

SENATE JOURNAL

EIGHTH DAY

April 23, 2020

The Senate was called to order at 8:37 a.m., with President J. Stuart Adams presiding.

Prayer – Senator Deidre Henderson

Pledge of Allegiance – Senator Curtis Bramble

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 4)

INTRODUCTION OF BILLS

S.B. 3008, Municipal Annexation Revisions (D. G. Buxton), was read the first time by short title and placed on the Second Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Fillmore, the Senate voted to suspend the 24-hour rule.

On motion of Senator Fillmore, under suspension of the rules, the Senate voted to reconsider its action on **1st Sub. S.B. 3006, COVID-19 FINANCIAL RELIEF FUNDING**.

1st Sub. S.B. 3006, COVID-19 FINANCIAL RELIEF FUNDING, was before the Senate, explained by Senator Fillmore.

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

2nd Sub. S.B. 3006 COVID-19 Financial Relief Funding (L. Fillmore)

Senator Fillmore proposed the following amendment #2:

1. Page 3, Lines 61 through 64:

61 (2) The commission shall establish and administer a
COVID-19 Agricultural

62 Operations Grant Program to ensure in this state the continuation of
food and fiber production, the
 63 maintenance of {-food-} product supply chains, and the
ability to get {-food-} products to market during and
 64 immediately following the COVID-19 emergency.

2. Page 3, Lines 73 through 77:

73 (ii) for the purpose of assisting an agricultural operation with
the financial harm
 74 described in Subsection (3)(a)(i), including measures to continue
food and fiber production in the state,
 75 maintain the agricultural operation's supply chains, or deliver the
agricultural operation's
 76 product to market; and
 77 (iii) in an amount not to exceed \$40,000.

Senator Fillmore's motion to amend passed on a voice vote. Senators Bramble, Escamilla, Sandall, Okerlund, and Hemmert 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

Anderegg	Bramble	Buxton	Christensen
Cullimore	Davis	Escamilla	Fillmore
Grover	Harper	Hemmert	Henderson
Hillyard	Hinkins	Ipson	Iwamoto
Kitchen	Mayne	McCay	Millner
Okerlund	Riebe	Sandall	Stevenson
Thatcher	Vickers	Weiler	Winterton
Adams			

2nd Sub. S.B. 3006 was transmitted to the House for consideration.

On motion of Senator Fillmore, the Senate voted to place the following Intent Language on the Senate Journal:

INTENT LANGUAGE

“The Legislature intends that the COVID-19 Agricultural Operations Grant Program, COVID-19 Residential Housing Assistance program, and COVID-19

Commercial Rental Assistance Program created in “COVID–19 Financial Relief Funding” (Senate Bill 3006, 2020 Third Special Session) shall only receive funding if such programs are deemed allowable uses of federal Coronavirus Relief Fund grants under pending guidance from the United States Treasury Department.”

SECOND READING CALENDAR

On motion of Senator Vickers, the circle was removed from **H.B. 3005**, PANDEMIC RESPONSE AND CONSULTATION ACT, and it was before the Senate.

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

2nd Sub. H.B. 3005 Pandemic and Emergency Response and Act (F. Gibson)

On motion of Senator Vickers, the Senate voted to suspend the rules.

On motion of Senator Vickers, under suspension of the rules, **2nd Sub. H.B. 3005**, PANDEMIC AND EMERGENCY RESPONSE ACT, was considered read the first, 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

Anderegg	Bramble	Buxton	Christensen
Cullimore	Escamilla	Fillmore	Grover
Harper	Hemmert	Henderson	Hillyard
Hinkins	Ipson	Kitchen	Mayne
McCay	Millner	Okerlund	Riebe
Sandall	Stevenson	Thatcher	Vickers
Weiler	Winterton	Adams	

Voting in the negative were: Senators

Davis	Iwamoto
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2nd Sub. H.B. 3005, as substituted, was returned to the House for further consideration.

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On motion of Senator Cullimore, the circle was removed from **S.B. 3007**, CONTAGIOUS VIRUS PROVISIONS, and it was before the Senate.

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

1st Sub. S.B. 3007 Contagious Virus Provisions (K. A. Cullimore)

Senator Cullimore explained the bill.

Senator Iwamoto proposed the following amendment #1:

1. Page 2, Lines 44 through 45:

44 (4) The immunity in Subsection (2) is in addition to any other immunity protections

45 that may apply in state or federal law.

(5)(a) A person is immune under Subsection (2) only if the person provides notice that the person is immune from civil liability for exposure to COVID-19 unless the person engages in willful misconduct, reckless infliction of harm, or intentional infliction of harm.

(b) The notice required by this Subsection (5) shall be:

(i) posted at each public entrance of the premises the person owns or operates;

(ii) included with any waiver or consent required for an activity managed by the person; or

(iii) if Subsection (5)(b)(i) or (ii) does not apply, in a conspicuous manner in the information about an activity managed by the person.

Senator Iwamoto's motion to amend failed on a voice vote. Senators Hillyard, Kitchen, Sandall, Weiler, Riebe, Escamilla, and Hemmert commented.

On motion of Senator Cullimore, under suspension of the rules, **1st Sub. S.B. 3007, CONTAGIOUS VIRUS PROVISIONS**, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 22; Nays, 6; Absent or not voting, 1.

Voting in the affirmative were: Senators

Anderegg	Bramble	Buxton	Cullimore
Fillmore	Grover	Harper	Hemmert
Henderson	Hillyard	Hinkins	Ipson
Kitchen	McCay	Millner	Okerlund
Sandall	Stevenson	Thatcher	Vickers
Winterton	Adams		

Voting in the negative were: Senators

Davis	Escamilla	Iwamoto	Mayne
Riebe	Weiler		

Absent or not voting was: Senator

Christensen

1st Sub. S.B. 3007 was transmitted to the House.

On motion of Senator Cullimore, the Senate voted to include the following Intent Language in the Senate Journal:

INTENT LANGUAGE

“In light of the COVID–19 pandemic, the Legislature finds that to facilitate people’s participation in social and economic activities the Legislature needs to address the fear of litigation over exposure to COVID–19. The possibility of abusive litigation for people who own or operate premises or manage activities are clear social and economic evils that needs to be addressed. Removing the fear of litigation from COVID–19 exposure makes it likelier for people to participate in the economy or in institutional activities such as churches, schools, and government services. The Legislature finds that providing immunity from civil actions to these people, except in cases of willful misconduct, reckless infliction of harm, or intentional infliction of harm, is a reasonable method to address the social and economic evils.

Additionally, the Legislature finds that to facilitate businesses’ response and encourage participation in potential tracking and reporting of the COVID–19 pandemic. That 1st Sub. SB 3007 addresses social and economic evils in helping to track and curb the pandemic.”

* * *

On motion of Senator Buxton, under suspension of the rules, **S.B. 3008**, MUNICIPAL ANNEXATION REVISIONS, was considered read the second and third times. Senator Buxton explained the bill. The bill failed on the following roll call:

Yeas, 11; Nays, 18; Absent or not voting, 0.

Voting in the affirmative were: Senators

Buxton	Christensen	Cullimore	Fillmore
Hemmert	Hinkins	Mayne	McCay
Millner	Thatcher	Adams	

Voting in the negative were: Senators

Anderegg	Bramble	Davis	Escamilla
Grover	Harper	Henderson	Hillyard
Ipson	Iwamoto	Kitchen	Okerlund
Riebe	Sandall	Stevenson	Vickers
Weiler	Winterton		

S.B. 3008 was filed.

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On motion of Senator Vickers, the Senate recessed at 10:20 a.m.

AFTERNOON SESSION

The Senate reassembled at 1:00 p.m., with President Adams presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: April 23, 2020

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 3005**, PANDEMIC AND EMERGENCY RESPONSE ACT, by Representative F. Gibson, and it is transmitted for the signature of the President.

Megan S. Allen, Chief Clerk

The bill was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

Mr. President: April 23, 2020

The Speaker of the House has signed, **S.B. 3002**, EMERGENCY HEALTH CARE ACCESS AND IMMUNITY AMENDMENTS, by Senator E. Vickers, and it is transmitted for the signature of the President; and

The House passed, **2nd Sub. S.B. 3006**, COVID-19 FINANCIAL RELIEF FUNDING, by Senator L. Fillmore, 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. 3007**, COVID-19 PROVISIONS, by Senator K. A. Cullimore, which has been signed by the Speaker, and it is transmitted for the signature of the President.

Megan S. Allen, 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.

* * *

President Adams appointed Senator Hemmert to notify the Governor via email that the Senate has concluded its business in the Third Special Session of the 63rd Legislature and is ready to adjourn sine die.

President Adams appointed Senator Millner to notify the House of Representatives via email that the Senate has concluded its business in the Third Special Session of the 63rd Legislature and is ready to adjourn sine die.

Senator Hemmert reported that the Governor has been notified via email that the Senate has concluded its business and is ready to adjourn sine die.

Senator Millner reported that the House of Representatives has been notified via email that the Senate has concluded its business and is ready to adjourn sine die.

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On motion of Senator Vickers, and at 1:05 p.m. the Senate adjourned sine die.

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