real estate industry appointed
under Subsection 63H–7–302(1)(b)(iii);

(d) the board member, appointed under Subsection 63H–7–302(1)(b)(iv), who is a member of the State Commission on Criminal and Juvenile Justice;

(e) the board member, appointed under Subsection 63H–7–302(1)(b)(v), if the governor assigns that board member to serve on the New Prison Development Subcommittee;

(f) the board member who is a member of the Senate appointed under Subsection 63H–7–302(1)(e)(i);

(g) a member of the House of Representatives appointed to the subcommittee by the speaker of the House of Representatives; and

(h) an individual appointed to the subcommittee by the Utah Association of Counties.

The governor may appoint the board member referred to in Subsection 63H–7–302(1)(b)(v) to only one subcommittee. – )

(a) the board members that the board designates to serve on the subcommittee; and

(b) up to four other individuals appointed to the subcommittee by the governor.

(a) The Former Prison Land Development Subcommittee shall advise the board

Section 13. Section 63H–7–305 is enacted to read:

Salaries and expenses of board or subcommittee members who are legislators shall

The Former Prison Land Development Subcommittee shall advise the board

Page 16, Line 468:

(1) Salaries and expenses of board or subcommittee members who are legislators shall
(2) A board member who is not a legislator may not receive compensation or benefits for the member’s service on the board, but may receive per diem and reimbursement for travel expenses incurred as a board member.

Section 14. Section 63H−7−305 is enacted to read:

(1) A board member is subject to Title 67, Chapter 16, Utah Public

(2) An individual may not be appointed to or serve on the board if

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

Senator Weiler proposed the following substitute amendment:

1. After Subsection (f) insert (g)

“One legislative member shall be from the minority party”

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

Yeas, 23; Nays, 6;Absent or not voting, 0.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dayton
Harper  Henderson  Hillyard  Hinkins
Jenkins  Jones  Knudson  Madsen
Okerlund  Osmond  Reid  Shiozawa
Stephenson  Stevenson  Thatcher  Van Tassell
Vickers  Weiler  Niederhauser
Voting in the negative were: Senators
Dabakis    Davis    Mayne    Robles
Urquhart  Valentine

# # #

Senator Madsen proposed the following amendment: #8

1. Page 10, Line 293:

   293 exercise or perform.
   (4) The Governor’s Office of Planning and Budget shall provide any necessary staff support for the authority until the authority hires its own staff.

2. Page 13, Line 379:

   379 (b) June 15, 2013, if this section takes effect after March 25, 2013.
   (8) Until a request for proposals under Section 63H–7–402 is issued, the board shall meet at least twice per month for the purpose of formulating the request for proposals and, as the board considers appropriate, taking public input relating to the formulation of the request for proposals.

3. Page 13, Line 396:

   396 (iii) an individual appointed by the host city.
   (d) Appointments of board members shall be made no later than 10 days before the board’s first meeting under Subsection 63H–7–301(7).

4. Page 18, Line 526:

   526 (b) {–as soon as reasonably possible–} within 60 days after the first meeting of the board under Subsection 63H–7–301(7), or within any 30–day extensions of that time that the Legislative Management Committee approves, and with the approval of the director of the Division

5. Page 18, Lines 530 through 531:

   530 (c) (i) provide a process for persons to submit proposals and for the authority to receive proposals; and
   531 (ii) require proposals to be submitted within 60 days after the request for proposals is issued;
6. Page 18, Line 536:

Within 60 days after the deadline for submitting proposals in response to the request for proposals, decide whether to accept one of the proposals or a combination of proposals and

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

Senator Jenkins explained the bill. Senators Stephenson, Reid, Valentine, Davis, and Weiler commented.

On motion of Senator Jenkins, the bill was circled.

***

On motion of Senator Stephenson, the Senate voted to reconsider its action on 1st Sub. S.B. 112, WORK WEEK AMENDMENTS.

1st Sub. S.B. 112, WORK WEEK AMENDMENTS, was before the Senate.

On motion of Senator Osmond, the bill was circled.

***

On motion of Senator Okerlund, and at 4:05 p.m., the Senate adjourned until 9:30 a.m., Tuesday, March 5, 2013.
THIRTY–SIXTH DAY
MORNING SESSION
March 5, 2013

The Senate was called to order at 9:35 a.m., with President Wayne Niederhauser presiding.

Prayer – Reverend Patty Willis, South Valley Unitarian Universalist Church
Pledge of Allegiance – Senator Ralph Okerlund
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2013

The House passed, as substituted and amended, 1st Sub. H.B. 130, BOUNDARY ADJUSTMENT AMENDMENTS, by Representative M. Brown, and it is transmitted for consideration; and

The House passed, as amended, H.B. 144, PUBLIC TRANSIT DISTRICT BOARD AMENDMENTS, by Representative M. Nelson, and it is transmitted for consideration; and

The House passed H.B. 150, ANIMAL SHELTER AMENDMENTS, by Representative A. Romero, and it is transmitted for consideration; and

The House passed, as amended, H.B. 155, FEDERAL LAW ENFORCEMENT AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed H.B. 327, PROBATE AMENDMENTS, by Representative V. L. Snow, and it is transmitted for consideration; and

The House passed H.B. 338, ALIMONY REVISIONS, by Representative K. McIff, and it is transmitted for consideration; and

The House passed, as amended, H.B. 347, LANDOWNER LIABILITY AMENDMENTS, by Representative B. Wilson, 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 4, 2013

The Business and Labor Committee reports a favorable recommendation on **H.B. 310, CONSTRUCTION CODE AMENDMENTS**, by Representative B. Wilson; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 237, TAXATION OF SHORT–TERM LODGING**, by Senator J. S. Adams, with the following amendments:

1. Page 157, Lines 4834 through 4844:

   4834 possession, use, or occupancy of the short–term lodging;

   4835 (C) remit to the commission, by electronic means in a manner prescribed by the commission, the tax described in Subsection (3)(i)(A) due on the

   4836 short–term lodging intermediary charge; and

   4837 (D) remit to the short–term lodging operator the tax due on the short–term lodging

   4838 operator charge:

   4839 (ii) the short–term lodging operator shall, by electronic means in a manner prescribed by the commission, remit to the commission the tax due on the

   4840 short–term lodging operator charge:

   4841 (iii) the commission may not require:

   4842 (A) a short–term lodging operator to remit a tax on a short–term lodging intermediary

   4843 charge that was not remitted to the commission by the short–term lodging

   4844 intermediary; or; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 249, SALVAGE AND NONREPAIRABLE VEHICLE AMENDMENTS**, by Senator S. Urquhart; and
The Business and Labor Committee reports a favorable recommendation on **S.B. 251**, TRUTH IN ADVERTISING, by Senator B. Shiozawa.

Curtis S. Bramble, Chair

Mr. President: March 4, 2013

The Health and Human Services Committee reports a favorable recommendation on **S.B. 255**, HUMAN SERVICES AMENDMENTS, by Senator W. Harper.

Evan J. Vickers, Chair

Mr. President: March 1, 2013

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 142**, PUBLIC LANDS POLICY COORDINATING OFFICE AMENDMENTS, by Representative R. Barrus; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 242**, HEALTH INSURANCE MARKET AMENDMENTS, by Senator L. Hillyard, with the following amendments:

1. Page 2, Lines 43 through 44:

   43 participation on an insurer’s provider panel:  
   (A) without first providing the physician with the due process protections required by this section; or 
   (B) in violation of Subsection (3) .

2. Page 3, Lines 59 through 66:

   59 (3) (a) {– A health insurer shall include a physician on its panel of providers for the
   60 insurer’s health benefit plans if the physician meets educational, training, and experience
   61 requirements, and has demonstrated current competence.
   62 (b)–} A health insurer shall apply reasonable, nondiscriminatory standards for the
   63 evaluation of a physician’s qualifications {– under this Subsection (3)–} for inclusion on an insurer’s provider panel . The decision to include a
   64 physician on an insurer’s provider panel shall be based on an objective evaluation of the
65 physician’s qualifications, training, experience, and competency, free of anticompetitive intent or purpose.

66 \{ (c) \} (b) A health insurer shall not consider any of the following with regard to determining ; and

The Natural Resources, Agriculture, and Environment Committee recommends S.B. 244, UTAH DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, by Senator D. Hinkins, be replaced and favorably recommends 1st Sub. S.B. 244, UTAH DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 252, HOSPITAL CREDENTIALING AMENDMENTS, by Senator R. Okerlund, with the following amendments:

1. Page 4, Lines 115 through 119:

115 (7) A hospital or integrated health system that violates the provisions of this section:
116 (a) has violated standards of operation for the hospital; and
117 (b) may be held liable to the physician in a private right of action for the violations,
118 including proximately caused damages \{ (c) \} (b) may be subject to regulatory action by the department.

2. Page 4, Line 119:

119 \{ (c) \} (b) may be subject to regulatory action by the department.

3. Page 5, Line 123:

123 association with a group holding the contract.

(9) Nothing in this section prohibits a hospital from entering into an exclusive contract for services that are performed in the hospital if the exclusive contract is between the hospital and a physician or physician group that is not employed by:
(i) the hospital; or
(ii) an integrated health system affiliated with the hospital; ; and
The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 254, PENALTY FOR WELL DRILLING WITHOUT A LICENSE**, by Senator W. Harper.

Scott K. Jenkins, Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President: March 4, 2013

The Business and Labor Committee reports a favorable recommendation on **H.B. 202, ENERGY CONSERVATION CODE AMENDMENTS**, by Representative B. Wilson, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 1, Lines 17 through 18:
   
   17 Other Special Clauses:
   18 This bill { takes effect on July 1, 2013 } provides a contingent effective date .

2. Page 3, Lines 70 through 73:
   
   70 (2) In IRC, Section N1101.14 (R303.3), all wording after the first sentence is deleted.
   71 (3) In IRC, Table N1102.1.1 (R402.1.1) and Table N1102.1.3 (R402.1.3), the rows for “climate zone 3”, “climate zone 5 and Marine 4”, and “climate zone 6” are deleted and replaced with a new footnote j is added as follows:

3. Page 4, Lines 106 through 108:
   
   106 (11) In IRC, Section N1102.4.4 (R402.4.4), the last sentence is deleted.
   107 (12) In IRC, Section N1103.2.2 (R403.2.2), the requirements for duct tightness total leakage testing are deleted and replaced with the following:

4. Page 5, Lines 119 through 122:
(13) In IRC, Section N1103.2.2 (R403.2.2), the exception for total leakage testing is deleted and replaced with the following: “Exception: The total leakage test is not required for systems with all air handlers and at least 50% of all ducts (measured by length) located entirely within the building thermal envelope.”

5. Page 6, Lines 153 through 155:

153  (19) In Table N1105.5.2(2) (R405.5.2(2)), the number “0.80” is inserted under “Forced air systems” for “Distribution system components located in unconditioned space”.

155  (20) In IRC, Section M1307.2, the words “In Seismic Design Categories D1 and D2” are deleted.

(21) The RESCheck Software adopted by the United States Department of Energy and modified to meet the requirements of this section shall be used to verify compliance with this section. The software shall address the Total UA alternative approach and account for Equipment Efficiency Trade-offs when applicable per the standard reference design as amended.

6. Page 10, Lines 267 through 268

House Committee Amendments 2–21–2013:

267  (22) In IECC, Table R405.5.2(2), the number “0.80” is inserted under “Forced air systems” for “Distribution system components located in unconditioned space”.

(23) The RESCheck Software adopted by the United States Department of Energy and modified to meet the requirements of this section shall be used to verify compliance with this section. The software shall address the Total UA alternative approach and account for Equipment Efficiency Trade-offs when applicable per the standard reference design as amended.

7. Page 10, Lines 276 through 277

House Committee Amendments 2–21–2013:
Section 5. Contingent effective date.

This bill takes effect on July 1, 2013. 

The Business and Labor Committee reports a favorable recommendation on H.B. 238, COSMETOLOGY AND HAIR BRAIDING, by Representative J. Dunnigan, 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. 240, ALCOHOL SERVICE IN RESTAURANTS, by Representative Janice Fisher, 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 S.B. 256, PRECONSTRUCTION AND CONSTRUCTION LIENS AMENDMENTS, by Senator S. Jenkins, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

Mr. President: March 4, 2013

The Health and Human Services Committee reports a favorable recommendation on S.B. 259, AMENDMENTS TO DISABILITY WAITING LIST, by Senator A. Christensen, 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.B. 268, HUMAN SERVICES BACKGROUND CHECKS AMENDMENTS, by Senator A. Christensen, 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.B. 270, CONTROLLED SUBSTANCE AMENDMENTS,
by Senator E. Vickers, and recommends it be considered read for the second time and placed on the Consent Calendar.

Evan J. Vickers, Chair

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

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On motion of Senator Stevenson, the Senate voted to lift H.B. 325, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, from the Government Operation and Political Subdivisions Committee and reassign it to the Economic Development and Workforce Services Committee.

INTRODUCTION OF BILLS

S.B. 281, Debt Collection Information Amendments (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 282, Adoption Notification Requirements (L. Robles), was read the first time by short title and referred to the Rules Committee.

S.B. 283, Availability of Public Information Amendments (D. Henderson), was read the first time by short title and referred to the Rules Committee.

S.B. 284, Educational Technology Amendments (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 230, MINERS’ HOSPITAL GRANTS AMENDMENTS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators

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Absent or not voting were: Senators
Madsen  Stephenson  Thatcher

S.B. 230 was transmitted to the House for consideration.

* * *

1st Sub. H.B. 107, HOSPITAL LIEN LAW AMENDMENTSSS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Stevenson  Urquhart  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Madsen  Thatcher

1st Sub. H.B. 107 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 215, PEACE OFFICER STANDARDS AND TRAINING CERTIFICATION AGE REQUIREMENT, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  Okerlund
Osmond  Reid  Robles  Shiozawa
Stephenson  Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Vickers  Weiler
Niederhauser
S.B. 215 was transmitted to the House for consideration.

***

S.B. 228, PENALTIES FOR SPECIFIED JUVENILE OFFENSES, was read the third time, explained by Senator Shiozawa, and passed on the following roll call:

**Yeas, 29; Nays, 0; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators

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S.B. 228 was transmitted to the House for consideration.

***

1st Sub. H.B. 309, JUDICIAL PERFORMANCE EVALUATION AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

Bramble Valentine

1st Sub. H.B. 309 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
H.B. 231, HAZARDOUS WASTE AND MIXED WASTE FEES, was read the third time, explained by Senator Knudson, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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

H.B. 231 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**H.B. 112, ASSESSMENT OF PROPERTY IF THREATENED OR ENDANGERED SPECIES IS PRESENT, was read the third time, explained by Senator Vickers, and passed on the following roll call:**

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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

H.B. 112 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
S.B. 235, INTERSTATE MINING COMPACT, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Hillyard | Valentine |

S.B. 235 was transmitted to the House for consideration.

**2nd Sub. H.B. 100,** INTERNET PRIVACY AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator

Valentine

2nd Sub. H.B. 100, as amended, was returned to the House for further consideration.

**2nd Sub. H.B. 299,** BICYCLE AND BICYCLE LAND MODIFICATIONS, was read the third time, explained by Senator Weiler, and passed on the following roll call:
Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators

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Absent or not voting was: Senator

Valentine

2nd Sub. H.B. 299 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 125, INTERSTATE LOCAL EMERGENCY RESPONSE ACT, was read the third time, explained by Senator Henderson, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

Stevenson Valentine

H.B. 125 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 195, BUDGETARY PROCEDURES ACT REVISIONS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:
Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis
Davis   Harper   Henderson  Hillyard
Hinkins Jenkins  Jones    Knudson
Madsen  Mayne   Okerlund Osmond
Reid    Robles  Shiozawa  Stephenson
Stevenson Thatcher Urquhart Valentine
Van Tassell Vickers Weiler  Niederhauser

Absent or not voting was: Senator
Dayton

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.

* * *

H.B. 223, EMERGENCY MANAGEMENT FUNDING AMENDMENTS, was read the third time, explained by Senator Henderson, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis
Davis   Dayton   Harper   Henderson
Hillyard Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne   Okerlund
Osmond  Reid    Robles  Shiozawa
Stephenson Stevenson Thatcher Urquhart
Valentine  Van Tassell  Vickers  Weiler
Niederhauser

H.B. 223 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 223, STATE SENATE BOUNDARY AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.
Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  Okerlund
Osmond  Reid  Shiozawa  Stephenson
Stevenson  Thatcher  Urquhart  Valentine
Van Tassell  Vickers  Weiler  Niederhauser

Absent or not voting was: Senator
Robles

S.B 223 was transmitted to the House for consideration.

***

S.B. 224, STATE BOARD OF EDUCATION BOUNDARY AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  Okerlund
Osmond  Reid  Shiozawa  Stephenson
Stevenson  Thatcher  Urquhart  Valentine
Van Tassell  Vickers  Weiler  Niederhauser

Absent or not voting was: Senator
Robles

S.B. 224 was transmitted to the House for consideration.

***

S.B. 231, POLITICAL ACTION COMMITTEE AMENDMENTS, was read the third time, explained by Senator Vickers, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Knudson
Madsen  Okerlund  Osmond  Reid
Shiozawa  Stephenson  Stevenson  Thatcher
Urquhart  Valentine  Van Tassell  Vickers
Weiler  Niederhauser

Absent or not voting were: Senators
Jones  Mayne  Robles

S.B. 231 was transmitted to the House for consideration.

THIRD READING CALENDAR

1st Sub. S.B. 189, ONCOLOGY INSURANCE AMENDMENTS, was read the third time and explained by Senator Bramble.

Senator Bramble proposed a verbal amendment as follows:

1. Page 2, Line 36:
   Delete “$250” and insert “$300”

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

   Yeas, 26; Nays, 1; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Harper  Henderson  Hillyard
Hinkins  Jenkins  Jones  Knudson
Mayne  Okerlund  Osmond  Reid
Robles  Shiozawa  Stevenson  Steverson
Thatcher  Urquhart  Valentine  Van Tassell
Weiler  Niederhauser

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators
Madsen  Vickers

1st Sub. S.B. 189 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 52, GAME FOWL FIGHTING AMENDMENTS, was read the third time and explained by Senator Davis.
Senator Christensen proposed a verbal amendment as follows:

1. Page 1, Line 13:
   Delete “third degree felonies” and insert “Class A misdemeanor”

2. Page 6, Line 170:
   Delete “third degree felony” and insert “Class A misdemeanor”

Senator Christensen’s motion to amend failed on a voice vote. Senators Weiler, Christensen, Thatcher, and Dabakis commented and the bill passed on the following roll call:

**Yeas, 19; Nays, 9; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators
Bramble    Dabakis    Davis    Henderson
Hillyard   Jones      Knudson  Mayne
Okerlund   Osmond     Robles   Shiozawa
Thatcher   Urquhart   Valentine Van Tassell
Vickers    Weiler     Niederhauser

**Voting in the negative were:** Senators
Adams      Christensen  Harper   Hinkins
Jenkins    Madsen      Reid     Stephenson
Stevenson

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

**1st Sub. S.B. 52** was transmitted to the House for consideration.

* * *

On motion of Senator Robles, the circle was removed from **S.B. 184, YOUTH SUICIDE PREVENTION REVISIONS**, and it was before the Senate. Senator Robles explained the bill. Senators Madsen commented.

On motion of Senator Robles, the bill was circled.

* * *

On motion of Senator Osmond, the circle was removed from **1st Sub. S.B. 112, WORK WEEK AMENDMENTS**, and it was before the Senate.
Senator Osmond proposed the following amendment:

1. Page 3, Line 69:

   69  (d) the hours a state agency employee works per day.
   
   (7) A state agency shall:
   (a) provide information, accessible from a conspicuous link on the home
       page of the state agency’s website, on a method that a person may use to
       schedule an in–person meeting with an employee of the state agency;
   (b) contact a person who makes a request for an in–person meeting,
       within one business day after the day on which the person makes the
       request, to schedule an in–person meeting; and
   (c) schedule and hold an in–person meeting with the person that requests
       an in–person meeting as soon as reasonable possible.

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

**Yeas, 28; Nays, 1; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Harper
- Henderson
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Voting in the negative was:** Senator

Dayton

1st Sub. S.B. 112 was transmitted to the House for consideration.

* * *

S.B. 70, COMMISSION RELATING TO FEDERAL ISSUES, was read the third time, explained by Senator Henderson, and passed on the following roll call:

**Yeas, 23; Nays, 2; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Harper
- Henderson
- Hinkins
- Jones
- Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

**Voting in the negative were:** Senators
Dabakis Davis

**Absent or not voting were:** Senators
Dayton Hillyard Jenkins Stevenson

S.B. 70 was transmitted to the House for consideration.

***

On motion of Senator Robles, the circle was removed from S.B. 184, YOUTH SUICIDE PREVENTION REVISIONS, and it was before the Senate.

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

1st Sub. S.B. 184 Youth Suicide Prevention Revisions (M. Madsen)

Senator Robles explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 1; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators
Adams Bramble Christensen Dabakis
Davis Harper Henderson Hinkins
Jenkins Jones Knudson Madsen
Mayne Okerlund Osmond Reid
Robles Shiozawa Stephenson Thatcher
Urquhart Valentine Van Tassell Vickers
Weiler Niederhauser

**Voting in the negative was:** Senator
Dayton

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

1st Sub. S.B. 184 was transmitted to the House for consideration.
On motion of Senator Bramble, the Senate voted to reconsider its action on 1st Sub. S.B. 189, ONCOLOGY INSURANCE AMENDMENTS.

1st Sub. S.B. 189, ONCOLOGY INSURANCE AMENDMENTS, was before the Senate.

Senator Bramble proposed a verbal amendment as follows:

1. Page 2, Line 33:
   Delete “July 1, 2013” and insert “October 1, 2013”

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

**Yeas, 26; Nays, 1; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator Dayton

**Absent or not voting were:** Senators

Hillyard Stevenson

1st Sub. S.B. 189 was transmitted to the House.

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

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1st Sub. S.C.R. 4, STANDING WITH ISRAEL CONCURRENT RESOLUTION, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Dabakis, Hillyard, Robles, Stevenson

1st Sub. S.C.R. 4 was transmitted to the House for consideration.

* * *

On motion of Senator Okerlund, 1st Sub. S.B. 64, HOMEOWNER ASSOCIATION RESERVE ACCOUNT AMENDMENTS, was read the third time and circled.

* * *

4th Sub. S.B. 55, INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDER, was read the third time, explained by Senator Shiozawa, and passed on the following roll call:

Yeas, 20; Nays, 6; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams, Bramble, Dabakis, Davis
Harper, Hinkins, Jones, Knudson
Mayne, Okerlund, Osmond, Robles
Shiozawa, Stephenson, Thatcher, Valentine
Van Tassell, Vickers, Weiler, Niederhauser

Voting in the negative were: Senators
Christensen, Dayton, Henderson, Jenkins
Madsen, Reid

Absent or not voting were: Senators
Hillyard, Stevenson, Urquhart

4th Sub. S.B. 55 was transmitted to the House for consideration.

* * *

On motion of Senator Okerlund, S.B. 73, OUTDOOR RECREATION OFFICE ACT, was read the third time and circled.
S.B. 74, DIGNIFIED BURIAL OF VETERANS REMAINS, was read the third time, explained by Senator Vickers, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

- Adams
- Christensen
- Dabakis
- Davis

- Dayton
- Harper
- Henderson
- Hinkins

- Jenkins
- Jones
- Knudson
- Madsen

- Mayne
- Okerlund
- Osmond
- Reid

- Robles
- Shiozawa
- Stephenson
- Thatcher

- Urquhart
- Valentine
- Van Tassell
- Vickers

**Absent or not voting were:** Senators

- Bramble
- Hillyard
- Stevenson

S.B. 74 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 99, LABOR AMENDMENTS, was read the third time, explained by Senator Harper, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators

- Adams
- Christensen
- Dabakis
- Davis

- Dayton
- Harper
- Henderson
- Hinkins

- Jones
- Knudson
- Madsen
- Okerlund

- Osmond
- Reid
- Robles
- Shiozawa

- Stephenson
- Thatcher
- Urquhart
- Valentine

- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Absent or not voting were:** Senators

- Bramble
- Hillyard
- Jenkins
- Mayne
- Stevenson

1st Sub. S.B. 99 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 102, CONTRACTOR LICENSING AMENDMENTS, was read the third time, explained by Senator Harper, and passed on the following roll call:
Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Dayton
Harper Henderson Hinkins Jenkins
Jones Knudson Madsen Mayne
Okerlund Osmond Reid Robles
Shiozawa Stephenson Thatcher Urquhart
Valentine Van Tassell Vickers Weiler
Niederhauser

Absent or not voting were: Senators
Bramble Davis Hillyard Stevenson

1st Sub. S.B. 102 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 143, MORTGAGE AND FINANCIAL AFFAIRS AMENDMENTS, was read the third time and explained by Senator Harper. Senator Valentine commented and the bill passed on the following roll call:

Yeas, 23; Nays, 1; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Davis
Dayton Harper Henderson Hinkins
Jenkins Jones Mayne Okerlund
Osmond Reid Robles Shiozawa
Stephenson Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

Voting in the negative was: Senator
Madsen

Absent or not voting were: Senators
Bramble Hillyard Knudson Stevenson
Thatcher

1st Sub. S.B. 143 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 59, WORKER’S COMPENSATION COORDINATION OF BENEFITS AMENDMENTS, was read the third time, explained by Senator Mayne, and passed on the following roll call:
Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators

Adams  Christensen  Dabakis  Davis
Dayton  Harper  Henderson  Hinkins
Jenkins  Jones  Knudson  Madsen
Mayne  Okerlund  Osmond  Reid
Robles  Shiozawa  Stephenson  Urquhart
Van Tassell  Vickers  Weiler  Niederhauser

Absent or not voting were: Senators

Bramble  Hillyard  Stevenson  Thatcher
Valentine

1st Sub. S.B. 59 was transmitted to the House for consideration.

* * *

On motion of Senator Urquhart, the circle was removed from 1st Sub. S.B. 64, HOMEOWNER ASSOCIATION RESERVE ACCOUNT AMENDMENTS, and it was before the Senate. Senator Urquhart explained the bill. Senators Van Tassell and Mayne commented. The bill passed on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators

Bramble  Christensen  Dabakis  Davis
Dayton  Harper  Henderson  Hinkins
Jenkins  Jones  Knudson  Madsen
Okerlund  Osmond  Reid  Robles
Shiozawa  Stephenson  Urquhart  Valentine
Van Tassell  Vickers  Weiler  Niederhauser

Absent or not voting were: Senators

Adams  Hillyard  Mayne  Stevenson
Thatcher

1st Sub. S.B. 64 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Harper, S.B. 181, POLITICAL SUBDIVISIONS PROPERTY AMENDMENTS, was read the second time and circled.
On motion of Senator Christensen, **S.B. 78, PHARMACY ACT AMENDMENTS**, was read the second time and circled.

**S.B. 194, PHARMACY PRACTICE ACT AMENDMENTS**, was read the second time.

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

**1st Sub. S.B. 194 Pharmacy Practice Act Amendments** (E. Vickers)

Senator Vickers proposed the following amendment: #2

1. Page 9, Line 267 through Page 10, Line 275:

   (iii) the sale, purchase, or trade of a prescription drug or device, or an offer to sell,
   purchase, or trade a prescription drug or device, for emergency medical reasons, [or to supply
   another] including supplying another pharmaceutical facility [to alleviate a temporary shortage;
   or] with a limited quantity of a drug, if:

   (A) the facility is unable to obtain the drug through a normal distribution channel {or
   other source—} in sufficient time to eliminate the risk of harm to a patient that would result from a
   delay in obtaining the drug; and

   (B) the quantity of the drug does not exceed an amount reasonably required for
   immediate dispensing to eliminate the risk of harm;

Senator Vickers’ motion to amend passed on a voice vote.

###

Senator Vickers proposed the following amendment: #3
1. Page 18, Lines 522 through 523:

522 (iii) recoup funds for refills dispensed in accordance with Section 58–17b–608.1 {–at the
523 time a prescription is dispensed;–} , unless the health benefit plan
does not cover the prescription drug dispensed by the pharmacy; or

Senator Vickers’ motion to amend passed on a voice vote. Senator Vickers explained the bill. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 0; Absent or not voting, 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 Osmond, the circle was removed from 1st Sub. S.B. 71, RESULTS–BASED FINANCING FOR EARLY CHILDHOOD EDUCATION, and it was before the Senate.

Senator Osmond proposed the following amendment: #1

1. Page 2, Lines 32 through 33:

32 This bill appropriates in fiscal year 2014:

33 to the {–General–} Education Fund Restricted – Results–based Early Education Restricted Account,

2. Page 4, Lines 108 through 111:

108 (6) “Eligible student” means a student who:

109 (a) lives in the attendance boundaries of an eligible LEA; {–and–}
(b) (i) is economically disadvantaged; or
(ii) is classified as an English language learner; and
(c) scores below average on an age-appropriate pre-assessment selected by an eligible LEA.

3. Page 5, Line 124:

(1) There is created a restricted account in the General Education Fund known as the

4. Page 7, Lines 197 through 198:

(e) that the private entity is not eligible to receive or view any personally-identifiable

student data of students funded through a results-based contract.

5. Page 7, Lines 199 through 203:

(8) The board may not issue a results-based contract if:

(a) the total outstanding obligations of results-based contracts issued by the board

under this part would exceed $10,000,000; or

(b) the total number of at-risk students currently being funded under this part by results-based contracts would exceed 3% of the state’s total enrollment of students in public schools.

6. Page 10, Line 300:

(b) The board shall determine in a results-based contract the portion of an LEA’s

7. Page 14, Lines 418 through 423:

To General Education Fund Restricted – Results-based Early

Education Restricted Account

From General Fund $1,000,000

Schedule of Programs:
Senator Osmond’s motion to amend passed on a voice vote. Senator Osmond explained the bill. Senators Mayne, Jones, and Okerlund commented.

On motion of Senator Osmond, the bill was circled.

INTRODUCTION OF BILLS

S.B. 87, Impoundment of Vehicles Amendments (M. Madsen), was read the first time by short title and referred to the Rules Committee.

***

On motion of Senator Okerlund, and at 11:50 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:15 p.m., with President Niederhauser presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2013

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 65, INSURANCE BENEFICIARY CHANGES, by Representative J. Bird, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communication filed. The bill was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

***

Mr. President: March 5, 2013

The House passed, as substituted and amended, 1st Sub. H.B. 158, CONSUMER CREDIT PROTECTION AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed H.B. 324, PASSING ON THE RIGHT AMENDMENTS, by Representative L. Christensen, and it is transmitted for consideration; and
The House passed **H.B. 328**, HIGHWAY LITTERING AND FAILING TO SECURE A LOAD AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 342**, WILD TURKEY MANAGEMENT, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.B. 357**, WASTE MANAGEMENT FACILITIES SITING AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.B. 358**, INSTREAM FLOW AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed **H.B. 360**, WATER AND IRRIGATION REVISIONS, by Representative R. Wilcox, 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 5, 2013

The House refused to concur with the Senate Amendments to **H.B. 279**, ADMINISTRATIVE HEARINGS BY COUNTIES, by Representative S. Cox, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Vickers, the Senate voted to refuse to recede from its amendments to **H.B. 279**. President Niederhauser appointed a conference committee consisting of Senators Vickers, Thatcher, and Mayne to meet with a like committee from the House.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: March 5, 2011

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

**Business and Labor Committee**

**S.B. 281** Debt Collection Information Amendments
(Sen. C. Bramble)
Economic Development and Workforce Services Committee
S.C.R. 12  Children’s and Families’ Cancer Research Facility
Concurrent Resolution (Sen. J. S. Adams)
H.B. 340  Snow College Economic Development and Workforce
Preparation Advisory Committee (Rep. K. McIff)
(Sen. R. Okerlund)

Government Operations and Political Subdivisions Committee
S.B. 278  Capital Improvement Amendments (Sen. W. Harper)
S.B. 283  Availability of Public Information Amendments
(Sen. D. Henderson)
(Sen. D. Hinkins)
1st Sub. H.B. 337  Permanent State Trust Fund Investment Amendments
H.J.R. 12  Joint Resolution Dissolving Clarkston Justice Court
(Rep. J. Draxler) (Sen. L. Hillyard)

Health and Human Services Committee
S.B. 280  Dispensing Medical Practitioner Amendments
(Sen. E. Vickers)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 87  Impoundment of Vehicles Amendments (Sen. M. Madsen)
S.B. 282  Adoption Notification Requirements (Sen. L. Robles)
H.B. 327  Probate Amendments (Rep. V. L. Snow) (Sen. T. Weiler)

Natural Resources, Agriculture and Environment Committee
S.B. 277  Green River Energy Zone (Sen. D. Hinkins)
(Sen. J. S. Adams)

Revenue and Taxation Committee
S.B. 279  Math Literacy – Stem Initiative (Sen. S. Urquhart)
H.B. 141  Medicaid Emergency Room and Primary Care

Transportation, Public Utilities and Technology Committee
S.B. 284  Educational Technology Amendments (Sen. J. Stevenson)
H.B. 144  Public Transit District Board Amendments  
(Rep. M. Nelson) (Sen. C. Bramble)  

John L. Valentine  
Rules Committee Chair  

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

STANDING COMMITTEE REPORTS

Mr. President: March 4, 2013  
The Education Committee recommends S.B. 82, STUDENT ACHIEVEMENT BACKPACK, by Senator J. Stevenson, be replaced and favorably recommends 1st Sub. S.B. 82, STUDENT ACHIEVEMENT BACKPACK; and

The Education Committee reports a favorable recommendation on S.B. 257, PERSONALIZED EDUCATOR EVALUATION TECHNOLOGY, by Senator J. S. Adams; and

The Education Committee recommends S.B. 260, READING ASSESSMENT AMENDMENTS, by Senator S. Urquhart, be replaced and favorably recommends 1st Sub. S.B. 260, READING ASSESSMENT AMENDMENTS.

Stuart C. Reid, Chair

Mr. President: March 5, 2013  
The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 31, ENTICING A MINOR AMENDMENTS, by Representative R. C. Webb; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 92, FACTUAL INNOCENCE ASSISTANCE AMENDMENTS, by Representative G. Froerer; and
The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 105**, SERIOUS YOUTH OFFENDER AMENDMENTS, by Representative V. L. Snow.

Mark B. Madsen, Chair

Mr. President: March 5, 2013

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 124**, RADIATION CONTROL AMENDMENTS, by Representative B. Dee; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.C.R. 7**, CONCURRENT RESOLUTION ON FEDERAL DESIGNATION OF CRITICAL HABITAT FOR GUNNISON SAGEGROUSE, by Representative M. Noel.

Scott K. Jenkins, Chair

Mr. President: March 5, 2013

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 104**, WIRELESS CALL LOCATION INFORMATION, by Representative M. Wheatley; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 128**, DRIVER LICENSE SUSPENSION MODIFICATIONS, by Representative D. Sagers; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 210**, MOTOR VEHICLE EMISSION AMENDMENTS, by Representative E. Redd.

Kevin T. Van Tassell, Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President: March 4, 2013

The Education Committee reports a favorable recommendation on **H.B. 201**, STATE BOARD OF EDUCATION LEADERSHIP AMENDMENTS, by Representative S. Eliason, 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 S.B. 258, RENAME UTAH STATE UNIVERSITY – COLLEGE OF EASTERN UTAH, by Senator D. Hinkins, and recommends it be considered read for the second time and placed on the Consent Calendar.

Stuart C. Reid, Chair

Mr. President: March 5, 2013

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 89, JUDICIAL REVIEW OF PEACE OFFICER STANDARDS AND TRAINING ACTIONS, by Representative M. Nelson, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 232, CRIMINAL PENALTY AMENDMENTS, by Representative C. Hall, 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 1st Sub. H.B. 213, PEACE OFFICER STANDARDS AND TRAINING AMENDMENTS, by Representative R. Greenwood, 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 1st Sub. H.B. 287, RETURN OF WEAPONS RECOVERED BY LAW ENFORCEMENT, by Representative K. Stratton, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 2, Lines 48 through 53:

   48 (iii) the legal owner was convicted of a crime for which the weapon was {−used−} held as evidence.
   49 (e) (i) Upon proof of ownership and of lawfulness of possession satisfactory to the evidence custodian, the custodian shall release the property to the owner.
   50 (ii) The evidence custodian shall {−accept−} receive and consider a sworn declaration of ownership to establish
ownership of the property.

Mark B. Madsen, Chair

Mr. President:

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 126, OFF−HIGHWAY VEHICLE USER FEE AMENDMENTS**, by Representative S. Cox, 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 Valentine, 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, Involuntary Civil Commitment Information Amendments** (D. Thatcher), 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 **S.B. 242** and **S.B. 252** to the top of the Second Reading Calendar.

**S.B. 242, HEALTH INSURANCE MARKET AMENDMENTS**, was read the second time.

On motion of Senator Hillyard, the enacting clause on the bill was stricken.

* * *

**S.B. 252, HOSPITAL CREDENTIALING AMENDMENTS**, was read the second time.

On motion of Senator Hillyard, the enacting clause on the bill was stricken.

* * *

**S.B. 206, OFFICE OF MEDICAID INSPECTOR GENERAL AMENDMENTS**, was read the second time.

Senator Christensen proposed the following amendment:
1. Page 1, Lines 14 through 23:

14 This bill:
15 empowers the Office of Inspector General of Medicaid Services to request
16 eligibility information from a health insurance entity;
17 establishes that a health insurance entity may not deny a claim if:
18 • the Office of Inspector General of Medicaid Services is seeking to enforce the
19 rights of the state with respect to the claim; and
20 • the enforcement action is begun not later than {six} three years after the day on which
21 the claim is submitted; and
22 enables the Office of Inspector General of Medicaid Services to report fraud directly
23 to law enforcement.

2. Page 2, Line 55 through Page 3, Line 63:

55 [(4)] (d) not deny a claim submitted by the Department of Health or the Office of
56 Inspector General of Medicaid Services solely on the basis of the date of submission of the
57 claim, the type or format of the claim form, lack of prior authorization, or failure to present
58 proper documentation at the point-of-sale that is the basis for the claim, if:
59 [(a)] (i) the claim is submitted no later than three years after the day on which the item
60 or service is furnished; and
61 [(b)] (ii) any action by the Department of Health or the Office of Inspector General of
62 Medicaid Services to enforce the rights of the state with respect to the claim is commenced no
later than six years after the day on which the claim is submitted.

3. Page 4, Line 116 through Page 5, Line 121:

   “Recovery” means the seizure of improperly obtained funds or property.

   “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.

   “Waste” means overutilization of resources or inappropriate payment.

4. Page 6, Line 156:

   recover improperly paid Medicaid funds;

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

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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<th>Bramble</th>
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On motion of Senator Osmond, the circle was removed from **1st Sub. S.B. 71**, RESULTS–BASED FINANCING FOR EARLY CHILDHOOD EDUCATION,
and it was before the Senate. Senator Osmond explained the bill. Senators Dayton, Robles, Valentine, Stephenson, and Dabakis commented. The bill failed second reading on the following roll call:

**Yees, 11; Nays, 18; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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The bill was filed.

***

1st Sub. S.B. 214, CONTINUING EDUCATION FOR PRESCRIPTION DRUGS, was read the second time.

Senator Knudson proposed the following amendment:

1. Page 3, Lines 58 through 60:

58 (4) A controlled substance prescriber shall complete at least 3.5 hours of continuing education hours in one or more controlled substance prescribing classes, except dentists who shall complete at least 2 such hours, that satisfy the requirements of Subsections (5) and (7).

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

**Yees, 26; Nays, 1; Absent or not voting, 2.**
Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Mayne  Okerlund  Reid
Robles  Shiozawa  Stephenson  Stevenson
Urquhart  Valentine  Van Tassell  Vickers
Weiler  Niederhauser

Voting in the negative was: Senator
Madsen

Absent or not voting were: Senators
Osmond  Thatcher

* * *

1st Sub. S.B. 203, PRESCRIPTION LABEL INFORMATION AND EDUCATION 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 or not voting, 3.

Voting in the affirmative were: Senators
Bramble  Christensen  Dabakis  Davis
Dayton  Henderson  Hillyard  Hinkins
Jenkins  Jones  Knudson  Madsen
Mayne  Okerlund  Reid  Robles
Shiozawa  Stephenson  Stevenson  Thatcher
Urquhart  Valentine  Van Tassell  Vickers
Weiler  Niederhauser

Absent or not voting were: Senators
Adams  Harper  Osmond

* * *

On motion of Senator Stevenson, the circle was removed from 1st Sub. S.B. 200, LOCAL AND SPECIAL SERVICE DISTRICTS AMENDMENTS, and it was before the Senate.

On motion of Senator Stevenson, the following substitute bill replaced the original bill:
2nd Sub. S.B. 200 Local and Special Service Districts Amendments
(J. Stevenson)

Senator Stevenson explained the bill. Senators Stephenson, Harper, and Niederhauser commented. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators
Bramble Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Stevenson Thatcher Van Tassell Vickers
Weiler Niederhauser

**Absent or not voting were:** Senators
Adams Urquhart Valentine

* * *

S.J.R. 15, JOINT RESOLUTION REGARDING THE IMPACT OF ADULT IMAGES ON CHILDREN’S DEVELOPMENT, was read the second time. Senator Weiler explained the bill. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators
Bramble Christensen Davis Dayton
Harper Henderson Hillyard Hinkins
Jenkins Jones Knudson Madsen
Mayne Okerlund Osmond Reid
Robles Shiozawa Stephenson Stevenson
Thatcher Urquhart Van Tassell Vickers
Weiler Niederhauser

**Absent or not voting were:** Senators
Adams Dabakis Valentine

* * *

On motion of Senator Robles, the circle was removed from S.B. 186, INSURANCE TRANSACTIONS AMENDMENTS, and it was before the Senate.
Senator Robles proposed the following amendment:

1. Page 1, Lines 21 through 22:

21 Other Special Clauses:

22 { None } This bill takes effect on January 1, 2014.

2. Page 2, Line 39f
Senate Committee Amendments
2–21–2013:

39f language version shall control the resolution of any dispute or complaint.  
Section 2. Effective date.
This bill takes effect on January 1, 2014.

Senator Robles’ motion to amend passed on a voice vote. Senator Robles explained the bill. Senator Niederhauser commented. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

| Christensen | Dabakis | Davis | Dayton |
| Harper      | Henderson | Hillyard | Hinkins |
| Jenkins     | Jones | Knudson | Madsen |
| Mayne       | Okerlund | Osmond | Reid |
| Robles      | Shiozawa | Stephenson | Stevenson |
| Thatcher    | Valentine | Van Tassell | Vickers |
| Weiler      |         |         |         |

**Absent or not voting were:** Senators

| Adams | Bramble | Urquhart |

***

**S.B. 207, REPEAL OF HEALTH AND HUMAN SERVICES REPORTS AND EXPIRED OR DISCONTINUED PROGRAMS,** was read the second time.

Senator Christensen proposed the following amendment: #2

1. Page 7, Lines 186 through 189:

186 { — } (7) For { 2008 and 2009 } 2014 and 2015 , the Department of Health and the Department of Agriculture
187 and Food shall report on or before November 30th to the Natural Resources, Agriculture, and Environment Interim Committee on any health problems resulting from the sale of raw whole milk at self-owned retail stores.

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

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hillyard
- Hinkins
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Absent or not voting were:** Senators

- Adams
- Jenkins
- Robles

On motion of Senator Okerlund, **S.B. 212, JUDICIAL CODE AMENDMENTS**, was read the second time and circled.

**S.B. 83, LIMITATIONS ON OUTSIDE EMPLOYMENT BY GOVERNMENT EMPLOYEE**, was read the second time.

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

**1st Sub. S.B. 83 Limitations on Outside Employment by Government Employee** (T. Weiler)

Senator Weiler explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:
Yeas, 28; Nays, 0; Absent or not voting, 1.

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator

Adams

***

On motion of Senator Okerlund, and at 3:55 p.m., the Senate recessed.

---

**EVENING SESSION**

The Senate reassembled at 6:10 p.m., with President Niederhauser presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:

March 5, 2013

The House passed, as substituted and amended, **2nd Sub. H.B. 75**, OCCUPATIONAL AND PROFESSIONAL LICENSING AMENDMENTS, by Representative B. Greene, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 344**, ESTABLISHMENT OF CHARTER SCHOOLS AMENDMENTS, by Representative D. Lifferth, and it is transmitted for consideration; and

The House passed **H.B. 377**, TRANSPORTATION FUNDING MODIFICATIONS, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 382**, ESCALANTE REGION GRAZING ZONE, by Representative M. Noel, and it is transmitted for consideration; and

The House passed **H.B. 384**, PROPERTY DISPOSITION AMENDMENTS, by Representative B. Dee, and it is transmitted for consideration; and
The House passed, as substituted and amended, **1st Sub. H.C.R. 5**, CONCURRENT RESOLUTION ON REGIONAL CORRECTIONAL FACILITIES AND COUNTY JAIL CONTRACTING, 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.

**THIRD READING CALENDAR**

On motion of Senator Jenkins, the circle was removed from **2nd Sub. S.B. 72**, PRISON RELOCATION AND DEVELOPMENT AMENDMENTS, and it was before the Senate.

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

**4th Sub. S.B. 72 Prison Relocation and Development Amendments**

(S. Jenkins)

Senator Jenkins explained the bill. Senator Weiler commented. The bill passed on the following roll call:

**Yeas, 19; Nays, 7; Absent or not voting, 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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**4th Sub. S.B. 72** was transmitted to the House for consideration.

**SECOND READING CALENDAR**

**S.B. 221**, ASSESSMENT AREA ACT AMENDMENTS, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:
Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  Okerlund
Osmond  Reid  Robles  Shiozawa
Stephenson  Stevenson  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators

Thatcher  Urquhart

***

On motion of Senator Valentine, S.R. 1, SENATE RESOLUTION ON GOVERNMENT SUBSIDIES OF HOTELS, was read the second time and circled.

***

On motion of Senator Adams, S.B. 80, REMOVAL FROM DATABASE RESTRICTING FIREARM PURCHASE, was read the second time and circled.

***

1st Sub. S.B. 191, ADMINISTRATIVE LAW JUDGE AMENDMENTS, was read the second time. Senator Harper explained the bill. The bill passed second reading on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  Okerlund
Osmond  Reid  Robles  Shiozawa
Stephenson  Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Vickers  Weiler
Niederhauser

***

On motion of Senator Adams, the circle was removed from 1st Sub. S.B. 182, STORAGE UNIT AMENDMENTS, and it was before the Senate.
On motion of Senator Adams, the following substitute bill replaced the original bill:

**2nd Sub. S.B. 182 Storage Unit Amendments (S. Adams)**

Senator Adams explained the bill. Senators Urquhart and Mayne commented. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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<th>Hillyard</th>
<th>Urquhart</th>
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On motion of Senator Thatcher, the circle was removed from **S.B. 80, REMOVAL FROM DATABASE RESTRICTING FIREARM PURCHASE**, and it was before the Senate.

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

**1st Sub. S.B. 80 Removal From Database Restricting Firearm Purchase (D. Thatcher)**

Senator Thatcher proposed a verbal amendment as follows:

1. Page 2, Line 44:
   After “licensed” delete “psychologist”
2. Page 2, Line 45:
   Before “psychiatrist” delete “or”

Senator Thatcher’s motion to amend passed on a voice vote. Senator Thatcher explained the bill. Senator Mayne commented. The bill passed second reading on the following roll call:
Yeas, 26; Nays, 2; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams Bramble Christensen Davis
Harper Henderson Hillyard Hinkins
Jenkins Knudson Madsen Mayne
Okerlund Osmond Reid Robles
Shiozawa Stephenson Stevenson Thatcher
Urquhart Valentine Van Tassell Vickers
Weiler Niederhauser

Voting in the negative were: Senators
Dabakis Dayton

Absent or not voting was: Senator
Jones

***

On motion of Senator Okerlund, S.B. 216, WATER POLLUTION TASK FORCE, was read the second time and circled.

***

S.C.R. 10, CONCURRENT RESOLUTION REGARDING MONTICELLO MILL TAILINGS SITE, 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 or not voting, 2.

Voting in the affirmative were: Senators
Bramble Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

Absent or not voting were: Senators
Adams Stevenson

***

S.J.R. 13, JOINT RESOLUTION URGING GOVERNOR AND UTAH’S CONGRESSIONAL DELEGATION TO SECURE UTAH STATE LAND, was
read the second time. Senator Osmond explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 2; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators
Bramble Christensen Davis Dayton
Harper Henderson Hillyard Hinkins
Jenkins Jones Knudson Madsen
Mayne Okerlund Osmond Reid
Shiozawa Stephenson Thatcher Urquhart
Valentine Van Tassell Vickers Weiler
Niederhauser

**Voting in the negative were:** Senators
Dabakis Robles

**Absent or not voting were:** Senators
Adams Stevenson

***

On motion of Senator Okerlund, **S.B. 84**, SALES AND USE TAX EXEMPTION FOR SHORT-TERM LODGING CONSUMABLES, was read the second time and circled.

***

**S.B. 226**, SALES AND USE TAX AMENDMENTS, was read the second time.

Senator Harper proposed the following amendment:

1. Page 15, Lines 450 through 460
   Senate Committee Amendments
   2–26–2013:

   450  (d) Š → (i) ← Š “Online advertising” Š → [includes:] means advertising that is
   450a anonymous and passive in nature.
   450b (ii) “Online advertising” includes:
   451  (ii) (A) an → ( → ) email communication( → → )
   {advertising → Š} generated as a result of
Day 36 Tuesday, March 5, 2013

451a generic algorithmic functions \( \hat{\text{S}} \rightarrow \) that are anonymous and passive in nature \( \hat{\text{S}} \rightarrow \) if the email communication does not target a specific person \( \hat{\text{S}} \rightarrow \).

452 \( \hat{\text{S}} \rightarrow \) (B) \( \hat{\text{S}} \rightarrow \) an advertisement tied to an Internet search engine;

453 \( \hat{\text{S}} \rightarrow \) (C) \( \hat{\text{S}} \rightarrow \) a banner advertisement;

454 \( \hat{\text{S}} \rightarrow \) (D) \( \hat{\text{S}} \rightarrow \) a click-through advertisement;

455 \( \hat{\text{S}} \rightarrow \) (E) \( \hat{\text{S}} \rightarrow \) a cost-per-action advertisement;

456 \( \hat{\text{S}} \rightarrow \) (F) \( \hat{\text{S}} \rightarrow \) a link to a seller’s website; or

457 \( \hat{\text{S}} \rightarrow \) (G) \( \hat{\text{S}} \rightarrow \) an online advertising service similar to Subsections (1)(d) \( \hat{\text{S}} \rightarrow \) [○○].

458a (ii)(A) \( \hat{\text{S}} \rightarrow \) through \( \hat{\text{S}} \rightarrow \) (F) \( \hat{\text{S}} \rightarrow \) as the commission may define by rule made in accordance with Title 63G, Chapter 3, Utah.

460 Administrative Rulemaking Act.

Senator Harper’s motion to amend passed on a voice vote. Senator Harper explained the bill. Senators Robles, Urquhart, Weiler, and Stephenson commented. Senator Valentine declared a conflict of interest. The bill passed second reading on the following roll call:

**Yeas, 18; Nays, 10; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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<td>Vickers</td>
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**Voting in the negative were:** Senators

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**Absent or not voting was:** Senator Bramble
On motion of Senator Adams, the circle was removed from S.B. 84, SALES AND USE TAX EXEMPTION FOR SHORT-TERM LODGING CONSUMABLES, and it was before the Senate. Senator Adams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 5;Absent or not voting, 2.**

**Voting in the affirmative were:** Senators  
Adams Christensen Davis Harper  
Henderson Hinkins Jenkins Jones  
Madsen Mayne Osmond Reid  
Shiozawa Stephenson Stevenson Thatcher  
Urquhart Valentine Van Tassell Vickers  
Weiler Niederhauser

**Voting in the negative were:** Senators  
Dabakis Hillyard Knudson Okerlund  
Robles

**Absent or not voting were:** Senators  
Bramble Dayton

**S.B. 93, INTERLOCAL COOPERATION ACT AMENDMENTS, was read the second time.**

Senator Valentine proposed the following amendment:

1. Page 3, Lines 60 through 62:

   60 (6) (a) A taxed project entity is not  
   61 (i) a participating local entity as defined in Section 63A−3−401;  
   or  
   62 (ii) subject to the provisions of Title 63G, Chapter 6a, Utah Procurement Code.

2. Page 3, Lines 64 through 69:

   64 Section 63G−6a−104.  
   65 (7) (a) A taxed project entity’s governing body is not a governing board as defined in
66 Section 51–2a–102. A taxed project entity is not a participating local entity as defined in Section 63A–3–401.

(b) For each fiscal year of a taxed project entity, the taxed project entity shall provide:

(i) the taxed project entity’s financial statements for and as of the end of the fiscal year and the prior fiscal year, including the taxed project entity’s balance sheet as of the end of the fiscal year and the prior fiscal year; and the related statements of revenues and expenses and of cash flows for the fiscal year; and

(ii) the accompanying auditor’s report and management’s discussion and analysis with respect to the taxed project entity’s financial statements for and as of the end of the fiscal year.

(c) The taxed project entity shall provide the information described in Subsections (7)(b)(i) and (b)(ii):

(i) in a manner described in Subsection 63A–3–405(3); and

(ii) within a reasonable time after the taxed project entity’s independent auditor delivers to the taxed project entity’s governing body the auditor’s report with respect to the financial statements for and as of the end of the fiscal year.

(d) Notwithstanding Subsections (7)(b) and (c) or a taxed project entity’s compliance with one or more of the requirements of Title 63A, Chapter 3, Division of Finance:

(i) the taxed project entity is not subject to Title 63A, Chapter 3, Division of Finance; and

(ii) the information described in Subsection (7)(b)(i) or (ii) does not constitute public financial information as defined in Section 63A–3–401.

67 (8)(a) A taxed project entity’s governing body is not a governing board as defined in Section 51–2a–102.

(b) A taxed project entity is not subject to the provisions of Title 51, Chapter 2a.

68 Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.

Senator Valentine’s motion to amend passed on a voice vote. Senator Valentine explained the bill. The bill passed second reading on the following roll call:
Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams    Christensen    Dabakis    Davis
Harper   Henderson     Hillyard   Hinkins
Jenkins  Jones         Knudson    Madsen
Mayne    Okerlund      Reid       Shiozawa
Stephenson Stevenson  Thatcher   Urquhart
Valentine Van Tassell  Vickers    Weiler

Absent or not voting were: Senators
Bramble  Dayton        Osmond     Robles
Niederhauser

* * *

S.B. 208, SOLAR PHOTOVOLTAIC CONTRACTOR LICENSE AMENDMENTS, was read the second time. Senator Vickers explained the bill. Senator Jenkins commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 2; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams    Bramble       Christensen  Dabakis
Davis    Harper        Henderson   Hillyard
Hinkins  Jones        Knudson     Madsen
Okerlund Reid         Shiozawa    Stephenson
Stevenson Thatcher    Urquhart   Valentine
Van Tassell Vickers   Weiler

Voting in the negative were: Senators
Jenkins  Mayne

Absent or not voting were: Senators
Dayton  Osmond       Robles     Niederhauser

* * *

On motion of Senator Urquhart, 1st Sub. S.B. 219, DISASTER RECOVERY LIENS, was read the second time and circled.

* * *

S.B. 225, IMMIGRATION TRIGGER DATES, was read the second time. Senator Bramble explained the bill.
Senator Madsen proposed the following amendment:

1. Page 2, Lines 33 through 36:

33 (3) The department shall implement the program the [sooner] later of:

34 (a) 120 days after the day on which the governor finds that the state has the one or

35 more federal waivers, exemptions, or authorizations needed to implement the program; or

36 (b) { July 1, [2013] 2015 } 120 days after the day on which the United States Citizenship and Immigration Services certifies that all persons attempting to legally enter this country on May 14, 2013, under federal law have been processed.

2. Page 2, Lines 45 through 47:

45 (b) The governor shall:

46 (i) begin implementation of the program by no [later than July 1, [2013] 2015 ] sooner than the day on which the United States Citizenship and Immigration Services certifies that all persons attempting to legally enter this country on May 14, 2013, under federal law have been processed; and

47 (ii) end operation of the program { on June 30, [2018] 2020 } five years after the day on which the program begins.

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

**Yeas, 22; Nays, 1; Absent or not voting, 6.**

**Voting in the affirmative were:** Senators

Adams Bramble Christensen Dabakis
Davis Henderson Hillyard Jenkins
Jones Knudson Mayne Okerlund
Reid Shiozawa Stephenson Stevenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler

**Voting in the negative was:** Senator

Hinkins
Absent or not voting were: Senators
Dayton Harper Madsen Osmond
Robles Niederhauser

INTRODUCTION OF BILLS

S.B. 286, Employee Lunch Break Amendments (L. Robles), was read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Okerlund, and at 7:30 p.m., the Senate adjourned until 9:30 a.m., Wednesday, March 6, 2013.
THIRTY-SEVENTH DAY
MORNING SESSION
March 6, 2013

The Senate was called to order at 9:40 a.m., with President Wayne Niederhauser presiding.

Prayer – Reverend Brian Diggs, Director of UMCOR, Worldwide Relief
Pledge of Allegiance – Senator Curtis Bramble
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

STANDING COMMITTEE REPORTS

Mr. President:

The Economic Development and Workforce Services Committee reports a favorable recommendation on 1st Sub. S.B. 177, HIGHWAY DESIGNATION AMENDMENTS, by Senator S. Reid; and

The Economic Development and Workforce Services Committee reports a favorable recommendation on S.B. 267, NEW CONVENTION HOTEL DEVELOPMENT INCENTIVE ACT, by Senator J. S. Adams, with the following amendments:

1. Page 5, Lines 140 through 143:

140 { (a) includes at least 850 guest rooms; – }
141 { (b) } (a) includes at least 85 square feet of convention and meeting space per guest room;
142 and
143 { (c) } (b) is located within 1,000 feet of a convention center that contains at least 500,000

Aaron Osmond, Chair

Mr. President:

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on 1st Sub. H.B. 131, CONSTITUTIONAL AND FEDERALISM DEFENSE ACT, by Representative K. Ivory; and
The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 256**, REAUTHORIZATION OF ADMINISTRATIVE RULES, by Representative C. Oda; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 280**, COUNTY GOVERNMENT REFORM, by Representative M. Brown; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 352**, COUNTY GOVERNMENT AMENDMENTS, by Representative D. Brown; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.J.R. 9**, JOINT RESOLUTION RECOMMENDING A NAME FOR NEW FEDERAL COURTHOUSE, by Representative Johnny Anderson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 265**, REFERENDUM AMENDMENTS, by Senator J. Valentine; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 278**, CAPITAL IMPROVEMENT AMENDMENTS, by Senator W. Harper; and

Margaret Dayton, Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President: March 5, 2013

The Economic Development and Workforce Services Committee reports a favorable recommendation on **1st Sub. H.B. 336**, AMENDMENTS TO ECONOMIC DEVELOPMENT, by Representative R. Wilcox, and recommends it be considered read for the second time and placed on the Consent Calendar.

Aaron Osmond, Chair

Mr. President: March 5, 2013

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **2nd Sub. H.B. 111**, EMINENT DOMAIN
AMENDMENTS, by Representative L. Perry, and recommends it be considered read for the second time and placed on the Consent Calendar.

Margaret Dayton, Chair

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

CONSENT CALENDAR

H.B. 119, FIRE PREVENTION AMENDMENTS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Bramble Christensen Dabakis Davis
Dayton Henderson Hinkins Jenkins
Jones Knudson Madsen Mayne
Okerlund Osmond Reid Robles
Shiozawa Stephenson Thatcher Urquhart
Valentine Van Tassell Vickers Weiler
Niederhauser

Absent or not voting were: Senators
Adams Harper Hillyard Stevenson

H.B. 119 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Okerlund, S.B. 198, UTAH UNITRUST ACT, was read the third time and circled.

***

S.B. 233, REQUEST FOR EMERGENCY MEDICAL ASSISTANCE AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Bramble Christensen Dabakis Davis
Dayton Henderson Hinkins Jenkins

Day 37726

SENATE JOURNAL

Jones       Knudson       Madsen       Mayne
Okerlund    Osmond        Reid         Robles
Shiozawa    Stephenson    Thatcher     Urquhart
Valentine   Van Tassell   Vickers      Weiler
Niederhauser

Absent or not voting were: Senators
Adams       Harper        Hillyard    Stevenson

S.B. 233 was transmitted to the House for consideration.

* * *

S.B. 234, FIRE CODE AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Senators
Bramble       Christensen   Dabakis     Davis
dayton       Henderson      Jenkins     Jones
Knudson       Mayne         Okerlund    Osmond
Reid          Robles        Shiozawa    Stephenson
Thatcher      Urquhart      Valentine   Van Tassell
Vickers       Niederhauser

Absent or not voting were: Senators
Adams       Harper        Hillyard    Hinkins
Madsen       Stevenson     Weiler

S.B. 234 was transmitted to the House for consideration.

* * *

1st Sub. S.C.R. 11, CONCURRENT RESOLUTION ON RADON GAS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Senators
Bramble       Christensen   Dabakis     Davis
dayton       Henderson      Jenkins     Jones
Knudson       Madsen        Mayne       Okerlund
Absent or not voting were: Senators
Adams Harper Hillyard Hinkins
Stevenson Thatcher Weiler

1st Sub. S.C.R. 11 was transmitted to the House for consideration.

***

On motion of Senator Christensen, H.B. 233, FUNERAL SERVICES LICENSING ACT AMENDMENTS, was read the third time and circled.

***

H.B. 244, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Bramble Christensen Dabakis Davis
Dayton Harper Henderson Hinkins
Jenkins Jones Knudson Madsen
Mayne Okerlund Osmond Reid
Robles Shiozawa Stephenson Thatcher
Urquhart Valentine Van Tassell Weiler
Niederhauser

Absent or not voting were: Senators
Adams Hillyard Stevenson Vickers

H.B. 244 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

1st Sub. S.B. 213, EMPLOYER ASSOCIATION HEALTH PLAN AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:
Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

| Christensen | Hillyard | Stevenson |

1st Sub. S.B. 213 was transmitted to the House for consideration.

THIRD READING CALENDAR

1st Sub. S.B. 194, PHARMACY PRACTICE ACT AMENDMENTS, was read the third time, explained by Senator Vickers, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

| Hillyard | Stevenson |

1st Sub. S.B. 194 was transmitted to the House for consideration.

* * *

S.B. 206, OFFICE OF MEDICAID INSPECTOR GENERAL AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:
Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams              Bramble              Christensen           Dabakis
Davis              Dayton               Harper                Henderson
Hinkins            Jenkins              Jones                Knudson
Madsen            Mayne                Okerlund              Osmond
Reid               Robles               Shiozawa              Stephenson
Thatcher           Urquhart             Valentine             Van Tassell
Vickers            Weiler               Niederhauser

Absent or not voting were: Senators
Hillyard           Stevenson

S.B. 206 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 214, CONTINUING EDUCATION FOR PRESCRIPTION DRUGS, was read the third time, explained by Senator Jones, and passed on the following roll call:

Yeas, 26; Nays, 1; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams              Bramble              Christensen           Dabakis
Davis              Dayton               Harper                Henderson
Jenkins            Jones                Knudson              Madsen
Mayne             Okerlund              Osmond               Reid
Robles           Shiozawa              Stephenson           Thatcher
Urquhart         Valentine             Van Tassell           Vickers
Weiler            Niederhauser

Voting in the negative was: Senator
Henderson

Absent or not voting were: Senators
Hillyard           Stevenson

1st Sub. S.B. 214 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 203, PRESCRIPTION LABEL INFORMATION AND EDUCATION AMENDMENTS, was read the third time, explained by Senator Jones, and passed on the following roll call:
Yeas, 27; Nays, 0; Absent or not voting, 2.

**Voting in the affirmative were:** Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

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

1st Sub. S.B. 203 was transmitted to the House for consideration.

* * *

On motion of Senator Okerlund, 2nd Sub. S.B. 200, LOCAL AND SPECIAL SERVICE DISTRICTS AMENDMENTS, was read the third time and circled.

* * *

S.J.R. 15, JOINT RESOLUTION REGARDING THE IMPACT OF ADULT IMAGES ON CHILDREN’S DEVELOPMENT, was read the third time and explained by Senator Weiler. Senator Christensen commented and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

**Voting in the affirmative were:** Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

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

S.J.R. 15 was transmitted to the House for consideration.
S.B. 186, INSURANCE TRANSACTIONS AMENDMENTS, was read the third time, explained by Senator Robles, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

Bramble    Christensen    Dabakis    Davis
Dayton     Harper         Henderson    Hinkins
Jenkins    Jones          Knudson     Madsen
Mayne      Okerlund      Reid         Robles
Shiozawa   Stephenson    Thatcher     Urquhart
Valentine  Van Tassell    Vickers     Weiler
Niederhauser

**Absent or not voting were:** Senators

Adams    Hillyard     Osmond      Stevenson

S.B. 186 was transmitted to the House for consideration.

* * *

S.B. 207, REPEAL OF HEALTH AND HUMAN SERVICES REPORTS AND EXPIRED OR DISCONTINUED PROGRAMS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Senators

Bramble    Christensen    Davis    Dayton
Harper     Henderson     Hinkins     Jenkins
Jones      Knudson      Madsen     Mayne
Okerlund   Osmond       Reid      Shiozawa
Stephenson Thatcher    Valentine  Van Tassell
Vickers    Weiler      Niederhauser

**Absent or not voting were:** Senators

Adams    Dabakis    Hillyard    Robles
Stevenson    Urquhart

S.B. 207 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 83, LIMITATIONS ON OUTSIDE EMPLOYMENT BY GOVERNMENT EMPLOYEE, was read the third time, explained by Senator Weiler, and passed on the following roll call:
Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Bramble    Christensen    Davis    Dayton
Harper      Henderson     Hinkins    Jenkins
Jones       Knudson       Madsen    Mayne
Okerlund    Osmond        Reid      Robles
Shiozawa    Stephenson    Thatcher  Valentine
Van Tassell Vickers      Weiler    Niederhauser

Absent or not voting were: Senators
Adams      Dabakis     Hillyard   Stevenson
Urquhart

1st Sub. S.B. 83 was transmitted to the House for consideration.

* * *

S.B. 221, ASSESSMENT AREA ACT AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Bramble    Christensen    Dabakis    Davis
Dayton     Harper         Henderson  Hinkins
Jenkins    Jones          Knudson    Madsen
Mayne      Okerlund       Osmond     Reid
Robles     Shiozawa       Stephenson Thatcher
Valentine  Van Tassell    Vickers    Weiler
Niederhauser

Absent or not voting were: Senators
Adams      Hillyard     Stevenson   Urquhart

S.B. 221 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 191, ADMINISTRATIVE LAW JUDGE AMENDMENTS, was read the third time and explained by Senator Harper.

Senator Harper proposed the following amendment: #2
1. Page 3, Lines 74 through 75a
Senate Committee Amendments
2–26–2013:

74 (3) An administrative law judge who tampers with or destroys (–) (–) (Tampering with or destroying –)

74a evidence submitted to the administrative

75 law judge is guilty of a class B misdemeanor (–) (–) (–) (–) (–) (–) (–) (–) subject to the provisions of Section 76–8–510.5. This

75a section does not apply to documents

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

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Adams | Jones |

1st Sub. S.B. 191 was transmitted to the House for consideration.

* * *

On motion of Senator Valentine, the Senate voted to lift S.B. 283, AVAILABILITY OF PUBLIC INFORMATION AMENDMENTS, from the Government Operation and Political Subdivisions Committee and reassign it to the Revenue and Taxation Committee.

* * *

On motion of Senator Okerlund, 2nd Sub. S.B. 182, STORAGE UNIT AMENDMENTS, was read the third time and circled.
1st Sub. S.B. 80, REMOVAL FROM DATABASE RESTRICTING FIREARM PURCHASE, was read the third time, explained by Senator Thatcher, and passed on the following roll call:

**Yeas, 23; Nays, 3; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators
Bramble          Christensen     Davis          Henderson  
Hillyard         Hinkins          Jenkins        Knudson     
Mayne            Okerlund         Osmond         Reid        
Robles           Shiozawa         Stephenson     Stevenson   
Thatcher          Urquhart        Valentine      Van Tassell  
Vickers           Weiler          Niederhauser  

**Voting in the negative were:** Senators
Dabakis           Dayton          Harper         

**Absent or not voting were:** Senators
Adams             Jones            Madsen         

1st Sub. S.B. 80 was transmitted to the House for consideration.

* * *

S.C.R. 10, CONCURRENT RESOLUTION REGARDING MONTICELLO MILL TAILINGS SITE, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators
Christensen       Dabakis         Davis          Dayton     
Harper            Henderson       Hillyard       Hinkins     
Jenkins           Knudson         Mayne          Okerlund    
Osmond            Reid            Robles         Shiozawa    
Stevenson         Thatcher        Urquhart      Valentine   
Van Tassell       Vickers         Weiler         Niederhauser

**Absent or not voting were:** Senators
Adams             Bramble         Jones          Madsen     
Stephenson
S.C.R. 10 was transmitted to the House for consideration.

* * *

S.J.R. 13, JOINT RESOLUTION URGING GOVERNOR AND UTAH’S CONGRESSIONAL DELEGATION TO SECURE UTAH STATE LAND, was read the third time, explained by Senator Osmond, and passed on the following roll call:

**Yeas, 24; Nays, 2; Absent or not voting, 3.**  

**Voting in the affirmative were:** Senators  
Adams  Bramble  Christensen  Davis  
Dayton  Harper  Henderson  Hinkins  
Jenkins  Knudson  Mayne  Okerlund  
Osmond  Reid  Shiozawa  Stephenson  
Stevenson  Thatcher  Urquhart  Valentine  
Van Tassell  Vickers  Weiler  Niederhauser

**Voting in the negative were:** Senators  
Dabakis  Robles

**Absent or not voting were:** Senators  
Hillyard  Jones  Madsen

S.J.R. 13 was transmitted to the House for consideration.

* * *

S.B. 226, SALES AND USE TAX AMENDMENTS, was read the third time and explained by Senator Harper. Senators Urquhart, Weiler, Bramble, Vickers, Stephenson, and Hinkins commented. Senators Vickers and Stephenson declared conflicts of interest. The bill passed on the following roll call:

**Yeas, 15; Nays, 12; Absent or not voting, 2.**  

**Voting in the affirmative were:** Senators  
Adams  Bramble  Davis  Harper  
Henderson  Hinkins  Jenkins  Jones  
Okerlund  Osmond  Shiozawa  Thatcher  
Van Tassell  Vickers  Niederhauser

**Voting in the negative were:** Senators  
Christensen  Dabakis  Dayton  Knudson  
Mayne  Reid  Robles  Stephenson  
Stevenson  Urquhart  Valentine  Weiler
Absent or not voting were: Senators
Hillyard  Madsen

S.B. 226 was transmitted to the House for consideration.

* * *

S.B. 84, SALES AND USE TAX EXEMPTION FOR SHORT-TERM LODGING CONSUMABLES, was read the third time and explained by Senator Adams. Senator Dabakis commented and the bill passed on the following roll call:

Yea, 19; Nays, 7; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams  Bramble  Dayton  Harper
Henderson  Hinkins  Jenkins  Knudson
Osmond  Reid  Shiozawa  Stephenson
Stevenson  Urquhart  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

Voting in the negative were: Senators
Christensen  Dabakis  Davis  Jones
Mayne  Okerlund  Robles

Absent or not voting were: Senators
Hillyard  Madsen  Thatcher

S.B. 84 was transmitted to the House for consideration.

* * *

S.B. 93, INTERLOCAL COOPERATION ACT AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yea, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hinkins  Jenkins  Jones  Knudson
Mayne  Okerlund  Osmond  Reid
Robles  Shiozawa  Stephenson  Stevenson
Urquhart  Valentine  Van Tassell  Vickers
Weiler  Niederhauser
Absent or not voting were: Senators
Hillyard Madsen Thatcher

S.B. 93 was transmitted to the House for consideration.

***

S.B. 208, SOLAR PHOTOVOLTAIC CONTRACTOR LICENSE AMENDMENTS, was read the third time, explained by Senator Vickers, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hinkins Jenkins Jones Knudson
Mayne Okerlund Osmond Reid
Robles Shiozawa Stephenson Stevenson
Thatcher Urquhart Van Tassell Vickers
Weiler Niederhauser

Absent or not voting were: Senators
Hillyard Madsen Valentine

S.B. 208 was transmitted to the House for consideration.

***

S.B. 225, IMMIGRATION TRIGGER DATES, was read the third time and explained by Senator Bramble. Senators Stephenson and Robles commented and the bill passed on the following roll call:

Yeas, 22; Nays, 3; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Henderson Jenkins Jones
Knudson Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Stevenson Thatcher Urquhart Van Tassell
Weiler Niederhauser

Voting in the negative were: Senators
Dayton Harper Hinkins
Absent or not voting were: Senators
Hillyard Madsen Valentine Vickers

S.B. 225 was transmitted to the House for consideration.

* * *

On motion of Senator Stephenson, the Senate voted to lift H.B. 49, VOTED AND BOARD LEVY PROGRAMS AMENDMENTS, from the Third Reading Table for the purpose of substitution.

H.B. 49, VOTED AND BOARD LEVY PROGRAMS AMENDMENTS, was before the Senate.

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

1st Sub. H.B. 49 Voted and Board Levy Programs Amendments
(Rep. S. Handy)

On motion of Senator Stephenson, the bill was placed on the Third Reading Table.

* * *

On motion of Senator Stevenson, the circle was removed from S.B. 73, OUTDOOR RECREATION OFFICE ACT, and it was before the Senate. Senator Stevenson explained the bill. The bill passed on the following roll call:

Yeas, 23; Nays, 1; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Davis
Harper Henderson Hinkins Jenkins
Jones Knudson Mayne Okerlund
Osmond Reid Robles Shiozawa
Stephenson Stevenson Thatcher Urquhart
Van Tassell Weiler Niederhauser

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators
Bramble Hillyard Madsen Valentine
Vickers
S.B. 73 was transmitted to the House for consideration.

***

On motion of Senator Stevenson, the circle was removed from 2nd Sub. S.B. 200, LOCAL AND SPECIAL SERVICE DISTRICTS AMENDMENTS, and it was before the Senate.

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

3rd Sub. S.B. 200 Local and Special Service Districts Amendments
(J. Stevenson)

Senator Stevenson explained the bill. Senator Dayton commented. The bill passed on the following roll call:

Yeas, 25; Nays, 0;Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Davis
Dayton Harper Henderson Hinkins
Jenkins Jones Knudson Mayne
Okerlund Osmond Reid Robles
Shiozawa Stephenson Stevenson Thatcher
Urquhart Van Tassell Vickers Weiler
Niederhauser

Absent or not voting were: Senators
Bramble Hillyard Madsen Valentine

3rd Sub. S.B. 200 was transmitted to the House for consideration.

***

On motion of Senator Adams, the circle was removed from S.B. 103, CARSON SMITH SCHOLARSHIP AMENDMENTS, and it was before the Senate. Senator Adams explained the bill. The bill passed on the following roll call:

Yeas, 23; Nays, 4; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams Dabakis Dayton Harper
Henderson Hillyard Jenkins Jones
Voting in the negative were: Senators
Christensen    Davis    Hinkins    Shiozawa

Absent or not voting were: Senators
Bramble    Valentine

S.B. 103 was transmitted to the House for consideration.

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: March 5, 2013


1. Page 19, Line 577 through Page 20, Line 587:

577  (1)  (a)  A person may not bring or maintain an action in any court of this state for the
578 recovery of a commission {−−} , {−−} {−−} fee, or {−−} compensation for any act done or service rendered
579 [which] {−−that−−} if the act or service is prohibited under this chapter [to other than principal brokers, unless the person
580 was licensed as a principal broker at the time of the doing of the act or rendering the service.] {−−}
581 except, if the cause of action accrues on or after May 11, 2010 and the person bringing the
582 action is−−] {−−}

(b) Except as provided in Subsection (1)(a), a person may bring or maintain an action in any court of this state for the recovery of a
583 {−(a)−} (i) a principal broker;
(b) (ii) an individual that was licensed as a principal broker at the time the act or service that is the subject of the lawsuit was performed; or (c) (iii) an entity that, under the records of the Division of Real Estate, is affiliated with a principal broker.


On motion of Senator Adams, the Senate voted to adopt the Joint Conference Committee report. The bill passed on the following roll call vote:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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

**2nd Sub. H.B. 290** was returned to the House for further consideration.

**CONSENT CALENDAR**

On motion of Senator Hillyard, the circle was removed from **S.B. 198, UTAH UNITRUST ACT**, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Bramble         Hinkins         Osmond         Thatcher
Vickers

S.B. 198 was transmitted to the House for consideration.

* * *

On motion of Senator Stevenson, the circle was removed from H.B. 233, FUNERAL SERVICES LICENSING ACT AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams         Christensen         Dabakis         Davis
Dayton        Harper              Henderson        Hillyard
Jenkins       Jones               Knudson          Madsen
Mayne         Okerlund           Reid             Robles
Shiozawa      Stephenson         Stevenson        Urquhart
Valentine     Van Tassell        Weiler           Niederhauser

Absent or not voting were: Senators
Bramble       Hinkins           Osmond          Thatcher
Vickers

H.B. 233 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 6, 2013

The House passed H.J.R. 13, JOINT RESOLUTION HONORING AMBASSADOR JOHN PRICE, by Representative B. Wilson, 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 Valentine, the Senate voted to lift H.J.R. 13 from the Rules committee and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Stevenson, under suspension of the rules, H.J.R. 13, JOINT RESOLUTION HONORING AMBASSADOR JOHN PRICE, was considered read the second and third times and passed on the following roll call:
Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Bramble Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Reid
Shiozawa Stephenson Stevenson Thatcher
Valentine Van Tassell Vickers Weiler
Niederhauser

Absent or not voting were: Senators
Adams Osmond Robles Urquhart

H.J.R. 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 Okerlund, and at 11:50 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Niederhauser presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 6, 2013

The House passed, S.B. 61, HUNTING PERMIT AMENDMENTS, by Senator A. Christensen, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, S.B. 97, PROPELLING A BODILY SUBSTANCE 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. 98, PROPELLING A BODILY SUBSTANCE 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. 113, LONG-TERM DISABILITY COVERAGE AMENDMENTS, by Senator T. Weiler, which has been signed by the Speaker, and it is transmitted for the signature of the President; and
The House passed, **S.B. 156**, JAIL RELEASE 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. 164**, PAROLE VIOLATOR CENTERS ALLOCATIONS, 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. 168**, CERTIFIED PUBLIC ACCOUNTANT LICENSING 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. 170**, IDENTITY FRAUD 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. 173**, RESIDENTIAL CONSTRUCTION CONTRACT 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. 178**, DEPARTMENT OF TRANSPORTATION REVISIONS, 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 6, 2013

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 100**, INTERNET PRIVACY AMENDMENTS, by Representative S. Barlow, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communication filed. The bill was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

***

Mr. President: March 6, 2013

The House passed, as substituted, **2nd Sub. H.B. 115**, TOWING AMENDMENTS, by Representative K. Stratton, and it is transmitted for consideration; and
The House passed **H.B. 345**, EXPANDING ACCESS FOR SIXTH GRADERS TO SECONDARY EDUCATION, by Representative D. Brown, and it is transmitted for consideration; and

The House passed **H.B. 355**, UNCLAIMED PROPERTY AMENDMENTS, by Representative D. Lifferth, and it is transmitted for consideration; and

The House passed **H.B. 379**, RENTAL COMPANY REGISTRATION AMENDMENTS, by Representative D. McCay, 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 6, 2013

The House substituted and passed, **1st Sub. S.B. 23**, LIEUTENANT GOVERNOR CANDIDATE AMENDMENTS, by Senator P. Knudson, and it is transmitted for further consideration; and

The House substituted and passed, **2nd Sub. S.B. 44**, CONSTRUCTION TRADES LICENSING REVISIONS, by Senator K. Mayne, et al, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 50**, DEPARTMENT OF TRANSPORTATION LIABILITY AMENDMENTS, by Senator L. Hillyard, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President: March 6, 2013

The House has rejected **S.B. 39**, PARENTAL RESPONSIBILITY FOR SEX EDUCATION TRAINING, by Senator S. Reid, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

The bill was filed.
RULES COMMITTEE REPORTS

To the Members of the Senate: March 6, 2011

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

**Economic Development and Workforce Services Committee**
- **H.B. 324** Passing on the Right Amendments (Rep. L. Christensen) (Sen. T. Weiler)

**Government Operations and Political Subdivisions Committee**
- **S.B. 286** Employee Lunch Break Amendments (Sen. L. Robles)
- **H.B. 384** Property Disposition Amendments (Rep. B. Dee) (Sen. C. Bramble)
- **1st Sub. H.C.R. 5** Concurrent Resolution on Regional Correctional Facilities and County Jail Contracting (Rep. M. Noel) (Sen. S. Jenkins)

**Natural Resources, Agriculture and Environment Committee**
- **1st Sub. H.B. 342** Wild Turkey Management (Rep. R. Menlove) (Sen. S. Jenkins)

**Revenue and Taxation Committee**
- **S.B. 285** Involuntary Civil Commitment Information Amendments (Sen. D. Thatcher)
- **H.B. 360** Water and Irrigation Revisions (Rep. R. Wilcox) (Sen. A. Christensen)
- **H.B. 377** Transportation Funding Modifications (Rep. B. Dee) (Sen. J. S. Adams)
STANDING COMMITTEE REPORTS

Mr. President:

March 6, 2013

The Business and Labor Committee recommends S.B. 90, CONDOMINIUM AND COMMUNITY ASSOCIATION AMENDMENTS, by Senator J. S. Adams, be replaced and favorably recommends 1st Sub. S.B. 90, CONDOMINIUM AND COMMUNITY ASSOCIATION AMENDMENTS; and

The Business and Labor Committee reports a favorable recommendation on S.B. 261, AMENDMENTS RELATED TO ALCOHOLIC BEVERAGE CONTROL, by Senator J. Valentine, with the following amendments:

1. Page 38, Lines 1165 through 1167:

1165  (11) (a) The commission shall impose, at a minimum, the following penalties for a violation related to service of an alcoholic product to a minor:

1166  (i) for a first violation: (A) a mandatory minimum fine of $2,500;

1167  and (B) mandatory training under Chapter 5, Part 4, Alcohol Training and Education Act, of anyone who is required to be trained under Chapter 5, Part 4, but who has completed the training more than 11 months before the day on which the fine described in Subsection (11)(a)(i)(A) is imposed;

2. Page 25, Lines 762 through 763:

762  (b) on or before May 4, 2008, the premises was licensed and had a variance from the requirements of Subsection (2)(b);}

3. Page 38, Lines 1165 through 1166:

1165  (11) (a) The commission shall impose, at a minimum, the following penalties for a
violation related to service of an alcoholic product to a minor that occurs during an operation under Title 77, Chapter 39, Sale of Tobacco or Alcohol to Under Age Persons, or similar operation by a peace officer, as defined by Title 53, Chapter 13, Peace Officer Classifications:

4. Page 38, Lines 1168 through 1169:

(ii) for a second violation that occurs within three years of the day on which the penalty is imposed for the first violation:

5. Page 39, Lines 1179 through 1181:

(12) (a) For a violation of Section 32B–1–407 or admitting a minor to a place where an alcoholic product is sold or consumed, but where under this title a minor is not permitted, that occurs during an operation under Title 77, Chapter 39, Sale of Tobacco or Alcohol to Under Age Persons, or similar operation by a peace officer, as defined by Title 53, Chapter 13, Peace Officer Classifications, the commission shall impose, at a minimum, a suspension of five days or a fine of $1,000.

6. Page 40, Lines 1233 through 1234:

(2) Notwithstanding Subsection (1), the commission may issue more than one type of retail license for the same building if:

7. Page 41, Line 1244:

(B) an on-premise banquet catering license.

8. Page 48, Lines 1475 through 1476:

(d) The commission may not issue a single full-service restaurant license to a full-service restaurant that would have licensed premises in more than one building unless there is continuity in the premises between the multiple buildings after considering one or more of the following:

(i) whether a patron would go through an unlicensed area to move from
one part of the licensed premises to a different part of the licensed premises;
(ii) whether the buildings share common food preparation facilities;
(iii) whether there is a common entrance to the licensed premises with multiple buildings; and
(iv) any other factor the commission considers relevant.

9. Page 50, Line 1539 through Page 51, Line 1548:

1539 (10) A patron may consume an alcoholic product only:

1540 (a) while seated

1541 (A) the patron’s table;

1542 (B) a counter; or

1543 (C) a seating grandfathered bar structure; and

1544 (b) where food is served.

1545 A patron may not be served or consume an alcoholic product anywhere on the licensed premises other than at a location described in Subsection (10)(a) regardless of its proximity to a location described in Subsection (10)(a).

10. Page 53, Lines 1638 through 1639:

1638 (d) The commission may not issue a single limited-service restaurant license to a limited-service restaurant that would have licensed premises in more than one building unless there is continuity in the premises between the multiple buildings after considering one or more of the following:

1639 (i) whether a patron would go through an unlicensed area to move from one part of the licensed premises to a different part of the licensed premises;
(ii) whether the buildings share common food preparation facilities;
(iii) whether there is a common entrance to the licensed premises with multiple buildings; and
(iv) any other factor the commission considers relevant.
11. Page 56, Lines 1703 through 1711:

1703  (10)  (a)  A patron may consume an alcoholic product only:
1704  (i)  while seated at:
1705  (A)  the patron’s table;
1706  (B)  a counter; or
1707  (C)  a seating grandfathered bar structure; and
1708  (b)  where food is served.
1709  (b)  A patron may not be served or consume an alcoholic product anywhere on the licensed premises other than at a location described in Subsection (10)(a) regardless of its proximity to a location described in Subsection (10)(a).}

12. Page 58, Lines 1787 through 1789:

1787  (c)  Except as provided in Subsections (3)(a) and (b), the commission may not issue a single beer–only restaurant license to a beer–only restaurant that would have licensed premises in more than one building unless there is continuity in the premises between the multiple buildings after considering one or more of the following:
1788  (i)  whether a patron would go through an unlicensed area to move from one part of the licensed premises to a different part of the licensed premises;
1789  (ii)  whether the buildings share common food preparation facilities;
1790  (iii)  whether there is a common entrance to the licensed premises with multiple buildings; and
1791  (iv)  any other factor the commission considers relevant.

13. Page 60, Lines 1845 through 1853:

1845  (10)  (a)  A patron may consume a beer only:
1846  (i)  while seated at:
1847  (A)  the patron’s table;
(ii) a grandfathered bar structure; or

(iii) a counter; and

(b) where food is served.

(ii) A patron may not be served or consume an alcoholic product anywhere on the licensed premises other than at a location described in Subsection (10)(a) regardless of its proximity to a location described in Subsection (10)(a).

14. Page 64, Lines 1951 through 1954:

(7) (a) An alcoholic product may only be consumed at a table or counter.

A patron may not consume an alcoholic product anywhere on the sublicensed premises other than at a location described in this Subsection (7)(a) regardless of its proximity to a location described in this Subsection (7)(a).

15. Page 47, Lines 1434 through 1448:

32B−5−31I. Private events at retail licensee premises.

(1) Subject to Sections 32B−5−309 and 32B−6−505, a retail licensee may temporarily rent or otherwise temporarily lease its premises to a person after the hours the retail licensee may sell, offer for sale, or furnish an alcoholic product if:

(a) the person who temporarily rents or leases the licensed premises obtains an event permit under Chapter 9, Event Permit Act, for the time period that the retail licensee rents or otherwise leases its licensed premises;

(b) the event for which the licensed premises are leased is not open to the public;
the person to whom the retail licensee rents or leases the premises agrees in writing to comply with this title as if the person is the retail licensee, except for:

(a) a requirement related to making or maintaining a record; and

(b) the hours during which an alcoholic product may be sold, offered for sale, or furnished; and

d) the retail licensee takes reasonable steps to ensure that the person complies with this section.

(2) Subject to Sections 32B–5–309 and 32–6–505, a retail licensee may temporarily rent or otherwise temporarily lease its premises for a private event during the hours the retail licensee may sell, offer for sale, or furnish an alcoholic product if:

(a) the person to whom the retail licensee rents or leases the premises agrees in writing to comply with this title as if the person is the retail licensee, except for a requirement related to making or maintaining a record; and

(b) the retail licensee takes reasonable steps to ensure that the person complies with this section as provided in Subsection (2)(a).

The Business and Labor Committee recommends S.B. 272, PUBLIC SCHOOL FUNDING AMENDMENTS, by Senator C. Bramble, be replaced and favorably recommends 1st Sub. S.B. 272, PUBLIC SCHOOL FUNDING AMENDMENTS; and

The Business and Labor Committee reports a favorable recommendation on S.B. 274, CONDOMINIUM FORECLOSURE AMENDMENTS, by Senator S. Urquhart; and
The Business and Labor Committee reports a favorable recommendation on **S.B. 281, DEBT COLLECTION INFORMATION AMENDMENTS**, by Senator C. Bramble.

Curtis S. Bramble, Chair

Mr. President: March 6, 2013

The Education Committee reports a favorable recommendation on **H.B. 173, NECESSARILY EXISTENT SMALL SCHOOLS FUNDING AMENDMENTS**, by Representative K. Powell; and

The Education Committee reports a favorable recommendation on **H.B. 306, SCHOOL LAND TRUST PROGRAM AMENDMENTS**, by Representative L. Perry, with the following amendments:

1. Page 5, Line 134:
   
   \[
   134 \text{ (iv) [An]} \quad \text{(A) Subject to \{-Subsection\} Subsections} \\
   (5)(b)(iv)(B) \quad \text{and (5)(b)(iv)(C)}, \text{a timeline for the election [for the]} \\
   \text{of} \\
   \]

2. Page 5, Line 138:
   
   \[
   138 \quad \text{shall be held near the beginning of the school year and completed} \quad \text{or held in the spring and completed before the last} \\
   \text{week of school.} \\
   \text{(C) Each school shall establish a time period for the election of} \\
   \text{parent or guardian members of a school community council under} \\
   \text{Subsection (5)(b)(iv)(B) that is consistent for at least a four–year period,} \\
   \text{and} \\
   \]

The Education Committee reports a favorable recommendation on **S.B. 209, GRANTS FOR PERSONAL MOBILE LEARNING DEVICES**, by Senator A. Osmond, with the following amendments:

1. Page 3, Lines 81 through 82:
   
   \[
   81 \text{ device; \{-and–\}} \\
   82 \text{(g) relating to the ownership of a personal mobile learning device \{-–\}; and} \\
   \text{(h) requiring an applicant for grant money to submit the following} \\
   \text{with the grant application:} \\
   \text{(i) a comprehensive instructional plan that articulates how} \\
   \text{technology purchased with the grant money will be used in the classroom} \\
   \]

to teach the core curriculum; and
(ii) evidence of successfully using technology for instruction on the core curriculum; and

The Education Committee reports a favorable recommendation on **S.B. 271**, SCHOOL GRADING AMENDMENTS, by Senator J. S. Adams, with the following amendments:

1. Page 2, Lines 55 through 56:

55 (4) “Sufficient growth” means growth greater than or equal to growth at the 60th percentile in the 2011–12 school year; and

The Education Committee reports a favorable recommendation on **S.J.R. 5**, JOINT RESOLUTION ON STATE SUPERINTENDENT OF PUBLIC INSTRUCTION, by Senator S. Reid.

Stuart C. Reid, Chair

Mr. President:

The Health and Human Services Committee reports a favorable recommendation on **H.B. 147**, UTAH MARRIAGE COMMISSION, by Representative L. Christensen; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 154**, SUICIDE PREVENTION PROGRAMS, by Representative S. Eliason; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 329**, MEDICAID VISION AMENDMENTS, by Representative R. Menlove, with the following amendments:

1. Page 1, Lines 25 through 27:

25 The department may select one or more contractors in accordance with Title 63G, Chapter 6, Utah

26 Procurement Code, to provide vision services to all Medicaid populations without restricting provider participation, and within existing
27 appropriations from the Legislature.

Evan J. Vickers, Chair

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

STANDING COMMITTEE REPORTS

Mr. President: March 6, 2013

The Health and Human Services Committee deleted S.B. 227, PATIENT INFORMATION PROTECTION AMENDMENTS, by Senator S. Urquhart, and replaced it with 1st Sub. S.B. 227, PATIENT INFORMATION PROTECTION AMENDMENTS, and has returned it to the Rules Committee with a recommendation that it be placed on interim study; and

The Health and Human Services Committee has returned S.B. 280, DISPENSING MEDICAL PRACTITIONER AMENDMENTS, by Senator E. Vickers, to the Rules Committee with a recommendation that it be place on interim study.

Evan J. Vickers, Chair

On motion of Senator Valentine, the committee reports were adopted. The bills were returned to the Rules Committee.

INTRODUCTION OF BILLS

S.B. 287, Elementary Education Coteaching (J. Valentine), was read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Vickers, the Senate voted to recall S.B. 231, POLITICAL ACTION COMMITTEE AMENDMENTS, from the House for the purpose of striking the enacting clause.

***

On motion of Senator Jenkins, the circle was removed from 1st Sub. H.B. 278, PUBLIC SCHOOL SEISMIC STUDIES, and it was before the Senate. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:
Yeas, 22; Nays, 1; Absent or not voting, 6.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Harper Henderson Hillyard Hinkins
Jenkins Jones Knudson Mayne
Okerlund Osmond Reid Robles
Shiozawa Stevenson Thatcher Valentine
Van Tassell Weiler

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators
Davis Madsen Stephenson Urquhart
Vickers Niederhauser

* * *

On motion of Senator Stevenson, the circle was removed from H.B. 72, SAFE DRINKING WATER DISCLOSURE ACT, and it was before the Senate. Senator Stevenson explained the bill. Senators Jenkins and Knudson commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 2; Absent or not voting, 6.

Voting in the affirmative were: Senators
Adams Bramble Christensen Davis
Harper Henderson Hinkins Jenkins
Jones Mayne Okerlund Reid
Robles Shiozawa Stevenson Thatcher
Urquhart Valentine Van Tassell Vickers
Weiler

Voting in the negative were: Senators
Dabakis Knudson

Absent or not voting were: Senators
Dayton Hillyard Madsen Osmond
Stephenson Niederhauser

* * *

1st Sub. H.B. 230, EMERGENCY VEHICLE OPERATORS TRAINING REQUIREMENTS, was read the second time.
Senator Thatcher proposed the following amendment:

1. Page 2, Lines 41 through 42:
   
   (b) permit ambulances and emergency medical response vehicles, including approving an emergency vehicle operator’s course in accordance with Section 26–8a–304;

2. Page 2, Line 53:
   
   [(b)] (ii) emergency medical response vehicle.

3. Page 2, Line 54 through Page 3, Line 58:
   
   (b) The permit requirements under this Subsection (1) shall include a requirement that beginning on or after January 31, 2014, every operator of an ambulance or emergency medical response vehicle annually provide proof of the successful completion of an emergency vehicle operator’s course approved by the department for all ambulances and emergency medical response vehicle operators.

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

**Yeas, 19; Nays, 2; Absent or not voting, 8.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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H.B. 212, DISEASE TESTING FOR PUBLIC SAFETY OFFICERS AMENDMENTS, was read the second time. Senator Stevenson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 2; Absent or not voting, 8.**

**Voting in the affirmative were:** Senators
- Bramble
- Christensen
- Dabakis
- Davis
- Harper
- Henderson
- Hillyard
- Jones
- Knudson
- Madsen
- Mayne
- Osmond
- Reid
- Shiozawa
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Vickers

**Voting in the negative were:** Senators
- Jenkins
- Van Tassell

**Absent or not voting were:** Senators
- Adams
- Dayton
- Hinkins
- Okerlund
- Robles
- Stephenson
- Weiler
- Niederhauser

* * *

H.B. 50, DATING VIOLENCE PROTECTION ACT, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 1; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators
- Bramble
- Christensen
- Dabakis
- Davis
- Harper
- Henderson
- Hillyard
- Hinkins
- Jones
- Knudson
- Mayne
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler

**Voting in the negative was:** Senator
- Dayton

**Absent or not voting were:** Senators
- Adams
- Jenkins
- Madsen
- Okerlund
- Niederhauser
On motion of Senator Bramble, **H.B. 50** was placed on Third Reading Table due to fiscal impact.

* * *

**H.B. 241**, **UNDERGROUND PETROLEUM STORAGE TANK FINANCIAL VIABILITY STUDY**, 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 or not voting, 4.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**H.B. 224**, **IMPACT FEE 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 or not voting, 8.**

**Voting in the affirmative were:** Senators

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2nd Sub. H.B. 99, SUBMITTING GOVERNMENTAL REPORTS, was read the second time. Senator Weiler explained the bill. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 0; Absent or not voting, 10.

Voting in the affirmative were: Senators
Bramble Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Mayne Shiozawa Stephenson Stevenson
Van Tassell Vickers Weiler

Absent or not voting were: Senators
Adams Madsen Okerlund Osmond
Reid Robles Thatcher Urquhart
Valentine Niederhauser

* * *

H.B. 246, EXPANDED USES OF SCHOOL DISTRICT PROPERTY TAX REVENUE, was read the second time. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 6; Absent or not voting, 6.

Voting in the affirmative were: Senators
Bramble Christensen Dabakis Davis
Harper Hillyard Hinkins Jones
Knudson Mayne Okerlund Osmond
Shiozawa Stevenson Thatcher Van Tassell
Vickers

Voting in the negative were: Senators
Dayton Henderson Jenkins Madsen
Stephenson Weiler

Absent or not voting were: Senators
Adams Reid Robles Urquhart
Valentine Niederhauser
2nd Sub. H.B. 217, STATE FIRE CODE ACT 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 or not voting, 7.**

**Voting in the affirmative were:** Senators

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H.B. 116, SUDDEN CARDIAC ARREST SURVIVAL ACT AMENDMENTS, was read the second time. Senator Bramble explained the bill. Senator Stevenson commented. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Senators

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H.B. 117, REGULATION ON TATTOO INDUSTRY, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:
Yeas, 22; Nays, 0; Absent or not voting, 7.

**Voting in the affirmative were:** Senators

Adams  Bramble  Christensen  Dabakis  
Dayton  Harper  Henderson  Jenkins  
Jones  Knudson  Mayne  Osmond  
Reid  Shiozawa  Stephenson  Stevenson  
Thatcher  Urquhart  Valentine  Van Tassell  
Vickers  Weiler  

**Absent or not voting were:** Senators

Davis  Hillyard  Hinkins  Madsen  
Okerlund  Robles  Niederhauser  

* * *

2nd Sub. H.B. 118, AUTOMATIC EXTERNAL DEFIBRILLATOR RESTRICTED ACCOUNT, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent or not voting, 6.

**Voting in the affirmative were:** Senators

Bramble  Christensen  Dabakis  Dayton  
Harper  Henderson  Hillyard  Hinkins  
Jenkins  Jones  Knudson  Mayne  
Osmond  Reid  Robles  Shiozawa  
Stevenson  Thatcher  Urquhart  Valentine  
Van Tassell  Vickers  Weiler  

**Absent or not voting were:** Senators

Adams  Davis  Madsen  Okerlund  
Stephenson  Niederhauser  

On motion of Senator Stevenson, 2nd Sub. H.B. 118 was placed on Third Reading Table due to fiscal impact.

* * *

1st Sub. H.B. 135, MEDICAL MALPRACTICE AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 0; Absent or not voting, 9.
Voting in the affirmative were: Senators
Christensen  Dabakis  Dayton  Harper
Henderson  Hillyard  Hinkins  Jenkins
Jones  Knudson  Mayne  Osmond
Reid  Robles  Shiozawa  Stevenson
Urquhart  Valentine  Van Tassell  Vickers

Absent or not voting were: Senators
Adams  Bramble  Davis  Madsen
Okerlund  Stephenson  Thatcher  Weiler
Niederhauser

* * *

1st Sub. H.B. 292, PREMIUM ASSISTANCE UNDER MEDICAID AND CHIP, was read the second time. Senator Vickers explained the bill. The bill passed second reading on the following roll call:

Y eas, 21; Nays, 1; Absent or not voting, 7.

Voting in the affirmative were: Senators
Adams  Christensen  Dabakis  Harper
Henderson  Hillyard  Hinkins  Jenkins
Jones  Knudson  Mayne  Osmond
Reid  Robles  Shiozawa  Stephenson
Stevenson  Thatcher  Valentine  Van Tassell
Vickers

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators
Bramble  Davis  Madsen  Okerlund
Urquhart  Weiler  Niederhauser

* * *

H.B. 108, METAL THEFT AMENDMENTS, was read the second time. Senator Stevenson explained the bill. The bill passed second reading on the following roll call:

Y eas, 23; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Dayton  Harper  Henderson  Hillyard
Hinkins  Jenkins  Jones  Knudson
Mayne  Osmond  Reid  Robles
Shiozawa  Stephenson  Stevenson  Thatcher
Valentine  Van Tassell  Vickers

Absent or not voting were: Senators
Davis  Madsen  Okerlund  Urquhart
Weiler  Niederhauser

***

On motion of Senator Stevenson, 2nd Sub. H.B. 209, PUBLIC ASSISTANCE RESTRICTIONS, was read the second time and circled.

***

H.B. 129, AMENDMENTS TO POWERS, FUNCTIONS, AND DUTIES OF OFFICE OF LEGISLATIVE FISCAL ANALYST, was read the second time. Senator Stevenson explained the bill. Senator Dayton commented. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 0; Absent or not voting, 10.

Voting in the affirmative were: Senators
Christensen  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Mayne  Osmond  Reid
Shiozawa  Stephenson  Stevenson  Thatcher
Valentine  Van Tassell  Vickers

Absent or not voting were: Senators
Adams  Bramble  Dabakis  Davis
Madsen  Okerlund  Robles  Urquhart
Weiler  Niederhauser

***

On motion of Senator Harper, H.B. 194, STATE EMPLOYEE BENEFIT AMENDMENTS, was read the second time and circled.

***

4th Sub. H.B. 204, ELECTION AMENDMENTS, was read the second time.
On motion of Senator Osmond, the following substitute bill replaced the original bill:

**5th Sub. H.B. 204 Election Amendments** (Rep. S. Eliason)

On motion of Senator Osmond, the bill was circled.

* * *

**H.B. 205, CONTINGENCY PLANS FOR POLITICAL SUBDIVISIONS,** was read the second time. Senator Henderson explained the bill. The bill passed second reading on the following roll call:

**Yea, 21; Nays, 0; Absent or not voting, 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 Knudson, **5th Sub. H.B. 66, POLITICAL SUBDIVISION AMENDMENTS,** was read the second time and circled.

* * *

**H.B. 300, RETENTION OF SALES AND USE TAX COLLECTIONS BY CERTAIN REMOTE SELLERS,** was read the second time. Senator Harper explained the bill. The bill passed second reading on the following roll call:

**Yea, 19; Nays, 0; Absent or not voting, 10.**

**Voting in the affirmative were:** Senators

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</table>
Absent or not voting were: Senators
Adams       Bramble       Dabakis       Dayton
Hillyard    Madsen        Urquhart      Vickers
Weiler      Niederhauser

***

On motion of Senator Okerlund, H.B. 310, CONSTRUCTION CODE AMENDMENTS, was read the second time and circled.

***

H.B. 142, PUBLIC LANDS POLICY COORDINATING OFFICE AMENDMENTS, 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 or not voting, 11.

Voting in the affirmative were: Senators
Christensen  Dabakis       Davis         Harper
Hinkins      Jenkins       Knudson       Mayne
Okerlund     Osmond        Reid          Shiozawa
Stephenson   Stevenson     Thatcher      Valentine
Van Tassell  Weiler

Absent or not voting were: Senators
Adams       Bramble       Dayton        Henderson
Hillyard    Jones         Madsen        Robles
Urquhart    Vickers       Niederhauser

***

On motion of Senator Osmond, H.B. 31, ENTICING A MINOR AMENDMENTS, was read the second time and circled.

***

On motion of Senator Osmond, the circle was removed from 5th Sub. H.B. 204, ELECTION AMENDMENTS, and it was before the Senate. Senator Osmond explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 0; Absent or not voting, 9.
Voting in the affirmative were: Senators
Christensen  Dabakis  Harper  Jenkins
Jones       Knudson  Mayne  Okerlund
Osmond      Reid     Robles Shiozawa
Stephenson  Stevenson Thatcher Urquhart
Valentine   Van Tassell Vickers Weiler

Absent or not voting were: Senators
Adams       Bramble  Davis  Dayton
Henderson   Hillyard Hinkins Madsen
Niederhauser

* * *

H.B. 92, FACTUAL INNOCENCE ASSISTANCE AMENDMENTS, was read the second time. Senator Weiler explained the bill. Senator Stephenson commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Senators
Christensen  Dabakis  Davis  Harper
Henderson   Hinkins  Jenkins Jones
Knudson     Mayne    Okerlund Osmond
Reid        Shiozawa Stephenson Stevenson
Thatcher    Urquhart Valentine Van Tassell
Vickers     Weiler

Absent or not voting were: Senators
Adams       Bramble  Dayton  Hillyard
Madsen      Robles  Niederhauser

* * *

On motion of Senator Weiler, the circle was removed from 2nd Sub. H.B. 209, PUBLIC ASSISTANCE RESTRICTIONS, and it was before the Senate. Senator Weiler explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 0; Absent or not voting, 9.

Voting in the affirmative were: Senators
Christensen  Dabakis  Davis  Dayton
Harper       Henderson Hinkins Jenkins
Jones Mayne Okerlund Reid  
Shiozawa Stephenson Stevenson Thatcher  
Valentine Van Tassell Vickers Weiler

**Absent or not voting were:** Senators

Adams Bramble Hillyard Knudson  
Madsen Osmond Robles Urquhart  
Niederhauser

***

On motion of Senator Weiler, the circle was removed from **H.B. 194, STATE EMPLOYEE BENEFITS AMENDMENTS**, and it was before the Senate. Senator Weiler explained the bill. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 1; Absent or not voting, 9.**

**Voting in the affirmative were:** Senators

Christensen Dayton Harper Henderson  
Hinkins Jones Knudson Mayne  
Okerlund Reid Shiozawa Stephenson  
Stevenson Thatcher Urquhart Valentine  
Van Tassell Vickers Weiler

**Voting in the negative was:** Senator  
Dabakis

**Absent or not voting were:** Senators

Adams Bramble Davis Hillyard  
Jenkins Madsen Osmond Robles  
Niederhauser

**INTRODUCTION OF BILLS**

**S.B. 288, Uniform Agriculture Cooperative Association Act Amendments** (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

***

On motion of Senator Okerlund, and at 4:00 p.m., the Senate adjourned until 8:00 a.m., Thursday, March 7, 2013.
THIRTY-EIGHTH DAY

MORNING SESSION

March 7, 2013

The Senate was called to order at 8:10 a.m., with President Pro Tem Ralph Okerlund presiding.

Prayer – Senator Curtis Bramble
Pledge of Allegiance – Senator Scott Jenkins
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 6, 2013

The House passed, 1st Sub. S.B. 17, ACCOUNT FOR PEOPLE WITH DISABILITIES 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, 2nd Sub. S.B. 58, AMENDMENTS TO SALES AND USE TAX, by Senator W. Harper, 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. 104, VULNERABLE USERS OF HIGHWAYS AMENDMENTS, by Senator T. Weiler, 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. 132, UTAH MEDICAL EDUCATION COUNCIL AMENDMENTS, by Senator W. Harper, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, S.B. 160, PATRONIZING A PROSTITUTE 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. 180, PUBLIC UTILITIES 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.C.R. 7**, CONCURRENT RESOLUTION TO REDUCE UTAH’S DEPENDENCE ON FEDERAL FUNDS, by Senator A. Osmond, 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**, CONCURRENT RESOLUTION DESIGNATING A WEEK TO RECOGNIZE WORKPLACE SAFETY, 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 6, 2013

The House adopted the Joint Conference Committee Report dated March 6, 2013, and passed **2nd Sub. H.B. 290**, DIVISION OF REAL ESTATE AMENDMENTS, by Representative G. Froerer, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communication filed. The bill was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

***

**Mr. President:** March 6, 2013

The House substituted and passed, **2nd Sub. S.B. 24**, ABSENTEE BALLOT AMENDMENTS, by Senator P. Knudson, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 120**, TARGET SHOOTING AND WILDFIRE REGULATIONS, by Senator M. Dayton, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 145**, COUNTY ATTORNEY CHAPTER RECODIFICATION, by Senator T. Weiler, and it is transmitted for further consideration; and
The House substituted, amended, and passed, 1st Sub. S.J.R. 11, JOINT RESOLUTION ON ENVIRONMENTAL AND DEVELOPMENTAL POLICIES, by Senator T. Weiler, 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 5, 2013

The Revenue and Taxation Committee reports a favorable recommendation on 1st Sub. H.B. 96, CLEANER BURNING FUELS TAX CREDITS AMENDMENTS, by Representative J. Draxler; and

The Revenue and Taxation Committee recommends S.B. 269, PROPERTY TAX REVISIONS, by Senator J. Valentine, be replaced and favorably recommends 1st Sub. S.B. 269, PROPERTY TAX REVISIONS; and

The Revenue and Taxation Committee recommends S.B. 250, SALES AND USE TAX EXEMPTION FOR SALES OF A FUEL CELL, by Senator R. Okerlund, be replaced and favorably recommends 1st Sub. S.B. 250, SALES AND USE TAX EXEMPTION FOR SALES OF A FUEL CELL.

Deidre Henderson, Chair

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

***

On motion of Senator Valentine, the Senate voted to lift S.B. 288, UNIFORM AGRICULTURE COOPERATIVE ASSOCIATION ACT AMENDMENTS, from Rules and assign it to the Economic Development and Workforce Services.

CONCURRENCE CALENDAR

On motion of Senator Knudson, the Senate voted to concur in the House amendments to 1st Sub. S.B. 23, LIEUTENANT GOVERNOR CANDIDATE AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 23; Nays, 0; Absent or not voting, 6.
Voting in the affirmative were: Senators

Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Mayne Okerlund Osmond
Reid Shiozawa Stephenson Stevenson
Van Tassell Vickers Weiler

Absent or not voting were: Senators

Madsen Robles Thatcher Urquhart
Valentine Niederhauser

1st Sub. S.B. 23 was returned to the House for the signature of the Speaker.

* * *

2nd Sub. S.B. 44, CONSTRUCTION TRADES LICENSING REVISIONS, was before the Senate.

On motion of Senator Mayne, the Senate refused to concur in the House amendments. 2nd Sub. S.B. 44 was returned to the House.

* * *

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to S.B. 50, DEPARTMENT OF TRANSPORTATION LIABILITY AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 22; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Senators

Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jones Knudson
Mayne Okerlund Osmond Reid
Shiozawa Stephenson Stevenson Van Tassell
Vickers Weiler

Absent or not voting were: Senators

Jenkins Madsen Robles Thatcher
Urquhart Valentine Niederhauser

S.B. 50 was returned to the House for the signature of the Speaker.
CONSEN'T CALENDAR

1st Sub. H.B. 39, CANDIDATE AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams   Bramble   Christensen   Dabakis
Davis   Dayton    Harper       Henderson
Hillyard Hinkins    Jenkins     Jones
Knudson Mayne      Okerlund    Osmond
Reid     Shiozawa  Stephenson  Stevenson
Valentine Van Tassell Vickers    Weiler

Absent or not voting were: Senators
Madsen   Robles    Thatcher    Urquhart
Niederhauser

1st Sub. H.B. 39 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 334, SPECIAL SERVICE DISTRICT REORGANIZATION, was read the third time, explained by Senator Stevenson, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams   Bramble   Christensen   Dabakis
Davis   Dayton    Harper       Henderson
Hillyard Hinkins    Jenkins     Jones
Knudson Mayne      Okerlund    Osmond
Reid     Shiozawa  Stephenson  Stevenson
Valentine Van Tassell Vickers    Weiler

Absent or not voting were: Senators
Madsen   Robles    Thatcher    Urquhart
Niederhauser

H.B. 334 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
* * *

**H.B. 348**, LOCAL DISTRICT AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators  
Adams Bramble Christensen Davis  
Dayton Harper Henderson Hillyard  
Hinkins Jenkins Jones Knudson  
Mayne Okerlund Osmond Reid  
Shiozawa Stephenson Stevenson Thatcher  
Valentine Van Tassell Vickers Weiler  

**Absent or not voting were:** Senators  
Dabakis Madsen Robles Urquhart  
Niederhauser  

H.B. 348 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. 211**, CONCEALED WEAPON PERMIT FOR SERVICE MEMBERS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators  
Adams Bramble Christensen Davis  
Dayton Harper Henderson Hillyard  
Hinkins Jenkins Jones Knudson  
Mayne Okerlund Osmond Reid  
Shiozawa Stephenson Stevenson Thatcher  
Urquhart Valentine Van Tassell Vickers  
Weiler  

**Absent or not voting were:** Senators  
Dabakis Madsen Robles Urquhart  
Niederhauser  

2nd Sub. H.B. 211 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
H.B. 226, BENEFITS WHILE A PRISONER, was read the third time, explained by Senator Weiler, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams Bramble Christensen Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Shiozawa Stephenson Stevenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler

Absent or not voting were: Senators
Dabakis Robles Niederhauser

H.B. 226 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

H.B. 229, CRIMINAL IDENTIFY FRAUD AMENDMENTS, was read the third time, explained by Senator Henderson, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams Bramble Christensen Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Shiozawa Stephenson Stevenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler

Absent or not voting were: Senators
Dabakis Robles Niederhauser

H.B. 229 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
S.B. 218, RECEIVING CENTERS FUNDING AMENDMENTS, was read the third time, explained by Senator Thatcher, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 218 was transmitted to the House for consideration.

H.B. 86, PROPERTY TAX RATE CERTIFICATION DATE, was read the third time, explained by Senator Knudson, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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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.
THIRD READING CALENDAR

1st Sub. H.B. 278, PUBLIC SCHOOL SEISMIC STUDIES, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 25; Nays, 1; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Shiozawa Stephenson Stevenson
Thatcher Urquhart Valentine Vickers
Weiler

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators
Robles Van Tassell Niederhauser

1st Sub. H.B. 278 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 72, SAFE DRINKING WATER DISCLOSURE ACT, was read the third time, explained by Senator Stevenson, and passed on the following roll call:

Yeas, 23; Nays, 2; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dayton
Harper Henderson Hillyard Jenkins
Jones Knudson Madsen Mayne
Okerlund Osmond Reid Shiozawa
Stephenson Stevenson Thatcher Urquhart
Valentine Vickers Weiler

Voting in the negative were: Senators
Davis Hinkins

Absent or not voting were: Senators
Dabakis Robles Van Tassell Niederhauser
H.B. 72 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

1st Sub. H.B. 230, EMERGENCY VEHICLE OPERATORS TRAINING REQUIREMENTS, was read the third time, explained by Senator Thatcher, and passed on the following roll call:

**Yeas, 22; Nays, 5; Absent or not voting, 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. H.B. 230, as amended, was returned to the House for further consideration.

***

H.B. 212, DISEASE TESTING FOR PUBLIC SAFETY OFFICERS AMENDMENTS, was read the third time, explained by Senator Stevenson, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Dabakis  Robles  Niederhauser

H.B. 212 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, UNDERGROUND PETROLEUM STORAGE TANK FINANCIAL VIABILITY STUDY, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams  Christensen  Davis  Dayton
Harper  Henderson  Hillyard  Hinkins
Jenkins  Jones  Knudson  Madsen
Mayne  Okerlund  Osmond  Reid
Shiozawa  Stephenson  Stevenson  Thatcher
Urquhart  Valentine  Van Tassell  Vickers
Weiler  Niederhauser

Absent or not voting were: Senators
Bramble  Dabakis  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.

***

H.B. 224, IMPACT FEE AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams  Christensen  Dabakis  Davis
Dayton  Harper  Henderson  Hinkins
Jenkins  Jones  Madsen  Mayne
Okerlund  Osmond  Reid  Shiozawa
Stephenson  Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Vickers  Weiler
Absent or not voting were: Senators
Bramble           Hillyard           Knudson           Robles
Niederhauser

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.

* * *

2nd Sub. H.B. 99, SUBMITTING GOVERNMENTAL REPORTS, was read the third time, explained by Senator Weiler, and passed on the following roll call:

Yeas, 19; Nays, 0; Absent or not voting, 10.

Voting in the affirmative were: Senators
Bramble           Davis           Dayton           Harper
Henderson         Hinkins         Jenkins          Jones
Madsen            Mayne           Osmond           Reid
Shiozawa          Stephenson      Thatcher         Urquhart
Van Tassell       Vickers         Weiler

Absent or not voting were: Senators
Adams            Christensen    Dabakis          Hillyard
Knudson          Okerlund       Robles           Stevenson
Valentine         Niederhauser

2nd Sub. H.B. 99 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 246, EXPANDED USES OF SCHOOL DISTRICT PROPERTY TAX REVENUE, was read the third time and explained by Senator Hinkins.

Senator Bramble proposed a verbal amendment as follows:

1. Page 2, Line 57:

   Senator Bramble’s motion to amend passed on a voice vote. Senators Jenkins, Stephenson, and Bramble commented and the bill passed on the following roll call:
Yeas, 16; Nays, 5; Absent or not voting, 8.

**Voting in the affirmative were:** Senators
Bramble Christensen Dabakis Davis
Harper Henderson Hinkins Jones
Mayne Osmond Reid Shiozawa
Thatcher Urquhart Van Tassell Vickers

**Voting in the negative were:** Senators
Dayton Jenkins Madsen Stephenson Weiler

**Absent or not voting were:** Senators
Adams Hillyard Knudson Okerlund Robles Stevenson Valentine Niederhauser

H.B. 246, as amended, was returned to the House for further consideration.

***

2nd Sub. H.B. 217, STATE FIRE CODE ACT AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 19; Nays, 0; Absent or not voting, 10.

**Voting in the affirmative were:** Senators
Bramble Christensen Dabakis Davis
Dayton Harper Henderson Jenkins Jones Madsen Mayne Osmond Robles Shiozawa Stephenson Vickers Weiler

**Absent or not voting were:** Senators
Adams Hillyard Knudson Okerlund Robles Stevenson Valentine Niederhauser

2nd Sub. H.B. 217, as amended, was returned to the House for further consideration.

***

H.B. 116, SUDDEN CARDIAC ARREST SURVIVAL ACT AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:
Yeas, 20; Nays, 0; Absent or not voting, 9.

**Voting in the affirmative were:** Senators

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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.

* * *

On motion of Senator Bramble, the Senate voted to reconsider its action on **H.B. 246, EXPANDED USES OF SCHOOL DISTRICT PROPERTY TAX REVENUE**.

**H.B. 246, EXPANDED USES OF SCHOOL DISTRICT PROPERTY TAX REVENUE**, was before the Senate.

Senator Bramble proposed a verbal amendment as follows:

1. Page 1, Line 15:

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

**Yeas, 16; Nays, 4; Absent or not voting, 9.**

**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
Adams  Hillyard  Knudson  Okerlund
Stevenson  Thatcher  Urquhart  Valentine
Niederhauser

H.B. 246, as amended, was returned to the House for further consideration.

* * *

H.B. 117, REGULATION OF TATTOO INDUSTRY, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 21; Nays, 0; Absent or not voting, 8.

Voting in the affirmative were: Senators
Bramble  Christensen  Dabakis  Davis
Dayton  Harper  Henderson  Hinkins
Jenkins  Jones  Madsen  Mayne
Osmond  Reid  Robles  Shiozawa
Stephenson  Urquhart  Van Tassell  Vickers
Weiler

Absent or not voting were: Senators
Adams  Hillyard  Knudson  Okerlund
Stevenson  Thatcher  Valentine  Niederhauser

H.B. 117 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Davis, 1st Sub. H.B. 135, MEDICAL MALPRACTICE AMENDMENTS, was read the third time and circled.

* * *

1st Sub. H.B. 292, PREMIUM ASSISTANCE UNDER MEDICAID AND CHIP, was read the third time, explained by Senator Vickers, and passed on the following roll call:

Yeas, 20; Nays, 1; Absent or not voting, 8.

Voting in the affirmative were: Senators
Bramble  Christensen  Dabakis  Davis
Harper  Henderson  Hinkins  Jenkins
Voting in the negative was: Senator Dayton

Absent or not voting were: Senators
Adams  Hillyard  Knudson  Mayne
Okerlund  Stevenson  Valentine  Niederhauser

1st Sub. H.B. 292 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Bramble, H.B. 108, METAL THEFT AMENDMENTS, was read the third time and circled.

***

On motion of Senator Bramble, H.B. 129, AMENDMENTS TO POWERS, FUNCTIONS, AND DUTIES OF OFFICE OF LEGISLATIVE FISCAL ANALYST, was read the third time and circled.

***

H.B. 205, CONTINGENCY PLANS FOR POLITICAL SUBDIVISIONS, was read the third time, explained by Senator Henderson, and passed on the following roll call:

Yeas, 18; Nays, 0; Absent or not voting, 11.

Voting in the affirmative were: Senators
Bramble  Dabakis  Dayton  Harper
Henderson  Hinkins  Jenkins  Jones
Osmond  Reid  Robles  Shiozawa
Stephenson  Thatcher  Urquhart  Van Tassell
Vickers  Weiler

Absent or not voting were: Senators
Adams  Christensen  Davis  Hillyard
Knudson  Madsen  Mayne  Okerlund
Stevenson  Valentine  Niederhauser
H.B. 205 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 300, RETENTION OF SALES AND USE TAX COLLECTIONS BY CERTAIN REMOTE SELLERS, was read the third time and explained by Senator Harper. Senator Bramble commented and the bill passed on the following roll call:

Yeas, 19; Nays, 0; Absent or not voting, 10.

Voting in the affirmative were: Senators
Bramble  Dabakis  Davis  Dayton
Harper  Henderson  Hinkins  Jenkins
Jones  Mayne  Osmond  Reid
Shiozawa  Stephenson  Thatcher  Urquhart
Van Tassell  Vickers  Weiler

Absent or not voting were: Senators
Adams  Christensen  Hillyard  Knudson
Madsen  Okerlund  Robles  Stevenson
Valentine  Niederhauser

H.B. 300 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Vickers, H.B. 142, PUBLIC LANDS POLICY COORDINATING OFFICE AMENDMENTS, was read the third time and circled.

***

5th Sub. H.B. 204, ELECTION AMENDMENTS, was read the third time.

Senator Osmond proposed the following amendment:

1. Page 1, Lines 18 through 20:

18  Other Special Clauses:
19  This bill coordinates with H.B. 53, Election Law Amendments, by providing
20 substantive amendments.

This bill coordinates with S.B. 24, Absentee Ballot Amendments, by providing substantive amendments.

2. Page 2, Line 30:

30 Utah Code Sections Affected by Coordination Clause:

20A–3–304, as last amended by Laws of Utah 2011, Chapter 17

3. Insert the following on Page 8, immediately after Line 223:


If this H.B. 204 and S.B. 24, Absentee Ballot Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, do the following:

(1) the changes in Subsection 20A–3–304(3) in H.B. 204 do not take effect; and

(2) modify Subsection 20A–3–304(5) in S.B. 24 to read as follows: “(5) Except as provided in Subsection 20A–3–306(2)(a), a voter who wishes to vote by absentee ballot shall file the application for an absentee ballot with the lieutenant governor or appropriate election officer no later than the Thursday before election day.”.

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

**Yeas, 23; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Senators

Adams Bramble Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Mayne Osmond
Reid Robles Shiozawa Stephenson
Stevenson Thatcher Urquhart Valentine
Van Tassell Vickers Weiler

**Absent or not voting were:** Senators

Christensen Jones Knudson Madsen
Okerlund Niederhauser

5th Sub. H.B. 204, as amended, was returned to the House for further consideration.
H.B. 92, FACTUAL INNOCENCE ASSISTANCE AMENDMENTS, was read the third time, explained by Senator Weiler, and passed on the following roll call:

Yeas, 19; Nays, 0; Absent or not voting, 10.

Voting in the affirmative were: Senators
Dabakis   Dayton   Harper   Henderson
Hinkins   Jenkins  Jones   Madsen
Mayne     Osmond   Reid    Robles
Shiozawa  Stephenson  Thatcher  Urquhart
Van Tassell  Vickers   Weiler

Absent or not voting were: Senators
Adams     Bramble  Christensen  Davis
Hillyard  Knudson  Okerlund  Stevenson
Valentine  Niederhauser

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.

* * *

2nd Sub. H.B. 209, PUBLIC ASSISTANCE RESTRICTIONS, was read the third time and explained by Senator Weiler. Senator Dayton, Dabakis, Robles, and Reid commented and the bill passed on the following roll call:

Yeas, 26; Nays, 1; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams     Bramble  Christensen  Dabakis
Davis     Harper   Henderson  Hillyard
Hinkins   Jenkins  Jones   Knudson
Mayne     Okerlund  Osmond   Reid
Robles    Shiozawa  Stephenson  Stevenson
Thatcher  Valentine  Van Tassell  Vickers
Weiler    Niederhauser

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators
Madsen     Urquhart
2nd Sub. 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 Okerlund, the circle was removed from H.B. 142, PUBLIC LANDS POLICY COORDINATING OFFICE AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hillyard
- Hinkins
- Jenkins
- Knudson
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Absent or not voting were:** Senators

- Christensen
- Jones
- Madsen
- Thatcher
- Urquhart

H.B. 142 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stevenson, the circle was removed from H.B. 108, METAL THEFT AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators

- Bramble
- Christensen
- Davis
- Dayton
- Harper
- Henderson
- Hillyard
- Hinkins
- Jenkins
- Knudson
- Mayne
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Urquhart
- Thatcher
- Stevenson
- Valentine
- Vickers
- Weiler
- Niederhauser

**Absent or not voting were:** Senators

- Adams
- Dabakis
- Jones
- Madsen
- Okerlund
H.B. 108 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, the circle was removed from 1st Sub. H.B. 135, MEDICAL MALPRACTICE AMENDMENTS, and it was before the Senate. Senators Dayton, Shiozawa, and Valentine declared conflicts of interest. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators
Adams Christensen Davis Dayton
Harper Henderson Hillyard Hinkins
Jenkins Knudson Mayne Okerlund
Osmond Reid Robles Shiozawa
Stephenson Stevenson Thatcher Urquhart
Valentine Vickers Weiler Niederhauser

**Absent or not voting were:** Senators
Bramble Dabakis Jones Madsen
Van Tassell

1st Sub. H.B. 135 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, and at 10:00 a.m., the Senate sauntered.

The Senate was called to order at 11:25 a.m., with President Niederhauser presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 7, 2013

The House passed, S.B. 21, UNINCORPORATED BUSINESS ENTITIES, 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. 23, LIEUTENANT GOVERNOR CANDIDATE AMENDMENTS, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 50, DEPARTMENT OF TRANSPORTATION LIABILITY AMENDMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President; and
The House passed, **S.B. 62**, GOVERNOR’S FIRE SUPPRESSION AUTHORITY, by Senator M. Dayton, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 94**, GOVERNMENT RECORDS 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. 124**, SALES AND USE TAX EXEMPTION FOR DATABASE ACCESS, by Senator W. Harper, 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 7, 2013

The House passed, as substituted and amended, **2nd Sub. H.B. 120**, INFORMATION ON PHARMACEUTICAL PRODUCTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 318**, CLASSROOM SIZE REVISIONS, by Representative R. Edwards, and it is transmitted for consideration; and

The House passed **H.B. 366**, STATE HOUSE BOUNDARY AMENDMENTS, by Representative B. Dee, and it is transmitted for consideration; and

Leslie McLean, Secretary of the Senate, read the following statement:

“I, Leslie McLean, in the presence of the Senate, certify that I have personally verified the electronic file security code on the DVD portion of House Bill 366 matches the security code on the printed bill. The printed bill and its associated electronic content is now available on the Legislature’s web site.”

The House passed **H.B. 367**, CONGRESSIONAL BOUNDARY AMENDMENTS, by Representative B. Dee, and it is transmitted for consideration; and

Leslie McLean, Secretary of the Senate, read the following statement:
“I, Leslie McLean, in the presence of the Senate, certify that I have personally verified the electronic file security code on the DVD portion of House Bill 367 matches the security code on the printed bill. The printed bill and its associated electronic content is now available on the Legislature’s web site.”

The House passed **H.B. 369, STATE AUDITOR REVISIONS**, by Representative C. Hall, and it is transmitted for consideration; and

The House passed **H.B. 371, INTERPRETER SERVICES FOR THE HEARING IMPAIRED AMENDMENTS**, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 376, PUBLIC FUNDS AND ACCOUNTS AMENDMENTS**, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 388, GOVERNMENT COMMUNICATIONS TASK FORCE**, 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.

**STANDING COMMITTEE REPORTS**

Mr. President: March 6, 2013

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 149, AMENDMENTS TO UTAH EXEMPTIONS ACT**, by Representative E. Tanner, with the following amendments:

1. Page 2, Lines 52 through 53
   House Committee Amendments
   2–26–2013:
   
   \[
   52 \quad \text{(ii)} \quad [$20,000] \quad \overset{\text{H}}{\rightarrow} \quad \{---\} \quad \$30,000 \quad \{---\} \quad \{---\} \quad \overset{\text{H}}{\leftarrow} \quad \$40,000 \\
   \]
   in value if the property claimed is the primary
   
   52a  personal
   
   53  residence of the individual.

2. Page 3, Lines 58 through 59
   House Committee Amendments
   2–26–2013:
58 (ii) for property exempt under Subsection (2)(a)(ii), the maximum exemption may not exceed $40,000 to $60,000 per household.

3. Page 6, Lines 173 through 174
House Committee Amendments 2–26–2013:

173 (1) An individual is entitled to exemption of the following property up to an aggregate value of items in each subsection of $500 to $1,000 to $2,500:

4. Page 7, Lines 192 through 193
House Committee Amendments 2–26–2013:

192 (b) An individual is entitled to an exemption, not exceeding $2,500 in value, of one motor vehicle.

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 263, CHILD CARE COSTS AMENDMENTS, by Senator T. Weiler, with the following amendments:

1. Page 2, Lines 28 through 29:

28 (b) If income has been imputed to a custodial parent, child care costs is presumed to cover the costs of child care that would accrue if the parent was working shall be included in the computation and deducted from any income imputed to the parent.

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 282, ADOPTION NOTIFICATION REQUIREMENTS, by Senator L. Robles.

Mark B. Madsen, Chair

Mr. President: March 6, 2013

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on 1st Sub. H.B. 342, WILD TURKEY
MANAGEMENT, by Representative R. Menlove, with the following amendments:

1. Page 1, Lines 12 through 13:

12 requires the Division of Wildlife Resources to investigate and mitigate {substantial—} material damage to private property by a wild turkey;

2. Page 1, Line 16:

16 directs the Division of Wildlife Resources to establish two general season turkey

3. Page 2, Line 32

House Floor Amendments 3–5–2013:

32 (2) (a) If a turkey substantially materially damages private property, the landowner

4. Page 2, Lines 38 through 39

House Floor Amendments 3–5–2013:

38 (3) (a) Within {48—} 72 hours after receiving a request for action under Subsection (2)(a)(ii),

39 the division shall investigate the damaged property and, if it appears that {substantial—} material damage by

5. Page 3, Line 69:

69 The Wildlife Board {shall—} may establish two general season turkey hunts per year, ; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 275, ENERGY AMENDMENTS, by Senator J. S. Adams, with the following amendments:

1. Page 2, Line 52:

52 state; and

2. Page 2, Lines 54 through 55:

54 governor {and—} .
Page 3, Line 67:

67 (a) consideration of the role that public utilities gas corporations should play in the enhancement and; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 276**, WATER CONSERVANCY DISTRICT CAPITAL ASSETS, by Senator J. Valentine.

Scott K. Jenkins, Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President: March 6, 2013

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 102**, ARSON PENALTIES AMENDMENTS, by Representative L. Wiley, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

Mr. President: March 6, 2013

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 326**, DIVISION OF WATER RIGHTS AMENDMENTS, by Representative R. C. Webb, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Natural Resources, Agriculture, and Environment Committee recommends **H.B. 333**, STATE LANDS AMENDMENTS, by Representative R. Menlove, be replaced and favorably recommends **1st Sub. H.B. 333**, STATE LANDS 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 recommends **S.B. 277**, GREEN RIVER ENERGY ZONE, by Senator D. Hinkins, be replaced and favorably recommends **1st Sub. S.B. 277**, GREEN RIVER
ENERGY ZONE and that it be considered read for the second time and placed on the Consent Calendar.

Scott K. Jenkins, Chair

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

THIRD READING CALENDAR

H.B. 194, STATE EMPLOYEE BENEFITS AMENDMENTS, was read the third time, explained by Senator Weiler, and passed on the following roll call:

**Yeas, 22; Nays, 1; Absent or not voting, 6.**

**Voting in the affirmative were:** Senators
- Christensen
- Davis
- Dayton
- Henderson
- Hinkins
- Jenkins
- Jones
- Knudson
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Voting in the negative was:** Senator
- Dabakis

**Absent or not voting were:** Senators
- Adams
- Bramble
- Harper
- Hillyard
- Madsen
- Urquhart

H.B. 194 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Stevenson, the circle was removed from H.B. 129, AMENDMENTS TO POWERS, FUNCTIONS, AND DUTIES OF OFFICE OF LEGISLATIVE FISCAL ANALYST, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Henderson
- Hinkins
- Jenkins
Absent or not voting were: Senators
Adams Harper Hillyard Mayne
Urquhart

H.B. 129 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. 105, SERIOUS YOUTH OFFENDER AMENDMENTS, was read the second time and circled.

***

On motion of Senator Okerlund and at 11:45 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:45 p.m., with President Niederhauser presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 7, 2013

The House passed, as substituted, 1st Sub. H.B. 157, CHILDREN’S HEARING AID PILOT PROGRAM, by Representative R. Edwards, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 228, ALCOHOLIC BEVERAGE CONTROL ACT AMENDMENTS, by Representative R. Wilcox, and it is transmitted for consideration; and

The House passed H.B. 321, TECHNICAL AMENDMENTS—WEAPONS, by Representative K. Ivory, and it is transmitted for consideration; and

The House passed H.B. 361, DOMESTIC VIOLENCE STATISTICS REPORTING, by Representative L. Perry, and it is transmitted for consideration; and
The House passed H.C.R. 8, CONCURRENT RESOLUTION ON PARKINSON’S DISEASE, by Representative S. Barlow, 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, 2013

The House refuses to recede from its amendments to 1st Sub. S.B. 44, CONSTRUCTION TRADES LICENSING REVISIONS, by Senator K. Mayne, et al, and has appointed a Conference Committee consisting of Representatives J. Dunnigan, J. Bird, and S. Duckworth to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Mayne, the Senate voted to refuse to recede from its amendments to 1st Sub. S.B. 44. President Niederhauser appointed a conference committee consisting of Senators Mayne, Van Tassell, and Hinkins to meet with a like committee from the House.

STANDING COMMITTEE REPORTS

Mr. President: March 6, 2013

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on 1st Sub. H.B. 127, MOTOR VEHICLE EVENT DATA RECORDERS, by Representative D. Lifferth, with the following amendments:

1. Page 3, Lines 59 through 67:

59 (1) (a) “Event data” means records of one or more of the following categories of
60 information regarding a motor vehicle that are captured by an event data recorder:
61 (i) whether the vehicle’s air bag deployed;
62 (ii) vehicle speed;
63 (iii) vehicle direction;
64 (iv) vehicle location;
65 \( (\text{-} (\text{v}) \text{-}) \) \( (\text{iii}) \) vehicle steering performance;
66 \( (\text{-} (\text{vi}) \text{-}) \) \( (\text{iv}) \) vehicle brake performance or use; or
67 \( (\text{-} (\text{vii}) \text{-}) \) \( (\text{v}) \) vehicle seatbelt status or use.

2. Page 3, Lines 69 through 72:

69 (2) “Event data recorder” \( (\text{-} \text{means a device or function in a} \) \\
 vehicle’s dynamic, time−series data during the time period just \\
 prior to a crash event, including
70 vehicle speed versus time, or during a crash event, including \\
 delta−V versus time, intended for
71 retrieval after the crash event. \) has the same meaning as defined \\
in 49 C.F.R. Sec. 563.5; and

The Transportation and Public Utilities and Technology Committee reports a 
favorable recommendation on H.B. 316, TRAFFIC AMENDMENTS, by 
Representative Johnny Anderson; and

The Transportation and Public Utilities and Technology Committee reports a 
favorable recommendation on S.B. 284, EDUCATIONAL TECHNOLOGY 
AMENDMENTS, by Senator J. Stevenson.

Kevin T. Van Tassell, Chair

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

STANDING COMMITTEE REPORTS

Mr. President: March 6, 2013

The Transportation and Public Utilities and Technology Committee 
recommends H.B. 144, PUBLIC TRANSIT DISTRICT BOARD 
AMENDMENTS, by Representative M. Nelson, be replaced and favorably 
recommends 1st Sub. H.B. 144, PUBLIC TRANSIT DISTRICT BOARD 
AMENDMENTS 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 H.B. 320, TEMPORARY IDENTIFICATION
CARD, by Representative E. Hutchings, 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 Valentine, 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 7, 2013

Without committee review, the Health and Human Services Committee has returned S.B. 195, UTAH CHARITY CARE COMMISSION, by Senator J. S. Adams, to the Rules Committee; and

Without committee review, the Health and Human Services Committee has returned S.B. 264, OFFICE OF RECOVERY SERVICES PILOT PROGRAM, by Senator A. Christensen, to the Rules Committee.

Evan J. Vickers, Chair

Mr. President: March 7, 2013

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned H.B. 347, LANDOWNER LIABILITY AMENDMENTS, by Representative B. Wilson, to the Rules Committee; and

With committee review, the Natural Resources, Agriculture, and Environment Committee has returned S.B. 157, DAYLIGHT SAVING TIME AMENDMENTS, by Senator S. Urquhart, to the Rules Committee; and

With committee review, the Natural Resources, Agriculture, and Environment Committee has returned S.J.R. 10, JOINT RESOLUTION ON THE PROTECTION OF THE GREATER CANYONLANDS REGION, by Senator J. Dabakis, to the Rules Committee.

Scott K. Jenkins, Chair

On motion of Senator Valentine, the committee reports were adopted. The bills were returned to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Van Tassell, 1st Sub. H.B. 124, RADIATION CONTROL AMENDMENTS, was read the second time and circled.
H.C.R. 7, CONCURRENT RESOLUTION ON FEDERAL DESIGNATION OF CRITICAL HABITAT FOR GUNNISON SAGEGROUSE, was read the second time. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Senators
Adams  Davis  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  Osmond
Reid  Robles  Shiozawa  Stephenson
Stevenson  Thatcher  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Bramble  Christensen  Dabakis  Dayton
Okerlund  Urquhart

On motion of Senator Hillyard, the circle was removed from H.B. 31, ENTICING A MINOR AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Senators
Adams  Christensen  Dabakis  Davis
Harper  Henderson  Hillyard  Hinkins
Jenkins  Jones  Knudson  Madsen
Mayne  Osmond  Reid  Shiozawa
Stephenson  Thatcher  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Bramble  Dayton  Okerlund  Robles
Stevenson  Urquhart

On motion of Senator Hillyard, the circle was removed from H.B. 105, SERIOUS YOUTH OFFENDER 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 or not voting, 4.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Osmond Reid
Shiozawa Stephenson Stevenson Thatcher
Valentine Van Tassell Vickers Weiler
Niederhauser

Absent or not voting were: Senators
Bramble Okerlund Robles Urquhart

* * *

H.B. 104, WIRELESS CALL LOCATION INFORMATION, was read the second time. Senator Davis explained the bill. Senators Henderson, Harper, and Madsen commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 5; Absent or not voting, 7.

Voting in the affirmative were: Senators
Dabakis Davis Dayton Hillyard
Jenkins Jones Knudson Osmond
Reid Robles Shiozawa Thatcher
Urquhart Valentine Vickers Weiler
Niederhauser

Voting in the negative were: Senators
Christensen Harper Henderson Madsen
Stephenson

Absent or not voting were: Senators
Adams Bramble Hinkins Mayne
Okerlund Stevenson Van Tassell

* * *

H.B. 128, DRIVER LICENSE SUSPENSION MODIFICATIONS, was read the second time. Senator Vickers explained the bill. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 0; Absent or not voting, 10.
Voting in the affirmative were: Senators
Christensen  Dabakis  Davis  Dayton
Harper  Henderson  Jones  Knudson
Madsen  Reid  Robles  Shiozawa
Stephenson  Thatcher  Urquhart  Valentine
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Adams  Bramble  Hillyard  Hinkins
Jenkins  Mayne  Okerlund  Osmond
Stevenson  Van Tassell

***

On motion of Senator Van Tassell, H.B. 210, MOTOR VEHICLE EMISSION AMENDMENTS, was read the second time and circled.

***

On motion of Senator Madsen, 1st Sub. H.B. 131, CONSTITUTIONAL AND FEDERALISM DEFENSE ACT, was read the second time and circled.

***

H.B. 256, REAUTHORIZATION OF ADMINISTRATIVE RULES, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 0; Absent or not voting, 8.

Voting in the affirmative were: Senators
Christensen  Dabakis  Davis  Dayton
Harper  Henderson  Hinkins  Jones
Knutson  Madsen  Mayne  Reid
Robles  Shiozawa  Stephenson  Urquhart
Valentine  Van Tassell  Vickers  Weiler
Niederhauser

Absent or not voting were: Senators
Adams  Bramble  Hillyard  Jenkins
Okerlund  Osmond  Stevenson  Thatcher

***

1st Sub. H.B. 280, COUNTY GOVERNMENT REFORM, was read the second time. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:
Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Christensen    Dabakis    Davis    Dayton
Harper         Henderson  Hinkins  Jenkins
Jones          Knudson    Madsen  Mayne
Osmond         Reid       Robles  Shiozawa
Stephenson     Thatcher  Urquhart  Valentine
Van Tassell    Vickers   Weiler  Niederhauser

Absent or not voting were: Senators
Adams          Bramble   Hillyard  Okerlund
Stevenson

***

H.B. 352, COUNTY GOVERNMENT AMENDMENTS, was read the second time. Senator Shiozawa explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 1; Absent or not voting, 6.

Voting in the affirmative were: Senators
Christensen    Dabakis    Davis    Dayton
Harper         Henderson  Hinkins  Jenkins
Knudson        Madsen    Mayne   Osmond
Reid           Robles    Shiozawa  Thatcher
Urquhart       Valentine  Van Tassell  Vickers
Weiler         Niederhauser

Voting in the negative was: Senator
Stephenson

Absent or not voting were: Senators
Adams          Bramble   Hillyard  Hinkins
Okerlund       Stevenson

***

On motion of Senator Van Tassell, H.J.R. 9, JOINT RESOLUTION RECOMMENDING A NAME FOR NEW FEDERAL COURTHOUSE, was read the second time and circled.
H.B. 173, NECESSARILY EXISTENT SMALL SCHOOLS FUNDING 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 or not voting, 5.**

**Voting in the affirmative were:** Senators

| Christensen | Dabakis | Davis | Dayton |
| Harper      | Henderson | Jenkins | Jones |
| Knudson     | Madsen | Mayne | Osmond |
| Reid        | Robles | Shiozawa | Stephenson |
| Stevenson   | Thatcher | Urquhart | Valentine |
| Van Tassell | Vickers | Weiler | Niederhauser |

**Absent or not voting were:** Senators

| Adams | Bramble | Hillyard | Hinkins |
| Okerlund |

* * *

On motion of Senator Reid, H.B. 306, SCHOOL LAND TRUST PROGRAM AMENDMENTS, was read the second time and circled.

* * *

H.B. 147, UTAH MARRIAGE COMMISSION, was read the second time. Senator Valentine explained the bill. Senator Jones commented. The bill passed second reading on the following roll call:

**Yeas, 17; Nays, 7; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators

| Adams | Christensen | Dayton | Harper |
| Henderson | Jenkins | Knudson | Osmond |
| Reid | Shiozawa | Thatcher | Urquhart |
| Valentine | Van Tassell | Vickers | Weiler |
| Niederhauser |

**Voting in the negative were:** Senators

| Davis | Jones | Madsen | Mayne |
| Robles | Stephenson | Stevenson |
Absent or not voting were: Senators
Bramble  Dabakis  Hillyard  Hinkins  Okerlund

On motion of Senator Valentine, H.B. 147 was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 154, SUICIDE PREVENTION PROGRAMS, was read the second time. Senator Reid explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 2; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams  Christensen  Dabakis  Davis
Harper  Henderson  Jenkins  Jones
Knudson  Mayne  Osmond  Reid
Robles  Shiozawa  Stephenson  Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Weiler  Niederhauser

Voting in the negative were: Senators
Dayton  Vickers

Absent or not voting were: Senators
Bramble  Hillyard  Hinkins  Madsen  Okerlund

On motion of Senator Reid, H.B. 154 was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Stevenson, H.B. 105, SERIOUS YOUTH OFFENDER AMENDMENTS, was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Okerlund, and at 3:50 p.m., the Senate adjourned until 8:00 a.m., Friday, March 8, 2013.
THIRTY-NINTH DAY
MORNING SESSION
March 8, 2013

The Senate was called to order at 8:20 a.m., with President Wayne Niederhauser presiding.

Prayer – Mayor Nina Laycook, Kanab, Utah
Pledge of Allegiance – Senator Stuart Adams
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 7, 2013

The House passed, S.J.R. 2, JOINT RESOLUTION REAPPOINTING LEGISLATIVE FISCAL ANALYST, 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 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, 2013

The House passed, as amended, H.B. 156, RESTORATION OF TERMINATED PARENTAL RIGHTS, by Representative L. Christensen, and it is transmitted for consideration; and

The House passed, as amended, H.B. 331, PROPERTY DAMAGE CLAIMS, by Representative V. L. Snow, and it is transmitted for consideration; and

The House passed H.B. 375, RADIOLOGIST ASSISTANT PROVISIONS, by Representative E. Redd, and it is transmitted for consideration; and

The House passed, as amended, H.B. 393, COMPETENCY-BASED EDUCATION AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration; and
The House passed, as amended, **H.C.R. 10, CONCURRENT RESOLUTION ON THE PATIENT PROTECTION AND AFFORDABLE CARE ACT AND STATE HEALTH CARE REFORM**, by Representative K. Ivory, 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 7, 2013

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 330, FINANCIAL REPORTING AMENDMENTS**, by Representative S. Eliason; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 246, VOLUNTEER WORKERS AMENDMENTS**, by Senator S. Jenkins, with the following amendments:

1. Page 1, Line 13:

   13 { addresses liability of certain volunteers; }

2. Page 2, Lines 44 through 49:

   44 [Any] (1) A person performing services on a voluntary basis, without compensation,

   45 under the general supervision of, and on behalf of any public entity, [shall be] is immune from

   46 liability with respect to any decisions or actions, other than in connection with the operation of

   47 a motor vehicle, taken during the course of those services, unless it is established that { } such

   48 decisions or actions were grossly negligent, not made in good faith, or were made maliciously { }

   49 { the volunteer willfully and knowingly caused harm to a person or property }.

3. Page 4, Line 119 through Page 5, Line 127:

   119 (4) A volunteer facilitator is immune from liability for damages or injuries arising out
of or related to the volunteer service of a volunteer provided by the volunteer facilitator to an agency, unless:

(a) an action or omission of the volunteer facilitator {willfully and knowingly caused—} is grossly negligent, not made in good faith, or made maliciously, and causes harm to a person or property; or

(b) the volunteer facilitator fails to exercise due diligence in determining the fitness of a volunteer to provide voluntary service to the agency under circumstances that make the volunteer facilitator’s failure to exercise due diligence {a willful and knowing violation of the volunteer facilitator’s duty—} grossly negligent, not in good faith, or malicious.

Margaret Dayton, Chair

Mr. President: March 7, 2013

The Revenue and Taxation Committee recommends 1st Sub. H.B. 106, MEDICAID INSPECTOR GENERAL AMENDMENTS, by Representative R. Wilcox, be replaced and favorably recommends 2nd Sub. H.B. 106, MEDICAID INSPECTOR GENERAL AMENDMENTS; and

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 141, MEDICAID EMERGENCY ROOM AND PRIMARY CARE AMENDMENTS, by Representative M. Kennedy; and

The Revenue and Taxation Committee recommends H.B. 145, YOUTH DEVELOPMENT ORGANIZATION RESTRICTED ACCOUNT AND INCOME TAX CONTRIBUTION, by Representative S. Eliason, be replaced and favorably recommends 1st Sub. H.B. 145, YOUTH ORGANIZATION RESTRICTED ACCOUNTS AND INCOME TAX CONTRIBUTIONS; and

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 360, WATER AND IRRIGATION REVISIONS, by Representative R. Wilcox; and
The Revenue and Taxation Committee reports a favorable recommendation on S.B. 283, AVAILABILITY OF PUBLIC INFORMATION AMENDMENTS, by Senator D. Henderson, with the following amendments:

1. Page 3, Lines 74 through 75:

   74  63G–2–501, appointed by the governor; (and)

   (i) an individual representing counties, appointed by the governor;

   (j) an individual representing municipalities, appointed by the governor; and

   75  (k) two individuals who are members of the public and who have knowledge, expertise.

2. Page 3, Line 77:

   77  board members identified in Subsections (2)(a) through (k) and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 285, INVOLUNTARY CIVIL COMMITMENT INFORMATION AMENDMENTS, by Senator D. Thatcher, with the following amendments:

1. Page 1, Lines 13 through 16:

   13  This bill:

   14  adds a requirement that an application for an individual to be involuntarily civilly committed contain, if reasonably available, the individual’s name, date of birth, and Social Security number.

   15  committed contain, if reasonably available, the individual’s name, date of birth, and Social Security number.

   16  individual’s Social Security number.

2. Page 2, Lines 33 through 41:

   33  individual has a mental illness and should be involuntarily committed. That the application shall

   34  be accompanied by include:

   35  (a) unless the court finds that the information is not reasonably available, the individual’s:

   36  (i) name;

   37  (ii) date of birth; and

   38  (iii) Social Security number; and
(b) either:

[(a) (i) a certificate of a licensed physician or a designated examiner stating that within

a seven-day period immediately preceding the certification the physician or designated; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 279, MATH LITERACY – STEM INITIATIVE, by Senator S. Urquhart.

Deidre M. Henderson, Chair

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

STANDING COMMITTEE REPORTS

Mr. President: March 7, 2013

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on 1st Sub. H.B. 337, PERMANENT STATE TRUST FUND INVESTMENT AMENDMENTS, by Representative J. Nielson, 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.C.R. 5, CONCURRENT RESOLUTION ON REGIONAL CORRECTIONAL FACILITIES AND COUNTY JAIL CONTRACTING, by Representative M. Noel, and recommends it be considered read for the second time and placed on the Consent Calendar.

Margaret Dayton, Chair

Mr. President: March 7, 2013

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 358, INSTREAM FLOW AMENDMENTS, by Representative M. Noel, and recommends it be considered read for the second time and placed on the Consent Calendar.

Deidre M. Henderson, Chair

On motion of Senator Valentine, 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 6, 2013

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned H.B. 121, FIREARMS SAFE HARBOR, by Representative D. Pitcher, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned H.B. 227, COHABITANT DEFINITION, by Representative B. Wilson, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned 1st Sub. H.B. 235, PROCESS SERVER AMENDMENTS, by Representative L. Perry, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned H.B. 237, SURETY BOND PENALTY, by Representative R. Greenwood, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned 1st Sub. H.B. 268, DISORDERLY CONDUCT AMENDMENTS, by Representative P. Ray, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned H.B. 332, ALTERNATE DISPUTE RESOLUTION AMENDMENTS, by Representative R. Edwards, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned H.B. 338, ALIMONY REVISIONS, by Representative K. McIff, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned H.B. 327, PROBATE AMENDMENTS, by Representative V. L. Snow, to the Rules Committee; and

The Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 11, ALIMONY AMENDMENTS, by Senator L. Hillyard, to the Rules Committee without recommendation; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 87, IMPOUNDMENT OF VEHICLES AMENDMENTS, by Senator M. Madsen, to the Rules Committee; and
The Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 116, GARNISHMENT FOR DEBT COLLECTION, by Senator L. Hillyard, to the Rules Committee without recommendation; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 174, WARRANT COLLECTION AMENDMENTS, by Senator S. Urquhart, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 188, AMENDMENTS TO ADOPTION REQUIREMENTS, by Senator T. Weiler, to the Rules Committee; and

The Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 245, COURT FEES FOR POLITICAL SUBDIVISIONS, by Senator D. Thatcher, to the Rules Committee without recommendation; and

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 273, DECLARED EMERGENCY AMENDMENTS, by Senator M. Madsen, to the Rules Committee without recommendation; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.J.R. 9, JOINT RESOLUTION – JAIL CONTRACTING, by Senator M. Madsen, to the Rules Committee.

Mark B. Madsen, Chair

Mr. President: March 7, 2013

The Revenue and Taxation Committee has returned 1st Sub. H.B. 158, CONSUMER CREDIT PROTECTION AMENDMENTS, by Representative P. Ray, to the Rules Committee

Deidre M. Henderson, Chair

On motion of Senator Valentine, the committee reports were adopted. The bills were returned to the Rules Committee.

CONCURRENCE CALENDAR

2nd Sub. S.B. 24, ABSENTEE BALLOT AMENDMENTS, was before the Senate.

On motion of Senator Knudson, the bill was circled.
On motion of Senator Dayton, the Senate voted to concur in the House amendments to **S.B. 120, TARGET SHOOTING AND WILDFIRE REGULATIONS**. The bill, as amended, passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

Adams    Bramble    Christensen    Dabakis  
Davis    Dayton    Harper    Henderson  
Hinkins    Jenkins    Jones    Knudson  
Okerlund    Osmond    Reid    Shiozawa  
Stephenson    Stevenson    Thatcher    Urquhart  
Valentine    Van Tassell    Vickers    Weiler  
Niederhauser

**Absent or not voting were:** Senators

Hillyard    Madsen    Mayne    Robles  

**S.B. 120** was returned to the House for the signature of the Speaker.

***

On motion of Senator Weiler, the Senate voted to concur in the House amendments to **S.B. 145, COUNTY ATTORNEY CHAPTER RECODIFICATION**. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

Adams    Bramble    Christensen    Dabakis  
Davis    Dayton    Harper    Henderson  
Hinkins    Jenkins    Jones    Knudson  
Mayne    Okerlund    Osmond    Reid  
Shiozawa    Stephenson    Stevenson    Thatcher  
Urquhart    Valentine    Van Tassell    Vickers  
Weiler    Niederhauser

**Absent or not voting were:** Senators

Hillyard    Madsen    Robles  

**S.B. 145** was returned to the House for the signature of the Speaker.
On motion of Senator Weiler, the Senate voted to concur in the House amendments to 1st Sub. S.J.R. 11, JOINT RESOLUTION ON ENVIRONMENTAL AND DEVELOPMENTAL POLICIES. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 1; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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<thead>
<tr>
<th>Adams</th>
<th>Bramble</th>
<th>Christensen</th>
<th>Davis</th>
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<td>Dayton</td>
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**Voting in the negative was:** Senator

Dabakis

**Absent or not voting were:** Senators

| Hillyard | Robles |

1st Sub. S.J.R. 11 was returned to the House for the signature of the Speaker.

On motion of Senator Knudson, the circle was removed from 2nd Sub. S.B. 24, ABSENTEE BALLOT AMENDMENTS, and it was before the Senate.

On motion of Senator Knudson, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 24, ABSENTEE BALLOT AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Dabakis    Hillyard    Madsen    Robles
Stevenson

2nd Sub. S.B. 24 was returned to the House for the signature of the Speaker.

CONSENT CALENDAR

H.B. 202, ENERGY CONSERVATION CODE AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams    Bramble    Christensen    Dabakis
Davis    Dayton    Harper    Henderson
Hinkins    Jenkins    Jones    Mayne
Okerlund    Osmond    Reid    Shiozawa
Stephenson    Thatcher    Urquhart    Valentine
Van Tassell    Vickers    Weiler    Niederhauser

Absent or not voting were: Senators
Hillyard    Knudson    Madsen    Robles
Stevenson

H.B. 202, as amended, was returned to the House for further consideration.

* * *

H.B. 238, COSMETOLOGY AND HAIR BRAIDING, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams    Bramble    Christensen    Dabakis
Davis    Dayton    Harper    Henderson
Hinkins    Jenkins    Jones    Knudson
Madsen    Mayne    Osmond    Reid
Shiozawa    Stephenson    Thatcher    Urquhart
Valentine    Van Tassell    Vickers    Weiler
Niederhauser
Absent or not voting were: Senators
Hillyard Okerlund Robles Stevenson

Senator Weiler declared a conflict of interest.

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.

* * *

H.B. 240, ALCOHOL SERVICE IN RESTAURANTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hinkins Jenkins Jones Knudson
Mayne Osmond Reid Shiozawa
Stephenson Thatcher Urquhart Valentine
Van Tassell Vickers Weiler Niederhauser

Absent or not voting were: Senators
Hillyard Madsen Okerlund Robles Stevenson

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, the Senate voted to include the following intent language be spread upon the pages of the Senate Journal:

INTENT LANGUAGE

It is the intent of the Legislature that provisions of H.B. 240 concerning a patron’s intent to order food at a restaurant licensed under Title 32B, Alcoholic Beverage Control Act, when purchasing an alcoholic product, is intended to merely clarify the current standard and is not intended to change the requirement of a patron’s intent to dine when ordering an alcoholic product.

* * *

S.B. 256, PRECONSTRUCTION AND CONSTRUCTION LIENS AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:
Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hinkins  Jenkins  Jones  Madsen
Mayne  Okerlund  Osmond  Reid
Shiozawa  Stephenson  Stevenson  Thatcher
Urquhart  Valentine  Van Tassell  Vickers
Weiler  Niederhauser

Absent or not voting were: Senators
Hillyard  Knudson  Robles

S.B. 256 was transmitted to the House for consideration.

* * *

S.B. 259, AMENDMENTS TO DISABILITY WAITING LIST, was read the third time, explained by Senator Christensen, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hinkins  Jenkins  Jones  Mayne
Okerlund  Osmond  Reid  Shiozawa
Stephenson  Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Vickers  Weiler
Niederhauser

Absent or not voting were: Senators
Hillyard  Knudson  Madsen  Robles

S.B. 259 was transmitted to the House for consideration.

* * *

S.B. 268, HUMAN SERVICES BACKGROUND CHECKS AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:
Yeas, 25; Nays, 0; Absent or not voting, 4.

**Voting in the affirmative were:** Senators

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S.B. 268 was transmitted to the House for consideration.

* * *

S.B. 270, CONTROLLED SUBSTANCE AMENDMENTS, was read the third time, explained by Senator Vickers, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 270 was transmitted to the House for consideration.

* * *

On motion of Senator Madsen, the Senate voted to allow him to cast an aye vote on S.B. 120. The correct vote is as follows:

Yeas, 26; Nays, 0; Absent or not voting, 3.
Voting in the affirmative were: Senators
Adams          Bramble          Christensen          Dabakis
Davis          Dayton          Harper              Henderson
Hinkins        Jenkins         Jones               Knudson
Madsen         Okerlund        Osmond             Reid
Shiozawa       Stephenson      Stevenson           Thatcher
Urquhart       Valentine       Van Tassell        Vickers
Weiler         Niederhauser

Absent or not voting were: Senators
Hillyard       Mayne           Robles

* * *

H.B. 201, STATE BOARD OF EDUCATION LEADERSHIP AMENDMENTS, was read the third time, explained by Senator Osmond, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams          Bramble          Christensen          Dabakis
Davis          Dayton          Harper              Henderson
Hinkins        Jenkins         Jones               Knudson
Mayne          Okerlund        Osmond             Reid
Shiozawa       Stephenson      Stevenson           Thatcher
Urquhart       Valentine       Van Tassell        Vickers
Weiler         Niederhauser

Absent or not voting were: Senators
Hillyard       Knudson         Robles

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.

* * *

S.B. 258, RENAME UTAH STATE UNIVERSITY – COLLEGE OF EASTERN UTAH, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams          Bramble          Christensen          Dabakis
Davis          Dayton          Harper              Henderson
Absent or not voting were: Senators
Hillyard Knudson

S.B. 258 was transmitted to the House for consideration.

* * *

H.B. 89, JUDICIAL REVIEW OF PEACE OFFICER STANDARDS AND TRAINING ACTIONS, was read the third time, explained by Senator Thatcher, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Senators
Bramble Christensen Dabakis Davis
Dayton Harper Henderson Hinkins
Jones Mayne Osmond Reid
Robles Shiozawa Stephenson Stevenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

Absent or not voting were: Senators
Adams Hillyard Jenkins Knudson
Madsen Okerlund

H.B. 89 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, CRIMINAL PENALTY AMENDMENTS, was read the third time, explained by Senator Thatcher, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Senators
Bramble Christensen Dabakis Davis
Dayton Harper Henderson Hinkins
Absent or not voting were: Senators

Adams Hillyard Knudson Madsen
Okerlund Stevenson Valentine

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.

* * *

1st Sub. H.B. 213, PEACH OFFICER STANDARDS AND TRAINING AMENDMENTS, was read the third time, explained by Senator Thatcher, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Senators
Bramble Christensen Dabakis Davis
Dayton Harper Henderson Hinkins
Jenkins Jones Mayne Osmond
Reid Robles Shiozawa Stephenson
Thatcher Urquhart Van Tassell Vickers
Weiler Niederhauser

Absent or not voting were: Senators
Adams Hillyard Knudson Madsen
Okerlund Stevenson Valentine

1st Sub. H.B. 213 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, 1st Sub. H.B. 287, RETURN OF WEAPONS RECOVERED BY LAW ENFORCEMENT, was read the third time and circled.

* * *

H.B. 126, OFF–HIGHWAY VEHICLE USER FEE AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:
Yeas, 21; Nays, 0; Absent or not voting, 8.

Voting in the affirmative were: Senators
Bramble Christensen Dabakis Davis
Dayton Harper Hinkins Jenkins
Jones Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Thatcher Urquhart Van Tassell Vickers
Niederhauser

Absent or not voting were: Senators
Adams Henderson Hillyard Knudson
Madsen Stevenson Valentine Weiler

H.B. 126 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.C.R. 7, CONCURRENT RESOLUTION ON FEDERAL DESIGNATION OF CRITICAL HABITAT FOR GUNNISON SAGEGROUSE, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

Yeas, 20; Nays, 2; Absent or not voting, 7.

Voting in the affirmative were: Senators
Bramble Christensen Dayton Harper
Henderson Hinkins Jenkins Jones
Madsen Mayne Osmond Reid
Robles Shiozawa Stephenson Thatcher
Urquhart Van Tassell Vickers Weiler

Voting in the negative were: Senators
Dabakis Davis

Absent or not voting were: Senators
Adams Hillyard Knudson Okerlund
Stevenson Valentine Niederhauser

H.C.R. 7 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Davis, H.B. 31, ENTICING A MINOR AMENDMENTS, was read the third time and circled.
On motion of Senator Davis, H.B. 104, WIRELESS CALL LOCATION INFORMATION, was read the third time and circled.

H.B. 128, DRIVER LICENSE SUSPENSION MODIFICATIONS, was read the third time, explained by Senator Vickers, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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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.

On motion of Senator Stephenson, H.B. 256, REAUTHORIZATION OF ADMINISTRATIVE RULES, was read the third time and circled.

**1st Sub. H.B. 280, COUNTY GOVERNMENT REFORM, was read the third time, explained by Senator Hinkins, and passed on the following roll call:**

**Yeas, 23; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Adams       Hillyard       Knudson        Okerlund
Stevenson   Niederhauser

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.

***

H.B. 352, COUNTY GOVERNMENT AMENDMENTS, was read the third time, explained by Senator Shiozawa, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Senators
Bramble  Christensen  Dabakis  Davis
Dayton    Harper       Henderson  Hinkins
Jenkins   Jones       Madsen    Mayne
Osmond    Reid        Robles    Shiozawa
Stephenson Thatcher  Urquhart  Van Tassell
Vickers   Weiler

Absent or not voting were: Senators
Adams       Hillyard       Knudson        Okerlund
Stevenson   Valentine     Niederhauser

H.B. 352 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 173, NECESSARILY EXISTENT SMALL SCHOOL FUNDING AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 21; Nays, 0; Absent or not voting, 8.

Voting in the affirmative were: Senators
Bramble  Dabakis  Davis  Dayton
Harper    Henderson  Hinkins  Jenkins
Jones     Madsen    Mayne    Osmond
Reid      Robles    Shiozawa  Stephenson
Thatcher  Urquhart  Van Tassell  Vickers
Weiler

Absent or not voting were: Senators
Adams               Christensen        Hillyard          Knudson
Okerlund            Stevenson          Valentine         Niederhauser

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.

SECOND READING CALENDAR

S.B. 229, APPELLATE BOND FOR STATE ENTITIES, was read the second time.

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

1st Sub. S.B. 229 Appellate Bond for State Entities (C. Bramble)

Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 0; Absent or not voting, 8.

Voting in the affirmative were: Senators
Bramble           Christensen           Dabakis           Davis
Dayton            Harper               Henderson          Jenkins
Jones             Madsen               Osmond            Reid
Robles            Shiozawa             Stephenson        Stevenson
Thatcher           Valentine           Van Tassell      Vickers
Weiler

Absent or not voting were: Senators
Adams               Hillyard          Hinkins          Knudson
Mayne              Okerlund          Urquhart        Niederhauser

* * *

S.J.R. 14, JOINT RESOLUTION AMENDING CIVIL PROCEDURE RULE, was read the second time.

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

1st Sub. S.J.R. 14 Joint Resolution Amending Civil Procedure Rule (C. Bramble)
Senator Bramble explained the bill. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 0; Absent or not voting, 9.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**S.B. 79, STUDENT–CENTERED LEARNING PILOT PROGRAM,** was read the second time. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 3, Line 61:

   61 (i) allows a student to advance and earn credit upon mastery of a competency; and

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

On motion of Senator Stephenson, the bill was circled.

***

**S.B. 81, SCHOOL PROPERTY TAX FUNDING,** was read the second time. Senator Osmond explained the bill. Senators Dabakis, Jones, Jenkins, Stephenson, Van Tassell, Davis, Urquhart, Henderson, Valentine, and Hinkins commented.

On motion of Senator Osmond, the bill was circled.

***

**2nd Sub. S.B. 183, ADOPTION AGENCY MODIFICATIONS,** was read the second time. Senator Robles explained the bill. The bill passed second reading on the following roll call:
Y eas, 19; Nays, 0; Absent or not voting, 10.

Voting in the affirmative were: Senators
Bramble          Dabakis          Davis          Dayton
Henderson        Hinkins          Jones          Madsen
Osmond           Reid             Robles         Shiozawa
Stephenson       Thatcher         Urquhart       Valentine
Van Tassell      Vickers          Weiler

Absent or not voting were: Senators
Adams            Christensen      Harper          Hillyard
Jenkins          Knudson          Mayne          Okerlund
Stevenson        Niederhauser

* * *

2nd Sub. S.B. 196, LICENSE PLATE READER AMENDMENTS, was read the second time. Senator Weiler explained the bill.

Senator Weiler proposed the following amendment:

1. Page 1, Lines 17 through 18:

17       ► provides that captured plate data is a protected record under the Government
18 Records Access and Management Act, if the captured plate data is maintained by a governmental entity;

2. Page 3, Lines 65 through 66a
Senate Committee Amendments 2–28–2013:

65 (a) by a law enforcement agency for the purpose of protecting public safety, conducting,
66 criminal investigations, or ensuring compliance with local, state, and federal laws;

3. Page 3, Line 75
a. Senate Committee Amendments
b. 2–28–2013:

75 Chapter 2, Government Records Access and Management Act, if the captured plate data is maintained by a governmental entity;
4. Page 3, Lines 78 through 78a
Senate Committee Amendments
2–28–2013:

78 (c) may not be preserved for more than three months
(seven days for private entities) 30 days by a private entity or nine months for public entities) by a governmental entity except pursuant to:

78a and entity or nine months for public entities) by a governmental entity except pursuant to:

5. Page 3, Line 84
Senate Committee Amendments
2–28–2013:

84 (i) in accordance with the disclosure requirements for a protected record under Section

6. Page 5, Line 127
Senate Committee Amendments
2–28–2013:

127 A person who violates a provision under this part is guilty of a class B

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

# # #

Senator Van Tassell proposed a verbal amendment as follows:

1. Page 3, Line 78a:
Delete “nine months” and insert “twelve months”

Senator Van Tassell’s motion to amend failed on a voice vote. Senators Van Tassell, Harper, Stephenson, and Madsen commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 1; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams Bramble Christensen Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Okerlund Osmond Reid
S.B. 236, UNINSURED AND UNDERINSURED MOTORIST COVERAGE AMENDMENTS, was read the second time.

Senator Hillyard proposed the following amendment:

1. Page 3, Lines 87 through 88:

   87 (v) discloses the {premium required to purchase the statutory minimum uninsured motorist coverage and } additional premiums required to purchase uninsured motorist coverage

2. Page 17, Lines 499 through 500:

   499 (v) discloses the {premium required to purchase the statutory minimum underinsured motorist coverage and } additional premiums required to purchase underinsured motorist coverage

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

**Yeas, 21; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Adams  Bramble  Davis  Madsen
Osmond  Stevenson  Urquhart  Weiler

* * *

On motion of Senator Okerlund, and at 11:00 a.m., the Senate sauntered.

The Senate was called to order at 11:20 a.m., with President Niederhauser presiding.

CORRECTED COMMITTEE REPORT

Mr. President: March 7, 2013

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on 1st Sub. H.C.R. 5, CONCURRENT RESOLUTION ON REGIONAL CORRECTIONAL FACILITIES AND COUNTY JAIL CONTRACTING, by Representative M. Noel, and recommends it be considered read for the second time and placed on the Consent Calendar.

Margaret Dayton, Chair

On motion of Senator Valentine, the committee report was adopted and the bill was considered read for the second time and placed on the Consent Calendar.

SECOND READING CALENDAR

On motion of Senator Osmond, the circle was removed from H.B. 306, SCHOOL LAND TRUST PROGRAM AMENDMENTS, and it was before the Senate. Senator Osmond explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Senators
Christensen  Dabakis  Davis  Dayton
Harper  Henderson  Hinkins  Jenkins
Jones  Madsen  Mayne  Osmond
Reid  Robles  Shiozawa  Stephenson
Thatcher  Urquhart  Valentine  Van Tassell
Vickers  Weiler

Absent or not voting were: Senators
Adams  Bramble  Hillyard  Knudson
Okerlund  Stevenson  Niederhauser
On motion of Senator Valentine, 1st Sub. S.B. 211, REDEVELOPMENT AGENCY AMENDMENTS, was read the second time and circled.

1st Sub. S.B. 77, AVAILABILITY OF GOVERNMENT INFORMATION, was read the second time.

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

2nd Sub. S.B. 77 Availability of Government Information (D. Henderson)

Senator Henderson explained the bill. Senators Valentine and Jones commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Senators
Bramble Christensen Dabakis Davis
Dayton Harper Henderson Hinkins
Jenkins Jones Madsen Osmond
Reid Robles Shiozawa Stephenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler

Absent or not voting were: Senators
Adams Hillyard Knudson Mayne
Okerlund Stevenson Niederhauser

S.B. 241, DISCLOSURE REQUIREMENTS FOR MIDTERM VACANCY CANDIDATES, was read the second time. Senator Weiler explained the bill. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 0; Absent or not voting, 10.

Voting in the affirmative were: Senators
Bramble Dabakis Davis Harper
Henderson Hinkins Jenkins Jones
Madsen Mayne Osmond Reid
Robles Shiozawa Thatcher Urquhart
Van Tassell Vickers Weiler
Absent or not voting were: Senators
Adams     Christensen     Dayton     Hillyard
Knudson   Okerlund       Stephenson  Stevenson
Valentine Niederhauser

SPECIAL RECOGNITION

Senator Dayton paid special recognition the Lone Peak High School Basketball team and State 5A Champions and as High School National Champions.

COMMITTEE OF THE WHOLE

On motion of Senator Valentine, Coach Quincy Lewis, and members of the Lone Peak High School team spoke in Committee of the Whole. Senator Valentine commented.

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

SECOND READING CALENDAR

On motion of Senator Henderson, S.B. 238, PROPERTY TAX AMENDMENTS, was read the second time and circled.

***

On motion of Senator Bramble, S.B. 239, ALCOHOLIC BEVERAGE CONTROL ACT SAMPLING AMENDMENTS, was read the second time and circled.

***

On motion of Senator Bramble, the circle was removed from S.B. 238, PROPERTY TAX AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill.

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

1st Sub. S.B. 238 Property Tax Amendments (C. Bramble)

Senator Bramble proposed the following amendment:

1. Page 4, Lines 115 through 116:
115  (ii) the property is assessed in the next calendar year at a value
116  greater {—that—} than the value established at the time of the
valuation reduction; and

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

**Yeas, 23; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Senators
Bramble  Christensen  Dabakis  Davis
Dayton  Harper  Henderson  Hinkins
Jenkins  Jones  Madsen  Mayne
Osmond  Reid  Robles  Shiozawa
Stephenson  Thatcher  Urquhart  Valentine
Van Tassell  Vickers  Weiler

**Absent or not voting were:** Senators
Adams  Hillyard  Knudson  Okerlund
Stevenson  Niederhauser

* * *

On motion of Senator Valentine, the circle was removed from **S.B. 239, ALCOHOLIC BEVERAGE CONTROL ACT SAMPLING AMENDMENTS**, 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 or not voting, 7.**

**Voting in the affirmative were:** Senators
Bramble  Christensen  Dabakis  Davis
Dayton  Henderson  Hinkins  Jenkins
Jones  Madsen  Mayne  Osmond
Reid  Robles  Shiozawa  Stephenson
Thatcher  Urquhart  Valentine  Van Tassell
Vickers  Weiler

**Absent or not voting were:** Senators
Adams  Harper  Hillyard  Knudson
Okerlund  Stevenson  Niederhauser
S.B. 248, ALCOHOLIC BEVERAGE CONTROL ACT AND SMALL MANUFACTURERS, was read the second time.

Senator Valentine proposed the following amendment:

1. Page 18, Lines 543 through 545:

   543 (100) “Small brewer” means a brewer who manufactures less than $60,000$ barrels of beer, heavy beer, and flavored malt beverages per year.

   544 (101) “Social club license” means a license issued in accordance with Chapter 5, Retail

2. Page 22, Lines 665 through 666:

   665 (i) the spirituous liquor is manufactured by a manufacturer producing less than $45,000$ proof gallons of spirituous liquor in a calendar year; and

3. Page 22, Lines 671 through 672:

   671 (i) the wine is manufactured by a manufacturer producing less than $30,000$ gallons of wine in a calendar year; and

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

**Yeas, 20; Nays, 0; Absent or not voting, 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 Stephenson, **S.B. 133**, SCHOOL PERFORMANCE REPORT AMENDMENTS, was read the second time and circled.

On motion of Senator Robles, **S.B. 85**, COMMUNITY HEALTH WORKER PROGRAM, was read the second time and circled.

* * *

2nd Sub. **S.B. 107**, PUBLIC SHOOTING RANGES, was read the second time. Senator Christensen explained the bill. Senator Davis commented. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 2; Absent or not voting, 8.**

**Voting in the affirmative were:** Senators
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Jenkins
- Jones
- Madsen
- Mayne
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Thatcher
- Valentine
- Van Tassell
- Weiler

**Voting in the negative were:** Senators
- Henderson
- Vickers

**Absent or not voting were:** Senators
- Adams
- Hillyard
- Hinkins
- Knudson
- Okerlund
- Stevenson
- Urquhart
- Niederhauser

* * *

**S.B. 232**, ADOPTION CODE REVISIONS, was read the second time. Senator Weiler explained the bill.

Senator Weiler proposed the following amendment:

1. Page 9, Line 247
   Senate Committee Amendments 3–4–2013:

   247  (b) A court {shall} may not determine that a father abandoned the birth mother if the father
2. Page 9, Line 249
Senate Committee Amendments
3–4–2013:

249 support.
(2)(a) As used in this section, “emotional support” means a pattern of statements or actions that indicate to a reasonable person that a father intends to provide for the physical and emotional well-being of an unborn child.
(b) A court may not find that a father failed to provide emotional support if the father’s failure was due to impossibility of performance.

3. Page 9, Line 250
Senate Committee Amendments
3–4–2013:

250 {−(2)−} (3) Consent or relinquishment, as required by Subsection 78B–6–120(1), may be

4. Page 9, Lines 261 through 262
Senate Committee Amendments
3–4–2013:

261 {−(3)−} (4) Implied consent under Subsection
{−(2)−} (3) (a) may not be withdrawn.
262 {−(4)−} (5) Nothing in this section negates the requirements of Section 78B–6–121 or

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

**Voting in the affirmative were:** Senators

Dabakis Davis Dayton Harper
Henderson Jenkins Jones Madsen
Mayne Osmond Reid Robles
Shiozawa Stephenson Thatcher Valentine
Van Tassell Vickers Weiler

**Absent or not voting were:** Senators

Adams Bramble Christensen Hillyard
Hinkins Knudson Okerlund Stevenson
Urquhart Niederhauser
On motion of Senator Madsen, the circle was removed from 1st Sub. H.B. 131, CONSTITUTIONAL AND FEDERALISM DEFENSE ACT, and it was before the Senate. Senator Madsen explained the bill. Senator Shiozawa commented.

On motion of Senator Madsen, the bill was circled.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 8, 2013

The House passed, as substituted and amended, 2nd Sub. H.B. 114, SECOND AMENDMENT PRESERVATION ACT, by Representative B. Greene, et al, and it is transmitted for consideration; and

The House passed, as amended, H.B. 146, HEALTH CARE PROVIDER AMENDMENTS, by Representative F. Gibson, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 222, DOMESTIC ASSET PROTECTION TRUST AMENDMENTS, by Representative D. Brown, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 317, PROTECTION OF CONCEALED FIREARM PERMIT INFORMATION, by Representative J. Anderegg, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.C.R. 11, CONCURRENT RESOLUTION SUPPORTING THE TRANSFER OF ADMINISTRATION OF THE UTAH NAVAJO OIL AND GAS ROYALTIES TO THE UTAH DINEH CORP, 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.

* * *

On motion of Senator Okerlund, and at 12:30 p.m., the Senate recessed.
The Senate reassembled at 2:20 p.m., with President Niederhauser presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 8, 2013

The Speaker of the House has signed 2nd Sub. S.B. 24, ABSENTEE BALLOT AMENDMENTS, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 120, TARGET SHOOTING AND WILDFIRE REGULATIONS, by Senator M. Dayton, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 145, COUNTY ATTORNEY CHAPTER RECODIFICATION, by Senator T. Weiler, and it is transmitted for the signature of the President; and

The House passed, S.C.R. 6, CONCURRENT RESOLUTION ON FEDERAL GAS TAX, by Senator D. Henderson, 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. 11, JOINT RESOLUTION ON ENVIRONMENTAL AND DEVELOPMENTAL POLICIES, by Senator T. Weiler, 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, 2013

The House concurred in the Senate amendments and passed 5th Sub. H.B. 204, ELECTION AMENDMENTS, by Representative S. Eliason, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 217, STATE FIRE CODE 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 1st Sub. H.B. 230, EMERGENCY VEHICLE OPERATORS TRAINING
REQUIREMENTS, by Representative G. Froerer, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 246, EXPANDED USES OF SCHOOL DISTRICT PROPERTY TAX REVENUE, by Representative K. McIff, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

Mr. President: March 7, 2013


Sandy D. Tenney, Chief Clerk

The bill was placed on the top of the Third Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: March 8, 2013

The Economic Development and Workforce Services Committee reports a favorable recommendation on H.B. 325, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, by Representative B. Dee; and

The Economic Development and Workforce Services Committee recommends H.B. 328, HIGHWAY LITTERING AND FAILING TO SECURE A LOAD AMENDMENTS, by Representative R. Greenwood, be replaced and favorably recommends 1st Sub. H.B. 328, HIGHWAY LITTERING AND FAILING TO SECURE A LOAD AMENDMENTS; and

The Economic Development and Workforce Services Committee reports a favorable recommendation on H.B. 340, SNOW COLLEGE ECONOMIC DEVELOPMENT AND WORKFORCE PREPARATION ADVISORY COMMITTEE, by Representative K. McIff; and

The Economic Development and Workforce Services Committee reports a favorable recommendation on H.B. 344, ESTABLISHMENT OF CHARTER SCHOOLS AMENDMENTS, by Representative D. Lifferth; and
The Economic Development and Workforce Services Committee reports a favorable recommendation on **H.B. 357, WASTE MANAGEMENT FACILITIES SITING AMENDMENTS**, by Representative R. Menlove, with the following amendments:

1. Page 7, Lines 198 through 201:

   198 (g) for a proposed operation plan submitted on or after July 1, 2013, for a new solid or
   199 hazardous waste facility other than a water treatment facility that treats, stores, or disposes site-generated solid or hazardous waste onsite, a traffic impact study that:
   200 (i) takes into consideration the safety, operation, and condition of roadways serving the
   201 proposed facility; and ; and

The Economic Development and Workforce Services Committee recommends **S.B. 95, WHISTLEBLOWER AMENDMENTS**, by Senator S. Reid, be replaced and favorably recommends 2nd Sub. **S.B. 95, WHISTLEBLOWER AMENDMENTS**; and

The Economic Development and Workforce Services Committee reports a favorable recommendation on **S.B. 262, EMPLOYMENT AND HOUSING ANTIDISCRIMINATION**, by Senator S. Urquhart; and

The Economic Development and Workforce Services Committee reports a favorable recommendation on **S.C.R 12, CHILDREN’S AND FAMILIES’ CANCER RESEARCH FACILITY CONCURRENT RESOLUTION** by Senator J. S. Adams.

Aaron Osmond, Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President: March 7, 2013

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.J.R. 12, JOINT RESOLUTION DISSOLVING**
CLARKSTON JUSTICE COURT, by Representative J. Draxler, and recommends it be considered read for the second time and placed on the Consent Calendar.

Margaret Dayton, Chair

On motion of Senator Valentine, 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 7, 2013

The Business and Labor Committee deleted S.B. 136, CONSTRUCTION TRADES LICENSING MODIFICATIONS, by Senator P. Knudson, and replaced it with 1st Sub. S.B. 136, CONSTRUCTION TRADES LICENSING MODIFICATIONS, and has returned it to the Rules Committee without recommendation; and

With committee review, the Business and Labor Committee has returned S.B. 210, AMENDMENTS RELATED TO USE OF BUSINESS NAMES, by Senator T. Weiler, to the Rules Committee without recommendation; and

With committee review, the Business and Labor Committee has returned S.B. 217, UTILITY LIABILITY LIMITS, by Senator T. Weiler, to the Rules Committee without recommendation; and

Curtis S. Bramble, Chair

Mr. President: March 8, 2013

Without committee review, the Economic Development and Workforce Services Committee has returned H.B. 324, PASSING ON THE RIGHT AMENDMENTS, by Representative L. Christensen, to the Rules Committee without recommendation; and

The Economic Development and Workforce Services Committee has returned S.B. 46, OCCUPATIONAL SAFETY AND HEALTH AMENDMENTS, by Senator L. Robles, to the Rules Committee without recommendation but with the following amendments:

1. Page 1, Lines 15 through 16:

   15 ▶ creates the Occupational Safety and Health Restricted Account; {−and−}
   ▶ requires reporting; and
makes technical and conforming amendments.

2. Page 8, Lines 231 through 233:

(3) Subject to appropriation by the Legislature, the division shall use the money in the

Occupational Safety and Health Restricted Account to:

(a) fund the program of investigations established under Subsection 34A−6−301(1)(b) ; and

(b) with the money remaining in the Occupational Safety and Health Restricted Account after funding the program described in Subsection (3)(a), fund activities of the division that are authorized under this chapter and address occupational health and safety.

(4) The division shall annually report to the Business, Economic Development, and Labor Appropriations Subcommittee regarding the programs and services funded by the Occupational Safety and Health Restricted Account.

The Economic Development and Workforce Services Committee has returned S.B. 288, UNIFORM AGRICULTURE COOPERATIVE ASSOCIATION ACT AMENDMENTS, by Senator D. Hinkins, to the Rules Committee.

Aaron Osmond, Chair

Mr. President: March 7, 2013

Without committee review, the Education Committee has returned 1st Sub. H.B. 134, PARENTAL NOTIFICATION RELATED TO STUDENT SAFETY, by Representative G. Froerer, to the Rules Committee; and

Without committee review, the Education Committee has returned 1st Sub. H.B. 139, SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS ACTION CENTER, by Representative V. Peterson, to the Rules Committee; and

Without committee review, the Education Committee has returned H.B. 206, INTERNET SAFETY FOR PUBLIC SCHOOLS, by Representative E. Hutchings, to the Rules Committee; and

The Education Committee has returned S.B. 69, ASSESSMENT AND REPORTING OF STUDENT PERFORMANCE, by Senator R. Okerlund, to the Rules Committee without recommendation with the following amendments:
1. Page 2, Line 45:

53A–3–602.5, as last amended by Laws of Utah 2011, Chapter 321

ENACTS:
53A–1–607.5, Utah Code Annotated 1953

2. Page 7, Lines 190 through 191:

190 assessment results.

Section 4. Section 53A–1–607.5 is enacted to read:

53A–1–607.5. Release of class level test scores to a parent or guardian — Exception.

(1) Except as provided in Subsection (2), a school principal shall release U–PASS test scores aggregated at a class level to the parent or guardian of a student enrolled in the school upon the request of the student’s parent or guardian.

(2) Test scores aggregated at the class level may not be revealed if fewer than 10 test scores are in the group of aggregated test scores.

3. Page 11, Lines 317 through 318:

317 shall ;

(a) protect each student’s privacy by not revealing personally identifiable information about a

318 student ; and

(b) prohibit the reporting of student test scores aggregated by teacher or by class to assure that student test score data that may constitute a portion of a teacher’s performance evaluation is not revealed.; and

Without committee review, the Education Committee has returned S.B. 134, UTAH PERFORMANCE ASSESSMENT SYSTEM FOR STUDENTS (U–PASS) AMENDMENTS, by Senator M. Dayton, to the Rules Committee; and
With committee review, the Education Committee has returned **S.B. 243**, BULLYING AND HAZING AMENDMENTS, by Senator L. Robles, to the Rules Committee without recommendation.

Stuart C. Reid, Chair

Mr. President: March 7, 2013

Without committee review, the Government Operations and Political Subdivisions Committee has returned **1st Sub. H.B. 130**, BOUNDARY ADJUSTMENT AMENDMENTS, by Representative M. Brown, to the Rules Committee; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned **H.B. 192**, COUNTY CLERK MISCONDUCT PENALTY, by Representative D. Layton, to the Rules Committee; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned **1st Sub. H.B. 193**, UTAH STATE EMPLOYMENT AMENDMENTS, by Representative B. Dee, to the Rules Committee; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned **1st Sub. H.B. 200**, REVISOR’S STATUTE, by Representative B. Dee, to the Rules Committee; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned **H.B. 384**, PROPERTY DISPOSITION AMENDMENTS, by Representative B. Dee, to the Rules Committee; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned **S.B. 47**, PROCUREMENT AMENDMENTS − SMALL PURCHASES, by Senator R. Okerlund, to the Rules Committee; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned **S.B. 91**, STATE AUDITOR AMENDMENTS, by Senator J. Valentine, to the Rules Committee; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned **S.B. 149**, GOVERNMENTAL IMMUNITY AMENDMENTS, by Senator J. S. Adams, to the Rules Committee; and
Without committee review, the Government Operations and Political Subdivisions Committee has returned **S.B. 197**, PRIVATE INVESTIGATORS QUALIFICATION AMENDMENTS, by Senator M. Dayton, to the Rules Committee; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned **S.B. 286**, EMPLOYEE LUNCH BREAK AMENDMENTS, by Senator L. Robles, to the Rules Committee.

Margaret Dayton, Chair

Mr. President: March 8, 2013

Without review, the Retirement and Independent Entities Committee has returned **S.B. 139**, UTAH SCIENCE CENTER AUTHORITY AMENDMENTS, by Senator T. Weiler, to the Rules Committee without recommendation.

Todd Weiler, Chair

Mr. President: March 8, 2013

Without committee review, the Revenue and Taxation Committee has returned **H.B. 274**, TAX CREDITS FOR EMPLOYING A HOMELESS PERSON, by Representative B. King, to the Rules Committee; and

Without committee review, the Revenue and Taxation Committee has returned **H.B. 377**, TRANSPORTATION FUNDING MODIFICATIONS, by Representative B. Dee, to the Rules Committee without recommendation; and

Without committee review, the Revenue and Taxation Committee has returned **H.B. 382**, ESCALANTE REGION GRAZING ZONE, by Representative M. Noel, to the Rules Committee; and

Without committee review, the Revenue and Taxation Committee has returned **S.B. 75**, PUBLICATION OF PROPERTY TAX APPEALS FOR NONRESIDENTIAL PROPERTY, by Senator K. Van Tassell, to the Rules Committee; and

The Revenue and Taxation Committee has returned **S.B. 154**, SALES AND USE TAXATION OF WATER, by Senator S. Jenkins, to the Rules Committee without recommendation with the following amendments:

1. Page 103, Lines 3165 through 3167:

3165 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b) through (g):

2. Page 109, Lines 3346 through 3350:

(13) The Division of Finance shall annually deposit into the Water Resources Conservation and Development Fund created in Section 73–10–24 an amount equal to the amount of state sales and use tax revenues collected under this section on amounts paid or charged under Subsection (1)(n).

(14) Notwithstanding Subsections (4) through (12), an amount required to be expended or deposited in accordance with Subsections (4) through (12) may not include an amount the Division of Finance deposits in accordance with Subsection (13).

Section 4. Section 59–12–103 (Effective 07/01/14) is amended to read:

3. Page 116, Lines 3562 through 3564:

(4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1, 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b) through (g):

4. Page 121, Lines 3742 through 3747:

(13) The Division of Finance shall annually deposit into the Water Resources Conservation and Development Fund created in Section 73–10–24 an amount equal to the amount of state sales and use tax revenues collected under this section on amounts paid or charged under Subsection (1)(n).

(14) Notwithstanding Subsections (4) through (12), an amount
required to be expended or deposited in accordance with Subsections (4) through (12) may not include an amount the Division of Finance deposits in accordance with Subsection (13).

Section 5. Section 59–12–104 is amended to read: ; and

Without committee review, the Revenue and Taxation Committee has returned S.B. 266, TAX REVISIONS, by Senator J. Valentine, to the Rules Committee.

Deidre M. Henderson, Chair

Mr. President:

Without committee review, the Transportation and Public Utilities and Technology Committee has returned H.B. 103, WIRELESS TELEPHONE USE RESTRICTIONS, by Representative L. Perry, to the Rules Committee; and

With committee review, the Transportation and Public Utilities and Technology Committee has returned S.B. 76, OUTDOOR ADVERTISING TECHNOLOGY AMENDMENTS, by Senator P. Knudson, to the Rules Committee without recommendation; and

Without committee review, the Transportation and Public Utilities and Technology Committee has returned S.B. 121, TRAFFIC REGULATIONS REGARDING BUSES, by Senator K. Mayne, to the Rules Committee; and

Without committee review, the Transportation and Public Utilities and Technology Committee has returned S.B. 220, TRAFFIC CODE AMENDMENTS, by Senator P. Knudson, to the Rules Committee; and

Without committee review, the Transportation and Public Utilities and Technology Committee has returned S.B. 240, BILLBOARD AMENDMENTS, by Senator S. Urquhart, to the Rules Committee; and

With committee review, the Transportation and Public Utilities and Technology Committee has returned S.B. 253, SALE OF DOGS AND CATS, by Senator G. Davis, to the Rules Committee without recommendation.

Kevin T. Van Tassell, Chair

On motion of Senator Valentine, the committee reports were adopted. The bills were returned to the Rules Committee.

CONSENT CALENDAR

On motion of Senator Valentine, the circle was removed from 1st Sub. H.B. 287, RETURN OF WEAPONS RECOVERED BY LAW
ENFORCEMENT, and it was before the Senate. The bill passed on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

**Voting in the affirmative were:** Senators

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1st Sub. H.B. 287, as amended, was returned to the House for further consideration.

**THIRD READING CALENDAR**

On motion of Senator Hillyard, the circle was removed from H.B. 31, ENTICING A MINOR AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 22; Nays, 0; Absent or not voting, 7.

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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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.

* * *

On motion of Senator Okerlund, and at 2:35 p.m., the Senate sauntered.
The Senate was called to order at 2:55 p.m., with President Niederhauser presiding.

THIRD READING CALENDAR

On motion of Senator Davis, the circle was removed from **H.B. 104, WIRELESS CALL LOCATION INFORMATION**, and it was before the Senate.

Senator Madsen proposed the following amendment:

1. Page 2, Line 39:

   39 regarding a telecommunication device user whom a law enforcement agency has reason to believe is in need of services under Subsection (2)(a) or (b), upon the request of a law enforcement agency or a

2. Page 2, Lines 42 through 43:

   42 (a) a call for emergency response services; or
   43 (b) an emergency situation that involves the imminent risk of death or serious bodily injury as

3. Page 2, Line 51:

   51 {telecommunications} telecommunication service providers that provide services in this state to facilitate communicating location

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

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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H.B. 104, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

S.B. 86, INDEPENDENT EXECUTIVE BRANCH ETHICS COMMISSION, was read the second time.

Senator Valentine proposed the following amendment:

1. Page 28, Lines 843 through 848:
   843 (1) Subject to the requirements of this chapter, the commission may review an ethics complaint against an executive branch elected official if the complaint alleges that the executive branch elected official has committed (a) a high crime; (b) a misdemeanor; or (c) malfeasance in office – a violation.

2. Page 39, Lines 1186 through 1188:
   1186 (iv) for each allegation that was found to have merit:
   1187 (A) describes the high crime, misdemeanor, or malfeasance in office allegedly committed by the respondent;

3. Page 45, Line 1370:
   1370 (c) decline to hear or call a witness who is requested by a complainant or a respondent;

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

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams    Christensen    Dabakis    Davis
Dayton    Harper      Henderson    Hillyard
Absent or not voting were: Senators
Bramble Jenkins

** * **

1st Sub. S.B. 247, AMENDMENTS TO REVENUE AND TAXATION, was read the second time.

Senator Harper proposed the following amendment:

1. Page 11, Lines 309 through 310:

309 (b) the report of an audit or investigation made with respect [thereto] to a tax return or

310 report, a related schedule, or a document described in Subsection (2)(a).

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

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Dabakis Davis Dayton Harper
Henderson Hillyard Hinkins Jenkins
Jones Knudson Madsen Mayne
Okerlund Osmond Reid Robles
Shiozawa Stephenson Stevenson Thatcher
Valentine Van Tassell Vickers Weiler
Niederhauser

Absent or not voting were: Senators
Adams Bramble Christensen Urquhart

** * **

1st Sub. S.J.R. 3, JOINT RULES RESOLUTION ON REQUESTS FOR LEGISLATION, was read the second time. Senator Osmond explained the bill.
Senators Valentine, Madsen, Stephenson, and Hillyard commented. The bill passed second reading on the following roll call:

**Yeas, 17; Nays, 10; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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On motion of Senator Osmond, the Senate voted to allow him to cast an aye vote on **H.B. 104.** The corrected vote is as follows:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

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On motion of Senator Okerlund, **S.B. 237, TAXATION OF SHORT-TERM LODGING**, was read the second time and circled.
On motion of Senator Okerlund, S.B. 249, SALVAGE AND NONREPAIRABLE VEHICLE AMENDMENTS, was read the second time and circled.

On motion of Senator Hinkins, S.B. 251, TRUTH IN ADVERTISING, was read the second time and circled.

On motion of Senator Harper, S.B. 255, HUMAN SERVICES AMENDMENTS, was read the second time and circled.

1st Sub. S.B. 244, UTAH DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, was read the second time.

Senator Hinkins proposed the following amendment:

1. Page 8, Lines 232 through 236:

   232 (f) refrains from offering the raw milk for sale until:

   233 (i) the department or a third party certified by the department tests each batch of raw milk {—is tested—} for standard plate count and coliform count {—from an official sample taken} {—by the department or a third party certified by the department—} ; and

   236 (ii) the test results meet the minimum standards established for those tests;

Senator Hinkins’ motion to amend passed on a voice vote. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators

Adams Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
S.B. 254, PENALTY FOR WELL DRILLING WITHOUT A LICENSE, was read the second time.

Senator Vickers proposed a verbal amendment as follows:

1. Page 1, Line 27:
   After “engineer” delete “shall” and insert “may”

Senator Vickers’ motion to amend passed on a voice vote. Senator Harper explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Senators

Christensen  Dabakis  Dayton  Harper
Henderson  Hillyard  Jenkins  Jones
Knudson  Madsen  Mayne  Okerlund
Osmond  Reid  Robles  Shiozawa
Stephenson  Stevenson  Thatcher  Urquhart
Valentine  Vickers  Weiler

Absent or not voting were: Senators

Adams  Bramble  Davis  Hinkins
Van Tassell  Niederhauser

* * *

On motion of Senator Valentine, 1st Sub. S.B. 82, STUDENT ACHIEVEMENT BACKPACK, was read the second time and circled.

* * *

On motion of Senator Harper, the circle was removed from S.B. 255, HUMAN SERVICES AMENDMENTS, and it was before the Senate.
Senator Harper proposed the following amendment:

1. Page 6, Line 158:

   158 Subsection (1), shall be trained on and implement into practice the following items, in order of preference and priority:

2. Page 6, Line 173:

   173 (2) A guardian ad litem shall be trained on and implement into practice:

3. Page 7, Lines 190 through 191:

   190 terminated and no appropriate adoption placement is available; and

   191 (i) the use of an individualized permanency plan, only as a last resort.

   (3) The Office of the Guardian ad Litem shall implement policies and practice guidelines that reflect the priorities described in Subsections (2)(e) through (i) for the placement of children.

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

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators

Adams Christensen Dabakis Dayton
Harper Henderson Hillyard Hinkins
Jenkins Jones Knudson Madsen
Mayne Okerlund Osmond Reid
Shiozawa Stephenson Stevenson Thatcher
Urquhart Valentine Vickers Weiler

**Absent or not voting were:** Senators

Bramble Davis Robles Van Tassell
Niederhauser

***

**S.B. 257, PERSONALIZED EDUCATOR EVALUATION TECHNOLOGY,**

was read the second time. Senator Adams explained the bill. Senators Jones and Osmond commented. The bill passed second reading on the following roll call:
Yeas, 17; Nays, 7; Absent or not voting, 5.

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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1st Sub. S.B. 260, READING ASSESSMENT AMENDMENTS, was read the second time.

Senator Urquhart proposed the following amendment:

1. Page 1, Line 21 through Page 2, Line 27:

   21 interactive software program shall include instruction for grades 2 and 3; and
   22 provides that a school district or charter school that received a license during the
   23 prior year for the early intervention interactive computer software program shall be
   24 given first priority to receive a license during the current year {→ and→} ;
   25 {→ requires the Education Interim Committee to study the reading performance of
   26 students enrolled in a half−day kindergarten program as compared to the reading performance
   of students enrolled in an all−day kindergarten program→)

2. Page 2, Lines 28 through 38:
Money Appropriated in this Bill:

This bill appropriates in fiscal year 2014:

- to the State Board of Education – State Office of Education – Contracts and Grants –

K–3 Reading Diagnostic Assessment System, as an ongoing appropriation:

- from the Education Fund, ($2,200,000); and

Early Intervention, as an ongoing appropriation:

- from the Education Fund, { $2,500,000; and $4,700,000.}

Early Intervention, as a one-time appropriation:

- from the Education Fund, $5,000,000.

3. Page 2, Lines 47 through 49:

53A–17a–167, as enacted by Laws of Utah 2012, Chapter 420

{ Uncodified Material Affected:

ENACTS UNCODIFIED MATERIAL

4. Page 11, Lines 329 through 333:

(6) [The] (a) Subject to legislative appropriations, by June 30 of each year, the State Board of Education shall select one or more technology providers, through a request for proposals process, to provide an interactive computer software program for literacy { or numeracy } instruction { or both } and assessments for students in kindergarten [and] through grade 3.

5. Page 12, Lines 346 through 351:
The Education Interim Committee shall study a comparison of the student reading performance of students enrolled in a half-day kindergarten program to the student reading performance of students enrolled in an all-day kindergarten program, as measured by the benchmark assessments of kindergarten students reading at grade level required in Section 53A–17a–150."

6. Page 12, Line 358 through Page 13, Line 367:

To State Board of Education – State Office of Education

From Education Fund ($2,200,000)

Schedule of Programs:

Contracts and Grants – K–3 Reading Program – Diagnostic Assessment System ($2,200,000)

To State Board of Education – State Office of Education

From Education Fund ($2,500,000) $4,700,000

(From Education Fund, one-time $5,000,000)

Schedule of Programs:

Contracts and Grants –

Early Intervention ($7,500,000) $4,700,000

7. Page 13, Lines 368 through 372:

The Legislature intends that:

(1) the appropriation for Contracts and Grants – Early Intervention be used by the State Board of Education to select one or more technology providers to provide an interactive computer software program for literacy or numeracy, or both, and assessments for students in kindergarten and grade 1 as described in Subsection 53A–17a–167(6);

Renumber remaining sections accordingly.
Senator Urquhart’s motion to amend passed on a voice vote. Senator Urquhart explained the bill. Senators Jones and Jenkins commented.

On motion of Senator Urquhart, the bill was circled.

***

On motion of Senator Reid, **1st Sub. S.B. 177**, HIGHWAY DESIGNATION AMENDMENTS, was read the second time and circled.

***

On motion of Senator Adams, **S.B. 267**, NEW CONVENTION HOTEL DEVELOPMENT INCENTIVE ACT, was read the second time and circled.

***

**S.B. 265**, REFERENDUM AMENDMENTS, was read the second time.

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

**1st Sub. S.B. 265 Referendum Amendments** (J. Valentine)

Senator Valentine explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators

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On motion of Senator Okerlund, the circle was removed from **S.B. 212**, JUDICIAL CODE AMENDMENTS, and it was before the Senate. Senator
Okerlund explained the bill. Senators Valentine, Osmond, Urquhart, Hillyard, Weiler, and Knudson commented.

On motion of Senator Okerlund, the bill was circled.

***

On motion of Senator Hillyard, the circle was removed from H.B. 210, MOTOR VEHICLE EMISSION AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill.

On motion of Senator Hillyard, under suspension of the rules, H.B. 210, MOTOR VEHICLE EMISSION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

Van Tassell  Niederhauser

H.B. 210 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Urquhart, the circle was removed from 1st Sub. S.B. 260, READING ASSESSMENT AMENDMENTS, and it was before the Senate. Senator Urquhart explained the bill. Senators Jones and Stephenson commented. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 6; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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Day 39  Friday, March 8, 2013  861

Knudson       Madsen       Okerlund       Reid
Shiozawa      Stephenson    Stevenson     Thatcher
Urquhart      Valentine     Van Tassell   Vickers
Weiler

Voting in the negative were: Senators
Dabakis       Davis         Hillyard      Jones
Mayne         Robles

Absent or not voting were: Senators
Osmond        Niederhauser

***

On motion of Senator Madsen, the circle was removed from 1st Sub. H.B. 131, CONSTITUTIONAL AND FEDERALISM DEFENSE ACT, and it was before the Senate. Senator Madsen explained the bill. Senators Davis and Thatcher commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 5; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams         Bramble       Christensen    Harper
Henderson     Hillyard      Hinkins       Jenkins
Knudson       Madsen       Okerlund      Reid
Shiozawa      Stephenson    Stevenson     Thatcher
Urquhart      Valentine     Van Tassell   Vickers
Weiler

Voting in the negative were: Senators
Dabakis       Davis         Jones          Mayne
Robles

Absent or not voting were: Senators
Dayton        Osmond        Niederhauser

***

On motion of Senator Harper, the circle was removed from S.B. 181, POLITICAL SUBDIVISIONS PROPERTY AMENDMENTS, and it was before the Senate.

On motion of Senator Harper, the following substitute bill replaced the original bill:
Senator Harper proposed the following amendment:

1. Page 3, Lines 72 through 74:

   (1) A political subdivision or educational entity shall hold property in trust for the public’s interest; and

   (b) except as provided in Subsection (2), may not sell, alienate, give away, or otherwise

2. Page 3, Lines 76 through 87:

   (2) Subsection (1) does not apply to:

   (a) property that is made available at a reduced or no cost to a member of the public, the media, a business, or other entity as part of a regular government program, practice, or system at a reduced or no cost;

   (b) property conveyed in accordance with Section 11–13–214;

   (c) property described in Section 11–13–215;

   (d) a service or assistance provided by a county in accordance with Section 17–50–303;

   (e) property that is:

   (i) subject to Subsection (3), a record requested in accordance with Title 63G, Chapter 2, Government Records Access and Management Act; and

   (ii) is requested for a purpose, including media purposes, other than commercial use;

   (f) property requested by, conveyed to, or otherwise disposed to the state, another political subdivision, or the federal government;

   (g) the acquisition or disposal of property in accordance with Section 10–8–2; or

   (h) any transfer of property specifically authorized by law.
Senator Harper’s motion to amend passed on a voice vote. Senator Harper explained the bill. Senators Valentine and Weiler commented. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**JOINT CONFERENCE COMMITTEE REPORT**

Mr. President:  March 7, 2013

The Joint Conference Committee comprised of Senators K. Mayne, K. Van Tassell, and D. Hinkins, and Representatives J. Dunnigan, J. Bird, and S. Duckworth, recommends **2nd Sub. S.B. 44, CONSTRUCTION TRADES LICENSING REVISIONS**, by Senator K. Mayne, with the following amendments:

1. Page 17, Lines 505 through 506:

   505 a bond that is in a form determined by the commission with the concurrence of the director and in an amount that is 

   506 (A) {in an amount and form } determined by the commission with the concurrence of the

2. Page 17, Line 508:

   508 (B) {in an amount not less than} 20% of the annual gross distributions from the

Sen. Karen Mayne and
Rep. Jim Dunnigan, Chairs

***

On motion of Senator Mayne, the Senate voted to move to Third Reading Calendar.
THIRD READING CALENDAR

2nd Sub. S.B. 44, CONSTRUCTION TRADES LICENSING REVISIONS, was before the Senate.

On motion of Senator Mayne, the Senate voted to adopt the Joint Conference Committee report on 2nd Sub. S.B. 44. The bill passed on the following roll call vote:

**Yeas, 23; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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2nd Sub. S.B. 44 was transmitted to the House.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 8, 2013

The House passed, as amended, **H.B. 166, WATER RIGHTS AMENDMENTS**, by Representative K. Ivory, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 387, VITAL STATISTICS ACT AMENDMENTS**, by Representative J. Nielson, and it is transmitted for consideration; and

The House passed **H.J.R. 14, JOINT RESOLUTION ON WATER RIGHTS**, by Representative K. Ivory, 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, 2013

The Speaker of the House has appointed a Conference Committee consisting of Representatives S. Cox, D. Brown, and B. King to meet with a like committee
from the Senate to consider or amend **H.B. 279**, ADMINISTRATIVE HEARINGS BY COUNTIES, by Representative S. Cox.

Sandy D. Tenney, Chief Clerk

***

On motion of Senator Okerlund, and at 5:05 p.m., the Senate adjourned until 8:00 a.m., Monday, March 11, 2013.
FORTY-SECOND DAY
MORNING SESSION
March 11, 2013

The Senate was called to order at 8:10 a.m., with President Wayne Niederhauser presiding.

Prayer – Ben Ader, Senator Dabakis’ intern
Pledge of Allegiance – Hailey Melton
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 8, 2013

The House passed, as substituted, 2nd Sub. H.B. 91, VOTER REGISTRATION – ELECTION DAY VOTER REGISTRATION, by Representative R. Chavez–Houck, et al, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 164, STATE AND POLITICAL SUBDIVISION JURISDICTIONAL AMENDMENTS, by Representative M. Roberts, et al, and it is transmitted for consideration; and

The House passed H.B. 172, PUBLIC SAFETY RADIO COMMUNICATION AMENDMENTS, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 236, LAND DEVELOPMENT REVISIONS, by Representative M. Brown, and it is transmitted for consideration; and

The House passed H.B. 373, SMALL SCHOOL FUNDING, by Representative K. McIff, and it is transmitted for consideration; and

The House passed H.J.R. 15, JOINT RESOLUTION ON STATE AND POLITICAL SUBDIVISIONS JURISDICTION, by Representative M. Roberts, and it is transmitted for consideration; and
The House passed **H.J.R. 16**, JOINT RULES RESOLUTION ON CAMPAIGN CONTRIBUTIONS, by Representative G. Hughes, 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 7, 2013

Without committee review, the Government Operations and Political Subdivisions Committee has returned **1st Sub. H.B. 337**, PERMANENT STATE TRUST FUND INVESTMENT AMENDMENTS, by Representative J. Nielson, to the Rules Committee.

Margaret Dayton, Chair

On motion of Senator Valentine, the committee report was adopted. The bill was returned to the Rules Committee.

**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. 7**, State Agency and Higher Education Compensation Appropriations (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

**CONSENT CALENDAR**

**1st Sub. H.B. 336**, AMENDMENTS TO ECONOMIC DEVELOPMENT, was read the third time, explained by Senator Stevenson, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Madsen       Robles       Thatcher       Urquhart
Vickers

1st Sub. 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.

* * *

2nd Sub. H.B. 111, EMINENT DOMAIN AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams       Bramble       Christensen       Dabakis
Davis       Dayton       Harper       Henderson
Hillyard     Hinkins     Jenkins       Jones
Knudson     Mayne       Okerlund       Osmond
Reid        Shiozawa   Stephenson       Stevenson
Valentine    Van Tassell   Vickers       Weiler
Niederhauser

Absent or not voting were: Senators
Madsen       Robles       Thatcher       Urquhart

2nd Sub. H.B. 111 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, the Senate voted to lift 1st Sub. S.B. 277, GREEN RIVER ENERGY ZONE, from the Consent Calendar and place it at the bottom of the Second Reading Calendar

THIRD READING CALENDAR

1st Sub. S.B. 229, APPELLATE BOND FOR STATE ENTITIES, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams       Bramble       Christensen       Dabakis
Davis       Dayton       Harper       Henderson
Absent or not voting were: Senators
Madsen Robles Urquhart Weiler

1st Sub. S.B. 229 was transmitted to the House for consideration.

* * *

1st Sub. S.J.R. 14, JOINT RESOLUTION AMENDMENT CIVIL PROCEDURE RULE 62, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 25; Nays, 1; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Knudson
Mayne Okerlund Osmond Reid
Shiozawa Stephenson Stevenson Thatcher
Valentine Van Tassell Vickers Weiler
Niederhauser

Voting in the negative was: Senator
Jones

Absent or not voting were: Senators
Madsen Robles Urquhart

1st Sub. S.J.R. 14 was transmitted to the House for consideration.

* * *

On motion of Senator Davis, 2nd Sub. S.B. 183, ADOPTION AGENCY MODIFICATIONS, was read the third time and circled.

* * *

2nd Sub. S.B. 196, LICENSE PLATE READER AMENDMENTS, was read the third time and explained by Senator Weiler. Senator Hillyard commented.
On motion of Senator Weiler, the bill was circled.

* * *

On motion of Senator Weiler, the Senate voted to allow him to be counted as an aye for to 1st Sub. S.B 229. The corrected vote is as follows:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**S.B. 236, UNINSURED AND UNDERINSURED MOTORIST COVERAGE AMENDMENTS,** was read the third time and explained by Senator Hillyard.

Senator Hillyard proposed a verbal amendment as follows:

1. Page 10, Line 280:
   After “apply to” insert “arbitration”

2. Page 23, Line 680
   After “apply to” insert “arbitration”

Senator Hillyard’s motion to amend passed on a voice vote and the bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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On motion of Senator Hillyard, the Senate voted to include the following intent language in the Senate Journal:

**INTENT LANGUAGE**

With respect to 31A–22–305 (4) (a) (iv) & 31a–22–305 (3) (a) (iv): The intent is that the language in the selection/rejection form does not have to mirror this language, but can be substantially similar.

***

On motion of Senator Weiler, the circle was removed from **2nd Sub. S.B. 196**, LICENSE PLATE READER AMENDMENTS, and it was before the Senate. Senator Weiler explained the bill. The bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator

Urquhart

**2nd Sub. S.B. 196** was transmitted to the House for consideration.

***

On motion of Senator Adams, the circle was removed from **S.B. 151**, AUTHORIZATION OF CHARTER SCHOOLS BY HIGHER EDUCATION INSTITUTIONS, and it was before the Senate.
Senator Adams proposed the following amendment:

1. Page 1, Lines 13 through 18
   Senate Committee Amendments
   2–5–2013:
   13 This bill:
   14 {→ removes the requirement to obtain the approval of the Utah College of Applied Technology Board of Trustees before a campus board of directors enters into an agreement authorizing an individual or not-for-profit entity to establish and operate a charter school;}
   15 establishes procedures and criteria for the approval of a charter school application by the Utah College of Applied Technology Board of Trustees;
   16 provides that a charter school application may not be denied due to certain impacts to a public school;
   17 allows a campus board of directors of a college campus within the Utah College of

2. Page 3, Lines 83 through 85
   Senate Committee Amendments
   2–5–2013:
   83 (1) Subject to the approval of the State Board of Education {→} and except as provided in Subsection (8) {→;}, an individual or entity identified in Section 53A–1a–504 may enter into an agreement with a board of trustees of a higher education institution authorizing the individual

3. Page 5, Lines 135 through 151
   Senate Committee Amendments
   2–5–2013:
   135 assist them in understanding and performing their charter obligations.
   136 {→} (8) (a) In addition to complying with the requirements of this section, a campus board
of directors of a college campus within the Utah College of Applied Technology shall obtain

the approval of the Utah College of Applied Technology Board of Trustees before entering into

an agreement to establish and operate a charter school.

(b) If a campus board of directors of a college campus within the Utah College of Applied Technology approves an application to establish and operate a charter school, the campus board of directors of the college campus shall submit the application to the Utah College of Applied Technology Board of Trustees.

(c) The Utah College of Applied Technology Board of Trustees shall, by majority vote, within 60 days or receipt of the application, approve or deny the application approved by the campus board of directors.

(d) The Utah College of Applied Technology Board of Trustees may deny an application approved by a campus board of directors if the proposed charter school does not accomplish a purpose of charter schools as provided in Section 53A−1a−503.

(e) A charter school application may not be denied on the basis that the establishment of the charter school will have any or all of the following impacts on a public school, including another charter school:

(i) an enrollment decline;

(ii) a decrease in funding; or

(iii) a modification of programs or services.

(b) The Utah College of Applied Technology Board of Trustees shall establish a policy for granting approval to a campus board of directors to enter into an agreement to establish and operate a charter school.

(a) Subject to the requirements of this part, a campus board of directors of a college within the Utah College of Applied Technology may establish:

(i) procedures for submitting applications to establish and operate a charter school to a

(a campus board of directors of a college within the Utah College of Applied Technology;
and
(ii) criteria for a campus board of directors’ approval of an application to establish and operate a charter school.
(b) The Utah College of Applied Technology Board of Trustees may not establish policy governing the procedures or criteria described in Subsection (9) (a).
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**H.B. 306**, as amended, was returned to the House for further consideration.

* * *

**2nd Sub. S.B. 77**, **AVAILABILITY OF GOVERNMENT INFORMATION**, was read the third time, explained by Senator Henderson, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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<th>Okerlund</th>
<th>Urquhart</th>
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**2nd Sub. S.B. 77** was transmitted to the House for consideration.

* * *

**S.B. 241**, **DISCLOSURE REQUIREMENTS FOR MIDTERM VACANCY CANDIDATES**, was read the third time, explained by Senator Weiler, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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<td>Vickers</td>
<td>Weiler</td>
<td>Niederhauser</td>
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</tbody>
</table>
Absent or not voting were: Senators
Okerlund Urquhart

S.B. 241 was transmitted to the House for consideration.

* * *

On motion of Senator Robles, the circle was removed from 2nd Sub. S.B. 183, ADOPTION AGENCY MODIFICATIONS, and it was before the Senate. Senator explained the bill. The bill passed on the following roll call:

Yea, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne Okerlund
Osmond Reid Robles Shiozawa
Stephenson Stevenson Thatcher Valentine
Van Tassell Vickers Weiler Niederhauser

Absent or not voting was: Senator
Urquhart

2nd Sub. S.B. 183 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 238, PROPERTY TAX AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yea, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne Okerlund
Osmond Reid Robles Shiozawa
Stephenson Stevenson Thatcher Valentine
Van Tassell Vickers Weiler Niederhauser
Absent or not voting was: Senator Urquhart

1st Sub. S.B. 238 was transmitted to the House for consideration.

* * *

S.B. 239, ALCOHOLIC BEVERAGE CONTROL ACT SAMPLING AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne Okerlund
Osmond Reid Robles Shiozawa
Stephenson Thatcher Valentine Van Tassell
Vickers Weiler Niederhauser

Absent or not voting were: Senators
Stevenson Urquhart

S.B. 239 was transmitted to the House for consideration.

* * *

S.B. 248, ALCOHOLIC BEVERAGE CONTROL ACT AND SMALL MANUFACTURERS, was read the third time and explained by Senator Valentine. Senator Hillyard commented and the bill passed on the following roll call:

Yeas, 25; Nays, 3; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Harper Henderson Hinkins
Jenkins Jones Knudson Madsen
Mayne Okerlund Osmond Robles
Shiozawa Stephenson Stevenson Thatcher
Valentine Van Tassell Vickers Weiler
Niederhauser
Voting in the negative were: Senators
Dayton  Hillyard  Reid

Absent or not voting was: Senator
Urquhart

S.B. 248 was transmitted to the House for consideration.

* * *

2nd Sub. S.B. 107, PUBLIC SHOOTING RANGES, was read the third time and explained by Senator Christensen.

Senator Vickers proposed a verbal amendment as follows:

1. Page 6, Line 174:
   After “municipal” insert “or county”

Senator Vickers’ motion to amend failed on a voice vote. Senators Hillyard and Madsen commented and the bill passed on the following roll call:

Yeas, 27; Nays, 1; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Dayton  Harper  Henderson  Hinkins
Jenkins  Jones  Knudsen  Madsen
Mayne  Okerlund  Osmond  Reid
Robles  Shiozawa  Stephenson  Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

Voting in the negative was: Senator
Davis

Absent or not voting was: Senator
Hillyard

2nd Sub. S.B. 107 was transmitted to the House for consideration.

* * *

S.B. 232, ADOPTION CODE REVISION, was read the third time, explained by Senator Weiler, and passed on the following roll call:
Yeas, 25; Nays, 2; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams       Bramble       Christensen       Dabakis
Davis       Dayton        Harper           Henderson
Hinkins      Jenkins       Jones            Knudson
Mayne       Osmond        Reid             Shiozawa
Stephenson   Stevenson     Thatcher         Urquhart
Valentine    Van Tassell    Vickers         Weiler
Niederhauser

Voting in the negative were: Senators
Madsen       Robles

Absent or not voting were: Senators
Hillyard     Okerlund

S.B. 232 was transmitted to the House for consideration.

***

On motion of Senator Adams, the circle was removed from 2nd Sub. S.B. 182, STORAGE UNIT AMENDMENTS, and it was before the Senate.

Senator Adams proposed the following amendment:

1. Page 7, Lines 199 through 203:

   199   (c) A fee charged by a newspaper for the one–time advertisement described in
   200   Subsection (6)(a) may not exceed:
   201   (i) $15 for the first unit in the advertisement;
   202   (ii) $5 for each additional unit in the advertisement; and
   203   (iii) a total of $30–

2. Page 7, Lines 206 through 208:

   206   (7)  (8) [Any] A sale [or other disposition] of the personal property shall be held at the
   207   self–service storage facility [or–] at the nearest suitable place to where the personal property is
   208   held or stored , or online .
Senator Adams’ motion to amend passed on a voice vote. Senator Adams explained the bill. Senators Urquhart, Stephenson, Weiler and Jones commented. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Vickers
- Weiler
- Niederhauser

**Absent or not voting were:** Senators

- Okerlund
- Van Tassell

2nd Sub. S.B. 182 was transmitted to the House for consideration.

***

S.B. 86, INDEPENDENT EXECUTIVE BRANCH ETHICS COMMISSION, was read the third time and explained by Senator Valentine. Senator Dabakis commented and the bill passed on the following roll call:

**Yeas, 25; Nays, 1; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

- Adams
- Christensen
- Davis
- Dayton
- Harper
- Henderson
- Hinkins
- Jenkins
- Mayne
- Madsen
- Robles
- Shiozawa
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Voting in the negative was:** Senator

- Dabakis

**Absent or not voting were:** Senators

- Bramble
- Hillyard
- Okerlund

S.B. 86 was transmitted to the House for consideration.
* * *

1st Sub. S.B. 247, AMENDMENTS TO REVENUE AND TAXATION, was read the third time, explained by Senator Harper, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

- Adams
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hinkins
- Jenkins
- Jones
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- Madsen
- Mayne
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- Stephenson
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Absent or not voting were:** Senators

- Bramble
- Hillyard
- Okerlund
- Stevenson

1st Sub. S.B. 247 was transmitted to the House for consideration.

* * *

1st Sub. S.J.R. 3, JOINT RULES RESOLUTION ON REQUESTS FOR LEGISLATION, was read the third time, explained by Senator Osmond, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

- Adams
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Absent or not voting were:** Senators

- Bramble
- Hillyard
- Okerlund
- Stevenson

1st Sub. S.J.R. 3 was transmitted to the House for consideration.
1st Sub. S.B. 244, UTAH DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Bramble | Hillyard | Okerlund | Stevenson |

* * *

S.B. 254, PENALTY FOR WELL DRILLING WITHOUT A LICENSE, was read the third time, explained by Senator Harper, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 254 was transmitted to the House for consideration.

* * *
S.B. 255, HUMAN SERVICES AMENDMENTS, was read the third time, explained by Senator Harper, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Jenkins Jones Knudson Madsen
Mayne Osmond Reid Shiozawa
Stephenson Thatcher Urquhart Valentine
Van Tassell Vickers Weiler Niederhauser

Absent or not voting were: Senators
Bramble Hinkins Okerlund Robles
Stevenson

S.B. 255 was transmitted to the House for consideration.

S.B. 257, PERSONALIZED EDUCATOR EVALUATION, was read the third time and explained by Senator Adams.

Senator Adams proposed the following amendment:

1. Page 1, Lines 16 through 17:

   16   • select {a single provider} multiple providers, through a request for proposals process, to provide
   17   software to implement educator evaluations; and

2. Page 2, Lines 50 through 52:

   50   (2) The State Board of Education shall:
   51   (a) select {a single provider} multiple providers, through a request for proposals process, to provide
   52   software to implement educator evaluations; and

3. Page 2, Lines 55 through 56:

   55   (3) In selecting a provider of educator evaluation software, the State Board of
Education shall consider the following criteria, with additional consideration given to providing a free observation tool or providing a free online library of professional development:

Senator Adams’ motion to amend passed on a voice vote. Senators Jones and Osmond commented and the bill passed on the following roll call:

**Yeas, 18; Nays, 8; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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<td>Mayne</td>
<td>Robles</td>
<td>Shiozawa</td>
<td>Vickers</td>
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**Absent or not voting were:** Senators

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<th>Bramble</th>
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<th>Stevenson</th>
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S.B. 257 was transmitted to the House for consideration.

***

On motion of Senator Valentine, **1st Sub. S.B. 265, REFERENDUM AMENDMENTS**, was read the third time and circled.

***

1st Sub. S.B. 260, **READING ASSESSMENT AMENDMENTS**, was read the third time and explained by Senator Urquhart. Senators Jones, Weiler, Stephenson, Davis, and Hillyard commented and the bill passed on the following roll call:

**Yeas, 19; Nays, 8; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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<td>Vickers</td>
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</table>
Voting in the negative were: Senators
Dabakis       Davis       Hillyard       Jones
Knudson       Mayne       Robles       Shiozawa

Absent or not voting were: Senators
Okerlund       Stevenson

1st Sub. S.B. 260 was transmitted to the House for consideration.

* * *

1st Sub. H.B. 131, CONSTITUTIONAL AND FEDERALISM DEFENSE ACT, was read the third time, explained by Senator Madsen, and passed on the following roll call:

Yeas, 25; Nays, 1; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams       Bramble       Christensen       Davis
Dayton       Harper       Henderson       Hillyard
Hinkins       Jenkins       Jones       Knudson
Madsen       Mayne       Osmond       Reid
Shiozawa       Stephenson       Thatcher       Urquhart
Valentine       Van Tassell       Vickers       Weiler
Niederhauser

Voting in the negative was: Senator
Dabakis

Absent or not voting were: Senators
Okerlund       Robles       Stevenson

1st Sub. H.B. 131 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. 181, POLITICAL SUBDIVISIONS PROPERTY AMENDMENTS, was read the third time and explained by Senator Harper.

Senator Harper proposed the following amendment:

1. Page 3, Line 85
   Senate 2nd Reading Amendments
3–8–2013:
85 political subdivision, an agency as defined in Section 17C−1−102, or the federal government;

Senator Harper’s motion to amend passed on a voice vote. Senator Stephenson commented and the bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators

Adams  Christensen  Dabakis  Davis  
Dayton  Harper  Henderson  Hillyard  
Hinkins  Jenkins  Jones  Knudson  
Madsen  Osmond  Reid  Shiozawa  
Stephenson  Thatcher  Urquhart  Valentine  
Van Tassell  Vickers  Weiler  Niederhauser

**Absent or not voting were:** Senators

Bramble  Mayne  Okerlund  Robles  
Stevenson

1st Sub. S.B. 181 was transmitted to the House for consideration.

**JOINT CONFERENCE COMMITTEE REPORT**

Mr. President: March 11, 2013

The Joint Conference Committee comprised of Senators E. Vickers, D. Thatcher, and K. Mayne, and Representatives S. Cox, D. Brown, and B. King, recommends **H.B. 279, ADMINISTRATIVE HEARINGS BY COUNTIES**, by Representative S. Cox, with the following amendments:

1. Go back to the original H.B. 279 without any amendments; and

2. Page 2, Line 36 through Page 2, Line 39:

   36 (2) An ordinance adopted in accordance with Subsection (1) shall provide appropriate

   37 due process protections for a party participating in an administrative hearing.

   38 (3) An administrative hearing held in accordance with an ordinance described in
Subsection (1) may be conducted by an administrative law judge.

(4) A county may not impose a civil penalty and adjudication for the violation of a county moving traffic ordinance.

Sen. Evan Vickers and Rep. Spencer Cox, Chairs

On motion of Senator Vickers, the Senate voted to adopt the Joint Conference Committee report.

On motion of Senator Vickers, the Senate voted to place H.B. 279 at the top of the Third Reading Calendar.

H.B. 279, ADMINISTRATIVE HEARINGS BY COUNTIES, was before the Senate. Senator Stephenson commented.

On motion of Senator Vickers, the bill was circled.

* * *

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

The Senate was called to order at 10:40 a.m., with President Niederhauser presiding.

SECOND READING CALENDAR

On motion of Senator Valentine, under suspension of the rules, the Senate voted to consider Senate bills read for the second and third time for the remainder of the day.

* * *

On motion of Senator Bramble, the Senate voted to lift 2nd Sub. H.B. 106, MEDICAID INSPECTOR GENERAL AMENDMENTS, to the top of the Second Reading Calendar.

2nd Sub. H.B. 106, MEDICAID INSPECTOR GENERAL AMENDMENTS, was read the second time.

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

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Hinkins, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Hinkins, under suspension of the rules, **1st Sub. S.B. 277**, GREEN RIVER ENERGY ZONE, was considered read the second and third times. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler

**Absent or not voting were:** Senators

- Okerlund
- Niederhauser

**1st Sub. S.B. 277** was transmitted to the House.

* * *

**S.B. 278**, CAPITAL IMPROVEMENT AMENDMENTS, was read the second time.

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

**1st Sub. S.B. 278 Capital Improvement Amendments** (W. Harper)

Senator Harper explained the bill. Senator Hillyard commented.

On motion of Senator Harper, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Harper, under suspension of the rules, **1st Sub. S.B. 278**, CAPITAL IMPROVEMENT AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:
Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Osmond Reid
Shiozawa Stephenson Stevenson Thatcher
Urquhart Valentine Van Tassell Vickers
Weiler

Absent or not voting were: Senators
Bramble Okerlund Robles Niederhauser

1st Sub. S.B. 278 was transmitted to the House.

* * *

On motion of Senator Adams, under suspension of the rules, 1st Sub. S.B. 90, CONDOMINIUM AND COMMUNITY ASSOCIATION AMENDMENTS, was considered read the second and third times.

Senator Adams proposed the following amendment: #1

1. Page 1, Line 16:

16  enacts provisions relating to making changes to adjoining units or lots acquired by the

2. Page 14, Lines 409 through 412:

409 permitted by the chapter under which the association is organized for: for: (a) board members, directors, and officers[,]; or
410 { –(a) for: – }
411 { –(ii) – (a) } (b) similar persons in a position of control { –(ii) – } { –(ii) – } { –(ii) – }
412 { –(ii) – } (b) similar persons in a position of control { –(ii) – } { –(ii) – } { –(ii) – }

3. Page 19, Line 562:

562 (B) Notwithstanding Subsection (9)(i) { –(i) – } (ii) (A), an association of unit owners that

4. Page 19, Line 570:
570 deductible of the association of unit owners and until it becomes apparent the covered loss

5. Page 21, Line 629:

629 (i) the unit owner’s ownership interest in the common areas and facilities

6. Page 24, Line 732:

732 (12) “Mixed-use project” means a project under this chapter that has both residential

7. Page 27, Line 801:

801 require an amount higher than the amount determined under Subsection (6)(a)

8. Page 37, Line 1125:

1125 appurtenant to a commercial lot in a mixed-use project.

9. Page 37, Line 1128:

1128 mixed-use project if allowed or required in the declaration.

10. Page 40, Lines 1231 through 1233:

1231 (5) Unless otherwise provided in the declaration

1232 association resulting from a consolidation under this section

1233 is the legal successor for all purposes of all of the consolidating associations;

Senator Adams’ motion to amend passed on a voice vote.

# # #

Senator Adams proposed the following amendment: #2

1. Page 3, Line 58:
58 57–8–4.5, Utah Code Annotated 1953
57–8–6.7, Utah Code Annotated 1953

2. Page 3, Line 63:

63 57–8a–108, Utah Code Annotated 1953
57–8a–109, Utah Code Annotated 1953

3. Page 9, Line 243:

243 otherwise.

Section 3. Section 57–8–6.7 is enacted to read:
57–8–6.7. Limit on fee for approval of plans.

(1) As used in this section:
(a) “Plan fee” means a fee that an association of unit owners charges for review and approval of unit plans.
(b) “Unit plans” means plans:
(i) for the construction or improvement of a unit; and
(ii) that are required to be approved by the association of unit owners before the unit construction or improvement may occur.

(2) An association of unit owners may not charge a plan fee that exceeds the actual cost of reviewing and approving the unit plans.

4. Page 25, Line 761:

761 (b) This chapter does not affect whether a substantial failure impairs marketability.

Section 15. Section 57–8a–109 is enacted to read:
57–8a–109. Limit on fee for approval of plans.

(1) As used in this section:
(a) “Lot plans” means plans:
(i) for the construction or improvement of a lot; and
(ii) that are required to be approved by the association before the lot construction or improvement may occur.
(b) “Plan fee” means a fee that an association charges for review and approval of lot plans.

(2) An association may not charge a plan fee that exceeds the actual cost of reviewing and approving the lot plans.

Renumber remaining sections accordingly.

Senator Adams’ motion to amend passed on a voice vote. Senator Adams explained the bill.
On motion of Senator Adams, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

Adams Christensen Dabakis Dayton
Harper Henderson Hillyard Hinkins
Jenkins Jones Knudson Madsen
Mayne Osmond Reid Robles
Shiozawa Stephenson Stevenson Thatcher
Urquhart Valentine Van Tassell Vickers
Weiler

**Absent or not voting were:** Senators

Bramble Davis Okerlund Niederhauser

1st Sub. S.B. 90 was transmitted to the House.

***

On motion of Senator Valentine, under suspension of the rules, **S.B. 261**, AMENDMENTS RELATED TO ALCOHOLIC BEVERAGE CONTROL, was considered read the second and third times.

Senator Weiler proposed the following amendment: #4

1. Page 47, Line 1434 through Page 47a, Line 1448h
   a. Senate Committee Amendments
   b. 3–6–2013:

   1434 32B–5–311 Private events at retail licensee premises.

   1435 \( \hat{S} \geq \{\text{Section}\} \leq \hat{S} \) Subject to \( \hat{S} \) Sections \( \leq \hat{S} 32B–5–309 \) \( \hat{S} \) and \( 32B–6–505 \) \( \hat{S} \), a

   1435a retail licensee may temporarily rent or otherwise

   1436 temporarily lease its premises to a person after the hours the retail licensee may sell, offer for

   1437 sale, or furnish an alcoholic product if:

   1438 \( \hat{S} \geq \{\text{Section}\} \{1\} \{1\} \{\text{Section}\} \leq \hat{S} \) the person who temporarily rents or leases the licensed premises obtains an
event permit under Chapter 9, Event Permit Act, for the time period that the retail licensee rents or otherwise leases its licensed premises;

the event for which the licensed premises are leased is not open to the public;

the person to whom the retail licensee rents or leases the premises agrees in writing to comply with this title as if the person is the retail licensee, except for:

a requirement related to making or maintaining a record; and

the hours during which an alcoholic product may be sold, offered for sale, or furnished; and

the retail licensee takes reasonable steps to ensure that the person complies with this section.

Subject to Sections 32B–5–309 and 32–6–505, a retail licensee may temporarily rent or otherwise temporarily lease its premises for a private event during the hours the retail licensee may sell, offer for sale, or furnish an alcoholic product if:

(a) the person to whom the retail licensee rents or leases the premises agrees in writing to comply with this title as if the person is the retail licensee, except for a requirement related to
1448f making or maintaining a record; and
1448g (b) the retail licensee takes reasonable steps to ensure that the person complies with this
1448h section as provided in Subsection (2)(a). }

2. Page 52, Line 1605:

1605 alcoholic product.
(15) Subject to Section 32B−5−309, a full−service restaurant licensee may not temporarily rent or otherwise temporarily lease its premises to a person unless:
(a) the person to whom the full−service restaurant licensee rents or leases the premises agrees in writing to comply with this title as if the person is the full−service restaurant licensee, except for a requirement related to making or maintaining a record; and
(b) the full−service restaurant licensee takes reasonable steps to ensure that the person complies with this title as provided in Subsection (15)(a).

3. Page 58, Line 1770
Senate Committee Amendments 3−6−2013:

1770 containers of an alcoholic product.
(15) Subject to Section 32B−5−309, a limited−service restaurant licensee may not temporarily rent or otherwise temporarily lease its premises to a person unless:
(a) the person to whom the limited−service restaurant licensee rents or leases the premises agrees in writing to comply with this title as if the person is the limited−service restaurant licensee, except for a requirement related to making or maintaining a record; and
(b) the limited−service restaurant licensee takes reasonable steps to ensure that the person complies with this title as provided in Subsection (15)(a).

4. Page 62, Line 1893:

1893 containers of beer.
(14) Subject to Section 32B−5−309, a beer−only restaurant licensee may not temporarily rent or otherwise temporarily lease its premises to a person unless:
(a) the person to whom the beer-only restaurant licensee rents or leases the premises agrees in writing to comply with this title as if the person is the beer-only restaurant licensee, except for a requirement related to making or maintaining a record; and

(b) the beer-only restaurant licensee takes reasonable steps to ensure that the person complies with this title as provided in Subsection (14)(a).

Senator Weiler’s motion to amend passed on a voice vote. Senator Valentine explained the bill. Senator Jenkins, Hillyard, and Weiler commented.

On motion of Senator Valentine, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:

**Yeas, 24; Nays, 1; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator Dabakis

**Absent or not voting were:** Senators

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S.B. 261 was transmitted to the House.

***

On motion of Senator Bramble, **1st Sub. S.B. 272, PUBLIC SCHOOL FUNDING AMENDMENTS**, was read the second time and circled.

***

On motion of Senator Urquhart, **S.B. 274, CONDOMINIUM FORECLOSURE AMENDMENTS**, was read the second time and circled.

***

On motion of Senator Bramble, **S.B. 281, DEBT COLLECTION INFORMATION AMENDMENTS**, was read the second time and circled.
S.B. 209, GRANTS FOR PERSONAL MOBILE LEARNING DEVICES, was read the second time. Senator Osmond explained the bill. Senator Stephenson commented.

On motion of Senator Osmond, the bill was circled.

***

On motion of Senator Adams, S.B. 271, SCHOOL GRADING AMENDMENTS, was read the second time and circled.

***

On motion of Senator Adams, the circle was removed from S.B. 78, PHARMACY ACT AMENDMENTS, and it was before the Senate.

Senator Vickers proposed the following amendment:

1. Page 2, Line 45:

45 58–17b–605, as last amended by Laws of Utah 2008, Chapter 205

631–2–258, as last amended by Laws of Utah 2012, Chapters 88 and 369

2. Page 17, Lines 510 through 516

Senate Committee Amendments 2–21–2013:

510 (8) (a) A pharmacist or pharmacy intern who substitutes an interchangeable biosimilar product for a prescribed biological product shall:

512 { (−(a)−) (i) notify the prescriber in writing , by fax, telephone, or electronic transmission

512a of the substitution, as soon as practicable, but not later than three business days after dispensing the interchangeable biosimilar product in place

514 of the prescribed biological product; and

515 { (−(b)−) (ii) include the name and manufacturer of the interchangeable biosimilar product

substituted.
(b) This subsection is repealed on March 31, 2016.

3. Page 17, Line 521
Senate Committee Amendments
2–21–2013:

authorized does not constitute evidence of negligence.
Section 4. Section 63I–2–258 is amended to read:
63I–2–258. Repeal dates — Title 58.
(1) Subsection 58–72–201(1)(b) is repealed July 1, 2014.
(2) Subsection 58–17b–606.5(8) is repealed on March 31, 2016.

Renumber remaining sections accordingly.

Senator Vickers’ motion to amend passed on a voice vote. Senator Adams explained the bill. Senators Mayne, Shiozawa, and Dayton commented.

On motion of Senator Adams, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Adams, under suspension of the rules, S.B. 78, PHARMACY ACT AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 27; Nays, 1; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Dayton  Harper  Henderson  Hillyard
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Osmond  Reid
Robles  Shiozawa  Stephenson  Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

Voting in the negative was: Senator
Davis

Absent or not voting was: Senator
Okerlund

S.B. 78 was transmitted to the House for consideration.
On motion of Senator Bramble, the circle was removed from 3rd Sub. H.B. 106, MEDICAID INSPECTOR GENERAL AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. Senators Valentine and Christensen commented.

On motion of Senator Bramble, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Bramble, under suspension of the rules, 3rd Sub. H.B. 106, MEDICAID INSPECTOR GENERAL AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis
Davis   Dayton   Harper     Henderson
Hillyard Hinkins  Jenkins   Jones
Knudson Madsen  Mayne     Osmond
Reid    Robles   Shiozawa  Stephenson
Stevenson Thatcher Urquhart Valentine
Van Tassell Vickers  Weiler  Niederhauser

Absent or not voting was: Senator Okerlund

3rd Sub. H.B. 106, as amended, was returned to the House for further consideration.

S.J.R. 5, JOINT RESOLUTION ON STATE SUPERINTENDENT OF PUBLIC INSTRUCTION, was read the second time. Senator Reid explained the bill.

On motion of Senator Reid, the Senate voted to strike the enacting clause on the bill.

S.B. 269, PROPERTY TAX REVISIONS, was considered read the second and third times. Senator Valentine explained the bill.
On motion of Senator Valentine, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:

** Yeas, 27; Nays, 0; Absent or not voting, 2. 

** Voting in the affirmative were:** Senators

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** Absent or not voting were:** Senators

Dabakis      Okerlund

1st Sub. S.B. 269 was transmitted to the House.

** COMMUNICATIONS FROM THE HOUSE **

Mr. President:  March 11, 2013

The Speaker of the House has signed 2nd Sub. S.B. 44, CONSTRUCTION TRADES LICENSING REVISIONS, by Senator K. Mayne, and it is transmitted for the signature of the President; and

The House passed, 3rd Sub. S.B. 67, CONSUMER PROTECTION 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. 105, BOARD OF PARDONS AND PAROLE REVISIONS, 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. 165, PHYSICAL THERAPY PRACTICE ACT AMENDMENTS, by Senator T. Weiler, 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. 166, HOSPITAL ASSESSMENT 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. 204, 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.B. 222**, TRANSPORTATION AMENDMENTS, by Senator W. Harper, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.C.R. 4**, STANDING WITH ISRAEL CONCURRENT 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:

The House concurred in the Senate amendments and passed **H.B. 104**, WIRELESS CALL LOCATION INFORMATION, by Representative M. Wheatley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 202**, ENERGY CONSERVATION CODE 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 **1st Sub. H.B. 287**, RETURN OF WEAPONS RECOVERED BY LAW ENFORCEMENT, by Representative K. Stratton, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

Mr. President:

The House passed, as substituted and amended, **4th Sub. H.B. 94**, FREE MARKET PROTECTION AND PRIVATIZATION BOARD ACT AMENDMENTS, by Representative K. Stratton, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 160**, HEALTH SYSTEM REFORM AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 175, LOCAL POLITICAL SUBDIVISION BONDING NOTICE REQUIREMENTS**, by Representative J. Knotwell, and it is transmitted for consideration; and

The House passed **H.B. 380, ECONOMIC DEVELOPMENT REVISIONS**, by Representative V. L. Snow, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 385, DUTIES AND WITHDRAWAL OF TRUSTEE**, by Representative V. L. Snow, and it is transmitted for consideration; and

The House passed **H.B. 399, NAME AMENDMENTS TO FUNDS AND ACCOUNTS**, by Representative S. Eliason, and it is transmitted for consideration; and

The House passed **H.B. 403, MUNICIPAL ELECTION AMENDMENTS**, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 404, SHORT SALE AMENDMENTS**, by Representative M. Roberts, 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 11, 2013

The House passed, as amended, **2nd Sub. S.B. 187, FOOD HANDLER LICENSING AMENDMENTS**, by Senator C. Bramble, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

***

On motion of Senator Adams, and at 11:50 a.m., the Senate recessed.
AFTERNOON SESSION

The Senate reassembled at 2:10 p.m., with President Niederhauser presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2013

The House passed, as substituted, 1st Sub. H.B. 140, CONSUMER-FOCUSED HEALTH DELIVERY AND PAYMENT DEMONSTRATION PROJECT, by Representative S. Barlow, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 152, PARENT-TIME RESTRICTION AMENDMENTS, by Representative C. Hall, and it is transmitted for consideration; and

The House passed, as substituted, 2nd Sub. H.B. 323, HEALTH INSURANCE PRIOR AUTHORIZATION, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 396, MODULAR HOME AMENDMENTS, 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.

THIRD READING CALENDAR

On motion of Senator Vickers, the circle was removed from H.B. 279, ADMINISTRATIVE HEARINGS BY COUNTIES, and it was before the Senate. On motion of Senator Vickers, the Senate vote to adopt the Joint Conference committee report. The bill passed on the following roll call:

Yeas, 24; Nays, 1; Absent or not voting, 4.

Voting in the affirmative were: Senators

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Voting in the negative was: Senator Valentine

Absent or not voting were: Senators
Hinkins Okerlund Robles Urquhart

H.B. 279, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Adams, 1st Sub. S.B. 250, SALES AND USE TAX EXEMPTION FOR SALES OF A FUEL CELL, was read the second time and circled.

* * *

S.B. 263, CHILD CARE COSTS AMENDMENTS, was read the second time.

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

1st Sub. S.B. 263 Child Care Costs Amendments (T. Weiler)

On motion of Senator Weiler, under suspension of the rules, 1st Sub. S.B. 263, CHILD CARE COST AMENDMENTS, was considered read the second and third times. Senator Weiler explained the bill. Senators Knudson and Jones commented.

On motion of Senator Weiler, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne Osmond
Reid Robles Shiozawa Stephenson
Stevenson Thatcher Valentine Van Tassell
Vickers Weiler Niederhauser

Absent or not voting were: Senators
Okerlund Urquhart
1st Sub. S.B. 263 was transmitted to the House.

* * *

On motion of Senator Bramble, the circle was removed from 1st Sub. S.B. 272, PUBLIC SCHOOL FUNDING AMENDMENTS, and it was before the Senate.

Senator Bramble proposed the following amendment:

1. Page 1, Lines 12 through 16:

   12 provides that, for the 2013–14 and 2014–15 school years, the number of weighted pupil units assigned to a charter school for the

   13 kindergarten and grades 1 through 12 programs of the Basic School Program shall

   14 be based on the greater of the school’s:

   15 • October 1 enrollment in the current school year; or

   16 • average daily membership in the prior school year plus growth.

2. Page 3, Lines 79 through 85:

   79 (b) {The} For the 2013–14 and 2014–15 school years, the number of weighted pupil units assigned to a charter school for the

   80 kindergarten and grades 1 through 12 programs of the Basic School Program shall be:

   81 (i) based on the higher of:

   82 (A) October 1 enrollment in the current school year; or

   83 (B) average daily membership in the prior school year plus growth as determined under

   84 Section 53A–17a–106; and

   85 (ii) weighted as provided in Subsection (3)(c).

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

On motion of Senator Bramble, under suspension of the rules, 1st Sub. S.B. 272, PUBLIC SCHOOL FUNDING AMENDMENTS, was considered read the second and third times. Senator Bramble explained the bill. Senators Stephenson and Osmond commented.
On motion of Senator Bramble, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:

**Yeas, 26; Nays, 2; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

| Dabakis | Hinkins |

**Absent or not voting was:** Senator

Okerlund

**1st Sub. S.B. 272** was transmitted to the House.

* * *

On motion of Senator Robles, under suspension of the rules, **S.B. 282**, ADOPTION NOTIFICATION REQUIREMENTS, was considered read the second and third times. Senator Robles explained the bill. Senator Hillyard commented.

On motion of Senator Robles, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator

Stevenson
S.B. 282 was transmitted to the House.

* * *

On motion of Senator Bramble, the circle was removed from S.B. 281, DEBT COLLECTION INFORMATION AMENDMENTS, and it was before the Senate.

On motion of Senator Bramble, under suspension of the rules, S.B. 281, DEBT COLLECTION INFORMATION AMENDMENTS, was considered read the second and third times.

Senator Bramble proposed the following amendment:

1. Page 6, Lines 176 through 179:

176 (7) If a judgment creditor or other party fails to comply with the data safeguard and
177 security measures under 20 C.F.R. Sec. 603.9, the judgment creditor or other party is subject to
178 a civil penalty of no more than $10,000 enforceable by the Utah Office of the Attorney
179 General as follows:

(a) the attorney general, on the attorney general’s own behalf or on behalf of the division, may file an action in district court to enforce the civil penalty; and
(b) if the attorney general prevails in enforcing the civil penalty against the judgment creditor or other party:

(i) the attorney general is entitled to an award for reasonable attorney fees, court costs, and investigative expenses; and
(ii) the civil penalty shall be deposited into the special administrative expense account described in Subsection 35A−4−506(1).

Senator Bramble’s motion to amend passed on a voice vote. Senator Bramble explained the bill.

On motion of Senator Bramble, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams     Bramble     Christensen     Dabakis
Davis     Dayton     Harper      Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudsen  Madsen  Mayne  Okerlund
Osmond  Reid  Robles  Shiozawa
Stephenson  Thatcher  Urquhart  Valentine
Van Tassell  Vickers  Weiler  Niederhauser

Absent or not voting was: Senator Stevenson

S.B. 281 was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2013

The House concurred in the Senate amendments and passed 3rd Sub.
H.B. 106, MEDICAID INSPECTOR GENERAL AMENDMENTS, by Representative R. Wilcox, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communication filed. The bill was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

SECOND READING CALENDAR

On motion of Senator Adams, under suspension of the rules, S.B. 275, ENERGY AMENDMENTS, was considered read the second and third times. Senator Adams explained the bill. Senators Jenkins, Jones, Valentine, Hinkins and Van Tassell commented.

Senator Adams proposed the following amendment:

1. Page 3, Lines 82 through 85
   Senate Committee Amendments 3–7–2013:

   82 (3) {−The commission shall report the results of its proceedings under Subsection (4),
   including any conclusions and recommendations, to the governor, the Legislative Management
   Committee, and the Public Utilities and Technology Interim Committee by September 30,
By September 30, 2013, the commission and the interlocal entity described in Subsection 11–13–224(2) shall report to the governor, the Legislative Management Committee, and the Public Utilities and Technology Interim Committee:

(a) the results of the commission proceedings under Subsection (1); and

(b) recommendations for specific actions to implement mechanisms to provide funding for the enhancement and expansion of the infrastructure and facilities for alternative fuel vehicles.

Senator Adams’ motion to amend passed on a voice vote.

On motion of Senator Adams, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. Senator Hinkins declared a conflict of interest. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Christensen | Robles |

S.B. 275 was transmitted to the House.

***

On motion of Senator Valentine, under suspension of the rules, S. B. 276, WATER CONSERVANCY DISTRICT CAPITAL ASSETS, was considered read the second and third times. Senator Valentine explained the bill.

On motion of Senator Valentine, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**
Voting in the affirmative were: Senators
Adams  Bramble  Dabakis  Davis
Dayton  Harper  Henderson  Hillyard
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Shiozawa  Stephenson  Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Christensen  Robles

S.B. 276 was transmitted to the House.

***

On motion of Senator Stevenson, S.B. 284, EDUCATIONAL TECHNOLOGY AMENDMENTS, was read the second time and circled.

***

On motion of Senator Okerlund, the circle was removed from 1st Sub. S.B. 250, SALES AND USE TAX EXEMPTION FOR SALES OF A FUEL CELL, and it was before the Senate.

On motion of Senator Okerlund, under suspension of the rules, 1st Sub. S.B. 250, SALES AND USE TAX EXEMPTION FOR SALES OF A FUEL CELL, was considered read the second and third times. Senator Okerlund explained the bill.

On motion of Senator Okerlund, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Senators
Adams  Bramble  Davis  Dayton
Henderson  Hillyard  Hinkins  Jenkins
Jones  Knudson  Madsen  Okerlund
Osmund  Reid  Shiozawa  Stephenson
Stevenson  Thatcher  Urquhart  Valentine
Van Tassell  Vickers  Weiler

Absent or not voting were: Senators
Christensen  Dabakis  Harper  Mayne
Robles  Niederhauser
1st Sub. S.B. 250 was transmitted to the House.

* * *

On motion of Senator Osmond, the circle was removed from S.B. 209, GRANTS FOR PERSONAL MOBILE LEARNING DEVICES, and it was before the Senate.

Senator Osmond proposed the following amendment:

1. Page 2, Lines 42 through 43:

    individual student.

    (b) “Property tax base per student” means a school district’s total taxable property value divided by the school district’s student enrollment, based on the October enrollment counts.

    (c) “Technology protection device” means a technology that blocks or filters Internet

2. Page 4, Line 90:

    purpose of generating revenue to provide matching funds for a grant under this section.

    In awarding grants under this section, the State Board of Education shall give preference to a school district with a property tax base per student that is less than the average of the school districts’ property tax base per student.

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

On motion of Senator Osmond, under suspension of the rules, S.B. 209, GRANTS FOR PERSONAL MOBILE LEARNING DEVICES, was considered read the second and third times. Senator Osmond explained the bill. Senator Van Tassell commented.

On motion of Senator Osmond, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:

Yeas, 22; Nays, 4; Absent or not voting, 3.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Davis
Dayton  Harper  Henderson  Hillyard
Jenkins      Jones      Knudson      Madsen
Mayne       Okerlund    Osmond      Reid
Shiozawa    Stephenson  Stevenson  Thatcher
Valentine   Weiler

**Voting in the negative were:** Senators
Hinkins      Urquhart    Van Tassell  Vickers

**Absent or not voting were:** Senators
Dabakis      Robles      Niederhauser

*S.B. 209* was transmitted to the House.

* * *

On motion of Senator Jenkins, under suspension of the rules, *S.B. 246, VOLUNTEER WORKERS AMENDMENTS*, was considered read the second and third times. Senator Jenkins explained the bill.

On motion of Senator Jenkins, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:

**Y eas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators
Adams       Bramble     Christensen  Davis
Dayton      Harper      Henderson  Hillyard
Hinkins     Jenkins     Jones      Knudson
Madsen      Mayne       Okerlund   Osmond
Reid        Shiozawa    Stephenson Stevenson
Thatcher    Urquhart    Valentine  Van Tassell
Vickers     Weiler

**Absent or not voting were:** Senators
Dabakis      Robles      Niederhauser

*S.B. 246* was transmitted to the House.

* * *

On motion of Senator Stevenson, the circle was removed from *1st Sub. S.B. 211, REDEVELOPMENT AGENCY AMENDMENTS*, and it was before the Senate.
Senator Stevenson proposed the following amendment:

1. Page 11, Lines 305 through 310:

   305 attributable to the tax rate increase in the same manner as other property taxes.

   306 (c) Notwithstanding any other provision of law, if increased taxes are paid to an agency without the approval of the taxing entity committee as required by Subsection (2)(a), the increased taxes may not be recovered from the agency by the State Tax Commission, the county as the collector of the taxes, a taxing entity, or any other person or entity.

   (c) Notwithstanding any other provision of this section, if, prior to tax year 2013, increased taxes are paid to an agency without the approval of the taxing entity committee, and notwithstanding the law at the time that the tax was collected or increased:

   (i) the State Tax Commission, the county as the collector of the taxes, a taxing entity, or any other person or entity may not recover, directly or indirectly, the increased taxes from the agency by adjustment of a tax rate used to calculate tax increment or otherwise;

   (ii) the county is not liable to a taxing entity or any other person or entity for the increased taxes that were paid to the agency; and

   (iii) tax increment, including the increased taxes, shall continue to be paid to the agency subject to the same number of tax years, percentage of tax increment, and cumulative dollar amount of tax increment as approved in the project area budget and previously paid to the agency.

   310 (3) Except as the taxing entity committee otherwise agrees, an agency may not receive

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

On motion of Senator Stevenson, under suspension of the rules, 1st Sub. S.B. 211, REDEVELOPMENT AGENCY AMENDMENTS, was considered read the second and third times. Senator Stevenson explained the bill.

On motion of Senator Stevenson, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:
Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams    Bramble    Christensen    Dabakis
Davis    Dayton    Harper    Henderson
Hillyard    Hinkins    Jenkins    Jones
Knudson    Madsen    Mayne    Okerlund
Osmond    Reid    Shiozawa    Stephenson
Stevenson    Thatcher    Urquhart    Valentine
Van Tassell    Vickers    Weiler

Absent or not voting were: Senators
Robles    Niederhauser

1st Sub. S.B. 211 was transmitted to the House.

* * *

On motion of Senator Urquhart, the circle was removed from S.B. 249, SALVAGE AND NONREPAIRABLE VEHICLE AMENDMENTS, and it was before the Senate.

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

1st Sub. S.B. 249 Salvage and Nonrepairable Vehicle Amendments
(S. Urquhart)

Senator Urquhart proposed the following amendment:

1. Page 1, Line 23:

   23 a person or purchaser provides that certain in-state purchasers who are not licensed as a salvage vehicle buyer:

2. Page 6, Lines 166 through 169:

   166 (2) Any owner, who is not a manufacturer, dealer, motor vehicle auction, or consignor to
   167 a motor vehicle auction not licensed under Section 41–3–201 who knowingly or
   168 intentionally conceals, removes, destroys, or alters a disclosure statement or of a certificate of
Senator Urquhart’s motion to amend passed on a voice vote.

On motion of Senator Urquhart, under suspension of the rules, 1st Sub. S.B. 249, SALVAGE AND NONREPAIRABLE VEHICLE AMENDMENTS, was considered read the second and third times. Senator Urquhart explained the bill.

On motion of Senator Urquhart, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 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. 249 was transmitted to the House.

* * *

On motion of Senator Henderson, under suspension of the rules, S.B. 283, AVAILABILITY OF PUBLIC INFORMATION AMENDMENTS, was considered read the second and third times. Senator Henderson explained the bill.

On motion of Senator Henderson, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

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

S.B. 283 was transmitted to the House.

* * *

On motion of Senator Thatcher, under suspension of the rules, S.B. 285, INVOLUNTARY CIVIL COMMITMENT INFORMATION AMENDMENTS, was considered read the second and third times. Senator Thatcher explained the bill.

On motion of Senator Thatcher, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams  Christensen  Dabakis  Davis
Dayton  Harper  Henderson  Hinkins
Jenkins  Jones  Knudson  Madsen
Mayne  Osmond  Reid  Shiozawa
Stephenson  Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Vickers  Weiler

Absent or not voting were: Senators
Bramble  Hillyard  Okerlund  Robles
Niederhauser

S.B. 285 was transmitted to the House.

* * *

On motion of Senator Urquhart, under suspension of the rules, S.B. 279, MATH LITERACY – STEM INITIATIVE, was considered read the second and third times. Senator Urquhart explained the bill.

On motion of Senator Urquhart, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:
Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  Osmond
Reid  Shiozawa  Stephenson  Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Vickers  Weiler

Absent or not voting were: Senators
Okerlund  Robles  Niederhauser

S.B. 279 was transmitted to the House.

* * *

On motion of Senator Reid, under suspension of the rules, 2nd Sub. S.B. 95, WHISTLEBLOWER AMENDMENTS, was considered read the second and third times.

Senator Reid proposed the following amendment:

1. Page 1, Line 21:

21 requires a public entity employee who brings a claim of retaliatory action to choose

2. Page 7, Line 193:

193 (1) A reporting employee who desires to assert an administrative grievance of

Senator Reid’s motion to amend passed on a voice vote. Senator Reid explained the bill.

On motion of Senator Reid, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Absent or not voting were: Senators
Hillyard Robles Niederhauser

2nd Sub. S.B. 95 was transmitted to the House.

***

On motion of Senator Stevenson, S.B. 262, EMPLOYMENT AND HOUSING ANTIDISCRIMINATION AMENDMENTS, was read the second time and circled.

***

On motion of Senator Adams, under suspension of the rules, S.C.R. 12, CHILDREN’S AND FAMILIES’ CANCER RESEARCH FACILITY CONCURRENT RESOLUTION, was considered read the second and third times. Senator Adams explained the bill.

On motion of Senator Adams, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Reid
Shiozawa Stephenson Stevenson Thatcher
Valentine Van Tassell Vickers Weiler

Absent or not voting were: Senators
Dayton Osmond Robles Urquhart
Niederhauser

S.C.R. 12 was transmitted to the House.

CONCURRENCE CALENDAR

On motion of Senator Bramble, under suspension of the rules, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 187, FOOD
HANDLER LICENSING AMENDMENTS. The bill, as amended, passed on the following roll call:

Y eas, 24; Nays, 5; Absent or not voting, 0.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Harper  Henderson  Hillyard
Hinkins  Jones  Knudson  Mayne
Okerlund  Reid  Robles  Shiozawa
Stevenson  Thatcher  Urquhart  Valentine
Van Tassell  Vickers  Weiler  Niederhauser

Voting in the negative were: Senators
Dayton  Jenkins  Madsen  Osmond
Stephenson

2nd Sub. S.B. 187 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Adams, the circle was removed from S.B. 271, SCHOOL GRADING AMENDMENTS, and it was before the Senate.

On motion of Senator Adams, under suspension of the rules, S.B. 271, SCHOOL GRADING AMENDMENTS, was considered read the second and third times.

Senator Adams proposed the following amendment:

1. Page 1, Lines 15 through 17:
   15  ▶ modifies the criteria and procedures for determining school grades, including:
   16  • the calculation of learning growth;  and
   17  {— the calculation of a high school’s graduation rate; and—}

2. Page 2, Line 31
   Senate Committee Amendments
   3–6–2013:
   31  53A–1–1105, as enacted by Laws of Utah 2011, Chapter 417
   53A–1–1106, as enacted by Laws of Utah 2011, Chapter 417
3. Page 2, Lines 47 through 51
Senate Committee Amendments
3–6–2013:

47 (2) “Statewide assessment” means {any of the following assessments that are
48 administered statewide under Part 6, Achievement Tests}:
49 (a) a criterion-referenced test of student achievement in language arts, mathematics, or
50 science, including a test administered in a computer adaptive format; {or}
51 (b) {an online writing assessment which is administered statewide under Part 6, Achievement Tests}.

4. Page 2, Lines 55 through 56
Senate Committee Amendments
3–6–2013:

55 (4) “Sufficient growth” means a measurement of growth greater than or equal to growth at {the 60th} a specific
56 percentile in the prior year 2011–12 school year adopted by the State Board of Education in rule.

5. Page 3, Lines 79 through 81:

79 A school’s grade shall be based on:
80 (1) the proficiency of a school’s students in language arts, mathematics, {and science {and
81 writing}} as measured by statewide assessments;

6. Page 3, Line 87:

87 career readiness.

Section 4. Section 53A–1–1106 is amended to read:
53A–1–1106. Calculation of points earned for students’ proficiency in language arts, mathematics, {and science {and
writing}}.

(1) A school shall receive points for the proficiency of a school’s students in language arts, mathematics, {and science {and
writing}} as follows:
(a) A school shall receive one point for each percent of the
school’s students who take a statewide assessment of language arts achievement and score at or above the proficient level.

(b) A school shall receive one point for each percent of the school’s students who take a statewide assessment of mathematics achievement and score at or above the proficient level.

(c) A school shall receive one point for each percent of the school’s students who take a statewide assessment of science achievement and score at or above the proficient level.

(d) A school shall receive 0.5 points for each percent of the school’s students who take a statewide assessment of writing achievement and score at or above the proficient level.

2 (a) A school may earn a maximum of 100 points for each of the criteria listed in Subsections (1)(a), (b), and (c).

(b) A school may earn a maximum of 50 points for the criteria listed in Subsection (1)(d).

7. Page 5, Lines 125 through 130:

(a) Except as provided in Subsection (3)(b), a school may earn a maximum of 300 points for the criteria described in Subsection (1) with two-thirds of the maximum number of points allotted to high school graduation and one-half allotted to indicators of college and career readiness.

(b) For the 2012–13 school year, a school may earn a maximum of 150 points for the percentage of students who graduate from high school.

8. Page 5, Lines 133 through 142:

(1) Except as provided in Subsections (2) and (3), a school shall receive a letter grade based on the percentage of the maximum number of points the school may earn as calculated under Section 53A–1–1109 as follows:

(a) A, 100% – 80% ;

(b) B, 79% – 70% ;

(c) C, 69% – 60% ;
(d) D, \( \{ -69\% - 50\% \} \) 59\% – 50\% ; and
(e) F, 49\% or less.

(2) When 85\% of schools receive an A or B, the State Board of Education shall increase the endpoints of the ranges listed in Subsections (1)(a) through (1)(e) by five percentage points, except the lower endpoint of the A range may not be greater than 90\%.

(2) If student participation in a statewide assessment is fewer than 95\%, the A school shall receive an F if:

9. Page 6, Line 164:

164 [(3)] (5) On or before \( \{ \text{August 15} \} \) September 1 , the State Board of Education shall annually publish,

10. Page 6, Line 167:

167 [(4)] (6) On or before \( \{ \text{August 15} \} \) September 1 , a school district shall annually publish on the school

11. Page 6, Line 171:

171 [(5)] (7) On or before \( \{ \text{August 15} \} \) September 1 , a charter school shall annually publish on the charter

12. Page 7, Lines 194 through 198:

194 “(3) (a) [A] Except as provided in Subsection (3)(b), a school may earn a maximum of

195 [200] \( \{ -250\} \) 300 points for the criteria described in Subsection (1) with \( \{ \text{two-thirds} \} \) one-half of the maximum

196 number of points allotted to high school graduation and \( \{ \text{one-third} \} \) one-half allotted to [indicators of

197 college and career readiness] the percentage of students who are

198 considered college ready as measured by a college admissions test administered pursuant to Section 53A–1–611.”

Renumber remaining sections accordingly.

Senator Adams’ motion to amend passed on a voice vote. Senator Adams explained the bill. Senators Jones, Dabakis, Mayne, Hillyard, Osmond, and Niederhauser commented.
On motion of Senator Adams, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:

**Y eas, 16; Nays, 10; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators
Adams  Bramble  Christensen  Dabakis
Dayton  Henderson  Hillyard  Jenkins
Knudson  Madsen  Okerlund  Reid
Stephenson  Stevenson  Urquhart  Niederhauser

**Voting in the negative were:** Senators
Davis  Harper  Jones  Mayne
Osmond  Robles  Shiozawa  Van Tassell
Vickers  Weiler

**Absent or not voting were:** Senators
Hinkins  Thatcher  Valentine

S.B. 271 was transmitted to the House.

***

On motion of Senator Okerlund, and at 4:10 p.m., the Senate recessed.

**EVENING SESSION**

The Senate reassembled at 6:00 p.m., with President Niederhauser presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 11, 2013

The House passed H.B. 163, HUMAN TRAFFICKING AMENDMENTS, by Representative J. Seelig, and it is transmitted for consideration; and

The House passed, as amended, H.B. 168, AIR QUALITY MITIGATION BY GOVERNMENT ENTITIES, by Representative P. Arent, and it is transmitted for consideration; and

The House passed, as amended, H.B. 170, DEOXYRIBONUCLEIC ACID COLLECTION AND RETENTION AMENDMENTS, by Representative S. Eliason, and it is transmitted for consideration; and

The House passed, as amended, H.B. 176, UTAH INDUSTRIAL FACILITIES AND DEVELOPMENT ACT AMENDMENTS, by Representative D. Brown, and it is transmitted for consideration; and
The House passed, as substituted and amended, **2nd Sub. H.B. 239**, JURY SERVICE AMENDMENTS, by Representative C. Hall, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 363**, PUBLIC EDUCATION STATE CAPITOL VISIT FUNDING, by Representative S. Eliason, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 378**, ELECTION REVISIONS, by Representative C. Hall, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 391**, PROHIBITION OF MEDICAID EXPANSION, by Representative J. Anderegg, and it is transmitted for consideration; and

The House passed **H.B. 394**, OUTDOOR WOOD BOILERS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 395**, VETERANS’ AFFAIRS AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 401**, STATUTE OF LIMITATIONS ON TRESPASS, 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.

**SECOND READING CALENDAR**

On motion of Senator Adams, the circle was removed from **S.B. 267**, NEW CONVENTION HOTEL DEVELOPMENT INCENTIVE ACT, and it was before the Senate.

On motion of Senator Adams, under suspension of the rules, **S.B. 267**, NEW CONVENTION HOTEL DEVELOPMENT INCENTIVE ACT, was considered read the second and third times.

Senator Adams proposed the following amendment:

1. Page 8, Line 240:
Senator Adams’ motion to amend passed on a voice vote. Senator Adams explained the bill. Senators Valentine, Urquhart, Dabakis, Mayne, Reid, Bramble, and Knudson commented.

On motion of Senator Adams, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:

**Yeas, 15; Nays, 13; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Jones
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stevenson
- Urquhart
- Weiler

**Voting in the negative were:** Senators

- Dayton
- Harper
- Henderson
- Hillyard
- Jenkins
- Knudson
- Madsen
- Stephenson
- Thatcher
- Valentine
- Van Tassell
- Vickers
- Niederhauser

**Absent or not voting was:** Senator

Hinkins

*S.B. 267* was transmitted to the House.

* * *

On motion of Senator Urquhart, the circle was removed from *1st Sub. S.B. 219*, DISASTER RECOVERY LIENS, and it was before the Senate.

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

**2nd Sub. S.B. 219 Payment of Insurance Proceeds** (S. Urquhart)

Senator Urquhart proposed the following amendment:

1. Page 1, Lines 14 through 16:

14 insured {→}
for $2,500 or more; and

that are intended to pay for the mitigation service.

2. Page 2, Lines 29 through 31:

(a) “Certificate of satisfactory completion” means a document signed by a provider and at least one named insured in which:

(i) the provider warrants that the provider performed the mitigation service provided under the service agreement in accordance with the generally accepted industry standards applicable to the mitigation service provided; and

(ii) the named insured certifies that the provider satisfactorily completed the mitigation service provided under the service agreement.

3. Page 2, Lines 37 through 39:

(i) “Mitigation service” means labor, equipment, or material provided on damaged property for the purpose of performing repairs necessary to prevent further damage caused by the covered peril, including cleanup.

(ii) “Mitigation service” includes:

(A) drying interior elements, including drywall, flooring, wall studs, and seal plates;

(B) cleaning a sewer overflow; and

(C) cleaning fire damage.

(iii) “Mitigation service” does not include labor, equipment, or material provided for the purpose of restoring the damaged property to its pre-loss condition.

4. Page 2, Line 42:

“Service agreement’ means a written work authorization between an owner of property and

5. Page 2, Lines 45 through 47:

(a) Within 10 business days after the day on which a provider completes a
mitigation service governed by a service agreement, the provider shall, if payment for the mitigation service is still owing, send to the insurer of the damaged property:

6. Page 2, Lines 51 through 56:

(i) that the provider claims insurance proceeds owed for a mitigation service provided under a service agreement;

(ii) the name, address, and telephone number of the insured; and

(iii) the date of the service agreement; and

(iv) the amount still owed to the provider for the mitigation service provided under the service agreement, if any.

7. Page 3, Lines 60 through 63:

an additional payee on each check issued to the insured that is:

(a) for $2,500 or more; and

(b) intended to pay for the mitigation service described in the provider’s notice of completion and certificate of satisfactory completion.

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

On motion of Senator Urquhart, the bill was circled.

***

On motion of Senator Okerlund, the circle was removed from S.B. 212, JUDICIAL CODE AMENDMENTS, and it was before the Senate.

On motion of Senator Okerlund, the bill was circled.

***

On motion of Senator Stevenson, the circle was removed from 1st Sub. S.B. 82, STUDENT ACHIEVEMENT BACKPACK, and it was before the Senate.
Senator Stevenson proposed the following amendment:

1. Page 2, Lines 47 through 51:

47 (e) “Utah Student Record Store” means a repository of student data collected from LEAs as part of the state’s longitudinal data system that is:
48 (i) {hosted at—} managed by the Utah State Office of Education;
49 (ii) cloud–based {—}; and
50 (iii) accessible via a web browser to authorized LEA users {— using role–based security—}.

2. Page 3, Lines 69 through 70:

69 (vi) serves as additional disaster mitigation for LEAs by using a cloud–based data storage and collection system.

3. Page 4, Lines 88 through 95:

88 (a) student demographics;
89 (b) course grades;
90 (c) course history; and
91 (d) results for an assessment administered under U–PASS {— and—}
92 (7) No later than June 30, 2015, an authorized LEA user shall be able to access student data in a Student Achievement Backpack, which shall include the data listed in Subsections {—(i)—} through {—(iv)—} (d) and the following data, or request the data be transferred from one LEA to another:

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

On motion of Senator Stevenson, under suspension of the rules, 1st Sub. S.B. 82, STUDENT ACHIEVEMENT BACKPACK, was considered read the
On motion of Senator Stevenson, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:

**Yeas, 18; Nays, 10; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dayton
- Hillyard
- Jenkins
- Knudson
- Madsen
- Okerlund
- Osmond
- Reid
- Stephenson
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Weiler
- Niederhauser

**Voting in the negative were:** Senators

- Dabakis
- Davis
- Harper
- Henderson
- Jones
- Mayne
- Robles
- Shiozawa
- Van Tassell
- Vickers

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

1st Sub. S.B. 82 was transmitted to the House.

* * *

On motion of Senator Osmond, the circle was removed from S.B. 81, SCHOOL PROPERTY TAX FUNDING, and it was before the Senate.

Senator Weiler proposed the following amendment:

1. Page 10, Lines 289 through 292

   Senate Committee Amendments
   2–27–2013:

   289 (7) \( A \) (a) Except as provided in Subsection (7)(b), a school district is subject to the notice and hearing requirements of Section 290 59–2–919 if the school district imposes a combined tax rate for board–authorized discretionary local taxes that exceeds the adjusted certified tax rate for board–authorized discretionary local...
(b)(i) A school district that has not previously notified the commission under Subsection (7)(b)(ii) is exempt from the notice and hearing requirements of Subsection (7)(a) if the school district notifies the commission in accordance with Subsection (7)(b)(ii).

(ii) For purposes of Subsection (7)(b)(i), a school district shall notify the State Tax Commission, in the form required by the State Tax Commission, no later than June 8 of the year the school district elects to receive the exemption under Subsection (7)(b)(i).

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

On motion of Senator Osmond, under suspension of the rules, S.B. 81, SCHOOL PROPERTY TAX FUNDING, was considered read the second and third times. Senator Osmond explained the bill. Senators Jones, Hillyard, Van Tassell, and Davis commented.

On motion of Senator Osmond, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:

**Yeas, 16; Nays, 12; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

<table>
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<th>Christensen</th>
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**Absent or not voting was:** Senator

Hinkins

S.B. 81 was transmitted to the House.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 11, 2013

The House requests the return of H.B. 202, ENERGY CONSERVATION CODE AMENDMENTS, by Representative B. Wilson, for correction.

Sandy D. Tenney, Chief Clerk

The bill was returned to the House.
SECOND READING CALENDAR

On motion of Senator Urquhart, the circle was removed from 2nd Sub. S.B. 219, DISCOVERY RECOVERY LIENS, and it was before the Senate.

On motion of Senator Urquhart, under suspension of the rules, 2nd Sub. S.B. 219, PAYMENT OF INSURANCE PROCEEDS, was considered read the second and third times. Senator Urquhart explained the bill.

On motion of Senator Urquhart, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Jenkins  Jones  Knudson
Madsen  Okerlund  Osmond  Reid
Robles  Shiozawa  Stephenson  Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Hinkins  Mayne

2nd Sub. S.B. 219 was transmitted to the House.

***

On motion of Senator Stephenson, the circle was removed from S.B. 79, STUDENT−CENTERED LEARNING PILOT PROGRAM, and it was before the Senate.

Senator Stephenson proposed the following amendment:

1. Page 2, Line 32:

   32  •  from  the  Education  Fund,
   \( \{ -275,000 \} \)  $75,000 .

2. Page 8, Lines 218 through 219:

   218  (3)  \{ \textit{Of the} $275,000 \textit{appropriated to the} \}  The  State
   Board of Education in fiscal year 2014  shall use the appropriation
for the Student–Centered Learning Pilot Program {→ the board may use up to $75,000 →} to contract

3. Page 8, Line 231 through Page 9, Line 245:

(5) A school district or charter school awarded a grant shall use the grant money to contract with the consultant selected by the board under Subsection (1) to:

(a) design and implement blended learning at a pilot school, including:

(i) designing the instructional model;
(ii) selecting digital content;
(iii) cocreating a plan for hardware and facility readiness;
(iv) providing professional development; and
(v) developing professional learning communities;

(b) provide support to a pilot school through the first year of operation, including:

(i) ongoing professional development;
(ii) access to online professional learning communities and resources;
(iii) technical assistance; and
(iv) assistance in modifying and improving a pilot school’s educational model; and

(c) develop a community of practice among pilot schools for sharing practices,
collaborating, problem solving, refining, and enhancing student–centered learning models.

4. Page 11, Lines 315 through 320:

(1) In the 2014 General Session, the board shall submit recommendations to the Legislature for funding the implementation of the pilot program in the selected pilot schools,

including the cost of:
(a) a consultant selected by the board, who:

(i) in the first year of operations, assists pilot schools in the final design and implementation of the pilot program; including:

(A) designing the instructional model;
(B) selecting digital content;
(C) cocreating a plan for hardware and facility readiness;
(D) providing professional development;
(E) developing professional learning communities;
(F) providing access to online professional learning communities and resources;
(G) providing technical assistance;
(H) providing assistance in modifying and improving a pilot school’s educational model; and
(I) developing a community of practice among pilot schools for sharing practices, collaborating, problem solving, refining, and enhancing student-centered learning models.

5. Page 13, Lines 395 through 398:

To State Board of Education – USOE Initiatives
From Education Fund – $275,000 – $75,000
Schedule of Programs:

{ - Student–Centered Learning Pilot Program $275,000 }

USOE Initiatives – Contracts and Grants $75,000

The Legislature intends that the appropriation provided in this section be used for the Student–Centered Learning Pilot Program created in Title 53A, Chapter 15, Part 13, Student–Centered Learning Pilot Program.

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

On motion of Senator Stephenson, under suspension of the rules, S.B. 79, STUDENT–CENTERED LEARNING PILOT PROGRAM, was considered read the second and third times. Senator Stephenson explained the bill.

On motion of Senator Stephenson, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:

Yeas, 17; Nays, 9; Absent or not voting, 3.
Day 42  Monday, March 11, 2013  933

Voting in the affirmative were: Senators
Adams  Bramble  Dayton  Henderson
Jenkins  Madsen  Okerlund  Osmond
Reid  Stephenson  Stevenson  Thatcher
Urquhart  Valentine  Vickers  Weiler
Niederhauser

Voting in the negative were: Senators
Christensen  Dabakis  Davis  Harper
Jones  Mayne  Robles  Shiozawa
Van Tassell

Absent or not voting were: Senators
Hillyard  Hinkins  Knudson

S.B. 79 was transmitted to the House.

* * *

On motion of Senator Robles, the circle was removed from S.B. 85, COMMUNITY HEALTH WORKER PROGRAM, and it was before the Senate.

On motion of Senator Robles, under suspension of the rules, S.B. 85, COMMUNITY HEALTH WORKER PROGRAM, was considered read the second and third times. Senator Robles explained the bill. Senator Dabakis commented.

On motion of Senator Robles, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill failed on the following roll call:

Yeas, 13; Nays, 15; Absent or not voting, 1.

Voting in the affirmative were: Senators
Dabakis  Davis  Hillyard  Jones
Knudson  Mayne  Osmond  Reid
Robles  Shiozawa  Thatcher  Urquhart
Weiler

Voting in the negative were: Senators
Adams  Bramble  Christensen  Dayton
Harper  Henderson  Jenkins  Madsen
Okerlund  Stephenson  Stevenson  Valentine
Van Tassell  Vickers  Niederhauser
Absent or not voting was: Senator Hinkins

S.B. 85 was filed.

***

On motion of Senator Stevenson, the circle was removed from S.B. 284, EDUCATIONAL TECHNOLOGY AMENDMENTS, and it was before the Senate.

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

1st Sub. S.B. 284 Education Technology Amendments (J. Stevenson)

On motion of Senator Stevenson, under suspension of the rules, 1st Sub. S.B. 284, EDUCATION TECHNOLOGY AMENDMENTS, was considered read the second and third times. Senator Stevenson explained the bill. Senators Jones and Robles commented.

On motion of Senator Stevenson, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Bramble Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Jenkins Jones Knudson Madsen
Mayne Okerlund Osmond Reid
Robles Shiozawa Stephenson Stevenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

Absent or not voting were: Senators
Adams Hinkins

1st Sub. S.B. 284 was transmitted to the House.

***

On motion of Senator Stephenson, the circle was removed from S.B. 110, SCHOOL–BASED BUDGETING AMENDMENTS, and it was before the Senate. Senators Bramble, Hillyard, Jones, and Weiler commented.
On motion of Senator Osmond, the following substitute bill replaced the original bill:

**1st Sub. S.B. 110 School–based Budgeting Amendments** (H. Stephenson)

On motion of Senator Stephenson, under suspension of the rules, **1st Sub. S.B. 110**, SCHOOL–BASED BUDGETING AMENDMENTS, was considered read the second and third times. Senator Stephenson explained the bill.

On motion of Senator Stephenson, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill failed on the following roll call:

**Yeas, 12; Nays, 16;Absent or not voting, 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

Hinkins

1st Sub. S.B. 110 was filed.

***

On motion of Senator Okerlund, the circle was removed from **S.B. 212**, JUDICIAL CODE AMENDMENTS, and it was before the Senate.

Senator Urquhart proposed the following amendment:

1. Page 2, Lines 30 through 41:

30 (2) It is the duty of the court, in entering judgment for plaintiff in that action, to add to

31 the amount of special damages actually incurred that are assessed by the verdict of the jury, or
found by the court, prejudgment interest on that amount [calculated at 7.5% simple interest per
annum, from the date of the occurrence of the act giving rise to the cause of action to the date
of entering the judgment] and to include it in that judgment. The court shall calculate

prejudgement interest using a per annum rate, which is

\{-one\} two percentage \{-point\} points above the prime rate, as published by the board of governors of the federal reserve system on the first business
day in January of the calendar year in which the plaintiff is first treated. \{-in\} which the judgment is entered, \{-and\} The prejudgment interest rate applied may not be above 10 percent nor below 5 percent. The prejudgment interest shall be computed as

simple interest accruing during the period from the date 90 days after commencement of the
lawsuit the plaintiff is first treated to the date on which the judgment is entered.

(3) As used in this section, “special damages actually incurred” does not include

41 damages for future medical expenses, loss of future wages, or loss of future earning capacity.

(4) This section applies to injuries that occur after May 14, 2013.

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

The bill passed second reading on the following roll call vote.

Yeas, 26; Nays, 1; Absent or not voting, 2.

Voting in the affirmative were: Senators

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Voting in the negative was: Senator Davis
Absent or not voting were: Senators Christensen Hinkins

***

On motion of Senator Urquhart, the Senate voted to reconsider its action on 2nd Sub. S.B. 219, PAYMENT OF INSURANCE PROCEEDS.

On motion of Senator Urquhart, the Senate voted to place the bill at the top of the Second Reading Calendar.

On motion of Senator Urquhart, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Urquhart, under suspension of the rules, 2nd Sub. S.B. 219, PAYMENT OF INSURANCE PROCEEDS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams Bramble Dabakis Davis
Dayton Harper Henderson Hillyard
Jenkins Jones Knudson Madsen
Mayne Okerlund Osmond Reid
Robles Shiozawa Stephenson Stevenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

Absent or not voting were: Senators Christensen Hinkins

2nd Sub. S.B. 219 was transmitted to the House.

***

On motion of Senator Adams, the Senate voted to lift H.B. 377, TRANSPORTATION FUNDING MODIFICATIONS, from Rules and place it on the top of the Second Reading Calendar.

H.B. 377, TRANSPORTATION FUNDING MODIFICATIONS, was read the second time. Senators Hillyard, Jenkins, Mayne, and Jones commented.
On motion of Senator Adams, the following substitute bill replaced the original bill:

**1st Sub. H.B. 377 Transportation Funding Modifications** (Rep. B. Dee)

On motion of Senator Adams, under suspension of the rules, **1st Sub. H.B. 377, TRANSPORTATION FUNDING MODIFICATIONS**, was considered read the second and third times.

On motion of Senator Adams, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Adams, under suspension of the rules, the Senate voted to suspend the rules requiring a committee hearing and the 24-hour requirement. The bill passed on the following roll call:

**Yeas, 18; Nays, 9; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

- Adams
- Harper
- Okerlund
- Stephenson
- Weiler
- Bramble
- Jones
- Osmond
- Stevenson
- Niederhauser
- Dabakis
- Knudson
- Reid
- Valentine
- Davis
- Mayne
- Shiozawa
- Van Tassell

**Voting in the negative were:** Senators

- Christensen
- Jenkins
- Vickers
- Dayton
- Madsen
- Henderson
- Robles
- Hillyard
- Thatcher

**Absent or not voting were:** Senators

- Hinkins
- Urquhart

**1st Sub. H.B. 377** was returned to the House for further consideration.

**INTRODUCTION OF BILLS**

**S.B. 4, Current School Year Supplemental Public Education Budget Amendments** (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

**THIRD READING CALENDAR**

On motion of Senator Valentine, the circle was removed from **1st Sub. S.B. 265, REFERENDUM AMENDMENTS**, and it was before the Senate.
On motion of Senator Valentine, the Senate voted to strike the enacting clause on the bill.

***

On motion of Senator Valentine, the Senate voted to return all bills on the Second Reading Calendar back to rules for the purpose of reprioritization except for 1st Sub. H.B. 124 and H.B. 310.

***

On motion of Senator Knudson, the Senate voted to place the following bills at the bottom of the Second Reading Calendar:

1H.B. 76 Concealed Weapon Carry Amendments (Rep. J. Mathis) (Sen. A. Christensen)
H.B. 141 Medicaid Emergency Room and Primary Care Amendments (Rep. M. Kennedy) (Sen. M. Dayton)
H.B. 146 Health Care Provider Amendments (Rep. F. Gibson) (Sen. G. Davis)
2H.B. 120 Information on Pharmaceutical Products (Rep. P. Ray) (Sen. B. Shiozawa)
1H.B. 127  Motor Vehicle Event Data Recorders (Rep. D. Lifferth)  
(Sen. M. Madsen)
1H.B. 228  Alcoholic Beverage Control Act Amendments  
(Rep. R. Wilcox) (Sen. J. Valentine)
H.B. 327  Probate Amendments (Rep. V. L. Snow) (Sen. T. Weiler)
1H.B. 385  Duties and Withdrawal of Trustee (Rep. V. L. Snow)  
(Sen. J. Valentine)
1H.B. 140  Consumer–focused Health Delivery and Payment  
Demonstration Project (Rep. S. Barlow)  
(Sen. P. Knudson)
H.B. 237  Surety Bond Penalty (Rep. R. Greenwood)  
(Sen. S. Jenkins)
1H.B. 222  Domestic Asset Protection Trust Amendments  
H.B. 324  Passing on the Right Amendments (Rep. L. Christensen)  
(Sen. T. Weiler)
1H.B. 134  Parental Notification Related to Student Safety  
(Rep. G. Froerer) (Sen. L. Robles)
1H.B. 318  Classroom Size Revisions (Rep. R. Edwards)  
(Sen. H. Stephenson)
5H.B. 66  Political Subdivision Amendments (Rep. R. C. Webb)  
(Sen. P. Knudson)
H.B. 103  Wireless Telephone Use Restrictions (Rep. L. Perry)  
(Sen. L. Hillyard)
H.B. 379  Rental Company Registration Amendments  
H.B. 371  Interpreter Services for the Hearing Impaired  
Amendments (Rep. R. Menlove) (Sen. A. Osmond)
4H.B. 94  Free Market Protection and Privatization Board Act  
Amendments (Rep. K. Stratton) (Sen. C. Bramble)
1H.B. 145  Youth Organization Restricted Accounts and Income Tax  
Contributions (Rep. S. Eliason) (Sen. C. Bramble)
1H.B. 337  Permanent State Trust Fund Investment Amendments  
(Sen. A. Christensen)
1H.B. 193  Utah State Employment Amendments (Rep. B. Dee)  
(Sen. J. Stevenson)
H.B. 175  Local Political Subdivision Bonding Notice Requirements  
(Rep. J. Knotwell) (Sen. D. Henderson)

1H.B. 49  Voted and Board Levy Programs Amendments (Rep. S. Handy) (Sen. H. Stephenson)

1H.B. 376  Public Funds and Accounts Amendments (Rep. E. Hutchings) (Sen. M. Madsen)


1H.B. 149  Amendments to Utah Exemptions Act (Rep. E. Tanner) (Sen. T. Weiler)


* * *

On motion of Senator Okerlund, and at 8:40 p.m., the Senate adjourned until 8:30 a.m., Tuesday, March 12, 2013.
FORTY-THIRD DAY
MORNING SESSION
March 12, 2013

The Senate was called to order at 8:50 a.m., with President Wayne Niederhauser presiding.

Prayer – Senator Stuart Reid
Pledge of Allegiance – Senator Lyle Hillyard
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2013
The Speaker of the House has signed 2nd Sub. S.B. 187, FOOD HANDLER LICENSING AMENDMENTS, by Senator C. Bramble, 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 11, 2013
The House concurred in the Senate amendments and passed H.B. 202, ENERGY CONSERVATION CODE AMENDMENTS, by Representative B. Wilson, and it is transmitted for the signature of the President; and

The House adopted the Joint Conference Committee Report dated March 11, 2013, and passed H.B. 279, ADMINISTRATIVE HEARINGS BY COUNTIES, by Representative S. Cox, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk
Communications filed. The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.
Mr. President:

The House passed, as substituted and amended, 1st Sub. H.B. 88, LAND USE AMENDMENTS, by Representative M. Brown, and it is transmitted for consideration; and

The House passed, as amended, H.B. 165, BACKGROUND CHECKS FOR CHILD CARE WORKERS, by Representative T. Cosgrove, and it is transmitted for consideration; and

The House passed, as amended, H.B. 197, EARNED INCOME TAX CREDIT AND RELATED FUNDING, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as substituted and amended, 3rd Sub. H.B. 322, LOCAL GOVERNMENT CLEAN−UP FEES, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed H.B. 381, ARBITRATION AMENDMENTS FOR DOG BITES, by Representative L. Christensen, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 386, BAIL BOND AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed H.B. 408, CRIMINAL SUSPECT PHOTOGRAPHS, 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.

CONSENT CALENDAR

1st Sub. H.B. 102, ARSON PENALTIES AMENDMENTS, was read the third time, explained by Senator Davis, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Absent or not voting were: Senators
Mayne Okerlund Robles Thatcher
Urquhart

1st Sub. H.B. 102 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 326, DIVISION OF WATER RIGHTS AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne Osmond
Reid Shiozawa Stephenson Urquhart
Valentine Van Tassell Vickers Weiler
Niederhauser

Absent or not voting were: Senators
Okerlund Robles Stevenson Thatcher

H.B. 326 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 333, STATE LANDS AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne Osmond
Reid Shiozawa Stephenson Urquhart
Valentine Van Tassell Vickers Weiler
Niederhauser

Absent or not voting were: Senators
Okerlund Robles Stevenson Thatcher
Hillyard  Hinkins  Jenkins  Jones  
Knudson  Madsen  Mayne  Okerlund  
Osmond  Reid  Shiozawa  Stephenson  
Urquhart  Van Tassell  Vickers  Weiler  
Niederhauser

Absent or not voting were: Senators
Robles  Stevenson  Thatcher  Valentine

1st Sub. H.B. 333, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 144, PUBLIC TRANSIT DISTRICT BOARD AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis  
Davis  Dayton  Harper  Henderson  
Hillyard  Hinkins  Jenkins  Jones  
Knudson  Madsen  Mayne  Okerlund  
Osmond  Reid  Shiozawa  Stephenson  
Urquhart  Van Tassell  Vickers  Weiler  
Niederhauser

Absent or not voting were: Senators
Robles  Stevenson  Thatcher  Valentine

1st Sub. H.B. 144, as amended, was returned to the House for further consideration.

* * *

H.B. 320, TEMPORARY IDENTIFICATION CARD, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis  
Dayton  Harper  Henderson  Hillyard  

* * *
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Stephenson  Stevenson  Urquhart
Van Tassell  Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Dabakis  Robles  Shiozawa  Thatcher
Valentine

H.B. 320 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

S.B. 212, JUDICIAL CODE AMENDMENTS, was read the third time and explained by Senator Okerlund. Senators Hillyard, Valentine, Weiler, Henderson, Adams,

Senator Okerlund proposed the following amendment: #7

1. Page 2, Lines 30 through 35a
Senate 2nd Reading Amendments 3–11–2013:

30 (2) {−It−} The plaintiff is entitled to recover any claimed interest on special damages actually incurred only if, no later than 30 days prior to the commencement of trial, the plaintiff extends to the defendant a written offer of settlement and that offer is within 20% of the total amount of damages awarded at trial against that defendant.

(3) If the conditions in Subsection (2) are satisfied, it is the duty of the court, in entering judgment for plaintiff in that action, to add to the amount of special damages actually incurred that are assessed by the verdict of the jury, or found by the court, prejudgment interest on that amount [calculated at 7.5% simple interest per annum, from the date of the occurrence of the act giving rise to the cause of action to the date of entering the judgment,] and to include it in that judgment. The court shall calculate

prejudgement interest using a per annum rate, which is \( \frac{\text{one} \ (\text{two})}{\text{percentage} \ \text{point}} \)
Renumber the remaining subsections accordingly.

Senator Okerlund’s motion to amend failed on a voice vote. The bill passed, under suspension of the rules, on the following roll call:

**Yeas, 21; Nays, 8; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**S.B. 212** was transmitted to the House for consideration.

**SECOND READING CALENDAR**

1st Sub. H.B. 76, CONCEALED WEAPON CARRY AMENDMENTS, was read the second time. Senator Christensen explained the bill. Senators Hinkins, Shiozawa, Hillyard, Mayne, Jones, Robles, and Vickers commented. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 6; Absent or not voting, 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

| Shiozawa | Stevenson | Valentine | Weiler |
H.B. 141, MEDICAID EMERGENCY ROOM AND PRIMARY CARE AMENDMENTS, was read the second time. Senator Dayton explained the bill.

Senator Shiozawa proposed a verbal amendment as follows:

1. Page 3, Line 67:
   Delete “2014” and insert “2015”

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

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

Adams  Bramble  Dabakis  Davis  
Dayton  Harper  Henderson  Hillyard  
Jenkins  Jones  Knudson  Madsen  
Mayne  Okerlund  Osmond  Reid  
Robles  Shiozawa  Stephenson  Stevenson  
Thatcher  Urquhart  Van Tassell  Vickers  
Niederhauser

**Absent or not voting were:** Senators

Christensen  Hinkins  Valentine  Weiler

H.B. 146, HEALTH CARE PROVIDER AMENDMENTS, 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 or not voting, 3.**

**Voting in the affirmative were:** Senators

Adams  Bramble  Christensen  Dabakis  
Davis  Dayton  Harper  Henderson  
Hillyard  Jenkins  Jones  Knudson  
Madsen  Mayne  Okerlund  Osmond  
Reid  Robles  Shiozawa  Stephenson  
Stevenson  Thatcher  Urquhart  Van Tassell  
Vickers  Niederhauser
Absent or not voting were: Senators
Hinkins      Valentine      Weiler

***

H.B. 163, HUMAN TRAFFICKING AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yea, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams        Bramble        Dabakis        Dayton
Harper       Henderson      Hillyard       Jenkins
Jones        Knudson        Madsen         Mayne
Okerlund     Osmond         Reid           Robles
Shiozawa     Stephenson     Stevenson       Thatcher
Urquhart     Valentine      Van Tassell    Vickers
Niederhauser

Absent or not voting were: Senators
Christensen  Davis          Hinkins        Weiler

***

On motion of Senator Shiozawa, H.B. 316, TRAFFIC AMENDMENTS, was read the second time and circled.

***

On motion of Senator Vickers, H.B. 172, PUBLIC SAFETY RADIO COMMUNICATION AMENDMENTS, was read the second time and circled.

***

1st Sub. H.B. 152, PARENT–TIME RESTRICTION AMENDMENTS, was read the second time. Senator Henderson explained the bill. Senator Stephenson commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Senators
Bramble      Christensen    Dabakis        Dayton
Harper       Henderson      Hillyard       Jenkins
DAY 43

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PAGE 1

JONES, KNUDSON, MADSEN, MAYNE

OSMOND, REID, SHIOZAWA, STEPHENSON

STEVENS, THATCHER, URQUHART, VALENTINE

VAN TASSELL, VICKERS, NIEDERHAUSER

Absent or not voting were:

Adams, Davis, Hinkins, Okerlund, Robles, Weiler

* * *

H.B. 192, COUNTY CLERK MISCONDUCT PENALTY, was read the second time. Senator Henderson explained the bill. The bill passed second reading on the following roll call:

Yea's, 25; Nay's, 1; Absent or not voting, 3.

Voting in the affirmative were: Senators

Adams, Bramble, Christensen, Davis

Dayton, Harper, Henderson, Hillyard

Jenkins, Jones, Knudson, Madsen

Mayne, Okerlund, Osmond, Reid

Shiozawa, Stephenson, Stevenson, Thatcher

Urquhart, Valentine, Van Tassell, Vickers

Niederhauser

Voting in the negative was: Senator

Dabakis

Absent or not voting were: Senators

Hinkins, Robles, Weiler

* * *

H.B. 166, WATER RIGHTS AMENDMENTS, was read the second time. Senator Vickers explained the bill. The bill passed second reading on the following roll call:

Yea's, 23; Nay's, 0; Absent or not voting, 6.

Voting in the affirmative were: Senators

Davis, Dayton, Harper, Henderson

Hillyard, Jenkins, Jones, Knudson

Madsen, Mayne, Okerlund, Osmond
Senator Dayton proposed the following amendment:

1. Page 1, Lines 22 through 23:
   
   22 until July 1, 2014, and for an operator of a motorcycle, moped, or bicycle who is 16 years of age or older, establishes an affirmative defense to a red light or red arrow violation for the operator of a motorcycle, moped, or bicycle in certain circumstances; and

2. Page 7, Lines 211 through 212:

   211 Until July 1, 2014, and for an operator of a motorcycle, moped, or bicycle who is 16 years of age or older, it is an affirmative defense to a violation of Subsection (4)(a) if the operator of a motorcycle, moped, or bicycle facing a steady circular red signal or red arrow:

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

###

Senator Harper proposed the following amendment:

1. Page 1, Lines 12 through 14:

   12 provides that a governing body of a city or town may not prohibit or regulate certain
13 conduct \{in the streets\} on a highway if the prohibition or regulation is inconsistent with or conflicts with any provision in Title 41, Chapter 6a, Traffic Code;

2. Page 2, Line 37:

37 10–8–69. \{Annoying pastimes in streets\} Conduct that interferes with or impedes traffic.

3. Page 2, Lines 38 through 40:

38 [They] (1) Except as provided in Subsection (2), the governing body of a city or town may prohibit or regulate \{the\} conduct \{in the streets that annoys a person passing in the streets\} or on sidewalks on a highway or sidewalk if the conduct interferes with or impedes traffic, including:

4. Page 2, Lines 45 through 47:

45 (e) any other \{amusements or practices having a tendency to annoy persons passing in the streets or on sidewalks, or to frighten teams of horses, or to interfere with traffic\} \{amusement or practice\} conduct or activity that interferes with traffic.

Senator Harper’s motion to amend passed on a voice vote. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

Y eas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators

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<td>Weiler</td>
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**Absent or not voting were:** Senators
Bramble         Knudson         Vickers

***

**H.B. 155, FEDERAL LAW ENFORCEMENT AMENDMENTS,** was read the second time. Senator Hinkins explained the bill. Senator Jones commented. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 2; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators
Adams           Christensen       Davis       Dayton
Harper          Henderson         Hinkins     Jenkins
Madsen          Okerlund          Osmond     Reid
Robles          Shiozawa         Stephenson  Stevenson
Thatcher        Urquhart         Valentine   Van Tassell
Vickers         Weiler            Niederhauser

**Voting in the negative were:** Senators
Dabakis         Jones

**Absent or not voting were:** Senators
Bramble         Hillyard        Knudson    Mayne

***

**2nd Sub. H.B. 120, INFORMATION ON PHARMACEUTICAL PRODUCTS,** was read the second time. Senator Shiozawa explained the bill. Senator Henderson commented. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators
Dabakis         Davis            Dayton     Harper
Henderson       Hillyard        Hinkins    Jenkins
Jones           Knudson          Madsen    Okerlund
Osmond          Reid             Robles    Shiozawa
Stephenson      Stevenson        Thatcher  Urquhart
Valentine       Van Tassell      Vickers   Weiler
Niederhauser

**Absent or not voting were:** Senators
Adams           Bramble          Christensen  Mayne
***

On motion of Senator Okerlund, and at 10:20 a.m., the Senate sauntered.

The Senate was called to order at 10:45 a.m., with President Niederhauser presiding.

***

On motion of Senator Okerlund, **H.B. 168**, AIR QUALITY MITIGATION BY GOVERNMENT ENTITIES, was read the second time and circled.

***

On motion of Senator Hinkins, **1st Sub. H.B. 164**, STATE AND POLITICAL SUBDIVISION JURISDICTIONAL AMENDMENTS, was read the second time and circled.

***

**H.J.R. 15**, JOINT RESOLUTION ON STATE AND POLITICAL SUBDIVISIONS JURISDICTION, was read the second time. Senator Hinkins explained the bill. Senators Dabakis and Dayton commented. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 4; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators
- Adams
- Bramble
- Christensen
- Dayton
- Harper
- Hinkins
- Jenkins
- Knudson
- Madsen
- Okerlund
- Osmond
- Reid
- Shiozawa
- Stephenson
- Thatcher
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Voting in the negative were:** Senators
- Dabakis
- Davis
- Jones
- Robles

**Absent or not voting were:** Senators
- Henderson
- Hillyard
- Mayne
- Stevenson
- Urquhart

***

On motion of Senator Madsen, the circle was removed from **H.B. 168**, AIR QUALITY MITIGATION BY GOVERNMENT ENTITIES, and it was before the
Senate. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dabakas
- Davis
- Dayton
- Harper
- Hinkins
- Jenkins
- Jones
- Knudsen
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Absent or not voting were:** Senators

- Henderson
- Hillyard
- Urquhart

* * *

On motion of Senator Hinkins, the circle was removed from 1st Sub. H.B. 164, STATE AND POLITICAL SUBDIVISION JURISDICTIONAL AMENDMENTS, and it was before the Senate. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 5; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dayton
- Harper
- Hinkins
- Jenkins
- Kudsen
- Madsen
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Voting in the negative were:** Senators

- Dabakas
- Davis
- Jones
- Mayne
- Robles

**Absent or not voting were:** Senators

- Henderson
- Hillyard
- Urquhart

* * *

H.B. 347, LANDOWNER LIABILITY AMENDMENTS, was read the second time.
Senator Adams proposed the following amendment:

1. Page 4, Lines 112 through 118:
   
   [57–14–3]. 57–14–201. Owner owes no duty of care or duty to give warning—
   
   Exceptions.
   
   Except as provided in Subsections [57–14–6] 57–14–204(1) and (2) {and Part 3, Liability}
   
   Relating to Trespassers—, an owner of land owes no duty of care to keep the [premises] land safe
   
   for entry or use by any person entering or using the [premises] land
   
   Purpose or to give [any] warning of a dangerous condition, use, structure, or activity on [those]
   
   premises to that person the land.

2. Page 8, Lines 226 through 230

   House Floor Amendments
   
   3–4–2013:

   (1) Notwithstanding Section 57–14–202 to the contrary, a person may not make a claim

   against or recover from an owner of any land, as defined in this chapter, including land {in developed or}

   semi–rural areas in opened to the general public without charge, such as a lake, pond,

   park, trail, waterway, or

   other recreation site, for personal injury or property damage caused by the inherent risks of

   participating in an activity with a recreational purpose on the land.

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, 24; Nays, 0; Absent or not voting, 5.**
Voting in the affirmative were: Senators
Adams  Christensen  Dabakis  Dayton
Harper  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  Okerlund
Osmond  Reid  Robles  Shiozawa
Stephenson  Stevenson  Thatcher  Valentine
Van Tassell  Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Bramble  Davis  Henderson  Hillyard
Urquhart

* * *
1st Sub. H.B. 127, MOTOR VEHICLE EVENT DATA RECORDERS, was
read the second time.

Senator Madsen proposed the following amendment:

1. Page 3, Lines 69 through 72
   Senate Committee Amendments
   3–7–2013:
   
   69  (2) “Event data recorder” Š⇒ [means a device or function in a
   vehicle that records the
   70  vehicle’s dynamic, time-series data during the time period just
   prior to a crash event, including
   71  vehicle speed versus time, or during a crash event, including
   72  δ-V versus time, intended for
   retrieval after the crash event] has the same meaning as defined in
   49 C.F.R. Sec. 563.5  as in effect on May 14, 2013 ⇐Ŝ

2. Page 4, Lines 99 through 100:
   99  (c) the data is subject to discovery in a criminal prosecution
   or pursuant to the rules of civil procedure in a claim

3. Page 4, Lines 116 through 117:
   116  (b) the data is subject to discovery in a criminal prosecution
   or pursuant to the rules of civil procedure in a claim
117 arising out of a motor vehicle accident;

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

**Yeas, 21; Nays, 0; Absent or not voting, 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 Valentine, **1st Sub. H.B. 228, ALCOHOLIC BEVERAGE CONTROL ACT AMENDMENTS**, was read the second time and circled.

***

**H.B. 327, PROBATE AMENDMENTS**, was read the second time. Senator Weiler explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**1st Sub. H.B. 385**, DUTIES AND WITHDRAWAL OF TRUSTEE, 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 or not voting, 4.**

**Voting in the affirmative were:** Senators
- Adams
- Bramble
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Valentine
- Van Tassell
- Vickers
- Weiler

**Absent or not voting were:** Senators
- Christensen
- Hillyard
- Urquhart
- Niederhauser

**1st Sub. H.B. 140**, CONSUMER–FOCUSED HEALTH DELIVERY AND PAYMENT DEMONSTRATION PROJECT, was read the second time. Senator Knudson explained the bill. Senator Shiozawa commented. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators
- Adams
- Bramble
- Dabakis
- Davis
- Dayton
- Harper
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Valentine
- Van Tassell
- Vickers
- Weiler

**Absent or not voting were:** Senators
- Christensen
- Henderson
- Hillyard
- Hinkins
- Niederhauser
COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2013

The House passed H.C.R. 9, CONCURRENT RESOLUTION HONORING THE COMMUNITY COVENANT PROGRAM, by Representative S. Eliason, 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.

SECOND READING CALENDAR

On motion of Senator Valentine, the Senate voted to lift H.C.R. 9, CONCURRENT RESOLUTION HONORING THE COMMUNITY COVENANT PROGRAM, from the Rules Committee and place it at the top of the Second Reading Calendar.

On motion of Senator Knudson, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Knudson, under suspension of the rules, H.C.R. 9, CONCURRENT RESOLUTION HONORING THE COMMUNITY COVENANT PROGRAM, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams
Dayton
Hinkins
Madsen
Reid
Stevenson
Van Tassell
Bramble
Harper
Jenkins
Mayne
Robles
Thatcher
Vickers
Christensen
Henderson
Jones
Okerlund
Shiozawa
Urquhart
Weiler
Davis
Hillyard
Knudson
Osmond
Stephenson
Valentine

Absent or not voting were: Senators
Dabakis
Niederhauser

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.
* * *

**H.B. 237**, SURETY BOND PENALTY, was read the second time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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

* * *

On motion of Senator Valentine, the circle was removed from **1st Sub. H.B. 228**, ALCOHOLIC BEVERAGE CONTROL ACT AMENDMENTS, and it was before the Senate.

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

**3rd Sub. H.B. 228 Alcoholic Beverage Control Act Amendments**
(Rep. B. Wilcox)

Senator Valentine explained the bill. Senator Weiler commented.

On motion of Senator Valentine, the bill was circled.

* * *

**1st Sub. H.B. 222**, DOMESTIC ASSET PROTECTION TRUST AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**
Voting in the affirmative were: Senators
Bramble Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Stevenson Thatcher Urquhart Valentine
Van Tassell Vickers Weiler

Absent or not voting were: Senators
Adams Niederhauser

* * *

On motion of Senator Okerlund, and at 11:50 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Niederhauser presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2013

The House passed, 1st Sub. S.B. 99, LABOR AMENDMENTS, by Senator W. Harper, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, S.B. 176, OFFICE OF PLANNING AND BUDGET RESTRUCTURING 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, 2nd Sub. S.B. 182, STORAGE UNIT 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. 198, UTAH UNITRUST 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, 1st Sub. S.B. 213, EMPLOYER ASSOCIATION HEALTH PLAN 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, S.B. 228, PENALTIES FOR SPECIFIED JUVENILE OFFENSES, by Senator B. Shiozawa, 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. 277**, GREEN RIVER ENERGY ZONE, 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. 283**, AVAILABILITY OF PUBLIC INFORMATION AMENDMENTS, by Senator D. Henderson, 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 12, 2013

The House concurred in the Senate amendments and passed **H.B. 306**, SCHOOL LAND TRUST PROGRAM AMENDMENTS, by Representative L. Perry, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communication filed. The bill was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

Mr. President: March 12, 2013

The House passed **H.B. 3**, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS, by Representative M. Brown, 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.

* * *

Mr. President: March 12, 2013

The House passed, as amended, **S.B. 20**, STATE SECURITY STANDARDS FOR PERSONAL INFORMATION, by Senator S. Reid, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 64**, HOMEOWNER ASSOCIATION RESERVE ACCOUNT AMENDMENTS, by Senator S. Urquhart, and it is transmitted for further consideration; and
The House substituted, amended, and passed, 2nd Sub. S.B. 59, WORKERS’ COMPENSATION COORDINATION OF BENEFITS AMENDMENTS, by Senator K. Mayne, and it is transmitted for further consideration; and

The House passed, as amended, 1st Sub. S.B. 83, LIMITATIONS ON OUTSIDE EMPLOYMENT BY GOVERNMENT EMPLOYEE, by Senator T. Weiler, and it is transmitted for further consideration; and

The House substituted and passed, 2nd Sub. S.B. 189, ONCOLOGY INSURANCE AMENDMENTS, by Senator C. Bramble, and it is transmitted for further consideration; and

The House passed, as amended, S.B. 259, AMENDMENTS TO DISABILITY WAITING LIST, by Senator A. Christensen, and it is transmitted for further consideration; and

The House substituted and passed, 3rd Sub. S.C.R. 5, CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR ACHIEVING 66% BY 2020 GOAL, by Senator J. Stevenson, 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 Bramble, the circle was removed from H.B. 310, CONSTRUCTION CODE AMENDMENTS, and it was before the Senate.

On motion of Senator Bramble, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Bramble, under suspension of the rules, H.B. 310, CONSTRUCTION CODE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 1; Absent or not voting, 5.

Voting in the affirmative were: Senators

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Voting in the negative was: Senator Dayton

Absent or not voting were: Senators Henderson Madsen Osmond Robles Stevenson

H.B. 310 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Okerlund, the circle was removed from 1st Sub. H.B. 124, RADIATION CONTROL AMENDMENTS, and it was before the Senate. Senator Okerlund explained the bill. Senators Bramble commented. The bill passed second reading on the following roll call:

Y eas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators Adams Bramble Christensen Dabakis Davis Dayton Harper Hillyard Hinkins Jenkins Jones Knudson Mayne Okerlund Reid Robles Shiozawa Stephenson Thatcher Urquhart Valentine Van Tassell Vickers Weiler Niederhauser

Absent or not voting were: Senators Henderson Madsen Osmond Stevenson

***

On motion of Senator Hillyard, the Senate voted to lift the following bills from Rules and place them on the Second Reading Calendar:

S.B. 2 New Fiscal Year Supplemental Appropriations Act
S.B. 4 Current School Year Supplemental Public Education Budget Amendments
S.B. 7 State Agency And Higher Education Compensation Appropriations

***

On motion of Senator Weiler, under suspension of the rules, the Senate voted to suspend the rules requiring a committee hearing for House bill heard today.
On motion of Senator Weiler, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Weiler, under suspension of the rules, H.B. 324, PASSING ON THE RIGHT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Y** eas, 26; **N** ays, 0; **A** bsent or not voting, 3.

**Voting in the affirmative were:** Senators

Adams    Bramble    Christensen    Dabakis
Davis     Dayton     Harper       Henderson
Hillyard  Hinkins    Jenkins     Jones
Knudson   Mayne      Okerlund    Reid
Robles    Shiozawa   Stephenson  Thatcher
Urquhart  Valentine  Van Tassell  Vickers
Weiler    Niederhauser

**Absent or not voting were:** Senators

Madsen    Osmond     Stevenson

H.B. 324 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

On motion of Senator Vickers, the circle was removed from H.B. 172, PUBLIC SAFETY RADIO COMMUNICATION AMENDMENTS, and it was before the Senate.

Senator Vickers proposed the following amendment:

1. Page 1, Lines 15 through 18:

   15  ► provides that UCAN provide the public safety network for all state and local governmental agencies:
   16  • that currently subscribe to UCAN; and
   17  • that currently do not subscribe to UCAN;
   18  ► directs that UCAN work with the private sector to deliver high-quality, cost-effective services;
2. Page 3, Line 74:

\[
\{ \text{and} \}
\]

3. Page 3, Line 77:

77 Network; \text{ and } (c) by working with the private sector to deliver high-quality, cost-effective services;

Senator Vickers’ motion to amend passed on a voice vote.

On motion of Senator Vickers, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Vickers, under suspension of the rules, H.B. 172, PUBLIC SAFETY RADIO COMMUNICATION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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H.B. 172, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 134, PARENTAL NOTIFICATION RELATED TO STUDENT SAFETY, was read the second time.

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

**2nd Sub. H.B. 134 Parental Notification Related to Student Safety**

(Rep. G. Froerer)
Senator Robles explained the bill. Senators Dayton and Dabakis commented. The bill passed second reading on the following roll call:

**Yea, 27; Nays, 1; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators
- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Harper
- Henderson
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Vickers
- Weiler
- Niederhauser

**Voting in the negative was:** Senator Dayton

**Absent or not voting was:** Senator Van Tassell

* * *

**1st Sub. H.B. 318, CLASSROOM SIZE REVISIONS, was read the second time.**

Senator Stephenson proposed the following amendment:

1. Page 1, Line 16:

   16  size reduction money; {—and—}
   
   requires a school district or charter school to submit information on the use of K–3 Reading Improvement Program money and Title I money to employ teachers; and

2. Page 3, Lines 78 through 80

   House Floor Amendments 3–7–2013:

   78  (iii) the amount of class size reduction money expended for capital facilities.

   (c) In addition to submitting a plan and report on the use of class size reduction money, a school district or charter school shall annually submit a report to the State Board of Education that includes the following
information:
(i) the number of teachers employed using K–3 Reading Improvement Program money received pursuant to Sections 53A–17a–150 and 53A–17a–151;
(ii) the amount of K–3 Reading Improvement Program money expended for teachers;
(iii) the number of teachers employed in kindergarten through grade 8 using Title I money; and
(iv) the amount of Title I money expended for teachers in kindergarten through grade 8; and
(v) a comparison of actual average class size by grade in grades kindergarten through 8 in the school district or charter school with what the average class size would be without the expenditure of class size reduction, K–3 Reading Improvement Program, and Title I money.

The information required to be reported in Subsections (8)(b)(i)(A) through (C), (8)(b)(ii)(A) through (C), and (8)(c) shall be categorized by a teacher’s or paraprofessional’s teaching.

3. Page 3, Lines 81a through 81c:

- The State Board of Education may make rules specifying procedures and standards for the submission of:
  (i) a plan and report on the use of class size reduction money as required by this section;
  (ii) a report required under Subsection (8)(c).

4. Page 3, Lines 82 through 85:

- Based on the data contained in the class size reduction plans and reports submitted by school districts and charter schools, and data on average class size, the State Board of

Education shall annually report to the Education Interim Committee on the impact of class size reduction, K–3 Reading Improvement Program, and Title I money on class size.
Senator Stephenson’s motion to amend passed on a voice vote. Senator Stephenson explained the bill. Senator Mayne commented. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Christensen | Jenkins |

***

On motion of Senator Bramble, **5th Sub. H.B. 66, POLITICAL SUBDIVISION AMENDMENTS**, was read the second time and circled.

***

On motion of Senator Hillyard, **H.B. 103, WIRELESS TELEPHONE USE RESTRICTIONS**, was read the second time and circled.

***

**S.B. 2, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT**, was read the second time. Senator Hillyard explained the bill. Senator Harper commented.

On motion of Senator Hillyard, the bill was circulated.

***

On motion of Senator Hillyard, under suspension of the rules, **S.B. 4, CURRENT SCHOOL YEAR SUPPLEMENTAL PUBLIC EDUCATION BUDGET AMENDMENTS**, was considered read the second and third times. Senator Hillyard explained the bill.

On motion of Senator Hillyard, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:
Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis  
Davis  Dayton  Harper  Henderson  
Hillyard  Hinkins  Jenkins  Jones  
Knudson  Madsen  Mayne  Okerlund  
Osmond  Reid  Robles  Shiozawa  
Stephenson  Stevenson  Thatcher  Urquhart  
Van Tassell  Vickers  Weiler  Niederhauser

Absent or not voting was: Senator Valentine

S.B. 4 was transmitted to the House.

***

On motion of Senator Hillyard, under suspension of the rules, S.B. 7, STATE AGENCY AND HIGHER EDUCATION COMPENSATION APPROPRIATIONS, was considered read the second and third times. Senator Hillyard explained the bill. Senator Urquhart commented.

On motion of Senator Hillyard, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis  
Dayton  Harper  Henderson  Hillyard  
Hinkins  Jenkins  Jones  Knudson  
Madsen  Mayne  Okerlund  Osmond  
Reid  Shiozawa  Stevenson  Thatcher  
Thatcher  Urquhart  Valentine  Vickers  
Weiler  Niederhauser

Absent or not voting were: Senators
Dabakis  Robles  Van Tassell

S.B. 7 was transmitted to the House.

***

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 Harper proposed the following amendment: #4

1. Page 16, Line 576:
Delete lines 576 through 590 and insert:
“The Legislature intends that the Department of Administrative Services and the Division of Facilities Construction and Management propose a prioritized scoring process for capital improvements similar to what the Transportation Commission uses to prioritize highway capacity projects, and that the proposal be provided to the Legislative Fiscal Analyst by July 1, 2013, with copies provided to the members of the Infrastructure and General Government Subcommittee. The Legislature also intends that the Department of Administrative Services and the Division of Facilities Construction and Management provide the State Building Board’s prioritized list for distribution of Capital Improvement Funds to the members of the Infrastructure and General Government Subcommittee before the State Building Board gives final approval to that list.”

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

###

Senator Harper proposed the following amendment: #5

1. Page 15, Line 562:
Delete lines 562 through 567 and insert:
“The Legislature intends that before bids are issued and a contract awarded on the Ogden Courts Building, that the Department of Environmental Quality shall certify that the site is remediated to state and federal standards. The Legislature further intends that the total amount appropriated to this building and site is $29,300,000. Any additional costs due to site or environmental remediation will come from these project funds, which may include downsizing of the building to cover remediation requirements and construction costs and change orders.”

Senator Harper’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. Senator Hillyard explained the bill.

On motion of Senator Hillyard, the Senate, by a 2/3 vote, voted to suspend the three readings requirement. The bill passed on the following roll call:
Yeas, 27; Nays, 0; Absent or not voting, 2.

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Robles | Van Tassell |

S.B. 2 was transmitted to the House.

***

On motion of Senator Hillyard, the circle was removed from **H.B. 103, WIRELESS TELEPHONE USE RESTRICTIONS**, and it was before the Senate. Senator Hillyard explained the bill. Senator Thatcher commented. The bill failed second reading on the following roll call:

Yeas, 11; Nays, 13; Absent or not voting, 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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<td>Van Tassell</td>
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The bill was filed.

***

On motion of Senator Valentine, the circle was removed from **3rd Sub. H.B. 228, ALCOHOLIC BEVERAGE CONTROL ACT AMENDMENTS**, and it was before the Senate.
Senator Valentine proposed the following amendment:

1. Page 2, Line 36:
   
   36 imposes a fee for applying to the commission for a certain changes in location;

2. Page 3, Line 72:
   
   72 \{−32B−9−204, as last amended by Laws of Utah 2012, Chapter 365\−\} 

3. Page 56, Lines 1719 through 1724:
   
   1719 (14) Except as provided in Subsection 32B−5−307(3)(d) and notwithstanding
   
   1720 Subsection 32B−6−706(4), a full−service restaurant licensee may not allow a patron to remove a
   
   1721 container containing an alcoholic product from the licensed premises of the full−service
   
   1722 restaurant unless the full−service restaurant licensee enters into a package agency contract under which the
   
   1723 full−service restaurant licensee may sell, offer for sale, or furnish sealed containers of an
   
   1724 alcoholic product other than beer, and obtains permission from the local authority to sell, offer for sale, or furnish sealed containers of beer for off−premise consumption.

4. Page 64, Lines 1964 through 1969:
   
   1964 (14) Except as provided in Subsection 32B−5−307(3)(d) and notwithstanding
   
   1965 Subsection 32B−6−706(4), a limited−service restaurant licensee may not allow a patron to
   
   1966 remove a container containing an alcoholic product from the licensed premises of the
   
   1967 limited−service restaurant unless the limited−service restaurant licensee enters into a package agency contract under which the limited−service restaurant licensee may sell, offer for sale, or furnish sealed
1969 containers of an alcoholic product other than beer, and obtains permission from the local authority under which the limited-service restaurant licensee may sell, offer for sale, or furnish sealed containers of beer for off-premise consumption.

5. Page 71, Lines 2170 through 2174:

2170 (13) Notwithstanding Subsection 32B-6-706(4), a beer-only restaurant licensee may not allow a patron to remove a container containing an alcoholic product from the licensed premises of the beer-only restaurant unless the beer-only restaurant licensee holds a package agency obtains permission from the local authority under which the beer-only restaurant licensee may sell, offer for sale, or furnish sealed containers of beer for off-premise consumption.

6. Page 72, Line 2212 through Page 76, Line 2349:

2212 {Section 26. Section 32B-9-204 is amended to read:

2213 32B-9-204. General operational requirements for an event permit.

2214 (1) (a) An event permittee and a person involved in the storage, sale, offer for sale, or furnishing of an alcoholic product at an event for which an event permit is issued, shall comply with this title and rules of the commission.

2215 (b) Failure to comply as provided in Subsection (1)(a):

2216 (i) may result in:

2219 (A) disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

2220 (I) an event permittee;

2222 (II) a person involved in the storage, sale, offer for sale, or furnishing of an alcoholic product at the event; or
any combination of the persons listed in this Subsection (1)(b);

(B) immediate revocation of the event permit;

(C) forfeiture of a bond; or

(D) immediate seizure of an alcoholic product present at the event; and

(ii) if the event permit is revoked, disqualifies the event permittee from applying for an event permit for a period of three years from the date of revocation of the event permit.

An alcoholic product seized under this Subsection (1) shall be returned to the event permittee after an event if forfeiture proceedings are not instituted under Section 32B-4-206.

(2) (a) If there is a conflict between this part and the relevant part under this chapter for the specific type of special use permit held by the special use permittee, the relevant part governs.

(b) Notwithstanding that this part may refer to “liquor” or an “alcoholic product,” an event permittee may only sell, offer for sale, or furnish an alcoholic product specified in the relevant part under this chapter for the type of event permit that is held by the event permittee.

(c) Notwithstanding that this part or the relevant part under this chapter for the type of event permit held by an event permittee refers to “event permittee,” a person involved in the storage, sale, offer for sale, or furnishing of an alcoholic product at the event for which the event permit is issued is subject to the same requirement or prohibition.

(3) An event permittee shall display a copy of the event permit in a prominent place in
the area in which an alcoholic product is sold, offered for sale, furnished, and consumed.

(4) An event permittee may not on the premises of the event:

(a) engage in or allow any form of gambling, as defined and proscribed in Title 76, Chapter 10, Part 11, Gambling;

(b) have any video gaming device, as defined and proscribed by Title 76, Chapter 10, Part 11, Gambling; or

(c) engage in or permit a contest, game, gaming scheme, or gaming device that requires the risking of something of value for a return or for an outcome when the return or outcome is based upon an element of chance, excluding the playing of an amusement device that confers only an immediate and unrecorded right of replay not exchangeable for value.

(5) An event permittee may not knowingly allow a person at an event to, in violation of Title 58, Chapter 37, Utah Controlled Substances Act, or Chapter 37a, Utah Drug Paraphernalia Act:

(a) sell, distribute, possess, or use a controlled substance, as defined in Section 58-37-2; or

(b) use, deliver, or possess with the intent to deliver drug paraphernalia, as defined in Section 58-37a-3.

(6) An event permittee may not sell, offer for sale, or furnish beer except beer purchases from:

(a) a beer wholesaler licensee;

(b) a beer retailer; or
(c) a small brewer.

(7) An event permittee may not store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product purchased for an event in a location other than that described in the application and designated on the event permit unless the event permittee first applies for and receives approval from the director, with the approval of the Compliance, Licensing, and Enforcement Subcommittee, for a change of location.

(8) (a) Subject to Subsection (8)(b), an event permittee may sell, offer for sale, or furnish beer for on-premise consumption:

(i) in an open original container; and

(ii) in a container on draft.

(b) An event permittee may not sell, offer for sale, or furnish beer sold pursuant to Subsection (8)(a):

(i) in a size of container that exceeds two liters; or

(ii) to an individual patron in a size of container that exceeds one liter.

(9) (a) An event permittee may not sell or offer for sale an alcoholic product at less than the cost of the alcoholic product to the event permittee.

(b) An event permittee may not sell an alcoholic product at a discount price on any date or at any time.

(c) An event permittee may not sell or offer for sale an alcoholic product at a price that encourages over consumption or intoxication.

(d) An event permittee may not sell or offer for sale an alcoholic product at a special or
reduced price for only certain hours of the day of an event.

(e) An event permittee may not sell, offer for sale, or furnish more than one alcoholic product at the price of a single alcoholic product.

(f) An event permittee, or a person operating, selling, offering, or furnishing an alcoholic product under an event permit, may not sell, offer for sale, or furnish an indefinite or unlimited number of alcoholic products during a set period for a fixed price, unless:

(i) the alcoholic product is served to a patron at a seated event;

(ii) food is available whenever the alcoholic product is sold, offered for sale, or furnished;

(iii) no person advertises that at the event a person may be sold or furnished an indefinite or unlimited number of alcoholic products during a set period for a fixed price.

(g) An event permittee may not engage in a public promotion involving or offering a free alcoholic product to the general public.

(10) An event permittee may not sell, offer for sale, or furnish an alcoholic product to:

(a) a minor;

(b) a person actually, apparently, or obviously intoxicated;

(c) a known interdicted person; or

(d) a known habitual drunkard.

(11) (a) An alcoholic product is considered under the control of the event permittee during an event.

(b) A patron at an event may not bring an alcoholic product onto the premises of the
(12) An event permittee may not permit a patron to carry from the premises an open container that:
(a) is used primarily for drinking purposes; and
(b) contains an alcoholic product.

(13) (a) A person involved in the storage, sale, or furnishing of an alcoholic product at an event is considered under the supervision and direction of the event permittee.
(b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product at an event may not, while on duty:
(i) consume an alcoholic product; or
(ii) be intoxicated.

(14) A minor may not handle, sell, offer for sale, or furnish an alcoholic product at an event.

(15) The location specified in an event permit may not be changed without prior written approval of the commission. An event permittee shall pay an application fee of $300 to apply for the written approval of the commission under this Subsection (15).

(16) An event permittee may not sell, transfer, assign, exchange, barter, give, or attempt in any way to dispose of the event permit to another person whether for monetary gain or not.

(17) (a) An event permittee may not sell, offer for sale, furnish, or allow the consumption of an alcoholic product during a period that:
(i) begins at 1 a.m.; and
(ii) ends at 9:59 a.m.

(b) This Subsection (17) does not preclude a local authority from being more restrictive
with respect to the hours of sale, offer for sale, furnishing, or consumption of an alcoholic
product at an event.

(18) A patron may have no more than one alcoholic product of any kind at a time
before the patron.

(19) (a) An event permittee shall display, in a prominent place, a sign in large letters
that consists of text in the following order:
(i) a header that reads: “WARNING”;
(ii) a warning statement that reads: “Drinking alcoholic beverages during pregnancy
can cause birth defects and permanent brain damage for the child.”;
(iii) a statement in smaller font that reads: “Call the Utah Department of Health at
[insert most current toll-free number] with questions or for more information.”;
(iv) a header that reads: “WARNING”;
and
(v) a warning statement that reads: “Driving under the influence of alcohol or drugs is a
serious crime that is prosecuted aggressively in Utah.”

(b) (i) The text described in Subsections (19)(a)(i) through (iii) shall be in a different
font style than the text described in Subsections (19)(a)(iv) and (v).

(ii) The warning statements in the sign described in Subsection (19)(a) shall be in the
same font size.
(e) The Department of Health shall work with the commission and department to facilitate consistency in the format of a sign required under this section.

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

**Yeas, 24; Nays, 2; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

Dayton                     Stephenson

**Absent or not voting were:** Senators

Hinkins                     Robles                     Stevenson

* * *

On motion of Senator Knudson, the circle was removed from **5th Sub. H.B. 66**, POLITICAL SUBDIVISION AMENDMENTS, and it was before the Senate.

On motion of Senator Knudson, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Knudson, under suspension of the rules, **5th Sub. H.B. 66**, POLITICAL SUBDIVISION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Dabakis    Hinkins    Stevenson

5th Sub. H.B. 66, as amended, was returned to the House for further consideration.

***

On motion of Senator Knudson, the Senate voted to place H.J.R. 14, JOINT RESOLUTION ON WATER RIGHTS, and H.B. 325, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, at the top of the Second Reading Calendar.

***

On motion of Senator Knudson, the Senate voted to lift the following bills from the Third Reading Table and place them on the Third Reading Calendar:

1st Sub. H.B. 10 Sex Offense Amendments
H.B. 30 Line–of–Duty Death and Disability Amendments
H.B. 50 Dating Violence Protection Act
2nd Sub. H.B. 81 Cytomegalovirus Public Health Initiative
H.B. 105 Serious Youth Offender Amendments
2nd Sub. H.B. 118 Automatic External Defibrillator Restricted Account
H.B. 147 Utah Marriage Commission
H.B. 154 Suicide Prevention Programs
H.B. 276 Newborn Screening for Critical Congenital Heart Defects
1st Sub H.B. 49 Voted and Board Levy Programs Amendments

***

On motion of Senator Knudson, the Senate voted place the following bills at the top of the Second Reading Calendar:

1st Sub. H.B. 43 Campaign Finance Reporting by Corporations
1st Sub. H.B. 96 Cleaner Burning Fuels Tax Credits
1st Sub. H.B. 139 Science, Technology, Engineering, and Mathematics Action Center
H.B. 156 Restoration of Terminated Parental Rights
1st Sub. H.B. 157 Children’s Hearing Aid Pilot Program
On motion of Senator Okerlund, and at 3:50 p.m., the Senate recessed.

**EVENING SESSION**

The Senate reassembled at 5:10 p.m., with President Niederhauser presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 12, 2013

The House passed, 1st Sub. S.B. 194, PHARMACY PRACTICE ACT AMENDMENTS, by Senator E. Vickers, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, S.B. 221, ASSESSMENT AREA ACT 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. 250, SALES AND USE TAX EXEMPTION FOR SALES OF A FUEL CELL, 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. 285, INVOLUNTARY CIVIL COMMITMENT INFORMATION AMENDMENTS, by Senator D. Thatcher, 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.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 12, 2013

The House passed, as amended, S.B. 60, ABORTION STATISTICS AND REPORTING REQUIREMENTS, by Senator M. Dayton, and it is transmitted for further consideration; and
The House substituted and passed, 3rd Sub. S.B. 190, PROCUREMENT REVISIONS, by Senator S. Jenkins, and it is transmitted for further consideration; and

The House substituted and passed, 3rd Sub. S.B. 112, WORK WEEK AMENDMENTS, by Senator A. Osmond, 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 Okerlund, under suspension of the rules, the Senate voted to consider bills on the Concurrence Calendar.

***

On motion of Senator Reid, the Senate voted to concur in the House amendments to S.B. 20, STATE SECURITY STANDARDS FOR PERSONAL INFORMATION. The bill, as amended, passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 20 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. 64, HOMEOWNER ASSOCIATION RESERVE ACCOUNT AMENDMENTS. The bill, as amended, passed on the following roll call:
Yeas, 27; Nays, 0; Absent or not voting, 2.

**Voting in the affirmative were:** Senators
- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hillyard
- Jenkins
- Jones
- Knudson
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Absent or not voting were:** Senators
- Hinkins
- Madsen

1st Sub. S.B. 64 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 **2nd Sub. S.B. 59**, WORKER’S COMPENSATION COORDINATION OF BENEFITS AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators
- Bramble
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hillyard
- Jenkins
- Jones
- Knudson
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Absent or not voting were:** Senators
- Adams
- Christensen
- Hinkins
- Madsen

2nd Sub. S.B. 59 was returned to the House for the signature of the Speaker.

***

On motion of Senator Stevenson, the Senate voted to concur in the House amendments to **3rd Sub. S.C.R. 5**, CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR ACHIEVING 66% BY 2020 GOAL. The bill, as amended, passed on the following roll call:
Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators

Bramble Christensen Dabakis Davis
Harper Henderson Hillyard Jenkins
Jones Knudson Mayne Okerlund
Osmond Reid Robles Shiozawa
Stephenson Stevenson Thatcher Urquhart
Valentine Van Tassell Vickers Weiler
Niederhauser

Absent or not voting were: Senators

Adams Dayton Hinkins Madsen

3rd Sub. S.C.R. 5 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Weiler, the Senate voted to concur in the House amendments to 1st Sub. S.B. 83, LIMITATIONS ON OUTSIDE EMPLOYMENT BY GOVERNMENT EMPLOYEE. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators

Bramble Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Jenkins Jones Knudson Mayne
Okerlund Osmond Reid Robles
Shiozawa Stephenson Stevenson Thatcher
Urquhart Valentine Van Tassell Vickers
Weiler Niederhauser

Absent or not voting were: Senators

Adams Hinkins Madsen

1st Sub. S.B. 83 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the Senate refused to concur in the House amendments. 2nd Sub. S.B. 189, ONCOLOGY INSURANCE AMENDMENTS, was returned to the House.
On motion of Senator Christensen, the Senate voted to concur in the House amendments to S.B. 259, AMENDMENTS TO DISABILITY WAITING LIST. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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S.B. 259 was returned to the House for the signature of the Speaker.

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

On motion of Senator Stevenson, the Senate voted to reconsider its action on 3rd Sub. S.C.R. 5.

3rd Sub. S.C.R. 5, CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR ACHIEVING 66% BY 2020 GOAL, was before the Senate.

On motion of Senator Stevenson, the Senate voted to consider the bill read for the first, second, and third time. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

Voting in the affirmative were: Senators

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Absent or not voting were: Senators
Dayton  Hinkins  Madsen

3rd Sub. S.C.R. 5 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. 60, ABORTION STATISTICS AND REPORTING REQUIREMENTS. The bill, as amended, passed on the following roll call:

Yeas, 23; Nays, 4; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dayton
Harper  Henderson  Hillyard  Jenkins
Knudson  Mayne  Okerlund  Osmond
Reid  Shiozawa  Stephenson  Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

Voting in the negative were: Senators
Dabakis  Davis  Jones  Robles

Absent or not voting were: Senators
Hinkins  Madsen

S.B. 60 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to 3rd Sub. S.B. 190, PROCUREMENT REVISIONS. Senators Reid and Van Tassell commented and the bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Bramble  Christensen  Davis  Dayton
Harper  Henderson  Hillyard  Jenkins
Jones  Knudson  Mayne  Okerlund
Osmond  Reid  Robles  Shiozawa
Stephenson  Stevenson  Thatcher  Urquhart
Valentine  Van Tassell  Vickers  Weiler
Niederhauser
Absent or not voting were: Senators
Adams  Dabakis  Hinkins  Madsen

3rd Sub. S.B. 190 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Osmond, the Senate voted to concur in the House amendments to 3rd Sub. S.B. 112, WORK WEEK AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Christensen  Davis  Dayton  Harper
Henderson  Hillyard  Jenkins  Jones
Knudson  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Stevenson  Thatcher  Urquhart  Valentine
Van Tassell  Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Adams  Bramble  Dabakis  Hinkins
Madsen

3rd Sub. S.B. 112 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to suspend the 24–hour requirement on bills on the Third Reading Calendar.

1st Sub. H.B. 10, SEX OFFENSE AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Dayton  Harper  Henderson  Hillyard
Jenkins  Jones  Knudson  Madsen
Mayne  Okerlund  Osmond  Reid
Robles  Shiozawa  Stephenson  Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Vickers  Weiler  Niederhauser
Absent or not voting were: Senators
Dabakis    Hinkins

1st Sub. H.B. 10, as amended, was returned to the House for further consideration.

* * *

H.B. 30, LINE–OF–DUTY DEATH AND DISABILITY AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams    Bramble    Christensen    Davis
Dayton   Harper     Henderson     Hillyard
Hinkins  Jenkins    Jones        Knudson
Madsen   Mayne      Okerlund     Osmond
Reid     Robles     Shiozawa     Stephenson
Stevenson Thatcher    Urquhart     Valentine
Van Tassell Vickers    Weiler      Niederhauser

Absent or not voting was: Senator
Dabakis

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. 50, DATING VIOLENCE PROTECTION ACT, was read the third time and explained by Senator Bramble. Senators Van Tassell, Dayton, Madsen, Thatcher, Jenkins, Hillyard, Valentine, and Urquhart commented and the bill passed on the following roll call:

Yeas, 23; Nays, 4; Absent or not voting, 2.

Voting in the affirmative were: Senators
Bramble    Christensen    Dabakis    Harper
Henderson  Hillyard      Hinkins     Jones
Knudson    Mayne        Okerlund     Osmond
Reid       Robles       Shiozawa     Stevenson
Thatcher   Urquhart     Valentine    Van Tassell
Vickers    Weiler       Niederhauser
Voting in the negative were: Senators
Dayton       Jenkins       Madsen       Stephenson

Absent or not voting were: Senators
Adams        Davis

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.

* * *

2nd Sub. H.B. 81, CYTOMEGALOVIRUS PUBLIC HEALTH INITIATIVE, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Y eas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Bramble       Christensen       Dabakis       Davis
Dayton        Harper           Henderson      Hillyard
Hinkins       Jenkins          Jones          Knudson
Madsen        Mayne           Okerlund       Osmond
Reid          Shiozawa        Stephenson     Stevenson
Thatcher       Urquhart        Valentine      Van Tassell
Vickers       Weiler          Niederhauser  

Absent or not voting were: Senators
Adams         Robles

2nd 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.

* * *

On motion of Senator Davis, the Senate voted to allow him to cast an aye vote on H.B. 50. The corrected vote is as follows:

Yeas, 24; Nays, 4; Absent or not voting, 1.

Voting in the affirmative were: Senators
Bramble       Christensen       Dabakis       Davis
Harper        Henderson        Hillyard      Hinkins
Jones         Knudson         Mayne         Okerlund
Osmond        Reid            Robles        Shiozawa
Stevenson     Thatcher        Urquhart      Valentine
Van Tassell   Vickers         Weiler        Niederhauser
Voting in the negative were: Senators
Dayton  Jenkins  Madsen  Stephenson

Absent or not voting was: Senator
Adams

***

H.B. 105, SERIOUS YOUTH OFFENDER AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Knudson
Mayne  Okerlund  Osmond  Reid
Shiozawa  Stephenson  Stevenson  Thatcher
Urquhart  Valentine  Van Tassell  Vickers
Weiler

Absent or not voting were: Senators
Jones  Madsen  Robles  Niederhauser

H.B. 105 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Okerlund, 2nd Sub. H.B. 118, AUTOMATIC EXTERNAL DEFIBRILLATOR RESTRICTED ACCOUNT, was read the third time and circled.

***

H.B. 147, UTAH MARRIAGE COMMISSION, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 22; Nays, 2; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dayton
Harper  Henderson  Hillyard  Hinkins
Voting in the negative were: Senators
Dabakis  Davis

Absent or not voting were: Senators
Jones  Madsen  Robles  Vickers
Niederhauser

H.B. 147 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 154, SUICIDE PREVENTION PROGRAMS, was read the third time and explained by Senator Reid.

Senator Reid proposed the following amendment:

1. Page 2, Lines 35 through 42:

   35 This bill appropriates in fiscal year 2014:
   36   ★ to the State Board of Education – State Office of Education, as an ongoing appropriation:
   37   • from the General Fund, {−$150,000} $100,000
   38   ★ to the Department of Human Services – Division of Substance Abuse and Mental Health, as an ongoing appropriation:
   39   • from the General Fund, {−$100,000} $78,000

2. Page 5, Lines 128 through 137:

   128 To State Board of Education – State Office of Education
   129 From General Fund {−$150,000} $100,000
Senator Reid’s motion to amend passed on a voice vote and the bill passed on the following roll call:

**Yeas, 22; Nays, 2; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators

Bramble  Christensen  Dabakis  Davis
Harper  Henderson  Hillyard  Hinkins
Jenkins  Knudson  Mayne  Okerlund
Osmond  Reid  Shiozawa  Stephenson
Stevenson  Thatcher  Urquhart  Valentine
Van Tassell  Weiler

**Voting in the negative were:** Senators

Dayton  Vickers

**Absent or not voting were:** Senators

Adams  Jones  Madsen  Robles
Niederhauser

H.B. 154, as amended, was returned to the House for further consideration.

***

H.B. 276, NEWBORN SCREENING FOR CRITICAL CONGENTIAL HEART DEFECTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

**Yeas, 16; Nays, 10; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

Bramble  Dabakis  Davis  Hillyard
Jenkins  Jones  Knudson  Mayne
Okerlund  Reid  Stevenson  Thatcher
Urquhart  Valentine  Van Tassell  Vickers
Voting in the negative were: Senators
Christensen  Dayton  Harper  Henderson
Hinkins  Madsen  Osmond  Shiozawa
Stephenson  Weiler

Absent or not voting were: Senators
Adams  Robles  Niederhauser

H.B. 276, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Reid, the circle was removed from 2nd Sub. H.B. 118, AUTOMATIC EXTERNAL DEFIBRILLATOR RESTRICTED ACCOUNT, and it was before the Senate.

Senator Bramble proposed the following amendment:

1. Page 1, Line 18 through Page 2, Line 26:

   18 Money Appropriated in this Bill:
   19 This bill appropriates in fiscal year 2014:
   20 • to the General Fund Restricted – Automatic External Defibrillator Restricted
   21 Account, as {–an ongoing–} a one−time appropriation:
   22 • from the General Fund, {−$300,000−} $150,000 .
   23 • to the Department of Health – Family Health and Preparedness – Bureau of
   24 Emergency Medical Services, as {–an ongoing–} a one−time appropriation:
   25 • from the General Fund Restricted – Automatic External Defibrillator Restricted
   26 Account, {−$300,000−} $150,000 .

2. Page 4, Line 108 through Page 5, Line 129:

   108 Section 4. Appropriation.
   109 Under the terms and conditions of Title 63J, Chapter 1,
   Budgetary Procedures Act, for
the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following sums of money
are appropriated from resources not otherwise appropriated, or reduced from amounts
previously appropriated, out of the funds or accounts indicated. These sums of money are in
addition to any amounts previously appropriated for fiscal year 2014.

To General Fund Restricted – Automatic External Defibrillator
Restricted Account

From General Fund, One−time {−$300,000−} $150,000

Schedule of Programs:

General Fund Restricted – Automatic External
Defibrillator Restricted Account
{−$300,000−} $150,000

To Department of Health – Family Health and Preparedness –
Bureau of Emergency Medical Services

From General Fund Restricted – Automatic
External Defibrillator Restricted Account, One−time
{−$300,000−} $150,000

Schedule of Programs:

Bureau of Emergency Medical Services
{−$300,000−} $150,000

The Legislature intends that:

(1) the Bureau of Emergency Services use appropriations under this section to provide
automatic external defibrillators to eligible entities under Section 26−8a−601
and
(2) the appropriations under this section be ongoing in fiscal years 2014, 2015, and
2016 only.
Senator Bramble’s motion to amend passed on a voice vote. Senators Valentine and Christensen commented and the bill passed on the following roll call:

**Yeas, 22; Nays, 4; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators
Adams  Bramble  Dabakis  Davis
Henderson  Hillyard  Hinkins  Jenkins
Jones  Knudson  Madsen  Mayne
Okerlund  Osmond  Reid  Shiozawa
Stevenson  Thatcher  Urquhart  Valentine
Van Tassell  Weiler

**Voting in the negative were:** Senators
Christensen  Dayton  Stephenson  Vickers

**Absent or not voting were:** Senators
Harper  Robles  Niederhauser

**2nd Sub. H.B. 118,** as amended, was returned to the House for further consideration.

***

**1st Sub. H.B. 49,** VOTED AND BOARD LEVY PROGRAMS AMENDMENTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Henderson  Hillyard
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Stevenson  Thatcher  Urquhart  Van Tassell
Vickers  Weiler

**Absent or not voting were:** Senators
Harper  Valentine  Niederhauser

**1st Sub. H.B. 49,** as amended, was returned to the House for further consideration.
SECOND READING CALENDAR

On motion of Senator Hillyard, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Hillyard, under suspension of the rules, 1st Sub. H.B. 43, CAMPAIGN FINANCE REPORTING BY CORPORATIONS, was considered read the second and third times.

Senator Hillyard proposed the following amendment:

1. Page 4, Line 108:

108 (11) (a) “Donor” means a person that gives money, including a fee, due, or assessment

2. Page 4, Line 111:

111 (b) “Donor” does not include a person that signs a statement that the corporation may

3. Page 13, Line 382:

382 a donor that:

4. Page 13, Line 389:

389 on a proration basis between all donors that:

5. Page 13, Line 395:

395 statement that the corporation has reported all donors that gave money, and all money received

6. Page 14, Line 405:

405 (B) shall separately report donations described in Subsection (3)(d)(e)(ii)(A).

7. Page 15, Line 450:

450 that:

8. Page 15, Line 458:

458 under Subsection (3)(b)(i) on a proration basis between all donors that:
9. Page 16, Line 464:

464 shall contain a statement that the corporation has reported all donors \{who\} that gave money, and all

10. Page 16, Line 474:

474 (B) shall separately report donations described in Subsection (3) \{(d)--\} (e) (ii)(A).

Senator Hillyard’s motion to amend passed on a voice vote. Senators Dabakis, Henderson, Valentine, and Robles commented and the bill passed on the following roll call:

**Yeas, 20; Nays, 8; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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<thead>
<tr>
<th>Adams</th>
<th>Bramble</th>
<th>Christensen</th>
<th>Dayton</th>
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<tr>
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<td>Stevenson</td>
<td>Thatcher</td>
<td>Vickers</td>
<td>Niederhauser</td>
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**Voting in the negative were:** Senators

<table>
<thead>
<tr>
<th>Dabakis</th>
<th>Davis</th>
<th>Henderson</th>
<th>Robles</th>
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<td>Urquhart</td>
<td>Valentine</td>
<td>Van Tassell</td>
<td>Weiler</td>
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</tbody>
</table>

**Absent or not voting was:** Senator

Hinkins

**1st Sub. H.B. 43,** as amended, was returned to the House for the signature of the Speaker.

***

**1st Sub. H.B. 96,** CLEANER BURNING FUELS TAX CREDITS AMENDMENTS, was read the second time.

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

**2nd Sub. H.B. 96 Clean Burning Fuels Tax Credits Amendments and Related Funding** (Rep. J. Draxler)
Senator Van Tassell proposed the following amendment:

1. Page 1, Lines 17 through 18:

17 extends corporate and individual income tax credits for cleaner burning fuels until
18 the end of taxable year {2019} 2014 ;

2. Page 5, Lines 126 through 129:

126 (2) For the taxable year beginning on or after January 1, [2009] 2014, but beginning on or
127 before December 31, [2013] {2019} 2014, a taxpayer may claim a tax credit against tax otherwise due
128 under this chapter or Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to
129 Pay Corporate Franchise or Income Tax Act, in an amount equal to:

3. Page 10, Lines 276 through 278:

276 (2) For the taxable year beginning on or after January 1, [2009] 2014, but beginning on or
277 before December 31, [2013] {2019} 2014, a claimant, estate, or trust may claim a nonrefundable tax
278 credit against tax otherwise due under this chapter in an amount equal to:

Senator Van Tassell’s motion to amend passed on a voice vote. Senator Van Tassell explained the bill. Senator Henderson declared a conflict of interest.

On motion of Senator Van Tassell, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Van Tassell, under suspension of the rules, 2nd Sub. H.B. 96, CLEANER BURNING FUELS TAX CREDITS AMENDMENTS AND RELATED FUNDING, was considered read the first, second and third times and passed on the following roll call:

Yeas, 18; Nays, 11; Absent or not voting, 0.

Voting in the affirmative were: Senators
Adams  Bramble  Dabakis  Davis
Hillyard  Hinkins  Jones  Knudson
Voting in the negative were: Senators

- Christensen
- Dayton
- Harper
- Henderson
- Jenkins
- Madsen
- Osmond
- Reid
- Shiozawa
- Stephenson
- Thatcher

2nd Sub. H.B. 96, as amended, was returned to the House for further consideration.

* * *

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. 403** Municipal Election Amendments (Rep. R. C. Webb)
- **H.B. 384** Property Disposition Amendments (Rep. B. Dee)
- **1st Sub. H.B. 386** Bail Bond Amendments (Rep. C. Oda)
- **1st Sub. H.B. 88** Land Use Amendments (Rep. M. Brown)
- **H.C.R. 8** Concurrent Resolution on Parkinson’s Disease (Rep. S. Barlow)
- **1st Sub. H.C.R. 11** Concurrent Resolution Supporting the Transfer of Administration of the Utah Navajo Oil and Gas Royalties to the Utah Dineh Corporation (Rep. M. Noel)
- **H.B. 393** Competency-based Education Amendments (Rep. G. Hughes)
- **H.B. 360** Water and Irrigation Revisions (Rep. R. Wilcox)
- **H.B. 150** Animal Shelter Amendments (Rep. A. Romero)
- **H.B. 227** Cohabitant Definition (Rep. B. Wilson)
- **H.B. 329** Medicaid Vision Amendments (Rep. R. Menlove)
- **1st Sub. H.B. 268** Disorderly Conduct Amendments (Rep. P. Ray)
- **1st Sub. H.B. 378** Election Revisions (Rep. C. Hall)
- **2nd Sub. H.B. 401** Statute of Limitations on Trespass (Rep. G. Froerer)
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<tr>
<th>Bill Number</th>
<th>Title</th>
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<tr>
<td>H.B. 75</td>
<td>Occupational and Professional Licensing Amendments</td>
<td>Rep. B. Greene</td>
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<tr>
<td>H.B. 170</td>
<td>Deoxyribonucleic Acid Collection and Retention Amendments</td>
<td>Rep. S. Eliason</td>
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<tr>
<td>H.C.R. 10</td>
<td>Concurrent Resolution on the Patient Protection and Affordable Care Act and State Health Care Reform</td>
<td>Rep. K. Ivory</td>
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<td>H.B. 382</td>
<td>Escalante Region Grazing Zone</td>
<td>Rep. M. Noel</td>
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<tr>
<td>H.B. 331</td>
<td>Property Damage Claims</td>
<td>Rep. V. L. Snow</td>
</tr>
</tbody>
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**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 12, 2013

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. 4**, CURRENT SCHOOL YEAR SUPPLEMENTAL PUBLIC EDUCATION BUDGET AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 20**, STATE SECURITY STANDARDS FOR PERSONAL INFORMATION, by Senator S. Reid, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 59**, WORKERS’ COMPENSATION COORDINATION OF BENEFITS AMENDMENTS, by Senator K. Mayne, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 60**, ABORTION STATISTICS AND REPORTING REQUIREMENTS, by Senator M. Dayton, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 64**, HOMEOWNER ASSOCIATION RESERVE ACCOUNT 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. 83, LIMITATIONS ON OUTSIDE EMPLOYMENT BY GOVERNMENT EMPLOYEE, by Senator T. Weiler, and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 203, PRESCRIPTION LABEL INFORMATION AND EDUCATION AMENDMENTS, 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. 215, PEACE OFFICER STANDARDS AND TRAINING CERTIFICATION AGE REQUIREMENT, by Senator L. Hillyard, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 259, AMENDMENTS TO DISABILITY WAITING LIST, by Senator A. Christensen, 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.

* * *

On motion of Senator Hillyard, the Senate voted to place H.B. 3, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS, at the top of the Second Reading Calendar.

* * *

On motion of Senator Okerlund, and at 7:10 p.m., the Senate adjourned until 8:00 a.m., Wednesday, March 13, 2013.
The Senate was called to order at 8:15 a.m., with President Wayne Niederhauser presiding.

Prayer – Senator Todd Weiler
Pledge of Allegiance – Senator Peter Knudson
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

CONSENT CALENDAR

1st Sub. H.C.R. 5, CONCURRENT RESOLUTION ON REGIONAL CORRECTIONAL FACILITIES AND COUNTY JAIL CONTRACTING, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Jenkins  Jones  Knudson  Mayne
Okerlund  Osmond  Reid  Stephenson
Stevenson  Valentine  Van Tassell  Vickers
Weiler  Niederhauser

Absent or not voting were: Senators
Hillyard  Hinkins  Madsen  Robles
Shiozawa  Thatcher  Urquhart

1st Sub. 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.B. 358, INSTREAM FLOW AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:
Yeas, 23; Nays, 0; Absent or not voting, 6.

**Voting in the affirmative were:** Senators

Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Mayne Okerlund Reid
Stephenson Stevenson Valentine Van Tassell
Vickers Weiler Niederhauser

**Absent or not voting were:** Senators

Madsen Osmond Robles Shiozawa
Thatcher Urquhart

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.

* * *

H.J.R. 12, JOINT RESOLUTION DISSOLVING CLARKSTON JUSTICE COURT, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent or not voting, 7.

**Voting in the affirmative were:** Senators

Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Okerlund Reid Stephenson
Stevenson Valentine Van Tassell Vickers
Weiler Niederhauser

**Absent or not voting were:** Senators

Madsen Mayne Osmond Robles
Shiozawa Thatcher Urquhart

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.

**THIRD READING CALENDAR**

On motion of Senator Christensen, 1st Sub. H.B. 76, CONCEALED WEAPON CARRY AMENDMENTS, was read the third time and circled.
H.B. 141, MEDICAID EMERGENCY ROOM AND PRIMARY CARE AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators

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<tr>
<th>Adams</th>
<th>Bramble</th>
<th>Christensen</th>
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<td>Niederhauser</td>
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**Absent or not voting were:** Senators

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<th>Davis</th>
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H.B. 141, as amended, was returned to the House for further consideration.

***

On motion of Senator Okerlund, H.B. 146, HEALTH CARE PROVIDER AMENDMENTS, was read the third time and circled.

***

H.B. 163, HUMAN TRAFFICKING AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

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

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</table>
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 Valentine, the Senate voted to suspend the rules requiring a committee hearing on bills considered for the remainder of the day.

***

1st Sub. H.B. 152, PARENT−TIME RESTRICTION AMENDMENTS, was read the third time and explained by Senator Henderson. Senator Dayton commented and the bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Knudson
Mayne  Okerlund  Osmond  Reid
Shiozawa  Stephenson  Urquhart  Valentine
Van Tassell  Vickers  Weiler  Niederhauser

**Absent or not voting were:** Senators
Jones  Madsen  Robles  Stevenson
Thatcher

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. 192, COUNTY CLERK MISCONDUCT PENALTY, was read the third time, explained by Senator Henderson, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Senators
Adams  Bramble  Christensen  Davis
Dayton  Harper  Henderson  Hillyard
Hinkins  Jenkins  Knudson  Mayne
Okerlund  Osmond  Reid  Shiozawa
Stephenson  Urquhart  Valentine  Van Tassell
Vickers  Weiler  Niederhauser
Absent or not voting were: Senators
Dabakis  Jones  Madsen  Robles
Stevenson  Thatcher

H.B. 192 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 166, WATER RIGHTS AMENDMENTS, was read the third time, explained by Senator Vickers, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Shiozawa  Stephenson  Stevenson
Valentine  Van Tassell  Vickers  Weiler
Niederhauser

Absent or not voting were: Senators
Jones  Robles  Thatcher  Urquhart

H.B. 166 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Davis, the circle was removed from H.B. 146, HEALTH CARE PROVIDER AMENDMENTS, and it was before the Senate. Senator Weiler commented and the bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Senators
Adams  Christensen  Dabakis  Davis
Dayton  Harper  Henderson  Hinkins
Jenkins  Knudson  Madsen  Mayne
Osmond  Reid  Shiozawa  Stephenson
Stevenson  Urquhart  Valentine  Van Tassell
Vickers  Weiler  Niederhauser
Absent or not voting were: Senators
Bramble           Hillyard           Jones           Okerlund
Robles           Thatcher

H.B. 146 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 316, TRAFFIC AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams           Christensen           Dabakis           Davis
Dayton         Harper             Henderson           Hillyard
Hinkins        Jenkins            Knudson           Madsen
Mayne         Osmond             Reid             Shiozawa
Stephenson     Stevenson           Urquhart           Valentine
Van Tassell   Vickers           Weiler           Niederhauser

Absent or not voting were: Senators
Bramble           Jones           Okerlund           Robles
Thatcher

H.B. 316, as amended, was returned to the House for further consideration.

***

H.B. 155, FEDERAL LAW ENFORCEMENT AMENDMENTS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

Yeas, 23; Nays, 4; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams           Bramble           Christensen           Dayton
Harper       Henderson           Hillyard           Hinkins
Jenkins        Knudson           Mayne           Okerlund
Osmond         Reid             Shiozawa           Stephenson
Stevenson     Urquhart           Valentine           Van Tassell
Vickers        Weiler           Niederhauser

Voting in the negative were: Senators
Dabakis           Davis           Jones           Robles
Absent or not voting were: Senators
Madsen          Thatcher

H.B. 155 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. 120, INFORMATION ON PHARMACEUTICAL PRODUCTS, was read the third time, explained by Senator Shiozawa, and passed on the following roll call:

Y eas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams          Bramble          Christensen          Dabakis
Davis          Dayton          Harper            Henderson
Hillyard       Hinkins       Jenkins          Jones
Knudson        Madsen         Mayne            Okerlund
Osmond         Reid            Robles        Shiozawa
Stevenson      Valentine       Van Tassell    Vickers
Weiler          Niederhauser

Absent or not voting were: Senators
Stephenson      Thatcher       Urquhart

2nd Sub. H.B. 120 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.J.R. 15, JOINT RESOLUTION ON STATE AND POLITICAL SUBDIVISIONS JURISDICTION, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

Yeas, 23; Nays, 4; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams          Bramble          Christensen          Dayton
Harper         Henderson        Hillyard        Hinkins
Jenkins        Knudson        Madsen            Okerlund
Osmond         Reid            Shiozawa        Stephenson
Stevenson      Urquhart       Valentine       Van Tassell
Vickers        Weiler          Niederhauser
Voting in the negative were: Senators
Dabakis  Davis  Jones  Robles

Absent or not voting were: Senators
Mayne  Thatcher

H.J.R. 15 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 168, AIR QUALITY MITIGATION BY GOVERNMENT ENTITIES, was read the third time, explained by Senator Madsen, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Dayton  Harper  Henderson  Hillyard
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Stevenson  Urquhart  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Davis  Thatcher

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.

* * *

On motion of Senator Christensen, the circle was removed from 1st Sub. H.B. 76, CONCEALED WEAPON CARRY AMENDMENTS, and it was before the Senate. Senators Bramble, Jones, and Dabakis commented and the bill passed on the following roll call:

Yeas, 21; Nays, 7; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dayton
Harper  Henderson  Hinkins  Jenkins
Day 44  Wednesday, March 13, 2013  1013

Knudson  Madsen  Okerlund  Osmond
Reid    Stephenson  Stevenson  Urquhart
Valentine  Van Tassell  Vickers  Weiler
Niederhauser

**Voting in the negative were:** Senators
Dabakis  Davis  Hillyard  Jones
Mayne  Robles  Shiozawa

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

**1st Sub. H.B. 76** 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, **1st Sub. H.B. 164**, STATE AND POLITICAL SUBDIVISION JURISDICTIONAL AMENDMENTS, was read the third time and circled.

***

**H.B. 347**, LANDOWNER LIABILITY AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

**Y eas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  Okerlund
Osmond  Reid  Robles  Shiozawa
Stephenson  Stevenson  Urquhart  Valentine
Van Tassell  Vickers  Weiler  Niederhauser

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

**H.B. 347**, as amended, was returned to the House for further consideration.

***

**1st Sub. H.B. 127**, MOTOR VEHICLE EVENT DATA RECORDERS, was read the third time, explained by Senator Madsen, and passed on the following roll call:
Yeas, 27; Nays, 0; Absent or not voting, 2.

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senator

Hillyard       Thatcher

1st Sub. H.B. 127, as amended, was returned to the House for further consideration.

***

H.B. 327, PROBATE AMENDMENTS, was read the third time, explained by Senator Weiler, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

Mayne       Thatcher

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.

***

1st Sub. H.B. 385, DUTIES AND WITHDRAWAL OF TRUSTEE, was read the third time and explained by Senator Valentine.
Senator Valentine proposed the following amendment:

1. Page 3, Line 87 through Page 4, Line 88:

   87  (1) (a) { [−−]} The { [−−]} { [−−−]} beneficiary may appoint a successor trustee at any time by filing for
   88  record in the office of the county recorder of each county in which the trust property or some

2. Page 6, Lines 156 through 157:

   156  (e) (i) The withdrawal of a trustee of a trust deed under this section does not affect the
   157  validity or the priority of the trust deed.
   (ii) After a trustee withdraws under this part, only a qualified successor trustee appointed by the beneficiary under Section 57–1–22 may exercise trustee powers, including the power of sale.

Senator Valentine’s motion to amend passed on a voice vote and the bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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

1st Sub. H.B. 385, as amended, was returned to the House for further consideration.

***

1st Sub. H.B. 140, CONSUMER–FOCUSED HEALTH DELIVERY AND PAYMENT DEMONSTRATION PROJECT, was read the third time, explained by Senator Knudson, and passed on the following roll call:
Yeas, 27; Nays, 0; Absent or not voting, 2.

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

Shiozawa      Thatcher

1st Sub. H.B. 140 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, SURETY BOND PENALTY,** was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

**Voting in the affirmative were:** Senators

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H.B. 237 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**1st Sub. H.B. 222, DOMESTIC ASSET PROTECTION TRUST AMENDMENTS,** was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.
Voting in the affirmative were: Senators
Adams  Bramble  Dabakis  Davis
Dayton  Harper  Henderson  Hillyard
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Stevenson  Thatcher  Urquhart  Valentine
Van Tassell  Vickers  Weiler  Niederhauser

Absent or not voting was: Senator Christensen

1st Sub. H.B. 222 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 Senate voted to allow him to be cast as an aye for to 1st Sub. H.B. 76. The corrected vote is as follows:

Yeas, 22; Nays, 7; Absent or not voting, 0.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dayton
Harper  Henderson  Hinkins  Jenkins
Knudson  Madsen  Okerlund  Osmond
Reid  Stephenson  Stevenson  Thatcher
Urquhart  Valentine  Van Tassell  Vickers
Weiler  Niederhauser

Voting in the negative were: Senators
Dabakis  Davis  Hillyard  Jones
Mayne  Robles  Shiozawa

* * *

1st Sub. H.B. 124, RADIATION CONTROL AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
1st Sub. H.B. 124 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. 134, PARENTAL NOTIFICATION RELATED TO STUDENT SAFETY, was read the third time and explained by Senator Robles.

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

3rd Sub. H.B. 134 Parental Notification Related to Student Safety
(Rep. G. Froerer)

Senators Hillyard and Madsen commented and the bill passed on the following roll call:

Yeas, 27; Nays, 1; Absent or not voting, 1.

Voting in the affirmative were: Senators

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Voting in the negative was: Senator

Dayton

Absent or not voting was: Senator

Harper

3rd Sub. H.B. 134, as amended, was returned to the House for further consideration.
1st Sub. H.B. 318, CLASSROOM SIZE REVISIONS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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1st Sub. H.B. 318, as amended, was returned to the House for further consideration.

**3rd Sub. H.B. 228, ALCOHOLIC BEVERAGE CONTROL ACT AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:**

**Yeas, 25; Nays, 1; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

Dayton

**Absent or not voting were:** Senators

<table>
<thead>
<tr>
<th>Bramble</th>
<th>Harper</th>
<th>Hinkins</th>
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**Absent or not voting were:** Senators

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<tr>
<th>Bramble</th>
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<th>Hinkins</th>
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</table>
3rd Sub. H.B. 228, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Knudsen, the Senate voted to lift H.B. 366 and H.B. 367 from Rules and placed them on the top of the Second Reading Calendar.

* * *

On motion of Senator Hillyard, H.B. 3, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS, was read the second time and circled.

* * *

On motion of Senator Hillyard, the Senate voted to reconsider its action on H.B. 103, WIRELESS TELEPHONE USE RESTRICTIONS.

On motion of Senator Hillyard, the bill was placed at the top of the Second Reading Calendar.

On motion of Senator Hillyard, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Hillyard, under suspension of the rules, H.B. 103, WIRELESS TELEPHONE USE RESTRICTIONS, was considered read the second and third times. Senators Thatcher, Mayne, Henderson, and Weiler commented and passed on the following roll call:

Yeas, 17; Nays, 12; Absent or not voting, 0.

Voting in the affirmative were: Senators
Christensen       Dabakis       Davis       Hillyard
Hinkins          Jones         Knudson     Mayne
Okerlund         Osmond        Robles      Shiozawa
Stevenson        Valentine     Vickers     Weiler
Niederhauser

Voting in the negative were: Senators
Adams            Bramble       Dayton      Harper
Henderson        Jenkins       Madsen     Reid
Stephenson       Thatcher      Urquhart   Van Tassell

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 Valentine, under suspension of the rules, the Senate voted to consider bills read for the second and third time for the remainder of the day.

On motion of Senator Okerlund, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Okerlund, under suspension of the rules, H.B. 366, STATE HOUSE BOUNDARY AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Henderson
- Hinkins
- Jenkins
- Jones
- Knudsen
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Absent or not voting were:** Senators

- Harper
- Hillyard
- Urquhart

H.B. 366 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, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Okerlund, under suspension of the rules, H.B. 367, CONGRESSIONAL BOUNDARY AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Hinkins
Absent or not voting were: Senators
Henderson Hillyard Urquhart Valentine

H.B. 367 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, and at 10:00 a.m., the Senate sauntered.

The Senate was called to order at 10:20 a.m., with President Niederhauser presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 13, 2013

The Speaker of the House has signed 3rd Sub. S.B. 112, WORK WEEK AMENDMENTS, by Senator A. Osmond, and it is transmitted for the signature of the President; and

The House passed, S.B. 151, AUTHORIZATION OF CHARTER SCHOOLS BY HIGHER EDUCATION INSTITUTIONS, 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 3rd Sub. S.B. 190, PROCUREMENT REVISIONS, by Senator S. Jenkins, and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 229, APPELLATE BOND FOR STATE ENTITIES, 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. 255, HUMAN SERVICES AMENDMENTS, by Senator W. Harper, 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.C.R. 5, CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR ACHIEVING 66% BY 2020
GOAL, by Senator J. Stevenson, and it is transmitted for the signature of the 
President; and

The House passed, 1st Sub. S.J.R. 14, JOINT RESOLUTION AMENDING 
CIVIL PROCEDURE RULE 62, 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 13, 2013

The House substituted and passed, 2nd Sub. S.B. 7, STATE AGENCY AND 
HIGHER EDUCATION COMPENSATION APPROPRIATIONS, 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 suspend the rules and 
allow bills to be heard on the Concurrence Calendar without the 24–hour 
requirement.

On motion of Senator Hillyard, the Senate voted to concur in the House 
amendments to 2nd Sub. S.B. 7, STATE AGENCY AND HIGHER EDUCATION 
COMPENSATION APPROPRIATIONS. The bill, as amended, passed on the 
following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Stevenson  Urquhart  Van Tassell  Vickers
Weiler  Niederhauser
Absent or not voting were: Senators
Jenkins           Thatcher          Valentine

2nd Sub. S.B. 7 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Hinkins, the circle was removed from H.B. 3, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS, and it was before the Senate.

On motion of Senator Hinkins, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Hinkins, 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 or not voting, 4.

Voting in the affirmative were: Senators
Adams           Bramble           Christensen         Dabakis
Davis           Dayton           Harper              Henderson
Hillyard        Hinkins          Jones               Knudson
Madsen          Mayne            Okerlund            Osmond
Reid            Robles           Shiozawa            Stephenson
Stevenson       Urquhart         Van Tassell         Vickers
Weiler

Absent or not voting were: Senators
Jenkins           Thatcher          Valentine          Niederhauser

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, 1st Sub. H.B. 139, SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS ACTION CENTER, was read the second time and circled.

***

On motion of Senator Dayton, H.B. 156, RESTORATION OF TERMINATED PARENTAL RIGHTS, was read the second time and circled.
* * *

1st Sub. H.B. 157, CHILDREN’S HEARING AID PILOT PROGRAM, was read the second time. Senator Osmond explained the bill. Senators Stephenson, Christensen, Jones, Robles, and Knudson commented. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 3; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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<tr>
<th>Adams</th>
<th>Bramble</th>
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<td>Henderson</td>
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<td>Niederhauser</td>
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**Voting in the negative were:** Senators

<table>
<thead>
<tr>
<th>Christensen</th>
<th>Dayton</th>
<th>Madsen</th>
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**Absent or not voting was:** Senator

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<th>Davis</th>
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* * *

1st Sub. H.B. 160, HEALTH SYSTEM REFORM AMENDMENTS, was read the second time.

Senator Vickers proposed the following amendment:

1. Page 6, Line 171:

171 (iii) the conduct of navigators, producers, and in–person assisters operating in the state.

(d) If the state enters into an agreement with the United States’ Department of Health and Human Services in which the state operates health insurance plan management, the commissioner may:

(i) for fiscal year 2014, hire one temporary and two permanent full–time employees to be funded through the department’s existing budget; and

(ii) for fiscal year 2015, hire two permanent full–time employees funded through the Insurance Department Restricted Account, subject to appropriations from the Legislature and approval by the governor.
2. Page 46, Lines 1417a through 1418
   House Committee Amendments
   3–7–2013:

   1417a administrative rule  {—The
disclosure shall clearly describe—}  which shall include at least
the following information  :

3. Page 47, Lines 1422 through 1423
   House Committee Amendments
   3–7–2013:

   1422 (3) the aggregate attachment point and the specific attachment
   point:  {—and—}

   1423 (4) any limitations on coverage  ;
   (5) an explanation of monthly accommodation and disclosure about
   any monthly accommodation features included in the stop–loss contract;
   and
   (6) a description of terminal liability funding, including:
   (a) cost of processing claims before and after the termination of the
   contract; and
   (b) maximum claims liability to the employer .

Senator Vickers’ motion to amend passed on a voice vote.

On motion of Senator Vickers, the Senate, by a 2/3 vote, voted to suspend the
three readings requirement.

H.B. 160, HEALTH SYSTEM REFORM AMENDMENTS, was considered read
the second and third times and passed on the following roll call:

Yeas, 26; Nays, 2; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Dayton  Henderson  Hillyard  Hinkins
Jenkins  Jones  Knudson  Mayne
Okerlund  Osmond  Reid  Robles
Shiozawa  Stephenson  Stevenson  Thatcher
Urquhart  Valentine  Van Tassell  Vickers
Weiler  Niederhauser
Voting in the negative were: Senators
Harper                   Madsen

Absent or not voting was: Senator
Davis

1st Sub. H.B. 160, as amended, was returned to the House for further consideration.

***

On motion of Senator Knudson, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Knudson, under suspension of the rules, H.B. 165, BACKGROUND CHECKS FOR CHILD CARE WORKERS, was considered read the second and third times and passed on the following roll call:

Y eas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams                   Bramble                  Christensen           Dabakis
Dayton                  Harper                   Henderson            Hillyard
Hinkins                 Jones                    Knudson              Madsen
Mayne                   Okerlund                 Osmond               Reid
Robles                  Shiozawa                 Stephenson           Stevenson
Thatcher                Urquhart                 Valentine            Vickers
Weiler                  Niederhauser

Absent or not voting were: Senators
Davis                   Jenkins                  Van Tassell

H.B. 165 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. 239, JURY SERVICE AMENDMENTS, was read the second time.

Senator Osmond proposed a verbal amendment as follows:

1. Page 2, Line 31:
   Delete “one month” and insert “six months”
Senator Osmond’s motion to amend passed on a voice vote. Senator Osmond explained the bill. Senators Jones, Hillyard, and Christensen commented.

On motion of Senator Osmond, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Osmond, under suspension of the rules, 2nd Sub. H.B. 239, JURY SERVICE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Christensen   Dabakis   Dayton   Harper
Henderson     Hillyard  Hinkins  Jenkins
Jones         Knudson   Madsen   Mayne
Okerlund      Osmond    Reid     Robles
Shiozawa      Stephenson Stevenson Thatcher
Urquhart      Valentine Van Tassell Vickers
Weiler        Niederhauser

Absent or not voting were: Senators
Adams         Bramble   Davis

2nd Sub. H.B. 239, as amended, was returned to the House for further consideration.

***

H.B. 338, ALIMONY REVISIONS, was read the second time.

Senator Valentine proposed the following amendment:

1. Page 4, Lines 94 through 98:

94    (c) “Fault” means any of the following wrongful conduct during the marriage that substantially contributed to the breakup of the marriage relationship including:
95    (i) engaging in sexual relations with a person other than the party’s spouse;
96    (ii) knowingly and intentionally causing or attempting to cause physical harm to the
Senator Valentine’s motion to amend passed on a voice vote.

On motion of Senator Hillyard, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Hillyard, under suspension of the rules, **H.B. 338**, ALIMONY REVISIONS, was considered read the second and third times and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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<thead>
<tr>
<th>Adams</th>
<th>Christensen</th>
<th>Dabakis</th>
<th>Dayton</th>
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<tr>
<td>Harper</td>
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<td>Thatcher</td>
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<td>Vickers</td>
<td>Weiler</td>
<td>Niederhauser</td>
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**Absent or not voting were:** Senators

Bramble   Davis

**H.B. 338**, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Knudson, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Knudson, under suspension of the rules, **H.B. 361**, DOMESTIC VIOLENCE STATISTICS REPORTING, was considered read the second and third times. Senator Dayton commented and passed on the following roll call:

**Yeas, 21; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Senators

<table>
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<tr>
<th>Adams</th>
<th>Christensen</th>
<th>Dabakis</th>
<th>Dayton</th>
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<td>Knudson</td>
<td>Madsen</td>
<td>Okerlund</td>
<td>Osmond</td>
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Absent or not voting were: Senators
Bramble    Davis    Hillyard    Jenkins
Mayne      Robles    Stevenson    Urquhart

H.B. 361 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 373, SMALL SCHOOL FUNDING, was read the second time. Senator Okerlund explained the bill.

Senator Okerlund proposed the following amendment:

1. Page 1, Line 12:

   12    appropriates additional WPUs to necessarily existent small schools ; and
   makes technical and conforming amendments.

2. Page 1, Lines 15 through 16:

   15    to the State Board of Education, as an ongoing appropriation:
   16    from the Education Fund, $2,191,700.

3. Page 2, Lines 29 through 32:

   29    To Basic School Program
   30    From Education Fund $2,069,800
   31    Schedule of Programs:

   32    Necessarily Existent Small Schools
   (1,055 WPUs) $1,898,800
   Professional Staff (59 WPUs) $171,000
   To Voted and Board Leeway Programs – Voted and Board Local Levy Programs
   From Education Fund $121,900

Schedule of Programs:
<table>
<thead>
<tr>
<th>Voted Local Levy Program</th>
<th>$84,800</th>
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<tr>
<td>Board Local Levy Program</td>
<td>$37,100</td>
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Senator Okerlund’s motion to amend passed on a voice vote. Senators Jones, Jenkins, and Osmond commented.

On motion of Senator Okerlund, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Okerlund, under suspension of the rules, H.B. 373, SMALL SCHOOL FUNDING, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

<table>
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<tr>
<th>Adams</th>
<th>Christensen</th>
<th>Davis</th>
<th>Dayton</th>
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<td>Niederhauser</td>
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**Absent or not voting were:** Senators

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<tr>
<th>Bramble</th>
<th>Dabakis</th>
<th>Hillyard</th>
<th>Stevenson</th>
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H.B. 373, as amended, was returned to the House for further consideration.

***

On motion of Senator Okerlund, 1st Sub. H.B. 388, GOVERNMENT COMMUNICATIONS TASK FORCE, was read the third time and circled.

***

On motion of Senator Knudson, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Knudson, under suspension of the rules, H.B. 395, VETERANS’ AFFAIRS AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent or not voting, 6.**
Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dayton
Harper  Henderson  Hinkins  Jenkins
Knudson  Madsen  Mayne  Okerlund
Osmond  Reid  Robles  Shiozawa
Stephenson  Thatcher  Urquhart  Van Tassell
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Dabakis  Davis  Hillyard  Jones
Stevenson  Valentine

H.B. 395 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 Vickers, H.J.R. 14, JOINT RESOLUTION ON WATER RIGHTS, was read the second time and circled.

***

On motion of Senator Okerlund, H.B. 325, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, was read the second time and circled.

***

On motion of Senator Henderson, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Henderson, under suspension of the rules, H.B. 379, RENTAL COMPANY REGISTRATION AMENDMENTS, was considered read the second and third times. Senator Madsen commented and the bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Senators
Adams  Christensen  Dayton  Harper
Henderson  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  Okerlund
Osmond  Reid  Robles  Shiozawa
Stephenson  Urquhart  Valentine  Van Tassell
Vickers  Weiler  Niederhauser
Absent or not voting were: Senators
Bramble Dabakis Davis Hillyard
Stevenson Thatcher

H.B. 379 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 Vickers, the circle was removed from H.J.R. 14, JOINT RESOLUTION ON WATER RIGHTS, and it was before the Senate.

On motion of Senator Vickers, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Vickers, under suspension of the rules, H.J.R. 14, JOINT RESOLUTION ON WATER RIGHTS, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Dayton
Harper Henderson Hinkins Jenkins
Jones Knudson Madsen Mayne
Okerlund Osmond Reid Robles
Shiozawa Stephenson Thatcher Urquhart
Van Tassell Vickers Weiler Niederhauser

Absent or not voting were: Senators
Bramble Davis Hillyard Stevenson
Valentine

H.J.R. 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 Okerlund, and at 11:45 p.m., the Senate recessed.
AFTERNOON SESSION

The Senate reassembled at 2:30 p.m., with President Niederhauser presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 13, 2013

The House passed, **S.B. 38**, REAUTHORIZATION OF VETERANS REINTEGRATION TASK FORCE, 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. 70**, COMMISSION RELATING TO FEDERAL ISSUES, by Senator D. Henderson, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 73**, OUTDOOR RECREATION OFFICE ACT, 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, **2nd Sub. S.B. 77**, AVAILABILITY OF GOVERNMENT INFORMATION, by Senator D. Henderson, 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. 82**, STUDENT ACHIEVEMENT BACKPACK, 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. 84**, SALES AND USE TAX EXEMPTION FOR SHORT-TERM LODGING CONSUMABLES, 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 13, 2013

The House passed, as amended, **S.B. 31**, SPECIAL NEEDS ADOPTION TAX CREDIT, by Senator W. Harper, and it is transmitted for further consideration; and

The House substituted and passed, **1st Sub. S.B. 33**, SALES AND USE TAX REVISIONS, by Senator H. Stephenson, and it is transmitted for further consideration; and
The House substituted, amended, and passed, 1st Sub. S.B. 42, MEDICAL SCHOOL ADMISSIONS FUNDING, by Senator J. Valentine, and it is transmitted for further consideration; and

The House passed, as amended, 1st Sub. S.B. 49, CHILD WELFARE MODIFICATIONS, by Senator W. Harper, and it is transmitted for further consideration; and

The House substituted, amended, and passed, 6th Sub. S.B. 72, PRISON RELOCATION AND DEVELOPMENT AMENDMENTS, by Senator S. Jenkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

***

Mr. President: March 13, 2013

The House passed H.B. 2, PUBLIC EDUCATION BUDGET AMENDMENTS, by Representative M. Brown, 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.

COMMUNICATIONS FROM THE GOVERNOR

ADVISE AND CONSENT

Mr. President: February 27, 2013

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

Salt Lake Community College Board of Trustees:

David W. Lang is appointed to replace Anna Kay Waddoups as a member of the Salt Lake Community College Board of Trustees. Mr. Lang is also appointed to a term to expire June 30, 2017. See Utah Code 53B–2–104.

Weber State University Board of Trustees:

Karen White Fairbanks is appointed to replace Camille Cain as a member of the Weber State University Board of Trustees, the remaining portion of the term to expire July 1, 2015. See Utah Code 53B–2–104.
Jeff M. Stephens is appointed to replace Bryan Bowles as a member of the Weber State University Board of Trustees, the remaining portion of the term to expire July 1, 2015. See Utah Code 53B–2–104.

Transportation Commission:
Naghi Zeenati is appointed to replace Jerry Lewis as a member of the Transportation Commission, a term to expire April 1, 2019. See Utah Code 72–1–301.

Board of Business and Economic Development:
Winston Wilkinson is appointed to replace Jack Brittain as a member of the Board of Business and Economic Development, a term to expire March 13, 2017. See Utah Code 63M–1–302.

Alcohol Beverage Control Commission:
John T. Nielsen is appointed as a member of the Alcohol Beverage Control Commission, a term to expire March 1, 2017. See Utah Code 32B–2–201.

Political Subdivisions Ethics Review Commission:
Glenn K. Iwazaki is appointed as a member Political Subdivisions Ethics Review Commission, a term to expire March 1, 2017. See Utah Code 11–49–201(a).

Paul R Warner is appointed as a member Political Subdivisions Ethics Review Commission, a term to expire March 1, 2015. See Utah Code 11–49–201(b).

Bonnie J. Palmer is appointed as a member Political Subdivisions Ethics Review Commission, a term to expire March 1, 2015. See Utah Code 11–49–201(c).

Bette O. Arial is appointed as a member Political Subdivisions Ethics Review Commission, a term to expire March 1, 2015. See Utah Code 11–49–201(d).

Sara Nitta is appointed as a member Political Subdivisions Ethics Review Commission, a term to expire March 1, 2015. See Utah Code 11–49–201(d).

Gene Moser is appointed as a member Political Subdivisions Ethics Review Commission, a term to expire March 1, 2017. See Utah Code 11–49–201(e–ii).

Board of Pardons and Parole:
Jesse Gallegos is reappointed as a member of the Board of Pardons and Parole, a term to expire February 28, 2018. See Utah Code 77–27–2.
Air Quality Board:
Kerry Elizabeth Kelly is appointed as a member of the Air Quality Board, a term to expire March 1, 2017. See Utah Code 19–2–103(1)(b)(i)(A).

H. Craig Peterson is appointed as a member of the Air Quality Board, a term to expire March 1, 2015. See Utah Code 19–2–103(1)(b)(ii).

Tammie G. Lucero is appointed as a member of the Air Quality Board, a term to expire March 1, 2017. See Utah Code 19–2–103(1)(b)(ii).

Stephen Clare Sands II is appointed as a member of the Air Quality Board, a term to expire March 1, 2017. See Utah Code 19–2–103(1)(b)(iii).

Karma M. Thomson is appointed as a member of the Air Quality Board, a term to expire March 1, 2017. See Utah Code 19–2–103(1)(b)(iv).

Michael William Smith is appointed as a member of the Air Quality Board, a term to expire March 1, 2015. See Utah Code 19–2–103(1)(b)(v).

Kathy Van Dame is appointed as a member of the Air Quality Board, a term to expire March 1, 2015. See Utah Code 19–2–103(1)(b)(vi)(A).

Robert Paine is appointed as a member of the Air Quality Board, a term to expire March 1, 2017. See Utah Code 19–2–103(1)(b)(vii).

Solid and Hazardous Waste Control Board:
Brett Douglas Mickelson is appointed as a member of the Solid and Hazardous Waste Control Board, a term to expire March 1, 2015. See Utah Code 19–6–103(1)(b)(i).

Dwayne J. Woolley is appointed as a member of the Solid and Hazardous Waste Control Board, a term to expire March 1, 2015. See Utah Code 19–6–103(1)(b)(ii).

Jeffrey Ricky Coombs is appointed as a member of the Solid and Hazardous Waste Control Board, a term to expire March 1, 2015. See Utah Code 19–6–103(1)(b)(ii).

Dennis Russell Riding is appointed as a member of the Solid and Hazardous Waste Control Board, a term to expire March 1, 2017. See Utah Code 19–6–103(1)(b)(iii).

Marc W. Franc is appointed as a member of the Solid and Hazardous Waste Control Board, a term to expire March 1, 2017. See Utah Code 19–6–103(1)(b)(iv).
Shane B. Whitney is appointed as a member of the Solid and Hazardous Waste Control Board, a term to expire March 1, 2017. See Utah Code 19–6–103(1)(b)(v).

Kevin Reid Murray is appointed as a member of the Solid and Hazardous Waste Control Board, a term to expire March 1, 2017. See Utah Code 19–6–103(1)(b)(vi)(B).

Eugene Charles Cole is appointed as a member of the Solid and Hazardous Waste Control Board, a term to expire March 1, 2017. See Utah Code 19–6–103(1)(b)(vii).

Water Quality Board:

Leland Myers is appointed as a member of the Water Quality Board, a term to expire March 1, 2015. See Utah Code 19–5–103(1)(b)(i).

Shane Emerson Pace is appointed as a member of the Water Quality Board, a term to expire March 1, 2017. See Utah Code 19–5–103(1)(b)(ii).

Myron E. Bateman is appointed as a member of the Water Quality Board, a term to expire March 1, 2015. See Utah Code 19–5–103(1)(b)(ii).

Gregg Alan Galecki is appointed as a member of the Water Quality Board, a term to expire March 1, 2017. See Utah Code 19–5–103(1)(b)(iii).

Jennifer Marie Grant is appointed as a member of the Water Quality Board, a term to expire March 1, 2017. See Utah Code 19–5–103(1)(b)(iv).

Clyde Bunker is appointed as a member of the Water Quality Board, a term to expire March 1, 2015. See Utah Code 19–5–103(1)(b)(v).

Merritt Karen Frey is appointed as a member of the Water Quality Board, a term to expire March 1, 2015. See Utah Code 19–5–103–1(b)(vi).

Hugo E. Rodier is appointed as a member of the Water Quality Board, a term to expire March 1, 2017. See Utah Code 19–5–103(1)(b)(vii).

Utah State Fair Corporation Board of Directors:

Senator Gary Arrington is reappointed as a member of the Utah State Fair Corporation Board of Directors, a term to expire December 1, 2016. See Utah Code 63H–6–104.
Thank you for your timely consideration and confirmation of the above appointments.

Gary R. Herbert
Governor

On motion of Senator Okerlund, the Senate voted to confirm the Governor’s appointees on the following roll call vote:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Valentine
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Absent or not voting were:** Senators

- Hillyard
- Urquhart

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:

March 13, 2013

The House refuses to recede from its amendments to **1st Sub. S.B. 189, ONCOLOGY INSURANCE AMENDMENTS**, by Senator C. Bramble, and has appointed a Conference Committee consisting of Representatives B. Wilson, D. Sanpei, and S. Duckworth to meet with a like committee from the Senate on this bill; and

Sandy D. Tenney, Chief Clerk

On motion of Senator Bramble, the Senate voted to refuse to recede from its amendments to **1st Sub. S.B. 189**. President Niederhauser appointed a conference committee consisting of Senators Bramble, Henderson, and Mayne to meet with a like committee from the House.

**CONCURRENCE CALENDAR**

On motion of Senator Harper, the Senate voted to concur in the House amendments to **S.B. 31, SPECIAL NEEDS ADOPTION TAX CREDIT**. The bill, as amended, passed on the following roll call:
Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators

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Absent or not voting was: Senator

Urquhart

S.B. 31 was returned to the House for the signature of the Speaker.

***

1st Sub. S.B. 33, SALES AND USE TAX REVISIONS, was before the Senate.

On motion of Senator Stephenson, the bill was circled.

***

On motion of Senator Valentine, the Senate voted to concur in the House amendments to 1st Sub. S.B. 42, MEDICAL SCHOOL ADMISSIONS FUNDING. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 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. 42 was returned to the House for the signature of the Speaker.
On motion of Senator Harper, the Senate voted to concur in the House amendments to 1st Sub. S.B. 49, CHILD WELFARE MODIFICATIONS. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 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. 49 was returned to the House for the signature of the Speaker.

**SECOND READING CALENDAR**

On motion of Senator Hillyard, the Senate voted to lift H.B. 2, PUBLIC EDUCATION BUDGET AMENDMENTS, from Rules and placed it at the top of the Second Reading Calendar.

On motion of Senator Okerlund, H.B. 2, PUBLIC EDUCATION BUDGET AMENDMENTS, was read the second time and circled.

On motion of Senator Dayton, the circle was removed from H.B. 156, RESTORATION OF TERMINATED PARENTAL RIGHTS, and it was before the Senate. Senators Hillyard, Harper, Christensen, and Davis commented.
On motion of Senator Weiler, the following substitute bill replaced the original bill:

4th Sub. H.B. 156 Restoration of Terminated Parental Rights
(Rep. L. Christensen)

Senator Weiler proposed the following amendment:

1. Page 3, Line 70:

   70 should only transfer custody of a child {away} from the child’s natural parent {for the gravest of reasons} when there is a jurisdictional basis to do so.

2. Page 5, Lines 132 through 134:

   132 (3) The petition described in Subsection (1) shall be {filed}:
   133 (a) filed in the juvenile court that previously terminated the parent−child relationship; and
   134 (b) served on the division.

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

Y eas, 20; Nays, 1; Absent or not voting, 8.

Voting in the affirmative were: Senators

Christensen    Dabakis    Harper    Hillyard
Hinkins        Jenkins    Jones     Knudson
Madsen         Okerlund   Reid      Robles
Shiozawa       Stephenson Stevenson Thatcher
Valentine      Van Tassell Vickers  Weiler

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Adams        Bramble        Davis    Henderson
Mayne        Osmond         Urquhart  Niederhauser

***

On motion of Senator Okerlund, the circle was removed from 1st Sub. H.B. 388, GOVERNMENTAL COMMUNICATIONS TASK FORCE, and it was before the Senate.
Senator Okerlund proposed the following amendment: #4

1. Page 1, Lines 17 through 19:

   17  { This bill appropriates:
   18       $16,000 to the Senate; and
   19       $24,000 to the House of Representatives. }  

   None

2. Page 2, Line 36
   House Floor Amendments
   3–7–2013:

   36  (f) the Salt Lake City Police Chief or designee ;

3. Page 3, Line 73 through Page 4, Line 88:

   73  { Section 3. Appropriation.
   74       Under the terms and conditions of Title 63J, Chapter 1,
   75       Budgetary Procedures Act, for
   76       the fiscal year beginning July 1, 2013, and ending June 30, 2014,
   77       the following sums of money
   78       are appropriated from resources not otherwise appropriated, or
   79       reduced from amounts
   80       previously appropriated, out of the funds or accounts indicated.
   81       These sums of money are in
   82       addition to any amounts previously appropriated for fiscal year
   83       2014.
   84       To Legislature – Senate
   85       From General Fund, One–time $16,000
   86       Schedule of Programs
   87       Administration $16,000
   88       To Legislature – House of Representatives
   89       From General Fund, One–time $24,000
   90       Schedule of Programs
   91       Administration $24,000
   92       Section 4. Repeal date.}
This bill is repealed December 31, 2014.

Senator Okerlund’s motion to amend passed on a voice vote. Senator Okerlund explained the bill.

On motion of Senator Okerlund, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Okerlund, under suspension of the rules, 1st Sub. H.B. 388, GOVERNMENT COMMUNICATIONS TASK FORCE, was considered read the second and third times and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Osmond | Urquhart |

1st Sub. H.B. 388, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Stevenson, the circle was removed from H.B. 325, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, and it was before the Senate. Senator Stevenson explained the bill. Senators Davis, Jenkins, Adams, and Reid commented.

On motion of Senator Stevenson, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Stevenson, under suspension of the rules, H.B. 325, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, was considered read the second and third times and passed on the following roll call:
Yeas, 23; Nays, 3; Absent or not voting, 3.

**Voting in the affirmative were:** Senators

- Adams
- Christensen
- Dayton
- Harper
- Henderson
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Urquhart
- Valentine
- Vickers
- Weiler
- Niederhauser

**Voting in the negative were:** Senators

- Dabakis
- Davis
- Hillyard

**Absent or not voting were:** Senators

- Bramble
- Hinkins
- Van Tassell

H.B. 325 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 Harper, the Senate voted to recall **1st Sub. S.B. 247**, **AMENDMENTS TO REVENUE AND TAXATION**, from the House for the purpose of reading it under a new title.

***

On motion of Senator Hillyard, the circle was removed from **H.B. 2**, **PUBLIC EDUCATION BUDGET AMENDMENTS**, and it was before the Senate.

On motion of Senator Hillyard, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Hillyard, under suspension of the rules, **H.B. 2**, **PUBLIC EDUCATION BUDGET AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

***

Yeas, 26; Nays, 0; Absent or not voting, 3.

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Henderson
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Reid
Robles    Shiozawa    Stephenson    Stevenson
Urquhart  Valentine  Van Tassell  Vickers
Weiler     Niederhauser

Absent or not voting were: Senators
Harper     Osmond     Thatcher

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.

***

On motion of Senator Reid, H.B. 371, INTERPRETER SERVICES FOR THE HEARING IMPAIRED AMENDMENTS, was read the second time and circled.

***

On motion of Senator Bramble, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Bramble, under suspension of the rules, 4th Sub. H.B. 94, FREE MARKET PROTECTION AND PRIVATIZATION BOARD ACT AMENDMENTS, was considered read the second and third times. Senators Mayne and Jenkins commented and the bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams    Bramble    Christensen    Dabakis
Davis    Dayton     Harper       Henderson
Hillyard Hinkins    Jenkins     Jones
Knudson  Madsen    Mayne       Okerlund
Reid     Robles     Shiozawa    Stephenson
Stevenson Thatcher  Urquhart   Valentine
Van Tassell Vickers  Weiler    Niederhauser

Absent or not voting was: Senator
Osmond

4th Sub. 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.

CONCURRENCE CALENDAR

On motion of Senator Stephenson, the circle was removed from 1st Sub. S.B. 33, SALES AND USE TAX REVISIONS, and it was before the Senate. Senator Robles commented.
On motion of Senator Stephenson, the Senate voted to concur in the House amendments to 1st Sub. S.B. 33, SALES AND USE TAX REVISIONS. The bill, as amended, passed on the following roll call:

**Yeas, 29; Nays, 0; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators

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1st Sub. S.B. 33 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, the circle was removed from 6th Sub. S.B. 72, PRISON RELOCATION AND DEVELOPMENT AMENDMENTS, and it was before the Senate.

On motion of Senator Jenkins, the Senate refused to concur in the House amendments. 6th Sub. S.B. 72 was returned to the House.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 13, 2013

The House concurred in the Senate amendments and passed 1st Sub. H.B. 10, SEX OFFENSE AMENDMENTS, by Representative R. Greenwood, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 43, CAMPAIGN FINANCE REPORTING BY CORPORATIONS, by Representative G. Hughes, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 49, VOTED AND BOARD LEVY PROGRAMS AMENDMENTS, by Representative S. Handy, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 5th Sub. H.B. 66, POLITICAL SUBDIVISION 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 2nd Sub. H.B. 96, CLEANER BURNING FUELS TAX CREDITS AMENDMENTS AND RELATED FUNDING, by Representative J. Draxler, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 118, AUTOMATIC EXTERNAL DEFIBRILLATOR RESTRICTED ACCOUNT, by Representative R. Cunningham, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 127, MOTOR VEHICLE EVENT DATA RECORDERS, by Representative D. Lifferth, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 141, MEDICAID EMERGENCY ROOM AND PRIMARY CARE AMENDMENTS, by Representative M. Kennedy, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 144, PUBLIC TRANSIT DISTRICT BOARD AMENDMENTS, by Representative M. Nelson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 154, SUICIDE PREVENTION PROGRAMS, by Representative S. Eliason, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 276, NEWBORN SCREENING FOR CRITICAL CONGENITAL HEART DEFECTS, 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. 316, TRAFFIC AMENDMENTS, by Representative Johnny Anderson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 318, CLASSROOM SIZE REVISIONS, by Representative R. Edwards, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 347, LANDOWNER LIABILITY 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 **1st Sub. H.B. 377**, TRANSPORTATION FUNDING MODIFICATIONS, by Representative B. Dee, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 385**, DUTIES AND WITHDRAWAL OF TRUSTEE, by Representative V. L. Snow, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

***

Mr. President: March 13, 2013

The House passed, as amended, **2nd Sub. S.B. 95**, WHISTLEBLOWER AMENDMENTS, by Senator S. Reid, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

***

Mr. President: March 13, 2013

The House refused to concur with the Senate Amendments to **3rd Sub. H.B. 228**, ALCOHOLIC BEVERAGE CONTROL ACT AMENDMENTS, by Representative R. Wilcox, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Valentine, the Senate voted to refuse to recede from its amendments to **3rd Sub. H.B. 228**. President Niederhauser appointed a conference committee consisting of Senators Valentine, Bramble, and Jones to meet with a like committee from the House.

***

Mr. President: March 13, 2013

The House refused to concur with the Senate Amendments to **H.B. 172**, PUBLIC SAFETY RADIO COMMUNICATION AMENDMENTS, by Representative B. Dee, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Vickers, the Senate voted to recede from their amendments to **H.B. 172**. The bill passed on the following roll call vote:
Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators

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Absent or not voting was: Senator Urquhart

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 of the House.

* * *

Mr. President: March 13, 2013

The House passed, as amended, S.B. 103, CARSON SMITH SCHOLARSHIP 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.

INTRODUCTION OF BILLS

S.B. 9, Revenue Bond and Capital Facilities Amendments (W. Harper), was read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Okerlund, and at 4:15 p.m., the Senate recessed.

EVENING SESSION

The Senate reassembled at 6:05 p.m., with President Niederhauser presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 13, 2013

The House refuses to recede from its amendments to 6th Sub. S.B. 72, PRISON RELOCATION AND DEVELOPMENT AMENDMENTS, by Senator
S. Jenkins, and has appointed a Conference Committee consisting of Representatives B. Wilson, G. Hughes, and L. Hemingway to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Jenkins, the Senate voted to refuse to recede from its amendments to 6th Sub. S.B. 72. President Niederhauser appointed a conference committee consisting of Senators Jenkins, Urquhart, and Davis to meet with a like committee from the House.

***

Mr. President: March 13, 2013

The House transmits 1st Sub. S.B. 247, AMENDMENTS TO REVENUE AND TAXATION, by Senator W. Harper, for further consideration.

Sandy D. Tenney, Chief Clerk

***

On motion of Senator Harper, the Senate voted to reconsider its action on 1st Sub. S.B. 247, AMENDMENTS TO REVENUE AND TAXATION.

On motion of Senator Harper, the Senate voted to place the bill at the top of the Third Reading Calendar.

THIRD READING CALENDAR

1st Sub. S.B. 247, AMENDMENTS TO REVENUE AND TAXATION, was before the Senate.

On motion of Senator Harper, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Harper, under suspension of the rules, 1st Sub. S.B. 247, AMENDMENTS TO REVENUE AND TAXATION, was considered read the first, second and third times. The bill passed on the following roll call:

Yeas, 22; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Senators

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Absent or not voting were: Senators
Adams        Dabakis       Dayton       Jenkins
Madsen      Stephenson     Urquhart

1st Sub. S.B. 247 was transmitted to the House.

***

Mr. President: March 13, 2013

The House refuses to recede from its amendments to 3rd Sub. H.B. 228, ALCOHOLIC BEVERAGE CONTROL ACT AMENDMENTS, by Representative R. Wilcox, and has appointed a Conference Committee consisting of Representatives R. Wilcox, G. Froerer, and B. King to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

***

Mr. President: March 13, 2013

The House adopted the Joint Conference Committee Report dated March 13, 2013, and passed 2nd Sub. S.B. 189, ONCOLOGY INSURANCE AMENDMENTS, by Senator C. Bramble, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

Mr. President: March 13, 2013

The Joint Conference Committee comprised of Senators C. Bramble, D. Henderson, and K. Mayne, and Representatives B. Wilson, D. Sanpei, and S. Duckworth, recommends 2nd Sub. S.B. 189, ONCOLOGY INSURANCE AMENDMENTS, by Senator C. Bramble, with the following amendments:

1. Page Page 3, Lines 65 through 67:
   Delete Lines 65 through 67

Sen. Curtis Bramble and
Rep. Brad Wilson, Chairs

On motion of Senator Bramble, the bill was placed on the top of the Third Reading Calendar.
THIRD READING CALENDAR

2nd Sub. S.B. 189, ONCOLOGY INSURANCE AMENDMENTS, was before the Senate and up for final passage. The bill passed on the following roll call:

**Yeas, 25; Nays, 1; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators
Bramble Christensen Dabakis Davis
Harper Henderson Hillyard Hinkins
Jenkins Jones Knudson Madsen
Mayne Okerlund Osmond Reid
Robles Shiozawa Stephenson Thatcher
Valentine Van Tassell Vickers Weiler
Niederhauser

**Voting in the negative was:** Senator
Dayton

**Absent or not voting were:** Senators
Adams Stevenson Urquhart

2nd Sub. S.B. 189 was returned to the House.

***

1st Sub. H.B. 157, CHILDREN’S HEARING AID PILOT PROGRAM, under suspension of the rules, was read the third time, explained by Senator Osmond, and passed on the following roll call:

**Yeas, 22; Nays, 4; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators
Bramble Dabakis Davis Harper
Henderson Hillyard Hinkins Jenkins
Jones Knudson Mayne Okerlund
Osmond Reid Robles Shiozawa
Thatcher Valentine Van Tassell Vickers
Weiler Niederhauser

**Voting in the negative were:** Senators
Christensen Dayton Madsen Stephenson
Absent or not voting were: Senators
Adams Stevenson Urquhart

1st Sub. H.B. 157, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stephenson, the circle was removed from H.B. 256, REAUTHORIZATION OF ADMINISTRATIVE RULES, and it was before the Senate.

Senator Stephenson proposed the following amendment:

1. Page 1, Lines 23 through 25c
House Committee Amendments
2–8–2013:

23 Section 1. Rules reauthorized.
24 All rules of Utah state agencies are reauthorized except for (the following):

25 R277–445–3(B), Education, Administration, Classifying Small Schools as

25a Necessarily Existent ; and

25b R592–2–7(2), Insurance, Title and Escrow Commission, Title Insurance

25c Administrative Hearings and Penalty Imposition, Imposition of Penalties

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

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Bramble Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Okerlund Osmond Reid
Robles Shiozawa Stephenson Stevenson
Thatcher Valentine Van Tassell Vickers
Weiler Niederhauser
Absent or not voting were: Senators
Adams Mayne Urquhart

H.B. 256, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Weiler, the Senate voted to lift 2nd Sub. H.B. 391, PROHIBITION OF MEDICAID EXPANSION, from Rules and place it on the top of the Second Reading Calendar.

2nd Sub. H.B. 391, PROHIBITION OF MEDICAID EXPANSION, was read the second time.

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


Senator Weiler proposed the following amendment: #3

1. Page 2, Line 34:
   34 {None} This bill has an immediate effective date.

2. Page 2, Line 51:
   51 (c) the {department} governor or the governor’s designee has reported {its} the intention to expand the state Medicaid program

3. Page 2, Line 54:
   54 (d) notwithstanding Subsection 63 I −5−103(2), the governor submits the request for

4. Page 3, Line 57:
   57 approval of certain federal funds request.

   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 veto, the date of veto override.
Senator Weiler’s motion to amend passed on a voice vote. Senator Weiler explained the bill. Senators Davis, Adams, Dabakis, Bramble, Robles, Shiozawa, and Niederhauser commented.

On motion of Senator Adams, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Adams, under suspension of the rules, **5th Sub. H.B. 391**, PROHIBITION OF MEDICAID EXPANSION, was considered read the second and third times and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Hillyard | Stevenson |

**5th Sub. H.B. 391**, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Harper, the Senate voted to lift **S.B. 9**, REVENUE BOND AND CAPITAL FACILITIES AMENDMENTS, from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Harper, the Senate, by a 2/3 vote, voted to suspend the three readings requirement and the rules requiring a committee hearing and the 24–hour requirement.

On motion of Senator Harper, under suspension of the rules, **S.B. 9**, REVENUE BOND AND CAPITAL FACILITIES AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**
Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Thatcher  Urquhart  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Hillyard  Stevenson

S.B. 9 was transmitted to the House.

***

On motion of Senator Osmond, the circle was removed from H.B. 371, INTERPRETER SERVICES FOR THE HEARING IMPAIRED AMENDMENTS, and it was before the Senate.

On motion of Senator Osmond, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Osmond, under suspension of the rules, H.B. 371, INTERPRETER SERVICES FOR THE HEARING IMPAIRED AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hinkins  Jenkins  Jones  Knudson
Mayne  Okerlund  Osmond  Reid
Robles  Shiozawa  Stephenson  Thatcher
Urquhart  Van Tassell  Vickers  Weiler

Absent or not voting were: Senators
Hillyard  Knudson  Stevenson  Valentine
Niederhauser

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.
On motion of Senator Urquhart, the circle was removed from 1st Sub. H.B. 139, SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS ACTION CENTER, and it was before the Senate.

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


On motion of Senator Urquhart, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Urquhart, under suspension of the rules, 5th Sub. H.B. 139, SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS ACTION CENTER, was considered read the second and third times and passed on the following roll call:

Y eas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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5th Sub. H.B. 139, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 145, YOUTH ORGANIZATION RESTRICTED ACCOUNTS AND INCOME TAX CONTRIBUTIONS, was read the second time.

Senator Bramble proposed the following amendment:
1. Page 5, Lines 133 through 138:

133 (b) the division shall, for each qualified youth development organization council,

134 calculate an amount by multiplying the percentage the division calculates under Subsection

135 (5)(a) by the lesser of:

136 (i) the amount the Legislature appropriates to the division from the account for the fiscal

137 (ii) the balance in the account as of June 1 of that year; and

138 (c) the division shall distribute the amount the division calculates under Subsection (5)(b) to each

139 qualified youth development organization council.

2. Page 6, Lines 151 through 152:

151 (3) “Youth character organization” means an organization that is chartered under 36

152 U.S.C. {§} Sec. 80301.

3. Page 7, Lines 182 through 184:

182 (2) A qualified youth character organization that receives a distribution from the

183 division under this section shall expend the distribution only to accomplish the purposes

184 described in 36 U.S.C. {§} Sec. 80302.

4. Page 7, Lines 205 through 206:

205 (i) the numerator of which is the youth membership of the qualified youth character

206 organization council; and

5. Page 7, Line 209 through Page 8, Line 213:

209 (b) the division shall, for each qualified youth character organization council, calculate

210 an amount by multiplying the percentage the division calculates under Subsection (5)(a) by the lesser of:

211 (i) the
amount the Legislature appropriates to the division from the account for the fiscal year; or (ii) the balance in the account as of June 1 of that year; and

(c) the division shall distribute the amount the division calculates under Subsection (5)(b) to each qualified youth character organization council.

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

On motion of Senator Bramble, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Bramble, under suspension of the rules, 1st Sub. H.B. 145, YOUTH ORGANIZATION RESTRICTED ACCOUNTS AND INCOME TAX CONTRIBUTIONS, was considered read the first, second, and third times and passed on the following roll call:

**Yeas, 23; Nays, 2; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators
Adams Bramble Christensen Dabakis
Davis Harper Henderson Hillyard
Hinkins Jones Madsen Mayne
Okerlund Osmond Reid Robles
Shiozawa Stephenson Stevenson Thatcher
Van Tassell Vickers Weiler

**Voting in the negative were:** Senators
Dayton Jenkins

**Absent or not voting were:** Senators
Knudson Urquhart Valentine Niederhauser

1st Sub. H.B. 145, as amended, was returned to the House for further consideration.

***

On motion of Senator Harper, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

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

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

- Adams
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hillyard
- Hinkins
- Jenkins
- Jones
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Urquhart
- Van Tassell
- Vickers
- Weiler

**Absent or not voting were:** Senators

- Bramble
- Knudson
- Valentine
- Niederhauser

**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 Christensen, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Christensen, under suspension of the rules, **H.B. 375**, RADIOLOGIST ASSISTANT PROVISIONS, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

- Adams
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hillyard
- Hinkins
- Jenkins
- Jones
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Urquhart
- Van Tassell
- Vickers
- Weiler

**Absent or not voting were:** Senators

- Bramble
- Knudson
- Valentine
- Niederhauser

**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 Stevenson, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Stevenson, under suspension of the rules, 1st Sub. H.B. 193, UTAH STATE EMPLOYMENT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 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. 193 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 Henderson, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Henderson, under suspension of the rules, H.B. 175, LOCAL POLITICAL SUBDIVISION BONDING NOTICE REQUIREMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Bramble Knudson Valentine Niederhauser

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.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 13, 2013

The House passed, as amended, S.B. 169, EDUCATION TASK FORCE, by Senator S. Reid, and it is transmitted for further consideration; and

The House passed, as amended, S.B. 175, ASSESSMENT OF COLLEGE READINESS, 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 Reid, the Senate refused to concur in the House amendments. 2nd Sub. S.B. 95 was returned to the House.

***

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to S.B. 103, CARSON SMITH SCHOLARSHIP AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 22; Nays, 2; Absent or not voting, 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
Bramble Knudson Stevenson Valentine
Niederhauser

S.B. 103 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.B. 169, EDUCATION TASK FORCE. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Thatcher Urquhart Van Tassell Vickers
Weiler

Absent or not voting were: Senators
Knudson Stevenson Valentine Niederhauser

S.B. 169 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stephenson, the Senate voted to concur in the House amendments to S.B. 175, ASSESSMENT OF COLLEGE READINESS. Senators Dayton and Robles commented and the bill, as amended, passed on the following roll call:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Madsen
Mayne Okerlund Reid Robles
Shiozawa Stephenson Stevenson Thatcher
Urquhart Van Tassell Vickers Weiler
Absent or not voting were: Senators
Davis Knudson Osmond Valentine
Niederhauser

S.B. 175 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Hillyard, the Senate voted to lift H.B. 384, PROPERTY DISPOSITION AMENDMENTS, to the top of the Second Reading Calendar.

H.B. 384, PROPERTY DISPOSITION AMENDMENTS, was read the second time.

Senator Bramble proposed the following amendment:

1. Page 1, Line 20:

   20 Grant Program;
   ▶ provides that the Commission on Criminal and Juvenile Justice may retain up to 3% of the State Asset Forfeiture Grant Program appropriated funds to pay for administrative costs;

2. Page 1, Line 22:

   22 those sections into Title 24, Forfeiture of Property Act;
   ▶ repeals the State Law Enforcement Forfeiture Account and addresses distribution of money in the account;

3. Page 1, Line 36:

   36 This bill takes effect on July 1, 2013.
   This bill coordinates with H.B. 287, Return of Weapons Recovered by Law Enforcement, by providing for a July 1, 2013 effective date.
   This bill coordinates with H.B. 355, Unclaimed Property Amendments, by providing superceding amendments.

4. Page 4, Line 112:

   112 77–24–5, as last amended by Laws of Utah 2005, Chapter 126
   ▪ Utah Code Sections Affected by Coordination Clause:
   77–24–2, as last amended by Laws of Utah 2012, Chapters 47 and 284
Uncodified Material Affected:

ENACTS UNCODIFIED MATERIAL

5. Page 6, Line 158:

158 TITLE 24. FORFEITURE AND DISPOSITION OF PROPERTY ACT

6. Page 6, Line 161:

161 (1) This title is known as the “Forfeiture and Disposition of Property Act.”

7. Page 6, Line 167:

167 24–4–{115} 116 .

8. Page 8, Line 236:

236 commission of an offense that gives rise to forfeiture; {and} or

9. Page 12, Lines 363 through 365:

363 (3) (a) Before the agency may release property to a person claiming ownership of the property, the person shall establish to the agency pursuant to Subsection (3)(b) that the person:

365 {–(a)–} (i) is the rightful owner; and

10. Page 12, Line 366:

366 {–(b)–} (ii) may lawfully possess the property.

(b) The person shall establish ownership under Subsection (3)(a) by providing to the agency:

(i) identifying proof or documentation of ownership of the property; or

(ii) a notarized statement, if proof or documentation is not available.

11. Page 20, Line 596:

596 claimant’s {–last–} known address.
12. Page 30, Lines 910 through 911:

910 (3) (a) When property is forfeited under this chapter and transferred to the account, upon appropriation the
911 commission shall allocate and administer grants {from the account} to state, local, or
13. Page 32, Line 987:

987 32B−4−206. Searches, seizures, {forfeitures,} and fines.
14. Page 43, Line 1313:

1313 Utah’s Public Legal Notice Website established in Subsection 45−1−101(2)(b); {and}
15. Page 43, Line 1315:

1315 [(B) as required in Section 45−1−101; and]
16. Page 43, Line 1316:

1316 {(ii)−} (iii) post a similar notice in a public place designated for notice within the law
17. Page 45, Lines 1381 through 1382:

1381 Section 77−24−5, Property seized from person — Duplicate receipts.

Section 41. Transfer of funding from repealed account to enacted account.

On July 1, 2013, all money in the Criminal Forfeiture Restricted Account created in Section 24−1−18, which is repealed by this bill on July 1, 2013, shall be transferred by the Division of Finance to the Criminal Forfeiture Restricted Account created in this bill by Section 24−4−116 and which has the same purpose as the repealed account.

Section 42. Transfer of any remaining funds in repealed account.

On July 1, 2013, the Division of Finance is authorized to distribute appropriations for FY 2013 and 2014 from the State Law Enforcement Forfeiture Account, which is repealed by this bill. The Division of Finance shall transfer any money that remains in this account after these
distributions to the Criminal Forfeiture Restricted Account created in this bill by Section 24–4–116.

Section 43. Coordinating H.B. 384 with H.B. 287 — Providing an effective date.

If this H.B. 384 and H.B. 287, Return of Weapons Recovered by Law Enforcement, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, provide that H.B. 287 takes effect on July 1, 2013.

Section 44. Coordinating H.B. 384 with H.B. 355 — Providing an effective date and superseding amendments.

If this H.B. 384 and H.B. 355, Unclaimed Property Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, provide that H.B. 355 takes effect on July 1, 2013, and provide that Section 77–24a–5 in this H.B. 384 supersedes Section 77–24a–5 in H.B. 355.

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

On motion of Senator Bramble, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Bramble, under suspension of the rules, H.B. 384, PROPERTY DISPOSITION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Senators

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Absent or not voting were: Senators
Davis    Dayton    Knudson    Osmond
Valentine    Niederhauser

H.B. 384, as amended, was returned to the House for further consideration.

***

On motion of Senator Bramble, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Bramble, under suspension of the rules, H.B. 121, FIREARMS SAFE HARBOR, was considered read the second and third times. Senators Hillyard and Mayne commented and the bill passed on the following roll call:

Yeas, 21; Nays, 4; Absent or not voting, 4.

Voting in the affirmative were: Senators
Adams    Bramble    Christensen    Dabakis
Davis    Harper    Hillyard    Hinkins
Jenkins    Jones    Mayne    Okerlund
Osmond    Reid    Robles    Shiozawa
Stevenson    Thatcher    Urquhart    Van Tassell
Weiler

Voting in the negative were: Senators
Henderson    Madsen    Stephenson    Vickers

Absent or not voting were: Senators
Dayton    Knudson    Valentine    Niederhauser

H.B. 121 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

1st Sub. H.B. 315, OFFICE OF INSPECTOR GENERAL OF MEDICAID SERVICES AMENDMENTS, was read the second time.

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

On motion of Senator Urquhart, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Urquhart, under suspension of the rules, 2nd Sub. H.B. 315, OFFICE OF INSPECTOR GENERAL OF MEDICAID SERVICES AMENDMENTS, was considered read the second and third times. Senators Robles, Henderson, and Christensen commented and the bill passed on the following roll call:

Y eas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams             Bramble             Christensen             Dabakis
Davis             Harper             Henderson             Hillyard
Hinkins           Jenkins             Jones             Madsen
Mayne             Okerlund             Osmond             Reid
Robles           Shiozawa             Stephenson             Stevenson
Thatcher          Urquhart             Van Tassell             Vickers
Weiler

Absent or not voting were: Senators
Dayton             Knudson             Valentine

2nd Sub. H.B. 315, as amended, was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 13, 2013

The Speaker of the House has signed 2nd Sub. S.B. 7, STATE AGENCY AND HIGHER EDUCATION COMPENSATION APPROPRIATIONS, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 31, SPECIAL NEEDS ADOPTION TAX CREDIT, by Senator W. Harper, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 1st Sub. S.B. 33, SALES AND USE TAX REVISIONS, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 1st Sub. S.B. 42, MEDICAL SCHOOL ADMISSIONS FUNDING, by Senator J. Valentine, and it is transmitted for the signature of the President; and
The Speaker of the House has signed 1st Sub. S.B. 49, CHILD WELFARE MODIFICATIONS, by Senator W. Harper, and it is transmitted for the signature of the President; and

The House passed, S.B. 125, DISTRICT COURT JUDGE 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. 127, JUVENILE COURT JUDGE 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. 128, FINANCIAL TRANSPARENCY IN EDUCATION, 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. 131, ASSAULT AMENDMENTS, by Senator A. Osmond, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, S.B. 171, SALES AND USE TAX EXEMPTION FOR ELECTRONIC FINANCIAL PAYMENT SERVICES, 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. 191, ADMINISTRATIVE LAW JUDGE AMENDMENTS, by Senator W. Harper, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, S.B. 241, DISCLOSURE REQUIREMENTS FOR MIDTERM VACANCY CANDIDATES, by Senator T. Weiler, 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 13, 2013

The House concurred in the Senate amendments and passed 3rd Sub. H.B. 134, PARENTAL NOTIFICATION RELATED TO STUDENT SAFETY, by Representative G. Froerer, et al, and it is transmitted for the signature of the President; and
The House concurred in the Senate amendments and passed 1st Sub. H.B. 160, HEALTH SYSTEM REFORM AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 239, JURY SERVICE AMENDMENTS, by Representative C. Hall, 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, STATE LANDS 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. 338, ALIMONY REVISIONS, by Representative K. McIff, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 373, SMALL SCHOOL FUNDING, by Representative K. McIff, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 388, GOVERNMENT COMMUNICATIONS TASK FORCE, by Representative B. Dee, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Okerlund, and at 8:05 p.m., the Senate recessed.

The Senate reassembled at 9:05 p.m., with President Niederhauser presiding.

SECOND READING CALENDAR

On motion of Senator Madsen, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Madsen, under suspension of the rules, 1st Sub. H.B. 376, PUBLIC FUNDS AND ACCOUNTS AMENDMENTS, was considered read the second and third times and passed on the following roll call:
Day 44  Wednesday, March 13, 2013  1073

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Bramble  Christensen  Davis  Dayton
Harper  Henderson  Hillyard  Hinkins
Jenkins  Jones  Knudson  Madsen
Mayne  Okerlund  Osmond  Reid
Robles  Shiozawa  Stephenson  Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Weiler  Niederhauser

Absent or not voting were: Senators
Adams  Dabakis  Vickers

1st Sub. 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 Okerlund, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Okerlund, under suspension of the rules, H.B. 340, SNOW COLLEGE ECONOMIC DEVELOPMENT AND WORKFORCE PREPARATION ADVISORY COMMITTEE, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Stevenson  Thatcher  Urquhart  Valentine
Van Tassell  Weiler  Niederhauser

Absent or not voting were: Senators
Madsen  Vickers

H.B. 340 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
**2nd Sub. H.B. 91**, VOTER REGISTRATION – ELECTION DAY VOTER REGISTRATION, was read the second time. Senator Jenkins explained the bill. Senators Van Tassell, Robles, Madsen, Jones, and Henderson commented. The bill passed second reading on the following roll call:

**Yeas, 18; Nays, 10; Absent or not voting, 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

Adams

**1st Sub. H.B. 149**, AMENDMENTS TO UTAH EXEMPTIONS ACT, was read the second time.

Senator Weiler proposed the following amendment:

1. Page 1, Lines 21 through 22:

   21 Other Special Clauses:

   22 {–None–} **This bill provides an immediate effective date.**

2. Page 7, Line 201

   Senate Committee Amendments
   3–7–2013:

   201 **bankruptcy.**

   **Section 5. 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.

Senator Weiler’s motion to amend failed on a voice vote. Senator Weiler
explained the bill. Senators Urquhart, Hillyard, and Valentine commented. The
bill passed second reading on the following roll call:

**Yeas, 22; Nays, 2; Absent or not voting, 5.**

**Voting in the affirmative were:** Senators

Adams Christensen Dabakis Davis
Harper Henderson Hillyard Hinkins
Jones Knudson Madsen Okerlund
Osmond Reid Robles Shiozawa
Stephenson Stevenson Urquhart Valentine
Vickers Weiler

**Voting in the negative were:** Senators

Dayton Jenkins

**Absent or not voting were:** Senators

Bramble Mayne Thatcher Van Tassell
Niederhauser

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 13, 2013

The House refuses to recede from its amendments to 2nd Sub. S.B. 95,
WHISTLEBLOWER AMENDMENTS, by Senator S. Reid, and has appointed a
Conference Committee consisting of Representatives R. Cunningham, D. Brown,
and B. King to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Reid, the Senate voted to refuse to recede from its
amendments to 2nd Sub. S.B. 95. President Niederhauser appointed a conference
committee consisting of Senators Reid, Weiler, and Mayne to meet with a like
committee from the House.

**SECOND READING CALENDAR**

On motion of Senator Dayton, the Senate, by a 2/3 vote, voted to suspend the
three readings requirement.
On motion of Senator Dayton, under suspension of the rules, **1st Sub. H.B. 317**, PROTECTION OF CONCEALED FIREARM PERMIT INFORMATION, was considered read the second and third times and passed on the following roll call:

**Yeas, 28; Nays, 1; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

Davis

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 Okerlund, **H.B. 403**, MUNICIPAL ELECTION AMENDMENTS, was read the second time and circled.

***

On motion of Senator Shiozawa, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Shiozawa, under suspension of the rules, **H.B. 345**, EXPANDING ACCESS FOR SIXTH GRADERS TO SECONDARY EDUCATION, was considered read the second and third times and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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Reid Robles Shiozawa Stephenson
Stevenson Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

**Absent or not voting were:** Senators
Adams Thatcher

**H.B. 345** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Okerlund, **1st Sub. H.B. 386**, BAIL BOND AMENDMENTS, was read the second time and circled.

***

**1st Sub. H.B. 88**, LAND USE AMENDMENTS, was read the second time. Senator Hinkins explained the bill.

Senator Hinkins proposed the following amendment:

1. Page 2, Lines 44 through 45:
   
   44 (1) “Adequate protests” means protests that are:
   
   45 (a) filed with a planning commission no later than \{60\} 10 days after the day of the public

2. Page 13, Line 386:
   
   386 commission shall send a written courtesy notice to each owner of private real property whose property is

3. Page 13, Line 393 through Page 14, Line 409:
   
   393 (2) The written notice shall:
   
   394 (a) identify, with specificity, the owner’s real property that will be affected by the
   
   395 proposed zoning map or map amendment;
   
   396 (b) state the current zone in which the real property is located;
   
   397 (c) state the proposed new zone for the real property, including proposed regulations,
prohibitions, and permitted uses, that the property will be subject to if the zoning map or map amendment is adopted;

(d) (i) state that the owner of real property may no later than 10 days after the day of the public hearing described in Section 10–9a–502 file a protest to the inclusion of the owner’s property in the proposed zoning map or map amendment; and

(ii) state the date of the protest filing deadline;

(e) state the address of where the protest should be filed with the planning commission; and

(f) notify the property owner that if adequate protests are filed with the planning commission, the commission may not recommend and the legislative body may not adopt the zoning map or map amendment; and

(g) state the location, date, and time of the public hearing described in Section 10–9a–502.

4. Page 14, Line 427 through Page 15, Line 432

House Floor Amendments 3–11–2013:

(2) If adequate protests are filed in accordance with Section 10–9a–502.5 to a zoning map or map amendment proposed by the municipality, the planning commission shall:

(a) consider the protests when making a final decision on whether to propose a zoning map or map amendment to the legislative body; and

(b) the legislative body may not consider or adopt the proposed zoning map or map.
amendment under Subsection (3)–

forward a summary of the protests for the legislative body for consideration when the legislative body makes a final decision on the proposed zoning map or map amendment.

5. Page 15, Line 450:

(3) An owner may withdraw a protest at any time before the expiration of the 10-day period.

6. Page 15, Line 455:

(b) the inclusion of the owner’s property within the zone.

7. Page 16, Lines 484 through 485:

(1) “Adequate protests” means protests that are:

(a) filed with a planning commission no later than 10 days after the day of the public

8. Page 28, Line 847:

commission shall send a written courtesy notice to each owner of private real property whose property is

9. Page 28, Line 853 through Page 29, Line 869:

(2) The written notice shall:

(a) identify, with specificity, the owner’s real property that will be affected by the proposed zoning map or map amendment;

(b) state the current zone in which the real property is located;

(c) state the proposed new zone for the real property, including proposed regulations, prohibitions, and permitted uses, that the property will be subject to if the zoning map or map amendment is adopted;

(d) (i) state that the owner of real property may no later than 10 days after the day of the public hearing described in Section 17–27a–502 file a protest to the inclusion of the owner’s
862 property in the proposed zoning map or map amendment; and
863 (ii) state the date of the protest filing deadline;
864 (e) state the address of where the protest should be filed with the
planning commission; and
865 (f) notify the property owner that if adequate protests are
filed with the planning commission, the commission may not recommend and the
legislative body may not adopt the zoning
866 map or map amendment; and
867 (g) state the location, date, and time of the public
868 hearing described in Section 17–27a–502.

10. Page 29, Lines 887 through 892
House Floor Amendments 3–11–2013:
887 (2) If adequate protests are filed in accordance with Section
17–27a–502.5 to a zoning
888 map or map amendment proposed by the county, the planning
commission shall:
889 (a) the planning commission may not recommend to the
legislative body the zoning
890 map or map amendment consider the protests when making a
final decision on whether to propose a zoning map or map amendment to
the legislative body; and
891 (b) the legislative body may not consider or adopt the
proposed zoning map or map
892 amendment under Subsection (3) forward a summary of the
protests to the legislative body for consideration when the legislative
body makes a final decision on the proposed zoning map or map
amendment.

11. Page 30, Line 909:
909 (3) An owner may withdraw a protest at any time before the
expiration of the 60-day
12. Page 30, Line 914:

914 (b) the inclusion {on} of the owner’s property within the zone.

Senator Hinkins’ motion to amend passed on a voice vote. Senator Hillyard commented.

On motion of Senator Hinkins, the bill was circled.

***

On motion of Senator Okerlund, H.C.R. 8, CONCURRENT RESOLUTION ON PARKINSON’S DISEASE, was read the second time and circled.

***

On motion of Senator Hillyard, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Hillyard, under suspension of the rules, H.J.R. 9, JOINT RESOLUTION RECOMMENDING A NAME FOR NEW FEDERAL COURTHOUSE, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

** Voting in the affirmative were:** Senators

Adams  Bramble  Dabakis  Davis  
Dayton  Harper  Henderson  Hillyard  
Hinkins  Jenkins  Jones  Knudson  
Madsen  Mayne  Okerlund  Osmond  
Reid  Robles  Shiozawa  Stephenson  
Stevenson  Urquhart  Valentine  Van Tassell  
Vickers  Weiler  Niederhauser  

**Absent or not voting were:** Senators

Christensen  Thatcher  

**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.

***

OF ADMINISTRATION OF THE UTAH NAVAJO OIL AND GAS ROYALTIES TO THE UTAH DINEH CORPORATION, was considered read the second and third times. Senators Van Tassell and Robles commented and the bill passed on the following roll call:

**Yeas, 26; Nays, 2; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Knudson
Madsen Mayne Okerlund Osmond
Reid Shiozawa Stephenson Stevenson
Thatcher Valentine Van Tassell Vickers
Weiler Niederhauser

**Voting in the negative were:** Senators
Jones Robles

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

1st Sub. 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.

* * *

On motion of Senator Adams, H.B. 393, COMPETENCY–BASED EDUCATION AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Adams, the circle was removed from H.C.R. 8, CONCURRENT RESOLUTION ON PARKINSON’S DISEASE, and it was before the Senate.

On motion of Senator Adams, under suspension of the rules, H.C.R. 8, CONCURRENT RESOLUTION ON PARKINSON’S DISEASE, was considered read the second and third times and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne Okerlund
Osmond Reid Robles Shiozawa
Stephenson Stevenson Thatcher Valentine
Van Tassell Vickers Weiler Niederhauser

Absent or not voting was: Senator Urquhart

H.C.R. 8 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Osmond, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Osmond, under suspension of the rules, 2nd Sub. H.B. 115, TOWING AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators

Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne Okerlund
Osmond Reid Robles Shiozawa
Stephenson Stevenson Thatcher Valentine
Van Tassell Vickers Weiler Niederhauser

Absent or not voting was: Senator Urquhart

2nd 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.

* * *

On motion of Senator Madsen, the circle was removed from 1st Sub. H.B. 386, BAIL BOND AMENDMENTS, and it was before the Senate.

Senator Madsen proposed the following amendment:
1. Page 6, Line 169
   House Floor Amendments
3–11–2013:

   169 (3) 
   The licensee shall wear the badge under Subsection (2) in a manner that

2. Page 6, Lines 172 through 173
   House Floor Amendments
3–11–2013:

   172 (4) The licensee may [wear or] display the badge under Subsection (2) only if:

3. Page 6, Line 176
   House Floor Amendments
3–11–2013:

   176 (b) the licensee also displays the licensee’s identification card described in Section

4. Page 6, Line 178 through Page 7, Line 181
   House Floor Amendments
3–11–2013:

   178 (i) upon request, while acting as a bail enforcement agent; or

   179 (ii) as necessary for the licensee to demonstrate authority while acting as a bail

   180 enforcement agent

   180a (c) the licensee is making a planned apprehension of a defendant, and the licensee (in which case the

   180b licensee shall also wear) is also wearing an article of clothing described in Subsection (3)(b)(i) or Subsection (4)(a) or

   180c (d) the licensee is making an apprehension that is unplanned and under exigent circumstances, and the licensee is not wearing clothing
described in Subsection (4)(a) or Subsection (5); or

(e) the licensee is acting as a bail enforcement agent but is not engaged in a planned apprehension or in another situation that does not require that the agent be wearing clothing as described in Subsection (4)(a) or (5) in order to display the badge.

A licensee may wear a jacket of a distinctive design or style that bears a

5. Page 7, Lines 184a through 184c

House Floor Amendments

3–11–2013:

184a When a licensee is acting as a bail enforcement agent and interacts with a law enforcement officer, the licensee shall, at the first opportunity, identify him or herself to the law enforcement officer and shall provide identification as a bail enforcement agent.

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

On motion of Senator Madsen, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Madsen, under suspension of the rules, 1st Sub. H.B. 386, BAIL BOND AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators

Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne Okerlund
Reid Robles Shiozawa Stephenson
Stevenson Thatcher Urquhart Valentine
Van Tassell Vickers Weiler Niederhauser

Absent or not voting was: Senator Osmond
1st Sub. H.B. 386, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Adams, the circle was removed from H.B. 403, MUNICIPAL ELECTION AMENDMENTS, and it was before the Senate.

On motion of Senator Adams, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Adams, under suspension of the rules, H.B. 403, MUNICIPAL ELECTION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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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.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 13, 2013

The Speaker of the House has signed S.B. 103, CARSON SMITH SCHOLARSHIP AMENDMENTS, by Senator J. S. Adams, and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 155, POSTADOPTION CONTACT AGREEMENTS, by Senator L. Hillyard, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 169, EDUCATION TASK FORCE, by Senator S. Reid, and it is transmitted for the signature of the President; and
The Speaker of the House has signed S.B. 175, ASSESSMENT OF COLLEGE READINESS, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 2nd Sub. S.B. 189, ONCOLOGY INSURANCE AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The House passed, S.B. 223, STATE SENATE BOUNDARY 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. 224, STATE BOARD OF EDUCATION BOUNDARY 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. 236, UNINSURED AND UNDERINSURED MOTORIST COVERAGE 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. 246, VOLUNTEER WORKERS 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. 270, CONTROLLED SUBSTANCE AMENDMENTS, by Senator E. Vickers, 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. 3, JOINT RULES RESOLUTION ON REQUESTS FOR LEGISLATION, by Senator A. Osmond, 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 13, 2013

The House concurred in the Senate amendments and passed 5th Sub. H.B. 139, SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS ACTION CENTER, by Representative V. Peterson, et al, and it is transmitted for the signature of the President; and
The House concurred in the Senate amendments and passed **H.B. 256**, REAUTHORIZATION OF ADMINISTRATIVE RULES, by Representative C. Oda, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

***

Mr. President: March 13, 2013

The House passed, as amended, **1st Sub. S.B. 126**, COORDINATION OF SERVICES FOR VETERANS, by Senator P. Knudson, and it is transmitted for further consideration; and

The House substituted and passed, **3rd Sub. S.B. 196**, LICENSE PLATE READER AMENDMENTS, by Senator T. Weiler, and it is transmitted for further consideration; and

The House substituted and passed, **3rd Sub. S.B. 260**, EARLY CHILDHOOD EDUCATION PROGRAMS AMENDMENTS, by Senator S. Urquhart, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 275**, ENERGY 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.

INTRODUCTION OF BILLS

**S.B. 289, Election Offense Amendments** (P. Knudson), was read the first time by short title and referred to the Rules Committee.

***

On motion of Senator Valentine, the Senate voted to lift **S.B. 289**, ELECTION OFFENSE AMENDMENTS, from Rules and assign it to the Government Operations and Political Subdivisions Committee.

***

On motion of Senator Okerlund, and at 10:30 p.m., the Senate adjourned until 8:30 a.m., Thursday, March 14, 2013.
The Senate was called to order at 9:10 a.m., with President Wayne Niederhauser presiding.

Prayer – John Fellows, Legislative General Counsel
Pledge of Allegiance – Senator Howard Stephenson
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 81)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 13, 2013

The House passed, 1st Sub. S.B. 284, EDUCATIONAL TECHNOLOGY AMENDMENTS, by Senator J. Stevenson, 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: March 13, 2013

The House concurred in the Senate amendments and passed 1st Sub. H.B. 145, YOUTH ORGANIZATION RESTRICTED ACCOUNTS AND INCOME TAX CONTRIBUTIONS, by Representative S. Eliason, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 315, OFFICE OF INSPECTOR GENERAL OF MEDICAID SERVICES 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. 384, PROPERTY DISPOSITION AMENDMENTS, by Representative B. Dee, and it is transmitted for the signature of the President; and
The House concurred in the Senate amendments and passed 5th Sub. H.B. 391, PROHIBITION OF MEDICAID EXPANSION, by Representative J. Anderegg, et al, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

***

Mr. President: March 13, 2013

The House passed, as amended, S.B. 122, STUDENT LEADERSHIP SKILLS DEVELOPMENT, by Senator A. Osmond, 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 Knudson, the Senate voted to concur in the House amendments to 1st Sub. S.B. 126, COORDINATION OF SERVICES FOR VETERANS. The bill, as amended, passed on the following roll call:

Y eas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Knudson Mayne
Okerlund Osmond Reid Robles
Shiozawa Stephenson Stevenson Thatcher
Van Tassell Vickers Weiler Niederhauser

Absent or not voting were: Senators
Bramble Jones Madsen Urquhart
Valentine

1st Sub. S.B. 126 was returned to the House for the signature of the Speaker.

***

On motion of Senator Weiler, the Senate voted to concur in the House amendments to 3rd Sub. S.B. 196, LICENSE PLATE READER AMENDMENTS. The bill, as amended, passed on the following roll call:
Yeas, 24; Nays, 0; Absent or not voting, 5.

**Voting in the affirmative were:** Senators

- Adams
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hillyard
- Hinkins
- Jenkins
- Knudson
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Van Tassell
- Vickers
- Weiler
- Niederhauser

**Absent or not voting were:** Senators

- Bramble
- Jones
- Madsen
- Urquhart
- Valentine

3rd Sub. S.B. 196 was returned to the House for the signature of the Speaker.

* * *

3rd Sub. S.B. 260, EARLY CHILDHOOD EDUCATION PROGRAMS AMENDMENTS, was before the Senate.

On motion of Senator Adams, the bill was circled.

* * *

S.B. 275, ENERGY AMENDMENTS, was before the Senate.

On motion of Senator Adams, the bill was circled.

* * *

On motion of Senator Osmond, the Senate refused to concur in the House amendments. S.B. 122, STUDENT LEADERSHIP SKILLS DEVELOPMENT, was returned to the House.

* * *

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:


H.B. 380  Economic Development Revisions (Rep. V. L. Snow)
H.B. 399  Name Amendments to Funds and Accounts
          (Rep. S. Eliason)
H.B. 369  State Auditor Revisions (Rep. C. Hall)
H.B. 219  Audit Revisions (Rep. L. Christensen)
1st Sub. H.B. 342  Wild Turkey Management (Rep. R. Menlove)
H.B. 408  Criminal Suspect Photographs (Rep. P. Ray)
H.B. 332  Alternate Dispute Resolution Amendments
          (Rep. R. Edwards)
H.B. 344  Establishment of Charter Schools Amendments
          (Rep. D. Lifferth)
H.B. 363  Public Education State Capitol Visit Funding
          (Rep. S. Eliason)
H.B. 357  Waste Management Facilities Siting Amendments
          (Rep. R. Menlove)

* * *

On motion of Senator Okerlund, and at 9:30 a.m., the Senate sauntered.

The Senate was called to order at 10:40 a.m., with President Niederhauser
presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 14, 2013

The House passed, 1st Sub. S.B. 68, STATE SURPLUS PROPERTY
PROGRAM AMENDMENTS, by Senator T. Weiler, which has been signed by
the Speaker, and it is transmitted for the signature of the President; and

The House passed, S.B. 208, SOLAR PHOTOVOLTAIC CONTRACTOR
LICENSE AMENDMENTS, by Senator E. Vickers, which has been signed by the
Speaker, and it is transmitted for the signature of the President; and

The House passed, S.B. 225, IMMIGRATION TRIGGER DATES, 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. 235, INTERSTATE MINING COMPACT, 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, 1st Sub. S.B. 249, SALVAGE AND NONREPAIRABLE VEHICLE AMENDMENTS, by Senator S. Urquhart, 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 14, 2013

The House substituted and passed, 3rd Sub. S.B. 65, ELECTION CODE – FINANCIAL REPORTING REQUIREMENT AMENDMENTS, by Senator J. Valentine, and it is transmitted for further consideration; and

The House passed, as amended, S.B. 78, PHARMACY ACT AMENDMENTS, by Senator J. S. Adams, and it is transmitted for further consideration; and

The House passed, as amended, S.B. 86, INDEPENDENT EXECUTIVE BRANCH ETHICS COMMISSION, by Senator J. Valentine, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

***

Mr. President: March 14, 2013

The House has rejected S.B. 52, GAME FOWL FIGHTING AMENDMENTS, by Senator G. Davis, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

The bill was filed.

CONCURRENCE CALENDAR

On motion of Senator Urquhart, the circle was removed from 3rd Sub. S.B. 260, EARLY CHILDHOOD EDUCATION PROGRAMS AMENDMENTS, and it was before the Senate.

On motion of Senator Urquhart, the Senate voted to concur in the House amendments to 3rd Sub. S.B. 260, EARLY CHILDHOOD EDUCATION PROGRAMS. The bill, as amended, passed on the following roll call:
Yeas, 25; Nays, 0; Absent or not voting, 4.

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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<th>Niederhauser</th>
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**3rd Sub. S.B. 260** 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. 65**, **ELECTION CODE – FINANCIAL REPORTING REQUIREMENT AMENDMENTS**. The bill, as amended, passed on the following roll call:

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**3rd Sub. S.B. 65** was returned to the House for the signature of the Speaker.

* * *

**S.B. 78, PHARMACY ACT AMENDMENTS**, was before the Senate

On motion of Senator Robles, the bill was circled.
On motion of Senator Valentine, the Senate voted to concur in the House amendments to S.B. 86, INDEPENDENT EXECUTIVE BRANCH ETHICS COMMISSION. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 1; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator Dabakis

**Absent or not voting were:** Senators

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<th>Adams</th>
<th>Niederhauser</th>
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S.B. 86 was returned to the House for the signature of the Speaker.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 14, 2013

The House passed, as amended, 1st Sub. S.B. 80, REMOVAL FROM DATABASE RESTRICTING FIREARM PURCHASE, by Senator D. Thatcher, and it is transmitted for further consideration; and

The House substituted and passed, 3rd Sub. S.B. 271, SCHOOL GRADING 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.

**CONCURRENCE CALENDAR**

On motion of Senator Thatcher, the Senate voted to concur in the House amendments to 1st Sub. S.B. 80, REMOVAL FROM DATABASE
RESTRICTING FIREARM PURCHASE. The bill, as amended, passed on the following roll call:

**Yeas, 22; Nays, 3; Absent or not voting, 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

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1st Sub. S.B. 80 was returned to the House for the signature of the Speaker.

***

3rd Sub. S.B. 271, SCHOOL GRADING AMENDMENTS, was before the Senate.

On motion of Senator Adams, the bill was circled.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:  
March 14, 2013

The House requests the return of 1st Sub. S.B. 191, ADMINISTRATIVE LAW JUDGE AMENDMENTS, by Senator W. Harper, for reconsideration.

Sandy D. Tenney, Chief Clerk

The bill was returned to the House.

**THIRD READING CALENDAR**

4th Sub. H.B. 156, RESTORATION OF TERMINATED PARENTAL RIGHTS, was read the third time and explained by Senator Dayton.

Senator Harper proposed the following amendment:
1.  Page 3, Lines 69 through 70a
   Senate 2nd Reading Amendments
   3–13–2013:

   69  conceive and raise their children are constitutionally protected. For these reasons, the court

   70  should only transfer Ŝ⇒ custody of ⇐Ŝ a child Ŝ⇒ [away] ⇐Ŝ from the child’s natural parent

   70a Ŝ⇒ [for the gravest of reasons] for compelling reasons and when there is a jurisdictional basis to do so ⇐Ŝ.

2.  Page 5, Line 135
   Senate 2nd Reading Amendments
   3–13–2013:

   135 (4) The division shall notify and inform a child who qualifies for restoration of parental rights

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

   Yeas, 22; Nays, 3; Absent or not voting, 4.

   **Voting in the affirmative were:** Senators
   Christensen  Dayton  Harper  Henderson
   Hillyard  Hinkins  Knudson  Madsen
   Mayne  Okerlund  Osmond  Reid
   Robles  Shiozawa  Stephenson  Stevenson
   Thatcher  Urquhart  Valentine  Van Tassell
   Vickers  Weiler

   **Voting in the negative were:** Senators
   Dabakis  Davis  Jones

   **Absent or not voting were:** Senators
   Adams  Bramble  Jenkins  Niederhauser

   4th Sub. H.B. 156, as amended, was returned to the House for further consideration.

   * * *

   On motion of Senator Henderson, 2nd Sub. H.B. 91, VOTER REGISTRATION – ELECTION DAY VOTER REGISTRATION, was read the third time and circled.
1st Sub. H.B. 149, AMENDMENTS TO UTAH EXEMPTIONS ACT, was read the third time, explained by Senator Weiler, and passed on the following roll call:

Y eas, 23; Nays, 1; Absent or not voting, 5.

**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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1st Sub. H.B. 149, as amended, was returned to the House for further consideration.

**SECOND READING CALENDAR**

On motion of Senator Vickers, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Vickers, under suspension of the rules, 2nd Sub. H.B. 323, HEALTH INSURANCE PRIOR AUTHORIZATION, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 0; Absent or not voting, 6.

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Davis  Hillyard  Jenkins  Jones
Urquhart  Niederhauser

2nd Sub. H.B. 323 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 360, WATER AND IRRIGATION REVISIONS, was read the second time and explained by Senator Christensen. Senators Dayton, Henderson, Madsen, Hillyard, and Davis commented.

Senator Madsen proposed the following amendment: #2

1. Page 3, Lines 77 through 85:

77   (iii) Beginning on May 5, 2008, if a person described in Subsection (2)(b)(i) files and
78   receives approval on successive, overlapping nonuse applications, nonuse of the water right
79   subject to the applications is not counted toward a seven-year period described in Subsection
80   (2)(a) during the period of time beginning on the day on which the person files the first
81   application and ending on the day on which the last application expires without being renewed.
82   {−(iv) Approval of a nonuse application does not protect a water right that is already
83   subject to forfeiture under Subsection (2)(a) for full or partial nonuse of the water right. −}
84   (b) (i) (v) A nonuse application may be filed on all or a portion of the water right,
including water rights held by a water company.

Senator Madsen’s motion to amend failed on a voice vote.

###

Senator Weiler proposed the following amendment: #1

1. Page 3, Lines 70 through 83:

   (b) (i) An appropriator or the appropriator’s successor in interest may file an application for nonuse with the state engineer.

   (ii) If a person described in Subsection (2)(b)(i) files and receives approval on a nonuse application, nonuse of the water right subject to the application is not counted toward a seven−year period described in Subsection (2)(a) during the period of time beginning on the day on which the person files the application and ending on the day on which the application expires without being renewed.

   (iii) If a person described in Subsection (2)(b)(i) files and receives approval on successive, overlapping nonuse applications, nonuse of the water right subject to the applications is not counted toward a seven−year period described in Subsection (2)(a) during the period of time beginning on the day on which the first application was filed and ending on the day on which the last application expires without being renewed.

   (iv) Approval of a nonuse application does not protect a water right that is already subject to forfeiture under Subsection (2)(a) for full or partial nonuse of the water right.
Senator Weiler’s motion to amend passed on a voice vote.

On motion of Senator Christensen, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Christensen, under suspension of the rules, H.B. 360, PARTY AFFILIATION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 15; Nays, 12; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

- Adams
- Christensen
- Dabakis
- Dayton
- Henderson
- Jenkins
- Okerlund
- Osmond
- Reid
- Shiozawa
- Stevenson
- Valentine
- Van Tassell
- Vickers
- Weiler

**Voting in the negative were:** Senators

- Davis
- Harper
- Hillyard
- Hinkins
- Jones
- Knudson
- Madsen
- Mayne
- Robles
- Stephenson
- Thatcher
- Urquhart

**Absent or not voting were:** Senators

- Bramble
- Niederhauser

H.B. 360, as amended, was returned to the House for further consideration.

***

On motion of Senator Valentine, under suspension of the rules, the Senate voted to suspend the rules and consider bills today read for the second and third time and they suspended the requirement of a committee hearing.

***

On motion of Senator Shiozawa, H.B. 150, ANIMAL SHELTER AMENDMENTS, was read the second time and circled.

***

On motion of Senator Stevenson, H.B. 227, COHABITANT DEFINITION, was read the second time and circled.

***

On motion of Senator Bramble, H.B. 329, MEDICAID VISION AMENDMENTS, was read the second time and circled.
***

On motion of Senator Bramble, **1st Sub. H.B. 268**, DISORDERLY CONDUCT AMENDMENTS, was read the second time and circled.

***

On motion of Senator Bramble, **1st Sub H.B. 378**, ELECTION REVISIONS, was read the second time and circled.

***

**2nd Sub. H.B. 401**, STATUTE OF LIMITATIONS ON TRESPASS, was read the second time.

Senator Urquhart proposed a verbal amendment as follows:

1. Page 2, Line 28:
   After “years” insert “of discovery”

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

On motion of Senator Urquhart, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Urquhart, under suspension of the rules, **2nd Sub. H.B. 401**, STATUTE OF LIMITATIONS ON TRESPASS, was considered read the second and third times and passed on the following roll call:

**Yeas, 29; Nays, 0; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators

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**2nd Sub. H.B. 401**, as amended, was returned to the House for further consideration
On motion of Senator Christensen, the circle was removed from H.B. 329, MEDICAID VISION AMENDMENTS, and it was before the Senate.

On motion of Senator Christensen, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Christensen, under suspension of the rules, H.B. 329, MEDICAID VISION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 29; Nays, 0; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators

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H.B. 329 was returned to the House for further consideration.

* * *

On motion of Senator Harper, the circle was removed from 1st Sub. H.B. 378, ELECTION REVISIONS, and it was before the Senate. Senators Hillyard, Henderson, Vickers, Shiozawa, Dabakis commented.

On motion of Senator Harper, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Harper, under suspension of the rules, 1st Sub. H.B. 378, ELECTION REVISIONS, was considered read the second and third times and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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Mayne         Okerlund     Reid          Robles
Shiozawa      Stephenson   Stevenson     Thatcher
Urquhart      Valentine    Van Tassell  Vickers
Weiler        Niederhauser

Absent or not voting were: Senators
Adams         Hinkins      Osmond

1st Sub. H.B. 378 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

The House passed, S.B. 9, REVENUE BOND AND CAPITAL FACILITIES AMENDMENTS, by Senator W. Harper, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, S.B. 193, VEHICLE REGISTRATION 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, 3rd Sub. S.B. 200, LOCAL AND SPECIAL SERVICE DISTRICTS 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. 230, MINERS’ HOSPITAL GRANTS AMENDMENTS, by Senator D. Hinkins, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, S.B. 233, REQUEST FOR EMERGENCY MEDICAL ASSISTANCE 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. 268, HUMAN SERVICES BACKGROUND CHECKS AMENDMENTS, by Senator A. Christensen, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, S.B. 276, WATER CONSERVANCY DISTRICT CAPITAL ASSETS, 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. 281**, DEBT COLLECTION INFORMATION 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 14, 2013

The House substituted and passed, **4th Sub. S.B. 109**, CHANGE APPLICATION PROCEDURE, by Senator R. Okerlund, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 211**, REDEVELOPMENT AGENCY AMENDMENTS, by Senator J. Stevenson, and it is transmitted for further consideration; and

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

***

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

**AFTERNOON SESSION**

The Senate reassembled at 2:20 p.m., with President Niederhauser presiding.

**COMMUNICATIONS FROM THE HOUSE**

**Mr. President:** March 14, 2013

The House passed, **1st Sub. S.B. 191**, ADMINISTRATIVE LAW JUDGE AMENDMENTS, by Senator W. Harper, 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 14, 2013

The House adopted the Joint Conference Committee Report dated March 14, 2013, and passed 2nd Sub. S.B. 95, WHISTLEBLOWER AMENDMENTS, by Senator S. Reid, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

**STANDING COMMITTEE REPORTS**

Mr. President: March 14, 2013

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 289, ELECTION OFFENSE AMENDMENTS, by Senator P. Knudson, with the following amendments:

1. Page 5, Line 144:

   144 Section 5. Coordinating S.B. 289 with S.B. {−90−} 190
   --- Technical changes.

Margaret Dayton, Chair

On motion of Senator Valentine, the committee report was adopted. He moved that the rule to have no new bills introduced on the last 3 days of session, be suspended. The bill was placed on Second Reading Calendar.

**CONCURRENCE CALENDAR**

4th Sub. S.B. 109, CHANGE APPLICATION PROCEDURE, was before the Senate.

On motion of Senator Okerlund, the bill was circled.

**CONFERENCE COMMITTEE REPORT**

On motion of Senator Stevenson, the Senate refused to concur in the House amendments. 1st Sub. S.B. 211, REDEVELOPMENT AGENCY AMENDMENTS, was returned to the House.

The Joint Conference Committee comprised of Senators S. Reid, T. Weiler, and K. Mayne, and Representatives R. Cunningham, D. Brown, and B. King,
recommends 2nd Sub. S.B. 95, WHISTLEBLOWER AMENDMENTS, by Senator S. Reid, as last amended by the House and Senate, with the following amendments:

1. Page 12, Lines 365 through 366
   House Floor Amendments 3–13–2013:

   365   (3) A public entity employer has the burden to prove by \( \hat{H} \) evidence that the employee’s action was justified.

   365a of the → \( \hat{H} \) evidence that the

2. Page 13, Lines 375 through 377
   House Floor Amendments 3–13–2013:

   375   (ii) a burden of proof on the employer to establish by \( \hat{H} \) evidence that the employer’s action was justified by reasons unrelated to the employee’s good faith actions under

   375a of the → \( \hat{H} \) evidence that the

3. Page 13, Line 397 through Page 14, Line 399
   House Floor Amendments 3–13–2013:

   397   (ii) a burden of proof on the employer to establish by \( \hat{H} \) evidence that the employer’s action was justified by reasons unrelated to the employee’s good faith actions under

   397a of the → \( \hat{H} \) evidence that the

4. Page 15, Lines 456 through 457
   House Floor Amendments 3–13–2013:

   456   (3) To prevail in an action brought under this section, the employer shall prove by
{\(\hat{H}\overset{\rightarrow}{\rightarrow} \text{substantial} \overset{\rightarrow}{\rightarrow} \} \text{evidence that the employer’s action was justified.}\)

Sen. Stuart Reid and Rep. Rich Cunningham, Chairs

On motion of Senator Reid, the Senate vote to adopt the Conference Committee report. The bill was placed on the top of the Third Reading Calendar.

**CONCURRENCE CALENDAR**

On motion of Senator Okerlund, the circle was removed from 4th Sub. S.B. 109, CHANGE APPLICATION PROCEDURE, and it was before the Senate.

On motion of Senator Okerlund, the Senate refused to concur in the House amendments. 4th Sub. S.B. 109 was returned to the House.

**THIRD READING CALENDAR**

2nd Sub. S.B. 95, WHISTLEBLOWER AMENDMENTS, was before the Senate, explained by Senator Reid, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Adams | Jenkins | Valentine |

2nd Sub. S.B. 95 was transmitted to the House for the signature of the Speaker.

* * *

On motion of Senator Hinkins, the circle was removed from 1st Sub. H.B. 164, STATE AND POLITICAL SUBDIVISION JURISDICTIONAL AMENDMENTS, and it was before the Senate.
On motion of Senator Hinkins, the following substitute bill replaced the original bill:


Senator Hillyard commented and the bill passed on the following roll call:

**Yeas, 22; Nays, 5; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators
Bramble  Christensen  Dayton  Harper
Henderson  Hillyard  Hinkins  Jenkins
Knudson  Madsen  Okerlund  Osmond
Reid  Shiozawa  Stephenson  Stevenson
Thatcher  Urquhart  Van Tassell  Vickers
Weiler  Niederhauser

**Voting in the negative were:** Senators
Dabakis  Davis  Jones  Mayne
Robles

**Absent or not voting were:** Senators
Adams  Valentine

2nd Sub. H.B. 164, as amended, was returned to the House for further consideration.

**CONCURRENCE CALENDAR**

On motion of Senator Adams, the circle was removed from 3rd Sub. S.B. 271, SCHOOL GRADING AMENDMENTS and it was before the Senate.

On motion of Senator Adams, the Senate voted to concur in the House amendments to 3rd Sub. S.B. 271. The bill, as amended, passed on the following roll call:

**Yeas, 18; Nays, 8; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators
Adams  Bramble  Christensen  Dayton
Henderson  Hillyard  Jenkins  Knudson
Madsen  Okerlund  Osmond  Reid
Stephenson  Stevenson  Thatcher  Urquhart
Weiler  Niederhauser
Voting in the negative were: Senators
Dabakis    Davis    Jones    Mayne
Robles    Shiozawa    Van Tassell    Vickers

Absent or not voting were: Senators
Harper    Hinkins    Valentine

3rd Sub. S.B. 271 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Adams, the circle was removed from S.B. 78, PHARMACY ACT AMENDMENTS, and it was before the Senate.

On motion of Senator Adams, the Senate voted to concur in the House amendments to S.B. 78, PHARMACY ACT AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 23; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Senators
Adams    Bramble    Dabakis    Henderson
Hillyard    Hinkins    Jones    Knudson
Madsen    Mayne    Okerlund    Osmond
Reid    Robles    Shiozawa    Stephenson
Stevenson    Thatcher    Urquhart    Van Tassell
Vickers    Weiler    Niederhauser

Absent or not voting were: Senators
Christensen    Davis    Dayton    Harper
Jenkins    Valentine

S.B. 78 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Knudson, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Knudson, under suspension of the rules, S.B. 289, ELECTION OFFENSE AMENDMENTS, was considered read the second and third times. Senator Knudson explained the bill. Senators Weiler, Robles, Dabakis, Urquhart, and Hillyard commented.
Senator Dabakis proposed a verbal amendment as follows:

1. Page 1, Line 15:
   Delete “lieutenant governor” and insert “Chief Justice of the Utah Supreme Court”

2. Page 2, Line 44:
   Delete “lieutenant governor” and insert “Chief Justice of the Utah Supreme Court”

3. Page 2, Line 46:
   Delete “lieutenant governor” and insert “Chief Justice of the Utah Supreme Court”

4. Page 2, Line 47:
   Delete “lieutenant governor” and insert “Chief Justice of the Utah Supreme Court”

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

**Yeas, 27; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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<tr>
<th>Adams</th>
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<td>Vickers</td>
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**Absent or not voting were:** Senators

Christensen  Harper

**S.B. 289** was transmitted to the House.

* * *

On motion of Senator Knudson, the Senate voted to place the following bills on the Second Reading Calendar below **1st Sub. H.B. 130:**

- **H.B. 408**    Criminal Suspect Photographs (Rep. P. Ray)
- **1st Sub. H.B. 404**  Short Sale Amendments (Rep. M. Roberts)
H.B. 380  Economic Development Revisions (Rep. V. L. Snow)
H.B. 399  Name Amendments to Funds and Accounts (Rep. S. Eliason)

On motion of Senator Knudson, the Senate voted to lift H.B. 394, Outdoor Wood Boilers, from Senate Rules and placed it on the Second Reading Calendar after H.B. 321.

***

On motion of Senator Urquhart, the circle was removed from H.B. 393, COMPETENCY—BASED EDUCATION AMENDMENTS, and it was before the Senate.

On motion of Senator Urquhart, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Urquhart, under suspension of the rules, H.B. 393, COMPETENCY—BASED EDUCATION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 22; Nays, 1; Absent or not voting, 6.**

**Voting in the affirmative were:** Senators
Adams  Bramble  Davis  Dayton
Henderson  Hillyard  Hinkins  Jones
Knudson  Madsen  Okerlund  Osmond
Reid  Stephenson  Stevenson  Thatcher
Urquhart  Valentine  Van Tassell  Vickers
Weiler  Niederhauser

**Voting in the negative was:** Senator
Shiozawa

**Absent or not voting were:** Senators
Christensen  Dabakis  Harper  Jenkins
Mayne  Robles

H.B. 393 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
CONFERENCE COMMITTEE REPORT

Mr. President:

March 14, 2013

The Joint Conference Committee comprised of Senators J. Valentine, P. Jones, and C. Bramble, and Representatives R. Wilcox, G. Froerer, and B. King, recommends 3rd Sub. H.B. 228, ALCOHOLIC BEVERAGE CONTROL ACT AMENDMENTS, by Representative R. Wilcox, be replaced and favorably recommends 4th Sub. H.B. 228, ALCOHOLIC BEVERAGE CONTROL ACT AMENDMENTS.

The Joint Conference Committee further recommends that the following issues be referred to interim study and given a high priority for interim study: 2013 General Session H.B. 218, 1st Sub. H.B. 228, H.B. 350, S.B. 261 and the issues related to the postponement of the effective date for authorizing the transfer of certain retail licenses issued under Title 32B, Alcoholic Beverage Control Act.


On motion of Senator Valentine, the Senate voted to adopt the Conference Committee report and to place the bill at the top of the Third Reading Calendar.

THIRD READING CALENDAR

4th Sub. H.B. 228, ALCOHOLIC BEVERAGE CONTROL ACT AMENDMENTS, was before the Senate, explained by Senator Valentine, and passed on the following roll call:

Yeas, 26; Nays, 2; Absent or not voting, 1.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis
Davis  Harper  Henderson  Hinkins
Jenkins  Jones  Knudson  Madsen
Mayne  Okerlund  Osmond  Reid
Shiozawa  Stephenson  Stevenson  Thatcher
Urquhart  Valentine  Van Tassell  Vickers
Weiler  Niederhauser

Voting in the negative were: Senators

Dayton  Hillyard

Absent or not voting was: Senator

Robles
4th Sub. H.B. 228 was transmitted to the House for consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 14, 2013

The House refuses to recede from its amendments to S.B. 122, STUDENT LEADERSHIP SKILLS DEVELOPMENT, by Senator A. Osmond, and has appointed a Conference Committee consisting of Representatives G. Hughes, K. Ivory, and M. Poulson to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Osmond, the Senate voted to refuse to recede from its amendments to S.B. 122. President Niederhauser appointed a conference committee consisting of Senators Osmond, Reid, and Jones to meet with a like committee from the House.

SECOND READING CALENDAR

On motion of Senator Hinkins, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Hinkins, under suspension of the rules, 1st Sub. H.B. 130, BOUNDARY ADJUSTMENT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Y eas, 23; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Hillyard  Hinkins
Jenkins  Knudson  Madsen  Mayne
Okerlund  Shiozawa  Stephenson  Stevenson
Thatcher  Urquhart  Valentine  Van Tassell
Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Harper  Henderson  Jones  Osmond
Reid  Robles

1st Sub. H.B. 130 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

2nd Sub. H.B. 75, OCCUPATIONAL AND PROFESSIONAL LICENSING AMENDMENTS, was read the second time.
On motion of Senator Stephenson, the following substitute bill replaced the original bill:

**3rd Sub. H.B. 75 Occupational and Professional Licensing Amendments**  
(Rep. Brian Green)

On motion of Senator Stephenson, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Stephenson, under suspension of the rules, **3rd Sub. H.B. 75, OCCUPATIONAL AND PROFESSIONAL LICENSING AMENDMENTS**, was considered read the second and third times. Senator Vickers, Jenkins commented and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators
- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Hillyard
- Jenkins
- Jones
- Knudsen
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Robles
- Shiozawa
- Stephenson
- Stevenson
- Thatcher
- Valentine
- Weiler
- Niederhauser

**Absent or not voting were:** Senators
- Hinkins
- Urquhart
- Van Tassell
- Vickers

**3rd Sub. H.B. 75**, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Thatcher, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Thatcher, under suspension of the rules, **H.B. 408, CRIMINAL SUSPECT PHOTOGRAPHS**, was considered read the second and third time and passed on the following roll call:

**Yeas, 25; Nays, 1; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators
- Adams
- Bramble
- Christensen
- Dabakis
- Davis
- Dayton
- Harper
- Henderson
- Niederhauser
Voting in the negative was: Senator
Weiler

Absent or not voting were: Senators
Urquhart Van Tassell Vickers

H.B. 408 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. 404, SHORT SALE AMENDMENTS, was read the second time.

Senator Bramble proposed the following amendment:

1. Page 1, Lines 12 through 16:

12 This bill:
13 ▶ modifies provisions related to the reconveyance of a trust deed or release of a mortgage to include satisfaction of the obligation secured by the trust deed or by the mortgage, makes a trust deed eligible for reconveyance or a mortgage eligible for release, is sufficient to reconvey the trust deed or to release the mortgage; and

2. Page 2, Lines 38 through 39:

38 sufficient to satisfy the obligation and obtain a release of the mortgage or reconvey the trust deed; or

3. Page 3, Lines 74 through 75:
74 amount agreed to by the beneficiary, mortgagee, or servicer as sufficient to satisfy the
75 obligation and obtain a release of the mortgage or reconvey the trust deed.

4. Page 3, Lines 79 through 80:
79 mortgage has not been paid in full [or that you otherwise object], that satisfaction in payment of an amount
80 less than the whole obligation was not agreed to or was not received by the beneficiary.

5. Page 4, Lines 91 through 92:
91 satisfaction in payment of an amount less than the whole obligation was not agreed to or was not received
92 by the beneficiary, mortgagee, or servicer, or that the beneficiary, mortgagee, or servicer

6. Page 4, Line 109:
109 the beneficiary or servicer as sufficient to satisfy the obligation reconvey the trust deed;

7. Page 4, Lines 113 through 114:
113 trust deed in an amount agreed to by the beneficiary or servicer as sufficient to satisfy the
114 obligation reconvey the trust deed;

8. Page 5, Lines 121 through 122:
121 that the obligation secured by the trust deed has not been paid in full, that satisfaction in payment of an
122 amount less than the whole obligation secured by the trust deed was not agreed to or was not

9. Page 5, Line 140:
140 the mortgagee or servicer as sufficient to satisfy the
144 mortgage in an amount agreed to by the mortgagee or servicer as sufficient to satisfy the
145 obligation—release the mortgage.

11. Page 6, Lines 152 through 153:

152 that the obligation secured by the mortgage has not been paid in full, that satisfaction in payment of an amount less than the whole obligation secured by the mortgage was not agreed to or was not

12. Page 6, Lines 178 through 179:

178 (2) satisfaction in payment of an amount less than the whole obligation was not agreed to or was not received by the beneficiary, mortgagee, or servicer; or

13. Page 7, Lines 187 through 188:

187 (1) the obligation secured by the trust deed or mortgage has not been fully paid; [and]

14. Page 7, Line 190:

190 servicer as sufficient to satisfy the obligation release the mortgage or reconvey the trust deed; and

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

On motion of Senator Bramble, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Bramble, under suspension of the rules, 1st Sub. H.B. 404, SHORT SALE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators

Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne Okerlund
Osmond Reid Robles Shiozawa
Stephenson Stevenson Thatcher Valentine
Niederhauser
Absent or not voting were: Senators
Urquhart       Van Tassell       Vickers       Weiler

1st Sub. H.B. 404, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Jones, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Jones, under suspension of the rules, 1st Sub. H.B. 328, HIGHWAY LITTERING AND FAILING TO SECURE A LOAD AMENDMENTS, was considered read the second and third times. Senator Valentine, Harper, Stephenson, Mayne, Robles, and Jenkins commented and the bill passed on the following roll call:

Yeas, 19; Nays, 8; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams           Bramble       Dabakis       Davis
Dayton          Henderson     Hillyard      Jones
Knudson         Mayne         Okerlund      Osmond
Robles          Shiozawa      Thatcher      Urquhart
Valentine       Vickers       Weiler

Voting in the negative were: Senators
Christensen     Jenkins       Madsen       Reid
Stephenson      Stevenson     Van Tassell   Niederhauser

Absent or not voting were: Senators
Harper          Hinkins

1st Sub. H.B. 328 was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 14, 2013

The House refuses to recede from its amendments to 1st Sub. S.B. 211, REDEVELOPMENT AGENCY AMENDMENTS, by Senator J. Stevenson, and has appointed a Conference Committee consisting of Representatives B. Wilson, J. Knotwell, and Janice Fisher to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Stevenson, the Senate voted to refuse to recede from its amendments to 1st Sub. S.B. 211. President Niederhauser appointed a conference
committee consisting of Senators Stevenson, Adams, and Mayne to meet with a like committee from the House.

***

Mr. President: March 14, 2013

The House adopted the Joint Conference Committee Report dated March 14, 2013, and passed 8th Sub. S.B. 72, PRISON RELOCATION AND DEVELOPMENT AMENDMENTS, by Senator S. Jenkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

Mr. President: March 14, 2013

The House passed, as amended, 2nd Sub. S.B. 107, PUBLIC SHOOTING RANGES, by Senator A. Christensen, and it is transmitted for further consideration

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

***

On motion of Senator Okerlund, and at 4:00 p.m., the Senate sauntered.

The Senate was called to order at 4:30 p.m., with President Niederhauser presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 14, 2013

The Speaker of the House has signed 3rd Sub. S.B. 65, ELECTION CODE – FINANCIAL REPORTING REQUIREMENT AMENDMENTS, by Senator J. Valentine, and it is transmitted for the signature of the President; and

The House passed, S.B. 74, DIGNIFIED BURIAL OF VETERANS REMAINS, by Senator E. Vickers, 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. 78, PHARMACY ACT AMENDMENTS, by Senator J. S. Adams, and it is transmitted for the signature of the President; and
The Speaker of the House has signed 1st Sub. S.B. 80, REMOVAL FROM DATABASE RESTRICTING FIREARM PURCHASE, by Senator D. Thatcher, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 86, INDEPENDENT EXECUTIVE BRANCH ETHICS COMMISSION, by Senator J. Valentine, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 2nd Sub. S.B. 95, WHISTLEBLOWER AMENDMENTS, by Senator S. Reid, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 1st Sub. S.B. 126, COORDINATION OF SERVICES FOR VETERANS, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The House passed, 2nd Sub. S.B. 183, ADOPTION AGENCY MODIFICATIONS, by Senator L. Robles, 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. 196, LICENSE PLATE READER AMENDMENTS, by Senator T. Weiler, and it is transmitted for the signature of the President; and

The House passed, S.B. 232, ADOPTION CODE REVISIONS, by Senator T. Weiler, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, S.B. 258, RENAME UTAH STATE UNIVERSITY – COLLEGE OF EASTERN UTAH, by Senator D. Hinkins, 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. 260, EARLY CHILDHOOD EDUCATION PROGRAMS AMENDMENTS, by Senator S. Urquhart, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 3rd Sub. S.B. 271, SCHOOL GRADING AMENDMENTS, by Senator J. S. Adams, 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 14, 2013

The House concurred in the Senate amendments and passed **1st Sub. H.B. 386**, BAIL BOND AMENDMENTS, by Representative C. Oda, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communication filed. The bill was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

** ***

Mr. President: March 14, 2013

The House passed, as amended, **S.B. 172**, USE OF BOND PROCEEDS BY POLITICAL SUBDIVISIONS, by Senator J. Valentine, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 278**, CAPITAL IMPROVEMENT AMENDMENTS, by Senator W. Harper, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

** ***

Mr. President: March 14, 2013

The House passed **H.J.R. 20**, MASTER STUDY RESOLUTION, by Representative B. Dee, 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.

**CONCURRENCE CALENDAR**

**JOINT CONFERENCE COMMITTEE REPORT**

AMENDMENTS, by Senator S. Jenkins, be replaced and favorably recommends 8th Sub. S.B. 72, PRISON RELOCATION AND DEVELOPMENT AMENDMENTS.

Sen. Scott Jenkins and Rep. Brad Wilson, Chairs

On motion of Senator Jenkins, the Senate voted to adopt the Conference Committee report and placed the bill at the top of the Third Reading Calendar.

THIRD READING CALENDAR

8th Sub. S.B. 72, PRISON RELOCATION AND DEVELOPMENT AMENDMENTS, was before the Senate, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 20; Nays, 8; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Davis
Dayton  Hinkins  Jenkins  Madsen
Okerlund  Osmond  Reid  Shiozawa
Stephenson  Stevenson  Urquhart  Valentine
Van Tassell  Vickers  Weiler  Niederhauser

Voting in the negative were: Senators
Dabakis  Harper  Henderson  Hillyard
Jones  Knudson  Mayne  Robles

Absent or not voting was: Senator Thatcher

8th Sub. S.B. 72 was transmitted to the House for the signature of the Speaker.

CONCURRENCE CALENDAR

On motion of Senator Christensen, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 107, PUBLIC SHOOTING RANGES. Senators Jones and Hillyard commented and the bill, as amended, passed on the following roll call:

Yeas, 18; Nays, 8; Absent or not voting, 3.
Voting in the affirmative were: Senators
Bramble Christensen Dayton Henderson
Hinkins Jenkins Madsen Okerlund
Osmond Reid Shiozawa Stephenson
Stevenson Urquhart Valentine Van Tassell
Weiler Niederhauser

Voting in the negative were: Senators
Dabakis Davis Hillyard Jones
Knudson Mayne Robles Vickers

Absent or not voting were: Senators
Adams Harper Thatcher

2nd Sub. S.B. 107 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 S.B. 172, USE OF BOND PROCEEDS BY POLITICAL SUBDIVISIONS. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Bramble Christensen Dabakis Davis
Dayton Henderson Hillyard Hinkins
Jenkins Jones Knudson Madsen
Mayne Okerlund Osmond Reid
Robles Shiozawa Stephenson Stevenson
Urquhart Valentine Van Tassell Vickers
Weiler Niederhauser

Absent or not voting were: Senators
Adams Harper Thatcher

S.B. 172 was returned to the House for the signature of the Speaker.

* * *

1st Sub. S.B. 278, CAPITAL IMPROVEMENT AMENDMENTS, was before the Senate.

On motion of Senator Okerlund, the bill was circled.
SECOND READING CALENDAR

On motion of Senator Stevenson, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Stevenson, under suspension of the rules, H.B. 380, ECONOMIC DEVELOPMENT REVISIONS, was considered read the second and third times. Senator Hillyard commented and the bill passed on the following roll call:

**Yeas, 25; Nays, 2; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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<td>Niederhauser</td>
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**Voting in the negative were:** Senators

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

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H.B. 380 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 H.B. 227, COHABITANT DEFINITION, and it was before the Senate.

On motion of Senator Stevenson, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Stevenson, under suspension of the rules, H.B. 227, COHABITANT DEFINITION, was considered read the second and third times and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**
Voting in the affirmative were: Senators
Adams       Bramble     Christensen     Dabakis
Davis       Dayton      Henderson      Hillyard
Hinkins     Jenkins     Knudson       Madsen
Mayne       Okerlund    Osmond        Reid
Robles      Shiozawa    Stephenson    Stevenson
Thatcher     Urquhart    Valentine     Van Tassell
Vickers     Niederhauser

Absent or not voting were: Senators
Harper       Jones       Weiler

H.B. 227 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 Senate voted to lift S.B. 3,
APPROPRIATIONS ADJUSTMENTS, from Rules and placed it on the top of the
Second Reading Calendar.

On motion of Senator Hillyard, S.B. 3, APPROPRIATIONS
ADJUSTMENTS, was read the second time and circled.

* * *

H.J.R. 16, JOINT RULES RESOLUTION ON CAMPAIGN
CONTRIBUTIONS, was read the second time.

Senator Valentine proposed the following amendment:

1. Page 2, Lines 29 through 36:

29  (1) As used in this section:
30  (a) “Campaign contribution” {has the same meaning as
   “contribution” as defined in
31  Section 20A–11–101.
32  (b) } means cash or a negotiable instrument contributed for a
   political purpose to a campaigner.
(b) “Campaigner” means:
   (i) a legislative office candidate;
   (ii) an individual who holds a legislative office;
   (iii) a personal campaign committee of a person described in Subsection (1)(b)(i) or (ii);
   (iv) a political action committee controlled by a person described in Subsection (1)(b)(i) or (ii); or
   (v) a person acting on behalf of a person described in Subsections (1)(b)(i) through (iv).

(c) “Capitol hill” is as defined in Section 36–5–1.

33 (c) (d) “Indirect campaign contribution” means a campaign contribution that is delivered to
34 a campaigner:
35 (i) when the campaigner is not present; or
36 (ii) via a third party or delivery service.

(e) “Political purpose” has the same meaning as “political purposes” as defined in Section 20A–11–101.

2. Page 2, Lines 37 through 42:

37 (2) (a) It is an ethical violation for a legislator to accept receipt of a campaign contribution
38 on capitol hill.
   (b) A legislator who is in violation of this section is subject to an ethics complaint regardless of whether the violation occurred while the legislator was a legislative office holder or a legislative office candidate.

39 (3) Notwithstanding Subsection (2), a campaigner shall not be considered to have
40 accepted receipt of a campaign contribution if:
41 (a) the campaign contribution is an indirect campaign contribution; and
42 (b) the campaigner promptly:

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

On motion of Senator Valentine, under suspension of the rules, H.J.R. 16, JOINT RULES RESOLUTION ON CAMPAIGN CONTRIBUTIONS, was considered read the second and third times and passed on the following roll call:
Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  Okerlund
Osmond  Reid  Robles  Shiozawa
Stephenson  Stevenson  Urquhart  Valentine
Van Tassell  Vickers  Niederhauser

Absent or not voting were: Senators

Thatcher  Weiler

H.J.R. 16, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Bramble, under suspension of the rules, the Senate voted to reconsider its action on 1st Sub. H.B. 404, SHORT SALE AMENDMENTS. The bill was placed at the top of the Third Reading Calendar.

THIRD READING CALENDAR

1st Sub. H.B. 404, SHORT SALE AMENDMENTS, was before the Senate, explained by Senator Bramble.

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


On motion of Senator Bramble, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Madsen  Mayne  Okerlund
Absent or not voting were: Senators
Thatcher Weiler

2nd Sub. H.B. 404, as amended, was returned to the House for further consideration.

***

On motion of Senators Adams and Harper, the Senate allowed them to be counted as aye votes to 2nd Sub. S.B. 107. The corrected vote is as follows:

Yeas, 20; Nays, 8; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dayton
Harper Henderson Hinkins Jenkins
Madsen Okerlund Osmond Reid
Shiozawa Stephenson Stevenson Urquhart
Valentine Van Tassell Weiler Niederhauser

Voting in the negative were: Senators
Dabakis Davis Hilyard Jones
Knudson Mayne Robles Vickers

Absent or not voting was: Senator
Thatcher

***

On motion of Senator Okerlund, the Senate voted to lift H.J.R. 20, MASTER STUDY RESOLUTION, from Rules and place it at the top of the Second Reading Calendar.

H.J.R. 20, MASTER STUDY RESOLUTION, was read the second time.

On motion of Senator Okerlund, the bill was circled.

***

On motion of Senator Bramble, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.
On motion of Senator Bramble, under suspension of the rules, **H.B. 399**, NAME AMENDMENTS TO FUNDS AND ACCOUNTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

- Adams
- Bramble
- Christensen
- Dabakis
- Dayton
- Harper
- Henderson
- Hillyard
- Hinkins
- Jenkins
- Jones
- Knudson
- Madsen
- Mayne
- Okerlund
- Osmond
- Reid
- Shiozawa
- Stephenson
- Stevenson
- Urquhart
- Valentine
- Van Tassell
- Vickers
- Niederhauser

**Absent or not voting were:** Senators

- Davis
- Robles
- Thatcher
- Weiler

**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.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 114, 2013

The House adopted the Joint Conference Committee Report dated March 14, 2013, and passed **1st Sub. S.B. 122**, STUDENT LEADERSHIP SKILLS DEVELOPMENT, by Senator A. Osmond, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

The Joint Conference Committee comprised of Senators A. Osmond, S. Reid, and P. Jones, and Representatives G. Hughes, K. Ivory, and M. Poulson, recommends **S.B. 122**, STUDENT LEADERSHIP SKILLS DEVELOPMENT, by Senator A. Osmond, be replaced and favorably recommends **1st Sub. S.B. 122**, STUDENT LEADERSHIP SKILLS DEVELOPMENT.

Sen. Aaron Osmond and Rep. Greg Hughes, Chairs

On motion of Senator Osmond, the Senate voted to adopt the Conference Committee report and place the bill on the Third Reading Calendar.
## THIRD READING CALENDAR

1st Sub. S.B. 122, STUDENT LEADERSHIP SKILLS DEVELOPMENT, was before the Senate, explained by Senator Osmond, and passed on the following roll call:

**Y eas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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<th>Davis</th>
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1st Sub. S.B. 122 was transmitted to the House for the signature of the Speaker.

***

Senator Jenkins made the motion to uncircle 2nd Sub. H.B. 91. The motion failed on a voice vote.

***

On motion of Senator Madsen, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Madsen, under suspension of the rules, H.B. 321, TECHNICAL AMENDMENTS – WEAPONS, was considered read the second and third times and passed on the following roll call:

**Y eas, 26; Nays, 1; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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Shiozawa  Stephenson  Stevenson  Thatcher  
Urquhart  Valentine  Van Tassell  Vickers  
Weiler  Niederhauser

**Voting in the negative was:** Senator Dabakis

**Absent or not voting were:** Senators Osmond Robles

H.B. 321 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. 394, OUTDOOR WOOD BOILERS, was read the second time and circled.

***

On motion of Senator Weiler, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Weiler, under suspension of the rules, H.B. 170, DEOXYRIBONUCLEIC ACID COLLECTION AND RETENTION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yea, 24; Nay, 1; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators Adams  Bramble  Dabakis  Davis  
Dayton  Harper  Henderson  Hillyard  
Hinkins  Jenkins  Knudson  Mayne  
Okerlund  Reid  Shiozawa  Stephenson  
Stevenson  Thatcher  Urquhart  Valentine  
Van Tassell  Vickers  Weiler  Niederhauser

**Voting in the negative was:** Senator Madsen

**Absent or not voting were:** Senators Christensen Jones Osmond Robles
H.B. 170 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 Henderson, H.B. 355, UNCLAIMED PROPERTY AMENDMENTS, was read the second time and circled.

***

On motion of Senator Okerlund, the Senate voted to lift 1st Sub. H.B. 200, REVISOR’S STATUTE, from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Okerlund, 1st Sub. H.B. 200, REVISOR’S STATUTE, was read the second time and circled.

***

On motion of Senator Adams, under suspension of the rules, H.C.R. 10, CONCURRENT RESOLUTION ON THE PATIENT PROTECTION AND AFFORDABLE CARE ACT AND STATE HEALTH CARE REFORM, was considered read the second and third times. Senators Davis, Shiozawa, and Dabakis commented and the bill passed on the following roll call:

Yea, 19; Nay, 4; Absent or not voting, 6.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dayton
Harper Henderson Hillyard Hinkins
Jenkins Knudsen Madsen Okerlund
Osmond Reid Stephenson Thatcher
Urquhart Vickers Weiler

Voting in the negative were: Senators
Dabakis Davis Jones Shiozawa

Absent or not voting were: Senators
Mayne Robles Stevenson Valentine
Van Tassell Niederhauser

H.C.R. 10 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
On motion of Senator Weiler, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Weiler, under suspension of the rules, H.B. 387, VITAL STATISTICS ACT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 24; Nays, 2; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators
Adams  Bramble  Christensen  Dayton  Harper  Henderson  Hillyard  Hinkins  Jenkins  Jones  Knudson  Madsen  Mayne  Okerlund  Osmond  Reid  Robles  Shiozawa  Stephenson  Thatcher  Urquhart  Van Tassell  Vickers  Weiler

**Voting in the negative were:** Senators
Dabakis  Davis

**Absent or not voting were:** Senators
Stevenson  Valentine  Niederhauser

H.B. 387 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, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Bramble, under suspension of the rules, 1st Sub. H.B. 235, PROCESS SERVER AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 23; Nays, 3; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators
Voting in the negative were: Senators
Osmond Reid Weiler

Absent or not voting were: Senators
Madsen Valentine Niederhauser

1st Sub. 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.

* * *

On motion of Senator Robles, the Senate voted to allow her to be counted as a nay vote to H.C.R. 10 and they allowed Senator Weiler to be counted as an aye vote on the same bill. The corrected vote is as follows:

Yeas, 19; Nays, 5; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dayton
Harper Henderson Hillyard Hinkins
Jenkins Knudson Madsen Okerlund
Osmond Reid Stephenson Thatcher
Urquhart Vickers Weiler

Voting in the negative were: Senators
Dabakis Davis Jones Robles
Shiozawa

Absent or not voting were: Senators
Mayne Stevenson Valentine Van Tassell
Niederhauser

* * *

On motion of Senator Van Tassell, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Van Tassell, under suspension of the rules, H.B. 176, UTAH INDUSTRIAL FACILITIES AND DEVELOPMENT ACT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 0; Absent or not voting, 6.
Voting in the affirmative were: Senators
Adams Christensen Dabakis Davis
Dayton Harper Hillyard Jenkins
Jones Knudson Mayne Okerlund
Osmond Reid Robles Shiozawa
Stephenson Stevenson Urquhart Valentine
Van Tassell Vickers Weiler

Absent or not voting were: Senators
Bramble Henderson Hinkins Madsen
Thatcher Niederhauser

H.B. 176 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, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Okerlund, under suspension of the rules, H.B. 382, ESCALANTE REGION GRAZING ZONE, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Senators
Adams Christensen Davis Dayton
Henderson Hillyard Hinkins Jenkins
Jones Knudson Mayne Okerlund
Osmond Reid Robles Shiozawa
Stephenson Stevenson Urquhart Valentine
Van Tassell Vickers Weiler

Absent or not voting were: Senators
Bramble Dabakis Harper Madsen
Thatcher Niederhauser

H.B. 382 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. 331, PROPERTY DAMAGE CLAIMS, was read the second time and circled.
1st Sub. H.B. 236, LAND DEVELOPMENT REVISIONS, was read the second time.

Senator Dayton proposed the following amendment:

1. Page 13, Lines 368 through 371
   House Committee Amendments 3–5–2013:

   368  (d) A county may not adopt a land use ordinance requiring a property owner to

   369  revegetate or landscape a single family dwelling disturbance area unless the property is located in a flood zone or geologic hazard except

   370  as required in Title 19, Chapter 5, Water Quality Act, to comply with federal law related to

   371  water pollution applicable to single family dwelling disturbance area

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

On motion of Senator Dayton, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Dayton, under suspension of the rules, 1st Sub. H.B. 236, LAND DEVELOPMENT REVISIONS, was considered read the second and third times and passed on the following roll call:

**Yeas, 21; Nays, 5; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators
Adams Bramble Christensen Dayton
Harper Henderson Hillyard Hinkins
Jenkins Knudson Osmond Reid
Shiozawa Stephenson Stevenson Thatcher
Urquhart Valentine Van Tassell Vickers
Weiler

**Voting in the negative were:** Senators
Dabakis Davis Jones Mayne
Robles
Absent or not voting were: Senators
Madsen Okerlund Niederhauser

1st Sub. H.B. 236, as amended, was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 14, 2013

The House refuses to recede from its amendments to 4th Sub. S.B. 109, CHANGE APPLICATION PROCEDURE, by Senator R. Okerlund, and has appointed a Conference Committee consisting of Representatives V. L. Snow, M. Brown, and T. Cosgrove to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Okerlund, the Senate voted to refuse to recede from its amendments to 4th Sub. S.B. 109. President Niederhauser appointed a conference committee consisting of Senators Okerlund, Dayton, and Davis to meet with a like committee from the House.

***

Mr. President: March 14, 2013

The House refused to concur with the Senate Amendments to 4th Sub. H.B. 156, RESTORATION OF TERMINATED PARENTAL RIGHTS, by Representative L. Christensen, 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 4th Sub. H.B. 156. President Niederhauser appointed a conference committee consisting of Senators Harper, Weiler, and Robles to meet with a like committee from the House.

***

On motion of Senator Okerlund, and at 6:00 p.m., the Senate recessed.

EVENING SESSION

The Senate reassembled at 7:30 p.m., with President Niederhauser presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 14, 2013

The House adopted the Joint Conference Committee Report dated March 14, 2013, and passed 1st Sub. S.B. 211, REDEVELOPMENT AGENCY
AMENDMENTS, by Senator J. Stevenson, and it is transmitted for further consideration; and

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

On motion of Senator Knudson, the Senate voted to place 1st Sub. H.B. 342 at the top of the Second Reading Calendar.

On motion of Senator Knudson, the Senate lift to H.B. 330 from Rules and place it on the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from S.B. 3, Appropriations Adjustments, and it was before the Senate.

On motion of Senator Hillyard, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Hillyard, under suspension of the rules, S.B. 3, Appropriations Adjustments, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

Y eas, 22; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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S.B. 3 was transmitted to the House.
CONCURRENCE CALENDAR

On motion of Senator Adams, the circle was removed from S.B. 275, ENERGY AMENDMENTS, and it was before the Senate.

On motion of Senator Adams, the Senate refused to concur in the House amendments. S.B. 275 was returned to the House.

* * *

Mr. President: March 14, 2013

The Joint Conference Committee comprised of Senators J. Stevenson, J. S. Adams, and K. Mayne, and Representatives B. Wilson, J. Knotwell, and Janice Fisher, recommends 1st Sub. S.B. 211, REDEVELOPMENT AGENCY AMENDMENTS, by Senator J. Stevenson, with the following amendments:

1. Include the Senate amendments on Page 11, Lines 306 through 309L, of the Goldenrod copy dated 3−11−2013.

2. Include the House amendments on Page 10, Lines 299 through 299a, of the Lilac copy dated 3−14−2013.

3. Do NOT include the following House amendments:
   Page 1, Line 18a;
   Page 2, Line 31a;
   Page 2, Line 32a;
   Page 12, Line 366a through Page 12b, Line 366ay; and
   Page 14, Line 417a through Page 14a, Line 417ax

Sen. Jerry Stevenson, and
Rep. Brad Wilson, Chairs

On motion of Senator Stevenson, the Senate voted to adopt the Conference Committee report and place the bill on the top of the Third Reading Calendar.

THIRD READING CALENDAR

1st Sub. S.B. 211, REDEVELOPMENT AGENCY AMENDMENTS, was before the Senate. The bill passed on the following roll call vote:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams Christensen Dayton Harper
Henderson Hillyard Hinkins Jenkins
Absent or not voting were: Senators
Bramble  Dabakis  Davis  Robles
Thatcher

1st Sub. S.B. 211 was transmitted to the House for the signature of the Speaker.

* * *

On motion of Senators Mayne and Hinkins, the Senate allowed them to cast aye votes on S.B. 3. The corrected vote is as follows:

Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams  Bramble  Christensen  Dayton
Harper  Henderson  Hillyard  Hinkins
Jenkins  Jones  Madsen  Mayne
Okerlund  Osmond  Reid  Shiozawa
Stephenson  Stevenson  Urquhart  Valentine
Van Tassell  Vickers  Weiler  Niederhauser

Absent or not voting were: Senators
Dabakis  Davis  Knudson  Robles
Thatcher

SECOND READING CALENDAR

On motion of Senator Jenkins, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Jenkins, under suspension of the rules, 1st Sub. H.B. 342, WILD TURKEY MANAGEMENT, was considered read the second and third times. Senators Dabakis and Christensen commented and the bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams  Christensen  Dabakis  Davis
Dayton  Harper  Henderson  Hillyard
Absent or not voting was: Senator Bramble

1st Sub. H.B. 342 was returned to the House for further consideration.

***

On motion of Senator Valentine, H.B. 330, INDIGENT DEFENSE IN JUSTICE COURTS, was read the second time and circled.

***

On motion of Senator Okerlund, the circle was removed from 1st Sub. H.B. 200, REVISORS STATUTES, and it was before the Senate.

On motion of Senator Okerlund, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Okerlund, under suspension of the rules, 1st Sub. H.B. 200, REDEVELOPMENT AGENCY AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Shiozawa Stephenson Stevenson
Urquhart Valentine Van Tassell Vickers
Weiler Niederhauser

Absent or not voting were: Senators
Bramble Robles Thatcher

1st Sub. H.B. 200 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, the circle was removed from H.J.R. 20, MASTER STUDY RESOLUTION, and it was before the Senate.

Senator Jenkins proposed the following amendment:

1. Page 19, Line 562:
   After line 562, insert:
   Procurement Code Applicability to Special Districts — to study whether, and how, to make Title 63G, Chapter 6a, Part 23, Unlawful Conduct and Penalties, applicable to special districts.

Senator Jenkins’ motion to amend passed on a voice vote.

Senator Harper proposed the following amendment:

1. Page 19, line 562:
   After line 562, insert:
   Multi-state Tax Compact — to study the multi-state tax compact to identify its costs and benefits to the state of Utah and to the State Tax Commission regarding income tax nexus studies, multi-state audits, and other issues related to the compact agreement.
   Sales Tax Nexus Issues — to study sales tax nexus issues, including online and other retailers who do not have a physical presence in Utah or enter into agreements for delivery, installation, repair, or services to customers in Utah.

Senator Harper’s motion to amend passed on a voice vote. Senator Hillyard commented.

On motion of Senator Okerlund, under suspension of the rules, H.J.R. 20, MASTER STUDY RESOLUTION, was considered read the second and third times and passed on the following roll call:

Y eas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators
Adams  Bramble  Dabakis  Davis
Dayton  Harper  Henderson  Hillyard
Hinkins  Jenkins  Jones  Knudson
Madsen  Mayne  Okerlund  Osmond
Absent or not voting were: Senators
Christensen Robles Niederhauser

H.J.R. 20, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Adams, H.B. 369, STATE AUDITOR REVISIONS, was read the second time and circled.

* * *

On motion of Senator Dayton, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Dayton, under suspension of the rules, H.B. 219, AUDIT REVISIONS, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne Okerlund
Osmond Reid Shiozawa Stephenson
Stevenson Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

Absent or not voting were: Senators
Robles Thatcher

H.B. 219 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 Harper, the circle was removed from H.B. 369, STATE AUDITOR REVISIONS, and it was before the Senate.
On motion of Senator Harper, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Harper, under suspension of the rules, **H.B. 369, STATE AUDITOR REVISIONS**, was considered read the second and third times. Senator Hillyard commented and the bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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

**H.B. 369** 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. 88, LAND USE AMENDMENTS**, and it was before the Senate.

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


On motion of Senator Hinkins, the bill was circled.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 14, 2013

The House substituted, amended, and passed, **2nd Sub. S.B. 90, CONDOMINIUM AND COMMUNITY ASSOCIATION 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.
SECOND READING CALENDAR

On motion of Senator Valentine, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Valentine, under suspension of the rules, H.B. 332, ALTERNATE DISPUTE RESOLUTION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**YeaS, 28; NayS, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator

Davis

H.B. 332 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. 330, FINANCIAL REPORTING AMENDMENTS, and it was before the Senate.

On motion of Senator Bramble, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Bramble, under suspension of the rules, H.B. 330, FINANCIAL REPORTING AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**YeaS, 27; NayS, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Senators

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Mayne Okerlund Osmond Reid
Robles Shiozawa Stephenson Stevenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

Absent or not voting were: Senators
Davis Hinkins

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 Bramble, the circle was removed from H.B. 331, PROPERTY DAMAGE CLAIMS, and it was before the Senate.

Senator Bramble proposed the following amendment:

1. Page 2, Lines 54 through 55
   House Floor Amendments 3–7–2013:

   54 (a) any liability decision in $H\rightarrow \text{the an } \Leftrightarrow H$ original small claims
   54a $H\rightarrow \text{court action or appeal thereof } \Leftrightarrow H \rightarrow \text{nonbinding not binding } \Leftrightarrow \text{not admissible in}
   54a 1 $\text{evidence, and may not be referred to } \Leftrightarrow H$ in any
   55 $H\rightarrow \text{subsequent separate } \Leftrightarrow H \text{legal action for bodily injury; and}$

Senator Bramble’s motion to amend passed on a voice vote. Senators Jenkins, Adams, Hillyard, and Valentine commented.

On motion of Senator Bramble, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Bramble, under suspension of the rules, H.B. 331, PROPERTY DAMAGE CLAIMS, was considered read the second and third times and passed on the following roll call:

Yeas, 19; Nays, 7; Absent or not voting, 3.

Voting in the affirmative were: Senators
Bramble Dabakis Dayton Hillyard
Jenkins Jones Knudson Madsen
Mayne Osmond Reid Robles
Stephenson Thatcher Urquhart Valentine
Van Tassell Weiler Niederhauser

**Voting in the negative were:** Senators
Adams Davis Harper Okerlund
Shiozawa Stevenson Vickers

**Absent or not voting were:** Senators
Christensen Henderson Hinkins

**H.B. 331**, as amended, was returned to the House for further consideration

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:

The House substituted and passed, 2nd Sub. S.B. 102, CONTRACTOR LICENSING AMENDMENTS, by Senator W. Harper, 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 2nd Sub. S.B. 90, CONDOMINIUM AND COMMUNITY ASSOCIATION AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 23; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Senators
Adams Christensen Dabakis Davis
Harper Hillyard Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Shiozawa Stephenson Stevenson
Thatcher Urquhart Valentine Van Tassell
Vickers Weiler Niederhauser

**Absent or not voting were:** Senators
Bramble Dayton Henderson Hinkins
Jenkins Robles
2nd Sub. S.B. 90 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Harper, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 102, CONTRACTOR LICENSING AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

Voting in the affirmative were: Senators

Adams        Christensen        Dabakis        Davis
Dayton       Harper            Henderson       Hillyard
Jenkins      Jones             Knudson         Madsen
Mayne        Okerlund         Osmond          Reid
Shiozawa     Stephenson       Stevenson        Thatcher
Urquhart     Valentine        Van Tassell     Vickers
Weiler       Niederhauser

Absent or not voting were: Senators

Bramble      Hinkins          Robles

2nd Sub. S.B. 102 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Harper, the circle was removed from 1st Sub. S.B. 278, CAPITAL IMPROVEMENT AMENDMENTS, and it was before the Senate.

On motion of Senator Harper, the Senate voted to concur in the House amendments to 1st Sub. S.B. 278, CAPITAL IMPROVEMENT AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 24; Nays, 0; Absent or not voting, 5.**

Voting in the affirmative were: Senators

Adams        Dabakis          Dayton         Harper
Henderson    Hillyard        Jenkins        Jones
Knudson      Madsen          Mayne          Okerlund
Osmond       Reid             Shiozawa       Stephenson
Stevenson    Thatcher        Urquhart       Valentine
Van Tassell  Vickers         Weiler         Niederhauser

Absent or not voting were: Senators

Bramble      Christensen     Davis          Hinkins
Robles
1st Sub. S.B. 278 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

1st Sub. H.B. 396, MODULAR HOME AMENDMENTS, was read the second time.

Senator Vickers proposed the following amendment:

1. Page 6, Lines 163 through 164:

   163 (1) Except as provided in this section, for purposes of this chapter, a modular home is
   164 considered to be personal property.

2. Page 6, Lines 170 through 171:

   170 (a) considered to be an improvement to real property; and
   171 (b) considered to be real property.

3. Page 6, Line 178:

   178 (ii) controls the use and possession of the modular home;

4. Page 7, Lines 181 through 182:

   181 (d) the modular home is assessed as real property for
   182 purposes of property taxes.

5. Page 7, Lines 183 through 184:

   183 (5) (a) The person seeking to have a modular home considered to be an improvement
   184 to real property and considered to be real property shall complete an affidavit of real property.

Senator Vickers’ motion to amend passed on a voice vote. Senators Van Tassell and Valentine commented.

On motion of Senator Vickers, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.
On motion of Senator Vickers, under suspension of the rules, **1st Sub. H.B. 396, MODULAR HOME AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

**Voting in the affirmative were:** Senators

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

**1st Sub. H.B. 396**, as amended, was returned to the House for further consideration.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March ‘4, 2013

The House refuses to recede from its amendments to **S.B. 275, ENERGY AMENDMENTS**, by Senator J. S. Adams, and has appointed a Conference Committee consisting of Representatives J. Draxler, G. Hughes, and P. Arent to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Adams, the Senate voted to refuse to recede from its amendments to **S.B. 275**. President Niederhauser appointed a conference committee consisting of Senators Adams, Stevenson, and Davis to meet with a like committee from the House.

***

Mr. President: March 14, 2013

The House passed, as amended, **S.B. 3, APPROPRIATIONS ADJUSTMENTS**, 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. 3, APPROPRIATIONS ADJUSTMENTS. The bill, as amended, passed on the following roll call:

**Y eas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 3 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Hinkins, the circle was removed from 2nd Sub. H.B. 88, LAND USE AMENDMENTS, and it was before the Senate.

On motion of Senator Hinkins, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Hinkins, under suspension of the rules, 2nd Sub. H.B. 88, LAND USE AMENDMENTS, was considered read the second and third times. Senators Hillyard and Stevenson commented and the bill passed on the following roll call:

**Y eas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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Absent or not voting was: Senator Vickers

2nd Sub. H.B. 88, as amended, was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 14, 2013

The Joint Conference Committee comprised of Senators Weiler, Harper, and Robles, and Representatives Christensen, Menlove, and Cosgrove, recommends 4th Sub. H.B. 156, RESTORATION OF TERMINATED PARENTAL RIGHTS, by Representative L. Christensen, be replaced and favorably recommends 6th Sub. H.B. 156, RESTORATION OF TERMINATED PARENTAL RIGHTS.

Sen. Todd Weiler and Rep. LaVar Christensen, Chairs

On motion of Senator Dayton, the Senate voted to adopt the Conference Committee report and placed the bill at the top of the Third Reading Calendar.

THIRD READING CALENDAR

6th Sub. H.B. 156, RESTORATION OF TERMINATED PARENTAL RIGHTS, was before the Senate, explained by Senator Dayton, and passed on the following roll call:

Yeas, 23; Nays, 1; Absent or not voting, 5.

Voting in the affirmative were: Senators
Bramble          Christensen          Dayton          Harper
Henderson        Hillyard           Jenkins          Jones
Knudson          Madsen             Mayne            Okerlund
Osmond           Reid               Robles           Shiozawa
Stephenson       Thatcher           Urquhart         Valentine
Van Tassell      Weiler             Niederhauser

Voting in the negative was: Senator Dabakis

Absent or not voting were: Senators
Adams            Davis             Hinkins         Stevenson
Vickers
6th Sub. H.B. 156 was transmitted to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 14, 2013

The House adopted the Joint Conference Committee Report dated March 14, 2013, and passed 4th Sub. H.B. 228, ALCOHOLIC BEVERAGE CONTROL ACT AMENDMENTS, by Representative R. Wilcox, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 149, AMENDMENTS TO UTAH EXEMPTIONS ACT, by Representative E. Tanner, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 164, STATE AND POLITICAL SUBDIVISION JURISDICTIONAL AMENDMENTS, by Representative M. Roberts, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 329, MEDICAID VISION 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. 360, WATER AND IRRIGATION REVISIONS, by Representative R. Wilcox, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 401, STATUTE OF LIMITATIONS ON TRESPASS, by Representative G. Froerer, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Okerlund, and at 9:10 p.m., the Senate sauntered.

The Senate was called to order at 9:30 p.m., with President Niederhauser presiding.
COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 14, 2013

The Speaker of the House has signed 8th Sub. S.B. 72, PRISON RELOCATION AND DEVELOPMENT 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. 107, PUBLIC SHOOTING RANGES, by Senator A. Christensen, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 1st Sub. S.B. 122, STUDENT LEADERSHIP SKILLS DEVELOPMENT, by Senator A. Osmond, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 172, USE OF BOND PROCEEDS BY POLITICAL SUBDIVISIONS, by Senator J. Valentine, and it is transmitted for the signature of the President; and

The House passed, S.B. 207, REPEAL OF HEALTH AND HUMAN SERVICES REPORTS AND EXPIRED OR DISCONTINUED PROGRAMS, by Senator A. Christensen, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 211, REDEVELOPMENT AGENCY 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. 218, RECEIVING CENTERS FUNDING 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. 234, FIRE CODE AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 238, 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, 1st Sub. S.B. 244, UTAH DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, by Senator D. Hinkins, which has been signed by the Speaker, and it is transmitted for the signature of the President; and
The House passed, **1st Sub. S.B. 247**, AMENDMENTS TO REVENUE AND TAXATION, by Senator W. Harper, 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. 272**, PUBLIC SCHOOL FUNDING 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 **1st Sub. S.B. 278**, CAPITAL IMPROVEMENT AMENDMENTS, by Senator W. Harper, and it is transmitted for the signature of the President; and

The House passed, **S.B. 282**, ADOPTION NOTIFICATION REQUIREMENTS, 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. 289**, ELECTION OFFENSE 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, **S.C.R. 10**, CONCURRENT RESOLUTION REGARDING MONTICELLO MILL TAILINGS SITE, 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, **1st Sub. S.C.R. 11**, CONCURRENT RESOLUTION ON RADON GAS, 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.C.R. 12**, CHILDREN’S AND FAMILIES’ CANCER RESEARCH FACILITY CONCURRENT RESOLUTION, 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. 13**, JOINT RESOLUTION URGING GOVERNOR AND UTAH’S CONGRESSIONAL DElegation TO SECURE UTAH STATE LAND, by Senator A. Osmond, 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 14, 2013

The House concurred in the Senate amendments and passed 3rd Sub. H.B. 75, OCCUPATIONAL AND PROFESSIONAL LICENSING AMENDMENTS, by Representative B. Greene, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 328, HIGHWAY LITTERING AND FAILING TO SECURE A LOAD AMENDMENTS, by Representative R. Greenwood, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 404, SHORT SALE AMENDMENTS, by Representative M. Roberts, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.J.R. 16, JOINT RULES RESOLUTION ON CAMPAIGN CONTRIBUTIONS, by Representative G. Hughes, and it is transmitted for the signature of the President; and

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

Mr. President: March 14, 2013

The House has rejected S.B. 79, STUDENT−CENTERED LEARNING PILOT PROGRAM, by Senator H. Stephenson, and it is transmitted for filing; and

The House has rejected S.B. 257, PERSONALIZED EDUCATOR EVALUATION TECHNOLOGY, by Senator J. S. Adams, and it is transmitted for filing

Sandy D. Tenney, Chief Clerk

** THIRD READING CALENDAR **

On motion of Senator Jenkins, the circle was removed from 2nd Sub. H.B. 91, VOTER REGISTRATION – ELECTION DAY VOTER REGISTRATION, and it was before the Senate.
Senator Jenkins proposed the following amendment:

1. Page 1, Lines 23 through 24:
   
   Other Special Clauses:
   
   {None} This bill takes effect on July 1, 2015.

2. Page 13, Line 372:
   
   [(b) register the person.]
   
   Section 10. Effective date.
   
   This bill takes effect on July 1, 2015.


###

Senator Madsen proposed the following amendment: #1

1. Page 1, Line 19:
   
   worker; {and–}
   
   subject to sunset review, repeals election day voter registration on July 1, 2017; and

2. Page 2, Lines 35 through 36:
   
   20A–4–107, as last amended by Laws of Utah 2011, Chapters 291, 335 and last
   
   amended by Coordination Clause, Laws of Utah 2011, Chapter 291
   
   63I–1–220, as renumbered and amended by Laws of Utah 2008, Chapter 382

3. Page 13, Line 372:
   
   [(b) register the person.]
   
   Section 10. Section 63I–1–220 is amended to read:
   
   63I–1–220. Repeal dates, Title 20A.
   
   Subsections 20A–4–107(2)(b) through (e) are repealed on July 1, 2017.

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

**Yeas, 10; Nays, 18; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

Dabakis  
Davis  
Hillyard  
Jenkins  
Jones  
Knudson  
Mayne  
Robles  
Shiozawa  
Urquhart

**Voting in the negative were:** Senators

Adams  
Bramble  
Christensen  
Dayton  
Harper  
Henderson  
Madsen  
Okerlund  
Osmond  
Reid  
Stephenson  
Stevenson  
Thatcher  
Valentine  
Van Tassell  
Vickers  
Weiler  
Niederhauser

**Absent or not voting was:** Senator

Hinkins

**2nd Sub. H.B. 91, as amended, was filed.**

**SECOND READING CALENDAR**

On motion of Senator Stephenson, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Stephenson, under suspension of the rules, **H.B. 344, ESTABLISHMENT OF CHARTER SCHOOLS AMENDMENTS,** was considered read the second and third times. Senator Hillyard commented and the bill passed on the following roll call:

**Yeas, 24; Nays, 4; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

Bramble  
Christensen  
Dayton  
Harper  
Henderson  
Hillyard  
Hinkins  
Jenkins  
Jones  
Knudson  
Madsen  
Mayne  
Okerlund  
Osmond  
Reid  
Stephenson  
Stevenson  
Thatcher  
Valentine  
Van Tassell  
Vickers  
Weiler  
Niederhauser

**Voting in the negative were:** Senators

Dabakis  
Davis  
Robles  
Shiozawa
Absent or not voting was: Senator Adams

H.B. 344 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, the circle was removed from H.B. 36, STORM WATER CAPTURE AMENDMENTS, and it was before the Senate.

Senator Okerlund proposed the following amendment:

1. Page 5, Lines 139 through 143a
   Senate Committee Amendments 2–7–2013:

   139 (6) Beneficial use of water under Subsection (2)(b) does not constitute a water right
   140 and may not be:
   141 (a) changed under Section 73–3–3;
   142 (b) assigned; or
   143 (c) consolidated with a water right
   143a (d) used as a basis to establish the availability of water for land use development.

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

On motion of Senator Okerlund, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Okerlund, under suspension of the rules, H.B. 36, STORM WATER CAPTURE AMENDMENTS, was considered read the second and third times and passed on the following roll call:
Yeas, 24; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Senators
Adams    Bramble    Christensen    Dabakis
Davis    Dayton    Henderson    Hinkins
Jones    Knudson    Madsen    Mayne
Okerlund    Osmond    Reid    Shiozawa
Stevenson    Thatcher    Urquhart    Valentine
Van Tassell    Vickers    Weiler    Niederhauser

Absent or not voting were: Senators
Harper    Hillyard    Jenkins    Robles
Stephenson

H.B. 36, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Osmond, the Senate, by a 2/3 vote, voted to suspend the three readings requirement.

On motion of Senator Osmond, under suspension of the rules, H.B. 363, PUBLIC EDUCATION STATE CAPITOL VISIT FUNDING, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 2; Absent or not voting, 0.

Voting in the affirmative were: Senators
Adams    Bramble    Christensen    Dabakis
Davis    Dayton    Harper    Henderson
Hinkins    Jenkins    Jones    Knudson
Madsen    Mayne    Okerlund    Osmond
Reid    Robles    Shiozawa    Stephenson
Stevenson    Thatcher    Valentine    Van Tassell
Vickers    Weiler    Niederhauser

Voting in the negative were: Senators
Hillyard    Urquhart

H.B. 363 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, by a 2/3 vote, voted to suspend the three readings requirement.
On motion of Senator Bramble, under suspension of the rules, H.B. 357, WASTE MANAGEMENT FACILITIES SITING AMENDMENTS, was considered read the second and third times. Senators Jenkins and Hillyard commented and the bill passed on the following roll call:

Y eas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams Bramble Christensen Dabakis
Davis Dayton Harper Henderson
Hillyard Hinkins Jenkins Jones
Knudson Madsen Mayne Okerlund
Osmond Reid Robles Shiozawa
Stephenson Stevenson Thatcher Urquhart
Valentine Van Tassell Vickers Niederhauser

Absent or not voting was: Senator Weiler

H.B. 357, as amended, was returned to the House for further consideration.

***

On motion of Senator Shiozawa, the Senate voted to allow him to cast an aye vote on H.B. 344. The corrected vote is as follows:

Y eas, 25; Nays, 3; Absent or not voting, 1.

Voting in the affirmative were: Senators
Bramble Christensen Dayton Harper
Henderson Hillyard Hinkins Jenkins
Jones Knudson Madsen Mayne
Okerlund Osmond Reid Shiozawa
Stephenson Stevenson Thatcher Urquhart
Valentine Van Tassell Vickers Weiler
Niederhauser

Voting in the negative were: Senators
Dabakis Davis Robles

Absent or not voting was: Senator
Adams

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 14, 2013

The Joint Conference Committee comprised of Senators J. Adams, J. Stevenson, and G. Davis, and Representatives J. Draxler, G. Hughes, and
P. Arent, recommends S.B. 275, ENERGY AMENDMENTS, by Senator J. S. Adams, be replaced and favorably recommends 1st Sub. S.B. 275, ENERGY AMENDMENTS.

Sen. Stuart Adams and
Rep. Jack Draxler, Chairs

On motion of Senator Adams, the Senate voted to adopt the Conference Committee report and placed the bill at the top of the Third Reading Calendar.

THIRD READING CALENDAR

1st Sub. S.B. 275. ENERGY AMENDMENTS, was before the Senate, explained by Senator Adams, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators

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Absent or not voting was: Senator Weiler

1st Sub. S.B 275 was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 14, 2013

The House has rejected S.B. 267, NEW CONVENTION HOTEL DEVELOPMENT INCENTIVE ACT, by Senator J. S. Adams, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

The bill was filed.

***

Mr. President: March 14, 2013

The Speaker of the House has signed S.B. 3, APPROPRIATIONS ADJUSTMENTS, 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. 90**, CONDOMINIUM AND COMMUNITY ASSOCIATION AMENDMENTS, by Senator J. S. Adams, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 93**, INTERLOCAL COOPERATION ACT AMENDMENTS, by Senator J. Valentine, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 102**, CONTRACTOR LICENSING AMENDMENTS, by Senator 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. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 14, 2013

The House adopted the Joint Conference Committee Report dated March 14, 2013, and passed **6th Sub. H.B. 156**, RESTORATION OF TERMINATED PARENTAL RIGHTS, by Representative L. Christensen, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

On motion of Senator Okerlund, and at 10:45 p.m., the Senate sauntered.

The Senate was called to order at 11:40 p.m., with President Niederhauser presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 14, 2013

The House substituted and passed, **1st Sub. S.B. 93**, INTERLOCAL COOPERATION ACT AMENDMENTS, by Senator J. Valentine, 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 Valentine, the Senate voted to concur in the House amendments to 1st Sub. S.B. 93, INTERLOCAL COOPERATION ACT AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis
Davis  Dayton  Harper  Henderson
Hillyard  Hinkins  Jenkins  Jones
Knudson  Mayne  Okerlund  Osmond
Reid  Robles  Shiozawa  Stephenson
Stevenson  Thatcher  Urquhart  Valentine
Van Tassell  Vickers  Weiler  Niederhauser

Absent or not voting was: Senator Madsen

1st Sub. S.B. 93 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 14, 2013

The House passed, S.B. 186, INSURANCE TRANSACTIONS AMENDMENTS, 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, 1st Sub. S.B. 214, CONTINUING EDUCATION FOR PRESCRIPTION DRUGS, 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. 256, PRECONSTRUCTION AND CONSTRUCTION LIENS AMENDMENTS, by Senator S. Jenkins, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 263, CHILD CARE COSTS AMENDMENTS, by Senator T. Weiler, 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. 269, PROPERTY TAX REVISIONS, 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 1st Sub. S.B. 275, ENERGY AMENDMENTS, by Senator J. S. Adams, and it is transmitted for the signature of the President; and

The House passed, S.J.R. 15, JOINT RESOLUTION REGARDING THE IMPACT OF ADULT IMAGES ON CHILDREN’S DEVELOPMENT, by Senator T. Weiler, 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 14, 2013

The House concurred in the Senate amendments and passed H.B. 36, STORM WATER CAPTURE AMENDMENTS, by Representative J. Nielson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 88, LAND USE AMENDMENTS, by Representative M. 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. 236, LAND DEVELOPMENT REVISIONS, by Representative M. Brown, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 331, PROPERTY DAMAGE CLAIMS, by Representative V. L. Snow, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 342, WILD TURKEY MANAGEMENT, 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. 357, WASTE MANAGEMENT FACILITIES SITING 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 1st Sub. H.B. 396, MODULAR HOME AMENDMENTS, by Representative G. Froerer, and it is transmitted for the signature of the President; and
The House concurred in the Senate amendments and passed **H.J.R. 20**, MASTER STUDY RESOLUTION, by Representative B. Dee, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.
On motion of Senator Okerlund, 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 Wayne Niederhauser directed Leslie McLean and Joanna MacKay 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 2013 General Session of the Sixtieth Legislature.

President Niederhauser appointed Senators Curtis Bramble, Evan Vickers, and Jim Dabakis to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Niederhauser appointed Senators Stephen Urquhart, Wayne Harper, and Luz Robles, to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Ralph Okerlund and Senator Gene Davis expressed appreciation to the opposite party.

Senator Allen Christensen, Chairman of the Employee Committee, expressed thanks to all the legislature employees serving in the Office of Legislative Research and General Counsel, Fiscal Analyst, Auditor General, and to the employees in Legislative Printing.

Senator Jones expressed appreciation to all Senate Staff and Session Staff.

Senator Osmond expressed appreciation to the Senate interns for the exceptional work they have done throughout the session.

President Niederhauser expressed appreciation to Senator Lyle Hillyard for his excellent service as Appropriations Chair, to Senator Jerry Stevenson and Appropriations Vice–Chair and to John Valentine as Rules Chair.

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

Senator Bramble reported that his committee, with a like committee from the House of Representatives had notified the Governor. The Governor asked that he convey to the Senate that he has no further business to bring before the legislature but that he would like to speak to the Senate body prior to its adjournment.
COMMITTEE OF THE WHOLE

On motion of Senator Okerlund, Governor Gary R. Herbert spoke in Committee of the Whole.

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

On motion of Senator Okerlund, and at 12:00 a.m., the Senate adjourned sine die.

SENATE STUCK ENACTING CLAUSE
(HOUSE BILLS AND RESOLUTIONS)

Mr. President: March 18, 2013

I am directed to inform the Utah House of Representatives that the Senate on this day struck the enacting clause on the following House Bills and Resolutions:

H.B. 150          Animal Shelter Amendments (Rep. A. Romero)
H.B. 197          Earned Income Tax Credit and Related Funding
                  (Rep. E. Hutchings)
H.B. 206          Internet Safety for Public Schools (Rep. E. Hutchings)
H.B. 274          Tax Credits for Employing a Homeless Person
                  (Rep. B. King)
H.B. 350          Amendments Related to Alcohol (Rep. C. Oda)
H.B. 355          Unclaimed Property Amendments (Rep. D. Lifferth)
H.B. 381          Arbitration Amendments for Dog Bites
                  (Rep. L. Christensen)
H.B. 394          Outdoor Wood Boilers (Rep. M. Noel)

Leslie McLean
Secretary of the Senate

HOUSE STRUCK ENACTING CLAUSE
(SENATE BILLS AND RESOLUTIONS)

Mr. President: March 18, 2013

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:
The Rules Committee recommends the enacting clause be stricken on the following Senate Bills and Resolutions and they be filed:

4th Sub. S.B. 55 Coverage for Autism Spectrum Disorder
(Sen. B. Shiozawa)
S.B. 63 Transportation Planning and Funding Task Force
(Sen. W. Harper)
1st Sub. S.B. 66 Referendum Revisions (Sen. S. Reid)
S.B. 81 School Property Tax Funding (Sen. A. Osmond)
4th Sub. S.B. 109 Change Application Procedure (Sen. R. Okerlund)
1st Sub. S.B. 143 Mortgage and Financial Affairs Amendments
(Sen. W. Harper)
1st Sub. S.B. 152 Alcohol and Drug Related Offense Amendments
(Sen. J. Valentine)
S.B. 159 Theft Amendments (Sen. D. Thatcher)
S.B. 167 Alcoholic Beverage Control Amendments
(Sen. J. Valentine)
1st Sub. S.B. 181 Political Subdivisions Property Amendments
(Sen. W. Harper)
1st Sub. S.B. 184 Youth Suicide Prevention Revisions (Sen. L. Robles)
S.B. 206 Office of Medicaid Inspector General Amendments
(Sen. A. Christensen)
S.B. 209 Grants for Personal Mobile Learning Devices
(Sen. A. Osmond)
S.B. 212 Judicial Code Amendments (Sen. R. Okerlund)
2nd Sub. S.B. 219 Payment of Insurance Proceeds (Sen. S. Urquhart)
S.B. 226 Sales and Use Tax Amendments (Sen. W. Harper)
S.B. 231 Political Action Committee Amendments
(Sen. E. Vickers)
S.B. 239 Alcoholic Beverage Control Act Sampling Amendments
(Sen. J. Valentine)
S.B. 248 Alcoholic Beverage Control Act and Small Manufacturers
(Sen. J. Valentine)
S.B. 254 Penalty for Well Drilling Without a License
(Sen. W. Harper)
S.B. 261 Amendments Related to Alcoholic Beverage Control
(Sen. J. Valentine)
S.B. 279 Math Literacy – Stem Initiative (Sen. S. Urquhart)

Sandy D. Tenney, Chief Clerk

Mr. President: March 14, 2013

The Rules Committee recommends the enacting clause be stricken on the following Senate Bills and Resolutions and they be filed:
S.B. 11  Alimony Amendments (Sen. L. Hillyard)
S.B. 46  Occupational Safety and Health Amendments
         (Sen. L. Robles)
S.B. 47  Procurement Amendments – Small Purchases
         (Sen. R. Okerlund)
S.B. 69  Assessment and Reporting of Student Performance
         (Sen. R. Okerlund)
S.B. 75  Publication of Property Tax Appeals for Nonresidential
         Property (Sen. K. Van Tassell)
S.B. 76  Outdoor Advertising Technology Amendments
         (Sen. P. Knudson)
S.B. 87  Impoundment of Vehicles Amendments (Sen. M. Madsen)
S.B. 91  State Auditor Amendments (Sen. J. Valentine)
S.B. 92  Tethering of Animals (Sen. G. Davis)
S.B. 108 Civil Rights Amendments Relating to Persons with a
         Disability (Sen. P. Jones)
S.B. 116 Garnishment for Debt Collection (Sen. L. Hillyard)
S.B. 117 Legislative Office Definitions (Sen. L. Hillyard)
S.B. 118 Rocky Mountain Center for Occupational and
         Environmental Health Amendments (Sen. K. Mayne)
S.B. 121 Traffic Regulations Regarding Buses (Sen. K. Mayne)
S.B. 133 School Performance Report Amendments
         (Sen. H. Stephenson)
S.B. 134 Utah Performance Assessment System for Students
         (u-pass) Amendments (Sen. M. Dayton)
1st Sub. S.B. 136 Construction Trades Licensing Modifications
         (Sen. P. Knudson)
S.B. 139 Utah Science Center Authority Amendments
         (Sen. T. Weiler)
S.B. 149 Governmental Immunity Amendments (Sen. J. S. Adams)
S.B. 154 Sales and Use Taxation of Water (Sen. S. Jenkins)
S.B. 157 Daylight Saving Time Amendments (Sen. S. Urquhart)
S.B. 163 Status Verification System Amendments (Sen. K. Mayne)
S.B. 174 Warrant Collection Amendments (Sen. S. Urquhart)
1st Sub. S.B. 177 Highway Designation Amendments (Sen. S. Reid)
S.B. 188 Amendments to Adoption Requirements (Sen. T. Weiler)
S.B. 192 Economic Development Incentives Act Amendments
         (Sen. R. Okerlund)
S.B. 195 Utah Charity Care Commission (Sen. J. S. Adams)
S.B. 197 Private Investigators Qualification Amendments
         (Sen. M. Dayton)
1st Sub. S.B. 201  Public Use Trails Amendments (Sen. C. Bramble)
S.B. 202  Extensions of Natural Gas Lines (Sen. R. Okerlund)
S.B. 205  Campaign Finance Amendments (Sen. L. Robles)
S.B. 210  Amendments Related to Use of Business Names (Sen. T. Weiler)
S.B. 216  Water Pollution Task Force (Sen. R. Okerlund)
S.B. 217  Utility Liability Limits (Sen. T. Weiler)
S.B. 220  Traffic Code Amendments (Sen. P. Knudson)
1st Sub. S.B. 227  Patient Information Protection Amendments (Sen. S. Urquhart)
S.B. 237  Taxation of Short-term Lodging (Sen. J. S. Adams)
S.B. 240  Billboard Amendments (Sen. S. Urquhart)
S.B. 243  Bullying and Hazing Amendments (Sen. L. Robles)
S.B. 245  Court Fees for Political Subdivisions (Sen. D. Thatcher)
S.B. 251  Truth in Advertising (Sen. B. Shiozawa)
S.B. 253  Sale of Dogs and Cats (Sen. G. Davis)
S.B. 262  Employment and Housing Antidiscrimination Amendments (Sen. S. Urquhart)
S.B. 264  Office of Recovery Services Pilot Program (Sen. A. Christensen)
S.B. 266  Tax Revisions (Sen. J. Valentine)
S.B. 273  Declared Emergency Amendments (Sen. M. Madsen)
S.B. 274  Condominium Foreclosure Amendments (Sen. S. Urquhart)
S.B. 280  Dispensing Medical Practitioner Amendments (Sen. E. Vickers)
S.B. 286  Employee Lunch Break Amendments (Sen. L. Robles)
S.B. 287  Elementary Education Coteaching (Sen. J. Valentine)
S.B. 288  Uniform Agriculture Cooperative Association Act Amendments (Sen. D. Hinkins)
S.J.R. 4  Joint Resolution on Ethics Complaint Procedures (Sen. L. Robles)
S.J.R. 6  Joint Rules Resolution on Circled Bills (Sen. A. Osmond)
S.J.R. 9  Joint Resolution – Jail Contracting (Sen. M. Madsen)
S.J.R. 10  Joint Resolution on the Protection of the Greater Canyonlands Region (Sen. J. Dabakis)
S.R. 1  Senate Resolution on Government Subsidies of Hotels (Sen. J. Valentine)

John L. Valentine
Rules Committee Chair
### SUMMARY OF LEGISLATION
#### 2013 GENERAL SESSION

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### STATISTICAL SUMMARY OF GENERAL SESSIONS
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2013 GENERAL SESSION
SIXTIETH LEGISLATURE

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Transmitted to the House ............................................................................. 241
Signed by the President and transmitted to the Governor ...................................... 396

S.B. 107 — PUBLIC SHOOTING RANGES (A. Christensen)
Read the first time by short title and referred to the Rules Committee. ......................... 87
Assigned to standing committee ...................................................................... 98
Substituted .................................................................................................. 639
Amendments ................................................................................................ 639
Committee report adopted and placed on calendar .................................................. 639
Read the second time ..................................................................................... 835
Read the third time ....................................................................................... 878
Transmitted to the House .............................................................................. 878
Placed on Concurrence Calendar .................................................................... 1120
Concurrence ................................................................................................. 1123
Returned to the House .................................................................................. 1124
Signed by the President and transmitted to the Governor .................................... 1155

S.B. 108 — CIVIL RIGHTS AMENDMENTS RELATING TO PERSONS WITH A DISABILITY (P. Jones)
Read the first time by short title and referred to the Rules Committee. ......................... 87
Enacting Clause Stricken ................................................................................ 1171

S.B. 109 — CHANGE APPLICATION PROCEDURE (R. Okerlund)
Read the first time by short title and referred to the Rules Committee. ......................... 87
Assigned to standing committee ...................................................................... 99
Substituted .................................................................................................. 349
Committee report adopted and placed on calendar .................................................. 349
Placed on Time Certain Calendar .................................................................. 415
Read the second time ..................................................................................... 462
Read the third time ....................................................................................... 499
Transmitted to the House .............................................................................. 500
Placed on Concurrence Calendar .................................................................... 1105
Before the Senate ......................................................................................... 1106
Circled ......................................................................................................... 1106
Uncircled ..................................................................................................... 1108
Refuse to Recede ......................................................................................... 1108, 1138
Returned to the House .................................................................................. 1108
Enacting Clause Stricken ................................................................................ 1170

S.B. 110 — SCHOOL-BASED BUDGETING AMENDMENTS (H. Stephenson)
Read the first time by short title and referred to the Rules Committee. ......................... 87
Assigned to standing committee ...................................................................... 97
Committee report adopted and placed on calendar .................................................. 348
Read the second time ..................................................................................... 528
Circled ......................................................................................................... 934
Uncircled ..................................................................................................... 935
Substituted .................................................................................................. 935
Failed .......................................................................................................... 935
Filed ............................................................................................................ 935

S.B. 111 — ELECTRONIC FILING OF TRAFFIC CITATIONS AND ACCIDENT REPORTS (L. Hillyard)
Read the first time by short title and referred to the Rules Committee. ......................... 87
Assigned to standing committee ...................................................................... 99
Committee report adopted and placed on calendar .................................................. 144
Read the second time ..................................................................................... 180
Read the third time ....................................................................................... 198
Transmitted to the House .............................................................................. 199
Placed on Concurrence Calendar .................................................................... 398
Before the Senate ......................................................................................... 439
Circled ......................................................................................................... 439
Uncircled ..................................................................................................... 459
Concurrence ................................................................................................. 459
Returned to the House .................................................................................. 459
Signed by the President and transmitted to the Governor .................................... 467

S.B. 112 — WORK WEEK AMENDMENTS (A. Osmond)
Read the first time by short title and referred to the Rules Committee. ......................... 87
Assigned to standing committee ...................................................................... 98
Substituted .................................................................................................. 402
Committee report adopted and placed on calendar .................................................. 402
Placed on Time Certain Calendar .................................................................... 520
S.B. 113 — LONG-TERM DISABILITY COVERAGE AMENDMENTS (T. Weiler)
Read the first time by short title and referred to the Rules Committee.
Assigned to standing committee .................................................. 87
Amendments ........................................................................... 235, 463, 643
Committee report adopted and placed on calendar ....................... 235
Read the second time .................................................................. 474
Read the third time .................................................................... 501
Transmitted to the House ................................................................. 502
Signed by the President and transmitted to the Governor .......... 743

S.B. 114 — SAFETY BELT AMENDMENTS (L. Robles)
Read the first time by short title and referred to the Rules Committee.
Assigned to standing committee .................................................. 87
Amendments ........................................................................... 114
Committee report adopted and placed on calendar ....................... 235
Read the second time .................................................................. 462
Read the third time .................................................................... 500
Transmitted to the House ................................................................. 643
Signed by the President and transmitted to the Governor .......... 644

S.B. 115 — WATER DEVELOPMENT COMMISSION AMENDMENTS (M. Dayton)
Read the first time by short title and referred to the Rules Committee.
Assigned to standing committee .................................................. 88
Read the second time .................................................................. 99, 115
Read the third time .................................................................... 177
Transmitted to the House ................................................................. 196
Signed by the President and transmitted to the Governor .......... 396

S.B. 116 — GARNISHMENT FOR DEBT COLLECTION (L. Hillyard)
Read the first time by short title and referred to the Rules Committee.
Assigned to standing committee .................................................. 88
Returned to Rules ...................................................................... 98
Enacting Clause Stricken ................................................................. 812

S.B. 117 — LEGISLATIVE OFFICE DEFINITIONS (L. Hillyard)
Read the first time by short title and referred to the Rules Committee.
Enacting Clause Stricken ................................................................. 1171

S.B. 118 — ROCKY MOUNTAIN CENTER FOR OCCUPATIONAL AND ENVIRONMENTAL HEALTH AMENDMENTS (K. Mayne)
Read the first time by short title and referred to the Rules Committee.
Assigned to standing committee .................................................. 88
Committee report adopted and placed on calendar ....................... 156
Read the second time .................................................................. 183
Transmitted to the House ................................................................. 201
Before the Senate ...................................................................... 201
Enacting Clause Stricken ................................................................. 1171

S.B. 119 — YOUTH COURT AMENDMENTS (J. Stevenson)
Read the first time by short title and referred to the Rules Committee.
Assigned to standing committee .................................................. 88
Committee report adopted and placed on calendar ....................... 157
Read the second time .................................................................. 201
Transmitted to the House ................................................................. 219
Signed by the President and transmitted to the Governor .......... 359
S.B. 120 — TARGET SHOOTING AND WILDFIRE REGULATIONS (M. Dayton)
Read the first time by short title and referred to the Rules Committee.................................. 88
Assigned to standing committee ...................................................................................... 98
Committee report adopted and placed on calendar ............................................................... 115
Read the second time ........................................................................................................ 165
Circled ................................................................................................................................. 165
Uncircled ............................................................................................................................. 165
Amendments ...................................................................................................................... 482
Read the third time .............................................................................................................. 517
Transmitted to the House .................................................................................................. 517
Placed on Concurrence Calendar ....................................................................................... 770
Concurrence ...................................................................................................................... 813
Returned to the House ...................................................................................................... 813
Signed by the President and transmitted to the Governor .................................................. 838

S.B. 121 — TRAFFIC REGULATIONS REGARDING BUSES (K. Van Tassell)
Read the first time by short title and referred to the Rules Committee.................................. 88
Assigned to standing committee ...................................................................................... 99
Returned to Rules .............................................................................................................. 847
Enacting Clause Stricken .................................................................................................... 1171

S.B. 122 — STUDENT LEADERSHIP SKILLS DEVELOPMENT (A. Osmond)
Read the first time by short title and referred to the Rules Committee.................................. 88
Assigned to standing committee ...................................................................................... 98
Amendments ...................................................................................................................... 232
Committee report adopted and placed on calendar ............................................................... 232
Read the second time ........................................................................................................ 274
Read the third time ............................................................................................................. 290
Transmitted to the House .................................................................................................. 309
Placed on Concurrence Calendar ....................................................................................... 1090
Refuse to Concur ............................................................................................................... 1091
Returned to the House ...................................................................................................... 1091
Refuse to Recede ............................................................................................................... 1114
Placed on Concurrence Calendar ....................................................................................... 1130
Substituted ......................................................................................................................... 1130
Before the Senate ............................................................................................................ 1131
Returned to the House ...................................................................................................... 1131
Signed by the President and transmitted to the Governor .................................................. 1155

S.B. 123 — RUNAWAY VEHICLE RAMP REQUIREMENTS (K. Van Tassell)
Read the first time by short title and referred to the Rules Committee.................................. 88
Assigned to standing committee ...................................................................................... 99
Committee report adopted and placed on calendar ............................................................... 144
Read the second time ........................................................................................................ 180
Read the third time ............................................................................................................. 199
Transmitted to the House .................................................................................................. 199
Substituted ......................................................................................................................... 396

S.B. 124 — SALES AND USE TAX EXEMPTION FOR DATABASE ACCESS (W. Harper)
Read the first time by short title and referred to the Rules Committee.................................. 88
Assigned to standing committee ...................................................................................... 99
Substituted ......................................................................................................................... 237
Amendments ...................................................................................................................... 237
Committee report adopted and placed on calendar ............................................................... 237
Read the second time ........................................................................................................ 474
Circled ................................................................................................................................. 474
Uncircled ............................................................................................................................. 476
Read the third time ............................................................................................................. 503
Transmitted to the House .................................................................................................. 503
Signed by the President and transmitted to the Governor .................................................. 790

S.B. 125 — DISTRICT COURT JUDGE AMENDMENTS (K. Van Tassell)
Read the first time by short title and referred to the Rules Committee.................................. 88
Assigned to standing committee ...................................................................................... 98
Committee report adopted and placed on calendar ............................................................... 144
Read the second time ........................................................................................................ 179
Read the third time ............................................................................................................. 197
Transmitted to the House .................................................................................................. 197
Signed by the President and transmitted to the Governor .................................................. 1071

S.B. 126 — COORDINATION OF SERVICES FOR VETERANS (P. Knudson)
Read the first time by short title and referred to the Rules Committee.................................. 88
Assigned to standing committee ...................................................................................... 98
Substituted ......................................................................................................................... 211
Amendments ...................................................................................................................... 211
Committee report adopted and placed on calendar ............................................................... 211
Read the second time ........................................................................................................ 224
Circled ................................................................................................................................. 224
Uncircled ............................................................................................................................. 224
Read the third time ............................................................................................................. 245
S.B. 127 — JUVENILE COURT JUDGE AMENDMENTS (K. Van Tassell)
Read the first time by short title and referred to the Rules Committee. .......................... 88
Assigned to standing committee ...................................................................................... 98
Committee report adopted and placed on calendar ......................................................... 144
Read the second time ........................................................................................................ 179
Read the third time .......................................................................................................... 198
Transmitted to the House .................................................................................................. 198
Signed by the President and transmitted to the Governor .................................................. 1071

S.B. 128 — FINANCIAL TRANSPARENCY IN EDUCATION (D. Thatcher)
Read the first time by short title and referred to the Rules Committee. .......................... 88
Assigned to standing committee ...................................................................................... 98
Committee report adopted and placed on calendar ......................................................... 102
Read the second time ........................................................................................................ 164
Read the third time .......................................................................................................... 171
Transmitted to the House .................................................................................................. 171
Signed by the President and transmitted to the Governor .................................................. 1071

S.B. 129 — OFFICE OF STATE DEBT COLLECTION — ADMINISTRATIVE GARNISHMENT ORDER (L. Hillyard)
Read the first time by short title and referred to the Rules Committee. .......................... 88
Assigned to standing committee ...................................................................................... 98
Committee report adopted and placed on calendar ......................................................... 115
Amendments .................................................................................................................... 174
Read the second time ........................................................................................................ 174
Read the third time .......................................................................................................... 195
Transmitted to the House .................................................................................................. 195
Placed on Concurrence Calendar .................................................................................. 423
Before the Senate ............................................................................................................. 440
Circled ................................................................................................................................. 440
Uncircled ............................................................................................................................. 459
Concurrence ..................................................................................................................... 459
Returned to the House ..................................................................................................... 460
Signed by the President and transmitted to the Governor .................................................. 467

S.B. 130 — SECURITY PERSONNEL LICENSING ACT AMENDMENTS (M. Dayton)
Read the first time by short title and referred to the Rules Committee. .......................... 89
Assigned to standing committee ...................................................................................... 98
Amendments ..................................................................................................................... 113
Committee report adopted and placed on calendar ......................................................... 157
Read the second time ........................................................................................................ 202
Read the third time .......................................................................................................... 214
Transmitted to the House .................................................................................................. 214
Signed by the President and transmitted to the Governor .................................................. 422

S.B. 131 — ASSAULT AMENDMENTS (A. Osmond)
Read the first time by short title and referred to the Rules Committee. .......................... 89
Assigned to standing committee ...................................................................................... 143
Amendments ..................................................................................................................... 270
Committee report adopted and placed on calendar ......................................................... 270
Placed on Time Certain Calendar .................................................................................. 370
Read the second time ........................................................................................................ 433
Read the third time .......................................................................................................... 449
Transmitted to the House .................................................................................................. 449
Signed by the President and transmitted to the Governor .................................................. 1071

S.B. 132 — UTAH MEDICAL EDUCATION COUNCIL AMENDMENTS (W. Harper)
Read the first time by short title and referred to the Rules Committee. .......................... 89
Assigned to standing committee ...................................................................................... 98
Committee report adopted and placed on calendar ......................................................... 157
Read the second time ........................................................................................................ 201
Circled ................................................................................................................................. 201
Uncircled ............................................................................................................................. 373
Solveled ............................................................................................................................... 389
Read the third time .......................................................................................................... 389
Amendments ..................................................................................................................... 389
Transmitted to the House .................................................................................................. 391
Signed by the President and transmitted to the Governor .................................................. 769

S.B. 133 — SCHOOL PERFORMANCE REPORT AMENDMENTS (H. Stephenson)
Read the first time by short title and referred to the Rules Committee. .......................... 89
Assigned to standing committee ...................................................................................... 98
Committee report adopted and placed on calendar ......................................................... 605
Read the second time ........................................................................................................ 835
Circled ................................................................................................................................. 835
Enacting Clause Stricken ................................................................................................. 1171
S.B. 134 — UTAH PERFORMANCE ASSESSMENT SYSTEM FOR STUDENTS (U-PASS) AMENDMENTS (M. Dayton)
Read the first time by short title and referred to the Rules Committee ................................. 89
Assigned to standing committee ................................................................. 98
Returned to Rules .............................................................................. 843
Enacting Clause Stricken ........................................................................ 1171
S.B. 135 — IN VOLUNTARY COMMITMENT AMENDMENTS (T. Weiler)
Read the first time by short title and referred to the Rules Committee .................................. 89
Assigned to standing committee ............................................................... 143
Committee report adopted and placed on calendar ............................................ 188
Read the second time ........................................................................... 222
Read the third time ................................................................................ 244
Circled ................................................................................................. 244
Uncircled ............................................................................................... 248
Amendments ......................................................................................... 260
Transmitted to the House ......................................................................... 261
Signed by the President and transmitted to the Governor ................................. 377
S.B. 136 — CONSTRUCTION TRADES LICENSING MODIFICATIONS (P. Knudson)
Read the first time by short title and referred to the Rules Committee ......................... 89
Assigned to standing committee ............................................................... 97
Substituted ............................................................................................. 841
Returned to Rules .................................................................................. 841
Enacting Clause Stricken ......................................................................... 1171
S.B. 137 — MOTOR VEHICLE REGISTRATION ENFORCEMENT AMENDMENTS (D. Thatcher)
Read the first time by short title and referred to the Rules Committee ......................... 100
Assigned to standing committee ............................................................... 114
Committee report adopted and placed on calendar ............................................ 213
Read the second time ........................................................................... 227
Read the third time ................................................................................ 248
Transmitted to the House ......................................................................... 248
Signed by the President and transmitted to the Governor ................................. 397
S.B. 138 — AMENDMENTS TO REQUIREMENTS FOR GOVERNOR’S PROPOSED BUDGET (W. Harper)
Read the first time by short title and referred to the Rules Committee ......................... 103
Assigned to standing committee ............................................................... 143
Read the second time ........................................................................... 169
Read the third time ................................................................................ 203
Transmitted to the House ......................................................................... 215
S.B. 139 — UTAH SCIENCE CENTER AUTHORITY AMENDMENTS (T. Weiler)
Read the first time by short title and referred to the Rules Committee ......................... 103
Assigned to standing committee ............................................................... 114
Returned to Rules .................................................................................. 845
Enacting Clause Stricken ......................................................................... 1171
S.B. 140 — SERVICE AREA BOARD OF TRUSTEES (T. Weiler)
Read the first time by short title and referred to the Rules Committee ......................... 103
Assigned to standing committee ............................................................... 113
Amendments ......................................................................................... 192
Committee report adopted and placed on calendar ............................................ 192
Read the second time ........................................................................... 205
Read the third time ................................................................................ 216
Transmitted to the House ......................................................................... 217
Signed by the President and transmitted to the Governor ................................. 397
S.B. 141 — EDUCATION CONTRIBUTION ON TAX RETURNS (D. Thatcher)
Read the first time by short title and referred to the Rules Committee ......................... 103
Assigned to standing committee ............................................................... 114
Committee report adopted and placed on calendar ............................................ 170
Read the second time ........................................................................... 203
Read the third time ................................................................................ 215
Transmitted to the House ......................................................................... 216
Signed by the President and transmitted to the Governor ................................. 359
S.B. 142 — REPEAL OF BLACKLISTING PROVISIONS (D. Thatcher)
Read the first time by short title and referred to the Rules Committee ......................... 112
Assigned to standing committee ............................................................... 143
Committee report adopted and placed on calendar ............................................ 156
Read the second time ........................................................................... 182
Read the third time ................................................................................ 200
Transmitted to the House ......................................................................... 200
Signed by the President and transmitted to the Governor ................................. 324
S.B. 143 — MORTGAGE AND FINANCIAL AFFAIRS AMENDMENTS (W. Harper)
Read the first time by short title and referred to the Rules Committee ......................... 112
Assigned to standing committee ............................................................... 143
Substituted ............................................................................................. 426
S.B. 144 — REAUTHORIZATION OF PROHIBITIONS ON PRACTICING LAW WITHOUT A LICENSE (S. Jenkins)

- Read the first time by short title and referred to the Rules Committee
- Assigned to standing committee
- Committee report adopted and placed on calendar
- Read the second time
- Transmitted to the House
- Enacting Clause Stricken
- Signed by the President and transmitted to the Governor
- Returned to the House

S.B. 145 — COUNTY ATTORNEY CHAPTER RECODIFICATION (T. Weiler)

- Read the first time by short title and referred to the Rules Committee
- Assigned to standing committee
- Amendments
- Committee report adopted and placed on calendar
- Read the second time
- Read the third time
- Transmitted to the House
- Placed on Concurrence Calendar
- Concurrence
- Returned to the House
- Signed by the President and transmitted to the Governor

S.B. 146 — DRIVING UNDER THE INFLUENCE AMENDMENTS (S. Jenkins)

- Read the first time by short title and referred to the Rules Committee
- Assigned to standing committee
- Committee report adopted and placed on calendar
- Read the second time
- Read the third time
- Transmitted to the House
- PLaced on Concurrence Calendar
- Before the Senate
- Circed
- Uncircled
- Concurrence
- Returned to the House
- Signed by the President and transmitted to the Governor

S.B. 147 — WORKERS’ COMPENSATION AND OCCUPATIONAL SAFETY RELATED AMENDMENTS (K. Mayne)

- Read the first time by short title and referred to the Rules Committee
- Partitioned
- Substituted
- Read the second time and placed on Consent Calendar
- Before the Senate
- Circed
- Uncircled
- Concurrence
- Returned to the House
- Signed by the President and transmitted to the Governor

S.B. 148 — CONSERVATION DISTRICTS – CLOSED MEETINGS AMENDMENTS (D. Hinkins)

- Read the first time by short title and referred to the Rules Committee
- Assigned to standing committee
- 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

S.B. 149 — GOVERNMENTAL IMMUNITY AMENDMENTS (J. S. Adams)

- Read the first time by short title and referred to the Rules Committee
- Returned to Rules
- Enacting Clause Stricken

S.B. 150 — FINANCIAL INSTITUTION AMENDMENTS (J. S. Adams)

- Read the first time by short title and referred to the Rules Committee
- Assigned to standing committee
- Committee report adopted and placed on calendar
- Read the second time
- Read the third time
- Uncircled
- Transmitted to the House
- Signed by the President and transmitted to the Governor
S.B. 151 — AUTHORIZATION OF CHARTER SCHOOLS BY HIGHER EDUCATION INSTITUTIONS (J. S. Adams)
Read the first time by short title and referred to the Rules Committee ........................................... 134
Assigned to standing committee ........................................................................................................ 155
Amendments ........................................................................................................................................ 188, 872
Committee report adopted and placed on calendar ........................................................................... 188
Read the second time ......................................................................................................................... 205
Read the third time ............................................................................................................................. 216
Circled ................................................................................................................................................. 216
Uncircled ............................................................................................................................................. 871
Transmitted to the House .................................................................................................................... 874
Signed by the President and transmitted to the Governor ................................................................. 1022

S.B. 152 — ALCOHOL AND DRUG RELATED OFFENSE AMENDMENTS (J. S. Adams)
Read the first time by short title and referred to the Rules Committee ........................................... 134
Assigned to standing committee ........................................................................................................ 155
Substituted ......................................................................................................................................... 155
Committee report adopted and placed on calendar ........................................................................... 192
Read the second time ......................................................................................................................... 206
Read the third time ............................................................................................................................. 218
Transmitted to the House .................................................................................................................... 218
Signed by the President and transmitted to the Governor ................................................................. 397

S.B. 153 — LOCAL GOVERNMENT DEVELOPMENT AMENDMENTS (J. S. Adams)
Read the first time by short title and referred to the Rules Committee ........................................... 145
Assigned to standing committee ........................................................................................................ 155
Committee report adopted and placed on calendar ........................................................................... 192
Read the second time ......................................................................................................................... 206
Read the third time ............................................................................................................................. 218
Transmitted to the House .................................................................................................................... 218
Signed by the President and transmitted to the Governor ................................................................. 397

S.B. 154 — SALES AND USE TAXATION OF WATER (S. Jenkins)
Read the first time by short title and referred to the Rules Committee ........................................... 145
Assigned to standing committee ........................................................................................................ 155
Amendments ....................................................................................................................................... 845
Returned to Rules .............................................................................................................................. 845
Enacting Clause Stricken ................................................................................................................... 1171

S.B. 155 — POSTADOPTION CONTRACT AGREEMENTS (L. Hillyard)
Read the first time by short title and referred to the Rules Committee ........................................... 145
Assigned to standing committee ........................................................................................................ 155
Substituted ......................................................................................................................................... 364
Committee report adopted and placed on calendar ........................................................................... 364
Read the second time ......................................................................................................................... 531
Read the third time ............................................................................................................................. 541
Circled ................................................................................................................................................. 541
Uncircled ............................................................................................................................................ 565
Read the first, second, and third time ................................................................................................. 566
Transmitted to the House .................................................................................................................... 566
Signed by the President and transmitted to the Governor ................................................................. 1086

S.B. 156 — JAIL RELEASE AMENDMENTS (J. S. Adams)
Read the first time by short title and referred to the Rules Committee ........................................... 145
Assigned to standing committee ........................................................................................................ 169
Committee report adopted and placed on calendar ........................................................................... 236
Read the second time ......................................................................................................................... 472
Read the third time ............................................................................................................................. 500
Transmitted to the House .................................................................................................................... 501
Signed by the President and transmitted to the Governor ................................................................. 744

S.B. 157 — DAYLIGHT SAVING TIME AMENDMENTS (S. Urquhart)
Read the first time by short title and referred to the Rules Committee ........................................... 152
Assigned to standing committee ........................................................................................................ 187
Returned to Rules .............................................................................................................................. 799
Enacting Clause Stricken ................................................................................................................... 1171

S.B. 158 — MUNICIPAL GENERAL FUND AMENDMENTS (D. Henderson)
Read the first time by short title and referred to the Rules Committee ........................................... 152
Assigned to standing committee ........................................................................................................ 169
Committee report adopted and placed on calendar ........................................................................... 211
Read the second time ......................................................................................................................... 224
Read the third time ............................................................................................................................. 224
Circled ............................................................................................................................................... 373
Uncircled ........................................................................................................................................... 391
Transmitted to the House .................................................................................................................... 391
Signed by the President and transmitted to the Governor ................................................................. 549

S.B. 159 — THEFT AMENDMENTS (D. Thatcher)
Read the first time by short title and referred to the Rules Committee ........................................... 158
Assigned to standing committee ........................................................................................................ 169
Committee report adopted and placed on calendar ......................................................... 284
Read the second time ................................................................................................. 479
Read the third time ...................................................................................................... 507
Transmitted to the House .......................................................................................... 507
Enacting Clause Stricken .......................................................................................... 1170

S.B. 160 — PATRONIZING A PROSTITUTE AMENDMENTS (J. Stevenson)
Read the first time by short title and referred to the Rules Committee ....................... 158
Assigned to standing committee ............................................................................... 169
Committee report adopted and placed on calendar ..................................................... 236
Read the second time ................................................................................................. 473
Read the third time ...................................................................................................... 501
Circled ......................................................................................................................... 501
Uncircled ..................................................................................................................... 518
Transmitted to the House .......................................................................................... 519
Signed by the President and transmitted to the Governor ........................................... 769

S.B. 161 — RESTITUTION AMENDMENTS (C. Bramble)
Read the first time by short title and referred to the Rules Committee ....................... 166
Assigned to standing committee ............................................................................... 186
Amendments ............................................................................................................... 232, 335
Committee report adopted and placed on calendar ..................................................... 232
Placed on Time Certain Calendar ............................................................................. 240
Read the second time ................................................................................................. 292
Read the third time ...................................................................................................... 314
Circled ......................................................................................................................... 314
Uncircled ..................................................................................................................... 335
Transmitted to the House .......................................................................................... 336
Signed by the President and transmitted to the Governor ........................................... 452

S.B. 162 — CONCURRENT ENROLLMENT AMENDMENTS (S. Urquhart)
Read the first time by short title and referred to the Rules Committee ....................... 166
Assigned to standing committee ............................................................................... 186
Committee report adopted and placed on calendar ..................................................... 233
Read the second time ................................................................................................. 274
Read the third time ...................................................................................................... 290
Transmitted to the House .......................................................................................... 291
Placed on Concurrence Calendar ............................................................................. 423
Concurrence ............................................................................................................... 440
Returned to the House ............................................................................................... 441
Signed by the President and transmitted to the Governor ........................................... 467

S.B. 163 — STATUS VERIFICATION SYSTEM AMENDMENTS (K. Mayne)
Read the first time by short title and referred to the Rules Committee ....................... 166
Enacting Clause Stricken .......................................................................................... 1171

S.B. 164 — PAROLE VIOLATOR CENTERS ALLOCATIONS (L. Robles)
Read the first time by short title and referred to the Rules Committee ....................... 194
Assigned to standing committee ............................................................................... 210
Committee report adopted and placed on calendar ..................................................... 271
Read the second time ................................................................................................. 478
Read the third time ...................................................................................................... 505
Transmitted to the House .......................................................................................... 506
Signed by the President and transmitted to the Governor ........................................... 744

S.B. 165 — PHYSICAL THERAPY PRACTICE ACT AMENDMENTS (T. Weiler)
Read the first time by short title and referred to the Rules Committee ....................... 213
Assigned to standing committee ............................................................................... 231
Committee report adopted and placed on calendar ..................................................... 254
Read the second time ................................................................................................. 476
Read the third time ...................................................................................................... 502
Transmitted to the House .......................................................................................... 502
Signed by the President and transmitted to the Governor ........................................... 899

S.B. 166 — HOSPITAL ASSESSMENT AMENDMENTS (L. Hillyard)
Read the first time by short title and referred to the Rules Committee ....................... 213
Assigned to standing committee ............................................................................... 231
Read the second time and placed on Consent Calendar ............................................. 254
Amendments ............................................................................................................... 255
Placed on Second Reading Calendar ....................................................................... 258
Read the second time ................................................................................................. 476
Substituted .................................................................................................................. 476
Read the third time ...................................................................................................... 503
Circled ......................................................................................................................... 503
Uncircled ..................................................................................................................... 506
Read the first, second, and third time ....................................................................... 507
Transmitted to the House .......................................................................................... 507
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<td>S.B. 167</td>
<td>ALCOHOLIC BEVERAGE CONTROL AMENDMENTS (J. Valentine)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td>S.B. 168</td>
<td>CERTIFIED PUBLIC ACCOUNTANT LICENSING AMENDMENTS (C. Bramble)</td>
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<td>S.B. 169</td>
<td>EDUCATION TASK FORCE (S. Reid)</td>
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<td>IDENTITY FRAUD AMENDMENTS (D. Thatcher)</td>
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<td>S.B. 171</td>
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<td>USE OF BOND PROCEEDS BY POLITICAL SUBDIVISIONS (J. Valentine)</td>
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<td>S.B. 173</td>
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<td>Committee report adopted and placed on calendar</td>
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<td>S.B. 185</td>
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<td>S.B. 187</td>
<td>FOOD HANDLER LICENSING AMENDMENTS (C. Bramble)</td>
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<td>AMENDMENTS TO ADOPTION REQUIREMENTS (T. Weiler)</td>
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Signed by the President and transmitted to the Governor ................................................... 1165

S.B. 270 — CONTROLLED SUBSTANCE AMENDMENTS (E. Vickers)
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Read the third time ............................................................................................................ 818
Transmitted to the House ................................................................................................. 818
Signed by the President and transmitted to the Governor ................................................... 1087

S.B. 271 — SCHOOL GRADING AMENDMENTS (J. S. Adams)
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Signed by the President and transmitted to the Governor ................................................... 1156

S.B. 273 — DECLARED EMERGENCY AMENDMENTS (M. Madsen)
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S.B. 274 — CONDOMINIUM FORECLOSURE AMENDMENTS (S. Urquhart)
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Enacting Clause Stricken ............................................................................. 1172

S.B. 275 — ENERGY AMENDMENTS (J. S. Adams)
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Transmitted to the House ............................................................................. 909
Signed by the President and transmitted to the Governor ......................... 1104

S.B. 277 — GREEN RIVER ENERGY ZONE (D. Hinkins)
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S.B. 279 — MATH LITERACY — STEM INITIATIVE (S. Urquhart)
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S.B. 284 — EDUCATIONAL TECHNOLOGY AMENDMENTS (J. Stevenson)
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<td>Signed by the President and transmitted to the Governor</td>
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<td>CONCURRENT RESOLUTION RECOGNIZING WORKERS’ COMPENSATION FUND FOR WORKPLACE SAFETY (K. Mayne)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td>Committee report adopted and placed on calendar</td>
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<td>Signed by the President and transmitted to the Governor</td>
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<td>Signed by the President and transmitted to the Governor</td>
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<td>S.C.R. 4</td>
<td>STANDING WITH ISRAEL CONCURRENT RESOLUTION (C. Bramble)</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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<td>Signed by the President and transmitted to the Governor</td>
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<td>S.C.R. 6</td>
<td>CONCURRENT RESOLUTION ON FEDERAL GAS TAX (D. Henderson)</td>
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<td>Signed by the President and transmitted to the Governor</td>
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- Committee report adopted and placed on calendar: 313
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<td>H.B. 94</td>
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<td>H.B. 95</td>
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<td>H.B. 96</td>
<td>CLEANER BURNING FUELS TAX CREDITS AMENDMENTS AND RELATED FUNDING (J. Draxler)</td>
<td>Read the first time by short title and referred to Rules Committee</td>
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<td>H.B. 99</td>
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H.B. 104 — WIRELESS CALL LOCATION INFORMATION (M. Wheatley)
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<td>ASSESSMENT OF PROPERTY IF THREATENED OR ENDANGERED SPECIES IS PRESENT (M. Noel)</td>
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<td>Read the second time and placed on Consent Calendar</td>
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Returned to the House .................................................................................................................................. 945
Signed by the President and returned to the House ......................................................................................... 1048

H.B. 145 — YOUTH DEVELOPMENT ORGANIZATION RESTRICTED ACCOUNT AND INCOME TAX CONTRIBUTION (S. Eliason)
Read the first time by short title and referred to Rules Committee .............................................................. 591
Assigned to standing committee .................................................................................................................. 610
Substituted ..................................................................................................................................................... 808
Committee report adopted and placed on calendar ..................................................................................... 808
Placed on calendar ......................................................................................................................................... 940
Read the second time ..................................................................................................................................... 1058
Amendments .................................................................................................................................................. 1058
Read the first, second and third times ......................................................................................................... 1060
Returned to the House .................................................................................................................................. 1060
Signed by the President and returned to the House ......................................................................................... 1089

H.B. 146 — HEALTH CARE PROVIDER AMENDMENTS (F. Gibson)
Read the first time by short title and referred to Rules Committee .............................................................. 837
Placed on calendar ......................................................................................................................................... 939
Read the second time ..................................................................................................................................... 948
Read the third time ........................................................................................................................................ 1007
Circled ............................................................................................................................................................ 1007
Uncircled ........................................................................................................................................................ 1009
Signed by the President and returned to the House ......................................................................................... 1010

H.B. 147 — UTAH MARRIAGE COMMISSION (L. Christensen)
Read the first time by short title and referred to Rules Committee .............................................................. 604
Assigned to standing committee .................................................................................................................. 637
Committee report adopted and placed on calendar ..................................................................................... 754
Read the second time ..................................................................................................................................... 804
Tabled ............................................................................................................................................................. 805
Placed on calendar ......................................................................................................................................... 983
Read the third time ........................................................................................................................................ 994
Signed by the President and returned to the House ......................................................................................... 994

H.B. 149 — AMENDMENTS TO UTAH EXEMPTIONS ACT (E. Turner)
Read the first time by short title and referred to Rules Committee .............................................................. 622
Assigned to standing committee .................................................................................................................. 637
Amendments .................................................................................................................................................. 791, 1074
Committee report adopted and placed on calendar ..................................................................................... 791
Placed on calendar ................................................................. 941
Read the second time ......................................................... 1074
Read the third time ........................................................... 1098
Returned to the House ...................................................... 1098
Signed by the President and returned to the House .............. 1154

H.B. 150 — ANIMAL SHELTER AMENDMENTS (A. Romero)
Read the first time by short title and referred to Rules Committee . . 670
Placed on calendar ............................................................... 1101
Circled ............................................................................ 1101
Enacting Clause Stricken .................................................... 1169

H.B. 152 — PARENT–TIME RESTRICTION AMENDMENTS (C. Hall)
Read the first time by short title and referred to Rules Committee ... 902
Placed on calendar ............................................................... 939
Amendments .................................................................. 994
Returned to the House ...................................................... 995
Signed by the President and returned to the House .............. 1008

H.B. 154 — SUICIDE PREVENTION PROGRAMS (S. Eliason)
Read the first time by short title and referred to Rules Committee . . 622
Assigned to standing committee ........................................... 637
Committee report adopted and placed on calendar ................. 754
Placed on calendar ............................................................... 805
Amendments .................................................................. 983
Returned to the House ...................................................... 994
Signed by the President and returned to the House .............. 1004

H.B. 155 — FEDERAL LAW ENFORCEMENT AMENDMENTS (M. Noel)
Read the first time by short title and referred to Rules Committee . . 670
Placed on calendar ............................................................... 939
Read the second time ......................................................... 953
Returned to the House ...................................................... 1010
Signed by the President and returned to the House .............. 1011

H.B. 156 — RESTORATION OF TERMINATED PARENTAL RIGHTS (L. Christensen)
Read the first time by short title and referred to Rules Committee . . 806
Placed on calendar ............................................................... 983
Circled ............................................................................ 1024
Amendments .................................................................. 1042
Substituted .................................................................. 1153
Returned to the House ...................................................... 1154
Signed by the President and returned to the House .............. 1164

H.B. 157 — CHILDREN'S HEARING AID PILOT PROGRAM (R. Edwards)
Read the first time by short title and referred to Rules Committee . . 796
Placed on calendar ............................................................... 939
Read the second time ......................................................... 1025
Returned to the House ...................................................... 1053
Signed by the President and returned to the House .............. 1054

H.B. 158 — CONSUMER CREDIT PROTECTION AMENDMENTS (P. Ray)
Placed on calendar ............................................................... 697
Assigned to standing committee ........................................... 746
Returned to Rules ............................................................... 812
Enacting Clause Stricken .................................................... 1169

H.B. 160 — HEALTH SYSTEM REFORM AMENDMENTS (J. Dunnigan)
Read the first time by short title and referred to Rules Committee . . 900
Placed on calendar ............................................................... 984
Amendments .................................................................. 1025
Returned to the House ...................................................... 1026
Signed by the President and returned to the House .............. 1027

H.B. 163 — HUMAN TRAFFICKING AMENDMENTS (J. Seelig)
Read the first time by short title and referred to Rules Committee . . 922
Placed on calendar ............................................................... 939
Read the second time ......................................................... 949
Returned to the House ...................................................... 1007
Signed by the President and returned to the House .............. 1008

H.B. 164 — STATE AND POLITICAL SUBDIVISION JURISDICTIONAL AMENDMENTS (M. Roberts)
Read the first time by short title and referred to Rules Committee . . 866
Placed on calendar ............................................................... 939
Read the second time ......................................................... 954
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<td>H.B. 165</td>
<td>BACKGROUND CHECKS FOR CHILD CARE WORKERS (T. Cosgrove)</td>
<td>Read the first time</td>
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<td>WATER RIGHTS AMENDMENTS (K. Ivery)</td>
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<td>AIR QUALITY MITIGATION BY GOVERNMENT ENTITIES (P. Arent)</td>
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<td>LOCAL POLITICAL SUBDIVISION BONDING NOTICE REQUIREMENTS (J. Knotwell)</td>
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<td>UTAH INDUSTRIAL FACILITIES AND DEVELOPMENT ACT AMENDMENTS (D. Brown)</td>
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<td>COUNTY CLERK MISCONDUCT PENALTY (D. Layton)</td>
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Read the third time ............................................................... 795
Signed by the President and returned to the House ................. 795

H.B. 195 — BUDGETARY PROCEDURES ACT REVISIONS (K. Ivory)
Read the first time by short title and referred to Rules Committee 484
Assigned to standing committee ............................................. 509
Read the second time and placed on Consent Calendar ............. 582
Read the third time ............................................................... 682
Signed by the President and returned to the House ................. 683

H.B. 197 — EARNED INCOME TAX CREDIT AND RELATED FUNDING (E. Hutchings)
Read the first time by short title and referred to Rules Committee 943
Enacting Clause Stricken ......................................................... 1169

H.B. 198 — AGING AND ADULT SERVICES AMENDMENTS (B. Last)
Read the first time by short title and referred to Rules Committee 378
Assigned to standing committee ............................................. 399
Read the second time and placed on Consent Calendar ............. 493
Read the third time ............................................................... 593
Signed by the President and returned to the House ................. 593

H.B. 200 — REVISOR’S STATUTE (B. Dee)
Read the first time by short title and referred to Rules Committee 333
Assigned to standing committee ............................................. 551
Returned to Rules ................................................................. 844
Placed on calendar ............................................................... 1133
Read the second time ........................................................... 1133
Circled ................................................................................... 1133
Uncircled ............................................................................ 1142
Read the second and third times ............................................ 1142
Signed by the President and returned to the House ................. 1142

H.B. 201 — STATE BOARD OF EDUCATION LEADERSHIP AMENDMENTS (S. Elison)
Read the first time by short title and referred to Rules Committee 453
Assigned to standing committee ............................................. 469
Read the second time and placed on Consent Calendar ............. 701
Read the third time ............................................................... 819
Signed by the President and returned to the House ................. 819

H.B. 202 — ENERGY CONSERVATION CODE AMENDMENTS (B. Wilson)
Read the first time by short title and referred to Rules Committee 579
Assigned to standing committee ............................................. 609
Amendments ......................................................................... 674
Read the second time and placed on Consent Calendar ............. 674
Read the third time ............................................................... 815
Returned to the House .......................................................... 815, 929
Signed by the President and returned to the House ................. 900, 942

H.B. 204 — ELECTION AMENDMENTS (S. Elison)
Read the first time by short title and referred to Rules Committee 591
Assigned to standing committee ............................................. 609
Committee report adopted and placed on calendar .................... 639
Read the second time ........................................................... 764
Substituted ........................................................................... 764
Circled ................................................................................... 765
Uncircled ............................................................................ 766
Read the third time ............................................................... 785
Amendments ......................................................................... 785
Returned to the House .......................................................... 785
Signed by the President and returned to the House ................. 786

H.B. 205 — CONTINGENCY PLANS FOR POLITICAL SUBDIVISIONS (K. Ivory)
Read the first time by short title and referred to Rules Committee 533
Assigned to standing committee ............................................. 551
Committee report adopted and placed on calendar .................... 639
Read the second time ........................................................... 764
Read the third time ............................................................... 785

H.B. 206 — INTERNET SAFETY FOR PUBLIC SCHOOLS (E. Hutchings)
Read the first time by short title and referred to Rules Committee 508
Assigned to standing committee ............................................. 551
Returned to Rules ................................................................. 842
Enacting Clause Stricken ......................................................... 1169

H.B. 209 — PUBLIC ASSISTANCE RESTRICTIONS (D. Brown)
Read the first time by short title and referred to Rules Committee 591
Assigned to standing committee ............................................. 609
Committee report adopted and placed on calendar .................... 638
Read the second time ........................................................... 764
Circled ................................................................................... 764
Uncircled ............................................................................ 767
Read the third time ............................................................... 787
Signed by the President and returned to the House ................. 788
H.B. 210 — MOTOR VEHICLE EMISSION AMENDMENTS (E. Redd)
Read the first time by short title and referred to Rules Committee 533
Assigned to standing committee ....................................................... 552
Committee report adopted and placed on calendar 701
Read the second time ................................................................. 802
Circled ............................................................. 802
Uncircled ......................................................... 860
Read the second and third times .................................................. 860
Signed by the President and returned to the House ..................... 860

H.B. 211 — CONCEALED WEAPON PERMIT FOR SERVICE MEMBERS (V. Peterson)
Read the first time by short title and referred to Rules Committee 468
Assigned to standing committee .................................................... 510
Read the second time and placed on Consent Calendar ............ 641
Read the third time ................................................................. 774
Signed by the President and returned to the House ..................... 774

H.B. 212 — DISEASE TESTING FOR PUBLIC SAFETY OFFICERS AMENDMENTS (D. Brown)
Read the first time by short title and referred to Rules Committee 437
Assigned to standing committee .................................................... 454
Read the second time ................................................................. 758
Read the third time ................................................................. 778
Signed by the President and returned to the House ..................... 779

H.B. 213 — PEACE OFFICER STANDARDS AND TRAINING AMENDMENTS (R. Greenwood)
Read the first time by short title and referred to Rules Committee 453
Read the second time and placed on Consent Calendar ............ 702
Read the third time ................................................................. 821
Signed by the President and returned to the House ..................... 821

H.B. 215 — WATER QUALITY AMENDMENTS (R. Wilcox)
Read the first time by short title and referred to Rules Committee 360
Assigned to standing committee .................................................... 380
Read the second time and placed on Consent Calendar ............ 431
Read the third time ................................................................. 497
Signed by the President and returned to the House ..................... 498

H.B. 216 — WASTING WILDLIFE AMENDMENTS (R. Wilcox)
Read the first time by short title and referred to Rules Committee 360
Assigned to standing committee .................................................... 380
Read the second time and placed on Consent Calendar ............ 431
Read the third time ................................................................. 498
Signed by the President and returned to the House ..................... 498

H.B. 217 — STATE FIRE CODE ACT AMENDMENTS (J. Dunnigan)
Read the first time by short title and referred to Rules Committee 468
Assigned to standing committee .................................................... 509
Substituted ............................................................. 605
Committee report adopted and placed on calendar .................... 605
Read the second time ................................................................. 761
Read the third time ................................................................. 781
Returned to the House ............................................................... 781
Signed by the President and returned to the House ..................... 838

H.B. 218 — ALCOHOL AMENDMENTS (G. Froerer)
Read the first time by short title and referred to Rules Committee 468
Enacting Clause Stricken ............................................................. 1169

H.B. 219 — AUDIT REVISIONS (L. Christensen)
Read the first time by short title and referred to Rules Committee 635
Placed on calendar ................................................................. 1092
Read the second and third times .................................................. 1144
Signed by the President and returned to the House ..................... 1144

H.B. 220 — REPEAL OF STATE AUDITOR RELATED PROVISIONS (J. Knotwell)
Read the first time by short title and referred to Rules Committee 378
Assigned to standing committee .................................................... 399
Read the second time and placed on Consent Calendar ............ 456
Read the third time ................................................................. 561
Signed by the President and returned to the House ..................... 562

H.B. 222 — DOMESTIC ASSET PROTECTION TRUST AMENDMENTS (D. Brown)
Read the first time by short title and referred to Rules Committee 837
Placed on calendar ................................................................. 940
Read the second time ................................................................. 961
Read the third time ................................................................. 1016
Signed by the President and returned to the House ..................... 1017

H.B. 223 — EMERGENCY MANAGEMENT FUNDING AMENDMENTS (C. Oda)
Read the first time by short title and referred to Rules Committee 453
Assigned to standing committee .................................................... 469
Read the second time and placed on Consent Calendar ............ 582
Read the third time ................................................................. 683
Signed by the President and returned to the House ..................... 683

H.B. 224 — IMPACT FEES AMENDMENTS (D. McCoy)
Read the first time by short title and referred to Rules Committee 484
Assigned to standing committee .............................................................. 510
Committee report adopted and placed on calendar .................................. 556
Read the second time .......................................................................... 579
Read the third time ............................................................................ 779
Signed by the President and returned to the House ............................... 780

H.B. 226 — BENEFITS WHILE A PRISONER (B. Wilson)
Read the first time by short title and referred to Rules Committee .......... 378
Assigned to standing committee ............................................................ 399
Read the second time and placed on Consent Calendar ....................... 641
Read the third time ............................................................................ 775
Signed by the President and returned to the House ............................... 775

H.B. 227 — COHABITANT DEFINITION (B. Wilson)
Read the first time by short title and referred to Rules Committee .......... 484
Assigned to standing committee ............................................................ 510
Returned to Rules ............................................................................... 811
Placed on calendar ............................................................................ 1002
Read the second time .......................................................................... 1101
Circled ............................................................................................... 1101
Uncircled ........................................................................................... 1125
Read the second and third times ........................................................... 1125
Signed by the President and returned to the House ............................... 1126

H.B. 228 — ALCOHOLIC BEVERAGE CONTROL ACT AMENDMENTS (R. Wilson)
Read the first time by short title and referred to Rules Committee .......... 796
Placed on calendar ............................................................................... 940
Read the second time .......................................................................... 958
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Amended ............................................................................................ 974
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Transmitted to the House ................................................................... 1114
Signed by the President and returned to the House ............................... 1154

H.B. 229 — CRIMINAL IDENTITY FRAUD AMENDMENTS (C. Oda)
Read the first time by short title and referred to Rules Committee .......... 378
Assigned to standing committee ............................................................ 399
Read the second time and placed on Consent Calendar ....................... 641
Read the third time ............................................................................ 775
Signed by the President and returned to the House ............................... 775

H.B. 230 — EMERGENCY VEHICLE OPERATORS TRAINING REQUIREMENTS (G. Froerer)
Read the first time by short title and referred to Rules Committee .......... 454
Assigned to standing committee ............................................................ 469
Committee report adopted and placed on calendar ............................... 555
Read the second time .......................................................................... 756
Amendments ...................................................................................... 757
Read the third time ............................................................................ 778
Returned to the House ....................................................................... 778
Signed by the President and returned to the House ............................... 838

H.B. 231 — HAZARDOUS WASTE AND MIXED WASTE FEES (M. Nelson)
Read the first time by short title and referred to Rules Committee .......... 485
Assigned to standing committee ............................................................ 510
Read the second time and placed on Consent Calendar ....................... 559
Read the third time ............................................................................ 680
Signed by the President and returned to the House ............................... 680

H.B. 232 — CRIMINAL PENALTY AMENDMENTS (C. Hall)
Read the first time by short title and referred to Rules Committee .......... 378
Assigned to standing committee ............................................................ 399
Read the second time and placed on Consent Calendar ....................... 702
Read the third time ............................................................................ 820
Signed by the President and returned to the House ............................... 821

H.B. 233 — FUNERAL SERVICES LICENSING ACT AMENDMENTS (R. Menlove)
Read the first time by short title and referred to Rules Committee .......... 485
Assigned to standing committee ............................................................ 510
Read the second time and placed on Consent Calendar ....................... 608
Read the third time ............................................................................ 727
Circled ............................................................................................... 727
Uncircled ........................................................................................... 742
Signed by the President and returned to the House ............................... 742

H.B. 234 — CORPORATE FRANCHISE AND INCOME TAX FINE AND PENALTY AMENDMENTS (B. Greene)
Read the first time by short title and referred to Rules Committee .......... 397
Assigned to standing committee ............................................................ 424
Read the second time and placed on Consent Calendar ....................... 514
Read the third time ............................................................................ 594
Signed by the President and returned to the House ............................... 594

H.B. 235 — PROCESS SERVER AMENDMENTS (L. Perry)
Read the first time by short title and referred to Rules Committee .......... 592
HOUSE BILLS

H.B. 236 — LAND DEVELOPMENT REVISIONS (M. Brown)
Read the first time by short title and referred to Rules Committee ........................................... 866
Placed on calendar ........................................................................................................................... 1091
Read the second time .................................................................................................................... 1137
Read the second and third times ................................................................................................. 1137
Amendments ............................................................................................................................... 1137
Returned to the House ............................................................................................................... 1138
Signed by the President and returned to the House ................................................................. 1135

H.B. 237 — SURETY BOND PENALTY (R. Greenwood)
Assigned to standing committee ................................................................................................. 485
Returned to Rules ......................................................................................................................... 811
Placed on calendar ......................................................................................................................... 940
Read the second time .................................................................................................................... 961
Read the third time ....................................................................................................................... 1016
Signed by the President and returned to the House ................................................................. 1016

H.B. 238 — COSMETOLOGY AND HAIR BRAIDING (J. Dunnigan)
Read the first time by short title and referred to Rules Committee ............................................. 550
Assigned to standing committee ................................................................................................. 580
Read the second time and placed on Consent Calendar ............................................................. 676
Read the third time ....................................................................................................................... 815
Signed by the President and returned to the House ................................................................. 816

H.B. 239 — JURY SERVICE AMENDMENTS (C. Hall)
Read the first time by short title and referred to Rules Committee ............................................. 923
Placed on calendar ......................................................................................................................... 984
Read the second time .................................................................................................................... 1027
Amendments ............................................................................................................................... 1027
Returned to the House ............................................................................................................... 1028
Signed by the President and returned to the House ................................................................. 1028

H.B. 240 — ALCOHOL SERVICE IN RESTAURANTS (Janice Fisher)
Read the first time by short title and referred to Rules Committee ............................................. 592
Assigned to standing committee ................................................................................................. 609
Read the second time and placed on Consent Calendar ............................................................. 676
Read the third time ....................................................................................................................... 816
Signed by the President and returned to the House ................................................................. 816

H.B. 241 — UNDERGROUND PETROLEUM STORAGE TANK FINANCIAL VIABILITY STUDY (S. Eliason)
Read the first time by short title and referred to Rules Committee ............................................. 469
Assigned to standing committee ................................................................................................. 510
Committee report adopted and placed on calendar ................................................................. 556
Read the second time .................................................................................................................... 759
Read the third time ....................................................................................................................... 779
Signed by the President and returned to the House ................................................................. 779

H.B. 243 — OFFENDER REGISTRY REVIEW (J. Draxler)
Read the first time by short title and referred to Rules Committee ............................................. 299
Assigned to standing committee ................................................................................................. 231
Read the second time and placed on Consent Calendar ............................................................. 286
Read the third time ....................................................................................................................... 352
Signed by the President and returned to the House ................................................................. 352

H.B. 244 — MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS (E. Redd)
Read the first time by short title and referred to Rules Committee ............................................. 533
Assigned to standing committee ................................................................................................. 552
Read the second time and placed on Consent Calendar ............................................................. 608
Read the third time ....................................................................................................................... 727
Signed by the President and returned to the House ................................................................. 727

H.B. 245 — CONSUMER PROTECTION AMENDMENTS (D. Brown)
Read the first time by short title and referred to Rules Committee ............................................. 310
Assigned to standing committee ................................................................................................. 398
Committee report adopted and placed on calendar ................................................................. 470
Read the second time .................................................................................................................... 587
Read the third time ....................................................................................................................... 614
Signed by the President and returned to the House ................................................................. 612

H.B. 246 — EXPANDED USES OF SCHOOL DISTRICT PROPERTY TAX REVENUE (K. McIff)
Read the first time by short title and referred to Rules Committee ............................................. 397
Assigned to standing committee ................................................................................................. 424
Committee report adopted and placed on calendar ................................................................. 582
Read the second time .................................................................................................................... 760
Read the third time ....................................................................................................................... 780
Amendments ............................................................................................................................... 780, 782
Returned to the House ............................................................................................................... 781, 783
Reconsidered .................................................................................................................................. 782
Before the Senate ......................................................................................................................... 782
Signed by the President and returned to the House ................................................................. 839
<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Title</th>
<th>Action Details</th>
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<td>H.B. 249</td>
<td>REFUGEE SERVICES FUND AMENDMENTS (J. Peterson)</td>
<td>Read the first time by short title and referred to Rules Committee</td>
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<td>Signed by the President and returned to the House</td>
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<td>H.B. 250</td>
<td>SUNSET REAUTHORIZATION – ENERGY PRODUCER STATES’ AGREEMENT (R. Barrus)</td>
<td>Read the first time by short title and referred to Rules Committee</td>
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<td>H.B. 251</td>
<td>SUNSET REAUTHORIZATION – EMPLOYMENT SERVICES FOR THE DISABLED (R. Menlove)</td>
<td>Read the first time by short title and referred to Rules Committee</td>
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<tr>
<td>H.B. 252</td>
<td>NATIVE AMERICAN INDIAN RELATED AMENDMENTS (J. Draeger)</td>
<td>Read the first time by short title and referred to Rules Committee</td>
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<td>H.B. 254</td>
<td>COLLEGE CREDITS FOR VETERANS (P. Ray)</td>
<td>Read the first time by short title and referred to Rules Committee</td>
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<td>H.B. 255</td>
<td>CLASSIFIED SCHOOL EMPLOYEE AMENDMENTS (B. Last)</td>
<td>Read the first time by short title and referred to Rules Committee</td>
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<td>H.B. 256</td>
<td>REAUTHORIZATION OF ADMINISTRATIVE RULES (C. Oda)</td>
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<tr>
<td>H.B. 257</td>
<td>STATE TREASURER AMENDMENTS (J. Bial)</td>
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<td>H.B. 259</td>
<td>INSURANCE AMENDMENTS (J. Bird)</td>
<td>Read the first time by short title and referred to Rules Committee</td>
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<td>H.B. 261</td>
<td>PAYROLL AMENDMENTS – PUBLIC SAFETY (R. Greenwood)</td>
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<td>H.B. 262</td>
<td>UNAFFILIATED VOTER AMENDMENTS (C. Hall)</td>
<td>Read the first time by short title and referred to Rules Committee</td>
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H.B. 268 — DISORDERLY CONDUCT AMENDMENTS (P. Ray)
Read the first time by short title and referred to Rules Committee ..................... 592
Assigned to standing committee .................................................................. 601
Returned to Rules ....................................................................................... 811
Placed on calendar ...................................................................................... 1002
Read the second time .................................................................................. 1102
Circled ................................................................................................... 1102
Signed by the President and returned to the House ......................................... 1169

H.B. 269 — TRAINING OF SCHOOL NURSES (P. Ray)
Read the first time by short title and referred to Rules Committee ..................... 229
Assigned to standing committee .................................................................. 252
Committee report adopted and placed on calendar ........................................... 326
Read the second time .................................................................................. 418
Read the third time ...................................................................................... 445
Signed by the President and returned to the House ......................................... 445

H.B. 270 — PRESCRIPTION DRUG DATABASE ACCESS AMENDMENTS (R. Menlove)
Read the first time by short title and referred to Rules Committee ..................... 252
Assigned to standing committee .................................................................. 267
Read the second time and placed on Consent Calendar .................................. 332
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Signed by the President and returned to the House ......................................... 385

H.B. 272 — TRAFFIC SIGNAL AMENDMENTS (M. Kennedy)
Read the first time by short title and referred to Rules Committee ..................... 186
Assigned to standing committee .................................................................. 210
Committee report adopted and placed on calendar ........................................... 289
Read the second time .................................................................................. 319
Read the third time ...................................................................................... 342
Signed by the President and returned to the House ......................................... 343

H.B. 274 — TAX CREDITS FOR EMPLOYING A HOMELESS PERSON (B. King)
Read the first time by short title and referred to Rules Committee ..................... 209
Assigned to standing committee .................................................................. 231
Returned to Rules ....................................................................................... 845
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H.B. 276 — NEWBORN SCREENING FOR CRITICAL CONGENITAL HEART DEFECTS (P. Ray)
Read the first time by short title and referred to Rules Committee ..................... 252
Assigned to standing committee .................................................................. 266
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Committee report adopted and placed on calendar ........................................... 327
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Uncircled .................................................................................................. 543
Tabled ...................................................................................................... 544
Placed on calendar ...................................................................................... 983
Read the third time ...................................................................................... 995
Returned to the House .................................................................................. 996
Signed by the President and returned to the House ......................................... 1048

H.B. 278 — PUBLIC SCHOOL SEISMIC STUDIES (G. Froerer)
Read the first time by short title and referred to Rules Committee ..................... 360
Assigned to standing committee .................................................................. 379
Committee report adopted and placed on calendar ........................................... 471
Read the second time .................................................................................. 588
Circled ................................................................................................... 588
Uncircled .................................................................................................. 755
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Uncircled ....................................................................................................................... 1102
Read the second and third times ............................................................................... 1103
Signed by the President and returned to the House .................................................. 1104

H.B. 379 — RENTAL COMPANY REGISTRATION AMENDMENTS (D. McCoy)
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Placed on calendar ....................................................................................................... 940
Read the second and third times ............................................................................... 1032
Signed by the President and returned to the House .................................................. 1033

H.B. 380 — ECONOMIC DEVELOPMENT REVISIONS (V. L. Snow)
Read the first time by short title and referred to Rules Committee .............................. 901
Placed on calendar ....................................................................................................... 1092, 1112
Read the second and third times ............................................................................... 1125
Signed by the President and returned to the House .................................................. 1125

H.B. 381 — ARBITRATION AMENDMENTS FOR DOG BITES (L. Christensen)
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Enacting Clause Stricken ............................................................................................ 1169

H.B. 382 — ESCALANTE REGION GRAZING ZONE (M. Noel)
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Assigned to standing committee .............................................................................. 747
Returned to Rules ........................................................................................................ 845
Placed on calendar ....................................................................................................... 1003
Read the second and third times ............................................................................... 1136
Signed by the President and returned to the House .................................................. 1136
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- **H.B. 384** — PROPERTY DISPOSITION AMENDMENTS (B. Dee)
  - Read the first time by short title and referred to Rules Committee .......................................................... 711
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- **H.B. 385** — DUTIES AND WITHDRAWAL OF TRUSTEE (V. L. Snow)
  - Read the first time by short title and referred to Rules Committee .............................................................. 901
  - Placed on calendar .......................................................................................................................................... 940
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  - Amendments .................................................................................................................................................. 1015
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  - Signed by the President and returned to the House ....................................................................................... 1049

- **H.B. 386** — BAIL BOND AMENDMENTS (C. Oda)
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- **H.B. 387** — VITAL STATISTICS ACT AMENDMENTS (J. Nielsen)
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- **H.B. 388** — GOVERNMENT COMMUNICATIONS TASK FORCE (B. Dee)
  - Read the first time by short title and referred to Rules Committee .............................................................. 791
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- **H.B. 391** — PROHIBITION OF MEDICAID EXPANSION (J. Anderson)
  - Read the first time by short title and referred to Rules Committee .............................................................. 923
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- **H.B. 393** — COMPETENCY–BASED EDUCATION AMENDMENTS (G. Hughes)
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<td>NAME AMENDMENTS TO FUNDS AND ACCOUNTS (S. Eliason)</td>
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<td>Returned to the House</td>
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<td>Committee report adopted and placed on calendar</td>
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<td>H.J.R. 7</td>
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<td>Read the first time by short title and referred to Rules Committee</td>
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<td>H.J.R. 9</td>
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<td>H.J.R. 12</td>
<td>JOINT RESOLUTION DISSOLVING CLARKSTON JUSTICE COURT (J. Draxler)</td>
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<td>H.J.R. 13</td>
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<td>H.J.R. 15</td>
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S.B. 3 Appropriations Adjustments  L. Hillyard
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Governor Signed on 3/22/2013
Effective Date:  5/14/2013

S.B. 45  Workers’ Compensation and Directors or Officers  E. Vickers
Governor Signed on 3/22/2013
Effective Date:  5/14/2013

S.B. 46  Occupational Safety and Health Amendments  L. Robles
Senate/ filed on 3/14/2013

S.B. 47  Procurement Amendments – Small Purchases  R. Okerlund
Senate/ filed on 3/14/2013

S.B. 48  Special Group License Plate Revisions  P. Knudson
Governor Signed on 3/26/2013
Effective Date:  5/14/2013

S.B. 49  Child Welfare Modifications  W. Harper
Governor Signed on 4/1/2013
Effective Date:  5/14/2013

S.B. 50  Department of Transportation Liability Amendments  L. Hillyard
Governor Signed on 3/28/2013
Effective Date:  5/14/2013

S.B. 51  Higher Education Tuition Waivers  S. Urquhart
Governor Signed on 3/21/2013
Effective Date:  5/14/2013
S.B. 52  Game Fowl Fighting Amendments  G. Davis
Senate/ filed on 3/14/2013

S.B. 53  Intergenerational Welfare Reform  S. Reid
Governor Signed on 3/22/2013
Effective Date:  5/14/2013

S.B. 54  Licensing of Nursing Care Facility Beds  C. Bramble
Governor Signed on 3/22/2013
Effective Date:  5/14/2013

S.B. 55  Coverage for Autism Spectrum Disorder  B. Shiozawa
Senate/ filed on 3/14/2013

S.B. 56  Utah 211 Referral Information Network  T. Weiler
Governor Signed on 3/21/2013
Effective Date:  5/14/2013

S.B. 57  Agriculture Environmental Steward Amendments  R. Okerlund
Governor Signed on 3/27/2013
Effective Date:  5/14/2013

S.B. 58  Amendments to Sales and Use Tax  W. Harper
Governor Signed on 3/26/2013
Effective Date:  7/1/2013

S.B. 59  Workers’ Compensation Coordination of Benefits Amendments  K. Mayne
Governor Signed on 4/1/2013
Effective Date:  7/1/2014

S.B. 60  Abortion Statistics and Reporting Requirements  M. Dayton
Governor Signed on 3/22/2013
Effective Date:  5/14/2013

S.B. 61  Hunting Permit Amendments  A. Christensen
Governor Signed on 4/1/2013
Effective Date:  5/14/2013
S.B. 62 Governor’s Fire Suppression Authority  
Governor Signed on 3/28/2013  
Effective Date:  5/14/2013  
M. Dayton

S.B. 63 Transportation Planning and Funding Task Force  
Senate/ filed on 3/14/2013  
W. Harper

S.B. 64 Homeowner Association Reserve Account Amendments  
Governor Signed on 4/1/2013  
Effective Date:  5/14/2013  
S. Urquhart

Governor Signed on 4/1/2013  
Effective Date:  5/14/2013  
J. Valentine

S.B. 66 Referendum Revisions  
Senate/ filed on 3/14/2013  
S. Reid

S.B. 67 Consumer Protection Revisions  
Governor Signed on 4/1/2013  
Effective Date:  5/14/2013  
C. Bramble

S.B. 68 State Surplus Property Program Amendments  
Governor Signed on 3/26/2013  
Effective Date:  5/14/2013  
T. Weiler

S.B. 69 Assessment and Reporting of Student Performance  
Senate/ filed on 3/14/2013  
R. Okerlund

S.B. 70 Commission Relating to Federal Issues  
Governor Signed on 3/22/2013  
Effective Date:  3/22/2013  
D. Henderson

S.B. 71 Results–based Financing for Early Childhood Education  
Senate/ filed on 3/5/2013  
A. Osmond
S.B. 72  **Prison Relocation and Development Amendments**  S. Jenkins
Governor Signed on 3/27/2013
Effective Date: 3/27/2013

S.B. 73  **Outdoor Recreation Office Act**  J. Stevenson
Governor Signed on 3/21/2013
Effective Date: 3/21/2013

S.B. 74  **Dignified Burial of Veterans Remains**  E. Vickers
Governor Signed on 4/1/2013
Effective Date: 5/14/2013

S.B. 75  **Publication of Property Tax Appeals for Nonresidential Property**  K. Van Tassell
Senate/ filed on 3/14/2013

S.B. 76  **Outdoor Advertising Technology Amendments**  P. Knudson
Senate/ filed on 3/14/2013

S.B. 77  **Availability of Government Information**  D. Henderson
Governor Signed on 3/22/2013
Effective Date: 5/14/2013

S.B. 78  **Pharmacy Act Amendments**  J. Adams
Governor Signed on 4/1/2013
Effective Date: 5/14/2013

S.B. 79  **Student–centered Learning Pilot Program**  H. Stephenson
Senate/ filed on 3/14/2013

S.B. 80  **Removal from Database Restricting Firearm Purchase**  D. Thatcher
Governor Signed on 4/1/2013
Effective Date: 5/14/2013

S.B. 81  **School Property Tax Funding**  A. Osmond
Senate/ filed on 3/14/2013
S.B. 82  **Student Achievement Backpack**
Governor Signed on 3/28/2013
Effective Date:  5/14/2013

J. Stevenson

S.B. 83  **Limitations on Outside Employment by Government Employee**
Governor Signed on 4/1/2013
Effective Date:  5/14/2013

T. Weiler

S.B. 84  **Sales and Use Tax Exemption for Short–term Lodging Consumables**
Governor Signed on 3/27/2013
Effective Date:  7/1/2013

J. Adams

S.B. 85  **Community Health Worker Program**
Senate/ filed on 3/11/2013

L. Robles

S.B. 86  **Independent Executive Branch Ethics Commission**
Governor Signed on 4/1/2013
Effective Date:  5/14/2013

J. Valentine

S.B. 87  **Impoundment of Vehicles Amendments**
Senate/ filed on 3/14/2013

M. Madsen

S.B. 90  **Condominium and Community Association Amendments**
Governor Signed on 3/26/2013
Effective Date:  5/14/2013

J. Adams

S.B. 91  **State Auditor Amendments**
Senate/ filed on 3/14/2013

J. Valentine

S.B. 92  **Tethering of Animals**
Senate/ filed on 3/14/2013

G. Davis

S.B. 93  **Interlocal Cooperation Act Amendments**
Governor Signed on 3/27/2013
Effective Date:  5/14/2013

J. Valentine
S.B. 94 Government Records Amendments  
Governor Signed on 3/27/2013  
Effective Date: 5/14/2013

S.B. 95 Whistleblower Amendments  
Governor Signed on 4/1/2013  
Effective Date: 5/14/2013

S.B. 96 Political Subdivisions Employment Revisions  
Senate filed on 3/4/2013

S.B. 97 Propelling a Bodily Substance Amendments  
Governor Signed on 3/28/2013  
Effective Date: 5/14/2013

S.B. 98 Propelling a Bodily Substance Revisions  
Governor Signed on 3/26/2013  
Effective Date: 5/14/2013

S.B. 99 Labor Amendments  
Governor Signed on 4/1/2013  
Effective Date: 7/1/2013

S.B. 100 Higher Education Scholarship Amendments  
Governor Signed on 3/22/2013  
Effective Date: 5/14/2013

S.B. 101 Division of Water Rights Revisions  
Governor Signed on 4/1/2013  
Effective Date: 5/14/2013

S.B. 102 Contractor Licensing Amendments  
Governor Signed on 4/1/2013  
Effective Date: 5/14/2013

S.B. 103 Carson Smith Scholarship Amendments  
Governor Signed on 3/26/2013  
Effective Date: 7/1/2013

S.B. 104 Vulnerable Users of Highways Amendments  
Governor Signed on 4/1/2013  
Effective Date: 5/14/2013
S.B. 105  **Board of Pardons and Parole Revisions**  
Governor Signed on 4/1/2013  
Effective Date: 5/14/2013  
D. Thatcher

S.B. 106  **Unemployment Tax Amendment**  
Governor Signed on 3/21/2013  
Effective Date: 5/14/2013  
C. Bramble

S.B. 107  **Public Shooting Ranges**  
Governor Signed on 3/26/2013  
Effective Date: 3/26/2013  
A. Christensen

S.B. 108  **Civil Rights Amendments Relating to Persons with a Disability**  
Senate/ filed on 3/14/2013  
P. Jones

S.B. 109  **Change Application Procedure**  
Senate/ filed on 3/14/2013  
R. Okerlund

S.B. 110  **School–based Budgeting Amendments**  
LFA/ fiscal note publicly available on 3/12/2013  
H. Stephenson

S.B. 111  **Electronic Filing of Traffic Citations and Accident Reports**  
Governor Signed on 3/22/2013  
Effective Date: 7/1/2013  
L. Hillyard

S.B. 112  **Work Week Amendments**  
Governor Signed on 4/1/2013  
Effective Date: 5/14/2013  
A. Osmond

S.B. 113  **Long–term Disability Coverage Amendments**  
Governor Signed on 3/22/2013  
Effective Date: 5/14/2013  
T. Weiler

S.B. 114  **Safety Belt Amendments**  
Senate/ filed on 3/4/2013  
L. Robles
S.B. 115  **Water Development Commission Amendments**  M. Dayton
Governor Signed on 3/27/2013
Effective Date: 5/14/2013

S.B. 116  **Garnishment for Debt Collection**  L. Hillyard
Senate/ filed on 3/14/2013

S.B. 117  **Legislative Office Definitions**  L. Hillyard
Senate/ filed on 3/14/2013

S.B. 118  **Rocky Mountain Center for Occupational and Environmental Health Amendments**  K. Mayne
Senate/ filed on 3/14/2013

S.B. 119  **Youth Court Amendments**  J. Stevenson
Governor Signed on 3/21/2013
Effective Date: 5/14/2013

S.B. 120  **Target Shooting and Wildfire Regulations**  M. Dayton
Governor Signed on 3/28/2013
Effective Date: 5/14/2013

S.B. 121  **Traffic Regulations Regarding Buses**  K. Mayne
Senate/ filed on 3/14/2013

S.B. 122  **Student Leadership Skills Development**  A. Osmond
Governor Signed on 4/1/2013
Effective Date: 5/14/2013

S.B. 123  **Runaway Vehicle Ramp Requirements**  K. Van Tassell
Governor Signed on 3/27/2013
Effective Date: 5/14/2013

S.B. 124  **Sales and Use Tax Exemption for Database Access**  W. Harper
Governor Signed on 3/27/2013
Effective Date: 7/1/2013

S.B. 125  **District Court Judge Amendments**  K. Van Tassell
Governor Signed on 3/22/2013
Effective Date: 5/14/2013
**S.B. 126** Coordination of Services for Veterans  
Governor Signed on 3/28/2013  
Effective Date: 5/14/2013  
(P. Knudson)

**S.B. 127** Juvenile Court Judge Amendments  
Governor Signed on 3/22/2013  
Effective Date: 5/14/2013  
(K. Van Tassell)

**S.B. 128** Financial Transparency in Education  
Governor Signed on 4/1/2013  
Effective Date: 5/14/2013  
(D. Thatcher)

**S.B. 129** Office of State Debt Collection – Administrative Garnishment Order  
Governor Signed on 3/22/2013  
Effective Date: 5/14/2013  
(L. Hillyard)

**S.B. 130** Security Personnel Licensing Act Amendments  
Governor Signed on 4/1/2013  
Effective Date: 5/14/2013  
(M. Dayton)

**S.B. 131** Assault Amendments  
Governor Signed on 3/26/2013  
Effective Date: 5/14/2013  
(A. Osmond)

**S.B. 132** Utah Medical Education Council Amendments  
Governor Signed on 3/21/2013  
Effective Date: 5/14/2013  
(W. Harper)

**S.B. 133** School Performance Report Amendments  
Senate/ filed on 3/14/2013  
(H. Stephenson)

**S.B. 134** Utah Performance Assessment System for Students (u–pass) Amendments  
Senate/ filed on 3/14/2013  
(M. Dayton)

**S.B. 135** Involuntary Commitment Amendments  
Governor Signed on 3/21/2013  
Effective Date: 5/14/2013  
(T. Weiler)
S.B. 136  **Construction Trades Licensing Modifications**  P. Knudson
Senate/ filed on 3/14/2013

S.B. 137  **Motor Vehicle Registration Enforcement Amendments**  D. Thatcher
Governor Signed on 3/26/2013
Effective Date:  5/14/2013

S.B. 138  **Amendments to Requirements for Governor’s Proposed Budget**  W. Harper
Governor Signed on 3/26/2013
Effective Date:  5/14/2013

S.B. 139  **Utah Science Center Authority Amendments**  T. Weiler
Senate/ filed on 3/14/2013

S.B. 140  **Service Area Board of Trustees**  T. Weiler
Governor Signed on 3/22/2013
Effective Date:  5/14/2013

S.B. 141  **Education Contribution on Tax Returns**  D. Thatcher
Governor Signed on 3/27/2013
Effective Date:  5/14/2013

S.B. 142  **Repeal of Blacklisting Provisions**  D. Thatcher
Governor Signed on 4/1/2013
Effective Date:  5/14/2013

S.B. 143  **Mortgage and Financial Affairs Amendments**  W. Harper
Senate/ filed on 3/14/2013

S.B. 144  **Reauthorization of Prohibitions on Practicing Law Without a License**  S. Jenkins
Governor Signed on 3/27/2013
Effective Date:  5/14/2013

S.B. 145  **County Attorney Chapter Recodification**  T. Weiler
Governor Signed on 3/27/2013
Effective Date:  5/14/2013
S.B. 146  **Driving Under the Influence Amendments**  
Governor Signed on 3/22/2013  
Effective Date: 5/14/2013

S.B. 147  **Workers’ Compensation and Occupational Safety Related Amendments**  
Governor Signed on 3/22/2013  
Effective Date: 7/1/2013

S.B. 148  **Conservation Districts – Closed Meetings Amendments**  
Governor Signed on 3/27/2013  
Effective Date: 5/14/2013

S.B. 149  **Governmental Immunity Amendments**  
Senate/ filed on 3/14/2013

S.B. 150  **Financial Institution Amendments**  
Governor Signed on 3/22/2013  
Effective Date: 5/14/2013

S.B. 151  **Authorization of Charter Schools by Higher Education Institutions**  
Governor Signed on 3/27/2013  
Effective Date: 3/27/2013

S.B. 152  **Alcohol and Drug Related Offense Amendments**  
Senate/ filed on 3/14/2013

S.B. 153  **Local Government Development Amendments**  
Governor Signed on 3/28/2013  
Effective Date: 5/14/2013

S.B. 154  **Sales and Use Taxation of Water**  
Senate/ filed on 3/14/2013

S.B. 155  **Postadoption Contact Agreements**  
Governor Signed on 4/1/2013  
Effective Date: 5/14/2013
S.B. 156  **Jail Release Amendments**
Governor Signed on 3/27/2013
Effective Date:  5/14/2013

S.B. 157  **Daylight Saving Time Amendments**
Senate/ filed on 3/14/2013

S.B. 158  **Municipal General Fund Amendments**
Governor Signed on 3/27/2013
Effective Date:  5/14/2013

S.B. 159  **Theft Amendments**
Senate/ filed on 3/14/2013

S.B. 160  **Patronizing a Prostitute Amendments**
Governor Signed on 3/21/2013
Effective Date:  5/14/2013

S.B. 161  **Restitution Amendments**
Governor Signed on 3/22/2013
Effective Date:  5/14/2013

S.B. 162  **Concurrent Enrollment Amendments**
Governor Signed on 3/22/2013
Effective Date:  5/14/2013

S.B. 163  **Status Verification System Amendments**
Senate/ filed on 3/14/2013

S.B. 164  **Parole Violator Centers Allocations**
Governor Signed on 4/1/2013
Effective Date:  5/14/2013

S.B. 165  **Physical Therapy Practice Act Amendments**
Governor Signed on 3/21/2013
Effective Date:  5/14/2013

S.B. 166  **Hospital Assessment Amendments**
Governor Signed on 3/21/2013
Effective Date:  4/1/2013
S.B. 167  Alcoholic Beverage Control Amendments  J. Valentine
Senate/ filed on 3/14/2013

S.B. 168  Certified Public Accountant Licensing Amendments  C. Bramble
Governor Signed on 4/1/2013
Effective Date: 5/14/2013

S.B. 169  Education Task Force  S. Reid
Governor Signed on 3/22/2013
Effective Date: 5/14/2013

S.B. 170  Identity Fraud Amendments  D. Thatcher
Governor Signed on 3/22/2013
Effective Date: 5/14/2013

S.B. 171  Sales and Use Tax Exemption for Electronic Financial Payment Services  H. Stephenson
Governor Signed on 4/1/2013
Effective Date: 7/1/2013

S.B. 172  Use of Bond Proceeds by Political Subdivisions  J. Valentine
Governor Signed on 3/26/2013
Effective Date: 5/14/2013

S.B. 173  Residential Construction Contract Amendments  J. Adams
Governor Signed on 3/26/2013
Effective Date: 5/14/2013

S.B. 174  Warrant Collection Amendments  S. Urquhart
Senate/ filed on 3/14/2013

S.B. 175  Assessment of College Readiness  H. Stephenson
Governor Signed on 3/26/2013
Effective Date: 3/26/2013

S.B. 176  Office of Planning and Budget Restructuring Amendments  J. Stevenson
Governor Signed on 3/28/2013
Effective Date: 5/14/2013
S.B. 177  Highway Designation Amendments  
Senate filed on 3/14/2013

S.B. 178  Department of Transportation Revisions  
Governor Signed on 3/22/2013  
Effective Date: 5/14/2013

S.B. 179  Local Government Financial Reporting Revisions  
Governor Signed on 3/26/2013  
Effective Date: 5/14/2013

S.B. 180  Public Utilities Amendments  
Governor Signed on 3/27/2013  
Effective Date: 5/14/2013

S.B. 181  Political Subdivisions Property Amendments  
Senate filed on 3/14/2013

S.B. 182  Storage Unit Amendments  
Governor Signed on 3/26/2013  
Effective Date: 5/14/2013

S.B. 183  Adoption Agency Modifications  
Governor Signed on 4/1/2013  
Effective Date: 5/14/2013

S.B. 184  Youth Suicide Prevention Revisions  
Senate filed on 3/14/2013

S.B. 185  Division of Oil, Gas, and Mining Amendments  
Governor Signed on 3/27/2013  
Effective Date: 5/14/2013

S.B. 186  Insurance Transactions Amendments  
Governor Signed on 4/1/2013  
Effective Date: 1/1/2014

S.B. 187  Food Handler Licensing Amendments  
Governor Signed on 4/1/2013  
Effective Date: 7/1/2013
S.B. 188  Amendments to Adoption Requirements  T. Weiler
Senate/ filed on 3/14/2013

S.B. 189  Oncology Insurance Amendments  C. Bramble
Governor Signed on 3/26/2013
Effective Date:  5/14/2013

S.B. 190  Procurement Revisions  S. Jenkins
Governor Signed on 4/1/2013
Effective Date:  5/1/2013

S.B. 191  Administrative Law Judge Amendments  W. Harper
Governor Signed on 3/26/2013
Effective Date:  5/14/2013

S.B. 192  Economic Development Incentives Act Amendments  R. Okerlund
Senate/ filed on 3/14/2013

S.B. 193  Vehicle Registration Amendments  S. Jenkins
Governor Signed on 4/1/2013
Effective Date:  5/14/2013

S.B. 194  Pharmacy Practice Act Amendments  E. Vickers
Governor Signed on 3/26/2013
Effective Date:  5/14/2013

S.B. 195  Utah Charity Care Commission  J. Adams
Senate/ filed on 3/14/2013

S.B. 196  License Plate Reader Amendments  T. Weiler
Governor Signed on 4/1/2013
Effective Date:  5/14/2013

S.B. 197  Private Investigators Qualification Amendments  M. Dayton
Senate/ filed on 3/14/2013

S.B. 198  Utah Unitrust Act  L. Hillyard
Governor Signed on 3/27/2013
Effective Date:  5/14/2013
S.B. 199  **Energy Revisions**  
C. Bramble  
Senate/ filed on 3/14/2013

S.B. 200  **Local and Special Service Districts Amendments**  
J. Stevenson  
Governor Signed on 4/1/2013  
Effective Date:  5/14/2013

S.B. 201  **Public Use Trails Amendments**  
C. Bramble  
Senate/ filed on 3/14/2013

S.B. 202  **Extensions of Natural Gas Lines**  
R. Okerlund  
Senate/ filed on 3/14/2013

S.B. 203  **PreS.C.R. iption Label Information and Education Amendments**  
P. Jones  
Governor Signed on 3/22/2013  
Effective Date:  5/14/2013

S.B. 204  **Judiciary Amendments**  
L. Hillyard  
Governor Signed on 3/27/2013  
Effective Date:  7/1/2013

S.B. 205  **Campaign Finance Amendments**  
L. Robles  
Senate/ filed on 3/14/2013

S.B. 206  **Office of Medicaid Inspector General Amendments**  
A. Christensen  
Senate/ filed on 3/14/2013

S.B. 207  **Repeal of Health and Human Services Reports and Expired or Discontinued Programs**  
A. Christensen  
Governor Signed on 3/26/2013  
Effective Date:  5/14/2013

S.B. 208  **Solar Photovoltaic Contractor License Amendments**  
E. Vickers  
Governor Signed on 4/1/2013  
Effective Date:  5/14/2013
S.B. 209  **Grants for Personal Mobile Learning Devices**  A. Osmond
Senate/ filed on 3/14/2013

S.B. 210  **Amendments Related to Use of Business Names**  T. Weiler
Senate/ filed on 3/14/2013

S.B. 211  **Redevelopment Agency Amendments**  J. Stevenson
Governor Signed on 3/22/2013
Effective Date: 5/14/2013

S.B. 212  **Judicial Code Amendments**  R. Okerlund
Senate/ filed on 3/14/2013

S.B. 213  **Employer Association Health Plan Amendments**  P. Knudson
Governor Signed on 3/26/2013
Effective Date: 5/14/2013

S.B. 214  **Continuing Education for Prescription Drugs**  P. Jones
Governor Signed on 4/1/2013
Effective Date: 5/14/2013

S.B. 215  **Peace Officer Standards and Training Certification Age Requirement**  L. Hillyard
Governor Signed on 4/1/2013
Effective Date: 5/14/2013

S.B. 216  **Water Pollution Task Force**  R. Okerlund
Senate/ filed on 3/14/2013

S.B. 217  **Utility Liability Limits**  T. Weiler
Senate/ filed on 3/14/2013

S.B. 218  **Receiving Centers Funding Amendments**  D. Thatcher
Governor Signed on 4/1/2013
Effective Date: 5/14/2013

S.B. 219  **Payment of Insurance Proceeds**  S. Urquhart
Senate/ filed on 3/14/2013
S.B. 220  Traffic Code Amendments  
Senate/ filed on 3/14/2013  
B. Shiozawa

S.B. 221  Assessment Area Act Amendments  
Governor Signed on 3/27/2013  
Effective Date:  5/14/2013  
K. Van Tassell

S.B. 222  Transportation Amendments  
Governor Signed on 4/1/2013  
Effective Date:  5/14/2013  
W. Harper

S.B. 223  State Senate Boundary Amendments  
Governor Signed on 4/1/2013  
Effective Date:  5/14/2013  
R. Okerlund

S.B. 224  State Board of Education Boundary Amendments  
Governor Signed on 4/1/2013  
Effective Date:  5/14/2013  
R. Okerlund

S.B. 225  Immigration Trigger Dates  
Governor Signed on 4/1/2013  
Effective Date:  5/14/2013  
C. Bramble

S.B. 226  Sales and Use Tax Amendments  
Senate/ filed on 3/14/2013  
W. Harper

S.B. 227  Patient Information Protection Amendments  
Senate/ filed on 3/14/2013  
S. Urquhart

S.B. 228  Penalties for Specified Juvenile Offenses  
Governor Signed on 3/22/2013  
Effective Date:  5/14/2013  
B. Shiozawa

S.B. 229  Appellate Bond for State Entities  
Governor Signed on 3/21/2013  
Effective Date:  3/21/2013  
C. Bramble

S.B. 230  Miners’ Hospital Grants Amendments  
Governor Signed on 4/1/2013  
Effective Date:  5/14/2013  
D. Hinkins
S.B. 231  **Political Action Committee Amendments**  E. Vickers
Senate/ filed on 3/14/2013

S.B. 232  **Adoption Code Revisions**  T. Weiler
Governor Signed on 4/1/2013
Effective Date:  5/14/2013

S.B. 233  **Request for Emergency Medical Assistance Amendments**  C. Bramble
Governor Signed on 3/26/2013
Effective Date:  5/14/2013

S.B. 234  **Fire Code Amendments**  C. Bramble
Governor Signed on 3/27/2013
Effective Date:  5/14/2013

S.B. 235  **Interstate Mining Compact**  D. Hinkins
Governor Signed on 4/1/2013
Effective Date:  5/14/2013

S.B. 236  **Uninsured and Underinsured Motorist Coverage Amendments**  L. Hillyard
Governor Signed on 4/1/2013
Effective Date:  5/14/2013

S.B. 237  **Taxation of Short–term Lodging**  J. Adams
Senate/ filed on 3/14/2013

S.B. 238  **Property Tax Amendments**  C. Bramble
Governor Signed on 3/27/2013
Effective Date:  1/1/2014

S.B. 239  **Alcoholic Beverage Control Act Sampling Amendments**  J. Valentine
Senate/ filed on 3/14/2013

S.B. 240  **Billboard Amendments**  S. Urquhart
Senate/ filed on 3/14/2013
S.B. 241  Disclosure Requirements for Midterm Vacancy Candidates
Governor Signed on 3/26/2013
Effective Date:  5/14/2013

T. Weiler

S.B. 242  Health Insurance Market Amendments
Senate/ filed on 3/5/2013

L. Hillyard

S.B. 243  Bullying and Hazing Amendments
Senate/ filed on 3/14/2013

L. Robles

S.B. 244  Utah Department of Agriculture and Food Amendments
Governor Signed on 4/1/2013
Effective Date:  5/14/2013

D. Hinkins

S.B. 245  Court Fees for Political Subdivisions
Senate/ filed on 3/14/2013

D. Thatcher

S.B. 246  Volunteer Workers Amendments
Governor Signed on 3/27/2013
Effective Date:  5/14/2013

S. Jenkins

S.B. 247  Amendments to Revenue and Taxation
Governor Signed on 4/1/2013
Effective Date:  7/1/2013

W. Harper

S.B. 248  Alcoholic Beverage Control Act and Small Manufacturers
Senate/ filed on 3/14/2013

J. Valentine

S.B. 249  Salvage and Nonrepairable Vehicle Amendments
Governor Signed on 4/1/2013
Effective Date:  5/14/2013

S. Urquhart

S.B. 250  Sales and Use Tax Exemption for Sales of a Fuel Cell
Governor Signed on 3/22/2013
Effective Date:  3/22/2013

R. Okerlund
S.B. 251  **Truth in Advertising**  
Senate/ filed on 3/14/2013  
B. Shiozawa

S.B. 252  **Hospital Credentialing Amendments**  
Senate/ filed on 3/5/2013  
R. Okerlund

S.B. 253  **Sale of Dogs and Cats**  
Senate/ filed on 3/14/2013  
G. Davis

S.B. 254  **Penalty for Well Drilling Without a License**  
Senate/ filed on 3/14/2013  
W. Harper

S.B. 255  **Human Services Amendments**  
Governor Signed on 3/26/2013  
Effective Date:  5/14/2013  
W. Harper

S.B. 256  **Preconstruction and Construction Liens Amendments**  
Governor Signed on 4/1/2013  
Effective Date:  5/14/2013  
S. Jenkins

S.B. 257  **Personalized Educator Evaluation Technology**  
Senate/ filed on 3/14/2013  
J. Adams

S.B. 258  **Rename Utah State University – College of Eastern Utah**  
Governor Signed on 4/1/2013  
Effective Date:  5/14/2013  
D. Hinkins

S.B. 259  **Amendments to Disability Waiting List**  
Governor Signed on 3/26/2013  
Effective Date:  5/14/2013  
A. Christensen

S.B. 260  **Early Childhood Education Programs Amendments**  
Governor Signed on 4/1/2013  
Effective Date:  5/14/2013  
S. Urquhart
S.B. 261  **Amendments Related to Alcoholic Beverage Control**  
J. Valentine  
Senate/ filed on 3/14/2013

S.B. 262  **Employment and Housing Antidiscrimination Amendments**  
S. Urquhart  
Senate/ filed on 3/14/2013

S.B. 263  **Child Care Costs Amendments**  
T. Weiler  
Governor Signed on 4/1/2013  
Effective Date: 5/14/2013

S.B. 264  **Office of Recovery Services Pilot Program**  
A. Christensen  
Senate/ filed on 3/14/2013

S.B. 265  **Referendum Amendments**  
J. Valentine  
Senate/ filed on 3/11/2013

S.B. 266  **Tax Revisions**  
J. Valentine  
Senate/ filed on 3/14/2013

S.B. 267  **New Convention Hotel Development Incentive Act**  
J. Adams  
Senate/ filed on 3/14/2013

S.B. 268  **Human Services Background Checks Amendments**  
A. Christensen  
Governor Signed on 4/1/2013  
Effective Date: 5/14/2013

S.B. 269  **Property Tax Revisions**  
J. Valentine  
Governor Signed on 4/1/2013  
Effective Date: 5/14/2013

S.B. 270  **Controlled Substance Amendments**  
E. Vickers  
Governor Signed on 3/22/2013  
Effective Date: 5/14/2013
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S.B. 282 Adoption Notification Requirements
L. Robles
Governor Signed on 4/1/2013
Effective Date: 5/14/2013

S.B. 283 Availability of Public Information Amendments
D. Henderson
Governor Signed on 3/22/2013
Effective Date: 5/14/2013

S.B. 284 Educational Technology Amendments
J. Stevenson
Governor Signed on 3/26/2013
Effective Date: 5/14/2013

S.B. 285 Involuntary Civil Commitment Information Amendments
D. Thatcher
Governor Signed on 3/28/2013
Effective Date: 5/14/2013

S.B. 286 Employee Lunch Break Amendments
L. Robles
Senate/ filed on 3/14/2013

S.B. 287 Elementary Education Coteaching
J. Valentine
Senate/ filed on 3/14/2013

S.B. 288 Uniform Agriculture Cooperative Association Act Amendments
D. Hinkins
Senate/ filed on 3/14/2013

S.B. 289 Election Offense Amendments
P. Knudson
Governor Signed on 3/26/2013
Effective Date: 3/26/2013

S.C.R. 1 Concurrent Resolution Approving Solid Waste Facility Landfill Permit
D. Hinkins
Governor Signed on 3/21/2013
Effective Date: 3/21/2013

S.C.R. 2 Concurrent Resolution Recognizing Workers’ Compensation Fund for Workplace Safety
K. Mayne
Governor Signed on 3/4/2013
Effective Date: 3/4/2013
S.C.R. 3 Threatened Species Damage and Management Plan Concurrent Resolution  
Governor Signed on 3/22/2013  
Effective Date: 3/22/2013  
E. Vickers

S.C.R. 4 Standing with Israel Concurrent Resolution  
Governor Signed on 3/22/2013  
Effective Date: 3/22/2013  
C. Bramble

S.C.R. 5 Concurrent Resolution Expressing Support for Achieving 66% by 2020 Goal  
Governor Signed on 3/22/2013  
Effective Date: 3/22/2013  
J. Stevenson

S.C.R. 6 Concurrent Resolution on Federal Gas Tax  
Governor Signed on 3/21/2013  
Effective Date: 3/21/2013  
D. Henderson

S.C.R. 7 Concurrent Resolution to Reduce Utah’s Dependence on Federal Funds  
Governor Signed on 3/26/2013  
Effective Date: 3/26/2013  
A. Osmond

S.C.R. 8 Concurrent Resolution for the Provo Reservoir Canal Title Transfer  
Governor Signed on 3/12/2013  
Effective Date: 3/12/2013  
M. Dayton

S.C.R. 9 Concurrent Resolution Designating a Week to Recognize Workplace Safety  
Governor Signed on 3/21/2013  
Effective Date: 3/21/2013  
K. Mayne

S.C.R. 10 Concurrent Resolution Regarding Monticello Mill Tailings Site  
Governor Signed on 4/1/2013  
Effective Date: 4/1/2013  
D. Hinkins

S.C.R. 11 Concurrent Resolution on Radon Gas  
Governor Signed on 4/1/2013  
Effective Date: 4/1/2013  
J. Valentine
S.C.R. 12  
**Children’s and Families’ Cancer Research Facility Concurrent Resolution**

*Governor Signed on 3/28/2013*  
*Effective Date: 3/28/2013*

J. Adams

S.J.R. 1  
**Joint Rules Resolution on Performance Notes**

*Senate/ to Lieutenant Governor on 2/12/2013*  
*Effective Date: 2/7/2013*

J. Stevenson

S.J.R. 2  
**Joint Resolution Reappointing Legislative Fiscal Analyst**

*Senate/ to Lieutenant Governor on 3/20/2013*  
*Effective Date: 3/7/2013*

W. Niederhauser

S.J.R. 3  
**Joint Rules Resolution on Requests for Legislation**

*Senate/ to Lieutenant Governor on 3/18/2013*  
*Effective Date: 3/13/2013*

A. Osmond

S.J.R. 4  
**Joint Resolution on Ethics Complaint Procedures**

*Senate/ filed on 3/14/2013*

L. Robles

S.J.R. 5  
**Joint Resolution on State Superintendent of Public Instruction**

*Senate/ filed on 3/11/2013*

S. Reid

S.J.R. 6  
**Joint Rules Resolution on Circled Bills**

*Senate/ filed on 3/14/2013*

A. Osmond

S.J.R. 7  
**Joint Rules Resolution on Revenue Estimates for Federal Funds**

*Senate/ to Lieutenant Governor on 2/27/2013*  
*Effective Date: 2/21/2013*

W. Harper

S.J.R. 8  
**Joint Resolution Concerning Railroad and Railroad Crossing Safety**

*Senate/ to Lieutenant Governor on 3/5/2013*  
*Effective Date: 2/28/2013*

K. Mayne
S.J.R. 9  Joint Resolution – Jail Contracting  
M. Madsen  
Senate/ filed on 3/14/2013

S.J.R. 10  Joint Resolution on the Protection of the  
Greater Canyonlands Region  
J. Dabakis  
Senate/ filed on 3/14/2013

S.J.R. 11  Joint Resolution on Environmental and  
Developmental Policies  
T. Weiler  
Senate/ to Lieutenant Governor on 3/12/2013  
Effective Date:  3/8/2013

S.J.R. 12  Joint Resolution on Taiwan  
P. Knudson  
Senate/ to Lieutenant Governor on 3/6/2013  
Effective Date:  2/25/2013

S.J.R. 13  Joint Resolution Urging Governor and Utah’s  
Congressional Delegation to Secure  
Utah State Land  
A. Osmond  
Senate/ to Lieutenant Governor on 3/25/2013  
Effective Date:  3/14/2013

S.J.R. 14  Joint Resolution Amending Civil  
Procedure Rule 62  
C. Bramble  
Senate/ to Lieutenant Governor on 3/18/2013  
Effective Date:  3/12/2013

S.J.R. 15  Joint Resolution Regarding the Impact of Adult  
Images on Children’s Development  
T. Weiler  
Senate/ to Lieutenant Governor on 3/25/2013  
Effective Date:  3/14/2013

S.R. 1  Senate Resolution on Government Subsidies  
of Hotels  
J. Valentine  
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CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the First Extraordinary Session of the Sixtieth 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 15, 2013, and adjourning sine die on the same day.

Leslie McLean
Secretary of the Senate

Joanna MacKay
Manager, Senate Services

Mary B. Andrus
Journal Clerk
STATE OF UTAH

SENATE JOURNAL

FIRST EXTRAORDINARY SESSION
of the
SIXTIETH LEGISLATURE

The Senate of the Sixtieth Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the First Extraordinary Session at 1:30 p.m. on Wednesday, May 15, 2013.

The Senate was called to order at 2:00 p.m. with President Wayne L. Niederhauser presiding.

Prayer – Ralph Okerlund
Pledge of Allegiance – Gene Davis

* * *

Leslie McLean, Secretary of the Senate, read the following communication:

PROCLAMATION

WHEREAS, since the close of the 2013 General Session of the 60th 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 60th Legislature into the First Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 15th day of May 2013, 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 2013 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 May 2013.

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 the Proclamation issued on the 13th day of May, 2013, and signed by Governor Gary R. Herbert, is a true and correct copy of the original Proclamation calling the Sixtieth Legislature of the State of Utah into a First Extraordinary Session at the Capitol Complex at Salt Lake City, Utah, on the 15th day of May, 2013, 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 2013 General Legislative Session.

In testimony whereof, I have hereunto set my hand and affixed the Great Seal of the State of Utah, at Salt Lake City, this 13th day of May, 2013.

Greg Bell
Lieutenant Governor

Roll call – All Senators present except Senators Bramble, Harper, Reid, and Vickers, excused.
On motion of Senator Valentine, the Senate voted to adopt the Senate Rules of the 2013 General Session of the Sixtieth Legislature as the rules for the First Extraordinary Session.

President Niederhauser appointed a committee comprised of Senators Stevenson, Urquhart, and Dabakis to notify the Governor’s representative that the Senate is convened in the First 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 First Extraordinary Session.

COMMUNICATIONS FROM THE GOVERNOR

Mr. President: April 2, 2013

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

**Department of Workforce Services**

Jon S. Pierpont is appointed to replace Kristen Cox as Executive Director of the Department of Workforce Services. See Utah Code 35A–1–201.

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

Gary R. Herbert
Governor

Mr. President: May 10, 2013

The Senate Economic Development and Workforce Services Confirmation Committee met on the 14th day of May 2013, and recommends Senate confirmation of Jon S. Pierpont as Executive Director of the Department of Workforce Services.

Aaron Osmond, Chair

* * *

Mr. President: April 30, 2013

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

**Department of Corrections:**

Rollin E. Cook is appointed to replace Thomas Patterson as the Executive Director of the Department of Corrections. See Utah Code 64–13–3.
Securities Commission:

David A. Russon is appointed to replace Jane Cameron as a member of the Securities Commission, a term to expire May 12, 2017. See Utah Code 61–1–18.5.

Gary Cornia is appointed to replace Laura Polacheck as a member of the Securities Commission, a term to expire May 12, 2017. See Utah Code 61–1–18.5.

Erik A. Christiansen is reappointed as a member of the Securities Commission, a term to expire May 12, 2017. See Utah Code 61–1–18.5.

Permanent Community Impact Fund Board:

James Jae Potter is appointed to replace Michael Milovich as a member of the Permanent Community Impact Fund Board, a term to expire July 1, 2013. Mr. Potter is also appointed to a term to expire July 1, 2017. See Utah Code 35A–8–304.

Labor Commission Appeals Board:

Patricia Smith Drawe is reappointed as a member of the Labor Commission Appeals Board, a term to expire March 1, 2019. See Utah Code 34A–1–205.

Drinking Water Board:

Paul Gailey Hansen is reappointed as a member of the Drinking Water Board, a term to expire May 8, 2017. See Utah Code 19–4–103.

Heather Anne Jackson is reappointed as a member of the Drinking Water Board, a term to expire May 8, 2017. See Utah Code 19–4–103.

Tage Ivan Flint is reappointed as a member of the Drinking Water Board, a term to expire May 8, 2015. See Utah Code 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 19–4–103.

Betty G. Naylor is reappointed as a member of the Drinking Water Board, a term to expire May 8, 2015. See Utah Code 19–4–103.

Mark Howard Stevens is appointed to replace Terry Beebe as a member of the Drinking Water Board, a term to expire May 8, 2017. See Utah Code 19–4–103.

Brett Harvey Chynoweth is appointed to replace Daniel Fleming as a member of the Drinking Water Board, a term to expire May 8, 2015. See Utah Code 19–4–103.

Natasha R. Madsen is appointed to replace Kenneth Bassett as a member of the Drinking Water Board, a term to expire May 8, 2017. See Utah Code 19–4–103.
**Board of Business and Economic Development:**

Mel S. Lavitt is reappointed as a member of the Board of Business and Economic Development, a term to expire March 15, 2017. See Utah Code 63M–1–302.

Peter Mouskondis is reappointed as a member of the Board of Business and Economic Development, a term to expire March 15, 2017. See Utah Code 63M–1–302.

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

Gary R. Herbert
Governor

* * *

Mr. President: May 10, 2013

At its meeting today, the Senate Law Enforcement and Criminal Justice Confirmation Committee voted unanimously to recommend that the Utah Senate approve the nomination of Mr. Rollin E. Cook as Executive Director of the Department of Corrections.

Mark B. Madsen, Chair

* * *

Senator Hillyard moved to consent to the appointments as read by Joanna MacKay. Senators Osmond and Madsen commented. The motion passed on the following roll call vote:

**Yeas, 25; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Senators

- Adams
- Dayton
- Jenkins
- Mayne
- Shiozawa
- Urquhart
- Niederhauser

- Christensen
- Henderson
- Jones
- Okerlund
- Stephenson
- Valentine

- Dabakis
- Hillyard
- Knudson
- Osmond
- Stevenson
- Van Tassell

- Davis
- Hinkins
- Madsen
- Robles
- Thatcher
- Weiler

**Absent or not voting were:** Senators

- Bramble
- Harper
- Reid
- Vickers

**COMMITTEE OF THE WHOLE**

On motion of Senator Okerlund, Jon S. Pierpont and Rollin E. Cook spoke in Committee of the Whole.
On motion of Senator Okerlund, the Committee of the Whole was dissolved.

President Niederhauser 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 has concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Okerlund, and at 2:20 p.m., the Senate adjourned sine die.
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Second Extraordinary Session of the Sixtieth 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 19, 2013, and adjourning sine die on the same day.

Leslie McLean
Secretary of the Senate

Joanna MacKay
Manager, Senate Services

Mary B. Andrus
Journal Clerk
The Senate of the Sixtieth Legislature of the State of Utah met in the Senate Chamber at the State Capital Complex in the Second Extraordinary Session at 1:30 p.m. on Wednesday, June 19, 2013.

The Senate was called to order at 2:30 p.m. with President Wayne L. Niederhauser presiding.

Prayer – Senator Evan Vickers
Pledge of Allegiance – Senator Allen Christensen

Leslie McLean, Secretary of the Senate, read the following communication:

PROCLAMATION

WHEREAS, since the close of the 2013 General Session of the 60th 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 60th Legislature into the Second Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 19th day of June 2013, 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 2013 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 17th day of June 2013.

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 the Proclamation issued on the 17th day of June, 2013, and signed by Governor Gary R. Herbert, is a true and correct copy of the original Proclamation calling the Sixtieth Legislature of the State of Utah into a Second Extraordinary Session at the Capitol Complex at Salt Lake City, Utah, on the 19th day of June, 2013, 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 2013 General Legislative Session.

In testimony whereof, I have hereunto set my hand and affixed the Great Seal of the State of Utah, at Salt Lake City, this 17th day of June, 2013.

Greg Bell
Lieutenant Governor

Roll call – All Senators present except Senators Harper and Davis, excused.

On motion of Senator Valentine, the Senate voted to adopt the Senate Rules of the 2013 General Session of the Sixtieth Legislature as the rules for the Second Extraordinary Session.
President Niederhauser appointed a committee comprised of Senators Weiler, Osmond, and Mayne to notify the Governor’s representative that the Senate is convened in the Second Extraordinary Session in accordance with his proclamation.

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

COMMUNICATIONS FROM THE GOVERNOR

Mr. President: April 22, 2013

I am pleased to inform you that I have appointed Renee M. Jimenez as a Judge of the third District Juvenile Court, pursuant to Article VII, Section 8 of the Utah Constitution and Utah Code Section 78A–10–101.

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

Gary R. Herbert
Governor

Mr. President: June 11, 2013

The Senate Judicial Confirmation Committee met on June 11, 2013, and reports a favorable recommendation for Ms. Renee M. Jimenez 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 appointment of Renee M. Jimenez. The motion passed on the following roll call vote:

**Yeas, 26; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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<tr>
<th>Davis</th>
<th>Harper</th>
<th>Robles</th>
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COMMITTEE OF THE WHOLE

On motion of Senator Okerlund, Judge Renee M. Jimenez spoke in Committee of the Whole.
On motion of Senator Okerlund, the Committee of the Whole was dissolved.

COMMUNICATIONS FROM THE GOVERNOR

Mr. President:

June 3, 2013

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

Quality Growth Commission:

Scott Dallas Sandall is appointed to replace Flint Richards as a member of the Quality Growth Commission, a term to expire April 15, 2017. See Utah Code 11–38–201.

Jae Potter is appointed to replace Sally Elliot as a member of the Quality Growth Commission, the remaining portion of the term to expire April 15, 2015. See Utah Code 11–38–201.

David Mansell is reappointed as a member of the Quality Growth Commission, a term to expire April 15, 2017. See Utah Code 11–38–201.

Soren Simonsen is reappointed as a member of the Quality Growth Commission, a term to expire April 15, 2017. See Utah Code 11–38–201.

Utah Housing Corporation Board of Trustees:

Lerron E. Little is appointed to replace Bruce Tucker as a member of the Utah Housing Corporation Board of Trustees, a term to expire May 30, 2017. See Utah Code 35A–8–704.

Lucy M. Delgadillo is reappointed as a member of the Utah Housing Corporation Board of Trustees, a term to expire May 30, 2017. See Utah Code 35A–8–704.

Kay R. Ashton is reappointed as a member of the Utah Housing Corporation Board of Trustees, a term to expire May 30, 2017. See Utah Code 35A–8–704.

Board of Tourism Development:

Kym Buttshardt is appointed to replace Georgianna Knudson as a member of the Board of Tourism Development, a term to expire June 30, 2017. See Utah Code 63M–1–1402.

Kathy Marie Hanna–Smith is appointed to replace Colin Fryer as a member of the Board of Tourism Development, a term to expire June 30, 2017. See Utah Code 63M–1–1402.
Gordon W. Topham is appointed to replace Peter Corroon as a member of the Board of Tourism Development, a term to expire June 30, 2017. See Utah Code 63M−1−1402.

**Utah State Fair Corporation Board of Directors:**

Ted D. Lewis is appointed to replace Steve Barth as a member of the Utah State Fair Corporation Board of Directors, a term to expire December 1, 2017. See Utah Code 63H−6−104.

Paula H. Martin is appointed to replace Steve Frischnecht as a member of the Utah State Fair Corporation Board of Directors, a term to expire December 1, 2017. See Utah Code 63H−6−104.

LouAnn Newell Christensen is appointed to replace Kent Buttars as a member of the Utah State Fair Corporation Board of Directors, a term to expire December 1, 2017. See Utah Code 63H−6−104.

**Youth Parole Authority:**

Margaret A. Jackson is appointed to replace Jennifer Yim as a member of the Youth Parole Authority, a term to expire April 1, 2017. See Utah Code 62A−7−501.

Athelia Tanner Woolley is appointed to replace Deween Durrant as a member of the Youth Parole Authority, a term to expire April 1, 2017. See Utah Code 62A−7−501.

Pamela Eileen Beatse is appointed to replace Olga Castaneda as a member of the Youth Parole Authority, the remaining portion of the term to expire April 1, 2015. See Utah Code 62A−7−501.

Simon Daniel Nicolia is appointed to replace Rodney Fakato as a member of the Youth Parole Authority, the remaining portion of the term to expire April 1, 2015. See Utah Code 62A−7−501.

Sharlene Christensen is appointed to replace Margaret Jackson as a member of the Youth Parole Authority, the remaining portion of the term to expire April 1, 2015. See Utah Code 62A−7−501.

Rick T. Westoreland is appointed to replace a vacant Pro Tempore member of the Youth Parole Authority, a term to expire April 1, 2017. See Utah Code 62A−7−501.

Myron Thomas Benson is reappointed as a member of the Youth Parole Authority, a term to expire April 1, 2017. See Utah Code 62A−7−501.
Lynn Jay Stewart is reappointed as a member of the Youth Parole Authority, a term to expire April 1, 2017. See Utah Code 62A−7−501.

**Digital Health Data Service Commission:**
Sarah Lynn Woolsey is appointed to replace Doug Hasbrouck as a member of the Digital Health Data Commission, the remaining portion of the term to expire October 1, 2013. Ms. Woolsey is also appointed to a term to expire October 1, 2016. See Utah Code 26−9f−103.

Mark F. Dalley is appointed to replace Bradley LeBaron as a member of the Digital Health Data Commission, a term to expire October 1, 2016. See Utah Code 26−9f−103.

Craig C. Herzog is appointed to replace Mark Munger as a member of the Digital Health Data Commission, a term to expire October 1, 2016. See Utah Code 26−9f−103.

**Board of Aging And Adult Services:**
Martha E. Autrey is appointed to replace Darnel Haney as a member of the Board of Aging and Adult Services, a term to expire April 1, 2017. See Utah Code 62A−1−107.

Eric Michael Allen is appointed to replace Joseph Miner as a member of the Board of Aging and Adult Services, a term to expire April 1, 2017. See Utah Code 62A−1−107.

Neil G. Anderton is appointed to replace James Winder as a member of the Board of Aging and Adult Services, a term to expire April 1, 2017. See Utah Code 62A−1−107.

Barbara Anne Heise is appointed to replace Hilary Gordon as a member of the Board of Aging and Adult Services, a term to expire April 1, 2017. See Utah Code 62A−1−107.

**Wildlife Board:**
Kirk J. Woodward is appointed to replace Del Brady as a member of the Wildlife Board, a term to expire August 15, 2019. See Utah Code 23−14−2.

Steve C. Dalton is appointed to replace Ernie Perkins as a member of the Wildlife Board, a term to expire August 15, 2019. See Utah Code 23−14−2.

**Real Estate Commission:**
Lori Chapman is appointed to replace H. Thayne Houston as a member of the Real Estate Commission, a term to expire June 30, 2017. See Utah Code 61−2F−103.
Title and Escrow Commission:
Jeffrey Donald Wiener is appointed to replace Cortlund Ashton as a member of the Title and Escrow Commission, a term to expire June 30, 2017. See Utah Code 31A−2−403.

Matthew Blaine Sager is appointed to replace Jerry Houghton as a member of the Title and Escrow Commission, a term to expire June 30, 2017. See Utah Code 31A−2−403.

Sylvia Skinner Andersen is appointed to replace Dirk Keyes as a member of the Title and Escrow Commission, a term to expire June 30, 2017. See Utah Code 31A−2−403.

Alcoholic Beverage Control Commission:
Dennis J. Nordfeldt is appointed to replace Richard Sperry as a member of the Alcoholic Beverage Control Commission, a term to expire July 1, 2017. See Utah Code 32B−2−201.

Jeffrey Wright is reappointed as a member of the Alcoholic Beverage Control Commission, a term to expire July 1, 2017. See Utah Code 32B−2−201.

Political Subdivisions Ethics Review Commission:
Roger Thompson is appointed as a member of the Political Subdivisions Ethics Review Commission, a term to expire March 1, 2017. See Utah Code 11−49−201.

University Of Utah Board Of Trustees:
Lisa Eccles is reappointed as a member of the University Of Utah Board Of Trustees, a term to expire June 30, 2017. See Utah Code 53B−2−104.

Taft E. Price is reappointed as a member of the University Of Utah Board Of Trustees, a term to expire June 30, 2017. See Utah Code 53B−2−104.

Joyce P. Valdez is reappointed as a member of the University Of Utah Board Of Trustees, a term to expire June 30, 2017. See Utah Code 53B−2−104.

Salt Lake Community College Board Of Trustees:
Sanchita Datta is appointed to replace Jesselie Anderson as a member of the Salt Lake Community College Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B−2−104.

Utah State University Board of Trustees:
Jody K. Burnett is appointed to replace Douglas Foxley as a member of the Utah State University Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B−2−104.
Ronald W. Jibson is reappointed as a member of the Utah State University Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B–2–104.

Susan D. Johnson is reappointed as a member of the Utah State University Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B–2–104.

**Southern Utah University Board of Trustees:**
Matthew M. Cannon is appointed to replace Gayle Pollock as a member of the Southern Utah University Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B–2–104.

Anne Marie McIff Allen is reappointed as a member of the Southern Utah University Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B–2–104.

Carolyn Carter Higbee is reappointed as a member of the Southern Utah University Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B–2–104.

**Dixie State University Board of Trustees:**
Chris Durham is appointed to replace Lon Henderson as a member of the Dixie State College Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B–2–104.

Elizabeth Rhodes Bingham is reappointed as a member of the Dixie State College Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B–2–104.

Jon Pike is reappointed as a member of the Dixie State College Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B–2–104.

David Clark is reappointed as a member of the Dixie State College Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B–2–104.

**Utah Department of Transportation:**
Carlos M. Braceras is appointed to replace John Njord as the Executive Director of the Utah Department of Transportation. See Utah Code 72–1–202.
Thank you for your timely consideration and confirmation of the above appointments.

Gary R. Herbert
Governor

* * *

Mr. President: June 18, 2013
At its meeting today, the Senate Business and Labor Confirmation Committee voted unanimously to recommend that the Utah Senate approve the nomination of Dennis Nordfelt to the Alcoholic Beverage Control Commission.

Curtis S. Bramble, Chair

* * *

Mr. President: June 18, 2013
The Senate Transportation and Public Utilities and Technology Confirmation Committee met on the 19th day of June 2013, and recommends Senate confirmation of Carlos M. Braceras as Executive Director of the Utah Department of Transportation.

Kevin T. Van Tassell, Chair

Senator Hillyard moved to consent to the appointments as read by Joanna MacKay. Senators Bramble, Christensen, Van Tassell, and Adams commented. The motion passed on the following roll call vote:

Yeas, 26; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Senators

Adams  Bramble  Christensen  Dabakis
Dayton  Henderson  Hillyard  Hinkins
Jenkins  Jones  Knudson  Madsen
Mayne  Okerlund  Osmond  Reid
Shiozawa  Stephenson  Stevenson  Thatcher
Urquhart  Valentine  Van Tassell  Vickers
Weiler  Niederhauser

Absent or not voting were: Senators

Davis  Harper  Robles

COMMITTEE OF THE WHOLE

On motion of Senator Okerlund, Carlos M Braceras spoke in Committee of the Whole.
On motion of Senator Okerlund, the Committee of the Whole was dissolved.

SPECIAL RECOGNITION

Vismaya Kharkar, Utah representative at the Scripps national spelling bee was recognized by the Senate.

COMMITTEE OF THE WHOLE

On motion of Senator Weiler, Vismaya Kharkar, Scripps spelling bee competitor from Utah spoke in Committee of the Whole.

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

* * *

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

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

On motion of Senator Okerlund, and at 3:05 p.m., the Senate adjourned sine die.
STATE OF UTAH

SENATE JOURNAL

FIRST SPECIAL SESSION
OF THE
SIXTIETH LEGISLATURE

Convened and Adjourned on Wednesday, July 17, 2013
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Fourth 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 Fourth Special Session convening on Wednesday, June 20, 2012, and adjourning sine die the same day.

Leslie McLean
Secretary of the Senate

Joanna MacKay
Manager, Senate Services

Mary B. Andrus
Journal Clerk
Pursuant to the proclamation of His Excellency, Governor Gary R. Herbert, the Senate of the Sixtieth Legislature of the State of Utah met in the Senate Chamber of the State Capitol in a Special Session at 12:30 p.m. on Wednesday, July 17, 2013.

The Senate was called to order at 1:30 p.m., with President Wayne Niederhauser presiding.

Prayer – Senator Patricia Jones
Pledge of Allegiance – Senator Wayne Harper
Roll Call – All Senators present, except Senator Bramble, excused.

Leslie McLean read the following Proclamation and Certification.

PROCLAMATION

WHEREAS, since the adjournment of the 2013 General Session of the Sixtieth Legislature of the State of Utah, matters have arisen that require immediate legislative attention;

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; and

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, call the Sixtieth Legislature of the State of Utah into a First Special Session at the Utah State Capitol, in Salt Lake City, Utah, on the 17th day of July 2013, at 12:30 p.m., solely for the following purposes:

1. To consider changes relating to legislative subpoenas, the provision of testimony and evidence to the legislative branch, including the grant of immunity to a witness, and
enacting provisions relating to the work of legislative investigative committees, including the circumstances under which certain records received by, or generated by or for, a special legislative committee may be classified as protected and the circumstances under which a legislative investigative committee meeting may be closed;

2. To consider modifying provisions relating to the unauthorized practice of law;

3. To consider a joint resolution approving a settlement pursuant to the State Settlement Agreements Act and a related appropriation;

4. To consider amendments to private investigator licensing statutes to allow out–of–state private investigators to obtain a Utah license if hired to assist a legislative special investigative committee investigating an elected official or to assist the Legislature with an impeachment inquiry;

5. To consider the repeal of Utah Code Section 53–13–106.5 and other related sections; and

6. For the Senate to consent to appointments made by the Governor.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 15th day of July, 2013.

Gary R. Herbert
Governor
Greg Bell
Lieutenant Governor

SUPPLEMENTAL PROCLAMATION

WHEREAS, the undersigned issued a Proclamation on July 15, 2013, calling the Sixtieth Legislature of the State of Utah into a First Special Session beginning on the 17th day of July 2013; and
WHEREAS, the undersigned has since been informed of the need to include an additional item of business for consideration in this First 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 include the following item for Legislative action:

7. To consider modifying all code sections amended by H.B. 155, Federal Law Enforcement Amendments (2013 General Session), in order to reverse all changes made by that H.B. 155.

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 16th day of July, 2013.

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 copies of the Proclamation issued on the 15th day of July, 2013, and the Supplemental Proclamation issued on the 16th day of July, 2013, signed by Governor Gary R. Herbert, are true and correct copies of the original Proclamation and Supplemental Proclamation calling the Sixtieth Legislature of the State of Utah into the First Special Session at the Capitol Complex at Salt Lake City, Utah, on the 17th day of July, 2013, at 12:30 p.m., for the purposes named in the Proclamation and the Supplemental Proclamation.
I further certify that the membership of the Utah State Senate has not changed from that Certification of the 2013 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, Utah, this 17th day of July, 2013

Greg Bell
Lieutenant Governor

* * *

On motion of Senator Valentine, the Senate voted to adopt the Senate Rules of the 2013 General Session of the Sixtieth Legislature as the rules for the First Special Session.

President Niederhauser appointed a committee comprised of Senators Harper, Reid, and Jones 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 Niederhauser appointed a committee comprised of Senators Jenkins, Christensen, and Robles to notify the House of Representatives that the Senate is organized and ready to do business.

Representatives Grover, Snow and Romero reported that the House of Representatives is organized and ready to do business.

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

Senator Jenkins reported that the House has been notified.

On motion of Senator Valentine, 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 applied 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.
INTRODUCTION OF BILLS

S.B. 1001, Deep Creek Case Appropriation (L. Hillyard), was read the first time by short title.

S.J.R. 101, Joint Resolution Approving the Deep Creek Case Settlement Agreement (L. Hillyard), was read the first time by short title.

On motion of Senator Okerlund, the Senate voted to suspend the rules and place S.B. 1001 and S.J.R. 101 on the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Hillyard, the Senate, by a 2/3 vote, voted to suspend the three readings requirement and the requirement that the bill have a Senate standing committee hearing.

On motion of Senator Hillyard, under suspension of the rules, S.B. 1001, DEEP CREEK CASE APPROPRIATION, 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 or not voting, 1.

Voting in the affirmative were: Senators
Adams       Christensen       Dabakis       Davis
Dayton      Harper           Henderson      Hillyard
Hinkins     Jenkins          Jones          Knudson
Madsen      Mayne           Okerlund       Osmond
Reid        Robles          Shiozawa       Stephenson
Stevenson   Thatcher        Urquhart       Valentine
Van Tassell Vickers         Weiler         Niederhauser

Absent or not voting was: Senator
Bramble

S.B. 1001 was transmitted to the House.

***

On motion of Senator Hillyard, under suspension of the rules, S.J.R. 101, JOINT RESOLUTION APPROVING THE DEEP CREEK CASE SETTLEMENT AGREEMENT, 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 or not voting, 1.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Stevenson Thatcher Urquhart Valentine
Van Tassell Vickers Weiler Niederhauser

Absent or not voting was: Senator
Bramble

S.J.R. 101 was transmitted to the House.

COMMUNICATIONS FROM THE GOVERNOR

Mr. President: June 7, 2013
I am pleased to inform you that I have appointed Paul Parker 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. Parker.

Gary R. Herbert
Governor

Mr. President: July 12, 2013
The Senate Judicial Confirmation Committee met on July 12, 2013, and reports a favorable recommendation for Mr. Paul Parker to be confirmed to the position of Judge in the Third District Court.

Scott K. Jenkins, Chair

On motion of Senator Hillyard, the Senate voted to consent to the appointment of Paul Parker as a Judge of the Third District Court on the following roll call vote:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators
Adams Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Absent or not voting was: Senator Bramble

COMMITTEE OF THE WHOLE

On motion of Senator Okerlund, Judge Paul Parker spoke in Committee of the Whole. Senator Jenkins commented.

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

COMMUNICATIONS FROM THE GOVERNOR

Mr. President:

July 2, 2013

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

Crime Victims Reparation and Assistance Board:

Shane Minor is appointed to replace Gretchen McNees as a member of the Crime Victim Reparations and Assistance Board, a term to expire April 15, 2017. See Utah Code 63M−7−504.

State Board of Regents:

Jesselie Barlow Anderson is appointed to replace Nolan Karras as a member of the State Board of Regents, a term to expire June 30, 2019. See Utah Code 53B−1−104.

Joyce P. Valdez is appointed to replace Marlon O. Snow as a member of the State Board of Regents, a term to expire June 30, 2019. See Utah Code 53B−1−104.

Daniel Wayne Campbell is reappointed as a member of the State Board of Regents, a term to expire June 30, 2019. See Utah Code 53B−1−104.

Robert Scott Marquardt is reappointed as a member of the State Board of Regents, a term to expire June 30, 2019. See Utah Code 53B−1−104.

Teresa L. Theurer is reappointed as a member of the State Board of Regents, a term to expire June 30, 2019. See Utah Code 53B−1−104.
Salt Lake Community College Board of Trustees:

Patricia Rae Richards is appointed to replace Larry Hancock as a member of the Salt Lake Community College Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B−2−104.

Karen Gail Saxton Miller is reappointed as a member of the Salt Lake Community College Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B−2−104.

University of Utah Board of Trustees:

H. David Burton is appointed to replace Timothy Anderson as a member of the University Of Utah Board Of Trustees, a term to expire June 30, 2017. See Utah Code 53B−2−104.

Weber State University Board of Trustees:

Bonnie Clark is appointed to replace Kathryn Lindquist as a member of the Weber State University Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B−2−104.

Nolan Karras is appointed to replace James C. Beardall as a member of the Weber State University Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B−2−104.

Steve Starks is reappointed as a member of the Weber State University Board of Trustees, a term to expire July 1, 2015. See Utah Code 53B−2−104.

Kevin John Sullivan is reappointed as a member of the Weber State University Board of Trustees, a term to expire July 1, 2015. See Utah Code 53B−2−104.

Utah State University Board of Trustees:

Linda Clark Gillmor is appointed to replace Robert Foley as a member of the Utah State University Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B−2−104.

Dixie State University Board of Trustees:

Julie Bangerter Beck is reappointed as a member of Dixie State University Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B−2−104.

Snow College Board Of Trustees:

W. Brent Davis is appointed to replace Eddie Cox as a member of the Snow College Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B−2−104.
Regan H. Bolli is appointed to replace Mary Greathouse as a member of the Snow College Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B-2-104.

Michael McLean is appointed to replace Sam Cardon as a member of the Snow College Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B-2-104.

Leslie C. Keisel is appointed to replace Jim Shank as a member of the Snow College Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B-2-104.

Theressa L. Alder is reappointed as a member of the Snow College Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B-2-104.

Douglas L. Barton is reappointed as a member of the Snow College Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B-2-104.

Utah Valley University Board of Trustees:
Elaine S. Dalton is appointed to replace Carolyn Merrill as a member of the Utah Valley University Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B-2-104.

Fidel A. Montero is appointed to replace Doyle Mortimer as a member of the Utah Valley University Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B-2-104.

R. Duff Thompson is appointed to replace Rebecca Marriott Champion as a member of the Utah Valley University Board of Trustees, a term to expire June 30, 2017. See Utah Code 53B-2-104.

State Tax Commission:
Michael Cragun is reappointed as a member of the State Tax Commission, a term to expire June 30, 2017. See Utah Code 59-1-201.

Utah Department of Public Safety:
Keith D. Squires is appointed to replace Lance Davenport as the Commissioner of the Utah Department of Public Safety. See Utah Code 53-1-107.

Utah Department of Veterans Affairs
Gary R. Harter is appointed to replace Terry Schow as the Executive Director of the Utah Department of Veterans Affairs. See Utah Code 71-8-2.
School and Institutional Trust Lands Board Of Trustees:
At the request of the nominee, please withdraw Warren H. Peterson’s name from consideration as a member of the School and Institutional Trust Lands Board of Trustees.

Department of Human Resource Management
Debbie Cragun is appointed to replace Jeff Herring as the Executive Director of the Department of Human Resource Management.

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

Gary R. Herbert
Governor

***

Mr. President: July 16, 2013

The Senate Education Confirmation Committee met on July 16, 2013, and reports a favorable recommendation for Jesselie Barlow Anderson as a member of the State Board of Regents; and

The Senate Education Confirmation Committee met on July 16, 2013, and reports a favorable recommendation for Joyce P. Valdez as a member of the State Board of Regents.

Stephen H. Urquhart, Chair

Mr. President: July 17, 2013

The Senate Revenue and Taxation Confirmation Committee met on July 16, 2013, and unanimously reports a favorable recommendation for Mr. Michael J. Cragun to be confirmed as the State Tax Commissioner.

John L. Valentine, Chair

Mr. President: July 11, 2013

At its meeting today, the Senate Law Enforcement and Criminal Justice Confirmation Committee voted unanimously to recommend that the Utah Senate approve the nomination of the following as the Commissioner of the Utah Department of Public Safety:

Mr. Keith Squires

Mark B. Madsen, Chair

Mr. President: July 17, 2013

At its meeting today, the Senate Government Operations Confirmation Committee voted unanimously to recommend that the Utah Senate approve the
nomination of Mr. Gary R. Harter as Executive Director of the Utah Department of Veterans’ and Military Affairs; and

At its meeting today, the Senate Government Operations Confirmation Committee voted unanimously to recommend that the Utah Senate approve the nomination of Ms. Debbie Cragun as Executive Director of Human Resource Management.

Wayne A. Harper, Chair

On motion of Senator Hillyard, the Senate voted to consent to the Governor’s appointments as read by Joanna MacKay. Senators Valentine, Urquhart, Madsen, and Weiler commented. The motion passed on the following roll call vote:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators

Adams     Christensen     Dabakis     Davis
Dayton    Harper          Henderson    Hillyard
Hinkins   Jenkins         Jones        Knudson
Madsen    Mayne           Okerlund     Osmond
Reid      Robles          Shiozawa     Stephenson
Stevenson Thatcher       Urquhart     Valentine
Van Tassell Vickers       Weiler       Niederhauser

Absent or not voting was: Senator
Bramble

COMMITTEE OF THE WHOLE

On motion of Senator Okerlund, Commissioner Keith Squires spoke in Committee of the Whole. Senators commented.

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

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On motion of Senator Okerlund, and at 2:20 p.m., the Senate sauntered.

The Senate was called to order at 3:00 p.m., with President Niederhauser presiding.
COMMUNICATIONS FROM THE HOUSE

Mr. President: July 17, 2013

The House passed H.B. 1001, LEGISLATIVE INVESTIGATIVE COMMITTEE AMENDMENTS, by Representative B. Dee, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communication filed. The bill was read the first time.

On motion of Senator Valentine, the Senate voted to place H.B. 1001 on the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Adams, the Senate, by a 2/3 vote, voted to suspend the three readings requirement and the requirement that the bill have a Senate standing committee hearing.

On motion of Senator Adams, under suspension of the rules, H.B. 1001, LEGISLATIVE INVESTIGATIVE COMMITTEE AMENDMENTS, was considered read the second and third times. Senators Hillyard, Stephenson, Valentine, and Mayne commented and the bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators

Adams Christensen Dabakis Davis
Dayton Harper Henderson Hillyard
Hinkins Jenkins Jones Knudson
Madsen Mayne Okerlund Osmond
Reid Robles Shiozawa Stephenson
Stevenson Thatcher Urquhart Valentine
Van Tassell Vickers Weiler Niederhauser

Absent or not voting was: Senator Bramble

H.B. 1001 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: July 17, 2013

The House passed H.B. 1002, PRACTICING LAW WITHOUT A LICENSE AMENDMENTS, by Representative B. Dee, and it is transmitted for consideration; and
The House passed \textbf{H.B. 1003}, PRIVATE INVESTIGATOR REGULATION ACT AMENDMENTS, 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.

* * *

On motion of Senator Okerlund, the Senate voted to suspend the rules and place \textbf{H.B. 1002} and \textbf{H.B. 1003} on the Second Reading Calendar.

\textbf{SECOND READING CALENDAR}

On motion of Senator Okerlund, the Senate, by a 2/3 vote, voted to suspend the three readings requirement and the requirement that the bill have a Senate standing committee hearing.

On motion of Senator Okerlund, under suspension of the rules, \textbf{H.B. 1002}, PRACTICING LAW WITHOUT A LICENSE AMENDMENTS, was considered read the second and third times. Senator Jones, Hillyard, and Adams commented and the bill passed on the following roll call:

\textbf{Yeas, 27; Nays, 0; Absent or not voting, 2.}

\textbf{Voting in the affirmative were:} Senators

\begin{itemize}
  \item Adams
  \item Harper
  \item Jenkins
  \item Mayne
  \item Robles
  \item Thatcher
  \item Vickers
\end{itemize}

\begin{itemize}
  \item Dabakis
  \item Henderson
  \item Jones
  \item Okerlund
  \item Shiozawa
  \item Urquhart
  \item Weiler
\end{itemize}

\begin{itemize}
  \item Davis
  \item Hillyard
  \item Knudson
  \item Osmond
  \item Stephenson
  \item Valentine
  \item Niederhauser
\end{itemize}

\textbf{Absent or not voting were:} Senators

\begin{itemize}
  \item Bramble
  \item Christensen
\end{itemize}

\textbf{H.B. 1002} was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Knudson, the Senate, by a 2/3 vote, voted to suspend the three readings requirement and the requirement that the bill have a Senate standing committee hearing.
On motion of Senator Knudson, under suspension of the rules, **H.B. 1003, PRIVATE INVESTIGATOR REGULATION ACT AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

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

**H.B. 1003** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

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

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

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: July 17, 2013

The House passed, **S.B. 1001, DEEP CREEK CASE APPROPRIATION**, by Senator L. Hillyard, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 101, JOINT RESOLUTION APPROVING THE DEEP CREEK CASE SETTLEMENT AGREEMENT**, by Senator L. Hillyard, which has been signed by the Speaker, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

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, 1st Sub. H.B. 1004, LAW ENFORCEMENT MODIFICATIONS, by Representative M. Noel, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communication filed. The bill was read the first time by short title.

On motion of Senator Okerlund, the Senate voted to suspend the rules and place 1st Sub. H.B. 1004 on the Second Reading Calendar.

Senator Valentine made the following motion: “Pursuant to Article VII, Section 6, of the Utah Constitution, we agree to consider items that were submitted in the Governor’s revised and supplemental calls with less than 48 hours notice.” The motion passed by a 2/3 vote.

SECOND READING CALENDAR

On motion of Senator Hinkins, the Senate, by a 2/3 vote, voted to suspend the three readings requirement and the requirement that the bill have a Senate standing committee hearing.

On motion of Senator Hinkins, under suspension of the rules, 1st Sub. H.B. 1004, LAW ENFORCEMENT MODIFICATIONS, was considered read the second and third times. Senator Jones and Robles commented and the bill passed on the following roll call:

Yeas, 24; Nays, 3; Absent or not voting, 2.

Voting in the affirmative were: Senators

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<td>Valentine</td>
<td>Van Tassell</td>
<td>Vickers</td>
<td>Niederhauser</td>
</tr>
</tbody>
</table>

Voting in the negative were: Senators

<table>
<thead>
<tr>
<th>Dayton</th>
<th>Madsen</th>
<th>Weiler</th>
</tr>
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</table>
Absent or not voting were: Senators
Bramble Urquhart

1st Sub. H.B. 1004 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

President Niederhauser appointed Senators Harper, Reid, and Jones 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 Niederhauser appointed Senators Jenkins, Christensen, and Robles to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

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

On motion of Senator Okerlund, and at 4:10 p.m., the Senate adjourned sine die.
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