STATE OF UTAH

SENATE JOURNAL

ELEVENTH EXTRAORDINARY SESSION OF THE FIFTY–SEVENTH LEGISLATURE

Convened and Adjourned on
Wednesday, August 20, 2008

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Eleventh Extraordinary Session of the Fifty–Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Eleventh Extraordinary Session convening on Wednesday, August 20, 2008, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk

STATE OF UTAH

SENATE JOURNAL

ELEVENTH EXTRAORDINARY SESSION of the FIFTY–SEVENTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Seventh Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Eleventh Extraordinary Session at 12:00 noon on Wednesday, August 20, 2008.

The Senate was called to order at 12:15 p.m. with President John Valentine presiding.

Prayer – Senator Michael Waddoups

Pledge – Senator Scott Jenkins

Leslie McLean read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2008 General Session of the 57th 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 Legislature in Extraordinary Session;

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., 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 57th Legislature into an Eleventh Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 20th day of August, 2008 at 12:00 noon, for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2008 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 18th day of August, 2008.

Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of August 18, 2008, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into an Eleventh Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 20th day of August, 2008, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2008 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 18th day of August 2008.

Gary R. Herbert
Lieutenant Governor

Roll call – All Senators present, except Senators Dmitrich and Peterson, excused.

On motion of Senator Hickman, the Senate voted to adopt the Senate Rules of the 2008 General Session of the Fifty–Seventh Legislature as the rules for the Eleventh Extraordinary Session.

President Valentine appointed a committee comprised of Senators Jon Greiner, Kevin Van Tassell, and Ross Romero to notify the Governor's representative that the Senate is convened in the Eleventh Extraordinary Session in accordance with his proclamation.

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

* * *

Leslie McLean read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President: August 5, 2008

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

State Tax Commission:

Marc B. Johnson is reappointed as a member of the State Tax Commission, a term to expire on June 30, 2012. See Utah Code Ann. 59–1–201 Et. Seq. Art. XIII, Sec. 11. Mr. Johnson is non–partisan.

Workers Compensation Fund Board of Directors:

Ruth Lybbert is reappointed as a member of the Workers Compensation Fund Board of Directors, a term to expire on June 30, 2012. See Utah Code Ann. 31A–33–106 UCA.

John Eberhardt is appointed to replace Robert B. Murray as a member of the Workers Compensation Fund Board of Directors, a term to expire on June 30, 2012. See Utah Code Ann. 31A–33–106 UCA.

State Board of Regents:

Joel D. Wright is appointed to replace Josh Reid as a member of the State Board of Regents, a term to expire on June 30, 2011. See Utah Code Ann. 53B–1–104 UCA.

Teresa Theurer is appointed to replace Sara Sinclair as a member of the State Board o f Regents, a term to expire on June 30, 2013. See Utah Code Ann. 53B–1–104 UCA.

Robert Scott Marquardt is appointed to replace Patti Harrington as a member of the State Board of Regents, a term to expire on June 30, 2013. See Utah Code Ann. 53B–1–104 UCA.

Salt Lake Community College Board of Trustees:

Dr. Ashok Joshi is appointed to replace France A. Davis as a member of the Salt Lake Community College Board of Trustees, a term to expire on July 1, 2011. See Utah Code Ann. 53B–2–104 UCA.

Anna Kay Waddoups is appointed to replace Gail Miller as a member of the Salt Lake Community College Board of Trustees, a term to expire on June 30, 2009. See Utah Code Ann. 53B–2–104 UCA.

Judicial Conduct Commission:

Rodney K. Orton is reappointed as a member of the Judicial Conduct Commission, a term to expire on January 30, 2010. See Utah Code Ann. 8–8–102 UCA; Article VIII, Section 13 Utah Const. Mr. Orton is a Republican.

Lois S. Richins is appointed to replace Flora Ogan as a member of the Judicial Conduct Commission, a term to expire on June 30, 2012. See Utah Code Ann. 8–8–102 UCA; Article VIII, Section 13 Utah Const. Ms. Richins is a Republican.

Real Estate Commission:

Stefanie Tugaw is appointed to replace Bonnie Peretti as a member of the Real Estate Commission, a term to expire on June 30, 2012. See Utah Code Ann. 61–2–5.5 UCA.

Securities Advisory Board:

Laura Polachack is reappointed as a member of the Securities Advisory Board, a term to expire on July 1, 2012. See Utah Code Ann. 61–1–18.5 UCA.

Craig J. Skidmore is reappointed as a member of the Securities Advisory Board, a term to expire on July 1, 2012. See Utah Code Ann. 61–1–18.5 UCA.

Jane E. Cameron is appointed to replace Edward McCartney as a member of the Securities Advisory Board, a term to expire on July 1, 2012. See Utah Code Ann. 61–1–18.5 UCA.

Real Estate Appraiser Licensing and Certification Board:

Craig Morley is reappointed as a member of the Real Estate Appraiser Licensing and Certification Board, a term to expire on July 1, 2012. See Utah Code Ann. 61–2b–7 UCA.

Paul W. Throndsen is appointed to replace Paul M. King as a member of the Real Estate Appraiser Licensing and Certification Board, a term to expire on July 1, 2012. See Utah Code Ann. 61–2b–7 UCA.

Debra Sjoblom is appointed to replace Holly J. Christensen as a member of the Real Estate Appraiser Licensing and Certification Board, a term to expire on July 1, 2012. See Utah Code Ann. 61–2b–7 UCA.

School and Institutional Trust Lands Board of Trustees:

Steven B. Ostler is appointed to replace Michael P. Morris as a member of the School and Institutional Trust Lands Board of Trustees, a term to expire on July 1, 2014. See Utah Code Ann. 53C–1–202(2) UCA.

Permanent Community Impact Fund Board:

Dr. Claudia P. Jarrett is appointed to replace Ralph Okerlund as a member of the Permanent Community Impact Fund Board, a term to expire on July 1, 2012. See Utah Code Ann. 9–4–304 UCA.

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

Jon M. Huntsman, Jr.,
Governor

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

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Eastman	Fife
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Dmitrich	Goodfellow	Peterson

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

Senator Greiner 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 Bramble, and at 12:30 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

SECOND SPECIAL SESSION
OF THE
FIFTY−SEVENTH LEGISLATURE

Convened on Thursday, September 25, 2008 and
Adjourned on Friday, September 26, 2008.

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Second Special Session of the Fifty–Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Second Special Session convening on Thursday, September 25, 2008, and adjourning sine die on Friday, September 26, 2008.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk

SENATE JOURNAL

SECOND SPECIAL SESSION
of the
FIFTY–SEVENTH LEGISLATURE

September 25, 2008

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr, the Senate of the Fifty–Seventh Legislature of the State of Utah met in the Senate Chamber of the State Capitol in a Special Session at 9:00 p.m. on Thursday, September 25, 2008.

The Senate was called to order at 9:15 a.m., with President John Valentine presiding.

Prayer – Senator Allen Christensen
Pledge of Allegiance – Senator Fred Fife
Roll Call – All Senators present except Senator Dayton, excused.

Leslie McLean read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the adjournment of the 2008 General Session of the Fifty–Seventh 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, Jon M. Huntsman, Jr., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do by this Proclamation call the Fifty–Seventh Legislature of the State of Utah into a Second Special Session at the State Capitol Complex, in Salt Lake City, Utah, on the 25th day of September 2008, at 9:00 a.m., for the following purposes:

1. To make adjustments to the FY2009 budget to conform with the most recent revenue estimates and to make amendments to statutes necessary to implement those budget adjustments.

2. To consider amending state and local sales and use tax provisions to address the transactions eligible for exemption as aircraft parts and equipment and to require the exemption to be claimed by refund under certain circumstances.

3. To consider legislation allowing the State Board of Education to exempt a school district or charter school from testing requirements under the Utah Performance Assessment System for Students (U–PASS).

4. To consider issuance of general obligation bonds for capital facilities and transportation projects.

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 State Capitol Complex in Salt Lake City, Utah, this 22nd day of September, 2008.

Jon M. Huntsman, Jr.
Governor
Gary R. Herbert
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a proclamation issued under the date of September 22nd, 2008, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamations calling the Fifty–Seventh Legislature of the State of Utah into a Second Special Session at the State Capitol Complex at Salt Lake City, Utah, on the 25th day of September, 2008, at 9:00 a.m., for the purpose named in the Proclamations.

I FURTHER TESTIFY THAT the membership of the Utah State Senate has not changed from that Certification of the 2008 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 23rd day of September, 2008.

Gary R. Herbert
Lieutenant Governor

* * *

On motion of Senator Hickman, the Senate voted to adopt the Senate Rules of the 2008 General Session of the Fifty–Seventh Legislature as the rules for the Second Special Session.

President Valentine appointed a committee comprised of Senators Peter Knudson, Greg Bell, and Brent Goodfellow to notify Governor Jon M. Huntsman, Jr. that the Senate is convened in the Second Special Session in accordance with his proclamation and is organized and ready to receive any communication from him.

President Valentine appointed a committee comprised of Senators Carlene Walker, Dennis Stowell, and Gene Davis to notify the House of Representatives that the Senate is organized and ready to do business.

Senator Knudson reported that the House has been notified.

Senator Walker reported that the Governor has been notified.

On motion of Senator Hickman, 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.

* * *

Senator Hillyard addressed the Senate concerning the budget issues they will be discussing in caucus and appropriation meetings today. Senator Dmitrich commented.

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On motion of Senator Bramble and at 9:55 a.m., the Senate adjourned until 9:00 a.m., Friday, September 26, 2008.

SENATE JOURNAL

SECOND SPECIAL SESSION

SECOND DAY

September 26, 2008

The Senate was called to order at 9:15 a.m., with President John Valentine presiding.

Prayer – Senator Wayne Niederhauser
Pledge of Allegiance – Senator Mike Dmitrich
Roll Call – All Senators present except Senators Dayton and McCoy, excused.

INTRODUCTION OF BILLS

S.B. 2002, **Student Achievement Testing Exceptions** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 2003, **Higher Education Budget Authority** (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 2004, **Deposit of Interest Earned on Restricted Funds** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

On motion of Senator Bramble, **S.B. 2002, S.B 2003,** and **S.B. 2004** under suspension of the rules, were placed on the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Stephenson, under suspension of the rules, **S.B. 2002**, STUDENT ACHIEVEMENT TESTING EXCEPTIONS, was considered read the second and third times. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 1, Lines 24 through 25

24 postsecondary education;
► provides a cap on the number of exemptions that the State Board of Education may provide to school districts and charter schools;

25 ▶ provides that a school district or charter school that is exempt from U–PASS testing

2. Page 4, Line 105:

105 (ii) developed and adopted by the State Board of Education.
(c) By October 31, 2009, the State Board of Education shall:
(i) develop and adopt an accountability plan for a school district or charter school that pilots an assessment system described in Subsection (3)(a)(i) – (iii); and
(iii) report on the accountability plan to the Education Interim Committee.
(d) The State Board of Education may only provide the following exemptions under this Subsection (5):
(i) up to three rural school districts;
(ii) up to two urban school districts; and
(iii) up to five charter schools.

Senator Stephenson's motion to amend passed on a voice vote. Senators Greiner, Waddoups, Jones, Hickman, Mayne, Peterson, and Romero commented. The bill passed on the following roll call:

Yeas, 22; Nays, 5; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dmitrich	Eastman	Fife	Goodfellow
Hillyard	Jenkins	Jones	Killpack
Madsen	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative were: Senators

Christensen	Greiner	Hickman	Knudson
Mayne			

Absent or not voting were: Senators

Dayton	McCoy

S.B. 2002, as amended, was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: September 26, 2008

The House passed **H.B. 2001**, SALES AND USE TAX EXEMPTION FOR AIRCRAFT PARTS AND EQUIPMENT, by Representative B. Dee, and it is transmitted for consideration; and

The House passed **H.B. 2002**, AMENDMENTS TO LEGISLATOR SALARIES, by Representative D. Clark, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 2001** and **H.B. 2002** were read the first time.

* * *

On motion of Senator Eastman, under suspension of the rules, **H.B. 2001** and **H.B. 2002** were placed on the Second Reading Calendar.

On motion of Senator Bramble, **H.B. 2002,** AMENDMENTS TO LEGISLATOR SALARIES, was placed at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **H.B. 2002**, AMENDMENTS TO LEGISLATOR SALARIES, was considered read the second and third times. Senators Hillyard and Hickman commented and the bill passed on the following roll call:

Yeas, 23; Nays, 4; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Eastman	Fife	Goodfellow
Greiner	Hickman	Jenkins	Jones
Killpack	Knudson	Mayne	Niederhauser
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative were: Senators

Dmitrich	Hillyard	Madsen	Peterson

Absent or not voting were: Senators

Dayton	McCoy

H.B. 2002 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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S.B. 2003, HIGHER EDUCATION BUDGET AUTHORITY, was read the second time.

On motion of Senator Bell, the bill was circled.

* * *

On motion of Senator Hillyard, under suspension of the rules, **S.B. 2004**, DEPOSIT OF INTEREST EARNED ON RESTRICTED FUNDS, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Bramble	Buttars	Dayton	McCoy

S.B. 2004 was transmitted to the House.

* * *

On motion of Senator Madsen, under suspension of the rules, **H.B. 2001**, SALES AND USE TAX EXEMPTION FOR AIRCRAFT PARTS AND EQUIPMENT, was considered read the second and third times. Senator Niederhauser commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dmitrich
Eastman	Fife	Goodfellow	Greiner

Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Bramble	Christensen	Dayton	McCoy

H.B. 2001 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: September 26, 2008

The House passed **H.B. 2003**, CAPITAL IMPROVEMENT AMENDMENTS, by Representative K. Garn, and it is transmitted for consideration; and

The House passed **H.B. 2004**, TRANSPORTATION GENERAL OBLIGATION BOND MODIFICATIONS, by Representative W. Harper, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 2003** and **H.B. 2004** were read the first time.

On motion of Senator Killpack, under suspension of the rules, **H.B. 2003** and **H.B. 2004** were placed on the Second Reading Calendar.

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On motion of Senator Hillyard, and at 10:40 a.m., the Senate sauntered.

The Senate was called to order at 11:45 a.m., with President Valentine presiding.

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On motion of Senator Bell, the circle was removed from **S.B. 2003**, HIGHER EDUCATION BUDGET AUTHORITY, and it was before the Senate.

On motion of Senator Bell, under suspension of the rules, **S.B. 2003**, HIGHER EDUCATION BUDGET AUTHORITY, was considered read the second and third times. Senator Bell explained the bill. Senators Valentine and Goodfellow commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Dayton	McCoy

S.B. 2003 was transmitted to the House.

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On motion of Senator Bramble, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:50 p.m., with President Valentine presiding.

INTRODUCTION OF BILLS

S.B. 2001, **Current Fiscal Year Budget Adjustments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

On motion of Senator Hillyard, **S.B. 2001**, CURRENT FISCAL YEAR BUDGET ADJUSTMENTS, was placed at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Hillyard, under suspension of the rules, **S.B. 2001**, CURRENT FISCAL YEAR BUDGET ADJUSTMENTS, was considered read the second and third times. Senator Hillyard explained the bill. Senators Dmitrich, Waddoups, Walker, Davis, Jones, Romero, Goodfellow, and Hickman commented.

Senator Davis proposed the following amendment:

1. Page 11, Line 388:
   Delete line 388

2. Page 11, Line 391:
   Delete "(67,500)" and insert "(127,500)"

3. Page 12, Line 412:
   Delete "310,000" and insert "370,000"

4. Page 12, Line 422:
   Delete "(12,000)" and insert "48,000"

Senator Davis' motion to amend passed on the following roll call vote:

Yeas, 17; Nays, 8; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dmitrich
Eastman	Fife	Greiner	Hickman
Killpack	Knudson	Madsen	Romero
Stephenson	Stowell	Van Tassell	Walker
Valentine			

Voting in the negative were: Senators

Buttars	Christensen	Goodfellow	Hillyard
Jenkins	Jones	Mayne	Waddoups

Absent or not voting were: Senators

Dayton	McCoy	Niederhauser	Peterson

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Dayton	McCoy	Niederhauser	Peterson

S.B. 2001, as amended, was transmitted to the House.

* * *

On motion of Senator Jenkins, under suspension of the rules, **H.B. 2003**, CAPITAL IMPROVEMENT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Dayton	Hickman	McCoy	Niederhauser
Peterson			

H.B. 2003 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 Waddoups, under suspension of the rules, **H.B. 2004**, TRANSPORTATION GENERAL OBLIGATION BOND MODIFICATIONS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Dayton	McCoy	Niederhauser	Peterson

H.B. 2004 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: September 26, 2008

The House passed **H.B. 2005**, TRANSPORTATION FINANCE AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed **H.J.R. 201**, JOINT RESOLUTION REJECTING SALARY INCREASES FOR LEGISLATORS, by Representative G. Snow, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 2005** and **H.J.R. 201** were read the first time.

On motion of Senator Hillyard, the Senate voted to place **H.B. 2005** and **H.J.R. 201** on the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Walker, under suspension of the rules, **H.B. 2005**, TRANSPORTATION FINANCE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Mayne	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Dayton	Madsen	McCoy	Niederhauser
Peterson			

H.B. 2005 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 Eastman, under suspension of the rules, **H.J.R. 201**, JOINT RESOLUTION REJECTING SALARY INCREASES FOR

LEGISLATORS, was considered read the second and third times and passed on the following roll call:

Yeas, 22; Nays, 2; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Jenkins	Jones
Killpack	Knudson	Mayne	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative were: Senators

Buttars	Hillyard

Absent or not voting were: Senators

Dayton	Madsen	McCoy	Niederhauser
Peterson			

H.J.R. 201 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

On motion of Senator Hillyard, and at 3:25 p.m., the Senate sauntered.

The Senate was called to order at 4:20 p.m., with President Valentine presiding.

COMMITTEE OF THE WHOLE

On motion of Senator Stephenson, Howard Headley, Executive Director, Utah Bankers Association, spoke in Committee of the Whole. Senators Greiner, Hickman, and Bramble commented.

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: September 26, 2008

The House passed, as amended, **S.B. 2001**, CURRENT FISCAL YEAR BUDGET ADJUSTMENTS, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 2002**, STUDENT ACHIEVEMENT TESTING EXCEPTIONS, by Senator H. Stephenson, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 2003**, HIGHER EDUCATION BUDGET AUTHORITY, by Senator G. Bell, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 2004**, DEPOSIT OF INTEREST EARNED ON RESTRICTED FUNDS, by Senator L. Hillyard, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

CONCURRENCE CALENDAR

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **S.B. 2001**, CURRENT FISCAL YEAR BUDGET ADJUSTMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Dayton	McCoy	Niederhauser	Peterson

S.B. 2001 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. 2002**, STUDENT ACHIEVEMENT TESTING EXCEPTIONS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Dayton	McCoy	Niederhauser	Peterson

S.B. 2002 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, the Senate voted to concur in the House amendments to **S.B. 2003**, HIGHER EDUCATION BUDGET AUTHORITY. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Dayton	McCoy	Niederhauser	Peterson

S.B. 2003 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **S.B. 2004**, DEPOSIT OF INTEREST EARNED ON RESTRICTED FUNDS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Dayton	McCoy	Niederhauser	Peterson

S.B. 2004 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: September 26, 2008

The Speaker of the House has signed **S.B. 2001**, CURRENT FISCAL YEAR BUDGET ADJUSTMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 2002**, STUDENT ACHIEVEMENT TESTING EXCEPTIONS, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 2003**, HIGHER EDUCATION BUDGET AUTHORITY, by Senator G. Bell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 2004**, DEPOSIT OF INTEREST EARNED ON RESTRICTED FUNDS, by Senator L. Hillyard, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 2001, S.B. 2002, S.B. 2003, and **S.B. 2004** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

President Valentine appointed Senators Chris Buttars, Bill Hickman, and Karen Mayne to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Valentine appointed Senators Greg Bell, Jon Greiner, and Fred Fife to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

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

Senator Buttars reported that his committee had notified the Governor. The Governor asked that the committee convey to the Senate that he has no further business to bring before the legislature.

* * *

On motion of Senator Bramble and at 4:57 p.m., the Senate adjourned sine die.

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STATE OF UTAH

SENATE JOURNAL

TWELFTH EXTRAORDINARY SESSION
OF THE
FIFTY–SEVENTH LEGISLATURE

Convened and Adjourned on
Wednesday, October 15, 2008

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Twelfth Extraordinary Session of the Fifty–Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Twelfth Extraordinary Session convening on Wednesday, October 15, 2008, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk

STATE OF UTAH

SENATE JOURNAL

TWELFTH EXTRAORDINARY SESSION of the FIFTY–SEVENTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Seventh Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Twelfth Extraordinary Session at 12:00 noon on Wednesday, October 15, 2008.

The Senate was called to order at 12:20 p.m. with President John Valentine presiding.

Prayer – Senator Chris Buttars

Pledge – Senator Curtis Bramble

Annette Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2008 General Session of the 57th 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 Legislature in Extraordinary Session;

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., 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 57th Legislature into an Twelfth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 15th day of October, 2008 at 12:00 noon, for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2008 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 October, 2008.

Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of October 14, 2008, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into an Twelfth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 15th day of October, 2008, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2008 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 14th day of October 2008.

Gary R. Herbert
Lieutenant Governor

Roll call – All Senators present, except Senators Bell, Knudson, and Peterson, excused.

On motion of Senator Hickman, the Senate voted to adopt the Senate Rules of the 2008 General Session of the Fifty–Seventh Legislature as the rules for the Twelfth Extraordinary Session.

President Valentine appointed a committee comprised of Senators Allen Christensen, Margaret Dayton, and Scott McCoy to notify the Governor's representative that the Senate is convened in the Twelfth 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 Twelfth Extraordinary Session.

SPECIAL ORDER OF BUSINESS

A citation was read honoring Evan K. Excell, Executive Director, Utah State High School Activities Association on his retirement.

COMMITTEE OF THE WHOLE

On motion of Senator Dmitrich, Evan K. Excell, spoke in Committee of the Whole. Senators Stephenson and Goodfellow commented.

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

* * *

Leslie McLean read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President: September 30, 2008

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

Committee of Consumer Services:

Kelly Casaday is reappointed as a member of the Committee of Consumer Services, a term to expire on June 30, 2012. See Utah Code Ann. 54–10–2 UCA. Mr. Casaday is a Republican.

Representative Roz McGee is appointed to replace Dee Jay Hammon as a member of the Committee of Consumer Services, a term to expire on June 30, 2012. See Utah Code Ann. 54–10–2 UCA. Representative McGee is a Democrat

Utah Valley University Board of Trustees:

Greg Butterfield is appointed to replace Jason E. Chaffetz as a member of the Utah Valley University Board of Trustees, a term to expire on June 30, 2011. See Utah Code Ann. 53B–2–104 UCA.

Utah State University Board Of Trustees:

Ronald W. Jibson is appointed to replace Richard Nelson as a member of the Utah State University Board of Trustees, a term to expire on June 30, 2009. See Utah Code Ann. 53B–2–104 UCA.

Utah College of Applied Technology Board of Trustees:

Jason Perry is appointed to replace Parley Hellewell as a member of the Utah College of Applied Technology Board of Trustees, a term to expire on August 31, 2009. See Utah Code Ann. 53B–2a–103 UCA.

Utah Digital Health Service Commission:

Bradley D. LeBaron is reappointed as a member of the Utah Digital Health Service Commission, a term to expire on October 1, 2012. See Utah Code Ann. 26–9f–103 UCA.

Mark Allen Munger is reappointed as a member of the Utah Digital Health Service Commission, a term to expire on October 1, 2012. See Utah Code Ann. 26–9f–103 UCA.

Utah Arts Council Board of Directors:

Victoria Rowe Berry is appointed to replace Pilar Pobil as a member Utah Arts Council Board of Directors, a term to expire on July 1, 2009. See Utah Code Ann. 9–6–204 UCA.

Andrew Yarosh is appointed to replace Gary Amano as a member Utah Arts Council Board of Directors, a term to expire on July 1, 2011. See Utah Code Ann. 9–6–204 UCA.

Board of Child and Family Services:

Dr. Brad M. Reedy is appointed to replace Sterling Church as a member of the Board of Child and Family Services, a term to expire on July 1, 2012. See Utah Code Ann. 62A–1–107 UCA & 62A–4a–102 UCA.

Dr. Kevin Gully is appointed to replace Dr. David Corwin as a member of the Board of Child and Family Services, a term to expire on July 1, 2012. See Utah Code Ann. 62A–1–107 UCA & 62A–4a–102 UCA.

Barbara Ann Feaster is reappointed as a member of the Board of Child and Family Services, a term to expire on July 1, 2012. See Utah Code Ann. 62A–1–107 UCA & 62A–4a–102 UCA.

Dr. George Monsivais is reappointed as a member of the Board of Child and Family Services, a term to expire on July 1, 2012. See Utah Code Ann. 62A–1–107 UCA & 62A–4a–102 UCA.

Board of Substance Abuse and Mental Health:

Dr. Michael Crookston is reappointed as a member of the Board of Substance Abuse and Mental Health, a term to expire on September 1, 2012. See Utah Code Ann. 62A–15–106 UCA.

Joleen Meredith is reappointed as a member of the Board of Substance Abuse and Mental Health, a term to expire on September 1, 2012. See Utah Code Ann. 62A–15–106 UCA.

Utah Athletic Foundation Board of Directors:

Natalie Gochnour is appointed to replace Fraser Bullock as a member of the Utah Athletic Foundation Board of Directors, a term to expire on August 15, 2011. See Utah Code Ann. HJR 25 2002 General Session.

Vicki Varela is appointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire on August 15, 2011. See Utah Code Ann. HJR 25 2002 General Session.

Luke Bodensteiner is reappointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire on August 15, 2011. See Utah Code Ann. HJR 25 2002 General Session.

David B. Winder is reappointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire on August 15, 2011. See Utah Code Ann. HJR 25 2002 General Session.

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

Jon M. Huntsman, Jr.,
Governor

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

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

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Mayne	McCoy
Niederhauser	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Bell	Buttars	Knudson	Madsen
Peterson			

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

Senator Christensen 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 Bramble, and at 12:45 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

THIRTEENTH EXTRAORDINARY SESSION OF THE FIFTY–SEVENTH LEGISLATURE

Convened and Adjourned on
Wednesday, November 19, 2008

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Thirteenth Extraordinary Session of the Fifty–Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Thirteenth Extraordinary Session convening on Wednesday, November 19, 2008, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk

STATE OF UTAH

SENATE JOURNAL

THIRTEENTH EXTRAORDINARY SESSION of the FIFTY–SEVENTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Seventh Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Thirteenth Extraordinary Session at 12:00 noon on Wednesday, November 19, 2008.

The Senate was called to order at 12:15 p.m. with President John Valentine presiding.

Prayer – Senator Dennis Stowell

Pledge – Senator Ross Romero

Annette Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2008 General Session of the 57th 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 Legislature in Extraordinary Session;

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., 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 57th Legislature into a Thirteenth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 19th day of November, 2008 at 12:00 noon, for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2008 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 18th day of November, 2008.

Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of November 18, 2008, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a Thirteenth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 19th day of November, 2008, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2008 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 18th day of November 2008.

Gary R. Herbert
Lieutenant Governor

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

On motion of Senator Hickman, the Senate voted to adopt the Senate Rules of the 2008 General Session of the Fifty–Seventh Legislature as the rules for the Thirteenth Extraordinary Session.

President Valentine appointed a committee comprised of Senators Sheldon Killpack, Kevin Van Tassell, and Pat Jones to notify the Governor's representative that the Senate is convened in the Thirteenth Extraordinary Session in accordance with his proclamation.

Senator Killpack advised the Senate that the Governor's representative has been notified of the convening of the Thirteenth Extraordinary Session.

COMMUNICATION FROM THE GOVERNOR

Leslie McLean read the following communications:

Mr. President: September 23, 2008

In accordance with Utah Code 67–1–1 and 67–1–2 (2008), I propose and transmit the following appointment:

SIXTH DISTRICT COURT

Marvin D. Bagley is appointed as a Judge of the Sixth District Court. See Utah const. ant. VIII, 8; Utah Code 78A–10–101.

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

Jon M. Huntsman, Jr.
Governor

* * *

Mr. President: November 7, 2008

The Senate Judicial Confirmation Committee met on November 7, 2008, and reports a favorable recommendation for Mr. Marvin D. Bagley to be confirmed to the position of Judge in the Sixth District Court.

Greg Bell, Chair

* * *

Mr. President: November 12, 2008

In accordance with Utah Code 67–1–1 and 67–1–2 (2008), I propose and transmit the following appointment:

FOURTH DISTRICT COURT

Christine S. Johnson is appointed as a Judge of the Fourth District Court. See Utah const. ant. VIII, 8; Utah Code 78A–10–101.

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

Jon M. Huntsman, Jr.
Governor

* * *

Mr. President: November 12, 2008

The Senate Judicial Confirmation Committee met on November 12, 2008, and reports a favorable recommendation for Ms. Christine S. Johnson to be confirmed to the position of Judge in the Fourth District Court.

Greg Bell, Chair

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

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator
Peterson

COMMITTEE OF THE WHOLE

On motion of Senator Bramble Judge Christine S. Johnson and Judge Marvin D. Bagley, spoke in Committee of the Whole.

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

* * *

Leslie McLean read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President: November 4, 2008

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

Health Data Committee:

Clark B. Hinckley is reappointed as a member of the Health Data Committee, a term to expire on June 30, 2012. See Utah Code Ann. 26–33a–103 UCA.

Gregory P. Poulsen is reappointed as a member of the Health Data Committee, a term to expire on June 30, 2012. See Utah Code Ann. 26–33a–103 UCA.

David D. Call is reappointed as a member of the Health Data Committee, a term to expire on June 30, 2012. See Utah Code Ann. 26–33a–103 UCA.

Jim M. Wall is appointed to replace Marylin Tang as a member of the Health Data Committee, a term to expire on June 30, 2012. See Utah Code Ann. 26–33a–103 UCA.

Kevin Craig Orton is appointed to replace Gail McGuill as a member of the Health Data Committee, a term to expire on June 30, 2012. See Utah Code Ann. 26–33a–103 UCA.

Board of Water Resources:

Joseph Stewart Paulick is reappointed as a member of the Board of Water Resources, a term to expire on January 1, 2013. See Utah Code Ann. 73–10–2.

Blair R. Francis is reappointed as a member of the Board of Water Resources, a term to expire on January 1, 2013. See Utah Code Ann. 73–10–2. Mr. Francis is a Democrat.

Youth Parole Authority:

James K. Smith is appointed as a member of the Youth Parole Authority, a term to expire on April 1, 2011. See Utah Code Ann. 62A–7–501.

Grand County Water Conservancy District Board of Directors:

Preston Lynn Paxman is appointed to replace the late John W. Keys, III, as a member of the Grand County Water Conservancy District Board of Directors, a term to expire on January 1, 2012. See Utah Code Ann. 17A–2–1409 UCA.

Board of Pardons and Parole:

Iris E. Hemenway is reappointed as a member of the Board of Pardons and Parole, a term to expire on February 28, 2014. See Utah Code Ann. 77–27–2.

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

Jon M. Huntsman, Jr.,
Governor

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

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator
Peterson

* * *

Mr. President: November 12, 2008

In accordance with Utah Code 67–1–1 and 67–1–2 (2008), I propose and transmit the following appointment:

COURT OF APPEALS

Judge Robert K. Hilder is appointed as a Judge of the Court of Appeals. See Utah const. ant. VIII, 8; Utah Code 78A–10–101.

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

Jon M. Huntsman, Jr.
Governor

* * *

Mr. President: November 12, 2008

The Senate Judicial Confirmation Committee met on November 7 and 12, 2008, and reports a favorable recommendation for Judge Robert K. Hilder to be confirmed to the position of Judge in the Appeals Court. Senators Bell, Dmitrich, and Hillyard voted in favor. Senators Buttars and Waddoups voted in opposition.

Greg Bell, Chair

Senator Hillyard moved to consent to the appointment as read by Leslie McLean. Senators Bell, Dmitrich, Waddoups, Romero, Bramble, McCoy, Buttars, Jones, and Mayne commented. The motion failed on the following roll call:

Yeas, 12; Nays, 16; Absent, 1.

Voting in the affirmative were: Senators

Bell	Davis	Dmitrich	Fife
Goodfellow	Hillyard	Jones	Mayne
McCoy	Romero	Van Tassell	Walker

Voting in the negative were: Senators

Bramble	Buttars	Christensen	Dayton
Eastman	Greiner	Hickman	Jenkins
Killpack	Knudson	Madsen	Niederhauser
Stephenson	Stowell	Waddoups	Valentine

Absent or not voting was: Senator
Peterson

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

Senator Killpack 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.

Senators Darin Peterson, Mike Dmitrich, Fred Fife, Dan Eastman, Bill Hickman and Carlene were honored as retiring Senators.

On motion of Senator Bramble, and at 2:00 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

2009 GENERAL SESSION
OF THE
FIFTY–EIGHTH LEGISLATURE

Convened
Monday, January 26, 2009

Adjourned Sine Die
Thursday, March 12, 2009

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the 2009 General Session of the Fifty–Eighth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the General Session convening on Monday, January 26, 2009, and adjourning sine die on Thursday, March 12, 2009.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk

PRESIDENT OF THE SENATE

2009 General Session
Fifty–Eighth Legislature

My first year as President of the Senate was invigorating and filled with opportunities. I express appreciation to my constituents who have allowed me to continue serving and to my colleagues in the senate who elected me to serve as their president during 2009 and 2010.

In my opening remarks at the beginning of the session, I issued a challenge for each of us to "measure up" as we addressed the needs of the state during this time of reduced revenues. In my opinion, our senators did "measure up" as they dealt with difficult issues related to health–care reform, education, transportation, ethics reform, and historic alcohol reform––including stiffer penalties for drunk drivers and underage offenders. Senators kept their word and "discharged their duties with fidelity" as they were sworn to do when they were administered the oath of office on January 26. The session was smooth, congenial, and cooperative.

The global economic down–turn presented some significant challenges this year. Program cuts were made across the board, but we were able to soften the impact by using federal dollars from the American Recovery and Reinvestment Act of 2009. Because of this stimulus money, state agencies can start to incorporate those cuts gradually over the next few years. In spite of a $1 billion budget shortfall, public education was funded at $2.4 billion (state funds and federal stimulus monies), the $414 million Rainy Day Funds were kept in tact, taxes were not raised, we still have $100 million set aside for education, and the constitutional provision for balancing the budget was met. Even in this time of economic challenges Utah is still one of the best–managed states in the country and has kept its AAA bond rating. This is due in large measure to the commitment of the legislature to ensure that expenses match revenue––that we as a state live within our means.

The senate bid farewell in December to six of its members: Fred Fife (D, District 1), Carlene Walker (R, District 8), Dan Eastman (R, District 23), Darin Peterson (R, District 24), Mike Dmitrich (D, District 27), and Bill Hickman (R, District 29). The Senate also welcomed Senators Luz Robles (D, District 1), Karen Morgan (D, District 8), Dan Liljenquist (R, District 23), Ralph Okerlund (R, District 24), David Hinkins (R, District 27), and Steve Urquhart (R, District 29). Senators Karen Morgan and Steve Urquhart both served in the House of Representatives prior to being elected to the senate. It is difficult to say good bye to those with whom you've worked closely for a number of years, but welcoming new people is always energizing and exciting. We extend our appreciation and warm wishes to those who have moved on and thank them for their dedicated service.

We had occasion to discuss and ponder our policymaking role with respect to diverse cultures and interest groups; and we committed ourselves to be respectful and open–minded as we debate policy alternatives, while ensuring that we do not abdicate our duty to act in the best interest of the state.

I express appreciation to my leadership team––Senators Sheldon Killpack, Scott Jenkins, and Greg Bell––for their excellent service and support. A special note of thanks must also be given to Senators Lyle Hillyard and Peter Knudson for the countless hours they spent working on the budget and to Senator Margaret Dayton for her service as Rules Committee Chair. Throughout the session she maintained a cheerful dignity while facilitating the flow of legislation by making sure bills were prioritized and handled appropriately. She was an integral part of the leadership team. I also extend an expression of gratitude to Senators Pat Jones, Ross Romero, Karen Mayne, and Luz Robles for their service and cooperation.

SENATE LEADERSHIP

MAJORITY LEADERSHIP (Republican)

Sheldon Killpack
Majority Leader

Scott Jenkins
Majority Whip

Gregory Bell
Asst. Majority Whip

MINORITY LEADERSHIP (Democrat)

Patricia Jones
Minority Leader

Ross Romero
Minority Whip

Karen Mayne
Asst. Minority Whip

SENATE STAFF

Annette B. Moore
Secretary of the Senate

Leslie McClean
Manager Senate Services

Mary Andrus
Journal Clerk

Lynette Erickson
Docket Clerk

SENATE LEADERSHIP

President of the Senate (R) . . . . . Michael G. Waddoups
Majority Leader (R) . . . . . Sheldon L. Killpack
Majority Whip (R) . . . . . Scott K. Jenkins
Assistant Majority Whip (R) . . . . . Gregory S. Bell
Minority Leader (D) . . . . . Patricia Jones
Minority Whip (D) . . . . . Ross I. Romero
Assistant Minority Whip (D) . . . . . Karen Mayne
Minority Caucus Manager (D) . . . . . Luz Robles

HOUSE LEADERSHIP

Speaker of the House (R) . . . . . David Clark
Majority Leader (R) . . . . . Kevin Garn
Majority Whip (R) . . . . . Brad L. Dee
Assistant Majority Whip (R) . . . . . Rebecca Lockhart
Minority Leader (D) . . . . . David Litvack
Minority Whip (D) . . . . . James Gowans
Assistant Minority Whip (D) . . . . . Carol Spackman Moss
Minoriry Caucus Manager (D) . . . . . Jennifer Seelig

STATE OFFICIALS

Governor . . . . . Jon M. Huntsman Jr.
Lieutenant Governor . . . . . Gary Herbert
Attorney General . . . . . Mark Shurtleff
Auditor . . . . . Auston Johnson
Treasurer . . . . . Edward T. Alter

CONGRESSIONAL DELEGATION

Senator . . . . . Robert F. Bennett
Senator . . . . . Orrin G. Hatch
Congressman . . . . . Jim Matheson
Congressman . . . . . Rob Bishop
Congressman . . . . . Jason Chavetz

UTAH SUPREME COURT

Chief Justice . . . . . Christine M. Durham
Assoc. Chief Justice . . . . . Matthew B. Durrant
Justice . . . . . Michael J. Wilkins
Justice . . . . . Jill Parrish
Justice . . . . . Ronald E. Nehring

MEMBERS OF THE SENATE

MEMBERS OF THE SENATE
Fifty–Eighth Legislature

Senator	District	County(ies)	Party	Address & Telephone No.
Luz Robles *Minority Caucus Mgr.*	**1**	Salt Lake	(D)	1004 N Morton Dr Salt Lake City Ut 84116 Home (801) 953–0905
Scott McCoy	**2**	Salt Lake	(D)	560 E 700 S Salt Lake City Ut 84102 Home (801) 359–2544
Gene Davis	**3**	Salt Lake	(D)	865 Parkway Ave Salt Lake City Ut 84106 Home (801) 484–9428
Patricia Jones *Minority Leader*	**4**	Salt Lake	(D)	4571 Sycamore Dr Holladay Ut 84117 Home (801) 278–7667
Karen Mayne *Assistant Minority Whip*	**5**	Salt Lake	(D)	5044 W Bannock Cir West Valley City Ut 84120 Home (801) 968–7756
Michael G Waddoups *President*	**6**	Salt Lake	(R)	2868 Matterhorn Dr Taylorsville Ut 84084 Home (801) 967–0225
Ross I Romero *Minority Whip*	**7**	Salt Lake	(D)	1150 S 1400 E Salt Lake City Ut 84105 Home (801) 364–2451
Karen W. Morgan	**8**	Salt Lake	(D)	8378 Austrian Way Salt Lake City Ut 84121 Home (801) 943–0067
Wayne L Niederhauser	**9**	Salt Lake	(R)	3182 E Granite Woods Lane Sandy Ut 84092 Home (801) 942–3398
D Chris Buttars	**10**	Salt Lake	(R)	9241 S Lisa Ave West Jordan Ut 84088 Home (801)561–0535
Howard A Stephenson	**11**	Salt Lake, Utah	(R)	1038 E 13590 S Draper Ut 84020 Home (801) 576–1022

Brent Goodfellow	**12**	Salt Lake, Tooele	(D)	3620 S 6000 W West Valley City, Ut 84128 Home (801) 968–0626
Mark B Madsen	**13**	Tooele, Utah	(R)	P O Box 572 Lehi Ut 84043 Office (801) 361–4787
John L Valentine	**14**	Utah	(R)	857 E 970 N Orem Ut 84097 Home (801) 224–1693
Margaret Dayton	**15**	Utah	(R)	97 W Westview Dr Orem Ut 84058 Home (801) 221–0623
Curtis S Bramble	**16**	Utah	(R)	3663 N 870 E Provo Ut 84604 Home (801)226–3663
Peter C Knudson	**17**	Box Elder, Cache,Tooele	(R)	1209 Michelle Dr Brigham City Ut 84302 Home (435) 723–2035
Jon J Greiner	**18**	Davis, Weber	(R)	4232 Fern Dr Ogden Ut 84403 Home (801) 621–0423
Allen M Christensen	**19**	Morgan, Summit, Weber,	(R)	1233 E 2250 N North Ogden Ut 84414 Home (801) 782–5600
Scott K Jenkins *Majority Whip*	**20**	Weber	(R)	4385 W 1975 N Plain City Ut 84404 Home (801) 731–5120
Sheldon Killpack *Majority Leader*	**21**	Davis	(R)	3406 S 875 W Syracuse Ut 84075 Home (801) 773–5486
Gregory S Bell *Assistant Majority Whip*	**22**	Davis	(R)	744 Eagle Way Fruit Heights Ut 84037 Office (801) 531–8900
Dan Liljenquist	**23**	Davis	(R)	553 S Davis Blvd Bountiful Ut 84010 Home (801) 294–2378

Ralph Okerlund	**24**	Juab, Piute, Sanpete, Sevier,	(R)	248 S 500 W Monroe Ut 84754 Home (435) 527–3370
Lyle W Hillyard	**25**	Cache, Rich,	(R)	595 S RIVERWOODS PKWY Logan Ut 84321 Home (435) 753–0043
Kevin T Van Tassell	**26**	Daggett, Duchesne, Summit, Uintah, Wasatch	(R)	3424 W 1500 N Vernal Ut 84078 Home (435) 789–0724
David Hinkins	**27**	Carbon, Emery, Grand, San Juan, Utah	(R)	P O Box 485 Orangeville Ut 84537 Home (435) 384–5550
Dennis E Stowell	**28**	Beaver, Garfield, Iron, Kane, Millard, Washington	(R)	P O Box 796 Parowan Ut 84761 Home (435) 477–8143
Stephen H Urquhart	**29**	Washington	(R)	634 E 1100 S St George Ut 84790 Home (435) 668–7759

*UTAH STATE CONSTITUTION
LEGISLATIVE DEPARTMENT
ARTICLE VI

*Copies of the Utah State Constitution, with amendments, are available in the Office of Legislative Research and General Counsel and in the Lieutenant Governor's office.

*"Rules of the Fifty–Sixth Legislature 2005"

Constitutional Provisions, Impeachment Provisions, Joint Rules of the Senate and the House of Representatives, Senate Rules, House Rules, Veto Sessions, and **Interim Study Committee Rules.**

*Copies available in the Legislative Printing.

STATE OF UTAH

SENATE JOURNAL
2009 GENERAL SESSION
of the
FIFTY–EIGHTH LEGISLATURE

FIRST DAY

MORNING SESSION

January 26, 2009

Pursuant to the provisions of the Constitution of the State of Utah, the Senators of the Fifty–Eighth Legislature of the State of Utah convened in General Session in the Senate Chamber on Monday, January 26, 2009 at ten o'clock a.m.

The Senate was called to order at 10:00 a.m., with the Honorable Michael J. Wilkins, Utah Supreme Court presiding.

PRAYER BY PRESIDENT DIETER UCHTDORF
SECOND COUNSELOR IN THE FIRST PRESIDENCY OF THE CHURCH OF JESUS CHRIST OF LATTER–DAY SAINTS

Oh God, our Heavenly Father. On this beautiful winter day, and on this day of a new beginning, we give thanks to Thee for the blessings of freedom, for the beauties and the richness of this state and this country; for the goodness and perseverance of the generations who went before and prepared the path; and for Thy hand, Thy guiding hand in it all. Now we pray with our hearts filled with hope, for all who have been elected by the people to govern this great state of Utah. Bless the Senators, the House members, the Governor and the Judicial Branch. Bless them all with wisdom and grace, with courage and foresight, with integrity and charity. Bless them with a vision to strengthen this state and its people, to care and protect its natural and human resources, and to bring prosperity, peace and unity to this land. Have Thy spirit guide them to fulfill their obligations to Thy laws, to the people, and especially to future generations. Oh God, Thou hast entrusted us with the care of this great land. Protect us from confusion, arrogance and greed. Bless us with a sound mind, a kind heart and mutual respect. Make our righteous hopes become reality. Fill our hearts with thankfulness. Bless us with a desire to trust in Thee and Thy goodness, and to do Thy will always. For this we pray, in the name of Jesus Christ. Amen.

POSTING OF COLORS & PLEDGE OF ALLEGIANCE

UTAH NATIONAL GUARD

Members of the Color Guard
Curt Hoepfner, SFC
Myron Nuffer, SFC
Jan Rigby, SSG
Scott Faddis, SSG

Pledge of Allegiance – Master Sergeant Jules Breaux, Utah Air National Guard

SPECIAL MUSICAL PRESENTATION

The Salt City Jazz, under the direction of Kristie Arnold, performed "The Star Spangled Banner," "Chili Con Carne," and "Come, Come Ye Saints."

On motion of Senator Sheldon Killpack, the Senate thanked President Uchtdorf for delivering the invocation and ordered it spread upon the pages of the Senate Journal. He also expressed appreciation to the Utah Air National Guard, Master Sergeant Jules Breaux, and the Salt City Jazz for their participation in the opening of the Utah State Senate.

* * *

Annette B. Moore read the following Certification of Membership of the 2009 General Session of the Fifty–Eighth Legislature.

CERTIFICATE OF MEMBERSHIP OF THE 2009 GENERAL SESSION OF THE UTAH STATE SENATE 58TH LEGISLATURE

I, GARY R. HERBERT, Lieutenant Governor of the State of Utah, do hereby certify that at a General Election held within and for the State of Utah on Tuesday, November 4, 2008, the following named persons were chosen by the electors as members of the Legislature of the State of Utah, to serve in the Senate, each for the term of four years, beginning January 1, 2009, to wit:

FIRST DISTRICT: County of Salt Lake
Liz Robles
FIFTH DISTRICT: County of Salt Lake
Karen Mayne

SIXTH DISTRICT: County of Salt Lake
Michael G. Waddoups
EIGHTH DISTRICT: County of Salt Lake
Karen W. Morgan
TENTH DISTRICT: County of Salt Lake
D. Chris Buttars
THIRTEENTH DISTRICT: County of Tooele, Utah
Mark B. Madsen
FOURTEENTH DISTRICT: County of Utah
John L. Valentine
SIXTEENTH DISTRICT: County of Utah
Curtis S. Bramble
NINETEENTH DISTRICT: Counties of Morgan, Summit
Allen M. Christensen
TWENTIETH DISTRICT: County of Weber
Scott K. Jenkins
TWENTY–FIRST DISTRICT: County of Davis
Sheldon L. Killpack
TWENTY–THIRD DISTRICT: County of Davis
Daniel L. Liljenquist
TWENTY–FOURTH DISTRICT: Counties of Juab, Piute, Sanpete, Sevier, Tooele, Wayne
Ralph Okerlund
TWENTY–FIFTH DISTRICT: Counties of Cache, Rich
Lyle W. Hillyard
TWENTY–SEVENTH DISTRICT: Counties of Carbon, Emery, Grand, San Juan, Utah
David P. Hinkins
TWENTY–NINTH DISTRICT: County of Washington
Stephen H. Urquhart

I FURTHER CERTIFY that at a General Election held within and for the State of Utah on Tuesday, November 7, 2006, the following persons were chosen by the electors as members of the Legislature of the State of Utah, to serve in the Senate, each for the term of four years, beginning January 1, 2007, to–wit:

SECOND DISTRICT: County of Salt Lake
Scott D. McCoy
THIRD DISTRICT: County of Salt Lake
Gene Davis
FOURTH DISTRICT: County of Salt Lake
Patricia W. Jones

SEVENTH DISTRICT: County of Salt Lake
Ross I. Romero
NINTH DISTRICT: County of Salt Lake
Wayne L. Niederhauser
ELEVENTH DISTRICT: Counties of Salt Lake, Utah
Howard A. Stephenson
TWELFTH DISTRICT: Counties of Salt Lake, Tooele
Brent H. Goodfellow
FIFTEENTH DISTRICT: County of Utah
Margaret Dayton
SEVENTEENTH DISTRICT: Counties of Box Elder, Cache, Tooele
Peter C. Knudson
EIGHTEENTH DISTRICT: Counties of Davis, Weber
Jon J. Greiner
TWENTY–SECOND DISTRICT: County of Davis
Gregory S. Bell
TWENTY–SIXTH DISTRICT: Counties of Daggett, Duchesne, Summit, Uintah, Wasatch
Kevin T. Van Tassell
TWENTY–EIGHTH DISTRICT: Counties of Beaver, Garfield, Iron, Kane, Millard, Washington
Dennis E. Stowell

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, this 21st day of January, 2008.
Gary Herbert
Lieutenant Governor

Communication filed.

* * *

The Honorable Justice Michael Wilkins administered the Oath of Office to all re–elected and newly elected members of the Senate for the Fifty–Eighth Legislature.

Roll Call – All Senators present.

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

Justice Michael Wilkins declared nominations for the office of President of the Senate were in order.

On motion of Senator Sheldon Killpack, and seconded by Senator Patricia Jones, Senator Michael G. Waddoups was nominated to serve as President of the Utah State Senate.

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

Justice Michael Wilkins administered the Oath of Office to the President of the Senate, Michael G. Waddoups.

On motion of Senator Killpack, the Senate expressed appreciation to Justice Wilkins for taking time from his busy schedule to participate in the opening of the Utah State Senate.

WELCOMING REMARKS BY PRESIDENT WADDOUPS

First I would like to thank you all for honoring me this day. It is a day I have looked forward to service the citizens of Utah. I am excited to be here to serve the citizens of Utah. If I could begin with a round of thanks for those who have helped. I will begin first with Anna Kay, my wife. Thank you, Anna Kay, for all that you have done; campaigning and helping me in every way. You just don't know how much support is required to get something like this done, and she has been there all the way along. I so appreciate all that she has done to make this happen. Anna Kay would you come up and sit with me. A lot of people hire a campaign manager. I couldn't have afforded one that would do as good of a job as she's done.

I'd also like to thank and recognize my mother who has come down from Idaho today. Some of you have heard me talk about the beginnings of politics in my life. For those of you who haven't, we held the Nixon/Kennedy debates in my living room. My mother represented Kennedy and my dad represented Nixon. And we had those debates and I've had an interest in politics since that time. She has instilled in me a sense of patriotism, and I think she did a good job raising me, so "Thank you, Mom."

My children are here today, Wendy and Heather, with their husbands, and I thank them for coming and showing the effort to be here. My grandchildren are here also with them. If all of my children and grandchildren would stand, both my children and grandchildren, please.

I would like to invite Will to come up. Today is a special day for Will, it's Will's birthday. He has his David Archuleta haircut going. Would you all sing Happy Birthday to Will. Thank you for indulging me in that. Family is an important part of life, and I really appreciate my family. My sister and her husband and my nephews and nieces have come down from Idaho; I appreciate their support and their willingness to come. Thank you, Joyce, thank you for your family. Thank you for bringing Mom down.

I'd also be remiss if I didn't thank those that have participated–the Salt City Jazz from Salt Lake Community College; Sgt. Breaux, my next–door neighbor who helps make life more enjoyable on a real personal level. Thank you, Sgt., I appreciate having you here. I'm also grateful to my constituents who have allowed me to serve, for the honor and trust that they have placed in me. And then I would thank all of our staff that's helped me get this put together for today.

And you, Senators for the State of Utah; I thank you for the honor that you have paid upon me, and pray that we will measure up. That's sort of a theme that I would like to emphasize, that we all measure up to the trust that has been placed on us, to the expectations of the citizens of the State of Utah.

I saw an article recently dealing with higher ed, challenging higher ed to measure up. I think that's appropriate in these difficult times as we're looking at reduced revenues, and yet we have a challenge to do the work of the state. So I ask, "Will you measure up? Will I measure up?" and "Will we measure up?" I believe we will. Starting tomorrow I will present each of you with a reminder that we need to measure up–a small ruler to just expand that message a little. And I will give each of you twelve of those that you will be able to distribute to people who you think measure up. It will be sort of a token of awareness from people in the Senate this year as we find that we are measuring up to what needs to be done. I was reading a book this Fall, it was a Tom Chancy novel, and in there Mr. Ryan was talking with one of the colonels about being sworn in, and I thought the message, seeing as how we are being sworn in as being appropriate, and I would like to share this quote with you talking about being sworn in.

I understand why we do that now, it's a help, not a threat. It's something to remind you how important words are. Ideas are important; principles are important. Words are important–your word is the most important of all. Your word is who you are.

So I hope that we'll all measure up, that we will keep our word, that we will do the work of the citizens that we were challenged to do. That our words, our ideas, our principles and our values will be exemplary to the citizens of our state.

I challenge each of us to discharge our duties with fidelity, and to keep our word. We'll have many issues that we'll deal with this year ranging from the budget to ethics, health care, and many others. There will always be nay sayers, there will be those who feel like we're not doing enough. We will always have someone that needs more help. But we have been given a trust. I would like to look on the bright side and say this process is a good process, and things aren't as gloomy as some would have us believe.

I look back a little bit. In 1983, 19% of the households in this country owned stocks; in 2005, 50% of our citizens owned stock. In 1989, the net worth of a family was $69,000; in 2004 the net worth of a family was $93,000. We have a better standard of living than ever before. We would all like more, but we're doing well. We live in the most prosperous time in the history of the world. A hundred years ago the average salary was 25¢ an hour. These stats came from a speech that I read by Representative Patrick Toomey, of Pennsylvania. I give him credit for the information that I have shared. Many families that were living below the official poverty line in the early 70s has very little. Less than 40% of them had an automobile. By 2004, 75% of them had an automobile, and 30% of them had two automobiles. None, basically, had a color TV or an air conditioner. By 2004, 97% had a color TV, and 67% had air conditioning. By 2004, 46% of these people actually owned their own home. The average living space for an American was 721 square feet; in Sweden it was only 430; in Mexico it was only 92. We're doing well in this country. Infant mortality has dropped; the expected [age] range back then was around 70; it's now 78. Health care has improved our standard of life.

During the last 25 years, more wealth was created, more people were lifted from poverty than any other time in our history. Let us measure up and do our part to have that continue. Let us be optimistic. Revenues are down a little, we can still eat, we can still have homes, we have health care, we have color TV, we have air conditioning, and most have jobs. We must tighten our belts a little at home, as well as here in the State, but we will continue to do well. This is not a depression; we can all go out and purchase what we need–tires for our cars, clothing for our families. It's good to occasionally re–evaluate where we stand and re–prioritize. The State of Utah will now do that.

Utah is one of the best managed states in our country. We will continue to do that. And we will do that without raising all of the taxes out there; we'll do that without the federal bailout. We'll accept what comes, but we will measure up. My encouragement to you is to measure up, and the State of Utah will measure up with us. Thank you.

* * *

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

* * *

President Waddoups directed that the following be recorded in the Senate Journal as leaders for the 58th Legislature 2009 General Session.

President – Michael G. Waddoups
Majority Leader – Sheldon L. Killpack
Majority Whip – Scott K. Jenkins
Asst. Majority Whip – Gregory S. Bell
Minority Leader – Patricia W. Jones
Minority Whip – Ross I. Romero
Asst. Minority Whip – Karen Mayne
Minority Caucus Manager – Luz Robles

On motion of Senator Margaret Dayton, the Senate voted to approve the Senate leadership.

President Waddoups appointed a Senate Rules Committee comprised of Senator Margaret Dayton, Chair, Senator D. Chris Buttars, Vice–Chair; and Senators Curtis Bramble, Peter Knudson, Mark Madsen, Gene Davis, and Scott McCoy to formulate the Senate Rules and work with the House of Representatives in formulating Joint Rules.

President Waddoups appointed Senator Allen Christensen as the Committee Chair to serve Patronage and Employees.

On motion of Senator Margaret Dayton, the 2008 Senate Rules, Joint Rules and Interim Rules of the Fifty–Seventh Legislature were adopted with the understanding that changes to these rules for the Fifty–Eighth Legislature will be considered and adopted as soon as possible.

President Waddoups appointed Senators Wayne Niederhauser, David Hinkins, and Karen Morgan as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

President Waddoups appointed Senators Howard Stephenson, Ralph Okerlund, and Gene Davis to join with a like committee from the House to notify Governor Huntsman that the Legislature is organized for the 2009 General Session of the Fifty–Eighth Legislature and ready to do business.

Representatives Herrod, Newbold, and King formally notified the Senate that the House is organized and ready to do business.

Welcoming remarks were made by Senators Sheldon Killpack, Majority Leader and Patricia Jones, Minority Leader.

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

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

Senator Stephenson, Chairman of the Committee to Notify the Governor, reported that His Excellency, Governor Jon M. Huntsman, has been notified that the Legislature is organized and ready to do business.

At the direction of President Waddoups, senate membership of the following committees are to be officially recorded in the Senate Journal:

SENATE STANDING COMMITTEES

Business and Labor
John Valentine, *Chair*
Daniel Liljenquist
Wayne Niederhauser
Steve Urquhart
Kevin Van Tassell
Gene Davis
Karen Mayne

Education
Curtis Bramble, *Chair*
Margaret Dayton
Lyle Hillyard
Scott Jenkins
Howard Stephenson
Brent Goodfellow
Karen Morgan

Natural Resources, Agriculture and Environment
Dennis Stowell, *Chair*
Allen Christensen
Margaret Dayton
Ralph Okerlund
Gene Davis
Karen Morgan

Health and Human Services
D. Chris Buttars, *Chair*
Greg Bell
Allen Christensen
David Hinkins
Patricia Jones
Luz Robles

Workforce Services and Community and Economic Development
Mark B. Madsen, *Chair*
Sheldon Killpack
Ralph Okerlund
Michael Waddoups
Patricia Jones
Karen Morgan

Judiciary, Law Enforcement and Criminal Justice
D. Chris Buttars, *Chair*
Jon Greiner
Lyle W. Hillyard
Mark Madsen
Michael Waddoups
Scott McCoy
Ross Romero

Revenue and Taxation
Wayne Niederhauser, *Chair*
Curtis Bramble
Howard Stephenson
Dennis Stowell
John Valentine
Ross Romero
Brent Goodfellow

Government Operations and Political Subdivisions
Peter Knudson, *Chair*
Greg Bell
Jon Greiner
Scott Jenkins
Daniel Liljenquist
Scott McCoy
Luz Robles

Transportation and Public Utilities and Technology
Steve Urquhart, *Chair*
David Hinkins
Sheldon Killpack
Peter Knudson
Kevin Van Tassell
Brent Goodfellow
Karen Mayne

Retirement and Independent Entities
Daniel Liljenquist, *Chair*
Curtis Bramble
D. Chris Buttars
Jon Greiner
Gene Davis
Brent Goodfellow

Senate Rules
Margaret Dayton, *Chair*
D. Chris Buttars, *Vice Chair*
Curtis Bramble
Peter Knudson
Mark Madsen
Gene Davis
Scott McCoy

SENATE MEMBERS JOINT APPROPRIATIONS SUBCOMMITTEES 2009 – 2010

EXECUTIVE APPROPRIATIONS COMMITTEE
Sen. Lyle Hillyard, *Chair*
Sen. Peter Knudson, *Vice Chair*
Sen. Michael Waddoups
Sen. Sheldon Killpack
Sen. Scott Jenkins
Sen. Greg Bell
Sen. Patricia Jones
Sen. Ross Romero
Sen. Karen Mayne
Sen. Luz Robles

COMMERCE AND WORKFORCE SERVICES
Sen. David Hinkins, *Co–Chair*
Sen. Dan Liljenquist
Sen. Karen Mayne

ECONOMIC DEVELOPMENT AND REVENUE
Sen. Ralph Okerlund, *Co–Chair*
Sen. Sheldon Killpack
Sen. Gene Davis

EXECUTIVE OFFICES AND CRIMINAL JUSTICE
Sen. Jon Greiner, *Co–Chair*
Sen. Michael Waddoups
Sen. Scott McCoy

CAPITAL FACILITIES AND ADMINISTRATIVE SERVICES
Sen. Wayne Niederhauser, *Co–Chair*
Sen. Curtis Bramble
Sen. Brent Goodfellow

HIGHER EDUCATION
Sen. John Valentine, *Co–Chair*
Sen. Greg Bell
Sen. Steve Urquhart
Sen. Ross Romero

HEALTH AND HUMAN SERVICES
Sen. Allen Christensen, *Co–Chair*
Sen. Margaret Dayton
Sen. Dan Liljenquist
Sen. Patricia Jones

NATURAL RESOURCES
Sen. Dennis Stowell, *Co–Chair*
Sen. David Hinkins
Sen. Brent Goodfellow

PUBLIC EDUCATION
Sen. Howard A. Stephenson, *Co–Chair*
Sen. Chris Buttars
Sen. Lyle Hillyard
Sen. Karen Morgan

TRANSPORTATION AND ENVIRONMENTAL QUALITY
Sen. Kevin Van Tassell, *Co–Chair*
Sen. Scott Jenkins
Sen. Peter Knudson
Sen. Mark Madsen
Sen. Luz Robles

RETIREMENT AND INDEPENDENT ENTITIES
Sen. Dan Liljenquist, *Co–Chair*
Sen. Curtis Bramble
Sen. Chris Buttars
Sen. Jon Greiner
Sen. Gene Davis
Sen. Brent Goodfellow

LEGISLATIVE MANAGEMENT COMMITTEE

Sen. Michael G. Waddoups *Chair*
Sen. Sheldon Killpack
Sen. Scott Jenkins
Sen. Gregory Bell
Sen. Patricia Jones
Sen. Ross Romero
Sen. Karen Mayne
Sen. Luz Robles

* * *

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

EMPLOYEE COMMITTEE REPORT

Senator Bell introduced the Senate Staff.

Annette B. Moore	Secretary and Chief Administrative Office of the Senate
Ric Cantrell	Chief Deputy of the Senate
Leslie O. McLean	Manager of Senate Services
Laura Barlow	Majority Assistant
Janeen M. Halverson	Minority Executive Assistant

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

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

INTRODUCTION OF INTERNS

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

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

INTRODUCTION OF BILLS

S.B. 10, **Department of Community and Culture – State–owned Art Inventory** (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 11, **Incest Amendments** (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 12, **DUI Amendments** (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 13, **Administering Substances to Wildlife** (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 14, **Financial Incentives for Motion Picture Productions** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 15, **Workers' Compensation Premium Assessment and Workplace Safety Funding** (K. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 16, **Prohibited Gang Activity** (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 17, **Surface Coal Mining Amendments** (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 18, **Utah Transparency Advisory Board Amendments** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 19, **Criminal Offense Penalties Amendment** (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 20, **Local Public Health Emergency Funding** (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 21, **State and Local Health Authorities Amendments** (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 22, **Street Legal All–terrain Vehicle Amendments** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 23, **Income Taxation of Pass–through Entities and Pass–through Entity Taxpayers** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 24, **Early Voting Amendments** (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 25, **Online Voter Registration** (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 26, **Open and Public Meetings Act – Meeting Record** (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 27, **Election Law Changes** (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 28, **Prohibited Activities of Gang Offenders** (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 29, **Safe Drinking Water Act Amendments** (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 30, **Enhancement of Truth in Advertising Act** (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 31, **Utah Residential Mortgage Practices and Licensing Act** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 32, **Wrongful Death Amendments** (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 33, **Utility Transmission Corridor Siting Task Force** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 34, **Amendments to Sales and Use Tax Exemption for Certain Machinery, Equipment, or Parts** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 35, **Sales and Use Tax Definitions Relating to Property** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 36, **Sales and Use Tax Amendments** (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 37, **Utah Substance Abuse and Anti–violence Coordinating Council Amendments** (K. Van Tassell), read the first time by short title and referred to the Rules Committee.

S.B. 38, **Severance Tax Amendments** (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 39, **Immigration Amendments** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 40, **Lawful Presence Verification for Issuance of a Driver License or Identification Card** (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 41, **Siting of High Voltage Power Line Act** (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 42, **Nuclear Power Distribution and Generation** (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 43, **Insurance Coverage for Autism Spectrum Disorders – Clay's Law** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 44, **Coal Mining and Reclamation Amendments** (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 45, **Concealed Firearm Permit for Retired Peace Officer** (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.B. 46, **School Property Tax Equalization Amendments** (K. Morgan), read the first time by short title and referred to the Rules Committee.

S.B. 47, **Grant in Lieu of Property Taxes Act** (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 85, **Homicide Amendments** (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 86, **Amendments to Preferred Drug List** (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 87, **Preferred Drug List Revisions** (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 88, **Administrative Rulemaking Act Amendments** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 89, **Public Safety Retirement Death Benefit Modifications** (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 90, **Metal Theft Amendments and Penalties** (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 91, **Electronic Communication Harassment Amendment** (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 92, **Local Governmental Cooperation in Education Matters** (P. Jones), read the first time by short title and referred to the Rules Committee.

S.B. 93, **Building Authorities** (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 94, **Underground Sewer Utilities Facilities Amendments** (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 95, **Mobile Home Park Amendments** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 96, **Concealed Firearm Permit Residency Requirement** (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 97, **Good Samaritan Act for Engineers** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 98, **Motor Fuel Theft Penalties** (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 99, **Renewable Energy Certificate Revisions** (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 100, **Financial and Economic Literacy Education Amendments** (P. Jones), read the first time by short title and referred to the Rules Committee.

S.B. 101, **State Ethics Commission** (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 102, **Share the Road Special Group License Plate** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 103, **Uniform Laws – Uniform Principal and Income Act Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 104, **Higher Education Scholarship Program Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 105, **Engineering and Computer Science Initiative Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 106, **Alcoholic Beverage Control Act Restrictions** (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 107, **Communications Fraud Penalty Amendments** (D. Hinkins), read the first time by short title and referred to the Rules Committee.

S.B. 108, **Tax Commission Administration, Collection, and Enforcement Amendments** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 109, **Local School Funding Legislative Task Force** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 110, **Oil and Gas Limitation of Actions Amendments** (K. Van Tassell), read the first time by short title and referred to the Rules Committee.

S.B. 111, **Health Care Workforce Financial Assistance Program Amendments** (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 112, **Obstruction of Justice Amendment** (R. Okerlund), read the first time by short title and referred to the Rules Committee.

S.B. 113, **Delayed Effective Date for Illegal Immigration Legislation** (P. Jones), read the first time by short title and referred to the Rules Committee.

S.B. 114, **Tobacco Tax Amendments** (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 115, **Payment of Mobile Home Park Relocation Expenses** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.C.R. 1, **Concurrent Resolution Requesting a Federal Waiver to Establish an Employer–sponsored Work Program** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.C.R. 2, **Concurrent Resolution – a Call to Civility** (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.J.R. 1, **Joint Resolution – Renewable Energy System** (P. Jones), read the first time by short title and referred to the Rules Committee.

S.J.R. 2, **Topaz Museum and Civil Liberties Learning Center Joint Resolution** (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.R. 1, **Ecumenical Patriarch Senate Resolution** (P. Jones), read the first time by short title and referred to the Rules Committee.

S.R. 2, **Senate Resolution Supporting the Narrows Water Project in Central Utah** (R. Okerlund), read the first time by short title and referred to the Rules Committee.

* * *

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

AFTERNOON SESSION

JOINT CONVENTION

The Joint Convention was called to order by President Michael Waddoups at 2:30 p.m.

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, the House resolved itself into a Committee of the Whole, with the President as Chairman, for the purpose of hearing from Chief Justice Christine Durham, Supreme Court.

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

On motion of Representative Garn, the Joint Convention voted to print the speech of the the Chief Justice of the Supreme Court on the pages of the House and Senate Journals.

REMARKS BY CHIEF JUSTICE CHRISTINE M. DURHAM

President Waddoups, Speaker Clark, members of the Senate and the House of Representatives, I thank you for the invitation to address you today, and for your

courtesy in convening in joint session. I appreciate and acknowledge the presence of my colleagues from the Supreme Court, the Judicial Council, and our State Court Administrator.

My task in reporting to you on the state of Utah's judicial branch is somewhat more difficult today than it has been in the past because we are all dealing with enormous challenges and uncertainty stemming from a troubled economy and related losses in state revenue. Ordinarily I use this opportunity to report to you on court initiatives and projects that you have identified in legislation, but this year I am going to forego those reports. The entire nation is grappling with serious challenges, and we in Utah are no exception. While those of us who are engaged in public service must take full account of the problems, we must also believe that hard work and creativity will ultimately see us through. I am extremely proud of the more than one thousand employees and over one hundred judges who make up the Utah state judiciary. We are asking more from them, professionally and personally, than ever before, and they consistently perform.

The role of the state courts in the American system has never been more critical. As one of my colleagues, recently nominated as the new Chief Judge for the state of New York, observed:

[A]ll over the country, state court leaders have committed themselves, like never before, to the pursuit of court reform as a way of life, whether it be modernizing the jury system, introducing specialized drug courts and domestic violence courts, promoting more coordinated and comprehensive justice for families and children, ensuring meaningful access to the courts, or using the latest technology to promote efficiency, and cost savings, among countless other reforms.

Whether we like it or not, the state courts are in the eye of the storm; we have become the emergency room for society's worst ailments – substance abuse, family violence, mental illness, mortgage foreclosures, and so many more.

(Jonathan Lippman, "Institutional Independence of the Judiciary")

To these observations I would add the point that the courts perform an essential function in the economy generally. For every contract dispute and debt collection action in the courts, there are thousands – cumulatively hundreds of millions – of dollars tied up, awaiting resolution. And, while we tend to hear and read a lot about the nation's federal courts, it is sometimes overlooked that the state courts conduct more than ninety five percent of the judicial business of this country.

In a recent conversation I had with Scott Anderson of Zions Bank, he pointed out that in the financial industry "so much depends on the timely adjudication of court cases." He suggested that as the "carrying costs businesses incur increase

because of court delays, the overall costs to the business side are significantly increased," which further harms the prospects of economic recovery.

Our economy and our public safety, along with responses to so many of the ills that beset individuals and families, depend on the operation of our courts. The conclusion that courts perform core functions of government in American society is self–evident, and is indeed at the heart of our reliance on the rule of law.

As you gather for this legislative session, Utahns from every walk of life are aware of the critical issues you face in dealing with our state's budget in light of recent revenue shortfalls. I know that every aspect of state government will be affected, and I want to spend most of my time with you today describing what we in the judiciary have already done to cut our budget, what our plans are for the coming months, and what the implications are for our ability to fulfill our constitutional role.

Let me talk first about this fiscal year. As the state's economic downturn emerged late last summer, the Utah Judicial Council took immediate and in some cases dramatic steps. We implemented a hiring freeze in September and, with the concurrence of the Governor, determined to hold open all judicial vacancies for the foreseeable future. Aside from those individuals who were already in the nominations process when our announcement was made, current and future vacancies will be held open until we have managed the worst of this crisis. We have reorganized some of the ways we do business, completely eliminating our in–house court reporters, for example, and moving instead to full–time reliance on audio recording. This is a significant break with the way the courts have preserved records for many years. Through a combination of vacancies from the hiring freeze and staff cuts in the Administrative Office of the Courts, we will see a reduction in force of sixty employees by the end of the fiscal year. We have eliminated service contracts, closed programs, canceled travel and training, and identified every opportunity we can for creative funding and re–engineering of our operations.

We have some striking limitations, however. First, the courts' budget is almost all general fund dependent: eighty nine percent of our money comes from the general fund. Second, almost all of our budget is devoted to personnel. After our lease and contract obligations, fully ninety one percent of our budget pays for people. Thus, after the four percent budget reductions we took at the time of the special session, the additional seven and one half percent currently identified for us for this fiscal year will have to come through unpaid furloughs of our employees. The numbers are quite straightforward. As of today, we have approximately forty four million dollars left in our 2009 budget. After subtracting mandatory lease and contract payments and judges compensation (which cannot

be reduced constitutionally), we will have approximately thirty million dollars left, virtually all of which is allocated to employee salaries. We have been told to assume a seven and a half percent reduction. That equates to eight million dollars out of our remaining thirty million, before the end of June. We understand that even as I speak you are engaged in discussions that may reduce the level of this cut, but until we learn otherwise it would be irresponsible not to have a plan for a seven and a half percent reduction in FY 2009.

The only way we will be able to accomplish such a large reduction is to furlough every one of our thousand employees for twenty–six days before June 30th, a total furlough of more than five full work weeks. This will mean that our employees will experience a twenty percent reduction in pay in every paycheck, and it also means that the courts will not be adequately staffed to perform our work. But even more critical is the impact of reduced staffing on the ability of the courts to do the public's business.

Because the time remaining in the fiscal year is so short, we believe that it would not be fair to our staff to delay the furlough process to the end of the legislative session. It will be more fair to our employees to distribute the burden over as much time as we can, and we are already effectively only twenty weeks away from the end of the fiscal year. While we hope that you will find a way to make implementation of this drastic step unnecessary, or at least very limited in duration, the Judicial Council has decided it will be necessary to start the furloughs for all of our employees in mid–February. Local presiding judges and court administrators have met and will meet again to address how to effectively operate the courts with such an emaciated staffing level. One option on the table is to close courts on a regular schedule to allow for somewhat normal staffing on other days. Let me be clear: this is not the way we as a state want to run our courts; this is not what Utah's citizens are entitled to. We need your help to find a way for the courts to perform their essential governmental role, and we hope that we will be able to re–assess our plans as the budget comes into clearer focus during the session.

I know that other government entities and many private businesses are also dealing with staffing reductions. At least in the private sector, however, when the employees are reduced it is because the work is reduced too. For us, the opposite is true. The workload of the courts is directly tied to the performance of the economy. For the first half of this fiscal year, we have seen a completely unprecedented increase in court filings. Civil case filings statewide were up twenty two percent, the first time in the history of the Utah courts that we have ever seen anything in double digit increases; criminal filings were also up. In a fairly dramatic illustration of the fact that the downturn in the economy gets reflected almost immediately in the work of the courts, filings in contract disputes increased

sixty–one percent, debt collections twenty–seven percent, child custody and support matters twenty–seven percent, and mortgage foreclosures one hundred and one percent.

These pronounced trends will only get worse. As my colleague from New York put it, the state courts are the nation's legal "emergency rooms," and there are going to be a lot more emergencies out there for a while. If this were an ordinary year, the filing increases in the first half of this year would justify a request for three new trial judges and over forty new court clerks. Instead, the combination of increased demand and decreased resources is profoundly affecting our ability to hear cases at all levels of court. We are already receiving complaints from lawyers and members of the public about delays in processing cases, and frankly I sympathize with them. Delays in the resolution of legal disputes have profound human and economic costs.

Drastically reduced staffing and the possible court closures that likely would follow are not merely an inconvenience; they are an economic disaster. The more dreadful the economy, the greater the need for an efficient court system that can quickly get judgments entered and money transferred from debtors to creditors. The "domino effect" of a creditor's inability to secure a prompt court –ordered judgment is far–reaching. A small business that cannot get money or assets owed to it is then at risk of defaulting on its obligations to suppliers and employees; then the suppliers and employees are unable to meet their obligations, and so on up the money trail to banks and investors, who in turn become unable to invest or loan money. Small debts become exponentially larger debts contributing to economic gridlock. These are not consequences that might be realized down the road; these effects can already be seen today, and they will only get worse as our existing filing backlog grows.

The problems are no less severe on the human side. In delinquency cases in the juvenile courts, for example, the goal is to intervene at the earliest possible moment in a child's unlawful behavior to prevent escalation into more serious criminal acts. Drug and alcohol use, without swift response, will in many cases lead to addiction. Because we will have to prioritize child welfare cases, which have mandatory time requirements, the processing of delinquency cases will inevitably slow. Imagine a fifteen–year–old who is being recruited by a gang and is caught shoplifting. In the months it will take to get that child and his family into court he may well become a full–fledged gang member with serious criminal acts under his belt. This is not the court system we want for Utah.

Let me move to a discussion of our budget for 2010. Under current projections, with the fifteen percent cuts the legislature has requested, the prospect is also bleak, but in this case we have some time and more options. The

legislative fiscal analyst has calculated that at fifteen percent, the courts would have to permanently eliminate two hundred and eighty three court employees. Except for vacancies resulting from our current hiring freeze, every one of those positions has a person in it. A reduction in force at this level is to me almost unimaginable, but it would certainly entail closing some court locations permanently, and being unable to try civil cases or hear delinquency matters because we would have to prioritize criminal and child welfare cases to comply with constitutional and statutory requirements. Our capacity to do our work at even a minimally acceptable level would be gravely threatened; the time to resolve routine matters would go from weeks to months, and for more complex ones from months to years.

In searching for options to deal with these concerns, we conducted a survey of neighboring states to examine how our court fee structure compared. We determined that Utah is on the low end of civil filing fees, and that it would be equitable to raise those fees as a means of generating funds to avoid drastic personnel reductions. We need, of course, your support for such a proposal, and hope that you will see it as a reasonable solution to our budget dilemma for 2010. At the new filing fee levels we propose, enough revenue would be generated to prevent the hundreds of personnel losses that will otherwise be necessary. We have calibrated the proposed increases to distribute the burdens fairly, and we predict that Utah will remain on the low end of the scale after other states have revisited fees (as most are planning to do this year). Furthermore, if you are able to adopt a fee increase, it could be made effective on April 1st, which would generate three months of revenue in 2009 that could be used to reduce the length of our employee furlough and court closures. Such a solution would help maintain the courts' ability to function, and would reduce a significant amount of individual suffering, which in turn would have positive economic consequences.

While the solutions I have detailed are intended to alleviate the courts' budget concerns directly, we also have ideas that would benefit the state coffers generally. For example, the courts play a role in the collection of a variety of debts owed the state. Criminal fines, tax liens and surcharges are examples of state debts collected under court authority. One way in which you could assist us in that collection function is to support pending federal legislation that would allow the state to intercept federal tax refunds that are due to those who owe the state money. Utah's Finders Program currently intercepts state refunds; this would allow federal funds to be attached as well. A joint resolution supporting this federal proposal would help Congress to understand the need, and passage of that federal law would generate millions of dollars for Utah's general fund.

Let me end where I began, in emphasizing the critical role that courts play in sustaining and stabilizing the rule of law and the economic engines of our society.

We resolve contract and property disputes, employment and labor issues, tax and regulatory cases, debt collections and property repossessions, state and local government disputes, divorce, child custody and family support cases, domestic violence claims, child welfare cases where the safety of children is at issue, juvenile delinquency cases where early and prompt intervention in young lives may prevent human tragedy, and, on the criminal side, dispositions that are necessary for public safety and effective law enforcement and, in settings like drug courts, may restore people to productive lives free of addiction and criminal acts. None of these are optional services; these are things that a constitutional democracy owes its citizens.

We in the courts are prepared to do everything in our power to continue to serve the people of Utah efficiently and effectively. We hope that you will do everything in your power to preserve our ability to do so. These are very hard times, and we are ready to do our part. But I believe that the magnitude of the budget cuts we are currently being asked to take will cause our capacity to perform our core governmental function to grind to a halt. Utah needs a healthy, functioning court system. I hope that I have done an adequate job today of explaining the challenges we face and their impact on the public, and of making it clear how much we need your help. For your dedication, for your hard work, and for your public service, thank you.

On motion of Representative Garn, the Joint Convention was dissolved.

* * *

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

COMMITTEE OF THE WHOLE

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

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

SPECIAL PRESENTATION

The New Pilgrim Baptist Sanctuary Church Choir under the direction of Brian Sellmon, Executive Musical Director performed "The Star Spangled Banner" and "I Need You."

* * *

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

RULES COMMITTEE REPORTS

To the Members of the Senate: January 26, 2009

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

Business and Labor Committee

S.B. 15	Workers' Compensation Premium Assessment and Workplace Safety Funding (Sen. K. Mayne)
S.B. 31	Utah Residential Mortgage Practices and Licensing Act (Sen. W. Niederhauser)
S.B. 103	Uniform Laws – Uniform Principal and Income Act Amendments (Sen. L. Hillyard)

Education Committee

S.B. 92	Local Governmental Cooperation in Education Matters (Sen. P. Jones)
S.B. 100	Financial and Economic Literacy Education Amendments (Sen. P. Jones)
S.B. 104	Higher Education Scholarship Program Amendments (Sen. L. Hillyard)
S.B. 105	Engineering and Computer Science Initiative Amendments (Sen. L. Hillyard)

Government Operations and Political Subdivisions Committee

S.B. 88	Administrative Rulemaking Act Amendments (Sen. H. Stephenson)
S.B. 93	Building Authorities (Sen. D. Stowell)
S.J.R. 2	Topaz Museum and Civil Liberties Learning Center Joint Resolution (Sen. D. Stowell)

Health and Human Services Committee

S.B. 20	Local Public Health Emergency Funding (Sen. D. Stowell)
S.B. 21	State and Local Health Authorities Amendments (Sen. D. Stowell)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 32	Wrongful Death Amendments (Sen. S. McCoy)
S.B. 90	Metal Theft Amendments and Penalties (Sen. J. Greiner)
S.B. 91	Electronic Communication Harassment Amendment (Sen. J. Greiner)
S.B. 97	Good Samaritan Act for Engineers (Sen. M. Waddoups)
S.B. 98	Motor Fuel Theft Penalties (Sen. J. Greiner)

Natural Resources, Agriculture and Environment Committee

S.B. 44	Coal Mining and Reclamation Amendments (Sen. G. Davis)
S.J.R. 1	Joint Resolution – Renewable Energy System (Sen. P. Jones)

Revenue and Taxation Committee

S.B. 23	Income Taxation of Pass–through Entities and Pass–through Entity Taxpayers (Sen. W. Niederhauser)
S.B. 35	Sales and Use Tax Definitions Relating to Property (Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee

S.B. 41	Siting of High Voltage Power Line Act (Sen. P. Knudson)
S.B. 94	Underground Sewer Utilities Facilities Amendments (Sen. J. Greiner)
S.B. 95	Mobile Home Park Amendments (Sen. S. Jenkins)
S.B. 99	Renewable Energy Certificate Revisions (Sen. C. Bramble)

Workforce Services and Community and Economic Development Committee

S.B. 14	Financial Incentives for Motion Picture Productions (Sen. L. Hillyard)

Margaret Dayton
Rules Committee Chair

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

RULES COMMITTEE REPORTS

To the Members of the Senate: January 26, 2009

The Rules Committee recommends that the following bills be placed at the bottom of the Second Reading Calendar:

S.B. 10	Department of Community and Culture – State–owned Art Inventory (Sen. M. Madsen)
S.B. 12	DUI Amendments (Sen. S. Killpack)
S.B. 13	Administering Substances to Wildlife (Sen. M. Dayton)
S.B. 16	Prohibited Gang Activity (Sen. J. Greiner)
S.B. 17	Surface Coal Mining Amendments (Sen. D. Stowell)
S.B. 18	Utah Transparency Advisory Board Amendments (Sen. W. Niederhauser)
S.B. 19	Criminal Offense Penalties Amendment (Sen. J. Greiner)
S.B. 22	Street Legal All–terrain Vehicle Amendments (Sen. S. Jenkins)

S.B. 24	Early Voting Amendments (Sen. P. Knudson)
S.B. 25	Online Voter Registration (Sen. P. Knudson)
S.B. 26	Open and Public Meetings Act – Meeting Record (Sen. P. Knudson)
S.B. 27	Election Law Changes (Sen. P. Knudson)

Margaret Dayton
Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 116, **Criminal Penalty and Prosecution Amendments** (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

S.B. 117, **Advance Health Care Directive Act Amendments** (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 118, **Parental Responsibility for Juvenile Criminal Gang Offense Costs** (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 119, **Hospital Emergency Room Task Force** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Killpack and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Tuesday, January 27, 2009.

SECOND DAY

January 27, 2009

The Senate was called to order at 10:15 a.m., with President Michael Waddoups presiding.

Prayer – Bruce Parry, Chairman, Northwestern Band of Shoshone Nation
Pledge of Allegiance – Senator Mark Madsen
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

INTRODUCTION OF BILLS

S.B. 120, **Workers' Compensation Act – Medical Reports** (K. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 121, **Workers' Compensation – Attorney Fees** (K. Mayne), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

S.B. 10, DEPARTMENT OF COMMUNITY AND CULTURE – STATE OWNED ART INVENTORY, was read the second time. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Valentine	Waddoups

Absent or not voting was: Senator
Hillyard

SPECIAL ORDER OF BUSINESS

Senator Van Tassell introduced Utah's American Indian Tribal Leaders.

SECOND READING CALENDAR

S.B. 12, DUI AMENDMENTS, was read the second time.

On motion of Senator Killpack, the bill was circled.

* * *

S.B. 13, ADMINISTERING SUBSTANCES TO WILDLIFE, was read the second time. Senator Dayton explained the bill. Senators Romero and Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Van Tassell	Valentine	Waddoups	

Absent or not voting were: Senators

Hillyard	Stephenson

* * *

S.B. 16, PROHIBITED GANG ACTIVITY, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Stowell	Urquhart	Van Tassell
Valentine	Waddoups		

Voting in the negative was: Senator

Romero

Absent or not voting were: Senators
Hillyard Stephenson

* * *

S.B. 17, SURFACE COAL MINING AMENDMENTS, was read the second time. Senator Stowell explained the bill. Senator Bell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Van Tassell	Valentine
Waddoups			

Absent or not voting were: Senators

Davis	Hillyard	Madsen	Stephenson

* * *

S.B. 18, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

* * *

S.B. 19, CRIMINAL OFFENSE PENALTIES AMENDMENT, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Urquhart	Van Tassell	Valentine
Waddoups			

Absent or not voting were: Senators

Hillyard	Madsen	Stephenson	Stowell

* * *

S.B. 22, STREET LEGAL ALL–TERRAIN VEHICLE AMENDMENTS, was read the second time. Senator Jenkins explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Van Tassell	Valentine	Waddoups	

Absent or not voting were: Senators

Hillyard	Stephenson

* * *

S.B. 24, EARLY VOTING AMENDMENTS, was read the second time. Senator Knudson explained the bill. Senator Romero commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Valentine	Waddoups

Absent or not voting was: Senator

Hillyard

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 27, 2009

The House passed **H.B. 16**, ASSESSMENT AREA AMENDMENTS, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed **H.B. 19**, WATER RIGHTS – INFORMAL ADJUDICATIONS, by Representative K. McIff, and it is transmitted for consideration; and

The House passed **H.B. 22**, HARBORING A RUNAWAY, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed **H.B. 25**, GUN DEALER PENALTY AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 250**, REVISOR'S STATUTE, by Representative K. Garn, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 16, H.B. 19, H.B. 22, H.B. 25,** and **H.B. 250** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Killpack and at 11:25 a.m., the Senate adjourned until 10:00 a.m., Wednesday, January 28, 2009.

JOINT CONVENTION

President Michael Waddoups called the Joint Convention to order at 6:30 p.m. in the Chamber of the Utah House of Representatives and recognized David Clark, Speaker of the House.

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

President Waddoups appointed a Joint Committee comprised of Senators Sheldon Killpack, Scott Jenkins and Patricia Jones, and Representatives Kevin Garn, Brad Dee, and David Litvack to notify Governor Jon M. Huntsman, Jr., that the 2009 General Session of the Fifty–Eighth Legislature is in Joint Convention and ready to hear his State–of–the–State address.

President Waddoups acknowledged special guests and elected and appointed officials in attendance at the Joint Convention.

Senator Sheldon Killpack made a motion that the Legislature resolve into a Joint Convention and Committee of the Whole for the purpose of hearing Governor Huntsman's State–of–the–State address.

The Joint Committee escorted Governor Huntsman to the House rostrum.

STATE–OF–THE–STATE ADDRESS
BY GOVERNOR HUNTSMAN

Lt. Governor; Mr. President; Mr. Speaker; Members of the Legislature; My parents and in–laws – who are with me tonight as they always have been; My wife and best friend, Mary Kaye; Distinguished guests and fellow Utahns;

I am grateful to be standing here joined in purpose with the generous people of Utah who have given me the distinct honor of a second, and final, term. As the elected officials of the greatest state in America, this roomful of leaders holds an awesome responsibility – to guide our state to success in a time of uncertainty.

We are beginning a new chapter for our nation and for our state. There is a sense of anxiety, pain, heartache and, yes, hope, on display almost everywhere.

Let me state from the top that today's economic conditions make it imperative that we ensure a level of trust between the people who call Utah home and their elected officials. In a time of financial distress, inadequate healthcare, a shaky housing market and apprehensiveness, we must reach beyond traditional political boundaries in seeking solutions that are uniquely our own.

Our first and most urgent priority must be to prudently and wisely balance our budget, as we always have. Let's not forget, unlike many other states, we have tools we can utilize, and with these options we have added flexibility in minimizing impacts to our most critical priorities.

Every person in this chamber is motivated by our state's success. Our discussions should be conducted with civility, respect and a recognition of the challenging circumstances in which we find ourselves.

We are changing. That's inevitable. Utah has gone from fly–over–country to fly–into–country. But, one thing that should never change is our ability to unite behind our state's primary objectives. Because when we are united, we are one. And when we are one, anything is achievable!

I have seen this state when we have been one, of common purpose and mind. I've seen it during the Olympics, floods, fires, festivals and war. It is an awesome thing when unity happens, enough to humble any governor.

Today's circumstances require us, once again, to come together with common purpose and mind. We have a choice: we can cower in the face of strong economic headwinds or we can stand resolute knowing that getting through this financial crisis will require something of all of us.

Politically, we should unite like never before in addressing our state's most basic needs; remembering that government is the last safety net for our most vulnerable. Individually, I ask all of our citizens to use these challenging times to draw closer, one with another, by dropping barriers that serve to divide and disenfranchise by showing just a bit more care and concern, love and respect for those in our pathway of life.

Above all, may it be said, when this economic storm dissipates – as it will – that our actions were never driven by fear, but rather always with an eye toward our future strength and the generations that will follow us.

This year will require the fighting spirit in all of us, our families, our businesses and as individuals. As Utahns we don't have to look too far for examples of that spirit. On and off the field, the young men of the University of Utah football team have demonstrated service, teamwork and perseverance.

They were told they couldn't compete, they couldn't win. They represented Utah well and, guess what? They did win.

I welcome with us here tonight Quarterback and Sugar Bowl MVP Brian Johnson and Place–kicker King Louie Sakoda. I told Louie it is cool to be Governor, but it is truly awesome to be king.

Though we have not been immune to the world–wide economic downturn, it is this very fighting spirit that sets us apart as a state. We are here in the west, where our future is always more important than our past. And when these challenges are over we will be even better poised to move forward.

Utah has been repeatedly recognized by respected organizations for our business acumen, quality of life and management abilities. In what is perhaps the most tremendous distinction in these tumultuous times, Utah was named the Best Managed State in America! I thank the members of the Legislature and our great state employees for their part in this honor!

We are facing difficult decisions that have real impacts on the lives of Utah families. We are sensitive to this and must be ever vigilant in our realignment of

state programs and resources. Let us be mindful of the children we are impacting, the jobs we are eliminating and the critical road and building projects we are delaying. We are in this together, and together we will find creative solutions to critical problems. After working with legislative leaders on nearing a solution for the current budget, tonight I am directing the Utah Department of Transportation to reinstate major road projects that were delayed in November.

We are one. We must acknowledge it is all of us, our kids, our communities and our businesses that are being impacted by our decisions. And none of these decisions is more important than education.

The amazing gains we have made in education have enhanced opportunities for everyone, improving our state's ability to provide companies with a skilled workforce. In turn, businesses are providing more and better–paying jobs to our children. This keeps our kids and our grandkids, our brain power, here at home.

Early childhood learning is critical for their long–term success, quality of life and our state's competitive edge in attracting world–class jobs. Early results indicate kindergarten students are six times better prepared for a successful first grade experience if they attended full–day kindergarten. On behalf of my daughter Gracie and so many others: Legislators, thank you for making this available to our kids.

We are leading the nation in educating our kids in 21st century languages like Chinese and Arabic. So, to the thousands of students studying Mandarin Chinese I say: Gongxi gongxi "Congratulations!"

Yet, our kids' literacy in these critical foreign languages must be matched by their mastery of numbers, an area that is in need of strengthening. We must keep pace. Through additional emphasis and reprioritizing, I have asked both public and higher ed to make this year the "Year of Math."

Workforce demands in quantitative skills continue to increase; yet, our workforce preparation is inadequate. We can and must do better in embracing our knowledge–based economy. Every child ought to have the opportunity to prepare for post–secondary training. This will be our economic development engine and our strongest tool in attracting companies to Utah.

The Utah College of Applied Technology was created to be responsive to industry and meet the demands of a growing technical workforce. As employment demands change, we must assure that this system is dynamic in fulfilling the needs of the 21st Century. I want to thank the legislative task force that worked to put

together HB 15. While there are still issues to be ironed out, I think it is safe to say we all agree on the goal: a UCAT system that is more responsive to real–time business needs and is more accessible to Utah's students.

Of course, the biggest influence in the classroom is the person leading, molding and mentoring the students. My grandfather called them educators. We have embarked upon a journey to offer our teachers a more competitive wage. While in these times we may not be able to further that investment, we must not lose ground.

If you want a glimpse into the future our teachers are cultivating, in the Capitol tonight stands a display from schools across the state, showing "Utah as One." These projects have pictures, poems, collages and drawings depicting the wonderful scenes of our state and the unity sought after by our diverse youth. This week I invite all to come visit this colorful gallery. Be inspired by it as I was, and be reminded of the power of youth.

By the way, our youth would like me to point out that Utah is rapidly becoming one of the hottest movie–making destinations between New York and Los Angeles. And if SB 14, sponsored by Senator Lyle Hillyard, is successful the entire cast of High School Musical may need to become permanent residents of our state. Please welcome one of HSM's biggest stars Lucas Grabeel.

It is easy in difficult economic times like these to forget that we must plan and prepare for the economy of tomorrow. As we reduce spending to hit short–term targets, we must not lose sight of our long–term goals. We must be judicious. Medical procedures today use lasers for a reason; let's remember the less invasive the procedure, the stronger the recovery.

Speaking of medical procedures, nowhere is major surgery needed more than in accessing affordable healthcare. I'm sorry to have to say it again this year, but skyrocketing healthcare costs are bankrupting businesses and leaving too many Utahns with no options at all. In a state as compassionate as ours, certainly we can find a better way to cover the uninsured.

I recently visited a public health clinic in St. George. Due to the goodness of volunteer doctors and staff, 10,000 people were seen last year, this in a city of 70,000. Why? One out of every seven people in Dixie must go to a volunteer clinic to receive adequate health care? These people have been completely left out of the healthcare equation; they don't qualify for existing programs, and they can't afford a basic healthcare plan.

So, to Dr. Doxey – who started this volunteer clinic – and the staff there, I say thank you for your humanitarianism. I assure you and those you serve, we will fix

this problem. We are going to find policies that are affordable, the political will to enact them and, through perseverance, provide a pathway to coverage for everyone.

Therefore, I am asking all involved: doctors, insurance companies, consumers and we in this chamber to close the gap on the uninsured by 2012.

Let's begin this session by passing the task force legislation shepherded by Speaker David Clark and Senator Sheldon Killpack to develop a truly affordable insurance policy. But this is not enough. We must connect all people to the healthcare they need. A truly affordable policy and the means by which to connect all people will be done in this state, this year!

Though we are one in community, we are many in number. Utah is now the fastest–growing state in America. People are flocking here for the unmatched quality of life, high–paying jobs and the essence of everything we love about America. We also continue our trend of being the youngest state in the union. These are tremendous attributes, but if unplanned for, they can carry a significant burden.

We hold dear the things that give us a sense of humanity – our land, our air and our water – and recognize the role they play in our peace of mind and spirit, as well as our economy.

If we are going to take air quality seriously, which we must for the sake of the next generation, we must be bold; we must be visionary. Our aspirations should be nothing short of extraordinary. And there are two goals that we should immediately set our sights on.

First, just as Wall Street is known for finance and Silicone Valley for technology, by 2012, I believe Utah can become the premier destination in America for renewable energy!

And don't tell me it can't be done! In just this past year alone, we have witnessed in Utah the opening of a solar farm, a hydroelectric plant, a wind farm and a geothermal plant. To support this energy development, innovation at our higher education campuses is running at an all–time high, like technologies that will ensure the long–term viability of our abundant natural resources. The University of Utah is now second only to MIT in commercialization of cutting–edge research.

But this is just the beginning!

We will be the epicenter for energy development – but we must have the land, transmission, and regulatory framework to make it a reality. We must look beyond

20th century mentalities and bet on 21st century realities. We must pass legislation this year to incentivize, rather than penalize, innovative technologies where the risk is real, but the reward is great.

Our second goal will be to designate Interstate 15 from Idaho to Arizona as a natural gas corridor! It makes sense – working with Questar, a great local company – to encourage the use of natural gas which emits almost no pollution, is more affordable and most importantly, is a domestic fuel found right here in our own backyard; getting Utah, and the nation, one step closer to breaking our addiction to foreign oil.

This will require adding infrastructure, looking differently at our regulatory approach and demanding that we look beyond the here and now.

As a state, we are leading with innovative solutions to ensure better access and services to our citizens, 24 hours a day, 365 days a year. Some Utahns may be surprised to know that more than 850 government services now can be found online – which is why we have been recognized as the Number 1 state in the country for Digital Government!

But as we have moved into the digital age, I am concerned that some of our time–tested values have been left behind. In the past year, we've seen our nation's financial pillars crumble, and not because we have a deficit of talented people.

I would suggest there is one common thread: a deficit of ethics.

There is a complete disconnect with our nation's best and brightest. They have been taught to be brilliant on Wall Street without concern for their impact on Main Street. Whether in business, politics or community affairs, correcting this deficit of ethics is just as important as overcoming our economic struggles.

Closer to home, there is a deficit of another kind, and no less disturbing. Unfortunately, in Utah we are seeing a weakening in our own pillars of democracy. We've long been recognized as a community known for its patriotism and public spiritedness, yet as the nation has seen an upswing in voter turnout, we are seeing just the opposite.

This apathy is corrosive to a stable and functioning democracy. We must restore trust. We must restore confidence. We must reach out, particularly to our youth, to reinvigorate the democracy they will inherit.

This is the purpose of the newly–announced Commission on Strengthening Utah's Democracy, because without public support and participation we have no democracy.

One of our most passionate and respected community leaders has taken our call to action. And you know this guy – I want to thank Larry H. Miller for his willingness to lead this effort! Our prayers are with him tonight as he recovers from recent surgery.

When times are good economically, as we have seen in recent years, we sometimes become preoccupied with our own selfish interests. But when times get tough, we are reminded of the power of our community, of people reaching across boundaries to help others, reawakening the need to improve the human condition.

Though it is warmer tonight in this chamber than it was three weeks ago on the front steps of the Capitol when I was sworn in, outside there are single moms without homes, children without dinner, and many without work.

I reiterate my call to all who can hear me: find someone in need and help them – whether it be a neighbor, a friend or a perfect stranger. We all have something to give, even if it is just a hand to hold, and there are so many in need right now.

It is through the spirit of service that a community is born. It is this same sense of service that is displayed by so many, like our men and women in uniform serving overseas; pastors and preachers, many of whom I've worshipped with; those looking out for our most vulnerable – people like Pamela Atkinson, a true community advocate, Jim Pugh at the Utah Food Bank, and Matt Minkevitch at the Road Home.

It is because of community leaders like these that I know we will prevail! And we will continue to occupy our rightful and well–earned position as the greatest state in America. The journey is up to us and the decisions made by this very body will lead us there. This is the time to unite with one purpose and one mind.

Because together we can succeed. Together we will thrive. Together we will overcome. Together we are one.

May God bless you and the great State of Utah!

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

Representative Kevin Garn made a motion that the complete text of the Governor's State–of–the–State address be spread upon the pages of the Senate and House Journals, that the Joint Convention and Committee of the Whole be dissolved, and that the Senate and House adjourn until 10:00 a.m., Wednesday, January 28, 2009.

THIRD DAY

JANUARY 28, 2009

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

Prayer – Jerry Washburn, Mayor of Orem City
Pledge of Allegiance – Senator Dennis Stowell
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 27, 2009

The House passed, as amended, **H.B. 12**, COUNTY SHERIFF QUALIFICATION AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed **H.B. 27**, PROTECTIONS FOR AGRICULTURAL PRACTICES, by Representative M. Morley, and it is transmitted for consideration; and

The House passed **H.B. 30**, COMMERCIAL MOTOR VEHICLE AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed **H.B. 39**, UTAH INJURED WORKER REEMPLOYMENT ACT, by Representative M. Morley, and it is transmitted for consideration; and

The House passed **H.B. 40**, MOTORCYCLE RIDER EDUCATION PROGRAM AMENDMENTS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed **H.B. 45**, PER DIEM AND TRAVEL EXPENSES FOR STATE BOARDS AND COMMISSIONS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed **H.B. 46**, DESIGNATION OF STATE HIGHWAYS AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed **H.B. 47**, CRIMINAL PROCEDURE – INVESTIGATION AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.B. 53**, DRIVER LICENSE AMENDMENTS – MOTOR DRIVEN CYCLES, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed **H.J.R. 1**, RESOLUTION URGING THE WITHDRAWAL OF UNITED STATES' WORLD TRADE ORGANIZATION COMMITMENT ON GAMBLING, by Representative S. Allen, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 12, H.B. 27, H.B. 30, H.B. 39, H.B. 40, H.B. 45, H.B. 46, H.B. 47, H.B. 53,** and **H.J.R. 1** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: January 27, 2009

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

Education Committee

S.B. 109	Local School Funding Legislative Task Force (Sen. D. C. Buttars)

Government Operations and Political Subdivisions Committee

S.B. 115	Payment of Mobile Home Park Relocation Expenses (Sen. W. Niederhauser)
S.R. 1	Ecumenical Patriarch Senate Resolution (Sen. P. Jones)

Health and Human Services Committee

S.B. 43	Insurance Coverage for Autism Spectrum Disorders – Clay's Law (Sen. H. Stephenson)
S.B. 87	Preferred Drug List Revisions (Sen. A. Christensen)
S.B. 111	Health Care Workforce Financial Assistance Program Amendments (Sen. G. Davis)
S.B. 117	Advance Health Care Directive Act Amendments (Sen. A. Christensen)
S.B. 119	Hospital Emergency Room Task Force (Sen. D. C. Buttars)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 45	Concealed Firearm Permit for Retired Peace Officer (Sen. B. Goodfellow)

S.B. 85	Homicide Amendments (Sen. S. Urquhart)
S.B. 107	Communications Fraud Penalty Amendments (Sen. D. Hinkins)
S.B. 112	Obstruction of Justice Amendment (Sen. R. Okerlund)
S.B. 116	Criminal Penalty and Prosecution Amendments (Sen. D. Liljenquist)
S.B. 118	Parental Responsibility for Juvenile Criminal Gang Offense Costs (Sen. J. Greiner)
Natural Resources, Agriculture and Environment Committee	
S.B. 110	Oil and Gas Limitation of Actions Amendments (Sen. K. Van Tassell)
S.R. 2	Senate Resolution Supporting the Narrows Water Project in Central Utah (Sen. R. Okerlund)
Revenue and Taxation Committee	
S.B. 47	Grant in Lieu of Property Taxes Act (Sen. G. Davis)
S.B. 108	Tax Commission Administration, Collection, and Enforcement Amendments (Sen. W. Niederhauser)
Transportation, Public Utilities and Technology Committee	
S.B. 102	Share the Road Special Group License Plate (Sen. W. Niederhauser)

Margaret Dayton
Rules Committee Chair

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

RULES COMMITTEE REPORTS

To the Members of the Senate: January 27, 2009

The Rules Committee recommends that the following bills be placed at the bottom of the Second Reading Calendar:

S.B. 28	Prohibited Activities of Gang Offenders (Sen. J. Greiner)
S.B. 33	Utility Transmission Corridor Siting Task Force (Sen. S. Jenkins)
S.B. 34	Amendments to Sales and Use Tax Exemption for Certain Machinery, Equipment, or Parts (Sen. W. Niederhauser)
S.B. 36	Sales and Use Tax Amendments (Sen. C. Bramble)
S.B. 37	Utah Substance Abuse and Anti–violence Coordinating Council Amendments (Sen. K. Van Tassell)
S.B. 38	Severance Tax Amendments (Sen. J. Valentine)
S.B. 39	Immigration Amendments (Sen. S. Jenkins)

S.C.R. 1 Concurrent Resolution Requesting a Federal Waiver to Establish an Employer–sponsored Work Program (Sen. S. Jenkins)

S.B. 40 Lawful Presence Verification for Issuance of a Driver License or Identification Card (Sen. C. Bramble)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 27, 2009

The Business and Labor Committee recommends **S.B. 15**, WORKERS' COMPENSATION PREMIUM ASSESSMENT AND WORKPLACE SAFETY FUNDING, by Senator K. Mayne, be replaced and favorably recommends **1st Sub. S.B. 15,** WORKERS' COMPENSATION PREMIUM ASSESSMENT AND RELATED FUNDING with the following amendments:

1. Page 8, Lines 238 through 240:

238 (ii) the activities of the Division of Adjudication described in Section 34A–1–202.

239 (b) The monies deposited in the account may not be used for a purpose other than a

240 purpose described in this Subsection (4), including an administrative cost or another activity of ; and

The Business and Labor Committee recommends **S.B. 31**, UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT, by Senator W. Niederhauser, be replaced and favorably recommends **1st Sub. S.B. 31,** UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 103**, UNIFORM LAWS – UNIFORM PRINCIPAL AND INCOME ACT AMENDMENTS, by Senator L. Hillyard.

John L. Valentine, Chair

Mr. President: January 27, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.B. 20**, LOCAL PUBLIC HEALTH EMERGENCY FUNDING, by Senator D. Stowell.

D. Chris Buttars, Chair

Mr. President: January 27, 2009

The Education Committee reports a favorable recommendation on **S.B. 105**, ENGINEERING AND COMPUTER SCIENCE INITIATIVE AMENDMENTS, by Senator L. Hillyard; and

The Education Committee reports a favorable recommendation on **S.B. 104**, HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS, by Senator L. Hillyard.

Curtis S. Bramble, Chair

On motion of Senator Killpack, the committee reports were adopted. **1st Sub. S.B. 15,** as amended, **1st Sub. S.B. 31, S.B. 103, S.B. 20, S.B. 105,** and **S.B. 104** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 48, **Teacher Licensing by Competency Amendments** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 49, **Small Business Access to Justice Act** (R. Romero), read the first time by short title and referred to the Rules Committee.

S.B. 50, **Restricting the Movement of a Motor Vehicle** (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.B. 51, **Restitution Fund Account** (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

S.B. 122, **Uniform State Law – Uniform Unsworn Foreign Declarations Act** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 123, **School District Division Process** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 124, **Indemnification for Design Professional Services** (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 125, **Interest on Personal Injury Judgments** (R. Okerlund), read the first time by short title and referred to the Rules Committee.

S.B. 126, **State Personnel Management Act Amendments** (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

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

S.B. 128, **Rainwater Harvesting** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 129, **Mental Health Therapist Grant and Scholarship Act Repeal** (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

S.B. 130, **Income Tax Credit – Contributions for Which Federal Matching Monies Are Offered** (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 131, **Law Enforcement Service in Local Districts and Interlocal Entities** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 132, **Individual Income Tax Contribution for Methamphetamine Housing Reconstruction and Rehabilitation Fund** (K. Mayne), read the first time by short title and referred to the Rules Committee.

S.J.R. 3, **Joint Resolution Approving Appointment of Legislative General Counsel** (S. Killpack), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 10, DEPARTMENT OF COMMUNITY AND CULTURE – STATE–OWNED ART INVENTORY, was read the third time.

On motion of Senator Killpack, the bill was circled.

* * *

S.B. 13, ADMINISTERING SUBSTANCES TO WILDLIFE, was read the third time and explained by Senator Dayton. Senators Valentine and McCoy commented.

On motion of Senator Dayton, the bill was circled.

* * *

On motion of Senator Madsen, the circle was removed from **S.B. 10**, DEPARTMENT OF COMMUNITY AND CULTURE – STATE–OWNED ART INVENTORY, and it was before the Senate. Senator Madsen explained the bill. Senators Buttars, Davis, Knudson, Goodfellow, and Robles commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard	Knudson

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

* * *

On motion of Senator Dayton, the circle was removed from **S.B. 13**, ADMINISTERING SUBSTANCES TO WILDLIFE, and it was before the Senate.

Senator Valentine proposed the following amendment:

1. Page 2, Line 57 through Page 3, Line 63

57 (4) {~~An agricultural producer~~} A person is not liable under this section for administering a

58 substance, notwithstanding the substance has an effect described in Subsection (1)(d) on

59 protected wildlife, if {~~the~~} :
(a) an agricultural producer administers the substance:

60 {~~(a)~~} (i) for the sole purpose of producing an agricultural product and not for the purpose of

61 affecting protected wildlife in a manner described in Subsection (1)(d);

62 {~~(b)~~} (ii) consistent with generally accepted agricultural practices; and

63 {~~(c)~~} (iii) in compliance with applicable local, state, and federal law {~~.~~} ; or

(b) the protected wildlife presents an immediate threat of death or serious bodily injury to a person.

Senator Valentine's motion to amend passed on a voice vote. Senator Dayton explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen	Hillyard	Hinkins

S.B. 13, as amended, was transmitted to the House for consideration.

* * *

S.B. 16, PROHIBITED GANG ACTIVITY, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators
Robles Romero

Absent or not voting were: Senators
Christensen Hillyard

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

* * *

S.B. 17, SURFACE COAL MINING AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Christensen Hillyard

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

* * *

On motion of Senator Greiner, **S.B. 19**, CRIMINAL OFFENSE PENALTIES AMENDMENT, was read the third time and circled.

* * *

S.B. 22, STREET LEGAL ALL–TERRAIN VEHICLE AMENDMENTS, was read the third time and explained by Senator Jenkins.

Senator Jenkins proposed the following amendment:

1. Page 14, Line 405

405 privileges for nonresident users granted under Subsection (5)(a).
<u>(6) Nothing in this chapter shall restrict the operation of an off–highway vehicle in accordance with Section 41–22–10.5.</u>

Senator Jenkins' motion to amend passed on a voice vote and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Greiner	Hillyard	Madsen

S.B. 22, as amended, was transmitted to the House for consideration.

* * *

S.B. 24, EARLY VOTING AMENDMENTS, was read the third time and explained by Senator Knudson. Senator Bell commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

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

SECOND READING CALENDAR

On motion of Senator Killpack, the circle was removed from **S.B. 12**, DUI AMENDMENTS, and it was before the Senate. Senator Killpack explained the bill. Senator Davis commented. The bill, under suspension of the rules, passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Buttars	Hillyard	Stephenson	Van Tassell

* * *

S.B. 25, ONLINE VOTER REGISTRATION, was read the second time. Senator Knudson explained the bill.

Senator Knudson proposed the following amendment:

1. Page 2, Line 55

55 form.
(4) A system created and maintained under this section shall provide the notices concerning a voter's presentation of identification contained in Subsection 20A–2–104(1).

2. Page 2, Line 56 through Page 3, Line 61:

56 {~~(4)~~} (5) The lieutenant governor shall obtain a digital copy of the applicant's driver license

57 or identification card signature from the Driver License Division.

58 {~~(5)~~} (6) Upon receiving all information from an applicant and the Driver License Division,

59 the lieutenant governor shall send the information to the county clerk for the county in which

60 the applicant's principle place of residence is found for further action as required by Section 20A–2–304 .

61 {~~(6)~~} (7) The lieutenant governor may use additional security measures to ensure the

3. Page 4, Lines 109 through 110:

109 (14) upon request by the lieutenant governor, provide the lieutenant governor with a

110 digital copy of the driver license or identification card {~~record~~} signature of a person who is an applicant

Senator Knudson's motion to amend passed on a voice vote. Senator Madsen commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Madsen	Stephenson

Absent or not voting were: Senators

Davis	Hillyard

* * *

S.B. 26, OPEN AND PUBLIC MEETINGS ACT – MEETING RECORD, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators
Buttars Hillyard Stephenson Van Tassell

* * *

S.B. 27, ELECTION LAW CHANGES, was read the second time.

On motion of Senator Knudson, the following substitute bill replaced the original bill.

1st Sub. S.B. 27, Election Law Changes, (P. Knudson)

Senator Knudson explained the bill. Senators Valentine and McCoy commented.

On motion of Senator Knudson, the bill was circled.

COMMUNICATION FROM THE HOUSE

Mr. President: January 28, 2009

The House passed **H.B. 14**, MATERIAL HARMFUL TO MINORS AMENDMENTS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed **H.B. 31**, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed **H.B. 56**, DECLARATION OF CANDIDACY AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed **H.B. 58**, SALES AND USE TAX – DETERMINING THE LOCATION OF CERTAIN TRANSACTIONS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 232**, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS REVISIONS, by Representative D. Aagard, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 14, H.B. 31, H.B. 56, H.B. 58,** and **1st Sub. H.B. 232** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Killpack and at 11:50 p.m., the Senate adjourned until 10:00 a.m., Thursday, January 29, 2009.

FOURTH DAY

January 29, 2009

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

Prayer – Father Michael Kouremetis, Prophet Elias Greek Orthodox Church
Pledge of Allegiance – Senator Jon Greiner
Roll Call – All Senators present, except Senator Van Tassell, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE GOVERNOR

ADVISE AND CONSENT

Mr. President: December 3, 2008

In accordance with Utah Code 67–1–1 and 67–1–2 (2008), I propose and transmit the following appointment:

SECOND DISTRICT JUVENILE COURT

Janice L. Frost is appointed as a Judge of the Second District Juvenile Court. See Utah const. ant. VIII, 8; Utah Code 78A–10–101.

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

Jon M. Huntsman, Jr.
Governor

Mr. President: January 22, 2009

The Senate Judicial Confirmation Committee met on January 22, 2009, and reports a favorable recommendation for Ms. Janice L. Frost to be confirmed to the position of Judge in the Second District Juvenile Court.

Greg Bell, Chair

Senator Buttars moved to consent to the appointment. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Hillyard	Madsen	Stephenson	Van Tassell

* * *

Mr. President: December 9, 2008

In accordance with Utah Code 67–1–1 and 67–1–2 (2008), I propose and transmit the following appointment:

SECOND DISTRICT COURT

Michael D. DiReda is appointed as a Judge of the Second District Court. See Utah const. ant. VIII, 8; Utah Code 78A–10–101.

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

Jon M. Huntsman, Jr.
Governor

Mr. President: January 22, 2009

The Senate Judicial Confirmation Committee met on January 22, 2009, and reports a favorable recommendation for Mr. Michael D. DiReda to be confirmed to the position of Judge in the Second District Court.

Greg Bell, Chair

Senator Buttars moved to consent to the appointment. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan

Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Davis	Hillyard	Madsen	Van Tassell

COMMITTEE OF THE WHOLE

On motion of Senator Buttars, Judge Janice L Frost and Judge Michael D. DiReda spoke in Committee of the Whole.

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 28, 2009

The House passed **H.B. 18**, WATER RIGHT APPLICATIONS AND RECORDS, by Representative P. Painter, and it is transmitted for consideration; and

The House passed **H.B. 21**, AMENDMENTS TO DRIVER LICENSE SANCTION REQUIREMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 43**, COORDINATING MUNICIPAL AND SPECIAL DISTRICT ELECTIONS, by Representative K. Grover, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 44**, LOCAL AND SPECIAL SERVICE DISTRICT ELECTION AMENDMENTS, by Representative K. Grover, and it is transmitted for consideration; and

The House passed **H.B. 48**, BALLOT QUESTION AMENDMENTS, by Representative K. Grover, and it is transmitted for consideration; and

The House passed **H.B. 51**, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, by Representative C. Johnson, and it is transmitted for consideration; and

The House passed **H.B. 54**, AMENDMENTS TO VEHICLE REGISTRATION REQUIREMENTS, by Representative F. Gibson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 18, H.B. 21, H.B. 43, 1st Sub. H.B. 44, H.B. 48, H.B. 51,** and **H.B. 54** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: January 28, 2009

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

Business and Labor Committee

S.B. 120 Workers' Compensation Act – Medical Reports (Sen. K. Mayne)

S.B. 121 Workers' Compensation – Attorney Fees (Sen. K. Mayne)

Education Committee

S.B. 123 School District Division Process (Sen. L. Hillyard)

Government Operations and Political Subdivisions Committee

S.B. 122 Uniform State Law – Uniform Unsworn Foreign Declarations Act (Sen. L. Hillyard)

S.B. 124 Indemnification for Design Professional Services (Sen. G. Bell)

H.B. 16 Assessment Area Amendments (Rep. F. Hunsaker) (Sen. D. Stowell)

Health and Human Services Committee

S.B. 86 Amendments to Preferred Drug List (Sen. A. Christensen)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 125 Interest on Personal Injury Judgments (Sen. R. Okerlund)

H.B. 22 Harboring a Runaway (Rep. L. Fowlke) (Sen. C. Bramble)

H.B. 25 Gun Dealer Penalty Amendments (Rep. C. Oda) (Sen. M. Madsen)

Natural Resources, Agriculture and Environment Committee

H.B. 19 Water Rights – Informal Adjudications (Rep. K. McIff) (Sen. R. Okerlund)

Margaret Dayton
Rules Committee Chair

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

RULES COMMITTEE REPORTS

To the Members of the Senate: January 28, 2009

The Rules Committee recommends, that under suspension of the rules, the following bills be placed at the bottom of the Second Reading Calendar:

S.J.R. 3	Joint Resolution Approving Appointment of Legislative General Counsel (Sen. S. Killpack)
H.B. 250	Revisor's Statute (Rep. K. Garn) (Sen. S. Killpack)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 28, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 88**, ADMINISTRATIVE RULEMAKING ACT AMENDMENTS, by Senator H. Stephenson.

Peter C. Knudson, Chair

Mr. President: January 27, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 97**, GOOD SAMARITAN ACT FOR ENGINEERS, by Senator M. Waddoups; and

The Natural Resources, Agriculture, and Environment Committee recommends **S.J.R. 1**, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM, by Senator P. Jones, be replaced and favorably recommends **1st Sub. S.J.R. 1,** JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM.

Dennis E. Stowell, Chair

On motion of Senator Killpack, the committee reports were adopted. **S.B. 88, S.B. 97,** and **S.J.R. 1** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: January 28, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 93**, BUILDING AUTHORITIES, by Senator

D. Stowell, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 2**, TOPAZ MUSEUM AND CIVIL LIBERTIES LEARNING CENTER JOINT RESOLUTION, by Senator D. Stowell, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Killpack, the committee reports were adopted. **S.B. 93** and **S.J.R. 2** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 52, **New Motor Vehicle Franchise Amendments** (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 53, **Awarding of Attorney Fees** (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 133, **Abuse or Neglect of a Disabled Child** (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 134, **Transportation Funding Amendments** (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 135, **Local District Taxing Authority** (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 136, **Diesel–powered Motor Vehicle Emissions Inspection Program Amendments** (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 137, **Physical Therapy Practice Act** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.J.R. 4, **Recycling of Electronic Waste Joint Resolution** (S. McCoy), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 12, DUI AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Jones	Van Tassell

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

* * *

S.B. 25, ONLINE VOTER REGISTRATION, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Bell	Van Tassell

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

* * *

S.B. 26, OPEN AND PUBLIC MEETINGS ACT – MEETING RECORD, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Killpack	Van Tassell

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

SECOND READING CALENDAR

On motion of Senator Niederhauser, the circle was removed from **S.B. 18**, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS, and it was before the Senate.

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

1st Sub. S.B. 18, Utah Transparency Advisory Board Amendments
(W. Niederhauser)

Senator Niederhauser explained the bill.

On motion of Senator Niederhauser, the bill was circled.

* * *

On motion of Senator Knudson, the circle was removed from **1st Sub. S.B. 27**, ELECTION LAW CHANGES, and it was before the Senate.

Senator Knudson proposed the following amendment:

1. Page 20, Lines 603 through 606

603 (2) Voters desiring to vote in favor of [~~enacting~~] {~~halting~~} preventing the law that is the subject of the referendum from taking effect {~~the law proposed by the~~

604 ~~referendum petition~~} shall mark the square [~~following~~] adjacent to the word "For," and those

605 desiring to vote against {~~enacting the law proposed by~~} preventing the law that is the subject of the referendum petition from taking effect shall mark the

606 square [~~following~~] adjacent to the word "Against."

2. Page 22, Lines 654 through 657:

654 (3) Voters desiring to vote in favor of {~~enacting~~} repealing the law proposed by the referendum

655 petition shall mark the square [~~following~~] adjacent to the word "For," and those desiring to vote

656 against {~~enacting~~} repealing the law proposed by the referendum petition shall mark the square following

657 the word "Against."

Senator Knudson's motion to amend passed on a voice vote. Senator Knudson explained the bill. Senators Valentine and Romero commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting was: Senator
Van Tassell

* * *

S.B. 28, PROHIBITED ACTIVITIES OF GANG OFFENDERS, was read the second time. Senator Greiner explained the bill. Senators Romero and Madsen commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Voting in the negative was: Senator
Madsen

Absent or not voting were: Senators

Hillyard	Jones	Niederhauser	Van Tassell

* * *

S.B. 33, UTILITY TRANSMISSION CORRIDOR SITING TASK FORCE, was read the second time. Senator Jenkins explained the bill. Senators Knudson, Urguhart, and Killpack commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Voting in the negative was: Senator
McCoy

Absent or not voting were: Senators

Hillyard	Jones	Van Tassell

* * *

S.B. 34, AMENDMENTS TO SALES AND USE TAX EXEMPTION FOR CERTAIN MACHINERY, EQUIPMENT, OR PARTS, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

* * *

S.B. 36, SALES AND USE TAX AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

S.B. 37, UTAH SUBSTANCE ABUSE AND ANTI–VIOLENCE COORDINATING COUNCIL AMENDMENTS, was read the second time.

On motion of Senator Bell, the bill was circled.

* * *

S.B. 38, SEVERANCE TAX AMENDMENTS, was read the second time.

Senator Valentine proposed the following amendment:

1. Page 1, Lines 19 through 20

19 ▶ increases the amount of revenue to be deposited into the permanent state trust fund

20 over a six–year period beginning with fiscal year 2011–12 ;

2. Page 2, Lines 40 through 52:

40 (2) "Mining base amount" means:

41 (a) $27,600,000 for fiscal { ~~year~~ } years 2008–09 , 2009–10, and 2010–11 ;

42 (b) $22,600,000 for fiscal year { ~~2009–10~~ } 2011–12 ;

43 (c) $17,600,000 for fiscal year { ~~2010–11~~ } 2012–13 ;

44 (d) $12,600,000 for fiscal year { ~~2011–12~~ } 2013–14 ;

45 (e) $7,600,000 for fiscal year { ~~2012–13~~ } 2014–15 ; and

46 (f) $2,600,000 for fiscal year { ~~2013–14~~ } 2015–16 .

47 (3) "Oil and gas base amount" means:

48 (a) $71,000,000 for fiscal { ~~year~~ } years 2008–09 , 2009–10, and 2010–11 ;

49 (b) $56,000,000 for fiscal year { ~~2009–10~~ } 2011–12 ;

50 (c) $41,000,000 for fiscal year {~~2010–11~~} 2012–13 ;

51 (d) $26,000,000 for fiscal year {~~2011–12~~} 2013–14 ; and

52 (e) $11,000,000 for fiscal year {~~2012–13~~} 2014–15 .

3. Page 3, Lines 82 through 86:

82 (2) [~~Beginning~~] (a) For fiscal years beginning with fiscal year 2008–09[~~, if authorized~~

83 ~~by law~~] and ending with fiscal year {~~2012–13~~} 2014–15 , the Division of Finance shall credit to the

84 permanent state trust fund all revenue collected in a fiscal year from severance taxes on oil and

85 gas imposed under Title 59, Chapter 5, Severance Tax on Oil, Gas, and Mining, that exceed

86 [~~$71,000,000.~~] the oil and gas base amount.

4. Page 3, Line 87 through Page 4, Line 95:

87 (b) For fiscal years beginning on or after fiscal year {~~2013–14~~} 2015–16 , the Division of Finance

88 shall credit all revenue collected in a fiscal year from severance taxes on oil and gas imposed

89 under Title 59, Chapter 5, Severance Tax on Oil, Gas, and Mining to the permanent state trust

90 fund.

91 (3) [~~Beginning~~] (a) For fiscal years beginning with fiscal year 2008–09[~~, if authorized~~

92 ~~by law~~] and ending with fiscal year {~~2013–14~~} 2015–16 , the Division of Finance shall credit to the

93 permanent state trust fund all revenue collected in a fiscal year from severance taxes on mining

94 imposed under Title 59, Chapter 5, Severance Tax on Oil, Gas, and Mining, that exceed

95 [~~$27,600,000.~~] the mining base amount.

5. Page 4, Lines 96 through 98:

96 (b) For fiscal years beginning on or after fiscal year {~~2014–15~~} 2016–17 , the Division of Finance

97 shall credit all revenue collected in a fiscal year from severance taxes on mining imposed under

98 Title 59, Chapter 5, Severance Tax on Oil, Gas, and Mining to the permanent state trust fund.

Senator Valentine's motion to amend passed on a voice vote. Senator Valentine explained the bill. Senators Buttars and Romero commented. The bill, as amended, passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Killpack	Knudson
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Hillyard	Jones	Liljenquist	Stephenson
Van Tassell			

* * *

S.B. 39, IMMIGRATION AMENDMENTS, was read the second time.

On motion of Senator Jenkins, the bill was circled.

* * *

S.C.R. 1, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER–SPONSORED WORK PROGRAM, was read the second time. Senator Jenkins explained the bill. Senator Bell commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 3; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Killpack	Knudson	Madsen
McCoy	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Voting in the negative were: Senators

Davis	Mayne	Morgan

Absent or not voting were: Senators

Hillyard	Jones	Liljenquist	Van Tassell

* * *

S.B. 40, LAWFUL PRESENCE VERIFICATION FOR ISSUANCE OF A DRIVER LICENSE OR IDENTIFICATION CARD, was read the second time. Senator Bramble explained the bill. Senators Jenkins and Robles commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Hillyard	Jones	Van Tassell

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 29, 2009

The House passed **H.B. 11**, RECODIFICATION OF NATURAL RESOURCES PROVISIONS, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed **H.B. 33**, REFUND OF UNEARNED HEALTH INSURANCE PREMIUMS AND MEDICARE SUPPLEMENT INSURANCE

PREMIUMS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.B. 38**, REFUGEE SERVICES FUND AMENDMENTS, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed **H.B. 75**, UTAH COMMUNICATIONS AGENCY NETWORK AMENDMENTS, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed **H.B. 87**, IDENTITY THEFT AMENDMENT, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 106**, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 231**, UTAH COMMISSION ON VOLUNTEERS AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 11, H.B. 33, H.B. 38, H.B. 75, H.B. 87, H.B. 106,** and **H.B. 231** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Killpack and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Friday, January 30, 2009.

FIFTH DAY

January 30, 2009

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

Prayer – Mr. Larry Love
Pledge of Allegiance – Senator Margaret Dayton
Roll Call – All Senators present except Senator Bramble, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 29, 2009

The House passed, as amended, **H.B. 17**, EXPEDITED PARTNER THERAPY TREATMENT, by Representative J. Seelig, et al, and it is transmitted for consideration; and

The House passed **H.B. 34**, PENALTIES FOR DESTRUCTION OF BALD EAGLE, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 52**, INSURANCE CODE AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 86**, DIVISION OF REAL ESTATE RELATED AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed **H.B. 216**, TELECOMMUNICATION PRICING FLEXIBILITY AMENDMENTS, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed **H.B. 238**, EXEMPTION OF UNIVERSITY HOUSING FROM EVICTION LAWS, by Representative K. Holdaway, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 17, H.B. 34, H.B. 52, 1st Sub. H.B. 86, H.B. 216,** and **H.B. 238** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Killpack, and at 10:10 a.m., the Senate recessed.

The Senate was called to order at 10.50 a.m., with President Waddoups presiding.

RULES COMMITTEE REPORTS

To the Members of the Senate: January 29, 2009

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

Business and Labor Committee

S.B. 49	Small Business Access to Justice Act (Sen. R. Romero)
H.B. 39	Utah Injured Worker Reemployment Act (Rep. M. Morley) (Sen. K. Mayne)

Education Committee

S.B. 48	Teacher Licensing by Competency Amendments (Sen. D. C. Buttars)

Government Operations and Political Subdivisions Committee

S.B. 126	State Personnel Management Act Amendments (Sen. D. Liljenquist)
S.B. 131	Law Enforcement Service in Local Districts and Interlocal Entities (Sen. S. Jenkins)
H.B. 45	Per Diem and Travel Expenses for State Boards and Commissions (Rep. D. Aagard) (Sen. P. Knudson)
H.B. 56	Declaration of Candidacy Amendments (Rep. D. Aagard) (Sen. P. Knudson)
1Sub. H.B. 232	Campaign and Financial Reporting Requirements Revisions (Rep. D. Aagard) (Sen. P. Knudson)

Health and Human Services Committee

S.B. 129	Mental Health Therapist Grant and Scholarship Act Repeal (Sen. D. Liljenquist)
H.B. 31	Utah Sudden Cardiac Arrest Survival Act (Rep. C. Wimmer) (Sen. D. C. Buttars)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 51	Restitution Fund Account (Sen. D. Liljenquist)
H.B. 12	County Sheriff Qualification Amendments (Rep. R. Greenwood) (Sen. S. Jenkins)

H.B. 47 Criminal Procedure – Investigation Amendments (Rep. P. Ray) (Sen. D. Liljenquist)

Natural Resources, Agriculture and Environment Committee

S.B. 128 Rainwater Harvesting (Sen. S. Jenkins)

H.B. 27 Protections for Agricultural Practices (Rep. M. Morley) (Sen. M. Dayton)

Retirement and Independent Entities Committee

S.B. 127 Retirement Amendments (Sen. D. Liljenquist)

Revenue and Taxation Committee

S.B. 114 Tobacco Tax Amendments (Sen. A. Christensen)

S.B. 130 Income Tax Credit – Contributions for Which Federal Matching Monies Are Offered (Sen. S. McCoy)

S.B. 132 Individual Income Tax Contribution for Methamphetamine Housing Reconstruction and Rehabilitation Fund (Sen. K. Mayne)

H.B. 58 Sales and Use Tax – Determining the Location of Certain Transactions (Rep. W. Harper) (Sen. C. Bramble)

Transportation, Public Utilities and Technology Committee

S.B. 50 Restricting the Movement of a Motor Vehicle (Sen. B. Goodfellow)

H.B. 30 Commercial Motor Vehicle Amendments (Rep. T. Kiser) (Sen. K. Van Tassell)

H.B. 40 Motorcycle Rider Education Program Amendments (Rep. B. Daw) (Sen. S. Jenkins)

H.B. 46 Designation of State Highways Amendments (Rep. T. Kiser) (Sen. K. Van Tassell)

H.B. 53 Driver License Amendments – Motor Driven Cycles (Rep. T. Kiser) (Sen. K. Van Tassell)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 29, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.B. 111**, HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS, by Senator G. Davis, with the following amendments:

1. Page 3, Lines 60 through 66:

60 26–46–102. Creation of program –– Duties of department.

61 (1) There is created within the department the Utah Health Care Workforce Financial

62 Assistance Program to provide, within funding appropriated by the Legislature for this purpose:

63 (a) professional education scholarships and loan repayment assistance to health care

64 professionals who locate or continue to practice in underserved areas[~~.~~]; and

65 (b) loan repayment assistance to geriatric professionals {~~, regardless of whether the~~

66 ~~geriatric professionals provide services in underserved areas~~ } . ; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 117**, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS, by Senator A. Christensen, with the following amendments:

1. Page 1, Line 16:

16 ▶ authorizes a physician assistant {~~,~~} or a psychologist {~~, or a clinical social worker~~ } to

2. Page 3, Line 77 through Page 6, Line 164:

77 {~~(7) "Clinical social worker" means a person licensed as a clinical social worker under~~

78 ~~Title 58, Chapter 60, Mental Health Professional Practice Act.~~ }

79 {~~[~~} (7) {~~]~~} {~~(8)~~ } "Declarant" means an adult who has completed and signed or directed the

80 signing of an advance health care directive.

81 {~~[~~} (8) {~~]~~} {~~(9)~~ } "Default surrogate" means the adult who may make decisions for an individual

82 when either:

83 (a) an agent or guardian has not been appointed; or

84 (b) an agent is not able, available, or willing to make decisions for an adult.

85 {~~[~~} (9) {~~]~~} {~~(10)~~ } "Emergency medical services provider" means a person who is licensed,

86 designated, or certified under Title 26, Chapter 8a, Utah Emergency Medical Services System

87 Act.

88 {~~[~~} (10) {~~]~~} {~~(11)~~ } "Generally accepted health care standards":

89 (a) is defined only for the purpose of:

90 (i) this chapter and does not define the standard of care for any other purpose under

91 Utah law; and

92 (ii) enabling health care providers to interpret the statutory form set forth in Section

93 75–2a–117; and

94 (b) means the standard of care that justifies a provider in declining to provide life

95 sustaining care because the proposed life sustaining care:

96 (i) will not prevent or reduce the deterioration in the health or functional status of a

97 person;

98 (ii) will not prevent the impending death of a person; or

99 (iii) will impose more burden on the person than any expected benefit to the person.

100 {~~[~~} (11) {~~]~~} {~~(12)~~ } "Health care" means any care, treatment, service, or procedure to improve,

101 maintain, diagnose, or otherwise affect a person's physical or mental condition.

102 {~~[~~} (12) {~~]~~} {~~(13)~~} "Health care decision":

103 (a) means a decision about an adult's health care made by, or on behalf of, an adult, that

104 is communicated to a health care provider;

105 (b) includes:

106 (i) selection and discharge of a health care provider and a health care facility;

107 (ii) approval or disapproval of diagnostic tests, procedures, programs of medication,

108 and orders not to resuscitate; and

109 (iii) directions to provide, withhold, or withdraw artificial nutrition and hydration and

110 all other forms of health care; and

111 (c) does not include decisions about an adult's financial affairs or social interactions

112 other than as indirectly affected by the health care decision.

113 {~~[~~} (13) {~~]~~} {~~(14)~~} "Health care decision making capacity" means an adult's ability to make an

114 informed decision about receiving or refusing health care, including:

115 (a) the ability to understand the nature, extent, or probable consequences of health

116 status and health care alternatives;

117 (b) the ability to make a rational evaluation of the burdens, risks, benefits, and

118 alternatives of accepting or rejecting health care; and

119 (c) the ability to communicate a decision.

120 {~~[~~} (14) {~~]~~} {~~(15)~~} "Health care facility" means:

121 (a) a health care facility as defined in Title 26, Chapter 21, Health Care Facility

122 Licensing and Inspection Act; and

123 (b) private offices of physicians, dentists, and other health care providers licensed to

124 provide health care under Title 58, Occupations and Professions.

125 {~~[~~} (15) {~~]~~} {~~(16)~~} "Health care provider" is as defined in Section 78B–3–403, except that it

126 does not include an emergency medical services provider.

127 {~~[~~} (16) {~~]~~} {~~(17)~~} (a) "Life sustaining care" means any medical intervention, including

128 procedures, administration of medication, or use of a medical device, that maintains life by

129 sustaining, restoring, or supplanting a vital function.

130 (b) "Life sustaining care" does not include care provided for the purpose of keeping a

131 person comfortable.

132 {~~[~~} (17) {~~]~~} {~~(18)~~} "Life with dignity order" means an order, designated by the Department of

133 Health under Section 75–2a–106(5)(a), that gives direction to health care providers, health care

134 facilities, and emergency medical services providers regarding the specific health care

135 decisions of the person to whom the order relates.

136 {~~[~~} (18) {~~]~~} {~~(19)~~} "Minor" means a person who:

137 (a) is under 18 years of age; and

138 (b) is not an emancipated minor.

139 {~~[~~} (19) {~~]~~} {~~(20)~~} "Physician" means a physician and surgeon or osteopathic surgeon licensed

140 under Title 58, Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic

141 Medical Practice Act.

142 {~~(21)~~} (20) "Physician assistant" means a person licensed as a physician assistant under Title

143 58, Chapter 70a, Physician Assistant Act.

144 {~~(22)~~} (21) ”Psychologist” means a person licensed as a psychologist under Title 58, Chapter

145 61, Psychologist Licensing Act.

146 [~~(20)~~] {~~(23)~~} (22) “Reasonably available” means:

147 (a) readily able to be contacted without undue effort; and

148 (b) willing and able to act in a timely manner considering the urgency of the

149 circumstances.

150 [~~(21)~~] {~~(24)~~} (23) “Substituted judgment” means the standard to be applied by a surrogate

151 when making a health care decision for an adult who previously had the capacity to make

152 health care decisions, which requires the surrogate to consider:

153 (a) specific preferences expressed by the adult:

154 (i) when the adult had the capacity to make health care decisions; and

155 (ii) at the time the decision is being made;

156 (b) the surrogate’s understanding of the adult’s health care preferences;

157 (c) the surrogate’s understanding of what the adult would have wanted under the

158 circumstances; and

159 (d) to the extent that the preferences described in Subsections [~~(21)~~] (24)(a) through (c)

160 are unknown, the best interest of the adult.

161 [~~(22)~~] {~~(25)~~} (24) “Surrogate” means a health care decision maker who is:

162 (a) an appointed agent;

163 (b) a default surrogate under the provisions of Section 75–2a–108; or

164 (c) a guardian.

3. Page 6, Lines 171 through 181:

171 (2) To overcome the presumption of capacity, a physician, physician assistant,

172 psychologist, { ~~clinical social worker.~~ } or an APRN who has personally examined the adult and

173 assessed the adult's health care decision making capacity must:

174 (a) find that the adult lacks health care decision making capacity;

175 (b) record the finding in the adult's medical chart including an indication of whether

176 the adult is likely to regain health care decision making capacity; and

177 (c) make a reasonable effort to communicate the determination to:

178 (i) the adult;

179 (ii) other health care providers or health care facilities that the [~~physician or APRN~~]

180 person who makes the finding would routinely inform of such a finding; and

181 (iii) if the adult has a surrogate, any known surrogate.; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 119**, HOSPITAL EMERGENCY ROOM TASK FORCE, by Senator D. C. Buttars.

D. Chris Buttars, Chair

Mr. President: January 29, 2009

The Education Committee reports a favorable recommendation on **S.B. 92**, LOCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS, by Senator P. Jones, with the following amendments:

1. Page 1, Lines 15 through 19:

15 with one another in matters affecting the education of their residents; and

16 { ~~allows a local governmental entity to specify:~~

17 ~~• the purpose for which public funds are disbursed to a school district; and~~

18 ~~• that public funds disbursed to a school district shall be used within the~~

19 ~~boundaries of the local governmental entity; and~~ }

2. Page 2, Lines 38 through 44:

38 (2) { ~~(a)~~ } A local governmental entity may disburse public funds in aid of a school district

39 located wholly or partially within the limits of its jurisdiction.

40 { ~~(b) A local governmental entity may specify:~~

41 ~~(i) the purpose for which the public funds disbursed to a school district shall be used;~~

42 ~~and~~

43 ~~(ii) that public funds disbursed to a school district shall be used within the boundaries~~

44 ~~of the local governmental entity.~~ }

3. Page 2, Line 54:

54 designee, of a county with unincorporated area within the school district's boundaries.

(c) The notice required under Subsection (3)(b) shall be provided by:

(i) mail;

(ii) e–mail; or

(iii) other effective means agreed to by the person to whom notice is given. ; and

The Education Committee reports a favorable recommendation on **S.B. 100**, FINANCIAL AND ECONOMIC LITERACY EDUCATION AMENDMENTS, by Senator P. Jones, with the following amendments:

1. Page 1, Line 17:

17 • information about higher education savings options, including information about opening a Utah Educational Savings Plan account; and

2. Page 4, Lines 90 through 91:

90 (iv) encourage parents and students to establish higher education savings, including a Utah Educational Savings Plan

91 account; and

3. Page 4, Lines 95 through 98:

95 (3) A public school shall provide the following to the parents or guardian of a

96 kindergarten student during kindergarten enrollment:

97 (a) a financial and economic literacy passport; and

98 (b) information about higher education savings options, including information about opening a Utah Educational Savings Plan account.

Curtis S. Bramble, Chair

On motion of Senator Killpack, the committee reports were adopted. **S.B. 111,** as amended, **S.B. 117,** as amended, **S.B. 119, S.B. 92,** as amended, and **S.B. 100** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 54, **Uniform Law – Uniform Assignment of Rents Act** (R. Romero), read the first time by short title and referred to the Rules Committee.

S.B. 55, **Governor's Interagency Coordinating Council on Health Disparities and Economic Self–sufficiency** (L. Robles), read the first time by short title and referred to the Rules Committee.

S.B. 84, **Impact Fees Revisions** (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 138, **Internal Service Fund Rate Committee Amendments** (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 139, **Employer Election Retirement Amendments** (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 140, **Financial Institutions Disclosure of Records** (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 141, **Aviation Fuel Tax Amendments** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 142, **Disposition of a Dead Body** (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 143, **Sunset Act and Repealers Reauthorizations** (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.C.R. 3, **Concurrent Resolution Urging the Creation of a Utah Council on Financial Education** (P. Jones), read the first time by short title and referred to the Rules Committee.

S.R. 3, **Resolution Designating September 2009 as Hydrocephalus Awareness Month** (G. Bell), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

1st Sub. S.B. 27, ELECTION LAW CHANGES, was read the third time.

On motion of Senator Knudson, the bill was circled.

* * *

S.B. 28, PROHIBITED ACTIVITIES OF GANG OFFENDERS, was read the third time and explained by Senator Greiner.

Senator Madsen proposed the following amendment:

1. Page 1, Line 18:
   Delete "or a facsimile of a firearm"

2. Page 2, Line 37:
   Delete "or a facsimile of a firearm"

Senator Madsen's motion to amend failed on a voice vote. The bill passed on the following roll call:

Yeas, 19; Nays, 6; Absent, 4.

Voting in the affirmative were: Senators

Bell	Christensen	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Stowell
Urquhart	Valentine	Van Tassell	

Voting in the negative were: Senators

Buttars	Dayton	Madsen	Robles
Romero	Stephenson		

Absent or not voting were: Senators

Bramble	Davis	Killpack	Waddoups

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

* * *

S.B. 33, UTILITY TRANSMISSION CORRIDOR SITING TASK FORCE, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell

Voting in the negative was: Senator
McCoy

Absent or not voting were: Senators

Bramble	Killpack	Robles	Waddoups

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

* * *

On motion of Senator Knudson, the circle was removed from **1st Sub. S.B. 27**, ELECTION LAW CHANGES, and it was before the Senate. Senator Knudson explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell		

Absent or not voting were: Senators

Bramble	Killpack	Waddoups

1st Sub. S.B. 27 was transmitted to the House for consideration.

* * *

S.B. 38, SEVERANCE TAX AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell			

Absent or not voting were: Senators

Bramble	Christensen	Killpack	Waddoups

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

* * *

S.C.R. 1, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER–SPONSORED WORK PROGRAM, was read the third time and explained by Senator Jenkins. Senators Romero, Davis, Stephenson, and Robles commented and the bill passed on the following roll call:

Yeas, 23; Nays, 2; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Madsen	McCoy	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	

Voting in the negative were: Senators

Mayne	Morgan

Absent or not voting were: Senators

Bramble	Jones	Valentine	Waddoups

S.C.R. 1 was transmitted to the House for consideration.

* * *

On motion of Senator Jenkins, **S.B. 40**, LAWFUL PRESENCE VERIFICATION FOR ISSUANCE OF A DRIVER LICENSE OR IDENTIFICATION CARD, was read the third time and circled.

SECOND READING CALENDAR

On motion of Senator Niederhauser, the circle was removed from **1st Sub. S.B. 18**, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill. Senators Stephenson and Jenkins commented. Senator Killpack declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Bramble	Buttars	Van Tassell

* * *

On motion of Senator Killpack and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Monday, February 2, 2009.

EIGHTH DAY

February 2, 2009

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

Prayer – Janis Christensen, wife of Senator Allen Christensen
Pledge of Allegiance – Senator Wayne Niederhauser
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 30, 2009

The House passed **H.B. 20**, REPEAL OF CERTAIN INCOME TAX CREDITS AND CONTRIBUTIONS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed **H.B. 26**, CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed **H.B. 28**, PERSONAL PROPERTY TAX AMENDMENTS, by Representative C. Frank, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 50**, FIREFIGHTER SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.B. 55**, AMENDMENTS TO TOURISM, RECREATION, CULTURAL, CONVENTION, AND AIRPORT FACILITIES TAX ACT, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 81**, HEALTH CARE PATIENT IDENTITY PROTECTION, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed **H.B. 85**, MUTUAL BENEFIT CORPORATION – JUDICIAL LIENS, by Representative P. Painter, and it is transmitted for consideration; and

The House passed **H.B. 226**, DISASTER RECOVERY AND EMERGENCY MANAGEMENT AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 234**, CONSUMER CREDIT PROTECTION ACT MODIFICATION, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, by Representative C. Moss, and it is transmitted for consideration; and

The House passed **H.B. 247**, AMENDMENTS TO EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, by Representative J. Bird, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 252**, EMERGENCY MANAGEMENT ADMINISTRATION COUNCIL AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 257**, POLITICAL SUBDIVISION CLERK AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed **H.C.R. 1**, CONCURRENT RESOLUTION ON CERTIFICATION OF COMPRESSED NATURAL GAS VEHICLES, by Representative J. Draxler, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 20, H.B. 26, H.B. 28, H.B. 50, H.B. 55, 1st Sub. H.B. 81, H.B. 85, H.B. 226, H.B. 234, H.B. 244, H.B. 247, H.B. 252, H.B. 257,** and **H.C.R. 1** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: January 30, 2009

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

Business and Labor Committee

S.B. 140	Financial Institutions Disclosure of Records (Sen. M. Dayton)
H.B. 51	Exemption for Alcoholic Beverage Manufacturing License (Rep. C. Johnson) (Sen. D. Stowell)

H.B. 52	Insurance Code Amendments (Rep. J. Dunnigan) (Sen. J. Valentine)
1Sub. H.B. 86	Division of Real Estate Related Amendments (Rep. G. Froerer) (Sen. S. Killpack)

Government Operations and Political Subdivisions Committee

S.B. 135	Local District Taxing Authority (Sen. C. Bramble)
H.B. 43	Coordinating Municipal and Special District Elections (Rep. K. Grover) (Sen. M. Dayton)
1Sub. H.B. 44	Local and Special Service District Election Amendments (Rep. K. Grover) (Sen. M. Dayton)
H.B. 48	Ballot Question Amendments (Rep. K. Grover) (Sen. M. Dayton)
H.B. 75	Utah Communications Agency Network Amendments (Rep. F. Hunsaker) (Sen. P. Knudson)
H.B. 231	Utah Commission on Volunteers Amendments (Rep. D. Aagard) (Sen. R. Okerlund)

Health and Human Services Committee

S.B. 137	Physical Therapy Practice Act (Sen. W. Niederhauser)
S.B. 142	Disposition of a Dead Body (Sen. A. Christensen)
H.B. 33	Refund of Unearned Health Insurance Premiums and Medicare Supplement Insurance Premiums (Rep. P. Ray) (Sen. D. Liljenquist)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 53	Awarding of Attorney Fees (Sen. S. Urquhart)
S.B. 133	Abuse or Neglect of a Disabled Child (Sen. J. Valentine)
H.B. 87	Identity Theft Amendment (Rep. Julie Fisher) (Sen. J. Greiner)
H.B. 106	Controlled Substance Database Amendments (Rep. B. Daw) (Sen. C. Bramble)

Natural Resources, Agriculture and Environment Committee

S.J.R. 4	Recycling of Electronic Waste Joint Resolution (Sen. S. McCoy)
H.B. 11	Recodification of Natural Resources Provisions (Rep. J. Mathis) (Sen. D. Stowell)
H.B. 18	Water Right Applications and Records (Rep. P. Painter) (Sen. D. Stowell)

H.B. 34 Penalties for Destruction of Bald Eagle (Rep. R. Barrus) (Sen. M. Dayton)

Revenue and Taxation Committee

S.B. 141 Aviation Fuel Tax Amendments (Sen. W. Niederhauser)

H.B. 54 Amendments to Vehicle Registration Requirements (Rep. F. Gibson) (Sen. D. Hinkins)

Retirement and Independent Entities

S.B. 139 Employer Election Retirement Amendments (Sen. C. Bramble)

Transportation, Public Utilities and Technology Committee

S.B. 52 New Motor Vehicle Franchise Amendments (Sen. S. Killpack)

S.B. 134 Transportation Funding Amendments (Sen. S. Urquhart)

S.B. 136 Diesel–powered Motor Vehicle Emissions Inspection Program Amendments (Sen. G. Bell)

H.B. 21 Amendments to Driver License Sanction Requirements (Rep. R. Greenwood) (Sen. J. Greiner)

H.B. 216 Telecommunication Pricing Flexibility Amendments (Rep. F. Hunsaker) (Sen. P. Knudson)

Workforce Services and Community & Economic Development Committee

H.B. 38 Refugee Services Fund Amendments (Rep. C. Herrod) (Sen. G. Bell)

Margaret Dayton
Rules Committee Chair

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

On motion of Senator Dayton, **S.B. 135** was lifted from the Government Operations and Political Subdivisions Committee standing committee and referred to the Revenue and Taxation standing committee.

STANDING COMMITTEE REPORTS

Mr. President: January 30, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 115**, PAYMENT OF MOBILE HOME PARK RELOCATION EXPENSES, by Senator W. Niederhauser; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 122**, UNIFORM STATE LAW – UNIFORM UNSWORN FOREIGN DECLARATIONS ACT, by Senator L. Hillyard; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.R. 1**, ECUMENICAL PATRIARCH SENATE RESOLUTION, by Senator P. Jones; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 16**, ASSESSMENT AREA AMENDMENTS, by Representative F. Hunsaker.

Peter C. Knudson, Chair

Mr. President: January 30, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.R. 2**, SENATE RESOLUTION SUPPORTING THE NARROWS WATER PROJECT IN CENTRAL UTAH, by Senator R. Okerlund; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 19**, WATER RIGHTS – INFORMAL ADJUDICATIONS, by Representative K. McIff.

Dennis E. Stowell, Chair

Mr. President: January 30, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 94**, UNDERGROUND SEWER UTILITIES FACILITIES AMENDMENTS, by Senator J. Greiner; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 95**, MOBILE HOME PARK AMENDMENTS, by Senator S. Jenkins, with the following amendments:

1. Page 1, Line 15:

   15 mobile home park; {~~and~~}
   ► requires a mobile home park owner to include a full disclosure on a resident's utility bill of the resident's utility charges if the mobile home park uses a single–service meter; and

2. Page 4, Lines 104 through 105:

104 purposes of the meeting to [~~all residents~~] each resident.
(11) If a mobile home park uses a single–service meter, the mobile home park owner shall include a full disclosure on a resident's utility bill of the resident's utility charges.
105 [~~(10) A~~] {~~(11)~~} (12) The mobile home park shall have a copy of this chapter [~~shall be~~] posted; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 99**, RENEWABLE ENERGY CERTIFICATE REVISIONS, by Senator C. Bramble.

Stephen H. Urquhart, Chair

Mr. President: January 30, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 85**, HOMICIDE AMENDMENTS, by Senator S. Urquhart; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 91**, ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT, by Senator J. Greiner, with the following amendments:

1. Page 4, Lines 93 through 96:

93 (2) A person is guilty of electronic communication harassment and subject to

94 prosecution in the jurisdiction where the communication originated or was received if with

95 intent to annoy, alarm, intimidate, offend, abuse, threaten, harass, frighten, {~~cause substantial~~

96 ~~emotional distress,~~} or disrupt the electronic communications of another, the person: ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 107**, COMMUNICATIONS FRAUD PENALTY AMENDMENTS, by Senator D. Hinkins, be replaced and favorably recommends **1st Sub. S.B. 107,** COMMUNICATIONS AND MORTGAGE FRAUD PENALTY AMENDMENTS, and recommends that it be read for the first and second time; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 112**, OBSTRUCTION OF JUSTICE AMENDMENT, by Senator R. Okerlund, with the following amendments:

1. Page 3, Line 69:

69 first degree felony and the actor violates Subsection (1)(a); {~~or~~}

2. Page 3, Line 70:

70 (iii) the obstruction of justice is presented or committed before a court of law; or
(iv) a violation of Subsection (1)(h).

D. Chris Buttars, Chair

On motion of Senator Killpack, the committee reports were adopted. **S.B. 115, S.B. 122, S.R. 1, H.B. 16, S.R. 2, H.B. 19, S.B. 94, S.B. 95,** as amended, **S.B. 99, S.B. 85, S.B. 91,** as amended, **1st Sub. S.B. 107,** and **S.B. 112,** as amended were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: January 30, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 110**, OIL AND GAS LIMITATION OF ACTIONS AMENDMENTS, by Senator K. Van Tassell, and recommends it be considered read for the second time and placed on the Consent Calendar.

Dennis E. Stowell, Chair

On motion of Senator Jones, the committee reports were adopted. **S.B. 110** was considered read for the second time and placed on Consent Calendar.

* * *

On motion of Senator Jones, **H.C.R. 4**, UNIVERSITY OF UTAH CHAMPIONSHIP FOOTBALL TEAM CONCURRENT RESOLUTION, will be considered Thursday, February 5, 2009 at 11:30 a.m.

On motion of Senator Killpack, **S.J.R. 3**, JOINT RESOLUTION APPROVING APPOINTMENT OF LEGISLATIVE GENERAL COUNSEL, will be considered Tuesday, February 3, 2009 at 11:00 a.m.

INTRODUCTION OF BILLS

S.B. 4, **Current School Year Supplemental Minimum School Program Budget Adjustments** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

On motion of Senator Bramble, the circle was removed from **S.B. 40**, LAWFUL PRESENCE VERIFICATION FOR ISSUANCE OF A DRIVER LICENSE OR IDENTIFICATION CARD, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Stephenson

S.B. 40 was transmitted to the House for consideration.

* * *

On motion of Senator Greiner, the circle was removed from **S.B. 19**, CRIMINAL OFFENSE PENALTIES AMENDMENT, and it was before the Senate. Senator Greiner explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

S.B. 19 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 18, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS, was read the third time and explained by Senator Niederhauser.

Senator Niederhauser proposed the following amendment:

1. Page 7, Lines 181 through 182

181 (4) (a) [~~Each~~] Except for a member appointed under Subsections (1)(c) { ~~, (h), and (i)~~ } and (h) .

182 each member shall serve a two-year term.

Senator Niederhauser's motion to amend passed on a voice vote. Senators Bell, Hillyard, and Madsen commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

1st Sub. S.B. 18, as amended, was transmitted to the House for consideration.

SECOND READING CALENDAR

1st Sub. S.B. 15, WORKERS' COMPENSATION PREMIUM ASSESSMENT AND RELATED FUNDING, was read the second time. Senator Mayne explained the bill. Senator Urquhart commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack

Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Okerlund

* * *

On motion of Senator Van Tassell, the circle was removed from **S.B. 37**, UTAH SUBSTANCE ABUSE AND ANTI–VIOLENCE COORDINATING COUNCIL AMENDMENTS, and it was before the Senate. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Okerlund	Stephenson

* * *

1st Sub. S.B. 31, UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT, was read the second time. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 14, Line 416

416 (b) after the review required by Subsection {– ~~(5)~~ } (7) (a):

2. Page 36, Lines 1097 through 1101:

1097 (b) to suspend a requirement for holding a license under this chapter that is related to

1098 the nationwide database if :

1099 (i) {~~if~~ } the suspension is related to changes made to Secure and Fair Enforcement for

1100 Mortgage Licensing, 12 U.S.C. Sec. 5105, et seq., on or after January 1, 2009; and

1101 (ii) the suspension ends on or before December 31, 2011.

3. Page 41, Lines 1242 through 1244:

1242 (u) {~~to~~ } represent to the public that the person can or will perform any act of a loan

1243 originator if that person is not licensed under this chapter because the person is exempt under

1244 Subsection 61–2c–102(1)(f)(ii)(A), including through:

Senator Niederhauser's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Stephenson

* * *

S.B. 103, UNIFORM LAWS – UNIFORM PRINCIPAL AND INCOME ACT AMENDMENTS, was read the second time. Senator Hillyard explained the bill.

Senator Valentine proposed the following amendment:

1. Page 4, Line 113:
   Delete "2004" and insert "2009"

2. Page 4, Line 115:
   Delete "2004" and insert "2009"

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

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

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Valentine	Van Tassell	

Absent or not voting were: Senators

Bramble	Buttars	Knudson	Stephenson
Urquhart	Waddoups		

* * *

S.B. 20, LOCAL PUBLIC HEALTH EMERGENCY FUNDING, was read the second time.

On motion of Senator Stowell, the bill was circled.

* * *

S.B. 105, ENGINEERING AND COMPUTER SCIENCE INITIATIVE AMENDMENTS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell			

Absent or not voting were: Senators

Bramble	Knudson	Stephenson	Waddoups

* * *

S.B. 104, HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS, was read the second time. Senator Hillyard explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Davis	Knudson	Urquhart
Valentine			

* * *

S.B. 88, ADMINISTRATIVE RULEMAKING ACT AMENDMENTS, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Davis	Killpack	Knudson

* * *

S.B. 97, GOOD SAMARITAN ACT FOR ENGINEERS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

* * *

1st Sub. S.J.R. 1, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM, was read the second time. Senator Jones explained the bill.

Senator Valentine proposed the following amendment:

1. Page 2, Line 36:
   Delete "and peak power"

2. Page 2, Line 44:
   After "promoted by" delete "this ordinance" and insert "these ordinances"

Senator Valentine's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator
Dayton

Absent or not voting was: Senator
Bell

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 2, 2009

The House passed, as amended, **H.B. 3**, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 60**, FAMILY PRESERVATION SERVICES AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 62**, STATE WATER DEVELOPMENT COMMISSION AMENDMENTS, by Representative K. Gibson, and it is transmitted for consideration; and

The House passed **H.B. 300**, CAPITAL IMPROVEMENT APPROPRIATION MODIFICATION, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 301**, STATE DISASTER RECOVERY RESTRICTED ACCOUNT AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.J.R. 7**, EQUINE RESOURCES JOINT RESOLUTION, by Representative B. Winn, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 3, 1st Sub. H.B. 60, 1st Sub. H.B. 62, H.B. 300, H.B. 301,** and **H.J.R. 7** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Hillyard, under suspension of rules, the Senate voted to lift **H.B. 3**, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS, **H.B. 300**, CAPITAL IMPROVEMENT APPROPRIATION MODIFICATION, and **H.B. 301**, CAPITAL IMPROVEMENT APPROPRIATION MODIFICATION, from Rules and place them at the top of the Second Reading Calendar.

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift **S.B. 4**, CURRENT SCHOOL YEAR SUPPLEMENTAL MINIMUM SCHOOL PROGRAM BUDGET ADJUSTMENTS, from rules and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

S.B. 4, CURRENT SCHOOL YEAR SUPPLEMENTAL MINIMUM SCHOOL PROGRAM BUDGET ADJUSTMENTS, was read the second time.

Senator Stephenson proposed the following amendment:

1. Page 6, Line 180

180 and comment.

(iv)(A) Due to the reduction in funds available for performance–based compensation, the State Board of Education shall limit the number of school districts or charter schools that may receive funds under this section so that the enrollment of the school districts or charter schools that receive funds is approximately 25% of the total public school enrollment of the state.

(B) The State Board of Education shall award funds for performance–based compensation to school districts and charter schools that meet the requirements of Subsections (5)(b)(i) and (ii) and other criteria established by the board.

Senator Stephenson's motion to amend passed on a voice vote. Senator Stephenson explained the bill. Senators Jones, Romero, and Okerlund commented.

On motion of Senator Stephenson, under suspension of the rules, **S.B. 4**, CURRENT SCHOOL YEAR SUPPLEMENTAL MINIMUM SCHOOL PROGRAM BUDGET ADJUSTMENTS, was considered read the second and third times. Senator Killpack declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Niederhauser	Okerlund	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Goodfellow	McCoy	Morgan	Robles
Romero			

S.B. 4, as amended, was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, **H.B. 300**, CAPITAL IMPROVEMENT APPROPRIATION MODIFICATION, was

considered read the second and third times. Senators Niederhauser and Goodfellow commented and the bill passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Waddoups		

Voting in the negative was: Senator
Niederhauser

Absent or not voting were: Senators
Stephenson Van Tassell

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 Hillyard, under suspension of the rules, **H.B. 301**, STATE DISASTER RECOVERY RESTRICTED ACCOUNT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Stowell	Urquhart	Valentine
Waddoups			

Voting in the negative was: Senator
Romero

Absent or not voting were: Senators

Dayton	Stephenson	Van Tassell

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 Hillyard, under suspension of the rules, **H.B. 3**, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Goodfellow	McCoy

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 Killpack and at 12:20 p.m., the Senate adjourned until 10:00 a.m., Tuesday, February 3, 2009.

NINTH DAY

February 3, 2009

The Senate was called to order at 10:15 a.m., with President Michael Waddoups presiding.

Prayer – Pastor Marty Young, Vernal Christian 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 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 2, 2009

The House passed, **S.B. 4**, CURRENT SCHOOL YEAR SUPPLEMENTAL MINIMUM SCHOOL PROGRAM BUDGET ADJUSTMENTS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 4 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 2, 2009

The House passed, as amended, **H.B. 67**, PUBLIC HEARINGS ON PROPERTY TAX INCREASES, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed **H.B. 80**, STUDY ON TAXPAYER ADVOCATE PROGRAM, by Representative K. Grover, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 67** and **H.B. 80** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 2, 2009

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

Business and Labor Committee

S.B. 138	Internal Service Fund Rate Committee Amendments (Sen. J. Valentine)
S.C.R. 2	Concurrent Resolution – a Call to Civility (Sen. J. Valentine)
H.B. 85	Mutual Benefit Corporation – Judicial Liens (Rep. P. Painter) (Sen. D. Hinkins)
H.B. 234	Consumer Credit Protection Act Modification (Rep. Julie Fisher) (Sen. G. Bell)

Education Committee

H.B. 238	Exemption of University Housing from Eviction Laws (Rep. K. Holdaway) (Sen. J. Valentine)
H.B. 244	Disruption of School Activities (Rep. C. Moss) (Sen. J. Greiner)

Government Operations and Political Subdivisions Committee

H.B. 226	Disaster Recovery and Emergency Management Amendments (Rep. C. Oda) (Sen. D. Liljenquist)
H.B. 252	Emergency Management Administration Council Amendments (Rep. C. Oda) (Sen. D. Liljenquist)
H.B. 257	Political Subdivision Clerk Amendments (Rep. M. Newbold) (Sen. D. C. Buttars)

Health and Human Services Committee

S.R. 3	Resolution Designating September 2009 as Hydrocephalus Awareness Month (Sen. G. Bell)
1Sub. H.B. 81	Health Care Patient Identity Protection (Rep. S. Sandstrom) (Sen. S. Urquhart)

Judiciary, Law Enforcement, and Criminal Justice Committee

H.B. 26	Child and Vulnerable Adult Endangerment Provisions (Rep. M. Morley) (Sen. M. Madsen)
H.B. 247	Amendments to Email Information Required of Registered Sex Offenders (Rep. J. Bird) (Sen. S. Jenkins)

Revenue and Taxation Committee

H.B. 20	Repeal of Certain Income Tax Credits and Contributions (Rep. Julie Fisher) (Sen. W. Niederhauser)

H.B. 28 Personal Property Tax Amendments (Rep. C. Frank) (Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee

H.C.R. 1 Concurrent Resolution on Certification of Compressed Natural Gas Vehicles (Rep. J. Draxler) (Sen. P. Knudson)

Workforce Services and Community and Economic Development Committee

H.B. 55 Amendments to Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Act (Rep. W. Harper) (Sen. W. Niederhauser)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 30, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 23**, INCOME TAXATION OF PASS–THROUGH ENTITIES AND PASS–THROUGH ENTITY TAXPAYERS, by Senator W. Niederhauser; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 108**, TAX COMMISSION ADMINISTRATION, COLLECTION, AND ENFORCEMENT AMENDMENTS, by Senator W. Niederhauser, with the following amendments:

1. Page 35, Lines 1077 through 1078:

1077 (7) A person who has not previously filed a timely request for agency action in

1078 accordance with Subsection {~~(1)~~} (3) may object to a final assessment issued by the commission by:

2. Page 60, Lines 1842 through 1848:

1842 [~~(3) If the~~] (1) (a) Subject to Subsection (1)(b), a claim for credit or refund [~~relates to~~]

1843 of an overpayment that is attributable to a Utah net {~~operating~~} loss [~~carryback adjustment as provided~~

1844 ~~in Section 59–7–110, in lieu of the three–year period provided for in Subsection (2)(a), the~~

1845 ~~period shall be that period which ends with the expiration of the 15th day of the 40th month~~

1846 ~~following the end of the taxable year of the net loss which results in the carryback.~~] carry back

1847 or carry forward shall be filed within three years from the due date of the return for the taxable

1848 year of the Utah net {~~operating~~} loss.

Wayne L. Niederhauser, Chair

Mr. President: February 2, 2009

The Business and Labor Committee reports a favorable recommendation on **S.B. 49**, SMALL BUSINESS ACCESS TO JUSTICE ACT, by Senator R. Romero; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 120**, WORKERS' COMPENSATION ACT – MEDICAL REPORTS, by Senator K. Mayne; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 121**, WORKERS' COMPENSATION – ATTORNEY FEES, by Senator K. Mayne; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 39**, UTAH INJURED WORKER REEMPLOYMENT ACT, by Representative M. Morley.

John L. Valentine, Chair

Mr. President: February 2, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.B. 87**, PREFERRED DRUG LIST REVISIONS, by Senator A. Christensen, with the following amendments:

1. Page 2, Lines 30 through 33:

30 (b) may include therapeutic categories of drugs that may be exempted from the drug

31 program; {~~and~~ }

32 (c) may include placing some drugs, except the drugs described in Subsection [~~(3)~~] (2),

33 on a preferred drug list to the extent determined appropriate by the department {~~[~~} ; and {~~]~~}

(d) notwithstanding the requirements of Part 2, Drug Utilization Review Board, shall immediately implement the prior authorization requirements for a non-preferred drug that is in the same therapeutic class as a drug that is:

(i) on the preferred drug list on the date that this act takes effect; or

(ii) added to the preferred drug list after this act takes effect. . ; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 31**, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, by Representative C. Wimmer.

Allen M. Christensen,
Acting Chair

Mr. President: February 2, 2009

The Education Committee reports a favorable recommendation on **S.B. 48**, TEACHER LICENSING BY COMPETENCY AMENDMENTS, by Senator D. C. Buttars.

Curtis S. Bramble, Chair

On motion of Senator Jenkins, the committee reports were adopted. **S.B. 23, S.B. 108,** as amended, **S.B. 49, S.B. 120, S.B. 121, H.B. 39, S.B. 87,** as amended, **H.B. 31,** and **S.B. 48** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 2, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.B. 129**, MENTAL HEALTH THERAPIST GRANT AND SCHOLARSHIP ACT REPEAL, by Senator D. Liljenquist, and recommends it be considered read for the second time and placed on the Consent Calendar.

Allen M. Christensen,
Acting Chair

On motion of Senator Killpack, the committee report was adopted. **S.B. 129** was considered read for the second time and placed on Consent Calendar.

INTRODUCTION OF BILLS

S.B. 56, **Military Installation Development Authority Amendments** (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 57, **Local Option Transportation Corridor Preservation Fund Amendments** (R. Okerlund), read the first time by short title and referred to the Rules Committee.

S.B. 144, **Pete Suazo Memorial Highway** (L. Robles), read the first time by short title and referred to the Rules Committee.

S.B. 145, **Public Safety Retirees Death Benefit Revisions** (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 146, **Home Schooling Amendments** (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 147, **Driver License Revisions** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 148, **Low–profit Limited Liability Company Act** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 149, **Prohibition of Text Messaging or Electronic Mail Communication While Driving** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 150, **State Armory Amendments** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 151, **Driver License Defensive Driving Course Amendments** (K. Van Tassell), read the first time by short title and referred to the Rules Committee.

S.B. 152, **Legislative Management Powers** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 153, **County and Municipal Land Use Amendments** (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 154, **Juvenile Court Judge – Fifth District** (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 155, **Adoption Exception to Custody and Visitation for Persons Other than Parents** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 156, **Gifts and Meal Provisions for Public Officials** (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 157, **Property Taxation of Aircraft** (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.J.R. 6, **Legislator Communications with Judiciary and Executive Branch Joint Rules Resolution** (J. Valentine), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 93, BUILDING AUTHORITIES, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell	Urquhart	Valentine

S.B. 93 was transmitted to the House for consideration.

* * *

S.J.R. 2, TOPAZ MUSEUM AND CIVIL LIBERTIES LEARNING CENTER JOINT RESOLUTION, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Christensen	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins

Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Buttars	Davis	Robles
Urquhart	Valentine		

S.J.R. 2 was transmitted to the House for consideration.

THIRD READING CALENDAR

1st S.B. 15, WORKERS' COMPENSATION PREMIUM ASSESSMENT AND RELATED FUNDING, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Buttars

1st Sub. S.B. 15 was transmitted to the House for consideration.

* * *

S.B. 37, UTAH SUBSTANCE ABUSE AND ANTI–VIOLENCE COORDINATING COUNCIL AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Buttars

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

* * *

1st Sub. S.B. 31, UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Knudson

1st Sub. S.B. 31 was transmitted to the House for consideration.

* * *

S.B. 103, UNIFORM LAWS – UNIFORM PRINCIPAL AND INCOME ACT AMENDMENTS, was read the third time and explained by Senator Hillyard,

Senator Hillyard proposed the following amendment:

1. Page 4, Line 113:
   Delete "May 3" and insert "May 12"

Senator Hillyard's motion to amend passed on a voice vote. Senator Valentine commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Robles

S.B. 103 was transmitted to the House for consideration.

* * *

S.B. 105, ENGINEERING AND COMPUTER SCIENCE INITIATIVE AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

S.B. 105 was transmitted to the House for consideration.

* * *

S.B. 104, HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
McCoy

S.B. 104 was transmitted to the House for consideration.

* * *

S.B. 88, ADMINISTRATIVE RULEMAKING ACT AMENDMENTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

S.B. 88 was transmitted to the House for consideration.

* * *

1st Sub. S.J.R. 1, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM, was read the third time and explained by Senator Jones.

Senator Buttars proposed the following amendment:

1. Page 1, Lines 13 through 14

13 ▶ directs the State Energy Program to assess the need for model wind, solar, {~~and~~}

14 geothermal , and nuclear ordinances at the local government level and to report to the Legislature

2. Page 2, Line 33
Senate 2nd Reading Amendments
2–2–2009:

33 WHEREAS, the state finds that wind, geothermal, {~~and~~} solar , and nuclear energy are abundant,

3. Page 2, Line 35
Senate 2nd Reading Amendments
2–2–2009:

35 WHEREAS, wind, geothermal, {~~and~~} solar , and nuclear energy systems can help to offset growing

4. Page 2, Line 37
Senate 2nd Reading Amendments
2–2–2009:

37 WHEREAS, the state wishes to advance the use of wind, geothermal, {~~and~~} solar , and nuclear energy

5. Page 2, Lines 40 through 41
Senate 2nd Reading Amendments
2–2–2009:

40 communities facilitate greater access to wind, geothermal, {~~and~~} solar , and nuclear energy;

41 WHEREAS, it is the goal of the state to develop wind, geothermal, {~~and~~} solar , and nuclear power,

Senator Buttars' motion to amend failed on a voice vote. Senators Bramble, Madsen, McCoy, Romero, Davis, Hillyard, Hinkins, and Niederhauser commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Voting in the negative was: Senator
Dayton

Absent or not voting was: Senator
Valentine

1st Sub. S.J.R. 1 was transmitted to the House for consideration.

TIME CERTAIN CALENDAR

On motion of Senator Killpack, under suspension of the rules, **S.J.R. 3**, JOINT RESOLUTION APPROVING APPOINTMENT OF LEGISLATIVE GENERAL COUNSEL, was considered read the second and third times. Senator Killpack explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting was: Senator
Valentine

S.J.R. 3 was transmitted to the House.

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, John Fellows, Legislative General Counsel, spoke in Committee of the Whole. Senator Dayton commented.

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

SECOND READING CALENDAR

S.B. 111, HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS, was read the second time. Senator Davis explained the bill. Senators Hillyard, Knudson, Valentine, and Hinkins commented. The bill failed second reading on the following roll call:

Yeas, 10; Nays, 16; Absent, 3.

Voting in the affirmative were: Senators

Davis	Goodfellow	Hillyard	Jones
Mayne	McCoy	Morgan	Robles
Romero	Van Tassell		

Voting in the negative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Niederhauser	Okerlund
Stephenson	Stowell	Valentine	Waddoups

Absent or not voting were: Senators

Greiner	Killpack	Urquhart

The bill was filed.

* * *

On motion of Senator Waddoups, the circle was removed from **S.B. 97**, GOOD SAMARITAN ACT FOR ENGINEERS, and it was before the Senate. Senator Waddoups explained the bill. Senator Stowell declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Dayton	Greiner	Killpack

* * *

S.B. 117, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS, was read the second time.

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

1st Sub. S.B. 117, Advance Health Care Directive Act Amendments (A. Christensen)

Senator Christensen explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Greiner	Killpack

* * *

S.B. 119, HOSPITAL EMERGENCY ROOM TASK FORCE, was read the second time.

On motion of Senator Buttars, the bill was circled.

* * *

S.B. 92, LOCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS, was read the second time. Senator Jones explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser

Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

* * *

On motion of Senator Killpack and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Wednesday, February 4, 2009.

TENTH DAY

February 4, 2009

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

Prayer – Lt. Brent R. Taylor, recently returned from serving in Iraq
Pledge of Allegiance – Senator Ralph Okerlund
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE GOVERNOR

ADVISE AND CONSENT

Mr. President: February 4, 2009

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

State Engineer/Director of the Division of Water Rights:

Kent L. Jones is appointed to replace Jerry Olds as the State Engineer, See Utah Code Ann. 73–2–1.

Utah Science Technology and Research Governing Authority

Dr. Cynthia J. Burrows is appointed to replace Cathy A. Petti as a member of the Utah Science Technology and Research Governing Authority, a term to expire on July 1, 2010. See Utah Code Ann. 63–38g–301.

State Records Committee

Scott Daniels is appointed to replace Carl R. Albrecht as a member of the State Records Committee, a term to expire on July 1, 2012. See Utah Code Ann. 63–2–501.

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

Jon M. Huntsman, Jr.,
Governor

Mr. President: January 29, 2009

The Senate Natural Resources, Agriculture, and Environment Confirmation Committee met on January 29, 2009 and reports a favorable recommendation for Mr. Kent L. Jones to be confirmed to the position of State Engineer.

Dennis E. Stowell, Chair

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

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

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell	Buttars	Greiner	Madsen
Stephenson			

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, Kent L. Jones, newly appointed state engineer, spoke in Committee of the Whole. Senators Valentine and Davis commented.

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 3, 2009

The House passed, **S.J.R. 3**, JOINT RESOLUTION APPROVING APPOINTMENT OF LEGISLATIVE GENERAL COUNSEL, by Senator

S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.J.R. 3 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 3, 2009

The House passed, as substituted and amended, **1st Sub. H.B. 23**, CERTIFIED TAX RATE AMENDMENTS, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 63**, AMENDMENTS TO CHILD WELFARE, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 69**, GUARDIAN AD LITEM AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 78**, UTAH UNIFORM SECURITIES ACT MODIFICATIONS, by Representative J. Bird, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 90**, ABORTION LAW AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 243**, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed **H.B. 258**, AMENDMENTS TO NOTICE PROVISIONS FOR SUBDIVISION CHANGES, by Representative K. Powell, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 266**, WRONGFUL LIEN AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 23, H.B. 63, H.B. 69, H.B. 78, 1st Sub. H.B. 90, H.B. 243, H.B. 258,** and **H.B. 266** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 3, 2009

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

Business and Labor Committee

S.B. 148	Low–profit Limited Liability Company Act (Sen. L. Hillyard)

Education Committee

S.B. 146	Home Schooling Amendments (Sen. M. Madsen)

Government Operations and Political Subdivisions Committee

S.B. 54	Uniform Law – Uniform Assignment of Rents Act (Sen. R. Romero)
S.B. 56	Military Installation Development Authority Amendments (Sen. S. Killpack)
S.B. 150	State Armory Amendments (Sen. S. Jenkins)
S.B. 152	Legislative Management Powers (Sen. M. Waddoups)
S.B. 153	County and Municipal Land Use Amendments (Sen. M. Madsen)
S.J.R. 6	Legislator Communications with Judiciary and Executive Branch Joint Rules Resolution (Sen. J. Valentine)

Health and Human Services Committee

1st Sub. H.B. 60	Family Preservation Services Amendments (Rep. W. Harper) (Sen. A. Christensen)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 154	Juvenile Court Judge – Fifth District (Sen. S. Urquhart)

Natural Resources, Agriculture and Environment Committee

1st Sub. H.B. 62	State Water Development Commission Amendments (Rep. K. Gibson) (Sen. G. Davis)
H.J.R. 7	Equine Resources Joint Resolution (Rep. B. Winn) (Sen. D. Stowell)

Retirement and Independent Entities Committee

S.B. 145	Public Safety Retirees Death Benefit Revisions (Sen. J. Greiner)

Revenue and Taxation Committee

S.B. 157	Property Taxation of Aircraft (Sen. M. Madsen)
H.B. 67	Public Hearings on Property Tax Increases (Rep. G. Froerer) (Sen. W. Niederhauser)
H.B. 80	Study on Taxpayer Advocate Program (Rep. K. Grover) (Sen. M. Dayton)

Transportation, Public Utilities and Technology Committee

S.B. 57	Local Option Transportation Corridor Preservation Fund Amendments (Sen. R. Okerlund)
S.B. 147	Driver License Revisions (Sen. L. Hillyard)
S.B. 149	Prohibition of Text Messaging or Electronic Mail Communication While Driving (Sen. L. Hillyard)
S.B. 151	Driver License Defensive Driving Course Amendments (Sen. K. Van Tassell)

Margaret Dayton
Rules Committee Chair

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

RULES COMMITTEE REPORTS

To the Members of the Senate: February 3, 2009

The Rules Committee recommends that the following bills be placed at the bottom of the Second Reading Calendar:

S.B. 143	Sunset Act and Repealers Reauthorizations (Sen. S. Killpack)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 3, 2009

The Business and Labor Committee reports a favorable recommendation on **S.B. 140**, FINANCIAL INSTITUTIONS DISCLOSURE OF RECORDS, by Senator M. Dayton; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 52**, INSURANCE CODE AMENDMENTS, by Representative J. Dunnigan; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 86**, DIVISION OF REAL ESTATE RELATED AMENDMENTS, by Representative G. Froerer.

John L. Valentine, Chair

Mr. President: February 3, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 135**, LOCAL DISTRICT TAXING AUTHORITY, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 141**, AVIATION FUEL TAX AMENDMENTS, by Senator W. Niederhauser.

Wayne L. Niederhauser, Chair

Mr. President: February 3, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 11**, RECODIFICATION OF NATURAL RESOURCES PROVISIONS, by Representative J. Mathis; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 18**, WATER RIGHT APPLICATIONS AND RECORDS, by Representative P. Painter; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 34**, PENALTIES FOR DESTRUCTION OF BALD EAGLE, by Representative R. Barrus.

Dennis E. Stowell, Chair

Mr. President: February 3, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 50**, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE, by Senator B. Goodfellow; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 102**, SHARE THE ROAD SPECIAL GROUP LICENSE PLATE, by Senator W. Niederhauser; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 30**, COMMERCIAL MOTOR VEHICLE AMENDMENTS, by Representative T. Kiser, with the following amendments:

1. Page 1, Lines 10 through 11:

10 General Description:

11 This bill modifies the Public Safety Code and Transportation Code by amending provisions relating to

2. Page 1, Lines 15 through 16:

15 ▶ provides definitions;

▶ provides that a commercial motor vehicle with a gross vehicle weight rating over 26,000 pounds is exempt from a safety inspection if the vehicle has an apportioned registration and a valid annual federal inspection;

▶ provides that a trailer, semitrailer, or trailering equipment attached to a certain commercial motor vehicle is exempt from a safety inspection if the vehicle has a valid annual federal inspection;

▶ provides that a commercial motor vehicle with a gross vehicle weight rating of 10,001 pounds or more is required to pass an annual safety inspection;

16 ▶ requires a motor carrier to have lettered on both sides of a vehicle the location of

3. Page 2, Line 39:

39 AMENDS:

53–8–205, as last amended by Laws of Utah 2008, Chapters 36 and 210

4. Page , Lines 46 through 47:

46 Be it enacted by the Legislature of the state of Utah:

Section 1. Section 53–8–205 is amended to read:

53–8–205. Safety inspection required –– Frequency of safety inspection –– Safety inspection certificate required –– Out–of–state permits.

(1) (a) Except as provided in Subsection (1)(b), a person may not operate on a highway a motor vehicle required to be registered in this state unless the motor vehicle has passed a safety inspection.

(b) Subsection (1)(a) does not apply to:

(i) a vehicle that is exempt from registration under Section 41–1a–205;

(ii) an off–highway vehicle, unless the off–highway vehicle is being registered as a street–legal all–terrain vehicle in accordance with

Section 41–6a–1509; {~~and~~}

(iii) a vintage vehicle as defined in Section 41–21–1 {~~.~~} ;

(iv) a commercial vehicle with a gross vehicle weight rating over 26,000 pounds that:

(A) is operating with an apportioned registration under Section 41–1a–301; and

(B) has a valid annual federal inspection that complies with the requirements of 49 C.F.R. 396.17; and

(v) a trailer, semitrailer, or trailering equipment attached to a commercial motor vehicle described in Subsection (1)(a)(iv) that has a valid annual federal inspection that complies with the requirements of 49 C.F.R. 396.17.

(2) Except as provided in Subsection (3), the frequency of the safety inspection shall be determined based on the age of the vehicle determined by model year and shall:

(a) be required each year for a vehicle that is eight or more years old on January 1; or

(b) every two years for each vehicle that is less than eight years old on January 1 as follows:

(i) in odd–numbered years for a vehicle with an odd–numbered model year; and

(ii) in even–numbered years for a vehicle with an even–numbered model year;

(c) be made by a safety inspector certified by the division at a safety inspection station authorized by the division;

(d) cover an inspection of the motor vehicle mechanism, brakes, and equipment to ensure proper adjustment and condition as required by department rules; and

(e) include an inspection for the display of license plates in accordance with Section 41–1a–404.

(3) (a) (i) A salvage vehicle as defined in Section 41–1a–1001 is required to pass a safety inspection when an application is made for initial registration as a salvage vehicle.

{~~(b)~~} (ii) After initial registration as a salvage vehicle, the frequency of the safety inspection shall correspond with the model year, as provided in Subsection (2).

(b) A commercial motor vehicle with a gross vehicle weight rating of 10,001 pounds or more is required to pass a safety inspection annually.

(4) A safety inspection station shall issue a safety inspection certificate to the owner of:

(a) each motor vehicle that passes a safety inspection under this section; and

(b) a street–legal all–terrain vehicle that meets all the equipment requirements in Section 41–6a–1509.

(5) The division may:

(a) authorize the acceptance in this state of a safety inspection certificate issued in another state having a safety inspection law similar to this state; and

(b) extend the time within which a safety inspection certificate must be obtained by the resident owner of a vehicle that was not in this state during the time a safety inspection was required.

Renumber remaining sections accordingly.; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 40**, MOTORCYCLE RIDER EDUCATION PROGRAM AMENDMENTS, by Representative B. Daw; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 46**, DESIGNATION OF STATE HIGHWAYS AMENDMENTS, by Representative T. Kiser; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 53**, DRIVER LICENSE AMENDMENTS – MOTOR DRIVEN CYCLES, by Representative T. Kiser.

Kevin T. Van Tassell, Chair

Mr. President: February 3, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 51**, RESTITUTION FUND ACCOUNT, by Senator D. Liljenquist; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 98**, MOTOR FUEL THEFT PENALTIES, by Senator J. Greiner, with the following amendments:

1. Page 1, Lines 17 through 20:

17 driver license shall be suspended for a conviction of theft of motor vehicle fuel {~~–:~~

18 ~~• 60 days for a first offense;~~

19 ~~• six months for a second offense; and~~

20 ~~• one year for a third or subsequent offense~~ } for 90 days ; and

2. Page 4, Lines 106 through 109:

106 (ii) A suspension under this section is 90 days for each offense {~~:~~

107 ~~(A) 60 days for a first offense;~~

108 ~~(B) six months for a second offense; and~~

109 ~~(C) one year for a third or subsequent offense~~ } . ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 12**, COUNTY SHERIFF QUALIFICATION AMENDMENTS, by Representative R. Greenwood, with the following amendments:

1. Page 3, Line 78a
House Floor Amendments
1–27–2009:

78a Ĥ➔ (3) If a sheriff resigns , retires, dies, or otherwise does not complete {~~before the expiration of~~ } the term of office, the person appointed to ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 22**, HARBORING A RUNAWAY, by Representative L. Fowlke, with the following amendments:

1. Page 1, Lines 16 through 18:

16 ▶ provides that a person who harbors a minor who is a runaway must provide notice

17 to the parent or legal guardian of the minor, a youth services center, the Division of Child and Family

18 Services, or, under certain circumstances, a peace officer or a detention center,

2. Page 3, Lines 77 through 80:

77 (c) except as provided in Subsection (3), fails to promptly notify one of the following,

78 by telephone or other reasonable means, of the location of the minor:

79 (i) the parent or legal guardian of the minor; {~~or~~ }

80 (ii) the division {~~.~~ } ; or
(iii) a youth services center.

3. Page 4, Lines 93 through 101:

93 [~~(3)~~] (5) Upon receipt of a report that a [~~minor~~] runaway is being harbored by a person

94 {~~the division~~ } : (a) a youth services center shall:

95 {~~(a)~~ } (i) notify the parent or legal guardian that a report has been made; and

96 {~~(b)~~ } (ii) inform the parent or legal guardian of assistance available from the {~~division.~~ } youth services center; or
(b) the division shall:
(i) determine whether the runaway is abused, neglected, or dependent; and
(ii) if appropriate, make a referral for services for the runaway.

97 [~~(4)~~] (6) A parent or legal guardian of a runaway who is aware that [~~his minor~~] the

98 runaway is being harbored may notify {~~the division or~~ } a law enforcement agency and request

99 assistance in retrieving the [~~minor from the place of shelter~~] runaway. The {~~division or~~ } local

100 law enforcement agency may assist the parent or legal guardian in retrieving the [~~minor~~]

101 runaway.

D. Chris Buttars, Chair

On motion of Senator Jones, the committee reports were adopted. **S.B. 140, H.B. 52, 1st Sub. H.B. 86, S.B. 135, S.B. 141, H.B. 11, H.B. 18, H.B. 34, S.B. 50,**

S.B. 102, H.B. 30, as amended, **H.B. 40, H.B. 46, H.B. 53, S.B. 51, S.B. 98,** as amended, **H.B. 12,** as amended, and **H.B. 22** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 3, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 35**, SALES AND USE TAX DEFINITIONS RELATING TO PROPERTY, by Senator W. Niederhauser, and recommends it be considered read for the second time and placed on the Consent Calendar.

Wayne L. Niederhauser, Chair

Mr. President: February 3, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.J.R. 4**, RECYCLING OF ELECTRONIC WASTE JOINT RESOLUTION, by Senator S. McCoy, and recommends it be considered read for the second time and placed on the Consent Calendar.

Dennis E. Stowell, Chair

Mr. President: February 3, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 25**, GUN DEALER PENALTY 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 **H.B. 47**, CRIMINAL PROCEDURE – INVESTIGATION AMENDMENTS, by Representative P. Ray, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

On motion of Senator Killpack, the committee reports were adopted. **S.B. 35, S.J.R. 4, H.B. 25,** and **H.B. 47** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 158, **Child Support – Cash Medical Support** (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 159, **Math Education Initiative** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 160, **Utah Venture Capital Enhancement Act Amendments** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 161, **Repeal of Maximum Charge to Publish Legal Notice** (K. Van Tassell), read the first time by short title and referred to the Rules Committee.

S.B. 162, **Use of Campaign Funds Amendments** (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.J.R. 7, **Joint Resolution Designating May 2009 as Utah Lions Club Eyesight Preservation Month** (K. Mayne), read the first time by short title and referred to the Rules Committee.

S.J.R. 8, **Joint Resolution Regarding Eligibility for Legislative Office** (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.J.R. 9, **Resolution Honoring the Utah Law Enforcement Memorial Foundation** (J. Greiner), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 97, GOOD SAMARITAN ACT FOR ENGINEERS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Christensen	Dayton	McCoy

Senator Stowell declared a conflict of interest.

S.B. 97 was transmitted to the House for consideration.

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On motion of Senator Jenkins, **1st Sub. S.B. 117**, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS, was read the third time and circled.

* * *

S.B. 92, LOCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS, was read the third time, explained by Senator Jones, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Christensen

S.B. 92 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Buttars, the circle was removed from **S.B. 119**, HOSPITAL EMERGENCY ROOM TASK FORCE, and it was before the Senate. Senator Buttars explained the bill. Senator Jones commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Bell Bramble

* * *

On motion of Senator Christensen, the Senate voted to reconsider its action on **S.B. 111**, HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS. Senators Davis and Valentine commented.

S.B. 111, HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS, was before the Senate.

On motion of Senator Davis, the bill was circled.

* * *

H.B. 250, REVISOR'S STATUTE, was read the second time. Senator Killpack explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Buttars	Greiner	Stephenson

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H.B. 16, ASSESSMENT AREA AMENDMENTS, was read the second time.

On motion of Senator Stowell, the bill was circled.

* * *

H.B. 19, WATER RIGHTS – INFORMAL ADJUDICATIONS, was read the second time. Senator Okerlund explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Bramble	Christensen	Greiner	Stephenson
Stowell	Van Tassell		

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H.B. 39, UTAH INJURED WORKER REEMPLOYMENT ACT, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Christensen	Greiner	McCoy
Stephenson	Stowell		

* * *

H.B. 31, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, was read the second time.

On motion of Senator Buttars, the bill was circled.

On motion of Senator Killpack, under suspension of the rules, the Senate voted to consider Senate bills on a House day.

* * *

S.B. 100, FINANCIAL AND ECONOMIC LITERACY EDUCATION AMENDMENTS, was read the second time. Senator Jones explained the bill. Senator Stephenson commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Christensen	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Bramble	Buttars	McCoy
Stowell	Urquhart		

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S.B. 115, PAYMENT OF MOBILE HOME PARK RELOCATION EXPENSES, was read the second time. Senator Niederhauser explained the bill. Senators Greiner, Jenkins, Mayne, Madsen, Liljenquist, Dayton, and McCoy commented.

On motion of Senator Niederhauser, the bill was circled.

* * *

S.B. 122, UNIFORM STATE LAW – UNIFORM UNSWORN FOREIGN DECLARATIONS ACT, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser

Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

* * *

S.R. 1, ECUMENICAL PATRIARCH SENATE RESOLUTION, was read the second time. Senator Jones explained the bill. Senators Knudson and McCoy commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

* * *

S.R. 2, SENATE RESOLUTION SUPPORTING THE NARROWS WATER PROJECT IN CENTRAL UTAH, was read the second time. Senator Okerlund explained the bill. Senators Christensen and Hinkins commented. Senator Valentine declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Jenkins
Killpack	Knudson	Liljenquist	Madsen
Morgan	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Davis	Goodfellow	Hinkins	Jones
Mayne	McCoy	Robles	Romero

* * *

On motion of Senator Bramble, the circle was removed from **S.B. 36**, SALES AND USE TAX AMENDMENTS, and it was before the Senate.

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

1st Sub. S.B. 36 Sales and Use Tax Amendments (C. Bramble)

On motion of Senator Bramble, the bill was circled.

* * *

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

THIRD READING CALENDAR

On motion of Senator Christensen, the circle was removed from **1st Sub. S.B. 117**, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS, and it was before the Senate. Senator Christensen explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Waddoups	

Voting in the negative was: Senator
Dayton

Absent or not voting was: Senator
Van Tassell

1st Sub. S.B. 117 was transmitted to the House for consideration.

* * *

On motion of Senator Killpack and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Thursday, February 5, 2009.

ELEVENTH DAY

February 5, 2009

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

Prayer – The Reverend Handi Jo Dolloff–Holt
Pledge of Allegiance – Senator Steve Urquhart
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 4, 2009

The House passed, **S.B. 13**, ADMINISTERING SUBSTANCES TO WILDLIFE, 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

S.B. 13 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 4, 2009

The House passed, as amended, **H.B. 15**, CAREER AND TECHNICAL EDUCATION AMENDMENTS, by Representative R. Bigelow, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 24**, TRAFFIC ACCIDENT CLEARANCE AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 32**, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 236**, DEPARTMENT OF COMMUNITY AND CULTURE GRANTS, by Representative S. Allen, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 15, H.B. 24, H.B. 32,** and **H.B. 236** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 4, 2009

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

Business and Labor Committee

S.B. 29	Safe Drinking Water Act Amendments (Sen. D. Stowell)
H.B. 243	Rental Restrictions on Condominiums and Common Interest Communities (Rep. G. Froerer) (Sen. S. Urquhart)
H.B. 266	Wrongful Lien Amendments (Rep. G. Froerer) (Sen. S. Urquhart)

Education Committee

S.B. 159	Math Education Initiative (Sen. H. Stephenson)

Government Operations and Political Subdivisions Committee

S.J.R. 8	Joint Resolution Regarding Eligibility for Legislative Office (Sen. S. McCoy)
H.B. 258	Amendments to Notice Provisions for Subdivision Changes (Rep. K. Powell) (Sen. G. Bell)

Health and Human Services Committee

S.B. 158	Child Support – Cash Medical Support (Sen. G. Bell)
S.J.R. 7	Joint Resolution Designating May 2009 as Utah Lions Club Eyesight Preservation Month (Sen. K. Mayne)
1Sub. H.B. 90	Abortion Law Amendments (Rep. P. Ray) (Sen. C. Bramble)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 161	Repeal of Maximum Charge to Publish Legal Notice (Sen. K. Van Tassell)
S.J.R. 9	Resolution Honoring the Utah Law Enforcement Memorial Foundation (Sen. J. Greiner)
H.B. 63	Amendments to Child Welfare (Rep. W. Harper) (Sen. M. Dayton)
H.B. 69	Guardian Ad Litem Amendments (Rep. W. Harper) (Sen. J. Valentine)

Revenue and Taxation Committee

S.B. 46	School Property Tax Equalization Amendments (Sen. K. Morgan)
1Sub. H.B. 23	Certified Tax Rate Amendments (Rep. F. Hunsaker) (Sen. W. Niederhauser)

Workforce Services and Community and Economic Development Committee

S.B. 160	Utah Venture Capital Enhancement Act Amendments (Sen. S. Jenkins)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 4, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 128**, RAINWATER HARVESTING, by Senator S. Jenkins.

Dennis E. Stowell, Chair

Mr. President: February 4, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 134**, TRANSPORTATION FUNDING AMENDMENTS, by Senator S. Urquhart; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 216**, TELECOMMUNICATION PRICING FLEXIBILITY AMENDMENTS, by Representative F. Hunsaker.

Stephen H. Urquhart, Chair

On motion of Senator Knudson, the committee reports were adopted. **S.B. 128, S.B. 134,** and **H.B. 216** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 4, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 136**, DIESEL–POWERED MOTOR

VEHICLE EMISSIONS INSPECTION PROGRAM AMENDMENTS, by Senator G. Bell, and recommends it be considered read for the second time and placed on the Consent Calendar.

Stephen H. Urquhart, Chair

On motion of Senator Urquhart, the committee report was adopted. **S.B. 136** was considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 58, **Collection and Use of Precipitation** (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 81, **Concurrent Enrollment Program Amendments** (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 82, **Local Health Authority Funding Amendments** (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 83, **Condemnation Amendments** (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 163, **Construction Trade Exemption** (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 164, **In Person Voter Registration** (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 165, **Statute of Limitation Revisions** (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 166, **Alcoholic Beverage Control Act – Days of Sale** (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 167, **Amendments to Uniform Debt–management Services Act** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 168, **Alcoholic Beverage Control Act – Hours Restrictions** (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 169, **Gambling Amendments** (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

S.B. 170, **Judiciary Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 171, **Municipal Annexation Amendments** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.J.R. 10, **Alternative Training Center Joint Resolution** (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.J.R. 11, **Joint Resolution Urging Football Playoff** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.J.R. 12, **Joint Resolution Supporting Expansion of Correctional Facilities in San Juan County** (D. Hinkins), read the first time by short title and referred to the Rules Committee.

S.R. 4, **Senate Rules Resolution – Ethics Revisions** (G. Davis), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 110, OIL AND GAS LIMITATION OF ACTIONS AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Bell	Buttars	Van Tassell

S.B. 110 was transmitted to the House for consideration.

* * *

On motion of Senator Jones, **H.C.R. 4**, UNIVERSITY OF UTAH CHAMPIONSHIP FOOTBALL TEAM CONCURRENT RESOLUTION, will be considered Monday, February 9, 2009 at 11:30 a.m.

THIRD READING CALENDAR

On motion of Senator Valentine, **S.B. 119**, HOSPITAL EMERGENCY ROOM TASK FORCE, was read the third time and circled.

* * *

H.B. 250, REVISOR'S STATUTE, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Bell	Greiner	Hillyard	Van Tassell

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. 19, WATER RIGHTS – INFORMAL ADJUDICATION, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Bell	Greiner	Hillyard	Van Tassell

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. 39, UTAH INJURED WORKER REEMPLOYMENT ACT, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 23; Nays, 2; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Stephenson	Stowell
Urquhart	Valentine	Waddoups	

Voting in the negative were: Senators

Robles	Romero

Absent or not voting were: Senators

Bell	Greiner	Hillyard	Van Tassell

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.

* * *

On motion of Senator Buttars, the circle was removed from **S.B. 119**, HOSPITAL EMERGENCY ROOM TASK FORCE, and it was before the Senate. Senator Buttars explained the bill. Senator Jones commented. The bill passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Voting in the negative was: Senator
McCoy

Absent or not voting were: Senators

Bell	Greiner	Hillyard	Van Tassell

S.B. 119 was transmitted to the House for consideration.

* * *

S.B. 100, FINANCIAL AND ECONOMIC LITERACY EDUCATION AMENDMENTS, was read the third time, explained by Senator Jones, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Greiner	Hillyard	Van Tassell

S.B. 100 was transmitted to the House for consideration.

* * *

S.B. 122, UNIFORM STATE LAW – UNIFORM UNSWORN FOREIGN DECLARATIONS ACT, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Greiner Hillyard

S.B. 122 was transmitted to the House for consideration.

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S.R. 1, ECUMENICAL PATRIARCH SENATE RESOLUTION, was read the third time, explained by Senator Jones, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators
Bell Greiner Hillyard

S.R. 1 was referred to the staff for enrolling.

SECOND READING CALENDAR

S.R. 2, SENATE RESOLUTION SUPPORTING THE NARROWS WATER PROJECT IN CENTRAL UTAH, was read the third time and explained by Senator Okerlund. Senators Hinkins, Waddoups, and Romero commented and the bill passed on the following roll call:

Yeas, 19; Nays, 8; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Morgan	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Davis	Goodfellow	Hinkins	Jones
Mayne	McCoy	Robles	Romero

Absent or not voting were: Senators
Greiner Hillyard

Senator Valentine declared a conflict of interest.

S.R. 2 was referred to the staff for enrolling.

* * *

On motion of Senator Stowell, the circle was removed from **H.B. 16**, ASSESSMENT AREA AMENDMENTS, and it was before the Senate. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Christensen	Greiner	Hillyard	Killpack
Liljenquist	Urquhart		

* * *

On motion of Senator Buttars, the circle was removed from **H.B. 31**, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, and it was before the Senate. Senator Buttars explained the bill. Senator Valentine commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Greiner Hillyard

* * *

H.B. 52, INSURANCE CODE AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators
Greiner Hillyard Madsen

* * *

1st Sub. H.B. 86, DIVISION OF REAL ESTATE RELATED AMENDMENTS, was read the second time.

On motion of Senator Killpack, the bill was circled.

* * *

H.B. 11, RECODIFICATION OF NATURAL RESOURCES PROVISIONS, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators
Hillyard Valentine

* * *

H.B. 18, WATER RIGHT APPLICATIONS AND RECORDS, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Jones	McCoy	Stephenson

* * *

H.B. 34, PENALTIES FOR DESTRUCTION OF BALD EAGLE, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting was: Senator
Valentine

* * *

H.B. 30, COMMERCIAL MOTOR VEHICLE AMENDMENTS, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Niederhauser	Urquhart	Valentine

* * *

H.B. 40, MOTORCYCLE RIDER EDUCATION PROGRAM AMENDMENTS, was read the second time. Senator Jenkins explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Urquhart

* * *

On motion of Senator Killpack, the circle was removed from **1st Sub. H.B. 86**, DIVISION OF REAL ESTATE RELATED AMENDMENTS, and it was

before the Senate. Senator Killpack explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

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H.B. 46, DESIGNATION OF STATE HIGHWAY 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, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Stephenson

* * *

H.B. 53, DRIVER LICENSE AMENDMENTS – MOTOR DRIVEN CYCLES, was read the second time. Senator Van Tassell explained the bill. Senators Buttars and Dayton commented.

On motion of Senator Van Tassell, the bill was circled.

TIME CERTAIN CALENDAR

A citation was read commending UDOT for the Legacy Parkway. Senators Bell, Jones, Killpack, Valentine, Buttars, and Jenkins commented.

SECOND READING CALENDAR

H.B. 12, COUNTY SHERIFF QUALIFICATION AMENDMENTS, was read the second time. Senator Jenkins explained the bill. Senators Van Tassell, Buttars, Madsen, and Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Goodfellow	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Urquhart	Valentine	Waddoups	

Voting in the negative were: Senators

Dayton	Greiner	Hillyard	Stowell
Van Tassell			

Absent or not voting was: Senator
Bramble

* * *

On motion of Senator Killpack and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Friday, February 6, 2009.

TWELFTH DAY

February 6, 2009

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

Prayer – The Reverend France Davis, Calvary Baptist Church
Pledge of Allegiance – Senator Dan Liljenquist
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 5, 2009

The House passed, **S.B. 12**, DUI AMENDMENTS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 16**, PROHIBITED GANG ACTIVITY, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 17**, SURFACE COAL MINING AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 26**, OPEN AND PUBLIC MEETINGS ACT – MEETING RECORD, 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

S.B. 12, S.B. 16, S.B. 17, and **S.B. 26** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 5, 2009

The House passed, as amended, **H.B. 91**, INDIVIDUAL DEVELOPMENT ACCOUNT AMENDMENTS, by Representative F.J. Seegmiller, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 222**, UNBORN CHILD PAIN PREVENTION ACT, by Representative C. Wimmer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 91** and **H.B. 222** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 5, 2009

The House passed, as amended, **S.B. 24**, EARLY VOTING AMENDMENTS, by Senator P. Knudson, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 25**, ONLINE VOTER REGISTRATION, by Senator P. Knudson, and it is transmitted for further consideration; and

The House passed, as amended, **S.C.R. 1**, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER–SPONSORED WORK PROGRAM, by Senator S. Jenkins, 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 5, 2009

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

Business and Labor Committee

S.B. 163	Construction Trade Exemption (Sen. S. Urquhart)
S.B. 167	Amendments to Uniform Debt–management Services Act (Sen. L. Hillyard)

Education Committee

S.B. 81	Concurrent Enrollment Program Amendments (Sen. M. Dayton)
S.J.R. 11	Joint Resolution Urging Football Playoff (Sen. S. Jenkins)
H.B. 15	Career and Technical Education Amendments (Rep. R. Bigelow) (Sen. M. Dayton)

Government Operations and Political Subdivisions Committee

S.B. 83	Condemnation Amendments (Sen. D. Stowell)
S.B. 164	In Person Voter Registration (Sen. S. McCoy)
S.B. 171	Municipal Annexation Amendments (Sen. S. Jenkins)

Health and Human Services Committee

S.B. 82	Local Health Authority Funding Amendments (Sen. D. Stowell)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 165	Statute of Limitation Revisions (Sen. M. Madsen)
S.B. 169	Gambling Amendments (Sen. D. Liljenquist)
S.B. 170	Judiciary Amendments (Sen. L. Hillyard)
S.J.R. 12	Joint Resolution Supporting Expansion of Correctional Facilities in San Juan County (Sen. D. Hinkins)
H.B. 32	Amendments to Agency Rulemaking Regarding Criminal Penalties (Rep. B. Ferry) (Sen. H. Stephenson)

Natural Resources, Agriculture and Environment Committee

S.B. 58	Collection and Use of Precipitation (Sen. S. McCoy)

Transportation, Public Utilities and Technology Committee

H.B. 24	Traffic Accident Clearance Amendments (Rep. E. Hutchings) (Sen. J. Greiner)

Workforce Services and Community and Economic Development Committee

S.J.R. 10	Alternative Training Center Joint Resolution (Sen. D. Stowell)
H.B. 236	Department of Community and Culture Grants (Rep. S. Allen) (Sen. R. Okerlund)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 5, 2009

The Government Operations and Political Subdivisions Committee recommends **S.B. 131**, LAW ENFORCEMENT SERVICE IN LOCAL

DISTRICTS AND INTERLOCAL ENTITIES, by Senator S. Jenkins, be replaced and favorably recommends **1st Sub. S.B. 131,** LAW ENFORCEMENT SERVICE IN LOCAL DISTRICTS AND INTERLOCAL ENTITIES with the following amendments:

1. Page 1, Line 24:

24 apply to all counties;
► requires interlocal agreements between a county and one or more municipalities for law enforcement service to require the service to be provided by or under the direction of the county sheriff;

2. Page 2, Lines 37 through 38:

37 AMENDS:
11–13–220, as renumbered and amended by Laws of Utah 2002, Chapter 286

38 17–22–2, as last amended by Laws of Utah 2008, Chapter 117

3. Page 2, Line 50:

50 Be it enacted by the Legislature of the state of Utah:
Section 1. Section 11–13–202 is amended to read:

11–13–202. Agreements for joint or cooperative action, for providing or exchanging services, or for law enforcement services –– Effective date of agreement –– Public agencies may restrict their authority or exempt each other regarding permits and fees.

(1) Any two or more public agencies may enter into an agreement with one another under this chapter:

(a) for joint or cooperative action;

(b) to provide services that they are each authorized by statute to provide;

(c) to exchange services that they are each authorized by statute to provide;

(d) for a public agency to provide law enforcement services to one or more other public agencies, if the public agency providing law enforcement services under the interlocal agreement is authorized by law to provide those services, or to provide joint or cooperative law enforcement services between or among public agencies that are each authorized by law to provide those services; or

(e) to do anything else that they are each authorized by statute to do.

(2) An agreement under Subsection (1) does not take effect until

it has been approved, as provided in Section 11–13–202.5, by each public agency that is a party to it.

(3) (a) In an agreement under Subsection (1), a public agency that is a party to the agreement may agree:

(i) to restrict its authority to issue permits to or assess fees from another public agency that is a party to the agreement; and

(ii) to exempt another public agency that is a party to the agreement from permit or fee requirements.

(b) A provision in an agreement under Subsection (1) whereby the parties agree as provided in Subsection (3)(a) is subject to all remedies provided by law and in the agreement, including injunction, mandamus, abatement, or other remedy to prevent, enjoin, abate, or enforce the provision.

(4) An interlocal agreement between a county and one or more municipalities for law enforcement service within an area that includes some or all of the unincorporated area of the county shall require the law enforcement service provided under the agreement to be provided by or under the direction of the county sheriff. ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 232**, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS REVISIONS, by Representative D. Aagard.

Peter C. Knudson, Chair

Mr. President: February 5, 2009

The Revenue and Taxation Committee recommends **S.B. 132**, INDIVIDUAL INCOME TAX CONTRIBUTION FOR METHAMPHETAMINE HOUSING RECONSTRUCTION AND REHABILITATION FUND, by Senator K. Mayne, be replaced and favorably recommends **1st Sub. S.B. 132,** INDIVIDUAL INCOME TAX CONTRIBUTION FOR METHAMPHETAMINE HOUSING RECONSTRUCTION AND REHABILITATION FUND; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 54**, AMENDMENTS TO VEHICLE REGISTRATION REQUIREMENTS, by Representative F. Gibson; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 67**, PUBLIC HEARINGS ON PROPERTY TAX INCREASES, by Representative G. Froerer; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 80**, STUDY ON TAXPAYER ADVOCATE PROGRAM, by Representative K. Grover, with the following amendments:

1. Page 2, Line 41:
   Delete "shall" and insert "may"

Wayne L. Niederhauser, Chair

On motion of Senator Killpack, the committee reports were adopted. **S.B. 131**, as amended, **1st Sub. H.B. 232, 1st Sub. S.B. 132, H.B. 54, H.B. 67,** and **H.B. 80,** as amended, were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 5, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 56**, DECLARATION OF CANDIDACY AMENDMENTS, by Representative D. Aagard, 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. 45**, PER DIEM AND TRAVEL EXPENSES FOR STATE BOARDS AND COMMISSIONS, by Representative D. Aagard, 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. 226**, DISASTER RECOVERY AND EMERGENCY MANAGEMENT AMENDMENTS, by Representative C. Oda, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: February 5, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 58**, SALES AND USE TAX – DETERMINING THE LOCATION OF CERTAIN TRANSACTIONS, by Representative W. Harper, and recommends it be considered read for the second time and placed on the Consent Calendar.

Wayne L. Niederhauser, Chair

Mr. President: February 5, 2009

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 38**, REFUGEE

SERVICES FUND AMENDMENTS, by Representative C. Herrod, et al, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 55**, AMENDMENTS TO TOURISM, RECREATION, CULTURAL, CONVENTION, AND AIRPORT FACILITIES TAX ACT, by Representative W. Harper, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

On motion of Senator Killpack, the committee reports were adopted. **H.B. 56, H.B. 45, H.B. 226, H.B. 58, H.B. 38,** and **H.B. 55** were considered read the second time and placed on the Consent Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 4, 2009

The Natural Resources, Agriculture, and Environment Committee has tabled **S.B. 44**, COAL MINING AND RECLAMATION AMENDMENTS, by Senator G. Davis, and has returned it to the Rules Committee for filing.

Dennis E. Stowell, Chair

S.B. 44 was returned to the Rules Committee for filing.

INTRODUCTION OF BILLS

S.B. 59, **Allocation and Apportionment of Income and Deduction of a Net Loss** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 60, **Districts Providing Service to Taxed Property** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 61, **Home School and Private School Students' Participation in Extracurricular Activities** (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 62, **Insurance Coverage for Essential Medical Services** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 63, **Modifications to Recording Requirements – Subdivisions** (R. Okerlund), read the first time by short title and referred to the Rules Committee.

S.B. 64, **Administrative Rules Review Committee** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 76, **Energy Amendments** (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 77, **Grants for Licensed Teachers Amendments** (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 78, **Protection of Constitutionally Guaranteed Activities in Certain Private Venues** (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 79, **Health Reform – Medical Malpractice Amendments** (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 80, **Fire Liability Modifications** (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 172, **Underinsured Motorist Coverage Amendments** (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 173, **Emotional Support Animals and Psychiatric Therapy Animals** (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 174, **Redistricting Commission** (R. Romero), read the first time by short title and referred to the Rules Committee.

S.B. 175, **Signage Requirements Relating to Children and Animals in Parked Cars** (K. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 176, **Civil Fees in Courts of Record Amendments** (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 177, **New School District Amendments** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 178, **Class B and C Roads Amendments** (K. Van Tassell), read the first time by short title and referred to the Rules Committee.

S.B. 179, **Safety Belt Enforcement Amendments** (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 180, **Expungement of Division of Child and Family Services Records** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.J.R. 5, **Joint Resolution Urging Presidential Support of Taiwan's Participation in Specialized Agencies of the United Nations** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.J.R. 13, **Resolution Amending Legislative Rules to Allow Abstaining from Voting** (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.J.R. 14, **Joint Resolution – Challenging the Legality of a Conviction or Sentence** (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.R. 5, **Senate Rules Resolution Allowing Abstaining from Voting** (C. Bramble), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 129, MENTAL HEALTH THERAPIST GRANT AND SCHOLARSHIP ACT REPEAL, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell	Bramble	Buttars	Christensen
Madsen	Okerlund	Robles	Stephenson

S.B. 129 was transmitted to the House for consideration.

THIRD READING CALENDAR

H.B. 16, ASSESSMENT AREA AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell	Christensen	Robles	Stephenson

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.

* * *

On motion of Senator Buttars, **H.B. 31**, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, was read the third time and circled.

* * *

On motion of Senator Valentine, **H.B. 52**, INSURANCE CODE AMENDMENTS, was read the third time and circled.

* * *

H.B. 11, RECODIFICATION OF NATURAL RESOURCES PROVISIONS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen	Madsen	Robles

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. 18, WATER RIGHT APPLICATIONS AND RECORDS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Madsen	Robles

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. 34, PENALTIES FOR DESTRUCTION OF BALK EAGLES, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Killpack	Madsen	Robles

H.B. 34 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 30, COMMERCIAL MOTOR VEHICLE AMENDMENTS, was read the third time and explained by Senator Van Tassell.

Senator Van Tassell proposed the following amendment:

1. Page 1, Line 15g:
   Delete "commercial"

2. Page 2a, Line 46aj:
   Delete "commercial"

Senator Van Tassell's motion to amend passed on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Jones	Niederhauser	Valentine

H.B. 30, as amended, was returned to the House for further consideration.

* * *

H.B. 40, MOTORCYCLE RIDER EDUCATION PROGRAM AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Jones	Robles

H.B. 40 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, the circle was removed from **H.B. 52**, INSURANCE CODE AMENDMENTS, and it was before the Senate.

Senator Valentine proposed the following amendment:

1. Page 78, Line 2401 through Page 79, Line 2420

2401 (3) (a) In the case of an employer who has received the premium by deducting all or

2402 part of it from the wages or salaries of the certificate holders, the insurer may terminate its

2403 liability by giving notice of coverage termination to:

2404 (i) the certificate holders [~~reasonable notice of coverage termination.~~];

2405 (ii) the policyholder; and

2406 (iii) the producer, if any, for the policy.

(b) The insurer may not send the notice required by Subsection (3)(a) to a certificate
holder before 20 days after the day on which premium is due and unpaid.

2407 {~~(b)~~} (c) The liability of the insurer for the losses covered by the insurance terminates at the

2408 later of:

2409 [~~(a)~~] (i) the last day of the coverage period for which premium has been withheld by

2410 the employer; [~~or~~]

2411 [~~(b) 15~~] (ii) ten days after the date the insurer mails [~~actual~~] notice to the certificate

2412 holder that coverage has terminated[~~, but in the event~~]; or

2413 (iii) if the insurer fails to provide [~~actual~~] notice as required by this Subsection (3),

2414 [~~then the liability of the insurer for losses described in Subsection (1) shall terminate~~] 45 days

2415 from the last date for which premium [~~was~~] is received. [~~While the insurer shall be liable for~~

2416 ~~losses as herein provided, the provisions of this section apply only to apportion the liability for~~

2417 ~~those losses described and do not operate to extend any insurance contract policy or coverage~~

2418 ~~beyond its date of termination nor alter or amend provisions thereof.~~]

2419 ~~(c) The insurer may not send the notice required by Subsection (3)(a) to a certificate~~

2420 ~~holder before 20 days after the day on which premium is due and unpaid.~~

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

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Hillyard	Niederhauser	Robles

H.B. 52, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 86, DIVISION OF REAL ESTATE RELATED AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Davis	Niederhauser

Senators Waddoups and McCoy declared conflicts of interest.

1st Sub. 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.

* * *

H.B. 46, DESIGNATION OF STATE HIGHWAYS AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser

Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

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. 12, COUNTY SHERIFF QUALIFICATION AMENDMENTS, was read the third time and explained by Senator Jenkins.

Senator Greiner proposed the following amendment:

1. Page 3, Line 78b:
   Delete "30 days" and insert "60 days"

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

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Hillyard	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Urquhart	Valentine		

Voting in the negative were: Senators

Dayton	Greiner	Hinkins	Stowell
Van Tassell	Waddoups		

Absent or not voting was: Senator
Robles

H.B. 12, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Stowell, the circle was removed from **S.B. 20**, LOCAL PUBLIC HEALTH EMERGENCY FUNDING, and it was before the Senate. Senator Stowell explained the bill.

Senator Stowell proposed the following amendment:

1. Page 2, Line 40

40 for use in the program and other money otherwise made available for use in the program .

2. Page 3, Lines 65 through 66:

65 (5) (a) {~~The~~} (i) Subject to Subsection (5)(a)(ii), the department shall use money in the program fund exclusively for purposes

66 of the program.

(ii) The department may use money in the program fund to cover its costs of administering the program.

Senator Stowell's motion to amend passed on a voice vote. Senators Waddoups, Hillyard, and Okerlund commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Dayton

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 36**, SALES AND USE TAX AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. Senator Niederhauser commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Dayton	Liljenquist	Van Tassell

SPECIAL ORDER OF BUSINESS

Senator Jones presented citations to the National Board Certified Teachers from Utah.

SECOND READING CALENDAR

S.B. 94, UNDERGROUND SEWER UTILITIES FACILITIES AMENDMENTS, was read the second time. Senator Greiner explained the bill. Senator Mayne commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Knudson	Liljenquist	Urquhart

* * *

On motion of Senator Niederhauser, the circle was removed from **S.B. 115**, PAYMENT OF MOBILE HOME PARK RELOCATION EXPENSES, and it was before the Senate. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Van Tassell	Waddoups

Voting in the negative were: Senators

Jenkins	Killpack	Madsen	Stephenson
Valentine			

* * *

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

THIRD READING CALENDAR

On motion of Senator Buttars, the circle was removed from **H.B. 31**, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, and it was before the Senate.

Senator Buttars proposed the following amendment:

1. Page 1, Line 19

   19 {~~public safety answering points~~} emergency medical dispatch centers ;

2. Page 2, Lines 32 through 34:

   32 including the location of, or removal of, the AED, to the {~~public safety answering~~

   33 ~~point~~} emergency medical dispatch center that provides emergency dispatch services for that area;

   34 ▶ describes the duties of {~~a public safety answering point~~} an emergency medical dispatch center to disclose information

3. Page 2, Lines 36 through 38:

   36 ▶ describes the duties of the Bureau of Emergency Medical Services and a person who owns or leases an AED in relation to

37 providing education and training on the administration of CPR and the use of an

38 AED; and

4. Page 4, Lines 103 through 106:

103 (5) On or before August 1, 2009, the department shall provide to each {~~public safety~~

104 ~~answering point, as defined in Section 63C-7-103~~} emergency medical dispatch center, as defined in Section 26-8b-102 , all information contained in the statewide

105 database that pertains to the area for which the {~~public safety answering point~~} emergency medical dispatch center provides

106 emergency dispatch services.

5. Page 4, Lines 109 through 110:

109 provide any additional information that it receives for the statewide database to the {~~public~~

110 ~~safety answering points~~} emergency medical dispatch centers described in Subsection (5).

6. Page 9, Line 256:

256 {~~(4) "Public safety answering point" is as defined in Section 63C-7-103.~~}
(4) "Emergency medical dispatch center" means a public safety answering point, as defined in Section 63C-7-103, that is designated as an emergency medical dispatch center by the bureau.

7. Page 10, Line 290:

290 a CPR or AED program; {~~or~~}

8. Page 10, Line 293:

293 3. AED Databases {~~.~~} ; or
(j) a physician who gratuitously and in good faith:
(i) provides medical oversight for a public AED program; or
(ii) issues a prescription for a person to acquire or use an AED.

9. Page 10, Lines 304 through 305:

304 telephone number, and the exact location of the AED, in writing, to the {~~public safety answering~~

305 ~~point~~ } emergency medical dispatch center that provides emergency dispatch services for the location where the AED is installed, if

10. Page 11, Line 312:

312 from which the AED is removed, in writing, to the {~~public safety answering point~~ } emergency medical dispatch center that provides

11. Page 11, Line 323:

323 removal of, the AED to the {~~public safety answering point~~ } emergency medical dispatch center that provides emergency dispatch

12. Page 11, Lines 333 through 336:

333 26–8b–303. Duties of {~~public safety answering points~~ } emergency medical dispatch centers .

334 Beginning on September 1, 2009, {~~a public safety answering point~~ } an emergency medical dispatch center shall:

335 (1) implement a system to receive and manage the information reported to the {~~public~~

336 ~~safety answering point~~ } emergency medical dispatch center under Section 26–8a–209 or 26–8b–301;

13. Page 12, Lines 341 through 342:

341 (b) if the information is received under Subsection 26–8a–209(6) or Section 26–8b–301,

342 within {~~three~~ } fourteen days after the day on which the information is received;

14. Page 12, Lines 347 through 348:

347 (a) the {~~department~~ } bureau ; or

348 (b) another {~~public safety answering point~~ } emergency medical dispatch center .

15. Page 12, Lines 351 through 354:

351 26–8b–401. Education and training.

352 (1) The bureau shall work in cooperation with federal, state, and local agencies and

353 schools, to encourage individuals to complete courses on the administration of CPR and the use

354 of an AED.
(2) A person who owns or leases an AED shall encourage each person who is likely to use the AED to complete courses on the administration of CPR and the use of an AED.

Senator Buttars' motion to amend passed on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
McCoy

H.B. 31, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Killpack and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Monday, February 9, 2009.

FIFTEENTH DAY

February 9, 2009

The Senate was called to order at 10:05 a.m., with President Michael Waddoups presiding.

Prayer – President Michael Baker, Counselor in the Westland Stake Presidency, Westland Stake, The Church of Jesus Christ of Latter–day Saints

Pledge of Allegiance – Senator David Hinkins

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

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

SPECIAL MUSICAL PRESENTATION

The Snow College Flute Choir, under the direction of Dr. Elaine Jorgensen, performed "Danse des Mirlitons" by Tchaikovsky and "The Magic Flute" by Mozart.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 6, 2009

The House passed **H.B. 41**, SEX OFFENDER REGISTRATION AMENDMENTS, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 59**, SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 68**, DEVELOPMENT EXACTIONS, by Representative P. Painter, and it is transmitted for consideration; and

The House passed **H.B. 72**, CHILDREN'S JUSTICE CENTER AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 113**, SALVAGE VEHICLE TITLE AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 121**, RETIRED VOLUNTEER HEALTH CARE PRACTITIONER ACT, by Representative M. Brown, et al, and it is transmitted for consideration; and

The House passed **H.B. 149**, FOREST RESERVE FUND REVISIONS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed **H.B. 223**, STATUTE OF LIMITATIONS AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed **H.B. 233**, AGGRAVATED SEXUAL ASSAULT AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed **H.C.R. 2**, HEALTHY FAMILY PARTNERSHIP CONCURRENT RESOLUTION, by Representative C. Oda, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 41, 2nd Sub. H.B. 59, 1st Sub. H.B. 68, H.B. 72, H.B. 113, 2nd Sub. H.B. 121, H.B. 149, H.B. 223, H.B. 233,** and **H.C.R. 2** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 6, 2009

The House substituted and passed, **1st Sub. S.B. 22**, VEHICLE AMENDMENTS, by Senator S. Jenkins, 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 6, 2009

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

Business and Labor Committee

S.B. 78 Protection of Constitutionally Guaranteed Activities in Certain Private Venues (Sen. M. Madsen)

H.B. 78 Utah Uniform Securities Act Modifications (Rep. J. Bird) (Sen. L. Hillyard)

Education Committee

S.B. 61 Home School and Private School Students' Participation in Extracurricular Activities (Sen. M. Madsen)

S.B. 77 Grants for Licensed Teachers Amendments (Sen. M. Madsen)

S.B. 177 New School District Amendments (Sen. D. C. Buttars)

Government Operations and Political Subdivisions Committee

S.B. 60 Districts Providing Service to Taxed Property (Sen. M. Waddoups)

S.B. 63 Modifications to Recording Requirements – Subdivisions (Sen. R. Okerlund)

S.B. 64 Administrative Rules Review Committee (Sen. H. Stephenson)

S.J.R. 5 Joint Resolution Urging Presidential Support of Taiwan's Participation in Specialized Agencies of the United Nations (Sen. M. Waddoups)

Health and Human Services Committee

S.B. 173 Emotional Support Animals and Psychiatric Therapy Animals (Sen. M. Dayton)

S.B. 175 Signage Requirements Relating to Children and Animals in Parked Cars (Sen. K. Mayne)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 79 Health Reform – Medical Malpractice Amendments (Sen. P. Knudson)

S.B. 176 Civil Fees in Courts of Record Amendments (Sen. J. Greiner)

S.B. 180 Expungement of Division of Child and Family Services Records (Sen. L. Hillyard)

S.J.R. 14 Joint Resolution – Challenging the Legality of a Conviction or Sentence (Sen. C. Bramble)

Natural Resources, Agriculture and Environment Committee

S.B. 80 Fire Liability Modifications (Sen. M. Dayton)

Revenue and Taxation Committee

S.B. 59 Allocation and Apportionment of Income and Deduction of a Net Loss (Sen. H. Stephenson)

Transportation, Public Utilities and Technology Committee

S.B. 76 Energy Amendments (Sen. C. Bramble)

S.B. 172 Underinsured Motorist Coverage Amendments (Sen. S. Urquhart)

S.B. 178 Class B and C Roads Amendments (Sen. K. Van Tassell)

S.B. 179 Safety Belt Enforcement Amendments (Sen. C. Bramble)

Workforce Services and Community and Economic Development Committee

H.B. 91 Individual Development Account Amendments (Rep. F.J. Seegmiller) (Sen. K. Morgan)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 6, 2009

The Business and Labor Committee reports a favorable recommendation on **S.B. 148**, LOW–PROFIT LIMITED LIABILITY COMPANY ACT, by Senator L. Hillyard, with the following amendments:

1. Page 11, Lines 314 through 317:

314 (c) If a low–profit limited liability company ceases to be a low–profit limited liability

315 company in accordance with Subsection (2)(a), the company shall:

316 (i) change its name to conform with Section 48–2c–106; and

317 (ii) amend its articles of organization in accordance with Section {~~48–2c–403~~} 48–2c–405 . ; and

The Business and Labor Committee reports a favorable recommendation on **S.C.R. 2**, CONCURRENT RESOLUTION – A CALL TO CIVILITY, by Senator J. Valentine.

John L. Valentine, Chair

Mr. President: February 6, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.B. 137**, PHYSICAL THERAPY PRACTICE ACT, by Senator W. Niederhauser, with the following amendments:

1. Page 13, Line 394 through Page 14, Line 411:

394 (11) (a) "Physical therapy" or "physiotherapy" means:

395 (i) examining, evaluating, and testing {~~, and diagnosing~~ } an individual who has a physical

396 impairment or injury;
(ii) identifying or labeling a physical impairment or injury;

397 {~~(ii)~~ } (iii) formulating a therapeutic intervention plan for the treatment of a physical

398 impairment, injury, or pain;

399 {~~(iii)~~ } (iv) assessing the ongoing effects of therapeutic intervention for the treatment of a

400 physical impairment or injury;

401 {~~(iv)~~ } (v) treating or alleviating a physical impairment by designing, modifying, or

402 implementing a therapeutic intervention;

403 {~~(v)~~ } (vi) reducing the risk of an injury or physical impairment;

404 {~~(vi)~~ } (vii) providing instruction on the use of physical measures, activities, or devices for

405 preventative and therapeutic purposes;

406 {~~(vii)~~ } (viii) promoting and maintaining health and fitness;

407 {~~(viii)~~ } (ix) the administration of a prescription drug pursuant to Section 58–24b–403;

408 {~~(ix)~~ } (x) subject to Subsection 58–28–307(12)(b), engaging in the functions described in Subsections (11)(a)(i) through {~~(viii)~~ } (ix) in

409 relation to an animal, in accordance with the requirements of Section 58–24b–405; and

410 {~~(x)~~ } (xi) engaging in administration, consultation, education, and research relating to the

411 practices described in this Subsection (11)(a).

2. Page 16, Line 471:

471 (n) correction of posture, body mechanics, or gait.
(15) (a) "Wound debridement" means:
(i) cleaning a wound; or
(ii) removing dead tissue from a wound.
(b) "Wound debridement" does not include surgery of any kind.

3. Page 20, Line 590:

590 (C) providing consultation by telecommunication to a physical therapist; {~~or~~ }

4. Page 20, Line 601:

601 (1)(c)(ii) {~~.~~ } ; or
(e) the person:
(i) is a physician, licensed under Title 58, Chapter 67, Utah Medical Practice Act;
(ii) is a physician, licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
(iii) is a chiropractic physician, licensed under Title 58, Chapter 73, Chiropractic Physician Practice Act.

5. Page 22, Line 676 through Page 23, Line 683:

676 (2) A physical therapist assistant or a physical therapy aide may not:

677 (a) perform a physical therapy evaluation, assessment {~~, or diagnoses~~ } ;
(b) identify or label a physical impairment or injury;

678 {~~(b)~~ } (c) design a plan of care for a patient;

679 {~~(c)~~ } (d) perform the joint mobilization component of manual therapy; or

680 {- ~~(d)~~ } (e) perform the sharp selective debridement component of wound management.

681 (3) Subsection (2) {- ~~(c)~~ } (d) does not apply to:

682 (a) simple joint distraction techniques or stretching; or

683 (b) a stretch or mobilization that can be given as part of a home exercise program.

6. Page 23, Lines 706 through 708:

706 (1) {- ~~A~~ } Subject to Subsection 58-28-307(12)(b), a licensed physical therapist may practice animal physical therapy if the licensed

707 physical therapist completes at least 100 hours of animal physical therapy training and

708 education, which shall include:

7. Page 24, Lines 712 through 714:

712 (2) {- ~~A~~ } Subject to Subsection 58-28-307(12)(b), a licensed physical therapist assistant may practice animal physical therapy, within

713 the scope of the licensed physical therapist assistant's practice, if the licensed physical therapist

714 assistant:

8. Page 26, Lines 774 through 775:

774 (3) It is unlawful for a person who is not a licensed physical therapist {- ~~or~~ } , a licensed

775 physical therapist assistant , or a person described in Subsection 58-24b-304(1)(e) to:

9. Page 26, Line 782:

782 (b) {- ~~except as provided in Subsection (6),~~ } offer, provide, or bill a person for:

10. Page 27, Lines 812 through 815:

812 {- ~~(6) A person who is licensed under this title to provide a service that constitutes the~~

813 ~~practice of physical therapy may offer, provide, or bill a person for that service, but may not~~

814 ~~characterize that service as a physical therapy service or a physiotherapy service, unless the~~

815 ~~person is a licensed physical therapist or a licensed physical therapist assistant.~~ } ; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 142**, DISPOSITION OF A DEAD BODY, by Senator A. Christensen; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 60**, FAMILY PRESERVATION SERVICES AMENDMENTS, by Representative W. Harper; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 90**, ABORTION LAW AMENDMENTS, by Representative P. Ray.

D. Chris Buttars, Chair

Mr. President: February 6, 2009

The Education Committee reports a favorable recommendation on **S.B. 146**, HOME SCHOOLING AMENDMENTS, by Senator M. Madsen; and

The Education Committee reports a favorable recommendation on **S.B. 159**, MATH EDUCATION INITIATIVE, by Senator H. Stephenson, with the following amendments:

1. Page 2, Lines 32 through 33:

32 {~~• adopt math curriculum standards for students who participate in the Math~~

33 ~~Education Initiative;~~
–}

2. Page 2, Line 54:

54 {~~53A–13–406, Utah Code Annotated 1953~~ }

3. Page 5, Lines 133 through 146:

133 { ~~Section 6. Section 53A–13–406 is enacted to read:~~

134 ~~53A–13–406.~~ Math curriculum standards.

135 ~~(1) The State Board of Education shall adopt math curriculum standards for students~~

136 ~~who participate in the Math Education Initiative.~~

137 ~~(2) The standards adopted pursuant to Subsection (1) shall include:~~

138 ~~(a) the Singapore 2001 elementary mathematics standards; and~~

139 ~~(b) the standards for the quick recall of arithmetic facts contained in the Curriculum~~

140 ~~Focal Points of the National Council of Teachers of Mathematics.~~

141 ~~(3) (a) A school district or charter school shall deliver instruction to students who~~

142 ~~participate in the Math Education Initiative in accordance with the math curriculum standards~~

143 ~~adopted under this section.~~

144 ~~(b) A school district or charter school may deliver instruction to students who do not~~

145 ~~participate in the Math Education Initiative in accordance with the math curriculum standards~~

146 ~~adopted under this section in lieu of other math curriculum standards prescribed by the board.~~
–}
Renumber remaining sections accordingly

Curtis S. Bramble, Chair

Mr. President: February 6, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 58**, COLLECTION AND USE OF PRECIPITATION, by Senator S. McCoy; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 27**, PROTECTIONS FOR AGRICULTURAL PRACTICES, by Representative M. Morley, with the following amendments:

1. Page 2, Line 48:

48 {~~do~~} not constitute a public nuisance under Subsection (1) [~~unless the agricultural operation has a~~

2. Page 4, Line 90:

90 practices are presumed to be reasonable and {~~do~~} not constitute a nuisance [~~unless the~~ ; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 62**, STATE WATER DEVELOPMENT COMMISSION AMENDMENTS, by Representative K. Gibson, with the following amendments:

1. Page 2, Line 34:

34 may appoint {~~more than two~~} up to three senators from the same party if the appointment is necessary to ; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.J.R. 7**, EQUINE RESOURCES JOINT RESOLUTION, by Representative B. Winn.

Dennis E. Stowell, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 148,** as amended, **S.C.R. 2, S.B. 137,** as amended, **S.B. 142, 1st Sub. H.B. 60, 1st Sub. H.B. 90, S.B. 146, S.B. 159,** as amended, **S.B. 58, H.B. 27,** as amended, **1st Sub. H.B. 62,** as amended, and **H.J.R. 7** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 6, 2009

The Business and Labor Committee reports a favorable recommendation on **S.B. 138**, INTERNAL SERVICE FUND RATE COMMITTEE AMENDMENTS, by Senator J. Valentine, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 1, Lines 14 through 19:

14 ▶ specifies that the chair of the rate committee within the Department of

15 Administrative Services may not be from an agency that {~~pays~~} receives payment of a rate set by the

16 committee;

17 ▶ specifies that the chair of the rate committee within the Department of Human

18 Resource Management may not be from an agency that {~~pays~~} receives payment of a rate set by the

19 committee; and

2. Page 2, Lines 41 through 42:

41 (b) (i) The committee shall elect a chair from its members, except that the chair may

42 not be from an agency that {~~pays~~} receives payment of a rate set by the committee.

3. Page 4, Lines 94 through 95:

94 (b) (i) The committee shall elect a chair from its members, except that the chair may

95 not be from an agency that {~~pays~~} receives payment of a rate set by the committee. ; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 234**, CONSUMER CREDIT PROTECTION ACT MODIFICATION, by Representative Julie Fisher, and recommends it be considered read for the second time and placed on the Consent Calendar.

John L. Valentine, Chair

Mr. President: February 6, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.B. 158**, CHILD SUPPORT – CASH MEDICAL SUPPORT, by Senator G. Bell, 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.J.R. 7**, JOINT RESOLUTION DESIGNATING MAY 2009 AS UTAH LIONS CLUB EYESIGHT PRESERVATION MONTH, by Senator K. Mayne, 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.R. 3**, RESOLUTION DESIGNATING SEPTEMBER 2009 AS HYDROCEPHALUS AWARENESS MONTH, by Senator G. Bell, be replaced and favorably recommends **1st Sub. S.R. 3,** RESOLUTION DESIGNATING SEPTEMBER

2009 AS HYDROCEPHALUS AWARENESS MONTH AND URGING NATIONAL REGISTRY and that it be amended as follows, considered read for the first and second time, and placed on the Consent Calendar.

1. Page 1, Lines 10 through 13:

10 This resolution of the Senate designates September 2009 as Hydrocephalus Awareness

11 Month, and urges the Federal government to create a national registry for collecting

12 comprehensive statistics and {~~date~~} data regarding Hydrocephalus.

13 Highlighted Provisions: ; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 81**, HEALTH CARE PATIENT IDENTITY PROTECTION, by Representative S. Sandstrom, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

Mr. President: February 6, 2009

The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 127**, RETIREMENT AMENDMENTS, by Senator D. Liljenquist, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 139**, EMPLOYER ELECTION RETIREMENT AMENDMENTS, by Senator C. Bramble, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 145**, PUBLIC SAFETY RETIREES DEATH BENEFIT REVISIONS, by Senator J. Greiner, and recommends it be considered read for the second time and placed on the Consent Calendar.

Daniel R. Liljenquist, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 138,** as amended, **H.B. 234, S.B. 158, S.J.R. 7, 1st Sub. S.R. 3,** as amended, **1st Sub. H.B. 81, S.B. 127, S.B. 139,** and **S.B. 145** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 181, **Criminal Prosecution Amendments** (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

S.B. 182, **Criminal Restitution Amendments** (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 183, **Violation of Protective Order** (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 184, **Civil Filing Fees** (G. Bell), read the first time by short title and referred to the Rules Committee.

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On motion of Senator Bramble, **S.J.R. 5**, JOINT RESOLUTION URGING PRESIDENTIAL SUPPORT OF TAIWAN'S PARTICIPATION IN SPECIALIZED AGENCIES OF THE UNITED NATIONS, will be considered Thursday, February 19, 2009 at 10:30 a.m.

On motion of Senator Jenkins, **S.J.R. 11**, JOINT RESOLUTION URGING FOOTBALL PLAYOFF, will be considered today at 11:30 a.m.

On motion of Senator Romero, **H.J.R. 10**, JOINT RESOLUTION HONORING THE LIVES AND ACCOMPLISHMENTS OF FATHER FRANCISCO ATANASCIO DOMINGUEZ AND FATHER SILVESTRE VELEZ DE ESCALANTE, will be considered Wednesday, February 18, 2009 at 11:00 a.m.

CONSENT CALENDAR.

S.B. 35, SALES AND USE TAX DEFINITIONS RELATING TO PROPERTY, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Knudson	Stephenson

S.B. 35 was transmitted to the House for consideration.

* * *

S.J.R. 4, RECYCLING OF ELECTRONIC WASTE JOINT RESOLUTION, was read the third time, explained by Senator McCoy, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Knudson	Stephenson

S.J.R. 4 was transmitted to the House for consideration.

* * *

H.B. 25, GUN DEALER PENALTY AMENDMENTS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Knudson	Stephenson

H.B. 25 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 47, CRIMINAL PROCEDURE – INVESTIGATION AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Knudson	Stephenson

H.B. 47 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, legislative staff was authorized to draft a bill regarding ethics.

CONCURRENCE CALENDAR

S.B. 24, EARLY VOTING AMENDMENTS, was before the Senate.

On motion of Senator Christensen, the bill was circled.

* * *

S.B. 25, ONLINE VOTER REGISTRATION, was before the Senate.

On motion of Senator Jenkins, the bill was circled.

* * *

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to **S.C.R. 1**, CONCURRENT RESOLUTION REQUESTING A

FEDERAL WAIVER TO ESTABLISH AN EMPLOYER–SPONSORED WORK PROGRAM. Senators McCoy and Dayton commented. The bill, as amended, failed on the following roll call:

Yeas, 9; Nays, 19; Absent, 1.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Jenkins
Killpack	Liljenquist	Okerlund	Stephenson
Van Tassell			

Voting in the negative were: Senators

Bramble	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jones
Madsen	Mayne	McCoy	Morgan
Niederhauser	Robles	Romero	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting was: Senator
Knudson

S.C.R. 1 was returned to the staff for filing.

THIRD READING CALENDAR

S.B. 20, LOCAL PUBLIC HEALTH EMERGENCY FUNDING, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Knudson	Stephenson

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

* * *

On motion of Senator Bramble, **1st Sub. S.B. 36**, SALES AND USE TAX AMENDMENTS, was read the third time and circled.

* * *

S.B. 94, UNDERGROUND SEWER UTILITIES FACILITIES AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard	Knudson

S.B. 94 was transmitted to the House for consideration.

* * *

S.B. 115, PAYMENT OF MOBILE HOME PARK RELOCATION EXPENSES, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 22; Nays, 5; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jones	Killpack	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Van Tassell	Waddoups		

Voting in the negative were: Senators

Greiner	Jenkins	Madsen	Stephenson
Valentine			

Absent or not voting were: Senators
Hillyard Knudson

S.B. 115 was transmitted to the House for consideration.

* * *

On motion of Senator Valentine, the Senate voted to reconsider its action on **S.C.R. 1**, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER–SPONSORED WORK PROGRAM, on the motion to concur with the amendments from the House.

On motion of Senator Killpack, the Senate refused to concur in the House amendments. **S.C.R. 1** was returned to the House with the request that they recede from their amendments.

SECOND READING CALENDAR

S.B. 95, MOBILE HOME PARK AMENDMENTS, was read the second time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators
Davis Knudson Van Tassell

* * *

S.B. 99, RENEWABLE ENERGY CERTIFICATE REVISIONS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Christensen Knudson

* * *

S.B. 85, HOMICIDE AMENDMENTS, was read the second time. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Christensen Knudson

* * *

S.B. 91, ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT, was read the second time. Senator Greiner explained the bill. Senators Hillyard, Stephenson, and Bell commented.

On motion of Senator Greiner, the bill was circled.

* * *

1st Sub. S.B. 107, COMMUNICATIONS AND MORTGAGE FRAUD PENALTY 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, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Knudson

TIME CERTAIN CALENDAR

On motion of Senator Jenkins, under suspension of the rules, **S.J.R. 11**, JOINT RESOLUTION URGING FOOTBALL PLAYOFF, was considered read the second and third times. Senator Jenkins explained the bill. Senators Davis, Hillyard, and McCoy commented.

Senator Davis proposed the following amendment:

1. Page 2, Line 52:
   Delete "and"

2. Page 2, Line 53:
   Insert "<u>, and President Barack Obama.</u>"

Senator Davis' motion to amend passed on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Knudson Madsen

S.J.R. 11 was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 9, 2009

The House passed **H.C.R. 4**, UNIVERSITY OF UTAH CHAMPIONSHIP FOOTBALL TEAM CONCURRENT RESOLUTION, by Representative J. Bird, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.C.R. 4** was read the first time and referred to the Rules Committee.

On motion of Senator Jones, **H.C.R. 4** was lifted from the Rules Committee and placed at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Jones, under suspension of the rules, **H.C.R. 4**, UNIVERSITY OF UTAH CHAMPIONSHIP FOOTBALL TEAM CONCURRENT RESOLUTION, was considered read the second and third times. Senators Bramble, Valentine, and Romero commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Knudson	Madsen

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.

COMMITTEE OF THE WHOLE

On motion of Senator Hillyard, University of Utah football coach, Kyle Whittingham spoke in Committee of the Whole.

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

* * *

On motion of Senator Jenkins and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Tuesday, February 10, 2009.

SIXTEENTH DAY

MORNING SESSION

February 10, 2009

The Senate was called to order at 10:15 a.m., with President Michael Waddoups presiding.

Prayer – Former Senator Patrice Arent
Pledge of Allegiance – Senator Allen Christensen
Roll Call – All Senators present except Senator Knudson, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 9, 2009

The House concurred in the Senate amendments and passed **H.B. 12**, COUNTY SHERIFF QUALIFICATION 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 **H.B. 52**, INSURANCE CODE AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 12** and **H.B. 52**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: February 9, 2009

The House passed **H.B. 70**, CIGARETTE TAX EXEMPTION AMENDMENTS, by Representative E. Vickers, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 92**, REQUIREMENT TO WEAR HUNTER ORANGE AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed **H.B. 123**, RETAIL AND LIBRARY THEFT AMENDMENTS, by Representative F. Gibson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 70, 1st Sub. H.B. 92,** and **H.B. 123** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 9, 2009

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

Government Operations and Political Subdivisions

1Sub. H.B. 68	Development Exactions (Rep. P. Painter) (Sen. G. Bell)

Health and Human Services Committee

2Sub. H.B. 121	Retired Volunteer Health Care Practitioner Act (Rep. M. Brown) (Sen. K. Van Tassell)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 181	Criminal Prosecution Amendments (Sen. D. Liljenquist)
S.B. 182	Criminal Restitution Amendments (Sen. C. Bramble)
S.B. 183	Violation of Protective Order (Sen. S. McCoy)
S.B. 184	Civil Filing Fees (Sen. G. Bell)
H.B. 41	Sex Offender Registration Amendments (Rep. K. Sumsion) (Sen. J. Greiner)
2Sub. H.B. 59	Subpoenas for Records in Certain Criminal Investigations (Rep. B. Daw) (Sen. J. Valentine)
H.B. 223	Statute of Limitations Amendments (Rep. C. Wimmer) (Sen. M. Madsen)
H.B. 233	Aggravated Sexual Assault Amendments (Rep. C. Wimmer) (Sen. M. Madsen)

Natural Resources, Agriculture and Environment Committee

H.B. 149	Forest Reserve Fund Revisions (Rep. M. Noel) (Sen. R. Okerlund)

Transportation, Public Utilities and Technology Committee
H.B. 113 Salvage Vehicle Title Amendments (Rep. T. Kiser) (Sen. D. C. Buttars)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February , 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 54**, UNIFORM LAW – UNIFORM ASSIGNMENT OF RENTS ACT, by Senator R. Romero; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 56**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, by Senator S. Killpack, with the following amendments:

1. Page 30, Line 921:

921 (ii) outside military land for publicly owned infrastructure and improvements , if the board considers the purchase, option, or other interest ; and

The Government Operations and Political Subdivisions Committee recommends **S.B. 126**, STATE PERSONNEL MANAGEMENT ACT AMENDMENTS, by Senator D. Liljenquist, be replaced and favorably recommends **1st Sub. S.B. 126**, STATE PERSONNEL MANAGEMENT ACT AMENDMENTS; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 150**, STATE ARMORY AMENDMENTS, by Senator S. Jenkins; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 231**, UTAH COMMISSION ON VOLUNTEERS AMENDMENTS, by Representative D. Aagard.

Jon Greiner, Acting Chair

Mr. President: February 9, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 20**, REPEAL OF CERTAIN INCOME TAX CREDITS AND CONTRIBUTIONS, by Representative Julie Fisher; and

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 23**, CERTIFIED TAX RATE AMENDMENTS, by Representative F. Hunsaker; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 28**, PERSONAL PROPERTY TAX AMENDMENTS, by Representative C. Frank.

Wayne L. Niederhauser, Chair

Mr. President: February 9, 2009

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 14**, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, by Senator L. Hillyard, et al; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 160**, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, by Senator S. Jenkins; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.J.R. 10**, ALTERNATIVE TRAINING CENTER JOINT RESOLUTION, by Senator D. Stowell, with the following amendments:

1. Page 2, Lines 40 through 41:

40 WHEREAS, the Southwest {~~Area Technical~~} Applied Technology College in Cedar City is offering classes

41 related to renewable energy in Milford;

2. Page 2, Line 57 through Page 3, Line 61:

57 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Beaver

58 County Commission, the Milford High School Technology Department, Utah's Energy

59 Advisor, the State Energy Program, the Southwest {~~Area Technical~~} Applied Technology College, Rocky Mountain

60 Power, First Wind, Raser Technologies, and to the members of Utah's congressional

61 delegation; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 236**, DEPARTMENT OF COMMUNITY AND CULTURE GRANTS, by Representative S. Allen, et al.

Mark B. Madsen, Chair

Mr. President: February 6, 2009

The Transportation and Public Utilities and Technology Committee recommends **S.B. 147**, DRIVER LICENSE REVISIONS, by Senator L. Hillyard, be replaced and favorably recommends **1st Sub. S.B. 147,** DRIVER LICENSE REVISIONS; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 149**, PROHIBITION OF TEXT MESSAGING OR ELECTRONIC MAIL COMMUNICATION WHILE DRIVING, by Senator L. Hillyard, with the following amendments:

1. Page 2, Lines 29 through 32:

29 ▶ provides that a judge or justice may {~~recommend~~} order that a person's driver license be

30 suspended for three months upon conviction of the prohibition on using a wireless

31 communication device for text messaging or electronic mail communication while

32 operating a motor vehicle;

2. Page 3, Lines 81 through 83:

81 (a) the person has also inflicted serious bodily injury upon another as a proximate

82 result of using a wireless communication device for text messaging or electronic mail

83 communication while operating a motor vehicle on a highway in this state; {~~and~~ }

3. Page 5, Lines 129 through 132:

129 (5) Upon a conviction of the prohibition on using a wireless communication device for

130 text messaging or electronic mail communication while operating a motor vehicle under

131 Section 41–6a–1716, a judge or justice may {~~recommend~~ } order a suspension of the convicted person's

132 license for a period of three months.

4. Page 9, Lines 248 through 251:

248 (b) Criminal homicide is automobile homicide, a third degree felony, if the person

249 operates a motor vehicle in a negligent manner {~~causing the death of another and was~~ } while using a

250 wireless communication device for text messaging or electronic mail communication at the

251 time of operation causing the death of another .

5. Page 9, Lines 254 through 257:

254 (b) Criminal homicide is automobile homicide, a second degree felony, if the person

255 operates a motor vehicle in a criminally negligent manner {~~causing the death of another and was~~ } while

256 using a wireless communication device for text messaging or electronic mail communication at

257 the time of operation causing the death of another . ; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 21**, AMENDMENTS TO DRIVER LICENSE SANCTION REQUIREMENTS, by Representative R. Greenwood.

Stephen H. Urquhart, Chair

Mr. President: February 6, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 116**, CRIMINAL PENALTY AND PROSECUTION AMENDMENTS, by Senator D. Liljenquist, be replaced and favorably recommends **1st Sub. S.B. 116,** CRIMINAL PENALTY AMENDMENTS and recommends the bill be considered read for the first time; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 118**, PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS, by Senator J. Greiner, with the following amendments:

1. Page 2, Lines 56 through 57:

56 [~~(3)~~] (4) A court may waive part or all of the liability for damages {~~described in~~

57 ~~Subsection (1)~~ } under this section by the parent or legal guardian if the offender is adjudicated in the juvenile court ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 133**, ABUSE OR NEGLECT OF A DISABLED CHILD, by Senator J. Valentine, with the following amendments:

1. Page 1, Lines 14 through 15:

14 ▶ provides that a caretaker who intentionally, knowingly, recklessly {~~, or with criminal~~

15 ~~negligence~~ } abuses or neglects a disabled child is guilty of a third degree felony.

2. Page 2, Line 45:

45 (2) Any caretaker who intentionally, knowingly, recklessly {~~, or with criminal negligence~~ } ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 154**, JUVENILE COURT JUDGE – FIFTH DISTRICT, by Senator S. Urquhart; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 161**, REPEAL OF MAXIMUM CHARGE TO PUBLISH LEGAL NOTICE, by Senator K. Van Tassell, with the following amendments:

1. Page 2, Line 31:

31 may not be greater than the {– ~~lowest~~ } open net rate charged for a similar notice, advertisement, or

D. Chris Buttars, Chair

On motion of Senator Killpack, the committee reports were adopted. **S.B. 54, S.B. 56,** as amended, **1st Sub. S.B. 126, S.B. 150, H.B. 231, H.B. 20, 1st Sub. H.B. 23, H.B. 28, S.B. 14, S.B. 160, S.J.R. 10,** as amended, **H.B. 236, 1st Sub. S.B. 147, S.B. 149,** as amended, **H.B. 21, 1st Sub. S.B. 116, S.B. 118,** as amended, **S.B. 133,** as amended, **S.B. 154,** and **S.B. 161** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 9, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 43**, COORDINATING MUNICIPAL AND SPECIAL DISTRICT ELECTIONS, by Representative K. Grover, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 44**, LOCAL AND SPECIAL SERVICE DISTRICT ELECTION AMENDMENTS, by Representative K. Grover, and recommends it be considered read for the second time and placed on the Consent Calendar.

Jon J. Greiner, Chair

Mr. President: February 6, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 57**, LOCAL OPTION TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS, by Senator R. Okerlund, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 1, Lines 18 through 20:

18 ▶ requires the department to annually allocate the interest earned on fund monies to each

19 county based on the proportionate amount of interest earned on each county's

20 allocation of funds on an average monthly balance basis; and

2. Page 3, Lines 67 through 69:

67 (e) The department shall annually allocate the interest earned on fund monies to each county

68 based on the proportionate amount of interest earned on each county's allocation of funds under

69 Subsection (4)(d) on an average monthly balance basis. ; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.C.R. 1**, CONCURRENT RESOLUTION ON CERTIFICATION OF COMPRESSED NATURAL GAS VEHICLES, by Representative J. Draxler, et al, and recommends it be considered read for the second time and placed on the Consent Calendar.

Stephen H. Urquhart, Chair

Mr. President: February 6, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.J.R. 9**, RESOLUTION HONORING THE UTAH LAW ENFORCEMENT MEMORIAL FOUNDATION, by Senator J. Greiner, 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. 87**, IDENTITY THEFT AMENDMENT, by Representative Julie Fisher, 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. 106**, CONTROLLED SUBSTANCE

DATABASE AMENDMENTS, by Representative B. Daw, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

On motion of Senator Killpack, the committee reports were adopted. **H.B. 43, 1st Sub. H.B. 44, S.B. 57,** as amended, **H.C.R. 1, S.J.R. 9, H.B. 87,** and **H.B. 106** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 69, **Proof of Citizenship Required to Vote** (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 194, **Nondiscrimination Amendments** (S. McCoy), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 136, DIESEL–POWERED MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Davis	Knudson	Stephenson

S.B. 136 was transmitted to the House for consideration.

CONCURRENCE CALENDAR

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to **1st Sub. S.B. 22**, VEHICLE AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen	Knudson	McCoy

1st Sub. S.B. 22 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 36**, SALES AND USE TAX AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Christensen	Hillyard	Knudson	McCoy
Robles			

1st Sub. S.B. 36 was transmitted to the House for consideration.

* * *

On motion of Senator Killpack, the Senate voted to lift **1st Sub. S.B. 126**, STATE PERSONNEL MANAGEMENT ACT AMENDMENTS, to the top of the Second Reading Calendar

* * *

S.B. 95, MOBILE HOME PARK AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Christensen	Jones	Knudson	Robles

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

* * *

S.B. 99, RENEWABLE ENERGY CERTIFICATE REVISIONS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Jones	Killpack	Knudson

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

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S.B. 85, HOMICIDE AMENDMENTS, was read the third time and explained by Senator Urquhart. Senator Buttars commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Killpack	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Jenkins	Jones	Knudson	McCoy

S.B. 85 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 107, COMMUNICATIONS FRAUD PENALTY AMENDMENTS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Killpack	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Jenkins	Jones	Knudson	McCoy

1st Sub. S.B. 107 was transmitted to the House for consideration.

SECOND READING CALENDAR

1st Sub. S.B. 126, STATE PERSONNEL MANAGEMENT ACT AMENDMENTS, was read the second time.

On motion of Senator Liljenquist, the bill was circled.

* * *

S.B. 112, OBSTRUCTION OF JUSTICE AMENDMENT, was read the second time. Senator Okerlund explained the bill.

Senator Okerlund proposed the following amendment:

1. Page 3, Line 70a
   Senate Committee Amendments
   2–2–2009

70a Ŝ➔ (iv) a violation of Subsection (1)(h) {.} ; or ←Ŝ

Senator Okerlund's motion to amend passed on a voice vote. Senator Greiner commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jones	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Davis	Jenkins	Killpack
Knudson	Liljenquist	Urquhart	

* * *

S.B. 23, INCOME TAXATION OF PASS–THROUGH ENTITIES AND PASS–THROUGH ENTITY TAXPAYERS, was read the second time.

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

1st Sub. S.B. 23 Income Taxation of Pass–through Entities and Pass–through Entity Taxpayers (W. Niederhauser)

Senator Niederhauser explained the bill. Senators Greiner and Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Davis	Dayton	Goodfellow
Greiner	Hinkins	Jenkins	Jones
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Buttars	Christensen	Hillyard
Killpack	Knudson	Robles	Urquhart

* * *

S.B. 108, TAX COMMISSION ADMINISTRATION, COLLECTION, AND ENFORCEMENT AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell

Absent or not voting were: Senators

Buttars	Christensen	Hillyard	Knudson
Waddoups			

* * *

S.B. 49, SMALL BUSINESS ACCESS TO JUSTICE ACT, was read the second time. Senator Romero explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins

Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars	Hillyard	Knudson	Niederhauser
Robles			

* * *

S.B. 120, WORKERS' COMPENSATION ACT – MEDICAL REPORTS, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Hillyard	Knudson	Morgan	Niederhauser
Van Tassell			

* * *

S.B. 121, WORKERS' COMPENSATION ACT – ATTORNEY FEES, was read the second time. Senator Mayne explained the bill. Senator Valentine declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Knudson	Niederhauser

* * *

On motion of Senator Bramble, under suspension of the rules, the Senate voted to read **S.B. 66**, HIGHWAY DESIGNATION AMENDMENTS, for the first time place it at the top of the Second Reading Calendar.

* * *

On motion of Senator Hinkins, under suspension of the rules, **S.B. 66**, HIGHWAY DESIGNATION AMENDMENTS, was considered read the second and third times. Senator Hinkins explained the bill. Senators McCoy, Davis, Bramble, Valentine, Goodfellow, Stowell, Dayton, and Jones commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard	Knudson

S.B. 66 was transmitted to the House.

COMMITTEE OF THE WHOLE

On motion of Senator Hinkins, former Senator Mike Dmitrich spoke in Committee of the Whole.

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 10, 2009

The House refuses to recede from its amendments to **S.C.R. 1**, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO

ESTABLISH AN EMPLOYER–SPONSORED WORK PROGRAM, by Senator S. Jenkins, and has appointed a Conference Committee consisting of Representatives B. Dee, C. Herrod, and T. Cosgrove 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 **S.C.R. 1**. President Waddoups appointed a conference committee consisting of Senators Jenkins, Madsen, and Romero to meet with a like committee from the House.

* * *

Mr. President: February 10, 2009

The House passed **H.J.R. 15**, JOINT RESOLUTION APPROVING COMPENSATION OF IN–SESSION EMPLOYEES, by Representative K. Garn, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.J.R. 15** was read the first time and referred to the Rules Committee.

On motion of Senator Killpack, the Senate voted to lift **H.J.R. 15**, JOINT RESOLUTION APPROVING COMPENSATION OF IN–SESSION EMPLOYEES, from the Rules Committee and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Killpack, under suspension of the rules, **H.J.R. 15**, JOINT RESOLUTION APPROVING COMPENSATION OF IN–SESSION EMPLOYEES, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators
Bramble Hinkins Knudson

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.

* * *

On motion of Senator Killpack, and at 11:45 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:15 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 10, 2009

The House concurred in the Senate amendments and passed **H.B. 31**, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, by Representative C. Wimmer, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

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.

* * *

Mr. President: February 10, 2009

The House passed, as amended, **H.B. 97**, SEXUAL EXPLOITATION OF A MINOR, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 127**, PERSONAL INJURY PROTECTION COVERAGE AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 97** and **H.B. 127** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 10, 2009

The House refused to concur with the Senate Amendments to **H.B. 30**, COMMERCIAL MOTOR VEHICLE AMENDMENTS, by Representative T. Kiser, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Van Tassell, the Senate voted to recede from its amendments.

H.B. 30, COMMERCIAL MOTOR VEHICLE AMENDMENTS, was before the Senate.

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

1st Sub. H.B. 30 Commercial Motor Vehicle Amendments (T. Kiser)

Senator Van Tassell proposed the following amendment:

1. Page 1, Line 20:
   Delete "commercial"

2. Page 8, Line 226:
   Delete "October" and insert "July"

Senator Van Tassell's motion to amend passed on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Knudson	Madsen	McCoy

1st Sub. H.B. 30, as amended, was returned to the House.

INTRODUCTION OF BILLS

S.B. 199, **Equal Recognition of School Parent Groups** (C. Bramble), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Liljenquist, the circle was removed from **1st Sub. S.B. 126**, STATE PERSONNEL MANAGEMENT ACT AMENDMENTS, and it was before the Senate. Senator Liljenquist explained the bill.

Senator Killpack proposed the following amendment:

1. Page 1, Line 25 through Page 2, Line 26

25 Other Special Clauses:

26 {~~None~~} This bill provides an immediate effective date.

1. Page 4, Line 117:

117 Section 67–19–17, Reappointment of employees not retained in exempt position.
Section 4. 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 override.

Senator Killpack's motion to amend passed on a voice vote. Senators Mayne, Jones, Killpack, and Robles commented.

On motion of Senator Liljenquist, under suspension of the rules, **1st Sub. S.B. 126**, STATE PERSONNEL MANAGEMENT ACT AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Knudson Madsen

1st Sub. S.B. 126 was transmitted to the House.

* * *

S.B. 87, PREFERRED DRUG LIST REVISIONS, was read the second time. Senator Christensen explained the bill.

Senator Christensen proposed the following amendment:

1. Page 3, Line 68

68 drugs without the written or oral consent of the health care provider and the patient.

(3) The department shall report to the Health and Human Services Interim Committee and to the Health and Human Services Appropriations Subcommittee prior to November 1, 2010 regarding the savings to the Medicaid program resulting from the use of the preferred drug list permitted by Subsection (1).

Senator Christensen's motion to amend passed on a voice vote. Senators Jones, Davis, Valentine, Killpack, Liljenquist, Dayton, and Bramble commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 6; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Jones	Liljenquist	Madsen	McCoy
Morgan	Niederhauser	Okerlund	Robles
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Bramble	Davis	Goodfellow	Killpack
Mayne	Romero		

Absent or not voting were: Senators
Knudson Stephenson

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 10, 2009

The Speaker of the House has signed **1st Sub. S.B. 22**, VEHICLE AMENDMENTS, by Senator S. Jenkins, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 22 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 10, 2009

The House passed, as substituted, **1st Sub. H.B. 49**, VOTER CHALLENGE AMENDMENTS, by Representative N. Hansen, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 61**, LOCAL GOVERNMENT ENTITY CHANGES, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed **H.B. 65**, REPORTING OF CERTAIN TRANSACTIONS EXEMPT FROM SALES AND USE TAXES, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 76**, INCOME TAX CREDIT FOR MILITARY RETIRED PAY, by Representative S. Mascaro, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 102**, FALSE VEHICLE TITLE AND REGISTRATION PENALTIES, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.B. 104**, DRIVER LICENSE HEARING AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed **H.B. 116**, UNIFORM FEES ON CANOES, by Representative M. Wheatley, and it is transmitted for consideration; and

The House passed **H.B. 235**, DAM SAFETY AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed **H.B. 253**, MOTOR CARRIER PERMIT FEE AMENDMENTS, by Representative T. Kiser, et al, and it is transmitted for consideration; and

The House passed **H.B. 275**, DOMESTIC VIOLENCE IN PRESENCE OF A CHILD AMENDMENTS, by Representative K. Gibson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 49, 2nd Sub. H.B. 61, H.B. 65, H.B. 76, H.B. 102, H.B. 104, H.B. 116, H.B. 235, H.B. 253,** and **H.B. 275** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Killpack and at 3:00 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 11, 2009.

SEVENTEENTH DAY

February 11. 2009

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

Prayer – Iman Muhammed Mehtar
Pledge of Allegiance – Senator Chris Buttars
Roll Call – All Senators present except Senator Knudson, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

SPECIAL MUSICAL PRESENTATION

Allison Hopson played a violin solo entitled "Gigue" by Vericini

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 10, 2009

The House passed **H.B. 29**, SEX OFFENDERS' CONTACT WITH CHILDREN, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed **H.B. 83**, PROPERTY TAX RELIEF PROGRAMS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 105**, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 108**, HORMONE RESTORATION AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 278**, B AND C ROADS FUND AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 29, H.B. 83, H.B. 105, H.B. 108,** and **H.B. 278** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 10, 2009

The Business and Labor Committee reports a favorable recommendation on **S.B. 167**, AMENDMENTS TO UNIFORM DEBT–MANAGEMENT SERVICES ACT, by Senator L. Hillyard; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 85**, MUTUAL BENEFIT CORPORATION – JUDICIAL LIENS, by Representative P. Painter; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 266**, WRONGFUL LIEN AMENDMENTS, by Representative G. Froerer.

John L. Valentine, Chair

Mr. President: February 10, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.B. 21**, STATE AND LOCAL HEALTH AUTHORITIES AMENDMENTS, by Senator D. Stowell, with the following amendments:

1. Page 1, Line 23:

   23 goals and budget; {~~and~~}
   ► allows the Department of Health to use federal grant money to pay certain administrative costs; and

2. Page 3, Line 69:

   69 government before the grant application is submitted , if the grant could provide funds for local health departments to help them fulfill their duties and responsibilities ; and

3. Page 3, Line 77:

   77 (ii) make a binding decision on the goals and budget for the grant.
   (d) The department may use money from grants from the federal government referred to in this Subsection (3) to pay the administrative costs incurred in implementing this Subsection (3). ; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 173**, EMOTIONAL SUPPORT ANIMALS AND PSYCHIATRIC THERAPY ANIMALS, by Senator M. Dayton; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 33**, REFUND OF UNEARNED HEALTH INSURANCE PREMIUMS AND MEDICARE SUPPLEMENT INSURANCE PREMIUMS, by Representative P. Ray.

D. Chris Buttars, Chair

Mr. President: February 10, 2009

The Education Committee reports a favorable recommendation on **S.B. 77**, GRANTS FOR LICENSED TEACHERS AMENDMENTS, by Senator M. Madsen; and

The Education Committee reports a favorable recommendation on **S.B. 81**, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, by Senator M. Dayton, with the following amendments:

1. Page 3, Lines 59 through 61:

59 following conditions:

60 (i) {~~an appropriate assessment is given to high school students prior to participation in~~

61 ~~concurrent enrollment~~ } to ensure that students are prepared for college level work , an appropriate assessment is given:
(A) prior to participation in mathematics and English courses; and
(B) in meeting prerequisites established for a campus–based course by the sponsoring institution ;

2. Page 6, Line 153:

153 program.
(5) The scholarship program described under Subsection (4) shall be funded from existing appropriations for concurrent enrollment

that are allocated to the State Board of Regents.

Curtis S. Bramble, Chair

Mr. President: February 10, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 149**, FOREST RESERVE FUND REVISIONS, by Representative M. Noel.

Dennis E. Stowell, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 167, H.B. 85, H.B. 266, S.B. 21,** as amended, **S.B. 173, H.B. 33, S.B. 77, S.B. 81,** as amended, and **H.B. 149** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 73, **Unincorporated Areas Amendments** (K. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 220, **Cohabitant Abuse Procedures Act Amendments** (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.C.R. 4, **Resolution Supporting Obesity Awareness** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.J.R. 16, **Joint Resolution Supporting Nuclear Power** (D. Hinkins), read the first time by short title and referred to the Rules Committee.

S.J.R. 17, **Hydraulic Fracturing Joint Resolution** (D. Hinkins), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

On motion of Senator Dayton, **H.B. 56**, DECLARATION OF CANDIDACY AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Dayton, **H.B. 45**, PER DIEM AND TRAVEL EXPENSES FOR STATE BOARDS AND COMMISSIONS, was read the third time and circled.

* * *

H.B. 226, DISASTER RECOVERY AND EMERGENCY MANAGEMENT AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Valentine
Waddoups			

Absent or not voting were: Senators

Bramble	Christensen	Killpack	Knudson
McCoy	Stephenson	Urquhart	Van Tassell

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. 58, SALES AND USE TAX – DETERMINING THE LOCATION OF CERTAIN TRANSACTIONS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Killpack	Knudson	Stephenson	Van Tassell

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 Bell, **H.B. 38**, REFUGEE SERVICES FUND AMENDMENTS, was read the third time and circled.

* * *

H.B. 55, AMENDMENTS TO TOURISM, RECREATION, CULTURAL, CONVENTION, AND AIRPORT FACILITIES TAX ACT, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen	Knudson	Stephenson

H.B. 55 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

S.B. 112, OBSTRUCTION OF JUSTICE AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Knudson

S.B. 112 was transmitted to the House for consideration.

* * *

On motion of Senator Niederhauser, **1st Sub. S.B. 23**, INCOME TAXATION OF PASS–THROUGH ENTITIES AND PASS–THROUGH ENTITY TAXPAYERS, was read the third time and circled.

* * *

On motion of Senator Niederhauser, **S.B. 108**, TAX COMMISSION ADMINISTRATION, COLLECTION, AND ENFORCEMENT, was read the third time and circled.

* * *

S.B. 49, SMALL BUSINESS ACCESS TO JUSTICE ACT, was read the third time, explained by Senator Romero, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Knudson

S.B. 49 was transmitted to the House for consideration.

* * *

S.B. 120, WORKERS' COMPENSATION ACT – MEDICAL REPORTS, was read the third time and explained by Senator Mayne.

Senator Mayne proposed the following amendment:

1. Page 3, Lines 82 through 84

82 (ii) Within {~~15~~} 20 days after the report described in Subsection (2)(d)(i) is deposited in the

83 United States post office, the following may file with the administrative law judge a written

84 [~~objections~~] objection to the report:

Senator Mayne's motion to amend passed on a voice vote. Senator Madsen commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Dayton	Knudson

S.B. 120, as amended, was transmitted to the House for consideration.

* * *

S.B. 121, WORKERS' COMPENSATION – ATTORNEY FEES, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Greiner	Knudson	Madsen	Stephenson

S.B. 121 was transmitted to the House for consideration.

* * *

On motion of Senator Christensen, **S.B. 87**, PREFERRED DRUG LIST REVISIONS, was read the third time and circled.

* * *

On motion of Senator Bell, the Senate voted to move to Consent Calendar.

CONSENT CALENDAR

On motion of Senator Bell, the circle was removed from **H.B. 38**, REFUGEE SERVICES FUND AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Davis	Greiner	Knudson	Madsen
Stephenson			

H.B. 38 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Killpack, the Senate voted to lift **H.B. 149**, FOREST RESERVE FUND REVISIONS, to the top of the Second Reading Calendar.

* * *

H.B. 149, FOREST RESERVE FUND REVISIONS, was read the second time. Senator Okerlund explained the bill. Senators Hillyard and Valentine commented.

On motion of Senator Okerlund, the bill was circled.

* * *

S.B. 48, TEACHER LICENSING BY COMPETENCY AMENDMENTS, was read the second time.

On motion of Senator Buttars, the bill was circled.

* * *

H.B. 22, HARBORING A RUNAWAY, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Van Tassell			

Absent or not voting were: Senators

Davis	Knudson	Urquhart	Waddoups

* * *

On motion of Senator Killpack, **H.B. 216**, TELECOMMUNICATION PRICING FLEXIBILITY AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Okerlund, the Senate voted to move **H.B. 231**, UTAH COMMISSION OF VOLUNTEERS AMENDMENTS, to the top of the Second Reading Calendar.

H.B. 231, UTAH COMMISSION OF VOLUNTEERS AMENDMENTS, was read the second time. Senator Okerlund explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Valentine	Van Tassell

Absent or not voting were: Senators

Davis	Greiner	Knudson	Urquhart
Waddoups			

* * *

On motion of Senator Jenkins, **1st Sub. H.B. 232**, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS REVISIONS, was read the second time and circled.

* * *

H.B. 54, AMENDMENTS TO VEHICLE REGISTRATION REQUIREMENTS, 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, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars	Davis	Greiner	Knudson
Urquhart			

* * *

On motion of Senator Jenkins, **H.B. 67**, PUBLIC HEARINGS ON PROPERTY TAX INCREASES, was read the second time and circled.

* * *

H.B. 80, STUDY ON TAXPAYER ADVOCATE PROGRAM, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator
Jones

Absent or not voting were: Senators

Buttars	Knudson	Urquhart

* * *

1st Sub. H.B. 60, FAMILY PRESERVATION SERVICES AMENDMENTS, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Buttars	Knudson

* * *

On motion of Senator Jenkins, **1st Sub. H.B. 90**, ABORTION LAW AMENDMENTS, was read the second time and circled.

* * *

H.B. 27, PROTECTIONS FOR AGRICULTURAL PRACTICES, was read the second time. Senator Dayton explained the bill. Senators McCoy and Valentine commented.

On motion of Senator Dayton, the bill was circled.

* * *

1st Sub. H.B. 62, STATE WATER DEVELOPMENT COMMISSION AMENDMENTS, was read the second time. Senator Davis explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 2; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators
Hinkins McCoy

Absent or not voting was: Senator
Knudson

* * *

H.J.R. 7, EQUINE RESOURCES JOINT RESOLUTION, was read the second time. Senator Stowell explained the bill.

Senator McCoy proposed the following amendment:

1. Page 2, Line 36:
   After "regulations" delete "and"

2. Page 2, Line 36:
   After "inspection" insert "<u>, and enforcement</u>"

Senator McCoy's motion to amend failed on a voice vote. Senators McCoy, Christensen, and Jenkins commented. Senator Stephenson declared a conflict of interest. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 7; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Liljenquist
Madsen	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Goodfellow	Jones	Mayne	McCoy
Morgan	Robles	Romero	

Absent or not voting was: Senator
Knudson

* * *

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

THIRD READING CALENDAR

On motion of Senator Christensen, the circle was removed from **S.B. 87**, PREFERRED DRUG LIST REVISIONS, and it was before the Senate. Senator Christensen explained the bill.

Senator Davis made a motion to substitute the bill. The motion failed on a voice vote.

Senator Killpack proposed the following amendment:

1. Page 2, Line 33e
   Senate Committee Amendments
   2–3–2009

33e (ii) added to the preferred drug list after this act takes effect.
←Ŝ (e) except as prohibited by Subsections 58–17b–606(4) and(5), the prior authorization requirements established under Subsections

(1)(c) and (d) shall permit a health care provider or the health care provider's agent to obtain a prior authorization override of the preferred drug list through the department's pharmacy prior authorization review process, which shall:

(i) provide either telephone or fax approval or denial of the request within 24 hours of the receipt of a request that is submitted during normal business hours of Monday through Friday from 8 am to 5 pm;

(ii) provide for the dispensing of a limited supply of a requested drug as determined appropriate by the department in an emergency situation, if the request for an override is received outside of the department's normal business hours; and

(iii) require the health care provider to provide the department with documentation of the medical need for the preferred drug list override in accordance with criteria established by the department in consultation with the Pharmacy and Therapeutics Committee.

Senator Killpack's motion to amend passed on a voice vote. Senators Liljenquist and McCoy commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell	Buttars	Knudson	Valentine

S.B. 87 was transmitted to the House for consideration.

* * *

On motion of Senator Killpack and at 11:55 a.m., the Senate adjourned until 9:30 a.m., Thursday, February 12, 2009.

EIGHTEENTH DAY

February 12, 2009

The Senate was called to order at 9:45 a.m., with President Michael Waddoups presiding.

Prayer – Deacon Robb Benns, Calvary Baptist Church
Pledge of Allegiance – Senator Curtis Bramble
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

SPECIAL MUSICAL PRESENTATION

Alexis Hill, a student from Emerson Elementary School in Salt Lake School District played a flute solo of "The Star Spangled Banner"

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 11, 2009

The House passed, **1st Sub. S.B. 27**, ELECTION LAW CHANGES, 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. 40**, LAWFUL PRESENCE VERIFICATION FOR ISSUANCE OF A DRIVER LICENSE OR IDENTIFICATION CARD, 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. 88**, ADMINISTRATIVE RULEMAKING ACT AMENDMENTS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 93**, BUILDING AUTHORITIES, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 105**, ENGINEERING AND COMPUTER SCIENCE INITIATIVE AMENDMENTS, 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

1st Sub. S.B. 27, S.B. 40, S.B. 88, S.B. 93, and **S.B. 105** 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, 2009

The House passed **H.B. 71**, WITHHOLDING TAX AMENDMENTS, by Representative E. Vickers, and it is transmitted for consideration; and

The House passed **H.B. 118**, ARCHIVES AND GRAMA REVISIONS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 218**, FAMILY EMPLOYMENT PROGRAM AMENDMENTS, by Representative Janice Fisher, and it is transmitted for consideration; and

The House passed **H.B. 279**, UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT, by Representative B. Last, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 71, H.B. 118, H.B. 218,** and **H.B. 279** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 11, 2009

The House passed, as amended, **S.B. 104**, HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS, by Senator L. Hillyard, 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 11, 2009

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

Education Committee

S.B. 199 Equal Recognition of School Parent Groups (Sen. C. Bramble)

Government Operations and Political Subdivisions Committee

S.B. 73 Unincorporated Areas Amendments (Sen. K. Mayne)

2nd Sub. H.B. 61 Local Government Entity Changes (Rep. K. Holdaway) (Sen. L. Hillyard)

Health and Human Services Committee

S.C.R. 4 Resolution Supporting Obesity Awareness (Sen. D. C. Buttars)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 155 Adoption Exception to Custody and Visitation for Persons Other than Parents (Sen. L. Hillyard)

S.B. 220 Cohabitant Abuse Procedures Act Amendments (Sen. B. Goodfellow)

H.B. 29 Sex Offenders' Contact with Children (Rep. R. Greenwood) (Sen. R. Okerlund)

H.B. 97 Sexual Exploitation of a Minor (Rep. R. Bigelow) (Sen. D. C. Buttars)

H.B. 127 Personal Injury Protection Coverage Amendments (Rep. T. Kiser) (Sen. D. C. Buttars)

H.B. 275 Domestic Violence in Presence of a Child Amendments (Rep. K. Gibson) (Sen. M. Dayton)

Natural Resources, Agriculture and Environment Committee

S.J.R. 17 Hydraulic Fracturing Joint Resolution (Sen. D. Hinkins)

1st Sub. H.B. 92 Requirement to Wear Hunter Orange Amendments (Rep. S. Sandstrom) (Sen. A. Christensen)

H.B. 105 Department of Agriculture and Food Amendments (Rep. J. Mathis) (Sen. D. Stowell)

H.B. 235 Dam Safety Amendments (Rep. S. Sandstrom) (Sen. D. Stowell)

Revenue and Taxation Committee

H.B. 65 Reporting of Certain Transactions Exempt from Sales and Use Taxes (Rep. Julie Fisher) (Sen. C. Bramble)

H.B. 83 Property Tax Relief Programs (Rep. G. Froerer) (Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee

S.J.R. 16 Joint Resolution Supporting Nuclear Power (Sen. D. Hinkins)

H.B. 102 False Vehicle Title and Registration Penalties (Rep. P. Ray) (Sen. D. Liljenquist)

H.B. 104 Driver License Hearing Amendments (Rep. R. Greenwood) (Sen. D. Hinkins)
H.B. 253 Motor Carrier Permit Fee Amendments (Rep. T. Kiser) (Sen. K. Van Tassell)
H.B. 278 B and C Roads Fund Amendments (Rep. M. Noel) (Sen. D. Stowell)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 10, 2009

The Education Committee reports a favorable recommendation on **H.B. 15**, CAREER AND TECHNICAL EDUCATION AMENDMENTS, by Representative R. Bigelow, and that it be considered read for the first time.

Curtis S. Bramble, Chair

Mr. President: February 11, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 152**, LEGISLATIVE MANAGEMENT POWERS, by Senator M. Waddoups; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 153**, COUNTY AND MUNICIPAL LAND USE AMENDMENTS, by Senator M. Madsen; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 171**, MUNICIPAL ANNEXATION AMENDMENTS, by Senator S. Jenkins, with the following amendments:

1. Page 6, Lines 168–170:
   Delete lines 168 –170 and renumber accordingly; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 6**, LEGISLATOR COMMUNICATIONS WITH JUDICIARY AND EXECUTIVE BRANCH JOINT RULES RESOLUTION, by Senator J. Valentine, with the following amendments:

1. Page 2, Line 52:
   After "matter" insert "if that communication will unduly influence the case or proceeding"

2. Page 3. Line 70:
After "judge," delete
"executive branch employee or executive branch" and insert " or an administrative law judge"

3. Page 3, Line 78:
After "of this" delete "chapter" and insert "joint rule"

4. Page 4. Line 92:
After "in this" delete "chapter" and insert "joint rule"; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 8**, JOINT RESOLUTION REGARDING ELIGIBILITY FOR LEGISLATIVE OFFICE, by Senator S. McCoy; and

Gregory S. Bell, Acting Chair

Mr. President: February 11, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 59**, ALLOCATION AND APPORTIONMENT OF INCOME AND DEDUCTION OF A NET LOSS, by Senator H. Stephenson.

Wayne L. Niederhauser, Chair

Mr. President: February 10, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 52**, NEW MOTOR VEHICLE FRANCHISE AMENDMENTS, by Senator S. Killpack; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 172**, UNDERINSURED MOTORIST COVERAGE AMENDMENTS, by Senator S. Urquhart; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 179**, SAFETY BELT ENFORCEMENT AMENDMENTS, by Senator C. Bramble.

Stephen H. Urquhart, Chair

Mr. President: February 10, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 53**, AWARDING OF ATTORNEY FEES, by Senator S. Urquhart, be replaced and favorably recommends **1st Sub. S.B. 53,** AWARDING OF ATTORNEY FEES with the following amendments:

1. Page 1, Line 25 through Page 2, Line 26:

25 A court may not award attorney fees under the private attorney general doctrine {– as

26 stated in Stewart v. Utah Public Service Commission, 885 P.2d 759 (1994), and its progeny } . ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 165**, STATUTE OF LIMITATION REVISIONS, by Senator M. Madsen, be replaced and favorably recommends **1st Sub. S.B. 165,** STATUTE OF LIMITATION REVISIONS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 170**, JUDICIARY AMENDMENTS, by Senator L. Hillyard, with the following amendments:

1. Page 2, Line 40:

40 78B–2–211, as renumbered and amended by Laws of Utah 2008, Chapter 3
78B–3–106, as renumbered and amended by Laws of Utah 2008, Chapter 3

2. Page 13, Line 387:

387 as the part improved and cultivated.
Section 10. Section 78B–3–106 is amended to read:
78B–3–106. Death of adult –– Suit by heir or personal representative.
(1) Except as provided in Title 34A, Chapter 2, Workers' Compensation Act, when the death of a person who is not a minor is caused by the wrongful act or neglect of another, his heirs, or his personal representatives for the benefit of his heirs, may maintain an action for damages against the person causing the death, or, if the person is employed by another person who is responsible for his conduct, then against the other person.
(2) If the adult person has a guardian at the time of his death, only one action may be maintained for the person's injury or death.
(3) The action may be brought by either the personal representatives of the adult deceased person, for the benefit of the person's heirs, or by the guardian for the benefit of the heirs, as defined in Section 78B–3–105.
(4) In every action under this section and Section 78B–3–105

damages may be given as under all the circumstances of the case may be just.

Renumber remaining sections accordingly.

3. Page 15, Lines 441 through 450:

441 78B–6–138. Birth parent's rights and duties dissolved.

442 [~~A~~] (1) Except as provided in Subsection (2), a birth parent of an adopted child is

443 released from all parental duties toward and all responsibilities for the adopted child, and has

444 no further rights with regard to that child at the earlier of:

445 [~~(1)~~] (a) the time the parent's parental rights are terminated; or

446 [~~(2)~~] (b) the time the final decree of adoption is entered.

447 (2) {~~At the time the final decree of adoption is entered, a birth parent who is the spouse~~

448 ~~of the adopting parent, is not released from any parental duties or responsibilities for the~~

449 ~~adopted child, nor does the decree of adoption terminate any of that birth parent's rights with~~

450 ~~regard to the child.~~ } Subsection (1) may not apply to a biological parent who is a party to the adoption petition, unless the petition expressly seeks termination of that biological parent's rights.

(3) Nothing in this section may be construed to permit any adoptions that are prohibited by Subsection 78B–6–117(3).

4. Page 12, Lines 356 through 357:

356 (1) The term of a justice court judge is six years beginning the first Monday in January

357 {~~2010~~} [~~. (2) Judges~~] following the date of election. ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 176**, CIVIL FEES IN COURTS OF RECORD AMENDMENTS, by Senator J. Greiner; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 182**, CRIMINAL RESTITUTION AMENDMENTS, by Senator C. Bramble; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.J.R. 12**, JOINT RESOLUTION SUPPORTING EXPANSION OF CORRECTIONAL FACILITIES IN SAN JUAN COUNTY, by Senator D. Hinkins; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.J.R. 14**, JOINT RESOLUTION – CHALLENGING THE LEGALITY OF A CONVICTION OR SENTENCE, by Senator C. Bramble, with the following amendments:

1. Page 2, Lines 34 through 35:

   34 (2) (a) A person , including a person sentenced to death, may not be barred from obtaining relief from a conviction or sentence if {~~:~~

   35 ~~(a)~~ } the person can prove by clear and convincing evidence that the person did not:

2. Page 2, Line 40:

   40 (b) {~~in the case of a~~ } A person sentenced to death {~~,~~ } may not be barred from obtaining relief from a conviction or sentence if the person can prove with newly

D. Chris Buttars, Chair

On motion of Senator Hillyard, the committee reports were adopted. **H.B. 15, S.B. 152, S.B. 153, S.B. 171,** as amended, **S.J.R. 6,** as amended, **S.J.R. 8, S.B. 59, S.B. 52, S.B. 172, S.B. 179, 1st Sub. S.B. 53,**as amended, **1st Sub. S.B. 165, S.B. 179,** as amended, **S.B. 176, S.B. 182, S.J.R. 12,** and **S.J.R. 14,** as amended, were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 11, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 75**, UTAH COMMUNICATIONS AGENCY NETWORK AMENDMENTS, by Representative F. Hunsaker, 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. 252**, EMERGENCY MANAGEMENT ADMINISTRATION COUNCIL AMENDMENTS, by Representative C. Oda,

and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Acting Chair

On motion of Senator Hillyard, the committee reports were adopted. **H.B. 75** and **H.B. 252** were considered read the second time and placed on the Consent Calendar.

* * *

Mr. President: February 11, 2009

The Revenue and Taxation Committee has deleted **S.B. 114**, TOBACCO TAX AMENDMENTS, by Senator A. Christensen, and replaced it with **2nd Sub. S.B. 114,** TOBACCO TAX AMENDMENTS, and has tabled and returned it to the Rules Committee for filing.

Wayne L. Niederhauser, Chair

On motion of Senator Hillyard, the committee reports were adopted. **2nd Sub. S.B. 114** was returned to the Rules Committee for filing.

* * *

On motion of Senator Hillyard, the Senate voted to recall **1st Sub. S.B. 22**, VEHICLE AMENDMENTS, from enrolling and place it at to top of the Third Reading Calendar. Senator Jenkins commented.

INTRODUCTION OF BILLS

S.B. 67, **Miners' Safety and Training** (L. Robles), read the first time by short title and referred to the Rules Committee.

S.B. 192, **Corporation Related Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 213, **Restaurant Nutrition Labeling** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 138, INTERNAL SERVICE FUND RATE COMMITTEE AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Waddoups			

Absent or not voting were: Senators

Christensen	Jenkins	Urquhart	Van Tassell

S.B. 138 was transmitted to the House for consideration.

* * *

On motion of Senator Knudson, the circle was removed from **H.B. 56**, DECLARATION OF CANDIDACY AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Okerlund	Robles	Romero	Stowell
Valentine	Waddoups		

Absent or not voting were: Senators

Buttars	Jenkins	McCoy	Niederhauser
Stephenson	Urquhart	Van Tassell	

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 Knudson, the circle was removed from **H.B. 45**, PER DIEM AND TRAVEL EXPENSES FOR STATE BOARDS AND COMMISSIONS, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Buttars	Jenkins	McCoy	Niederhauser
Stephenson	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. 234, CONSUMER CREDIT PROTECTION ACT MODIFICATION, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Buttars	Niederhauser	Van Tassell

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.

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S.B. 158, CHILD SUPPORT – CASH MEDICAL SUPPORT, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Buttars	Dayton	Jenkins	Niederhauser
Van Tassell			

S.B. 158 was transmitted to the House for consideration.

* * *

S.J.R. 7, JOINT RESOLUTION DESIGNATING MAY 2009 AS UTAH LIONS CLUB EYESIGHT PRESERVATION MONTH, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Buttars	Christensen	Jenkins	Niederhauser
Van Tassell			

S.J.R. 7 was transmitted to the House for consideration.

* * *

1st Sub. S.R. 3, RESOLUTION DESIGNATING SEPTEMBER 2009 AS HYDROCEPHALUS AWARENESS MONTH, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Buttars	Christensen	Niederhauser	Van Tassell

1st Sub. S.R. 3 was transmitted to the staff for enrolling.

* * *

1st Sub. H.B. 81, HEALTH CARE PATIENT IDENTITY PROTECTION, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bramble	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	McCoy	Morgan	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Bell	Buttars	Christensen	Mayne
Niederhauser	Stephenson	Van Tassell	

1st Sub. H.B. 81 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 127, RETIREMENT AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Bell	Buttars	Christensen	Niederhauser
Stephenson	Van Tassell		

S.B. 127 was transmitted to the House for consideration.

* * *

S.B. 139, EMPLOYER ELECTION RETIREMENT AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Bell	Christensen	Niederhauser	Stephenson
Van Tassell			

S.B. 139 was transmitted to the House for consideration.

* * *

S.B. 145, PUBLIC SAFETY RETIREES DEATH BENEFIT REVISIONS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Bramble	Christensen	Van Tassell

S.B. 145 was transmitted to the House for consideration.

CONCURRENCE CALENDAR

On motion of Senator Knudson, the circle was removed from **S.B. 24**, EARLY VOTING AMENDMENTS, and it was before the Senate.

On motion of Senator Knudson, the Senate voted to concur in the House amendments to **S.B. 24**, EARLY VOTING AMENDMENTS. Senator Romero commented and the bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Bramble	Christensen	Hillyard	Van Tassell

S.B. 24 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Knudson, the circle was removed from **S.B. 25**, ONLINE VOTER REGISTRATION, and it was before the Senate.

On motion of Senator Knudson, the Senate voted to concur in the House amendments to **S.B. 25**, ONLINE VOTER REGISTRATION. The bill, as amended, passed on the following roll call:

Yeas, 22; Nays, 2; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Waddoups		

Voting in the negative were: Senators

Madsen	Stephenson

Absent or not voting were: Senators

Buttars	Christensen	Hillyard	Liljenquist
Van Tassell			

S.B. 25 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 22, HARBORING A RUNAWAY, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Christensen	Van Tassell

H.B. 22, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Niederhauser, the circle was removed from **S.B. 108**, TAX COMMISSION ADMINISTRATION, COLLECTION, AND ENFORCEMENT AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 58, Lines 1767 through 1772

1767 59–1–1419. Venue –– Section does not affect right to seek judicial review. .

1768 (1) If the commission commences a proceeding relating to the following, the venue is the

1769 Third District Court in Salt Lake City:

1770 {~~(1)~~ } (a) failure to pay a liability;

1771 {~~(2)~~ } (b) failure to file a return; or

1772 {~~(3)~~ } (c) failure to supply information.

(2) Nothing in this section affects a right to seek judicial review in accordance with Part 6, Judicial Review.

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

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Christensen Van Tassell

S.B. 108 was transmitted to the House for consideration.

* * *

H.B. 231, UTAH COMMISSION ON VOLUNTEERS AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Bramble	Christensen	Van Tassell

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.

* * *

On motion of Senator Christensen, **H.B. 54**, AMENDMENTS TO VEHICLE REGISTRATION REQUIREMENTS, was read the third time and circled.

* * *

H.B. 80, STUDY ON TAXPAYER ADVOCATE PROGRAM, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting was: Senator
Van Tassell

H.B. 80, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 60, FAMILY PRESERVATION SERVICES AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting was: Senator
Van Tassell

1st Sub. 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.

* * *

1st Sub. H.B. 62, STATE WATER DEVELOPMENT COMMISSION AMENDMENTS, was read the third time, explained by Senator Davis, and passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Voting in the negative was: Senator
McCoy

Absent or not voting were: Senators

Bramble	Christensen	Van Tassell

1st Sub. H.B. 62, as amended, was returned to the House for further consideration.

* * *

1st Sub. S.B. 22, VEHICLE AMENDMENTS, was before the Senate.

On motion of Senator Hillyard, the bill was circled.

* * *

H.J.R. 7, EQUINE RESOURCES JOINT RESOLUTION, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 19; Nays, 8; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hinkins	Jenkins
Killpack	Knudson	Liljenquist	Madsen
Okerlund	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Goodfellow	Jones	Mayne	McCoy
Morgan	Niederhauser	Robles	Romero

Absent or not voting were: Senators

Davis	Hillyard

Senator Stephenson declared a conflict of interest.

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.

* * *

On motion of Senator Jenkins, the circle was removed from **1st Sub. S.B. 22**, VEHICLE AMENDMENTS, and it was before the Senate.

On motion of Senator Jenkins, the Senate refused to concur in the House amendments. **1st Sub. S.B. 22** was returned to the House. The House was asked to recede from its amendments.

SECOND READING CALENDAR

On motion of Senator Buttars, the circle was removed from **S.B. 48**, TEACHER LICENSING BY COMPETENCY AMENDMENTS, and it was before the Senate. Senator Buttars explained the bill.

Senator Valentine proposed the following amendment:

1. Page 2, Line 35:
   Reinstate the stricken language and have it read:
   "A local school board, a charter school or a person may request, and the"

2. Page 2, Line 45:
   Reinstate the stricken language and have it read:
   "A local school board, charter school or a person"

Senator Valentine's motion to amend passed on a voice vote. Senators Bell, Niederhauser, Madsen, Hillyard, Romero, Goodfellow, Morgan, Liljenquist, Robles, Jones, and McCoy commented. On motion of Senator Buttars, the Senate voted to suspend the rules and consider the bill on a House day. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 11; Absent, 1.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Killpack	Knudson	Liljenquist	Madsen
Okerlund	Stephenson	Urquhart	Valentine
Waddoups			

Voting in the negative were: Senators

Bell	Davis	Goodfellow	Jones
Mayne	McCoy	Morgan	Robles
Romero	Stowell	Van Tassell	

Absent or not voting was: Senator
Niederhauser

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 12, 2009

The House passed, as substituted, **1st Sub. H.C.R. 3**, CONCURRENT RESOLUTION HONORING THE 200TH ANNIVERSARY OF THE BIRTH OF ABRAHAM LINCOLN, by Representative Julie Fisher, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.C.R. 3** was read the first time and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Dayton, under suspension of the rules, **1st Sub. H.C.R. 3**, CONCURRENT RESOLUTION HONORING THE 200TH ANNIVERSARY OF THE BIRTH OF ABRAHAM LINCOLN, was lifted from Rules and placed at the top of the Second Reading Calendar.

On motion of Senator Dayton, under suspension of the rules, **1st Sub. H.C.R. 3**, CONCURRENT RESOLUTION HONORING THE 200TH ANNIVERSARY OF THE BIRTH OF ABRAHAM LINCOLN, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Niederhauser	Robles	Stephenson

1st Sub. H.C.R. 3 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMITTEE OF THE WHOLE

On motion of Senator Valentine, 5th Grade students from Foothill Elementary School in Orem, Utah, recited the Gettysburg Address in Committee of the Whole.

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

* * *

On motion of Senator Dayton, the Senate voted to move **S.B. 79,** HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, from the Judiciary, Law Enforcement and Criminal Justice Standing Committee and assign it to the Health and Human Services Standing Committee.

On motion of Senator Killpack and at 12:00 noon, the Senate adjourned until 10:00 a.m., Friday, February 13, 2009.

NINETEENTH DAY

February 13, 2009

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

Prayer – Rabbi Tracee Rosen, Congregation Kol Ami
Pledge of Allegiance – Senator John Valentine
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

Mr. President: February 12, 2009

The Speaker of the House has signed **S.B. 24**, EARLY VOTING 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. 25**, ONLINE VOTER REGISTRATION, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The House passed, **S.B. 37**, UTAH SUBSTANCE ABUSE AND ANTI–VIOLENCE COORDINATING COUNCIL AMENDMENTS, by Senator K. Van Tassell, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 110**, OIL AND GAS LIMITATION OF ACTIONS 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. 122**, UNIFORM STATE LAW – UNIFORM UNSWORN FOREIGN DECLARATIONS 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.J.R. 2**, TOPAZ MUSEUM AND CIVIL LIBERTIES LEARNING CENTER JOINT RESOLUTION, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 24, S.B. 25, S.B. 37, S.B. 110, S.B. 122, and **S.J.R. 2** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 12, 2009

The House concurred in the Senate amendments and passed **1st Sub. H.B. 30**, COMMERCIAL MOTOR VEHICLE AMENDMENTS, by Representative T. Kiser, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. 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.

* * *

Mr. President: February 12, 2009

The House passed **H.B. 119**, POWERSPORT VEHICLE FRANCHISE ACT REVISIONS, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed **H.B. 241**, PRIORITY OF WATER RIGHTS, by Representative K. Gibson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 265**, POSTMORTEM PROCEDURES AMENDMENTS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed **H.B. 271**, WORKERS' COMPENSATION – UNINSURED EMPLOYERS' FUND, by Representative M. Morley, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 119, H.B. 241, H.B. 265,** and **H.B. 271** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 12, 2009

The House adopted the Joint Conference Committee Report dated February 12, 2009, and passed **S.C.R. 1**, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER–SPONSORED WORK PROGRAM, by Senator S. Jenkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

Mr. President: February 10, 2009

The Joint Conference Committee comprised of Sens. Jenkins, Madsen, and Romero, and Reps. Dee, Herrod, and Cosgrove, recommends **S.C.R. 1**,

CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER–SPONSORED WORK PROGRAM, by Senator S. Jenkins, with the following amendments:

1. Page 2, Lines 36 through 46a
House Floor Amendments
2–5–2009:

36 WHEREAS, a federal waiver would be required for Utah to institute an

37 employer–sponsored work program providing a two–year, renewable guest worker authorization

38 for foreign workers Ĥ→ [~~and undocumented immigrants currently residing in the state~~] ←Ĥ ;

39 WHEREAS, a second waiver is needed to withhold {~~federal~~} FICA and Medicare revenue

40 and apply it toward the {~~health insurance and other administrative~~} costs of the program;

41 Ĥ→ {~~[~~} WHEREAS, the proposed employer–sponsored work program will allow for Utah to

42 deal with its current undocumented population in a fair manner {~~]~~} ; [~~by giving each undocumented~~

43 ~~immigrant an opportunity to be classified as a guest worker and receive a two–year immigration~~

44 ~~benefit that has the possibility of being renewed;~~] ←Ĥ

45 WHEREAS, the employer–sponsored work program would also address Utah's need for

46 both unskilled and skilled laborers Ĥ→ while ensuring that all available local workers are given

46a ample opportunity to meet that need ←Ĥ ;

Sen. Scott Jenkins,
and Rep. Brad Dee, Chairs

On motion of Senator Jenkins, the Senate voted to adopt the Joint Conference Committee report to **S.C.R. 1**, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER–SPONSORED

WORK PROGRAM. Senators Waddoups, Niederhauser, Madsen, and Mayne commented and the bill passed on the following roll call:

Yeas, 16; Nays, 13; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Hillyard	Jenkins	Jones	Killpack
Knudson	Liljenquist	Okerlund	Romero
Stephenson	Stowell	Valentine	Van Tassell

Voting in the negative were: Senators

Davis	Dayton	Goodfellow	Greiner
Hinkins	Madsen	Mayne	McCoy
Morgan	Niederhauser	Robles	Urquhart
Waddoups			

S.C.R. 1 was returned to the House for the signature of the Speaker.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 12, 2009

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

Business and Labor Committee

H.B. 279 Uniform Prudent Management of Institutional Funds Act (Rep. B. Last) (Sen. S. Urquhart)

Government Operations and Political Subdivisions Committee

S.B. 69 Proof of Citizenship Required to Vote (Sen. M. Madsen)

S.B. 84 Impact Fees Revisions (Sen. G. Bell)

H.B. 118 Archives and Grama Revisions (Rep. D. Aagard) (Sen. B. Goodfellow)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 11 Incest Amendments (Sen. D. Stowell)

Workforce Services and Community and Economic Development Committee

H.B. 218 Family Employment Program Amendments
(Rep. Janice Fisher) (Sen. K. Mayne)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 12, 2009

The Business and Labor Committee reports a favorable recommendation on **S.B. 163**, CONSTRUCTION TRADE EXEMPTION, by Senator S. Urquhart, with the following amendments:

1. Page 1, Lines 14 through 19:

14 ▶ provides that electrical and plumbing work done within a six month period on a building project with a value

15 of less than $3,000 must be done by a licensed electrical or plumbing contractor if

16 the project involves an electrical or plumbing system; and

17 ▶ provides that the electrical or plumbing work may be done by a licensed

18 journeyman electrician or plumber if the project involves a {~~single item~~} component of an electrical or plumbing system such as a

19 faucet, toilet, fixture, {~~plug,~~} device, outlet, or electrical switch.

2. Page 3, Lines 80 through 88:

80 (ii) notwithstanding Subsection (1)(h)(i) and except as otherwise provided in this

81 section:

82 (A) work in the plumbing and electrical trades on a Subsection (1)(h)(i) project within any six month period of time:

(I) must

83 be performed by [~~a licensed journeyman electrician or journeyman plumber except as~~

84 ~~otherwise provided in this section;~~];

85 {~~(I)~~} a licensed electrical or plumbing contractor, if the project involves an electrical or

86 plumbing system; and

87 (II) may be performed by a licensed journeyman electrician or plumber, if the project involves a {~~single item~~} component of the system

88 such as a faucet, toilet, fixture, {~~plug~~} device, outlet , or electrical switch; ; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 51**, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, by Representative C. Johnson; and

The Business and Labor Committee recommends **H.B. 243**, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES, by Representative G. Froerer, be replaced and favorably recommends **1st Sub. H.B. 243**, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES.

John L. Valentine, Chair

Mr. President: February 12, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.B. 43**, INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS – CLAY'S LAW, by Senator H. Stephenson, with the following amendments:

1. Page 1, Lines 15 through 16:

15 ► requires that {~~an accident or health insurance policy that provides a health insurance~~

16 ~~benefit~~} a health benefit plan shall provide coverage for treatment of autism spectrum disorders;

2. Page 3, Line 59:

59 (2) {~~An accident or health insurance policy that provides a health insurance benefit~~} A health benefit plan shall

3. Page 3, Lines 65 through 71:

65 (4) Subject to Subsection (5), the rules described in Subsection (3) shall { ~~establish~~

66 ~~durational limits, amount limits, deductibles, and coinsurance for the treatment of autism~~

67 ~~spectrum disorders that are similar to, or identical to, the coverage provided for other illnesses~~

68 ~~or diseases~~ } provide that all cost sharing provisions for the coverage described in Subsection (2), including dollar limits, deductibles, and coinsurance, are not less favorable to the insured than the cost sharing provisions that apply to physical illness generally .

69 (5) Subject to Subsection (6), { ~~an accident or health insurance policy that provides a~~

70 ~~health insurance benefit~~ } a health benefit plan shall provide coverage for the provision of early intensive behavior

71 therapy for a person with an autism spectrum disorder of at least:

D. Chris Buttars, Chair

On motion of Senator Hillyard, the committee reports were adopted. **S.B. 163,** as amended, **H.B. 51, 1st Sub. H.B. 243,** and **S.B. 43,**as amended, were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 68, **Mining Protection Amendments** (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 186, **Amendments to State Tax Commission Penalty Provisions** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 217, **Drugs Amendments** (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 227, **Concealed Firearm Permit Fees Amendments** (S. McCoy), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Valentine, legislative staff was authorized to draft a bill regarding escrow fees. Senator Romero commented.

On motion of Senator Bell, legislative staff was authorized to draft a bill regarding priority of utility easements.

CONSENT CALENDAR

H.B. 43, COORDINATING MUNICIPAL AND SPECIAL DISTRICT ELECTIONS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Waddoups			

Absent or not voting were: Senators

Jenkins	Madsen	Valentine	Van Tassell

H.B. 43 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, LOCAL AND SPECIAL SERVICE DISTRICT ELECTION AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Jenkins	Madsen	Valentine

1st Sub. H.B. 44 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 57, LOCAL OPTION TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Madsen	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Jenkins	Mayne	Valentine

S.B. 57 was transmitted to the House for consideration.

* * *

H.C.R. 1, CONCURRENT RESOLUTION ON CERTIFICATION OF COMPRESSED NATURAL GAS VEHICLES, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Jenkins	Madsen	Mayne	Valentine

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.J.R. 9, RESOLUTION HONORING THE UTAH LAW ENFORCEMENT MEMORIAL FOUNDATION, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Madsen	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Jenkins	Mayne	Valentine

S.J.R. 9 was transmitted to the House for consideration.

* * *

H.B. 87, IDENTITY THEFT AMENDMENT, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Madsen	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Jenkins	Mayne	Valentine

H.B. 87 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 106, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Killpack	Knudson
Liljenquist	Madsen	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Jenkins	Mayne	Valentine

H.B. 106 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

CONCURRENCE CALENDAR

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **S.B. 104**, HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Madsen	Mayne

S.B. 104 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Buttars, **S.B. 48**, TEACHER LICENSING BY COMPETENCY AMENDMENTS, was read the third time and circled.

SECOND READING CALENDAR

On motion of Senator Greiner, the circle was removed from **S.B. 91**, ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT, and it was before the Senate. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Buttars	Hillyard	Mayne
Valentine			

* * *

On motion of Senator Knudson, the circle was removed from **H.B. 216**, TELECOMMUNICATION PRICING FLEXIBILITY 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, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Mayne	Urquhart

* * *

On motion of Senator Knudson, the circle was removed from **1st Sub. H.B. 232**, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS REVISIONS, and it was before the Senate. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Mayne

* * *

On motion of Senator Valentine, the circle was removed from **H.B. 149**, FOREST RESERVE FUND REVISIONS, and it was before the Senate. Senator Valentine explained the bill. Senators Okerlund commented.

On motion of Senator Okerlund, under suspension of the rules, **H.B. 149**, FOREST RESERVE FUND REVISIONS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators
Bramble Mayne Robles

H.B. 149 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 **S.B.111**, HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS, and it was before the Senate. Senator Davis explained the bill.

Senator Davis proposed the following amendment:

1. Page 1, Line 11:

   11 Utah Health Code to include loan repayment assistance to geriatric professionals who practice in an underserved area .

2. Page 1, Lines 18 through 19:

   18 ► provides for loan repayment assistance, within funds appropriated by the Legislature

   19 for this purpose, to geriatric professionals who practice in an underserved area ;

3. Page 3, Lines 65 through 66
   Senate Committee Amendments
   1–30–2009:

   65 (b) loan repayment assistance to geriatric professionals who locate or continue to practice in underserved areas Ŝ➔ [~~, regardless of whether the~~

   66 ~~geriatric professionals provide services in underserved areas~~] ←Ŝ .

4. Page 3, Lines 73 through 77
   Senate Committee Amendments
   1–30–2009:

   73 (d) service conditions, which at a minimum shall include {~~:~~

   74 ~~(i) except for a geriatric professional.~~ } professional service in an underserved area for a

   75 minimum period of time by any person receiving a scholarship or loan repayment assistance; {~~or~~

76 ~~(ii) for a geriatric professional, service in geriatrics for a minimum period of time by~~

77 ~~any person receiving a scholarship or loan repayment assistance;~~ }

5. Page 4, Lines 102 through 108:

102 (1) There is created the Utah Health Care Workforce Financial Assistance Program

103 Advisory Committee consisting of the following [~~11~~] 13 members appointed by the executive

104 director, {~~seven~~} eight of whom shall be residents of rural communities:

105 (a) one rural representative of Utah Hospitals and Health Systems, nominated by the

106 association;

107 (b) {~~one~~} two rural {~~representative~~} representatives of the Utah Medical Association, nominated by the

108 association;

6. Page 5, Lines 124 through 132:

124 (k) one nursing administrator, nominated by the Utah Nurses Association[~~,~~]; and

125 {~~(l) one geriatrician, nominated by the association; and~~ }

126 (m) one {~~person, described in Subsection 26-46-101(1)(a)(ii), (iii), (iv), (v), or (vi)~~ } geriatric professional who

127 is:

128 (i) determined by the department to have adequate advanced training in geriatrics to

129 prepare the person to provide specialized geriatric care within the scope of the person's

130 profession; and

131 (ii) nominated by a professional association for the profession of which the person is a

132 member.

Senator Davis' motion to amend passed on a voice vote. Senators Knudson and Valentine commented. The bill passed on the following roll call:

Yeas, 19; Nays, 8; Absent, 2.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Goodfellow
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	

Voting in the negative were: Senators

Buttars	Dayton	Greiner	Jenkins
Madsen	Stephenson	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Mayne

* * *

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

THIRD READING CALENDAR

On motion of Senator Buttars, the circle was removed from **S.B. 48**, TEACHER LICENSING BY COMPETENCY AMENDMENTS, and it was before the Senate. Senator Buttars explained the bill.

Senator Goodfellow proposed the following amendment:

1. Page 2, Line 45–53:
   Delete lines 45–53 and renumber line 54 to 3a

2. Page 3, Line 67:
   Delete " an elementary" and insert "a"

Senator Goodfellow's motion to amend passed on a voice vote. Senators Okerlund, Stowell, and Hillyard commented. The bill passed on the following roll call:

Yeas, 18; Nays, 10; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Dayton
Hillyard	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Davis	Goodfellow	Greiner	Hinkins
Jones	Mayne	McCoy	Morgan
Robles	Romero		

Absent or not voting was: Senator
Christensen

S.B. 48 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 143, SUNSET ACT AND REPEALERS REAUTHORIZATION, was read the second time. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 1, Line 20:
   Delete "None" and insert "This bill coordinates with H.B. 60, Family Preservation Services Amendments, by providing superseding amendments."

2. Page 5, Line 148:
   After Line 148 insert:
   "Section 9. Coordinating S.B. 143 with H.B. 60 –– Superseding amendments.
   If this S.B. 143 and H.B. 60, Family Preservation Services Amendments both pass, it is the intent of the Legislature that the amendments to Subsection 63I–1–262(2) in H.B. 60 supersede the amendments to Subsection 63I–1–262(2) in this bill, when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication."

Senator Killpack's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 4; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Buttars	Dayton	Goodfellow	Madsen

Absent or not voting was: Senator
Christensen

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 90**, ABORTION LAW AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 2, Lines 46a through 46d
House Committee Amendments
1–30–2009

46a Ĥ➔ (1) As used in this section, "viable" means that the unborn child has reached a

46b stage of fetal development when the unborn child is potentially able to live outside the womb

46c { ~~by natural or artificial life–supportive systems~~ } , as determined by the attending physician to a

46d reasonable degree of medical certainty.

Senator Bramble's motion to amend passed on a voice vote.

# # #

Senator McCoy proposed the following substitute amendment:

1. Page 2, Lines 46a through 46d
House Committee Amendments
1–30–2009

46a Ĥ➔ (1) As used in this section, "viable" means that the unborn child has reached a

46b stage of fetal development when the unborn child is potentially able to live outside the womb

46c {~~by natural or artificial life-supportive systems~~} , as determined by the attending physician.

Senator McCoy's motion to amend failed on a voice vote.

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Stephenson, **S.B. 43**, INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS – CLAY'S LAW, will be considered Wednesday, February 18, 2009 at 2:10 p.m.

* * *

On motion of Senator Killpack and at 12:00 noon, the Senate adjourned until 10:00 a.m., Tuesday, February 17, 2009.

TWENTY–SECOND DAY

February 17, 2009

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

Prayer – Kepi Heimuli, Counselor in the Payson 18th Ward Bishopric, The Church of Jesus Christ of Latter–day Saints

Pledge of Allegiance – Senator Lyle Hillyard

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 13, 2009

The House passed, **S.B. 92**, LOCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS, 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. 103**, UNIFORM LAWS – UNIFORM PRINCIPAL AND INCOME ACT AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 104**, HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.C.R. 1**, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER–SPONSORED WORK PROGRAM, by Senator S. Jenkins, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 92, S.B. 103, S.B. 104, and **S.C.R. 1** 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, 2009

The House concurred in the Senate amendments and passed **H.B. 31**, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, by Representative C. Wimmer, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

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.

* * *

Mr. President: February 13, 2009

The House passed, as substituted and amended, **1st Sub. H.B. 35**, HIGHER EDUCATION TAX CREDIT AND CONTRIBUTION, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 42**, ADOPTION REVISIONS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 114**, ABORTION LITIGATION TRUST ACCOUNT AMENDMENTS, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 128**, ELECTRONIC PRESCRIBING ACT, by Representative R. Menlove, et al, and it is transmitted for consideration; and

The House passed **H.B. 239**, UTAH MEDICAL EXAMINER ACT – INVESTIGATION AND AUTOPSIES AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 270**, PARENT–TIME HOLIDAY AND NOTIFICATION AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed **H.B. 289**, BACKGROUND CHECKS FOR QUALIFYING ENTITIES, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed **H.B. 291**, COUNTY PERSONNEL AMENDMENTS, by Representative B. King, and it is transmitted for consideration; and

The House passed **H.B. 295**, MONEY LAUNDERING AMENDMENTS, by Representative R. Wilcox, and it is transmitted for consideration; and

The House passed **H.J.R. 11**, JOINT RESOLUTION EXPRESSING SUPPORT FOR AND RECOGNIZING THE VALUE OF LOCALLY ELECTED OFFICIALS, by Representative M. Brown, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. HB. 35, H.B. 42, H.B. 114, H.B. 128, H.B. 239, H.B. 270, H.B. 289, H.B. 291, H.B. 295,** and **H.J.R. 11** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 13, 2009

The House refuses to recede from its amendments to **1st Sub. S.B. 22**, VEHICLE AMENDMENTS, by Senator S. Jenkins, and has appointed a Conference Committee consisting of Representatives M. Noel, W. Harper, and J. Gowans 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 **1st Sub. S.B. 22**. President Waddoups appointed a conference committee consisting of Senators Jenkins, Greiner, and Romero to meet with a like committee from the House.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 13, 2009

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

Business and Labor Committee

S.B. 192	Corporation Related Amendments (Sen. L. Hillyard)
H.B. 119	Powersport Vehicle Franchise Act Revisions (Rep. J. Gowans) (Sen. C. Bramble)
H.B. 271	Workers' Compensation – Uninsured Employers' Fund (Rep. M. Morley) (Sen. K. Morgan)

Education Committee

S.C.R. 3	Concurrent Resolution Urging the Creation of a Utah Council on Financial Education (Sen. P. Jones)

Health and Human Services Committee

S.B. 213	Restaurant Nutrition Labeling (Sen. H. Stephenson)
S.B. 217	Drugs Amendments (Sen. P. Knudson)
H.B. 265	Postmortem Procedures Amendments (Rep. B. Daw) (Sen. L. Robles)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 227	Concealed Firearm Permit Fees Amendments (Sen. S. McCoy)

Natural Resources, Agriculture and Environment Committee

S.B. 67	Miners' Safety and Training (Sen. L. Robles)
S.B. 68	Mining Protection Amendments (Sen. S. Killpack)
H.B. 241	Priority of Water Rights (Rep. K. Gibson) (Sen. R. Okerlund)

Revenue and Taxation Committee

S.B. 186	Amendments to State Tax Commission Penalty Provisions (Sen. H. Stephenson)
H.B. 71	Withholding Tax Amendments (Rep. E. Vickers) (Sen. D. Stowell)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 13, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 64**, ADMINISTRATIVE RULES REVIEW COMMITTEE, by Senator H. Stephenson; and

The Government Operations and Political Subdivisions Committee recommends **S.B. 124**, INDEMNIFICATION FOR DESIGN PROFESSIONAL SERVICES, by Senator G. Bell, be replaced and favorably recommends **2nd Sub. S.B. 124,** INDEMNIFICATION FOR DESIGN PROFESSIONAL SERVICES; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 164**, IN PERSON VOTER REGISTRATION, by Senator S. McCoy.

Peter C. Knudson, Chair

Mr. President: February 13, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 157**, PROPERTY TAXATION OF AIRCRAFT, by Senator M. Madsen, with the following amendments, and recommends that it be considered to have been read for the first time:

1. Page 1, Lines 1 through 5:

1 PROPERTY TAXATION AND REGISTRATION OF AIRCRAFT

2 2009 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Mark B. Madsen

5 House Sponsor: _____

Wayne L. Niederhauser, Chair

Mr. President: February 13, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 92**, REQUIREMENT TO WEAR HUNTER ORANGE AMENDMENTS, by Representative S. Sandstrom; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 235**, DAM SAFETY AMENDMENTS, by Representative S. Sandstrom.

Dennis E. Stowell, Chair

Mr. President: February 13, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 113**, SALVAGE VEHICLE TITLE AMENDMENTS, by Representative T. Kiser.

Stephen H. Urquhart, Chair

Mr. President: February 13, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 169**, GAMBLING AMENDMENTS, by Senator D. Liljenquist; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 180**, EXPUNGEMENT OF DIVISION OF CHILD AND FAMILY SERVICES RECORDS, by Senator L. Hillyard, be replaced and favorably recommends **1st Sub. S.B. 180,** EXPUNGEMENT OF DIVISION OF CHILD AND FAMILY SERVICES RECORDS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 183**, VIOLATION OF PROTECTIVE ORDER, by Senator S. McCoy, with the following amendments:

1. Page 4, Lines 91 through 92:

91 (c) Each protective order issued in accordance with this part , including protective orders issued ex parte, shall

92 include the following language:

2. Page 4, Lines 112 through 113:

112 (2) The court may amend or dismiss a protective order issued in accordance with this part that has been in effect for at

113 least one year if it finds that:

3. Page 4, Line 119 through Page 5, Line 121:

119 (d) the respondent has not been convicted { ~~for~~ } of a protective order violation or any crime

120 of violence subsequent to the issuance of the protective order, and there are no unresolved

121 charges involving violent conduct still on file with the court. ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 184**, CIVIL FILING FEES, by Senator G. Bell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 233**, AGGRAVATED SEXUAL ASSAULT AMENDMENTS, by Representative C. Wimmer; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 247**, AMENDMENTS TO EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, by Representative J. Bird.

D. Chris Buttars, Chair

On motion of Senator Killpack, the committee reports were adopted. **S.B. 64, 2nd Sub. S.B. 124, S.B. 164, S.B. 157,** as amended, **1st Sub. H.B. 92, H.B. 235, H.B. 113, S.B. 169, 1st Sub. S.B. 180, S.B. 183,** as amended, **S.B. 184, H.B. 233,** and **H.B. 247** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 13, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 257**, POLITICAL SUBDIVISION CLERK AMENDMENTS, by Representative M. Newbold, 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. 258**, AMENDMENTS TO NOTICE PROVISIONS FOR SUBDIVISION CHANGES, by Representative K. Powell, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: February 13, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 65**, REPORTING OF CERTAIN TRANSACTIONS EXEMPT FROM

SALES AND USE TAXES, by Representative Julie Fisher, and recommends it be considered read for the second time and placed on the Consent Calendar.

Wayne L. Niederhauser, Chair

Mr. President: February 13, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.J.R. 17**, HYDRAULIC FRACTURING JOINT RESOLUTION, by Senator D. Hinkins, and recommends it be considered read for the second time and placed on the Consent Calendar.

Dennis E. Stowell, Chair

Mr. President: February 13, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 24**, TRAFFIC ACCIDENT CLEARANCE AMENDMENTS, by Representative E. Hutchings, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

1. Page 2, Lines 52 through 53
House Committee Amendments
1–28–2009:

52 (1) (a) The operator of a vehicle involved in an accident resulting only in damage to

53 another vehicle or other property [~~shall~~] {~~may~~} :

2. Page 2, Lines 56 through 57a
House Committee Amendments
1–28–2009:

56 (i) may move the vehicle as soon as possible off the roadway or freeway main lines,

57 shoulders, medians, or adjacent areas to Ĥ➔ [a] the nearest safe ←Ĥ location on an exit ramp

57a shoulder, a frontage road,

3. Page 3, Lines 59 through 60:

59 [~~(b)~~] (ii) shall remain at the {~~[~~} scene of the accident {~~]~~} or the location described in Subsection (1)(a)(i)

60 until the operator has fulfilled the requirements of this section.

Stephen H, Urquhart, Chair

On motion of Senator Killpack, the committee reports were adopted. **H.B. 257, H.B. 258, H.B. 65, S.J.R. 17,** and **H.B. 24,** as amended, were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 70, **Department of Environmental Quality Amendments** (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 209, **Land Use, Development, and Management Act Amendments** (G. Bell), read the first time by short title and referred to the Rules Committee.

S.R. 6, **Senate Resolution Recognizing the Work Done by the League of United Latin American Citizens** (L. Robles), read the first time by short title and referred to the Rules Committee.

S.J.R. 19, **Joint Resolution Regarding Legislative Ethics** (G. Davis), read the first time by short title and referred to the Rules Committee.

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, U.S. Representative Jason Chaffetz spoke in Committee of the Whole. Senators McCoy, Romero, Stephenson, Valentine, Okerlund, Buttars, Jones, and Mayne commented.

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

CONSENT CALENDAR

H.B. 75, UTAH COMMUNICATIONS AGENCY NETWORK AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne

McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Urquhart	Valentine

H.B. 75 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 252, EMERGENCY MANAGEMENT ADMINISTRATION COUNCIL AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars	Christensen	Mayne	McCoy
Urquhart			

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.

THIRD READING CALENDAR

On motion of Senator Greiner, **S.B. 91**, ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT, was read the third time and circled.

* * *

S.B. 111, HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS, was read the third time, explained by Senator Davis, and passed on the following roll call:

Yeas, 22; Nays, 5; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Goodfellow
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Waddoups		

Voting in the negative were: Senators

Dayton	Greiner	Madsen	Stephenson
Van Tassell			

Absent or not voting were: Senators

Buttars	Christensen

S.B. 111 was transmitted to the House for consideration.

* * *

On motion of Senator Niederhauser, the circle was removed from **1st Sub. S.B. 23**, INCOME TAXATION OF PASS–THROUGH ENTITIES AND PASS–THROUGH ENTITY TAXPAYERS, and it was before the Senate.

Senator Niederhauser proposed the following amendment:

1. Page 32, Lines 972 through 976

972 (b) A pass–through entity is not required to pay or withhold a tax under Subsection

973 (1)(a):

974 (i) on behalf of a pass–through entity taxpayer who is a resident individual; {~~or~~ }

975 (ii) if the pass–through entity is an organization exempt from taxation under Subsection

976 59–7–102(1)(a) {~~.~~ } ; or
(iii) if the pass–through entity is a publicly traded partnership:
(A) as defined in Section 7704(b), Internal Revenue Code;
(B) that is classified as a partnership for federal income tax purposes; and
(C) that files an annual information return reporting the following

with respect to each partner of the publicly traded partnership with income derived from or connected with Utah sources that exceeds $500 in a taxable year:

(I) the partner's name;

(II) the partner's address;

(III) the partner's taxpayer identification number; and

(IV) other information required by the commission.

Senator Niederhauser's motion to amend passed on a voice vote. Senator Niederhauser explained the bill. Senator Valentine commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Christensen

1st Sub. S.B. 23 was transmitted to the House for consideration.

* * *

On motion of Senator Greiner, the circle was removed from **S.B. 91**, ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT, and it was before the Senate. Senator Greiner explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Bramble Buttars

S.B. 91 was transmitted to the House for consideration.

* * *

H.B. 216, TELECOMMUNICATION PRICING FLEXIBILITY AMENDMENTS, was read the third time and explained by Senator Knudson. Senators Jenkins and Mayne commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators
Bramble Liljenquist Robles

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.

* * *

1st Sub. H.B. 232, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS REVISIONS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Hillyard	Mayne

* * *

1st Sub. 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.

* * *

S.B. 143, SUNSET ACT AND REPEALERS REAUTHORIZATIONS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Hillyard

S.B. 143was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 140, FINANCIAL INSTITUTIONS DISCLOSURE OF RECORDS, was read the second time. Senator Dayton explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Davis Hillyard

* * *

S.B. 135, LOCAL DISTRICT TAXING AUTHORITY, was read the second time. Senator Bramble explained the bill.

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

1st Sub. S.B. 135 Local District Taxing Authority (C. Bramble)

Senator Niederhauser commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators
Christensen Killpack Madsen

* * *

S.B. 141, AVIATION FUEL TAX AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Robles	Romero
Stephenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Christensen	Madsen	Okerlund	Urquhart

* * *

S.B. 50, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE, was read the second time. Senator Goodfellow explained the bill. Senators Greiner and Waddoups commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Christensen	Hillyard	Madsen	Urquhart

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, U.S. Senator Orrin Hatch spoke in Committee of the Whole. Senators Van Tassell, Jones, and Urquhart commented.

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

* * *

On motion of Senator Killpack and at 12:00 noon, the Senate adjourned until 10:00 a.m., Wednesday, February 18, 2009.

TWENTY–THIRD DAY

MORNING SESSION

February 18, 2009

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

Prayer – Daniel K. Judd, Second Counselor in the Sunday School General Presidency of the Church of Jesus Christ of Latter–day Saints
Pledge of Allegiance – Senator Peter Knudson
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 17, 2009
The House concurred in the Senate amendments and passed **H.B. 22**, HARBORING A RUNAWAY, by Representative L. Fowlke, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 62**, STATE WATER DEVELOPMENT COMMISSION AMENDMENTS, by Representative K. Gibson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 80**, STUDY ON TAXPAYER ADVOCATE PROGRAM, by Representative K. Grover, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk
H.B. 22, 1st Sub. H.B. 62, and **H.B. 80**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: February 17, 2009
The House passed **H.B. 228**, ASSAULT ON SERVICE MEMBER IN UNIFORM, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 240**, WANTON DESTRUCTION OF LIVESTOCK, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 261**, AVIATION AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 264**, EDUCATOR EVALUATION AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 154**, STATE CONSTRUCTION REGISTRY AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed **H.C.R. 5**, CONCURRENT RESOLUTION URGING THE REALIGNMENT OF AIR QUALITY REQUIREMENTS BY THE EPA, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.C.R. 6**, CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO CONGRESSIONAL EFFORTS TO EXPAND THE JURISDICTION OF THE CLEAN WATER ACT, by Representative M. Brown, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 228, 1st Sub. H.B. 240, H.B. 261, 1st Sub. H.B. 264, H.B. 154, H.C.R. 5,** and **H.C.R. 6** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 17, 2009

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

Education Committee

1st Sub. H.B. 35	Higher Education Tax Credit and Contribution (Rep. J. Dougall) (Sen. W. Niederhauser)

Government Operations and Political Subdivisions Committee

S.B. 156	Gifts and Meal Provisions for Public Officials (Sen. G. Bell)
S.B. 162	Use of Campaign Funds Amendments (Sen. J. Valentine)
S.B. 209	Land Use, Development, and Management Act Amendments (Sen. G. Bell)

H.B. 291	County Personnel Amendments (Rep. B. King) (Sen. R. Romero)
H.J.R. 11	Joint Resolution Expressing Support for and Recognizing the Value of Locally Elected Officials (Rep. M. Brown) (Sen. R. Okerlund)

Health and Human Services Committee

H.B. 42	Adoption Revisions (Rep. S. Allen) (Sen. D. Liljenquist)
H.B. 239	Utah Medical Examiner Act – Investigation and Autopsies Amendments (Rep. C. Oda) (Sen. G. Bell)
H.B. 289	Background Checks for Qualifying Entities (Rep. S. Sandstrom) (Sen. L. Robles)

Judiciary, Law Enforcement, and Criminal Justice Committee

H.B. 114	Abortion Litigation Trust Account Amendments (Rep. K. Sumsion) (Sen. M. Madsen)
H.B. 123	Retail and Library Theft Amendments (Rep. F. Gibson) (Sen. D. Hinkins)
H.B. 295	Money Laundering Amendments (Rep. R. Wilcox) (Sen. D. Liljenquist)

Natural Resources, Agriculture and Environment Committee

S.B. 70	Department of Environmental Quality Amendments (Sen. M. Dayton)

Transportation, Public Utilities and Technology Committee

H.B. 50	Firefighter Special Group License Plate Amendments (Rep. R. Menlove) (Sen. P. Knudson)

Workforce Services and Community and Economic Development Committee

S.R. 6	Senate Resolution Recognizing the Work Done by the League of United Latin American Citizens (Sen. L. Robles)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 17, 2009

The Business and Labor Committee reports a favorable recommendation on **S.B. 29**, SAFE DRINKING WATER ACT AMENDMENTS, by Senator D. Stowell, with the following amendments:

1. Page 2, Line 33:

33 (a) "Corporate public water system" means a public water system that is owned by a corporation. ; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 78**, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, by Senator M. Madsen, with the following amendments:

1. Page 5, Lines 131 through 133:

131 (2) Upon entry of final judgment for a cause of action brought under this section, the

132 { ~~attorney general shall~~ } court may award restitution, when appropriate, to any individual suffering loss

133 because of a violation of this chapter if proof of loss is submitted to the satisfaction of the ; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 78**, UTAH UNIFORM SECURITIES ACT MODIFICATIONS, by Representative J. Bird.

John L. Valentine, Chair

Mr. President: February 17, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.C.R. 4**, RESOLUTION SUPPORTING OBESITY AWARENESS, by Senator D. C. Buttars; and

The Health and Human Services Committee reports a favorable recommendation on **2nd Sub. H.B. 121**, RETIRED VOLUNTEER HEALTH CARE PRACTITIONER ACT, by Representative M. Brown.

D. Chris Buttars, Chair

Mr. President: February 17, 2009

The Education Committee reports a favorable recommendation on **S.B. 199**, EQUAL RECOGNITION OF SCHOOL PARENT GROUPS, by Senator C. Bramble, with the following amendments:

1. Page 2, Line 58:

58 leadership positions, or the ability to vote.
(6) The provisions under Subsection (5)(c) do not apply to a parent group that waives the required payment of dues for a person upon the request of that person.

Curtis S. Bramble, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 29,** as amended, **S.B. 78,** as amended, **H.B. 78, S.C.R. 4, 2nd Sub. H.B. 121,** and **S.B. 199,** as amended, were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 17, 2009

The Business and Labor Committee reports a favorable recommendation on **H.B. 279**, UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT, by Representative B. Last, and recommends it be considered read for the second time and placed on the Consent Calendar.

John L. Valentine, Chair

Mr. President: February 13, 2009

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 91**, INDIVIDUAL DEVELOPMENT ACCOUNT AMENDMENTS, by Representative

F.J. Seegmiller, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

On motion of Senator Dayton, the committee reports were adopted. **H.B. 279** and **H.B. 91** were considered read the second time and placed on the Consent Calendar.

* * *

Mr. President: February 17, 2009

The Health and Human Services Committee has tabled **S.B. 175**, SIGNAGE REQUIREMENTS RELATING TO CHILDREN AND ANIMALS IN PARKED CARS, by Senator K. Mayne, and has returned it to the Rules Committee for filing.

D. Chris Buttars, Chair

On motion of Senator Dayton, the committee reports were adopted.

S.B. 175 was returned to the Rules Committee.

INTRODUCTION OF BILLS

S.B. 75, **Utility Amendments** (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 205, **Community Development and Renewal Agency Amendments** (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 211, **Building Code Amendments** (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 228, **Prohibition on Internet or Mail–order Sales of Tobacco Products** (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 243, **Judicial Performance Evaluation Commission Modifications** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 244, **Long Arm Jurisdiction Amendments** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 268, **Title and Escrow Commission Related Amendments** (J. Valentine), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 140, FINANCIAL INSTITUTIONS DISCLOSURE OF RECORDS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	McCoy	Stephenson

S.B. 140 was transmitted to the House for consideration.

* * *

On motion of Senator Christensen, **1st Sub. S.B. 135**, LOCAL DISTRICT TAXING AUTHORITY, was read the third time and circled.

* * *

S.B. 141, AVIATION FUEL TAX AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Bramble McCoy

S.B. 141 was transmitted to the House for consideration.

* * *

S.B. 50, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators
Bramble McCoy Niederhauser Stephenson

S.B. 50 was transmitted to the House for consideration.

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 135**, LOCAL DISTRICT TAXING AUTHORITY, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	Morgan	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator
Hinkins

Absent or not voting were: Senators
Bell Christensen McCoy Niederhauser
Stephenson

1st Sub. S.B. 135 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Dayton, the circle was removed from **H.B. 27**, PROTECTIONS FOR AGRICULTURAL PRACTICES, and it was before the Senate. Senator Dayton explained the bill.

Senator Valentine proposed the following amendment:

1. Page 2, Line 46:
After "Subsection 78B–6–1101(7)" delete ".or"

Senator Valentine's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 5; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators
Hinkins McCoy Morgan Robles
Romero

Absent or not voting were: Senators
Bell Hillyard

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 18, 2009

The House passed **H.C.R. 8**, CONCURRENT RESOLUTION SUPPORTING CURRENT BUREAU OF LAND MANAGEMENT RESOURCE

MANAGEMENT PLANS, by Representative J. Mathis, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.C.R. 8** was read the first time and referred to the Rules Committee.

On motion of Senator Killpack, the Senate voted to lift **H.C.R. 8,** CONCURRENT RESOLUTION SUPPORTING CURRENT BUREAU OF LAND MANAGEMENT RESOURCE MANAGEMENT PLANS, from Rules and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Van Tassell, under suspension of the rules, **H.C.R. 8**, CONCURRENT RESOLUTION SUPPORTING CURRENT BUREAU OF LAND MANAGEMENT RESOURCE MANAGEMENT PLANS, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 4; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

McCoy	Morgan	Robles	Romero

Absent or not voting were: Senators

Bell	Goodfellow

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.

* * *

H.B. 20, REPEAL OF CERTAIN INCOME TAX CREDITS AND CONTRIBUTIONS, was read the second time. Senator Niederhauser explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Goodfellow

On motion of Senator Hillyard, **H.B. 20** was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Van Tassell, the circle was removed from **H.B. 53**, DRIVER LICENSE AMENDMENTS – MOTOR DRIVEN CYCLES, and it was before the Senate. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell	Christensen	McCoy

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 90**, ABORTION LAW AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 3; Absent, 8.

Voting in the affirmative were: Senators

Bramble	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Stephenson	Stowell
Urquhart	Valentine		

Voting in the negative were: Senators

Davis	Robles	Romero

Absent or not voting were: Senators

Bell	Buttars	Christensen	Greiner
Killpack	McCoy	Van Tassell	Waddoups

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 18, 2009

The House passed, as amended, **H.J.R. 10**, JOINT RESOLUTION HONORING THE LIVES AND ACCOMPLISHMENTS OF FATHER FRANCISCO ATANASCIO DOMINGUEZ AND FATHER SILVESTRE VELEZ DE E, by Representative M. Wheatley, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.J.R. 10** was read the first time and referred to the Rules Committee.

On motion of Senator Romero, the Senate voted to have **H.J.R. 10**, JOINT RESOLUTION HONORING THE LIVES AND ACCOMPLISHMENTS OF FATHER FRANCISCO ATANASCIO DOMINGUEZ AND FATHER SILVESTRE VELEZ DE ESCALANTE, lifted from the Rules Committee and placed at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Romero, under suspension of the rules, **H.J.R. 10**, JOINT RESOLUTION HONORING THE LIVES AND ACCOMPLISHMENTS OF FATHER FRANCISCO ATANASCIO DOMINGUEZ AND FATHER SILVESTRE VELEZ DE ESCALANTE, was considered read the second and third times. Senators Dayton, Stowell, Van Tassell, Robles, and Bramble commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell			

Absent or not voting were: Senators

Bell	Jones	Killpack	Waddoups

H.J.R. 10 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. 23, CERTIFIED TAX RATE AMENDMENTS, was read the second time. Senator Niederhauser explained the bill.

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

2nd Sub. H.B. 23 Certified Tax Rate Amendments (F. Hunsaker)

On motion of Senator Valentine the bill was amended, reconsidered and the amendment was withdrawn.

Senators Bramble, Valentine, and Stephenson commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Killpack

* * *

H.B. 28, PERSONAL PROPERTY TAX AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Christensen	Killpack	McCoy	Morgan
Valentine			

* * *

On motion of Senator Niederhauser, the circle was removed from **H.B. 67**, PUBLIC HEARINGS ON PROPERTY TAX INCREASES, and it was before the Senate. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 10, Lines 286 through 290
House Committee Amendments
1–29–2009

286 (b) A taxing entity shall pay the county auditor the amount charged under Subsection

287 (5)(a).

288 (6) The publication of the list under this section does not remove or change the

289 requirements for advertisements by a taxing entity under Section 59–2–918 or 59–2–919.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules:

(i) relating to the publication of a consolidated advertisement which includes the information described in Subsection (2) for a taxing entity that overlaps two or more counties;

(ii) relating to the payment required in Subsection (5)(b); and

(iii) to oversee the administration of this section and provide for uniform implementation.

290 Section 4. Effective date.

Senator Niederhauser's motion to amend passed on a voice vote. Senators Okerlund and Valentine commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator
Hinkins

Absent or not voting were: Senators

Buttars	Christensen	Killpack	Knudson

* * *

H.B. 236, DEPARTMENT OF COMMUNITY AND CULTURE GRANTS, was read the second time. Senator Okerlund explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 1, Line 22–24:
   Delete lines 22–24

2. Page 2, Line 58–61:
   Delete lines 58–61

3. Page 3, Line 81–84:
   Delete lines 81–84

4. Page 5, Line 131–134:
   Delete lines 131–134

5. Page 6, Line 161–164:
   Delete lines 161–164

Senator Hillyard's motion to amend passed on a voice vote. Senator Robles commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Greiner	Hillyard	Hinkins
Jenkins	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Dayton	Goodfellow	Jones	Killpack
McCoy			

* * *

H.B. 21, AMENDMENTS TO DRIVER LICENSE SANCTION REQUIREMENTS, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Jones	Killpack	McCoy

* * *

On motion of Senator Niederhauser, legislative staff was authorized to draft a bill regarding technicalities in gift cards.

* * *

On motion of Senator Jenkins, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Waddoups presiding.

TIME CERTAIN CALENDAR

COMMITTEE OF THE WHOLE

On motion of Senator Stephenson, Clay Wiffen, Andrew King and Dr. Paul Carbone spoke in Committee of the Whole. Senators Christensen, Jenkins, Romero commented.

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

S.B. 43, INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS – CLAY'S LAW, was read the second time. Senator Stephenson explained the bill. Senators Christensen, Liljenquist, Jones, Bramble, Robles, Killpack, Urquhart, Romero, Knudson, Hinkins, Niederhauser, Hillyard, Valentine, Mayne, McCoy, Okerlund, Van Tassell, and Madsen commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 11; Absent, 1.

Voting in the affirmative were: Senators

Bell	Davis	Goodfellow	Greiner
Hinkins	Jones	Knudson	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Stephenson	Stowell	Valentine
Van Tassell			

Voting in the negative were: Senators

Bramble	Christensen	Dayton	Hillyard
Jenkins	Killpack	Liljenquist	Madsen
Romero	Urquhart	Waddoups	

Absent or not voting was: Senator
Buttars

* * *

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 18, 2009

The House passed, **S.B. 97**, GOOD SAMARITAN ACT FOR ENGINEERS, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 129**, MENTAL HEALTH THERAPIST GRANT AND SCHOLARSHIP ACT REPEAL, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 4**, RECYCLING OF ELECTRONIC WASTE JOINT RESOLUTION, by Senator S. McCoy, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 11**, JOINT RESOLUTION URGING FOOTBALL PLAYOFF, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 97, S.B. 129, S.J.R. 4, and **S.J.R. 11** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 18, 2009

The House passed, as amended, **1st Sub. S.B. 31**, UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 117**, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS, by Senator A. Christensen, and it is transmitted for further consideration; and

The House passed, as amended, **2nd Sub. S.J.R. 1**, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM, by Senator P. Jones, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President: February 18, 2009

The House passed **H.B. 130**, ASSET PRESERVATION AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 287**, UTAH EDUCATION NETWORK AMENDMENTS, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 319**, DISASTER RECOVERY FUNDING AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 130, H.B. 287,** and **H.B. 319** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 18, 2009

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

Business and Labor Committee

S.B. 211	Building Code Amendments (Sen. C. Bramble)
S.B. 268	Title and Escrow Commission Related Amendments (Sen. J. Valentine)
H.B. 154	State Construction Registry Amendments (Rep. M. Morley) (Sen. W. Niederhauser)

Education Committee

1st Sub. H.B. 264	Educator Evaluation Amendments (Rep. R. Menlove) (Sen. M. Dayton)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 228	Prohibition on Internet or Mail–order Sales of Tobacco Products (Sen. M. Dayton)
S.B. 243	Judicial Performance Evaluation Commission Modifications (Sen. D. C. Buttars)
S.B. 244	Long Arm Jurisdiction Amendments (Sen. W. Niederhauser)
H.B. 228	Assault on Service Member in Uniform (Rep. E. Hutchings) (Sen. P. Knudson)

Natural Resources, Agriculture and Environment Committee

1st Sub. H.B. 240	Wanton Destruction of Livestock (Rep. R. Menlove) (Sen. R. Okerlund)
H.C.R. 5	Concurrent Resolution Urging the Realignment of Air Quality Requirements by the EPA (Rep. R. Menlove) (Sen. P. Knudson)
H.C.R. 6	Concurrent Resolution Expressing Opposition to Congressional Efforts to Expand the Jurisdiction of the Clean Water Act (Rep. M. Brown) (Sen. R. Okerlund)

Revenue and Taxation Committee

S.B. 205	Community Development and Renewal Agency Amendments (Sen. C. Bramble)
H.B. 116	Uniform Fees on Canoes (Rep. M. Wheatley) (Sen. G. Davis)

Transportation, Public Utilities and Technology Committee

S.B. 75	Utility Amendments (Sen. S. Urquhart)
H.B. 261	Aviation Amendments (Rep. W. Harper) (Sen. W. Niederhauser)

Margaret Dayton
Rules Committee Chair

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

RULES COMMITTEE REPORTS

To the Members of the Senate: February 18, 2009

The Senate Rules Committee recommends, at the request of the sponsor, that **S.B. 106,** Alcoholic Beverage Control Act Restrictions (Sen. S. McCoy), be replaced with **1st Sub. S.B. 106,** Alcoholic Beverage Control Act Restrictions (Sen. S. McCoy), and further recommends it be assigned to Government Operations and Political Subdivisions Standing Committee.

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 18, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 186**, AMENDMENTS TO STATE TAX COMMISSION PENALTY PROVISIONS, by Senator H. Stephenson; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 83**, PROPERTY TAX RELIEF PROGRAMS, by Representative G. Froerer.

Wayne L. Niederhauser, Chair

Mr. President: February 17, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 67**, MINERS' SAFETY AND TRAINING, by Senator L. Robles; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 68**, MINING PROTECTION AMENDMENTS, by Senator S. Killpack; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 105**, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, by Representative J. Mathis.

Dennis E. Stowell, Chair

Mr. President: February 17, 2009

The Transportation and Public Utilities and Technology Committee recommends **S.J.R. 16**, JOINT RESOLUTION SUPPORTING NUCLEAR POWER, by Senator D. Hinkins, be replaced and favorably recommends **1st Sub. S.J.R. 16,** JOINT RESOLUTION SUPPORTING NUCLEAR POWER; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 253**, MOTOR CARRIER PERMIT FEE AMENDMENTS, by Representative T. Kiser; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 278**, B AND C ROADS FUND AMENDMENTS, by Representative M. Noel.

Stephen H. Urquhart, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 186, H.B. 83, S.B. 67, S.B. 68, H.B. 105, 1st Sub. S.J.R. 16, H.B. 253,** and **H.B. 278** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 18, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 71**, WITHHOLDING TAX AMENDMENTS, by Representative E. Vickers, and recommends it be considered read for the second time and placed on the Consent Calendar.

Wayne L. Niederhauser, Chair

Mr. President: February 17, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 102**, FALSE VEHICLE TITLE AND REGISTRATION PENALTIES, by Representative P. Ray, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

1. Page 1, Lines 14 through 15
House Floor Amendments
2–10–2009:

14 ▶ provides that it is a Ĥ➔ {~~[~~} third degree felony {~~]~~} {~~class A misdemeanor~~ } ←Ĥ , rather than a

14a second degree felony, for

15 providing false evidences for certain motor vehicle title or registration information.

2. Page 1, Lines 27 through 27a
House Floor Amendments
2–10–2009:

27 It is a [~~second~~] Ĥ➔ {~~[~~} third degree felony {~~]~~} {~~class A misdemeanor~~ } ←Ĥ for a person with

27a respect to a motor vehicle, trailer, ; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 104**, DRIVER LICENSE HEARING AMENDMENTS, by Representative R. Greenwood, and recommends it be considered read for the second time and placed on the Consent Calendar.

Stephen H. Urquhart, Chair

On motion of Senator Dayton, the committee reports were adopted. **H.B. 71, H.B. 102,** as amended, and **H.B. 104** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 74, **At–risk Student Provisions** (L. Robles), read the first time by short title and referred to the Rules Committee.

S.B. 185, **Federal Education Agreement Requirements Amendments** (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 269, **Public Utility Easement Amendments** (G. Bell), read the first time by short title and referred to the Rules Committee.

S.J.R. 21, **Joint Resolution on Combating and Reducing Gang Activity** (L. Robles), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Killpack and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Thursday, February 19, 2009.

TWENTY–FOURTH DAY

MORNING SESSION

February 19, 2009

The Senate was called to order at 10:30 a.m., with President Pro Tem Sheldon Killpack presiding.

Prayer – Ryan Lambert, Student Body President, Logan High School
Pledge of Allegiance – Senator Gene Davis
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 18, 2009

The House passed, **S.B. 136**, DIESEL–POWERED MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM AMENDMENTS, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 138**, INTERNAL SERVICE FUND RATE COMMITTEE AMENDMENTS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 136 and **S.B. 138** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 18, 2009

The House passed, as amended, **H.B. 37**, VIOLENT OFFENSES AMENDMENTS, by Representative J. Seelig, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 122**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 129**, ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 136**, SEX OFFENDER DEFINITION AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 138**, EXPUNGEMENT OF RECORDS AMENDMENTS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed **H.B. 144**, MEDICAL LANGUAGE INTERPRETER ACT, by Representative R. Chavez–Houck, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 251**, JOINT CUSTODY AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed **H.B. 298**, JUVENILE TRANSFERS FROM JUSTICE COURT, by Representative K. McIff, and it is transmitted for consideration; and

The House passed **H.B. 320**, COLLECTION AGENCY AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed **H.J.R. 3**, JOINT RESOLUTION SUPPORTING EFFORTS TO INCREASE AND IMPROVE CANCER TREATMENT, SCREENING, AND RESEARCH PROGRAMS, by Representative S. Duckworth, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 37, H.B. 122, H.B. 129, H.B. 136, H.B. 138, H.B. 144, H.B. 251, H.B. 298, H.B. 320,** and **H.J.R. 3** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 18, 2009

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

Education Committee

S.B. 185 Federal Education Agreement Requirements Amendments (Sen. M. Dayton)

H.B. 287 Utah Education Network Amendments (Rep. K. Holdaway) (Sen. J. Valentine)

Government Operations and Political Subdivisions Committee

H.B. 319 Disaster Recovery Funding Amendments (Rep. C. Oda) (Sen. D. Liljenquist)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.J.R. 21 Joint Resolution on Combating and Reducing Gang Activity (Sen. L. Robles)

H.B. 130 Asset Preservation Amendments (Rep. G. Hughes) (Sen. M. Dayton)

H.B. 222 Unborn Child Pain Prevention Act (Rep. C. Wimmer) (Sen. D. C. Buttars)

Transportation, Public Utilities and Technology Committee

S.B. 269 Public Utility Easement Amendments (Sen. G. Bell)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 18, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 69**, PROOF OF CITIZENSHIP REQUIRED TO VOTE, by Senator M. Madsen; and

The Government Operations and Political Subdivisions Committee recommends **S.B. 83**, CONDEMNATION AMENDMENTS, by Senator D. Stowell, be replaced and favorably recommends **3rd Sub. S.B. 83,** CONDEMNATION AMENDMENTS; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **2nd Sub. H.B. 61**, LOCAL GOVERNMENT ENTITY CHANGES, by Representative K. Holdaway; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 68**, DEVELOPMENT EXACTIONS, by Representative P. Painter, with the following amendments:

1. Page 1, Line 17:

17 projected water {~~right~~} interest requirements.

2. Page 10, Line 275
House Floor Amendments
2–6–2009:

275 water authority's established calculations of projected water {~~right~~} interest requirements.

3. Page 10, Line 280
House Floor Amendments
2–6–2009:

280 authority's existing Ĥ→ available ←Ĥ water {~~rights~~} interests exceed the water
{~~rights~~} interests needed to meet the

4. Page 19, Line 558
House Floor Amendments
2–6–2009:

558 projected water {~~right~~} interest requirements.

5. Page 19, Lines 563 through 563a
House Floor Amendments
2–6–2009:

563 interest if the culinary water authority's existing Ĥ→ available ←Ĥ water {~~rights~~} interests exceed the water

563a {~~rights~~} interests needed to

Peter C. Knudson, Chair

Mr. President: February 17, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 11**, INCEST AMENDMENTS, by Senator D. Stowell, with the following amendments:

1. Page 3, Line 69:

69 (ii) provides a human egg or seminal fluid under Subsection {~~(1)~~} (2) (b)(v).

2. Page 3, Line 77:

77 sexual intercourse; {~~or~~ } ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 155**, ADOPTION EXCEPTION TO CUSTODY AND VISITATION FOR PERSONS OTHER THAN PARENTS, by Senator L. Hillyard, be replaced and favorably recommends **1st Sub. S.B. 155,** ADOPTION EXCEPTION TO CUSTODY AND VISITATION FOR PERSONS OTHER THAN PARENTS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 26**, CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS, by Representative M. Morley, with the following amendments:

1. Page 1, Line 26 through Page 2, Line 28:

26 ▶ provides an affirmative defense to the crime described above, if the controlled

27 substance is obtained by lawful prescription {~~and is used or possessed in accordance~~

28 ~~with the prescription instructions~~ } ;

2. Page 6, Line 182 through Page 7, Line 185:

182 (e) "Exposed to" means that the child or vulnerable adult is able to:

183 (i) access or view {~~a~~ } an unlawfully possessed:
(A) controlled substance {~~,~~ } ;
(B) chemical substance {~~,~~ } ; or
(C) drug paraphernalia; or

184 (ii) smell an odor produced during, or as a result of, the manufacture or production of a

185 controlled substance.

3. Page 7, Lines 202 through 206:

202 (3) It is an affirmative defense to a violation of this section that the controlled

203 substance:

204 (a) was obtained by lawful prescription; and

205 (b) is used or possessed by the person to whom it was lawfully prescribed {~~in~~

206 ~~accordance with the prescription instructions provided with the controlled substance~~ } **.** ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 29**, SEX OFFENDERS' CONTACT WITH CHILDREN, by Representative R. Greenwood; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 41**, SEX OFFENDER REGISTRATION AMENDMENTS, by Representative K. Sumsion; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **2nd Sub. H.B. 59**, SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS, by Representative B. Daw; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 63**, AMENDMENTS TO CHILD WELFARE, by Representative W. Harper; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 97**, SEXUAL EXPLOITATION OF A MINOR, by Representative R. Bigelow.

D Chris Buttars, Chair

On motion of Senator Jenkins, the committee reports were adopted. **S.B. 69, 3rd Sub. S.B. 83, 2nd Sub. H.B. 61, 1st Sub. H.B. 68,** as amended, **S.B. 11,** as amended, **1st Sub. S.B. 155, H.B. 26,** as amended, **H.B. 29, H.B. 41, 2nd Sub. H.B. 59, H.B. 63,** and **H.B. 97**were placed on Second Reading Calendar.

TIME CERTAIN CALENDAR

On motion of Senator Waddoups, under suspension of the rules, **S.J.R. 5**, JOINT RESOLUTION URGING PRESIDENTIAL SUPPORT OF TAIWAN'S PARTICIPATION IN SPECIALIZED AGENCIES OF THE UNITED NATIONS, was considered read the second and third times. Senator Waddoups explained the bill.

Senator Waddoups proposed the following amendment:

1. Page 3, Lines 66 through 68

66 BE IT FURTHER RESOLVED that the Legislature urges that United States policy

67 include the pursuit of an initiative in the specialized agencies of the United {~~States~~} Nations system, such

68 as the World Health Organization, which would give Taiwan meaningful participation in a

Senator Waddoups' motion to amend passed on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Goodfellow

S.J.R. 5 was transmitted to the House.

COMMITTEE OF THE WHOLE

On motion of Senator Waddoups, Thomas J.C. Chen, Director General, Taipei Economic and Cultural Office in San Francisco spoke in Committee of the Whole. Senators Davis, Valentine, and McCoy commented.

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

CONCURRENCE CALENDAR

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **1st Sub. S.B. 31**, UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Madsen	Valentine

1st Sub. S.B. 31 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Christensen, the Senate voted to concur in the House amendments to **1st Sub. S.B. 117**, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Van Tassell

Absent or not voting were: Senators

Buttars	Madsen	McCoy	Valentine
Waddoups			

1st Sub. S.B. 117 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jones, the Senate voted to concur in the House amendments to **2nd Sub. S.J.R. 1**, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM. The bill, as amended, passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jones	Killpack	Knudson	Liljenquist
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators

Buttars	Jenkins	Madsen	McCoy

2nd Sub. S.J.R. 1 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 27, PROTECTIONS FOR AGRICULTURE PRACTICES, was read the third time and explained by Senator Dayton. Senator Bell commented and the bill passed on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Mayne	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Morgan	Robles	Romero

Absent or not voting were: Senators

Jones	Madsen	McCoy

H.B. 27, as amended, was returned to the House for further consideration.

* * *

H.B. 53, DRIVER LICENSE AMENDMENTS – MOTOR DRIVEN CYCLES, was read the third time and explained by Senator Van Tassell.

Senator Jenkins proposed the following amendment:

1. Page 3, Line 70:
   After "license" insert "; or"

2. Page 3, Line 71:
   Delete line 71

Senator Jenkins' motion to amend passed on a voice vote and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell		

Absent or not voting were: Senators

Goodfellow	Madsen	Waddoups

H.B. 53, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Valentine, the Senate voted to reconsider its action on **H.B. 27**.

H.B. 27, PROTECTIONS FOR AGRICULTURAL PRACTICES, was before the Senate, explained by Senator Valentine.

Senator Valentine proposed the following amendment:

1. Page 2, Line 46:
   After "Subsection 78B–6–1101(7)" insert ", and"

Senator Valentine's motion to amend passed on a voice vote and the bill passed on the following roll call:

Yeas, 20; Nays, 6; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Killpack	Knudson	Liljenquist
Mayne	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Valentine	Van Tassell

Voting in the negative were: Senators

Davis	Jones	McCoy	Morgan
Robles	Romero		

Absent or not voting were: Senators

Goodfellow	Madsen	Waddoups

H.B. 27, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 90, ABORTION LAW AMENDMENTS, was read the third time and explained by Senator Bramble. Senators McCoy, Robles and Davis commented and the bill passed on the following roll call:

Yeas, 21; Nays, 4; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Dayton
Greiner	Hillyard	Hinkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Valentine
Van Tassell			

Voting in the negative were: Senators

Davis	McCoy	Robles	Romero

Absent or not voting were: Senators

Buttars	Goodfellow	Jenkins	Waddoups

1st Sub. H.B. 90, as amended, was returned to the House for further consideration.

COMMITTEE OF THE WHOLE

On motion of Senator Bell, U. S. Representative Rob Bishop spoke in Committee of the Whole. Senators Romero and Bell commented.

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

* * *

On motion of Senator Bell, and at 11:45 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 19, 2009

The House passed, **S.B. 100**, 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.

Sandy D. Tenney, Chief Clerk

S.B. 100 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 19, 2009

The House passed, as substituted, **1st Sub. H.B. 165**, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 188**, HEALTH SYSTEM REFORM – INSURANCE MARKET, by Representative D. Clark, et al, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 331**, HEALTH REFORM – HEALTH INSURANCE COVERAGE IN STATE CONTRACTS, by Representative J. Dunnigan, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 165, 1st Sub. H.B. 188,** and **2nd Sub. H.B. 331** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 19, 2009

The Business and Labor Committee reports a favorable recommendation on **H.B. 119**, POWERSPORT VEHICLE FRANCHISE ACT REVISIONS, by Representative J. Gowans.

John L. Valentine, Chair

Mr. President: February 19, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.B. 79**, HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, by Senator P. Knudson, with the following amendments:

1. Page 2, Line 40:

   40 (1) A person { ~~licensed under Title 58, Occupations and Professions.~~ } who is a health care

2. Page 4, Line 106:

   106 (e) to testify as an expert witness regarding the practice of medicine in an action for injury or death against a physician

3. Page 5, Lines 123 through 124:

   123 { ~~A~~ } Notwithstanding Subsection 58–67–305(8) and Section 58–1–307 a person who is licensed to practice medicine in another state and who testifies as an

   124 expert witness regarding the practice of medicine in any action for injury or death against a physician licensed in this state arising

4. Page 5, Lines 141 through 142:

   141 (ii) without a physical examination of the claimant where appropriate or convenient; { ~~or~~ }

   142 (iii) without foundation in accepted science–based medical research ; or
   (iv) not based on current standards of care for Utah .

5. Page 7, Line 197:

   197 (e) to testify as an expert witness regarding the practice of medicine in this state in an action for injury or death against a

6. Page 8, Lines 214 through 215:

214 {~~A~~ } Notwithstanding Subsection 58–68–305(8) and Section 58–1–307, a person who is licensed to practice osteopathic medicine in another state and who

215 testifies as an expert witness in this state regarding the practice of medicine in any action for injury or death against a physician or

7. Page 8, Lines 234 through 235:

234 (ii) without a physical examination of the claimant where appropriate or convenient; {~~or~~ }

235 (iii) without foundation in accepted science–based medical research ; or
(iv) not based on current standards of care for Utah . ; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 82**, LOCAL HEALTH AUTHORITY FUNDING AMENDMENTS, by Senator D. Stowell, with the following amendments:

1. Page 1, Lines 20 through 21:

20 Other Special Clauses:

21 {~~None~~ } This bill takes effect January 1, 2010.

2. Page 2, Line 30:

30 (1) {~~A~~ } In order to enable the local health department to fulfill its duties and responsibilities under this part, a county may fund its local health department from:

3. Page 2, Line 44:

44 (3) {~~A~~ } Except in the case of an emergency or for a capital project, a county may not allocate money from its general fund to the local health

4. Page 2, Line 45:

45 department unless the county imposes the maximum levy allowed under Subsection (2).
Section 2. Effective date.
This bill takes effect January 1, 2010. ; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 213**, RESTAURANT NUTRITION LABELING, by Senator H. Stephenson.

D. Chris Buttars, Chair

Mr. President: February 19, 2009

The Education Committee reports a favorable recommendation on **S.B. 61**, HOME SCHOOL AND PRIVATE SCHOOL STUDENTS' PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, by Senator M. Madsen, et al; and

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 35**, HIGHER EDUCATION TAX CREDIT AND CONTRIBUTION, by Representative J. Dougall, with the following amendments:

1. Page 1, Lines 14 through 16:

14 ▶ allows a claimant to claim a nonrefundable tax credit for tuition and mandatory fees

15 for the claimant's enrollment in an eligible institution {~~within the state system of higher~~

16 ~~education~~} ;

2. Page 7, Lines 205 through 206:

205 (a) "Eligible institution" means :
(i) an institution within the state system of higher

206 education specified in Section 53B-1-102 {~~.~~ } ; or
(ii) a private, degree granting college or university in the state accredited by the:
(A) Accrediting Council for Independent Colleges and Schools;
(B) North Central Association of Colleges and Schools The Higher Learning Commission; or
(C) Northwest Commission on Colleges and Universities.

Curtis S. Bramble, Chair

On motion of Senator Killpack, the committee reports were adopted. **H.B. 119, S.B. 79,** as amended, **S.B. 82,** as amended, **S.B. 213, S.B. 61,** and **1st Sub. H.B. 35** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 19, 2009

The Business and Labor Committee recommends **S.B. 192**, CORPORATION RELATED AMENDMENTS, by Senator L. Hillyard, be replaced and favorably recommends **1st Sub. S.B. 192,** CORPORATION AND BUSINESS ENTITY RELATED AMENDMENTS and that it be considered read for the first and second time and placed on the Consent Calendar.

John L. Valentine, Chair

Mr. President: February 19, 2009

The Education Committee recommends **S.C.R. 3**, CONCURRENT RESOLUTION URGING THE CREATION OF A UTAH COUNCIL ON FINANCIAL EDUCATION, by Senator P. Jones, be replaced and favorably recommends **1st Sub. S.C.R. 3,** CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE WORK OF THE UTAH COUNCIL ON FINANCIAL AND ECONOMIC EDUCATION and that it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

Mr. President: February 13, 2009

The Judiciary, Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 223,** STATUTE OF LIMITATIONS AMENDMENTS, by Representative C. Wimmer, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

On motion of Senator Killpack, the committee reports were adopted. **1st Sub. S.B. 192, 1st Sub. S.C.R. 3,** and **H.B. 223** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 65, **Amendments to Property Tax Notice, Public Hearing, and Resolution Provisions** (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 189, **Amendments to Sales and Use Tax** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 190, **Acquisition of a Billboard by Eminent Domain** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 221, **Dedication and Abandonment of a Highway** (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 225, **Health Amendments for Legal Immigrant Children** (L. Robles), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

2nd Sub. H.B. 23, CERTIFIED TAX RATE AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Greiner
Hillyard	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Urquhart	Van Tassell	Waddoups

Voting in the negative was: Senator
Hinkins

Absent or not voting were: Senators

Bell	Buttars	Dayton	Goodfellow
McCoy	Robles	Stowell	Valentine

2nd Sub. H.B. 23, as amended, was returned to the House for further consideration.

* * *

H.B. 28, PERSONAL PROPERTY TAX AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins

Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell	Buttars	Robles	Valentine

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.

* * *

H.B. 67, PUBLIC HEARINGS ON PROPERTY TAX INCREASES, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 23; Nays, 2; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Voting in the negative were: Senators

Hinkins	Okerlund

Absent or not voting were: Senators

Bell	Buttars	Robles	Valentine

H.B. 67, as amended, was returned to the House for further consideration.

* * *

H.B. 236, DEPARTMENT OF COMMUNITY AND CULTURE GRANTS, was read the third time and explained by Senator Okerlund.

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

1st Sub. H.B. 236 Department of Community and Culture Grants (S. Allen)

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell	Buttars	Dayton	Robles
Valentine			

1st Sub. H.B. 236, as amended, was returned to the House for further consideration.

* * *

H.B. 21, AMENDMENTS TO DRIVER LICENSE SANCTION REQUIREMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell	Buttars	McCoy	Robles
Valentine			

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.

* * *

On motion of Senator Stephenson, **S.B. 43**, INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS – CLAY'S LAW, was read the third time and circled.

SECOND READING CALENDAR

H.B. 85, MUTUAL BENEFIT CORPORATION – JUDICIAL LIENS, 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, 6.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Killpack	Knudson	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Buttars	Jones	Madsen
Robles	Valentine		

* * *

H.B. 266, WRONGFUL LIEN AMENDMENTS, was read the second time. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Buttars	Jones	Killpack
Robles	Valentine		

* * *

H.B. 33, REFUND OF UNEARNED HEALTH INSURANCE PREMIUMS AND MEDICARE SUPPLEMENT INSURANCE PREMIUMS, was read the second time. Senator Liljenquist explained the bill. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Christensen	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Romero
Stowell	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Bramble	Buttars	Davis
Killpack	Niederhauser	Robles	Stephenson
Urquhart	Valentine		

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H.B. 15, CAREER AND TECHNICAL EDUCATION AMENDMENTS, was read the second time. Senator Dayton explained the bill. Senators Bramble, Greiner, Mayne, and Van Tassell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars	Killpack	Robles	Stephenson
Valentine			

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H.B. 51, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, was read the second time. Senator Stowell

explained the bill. Senators Hillyard, Greiner, McCoy, and Van Tassell commented. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 5; Absent, 5.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Goodfellow
Hinkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stowell	Urquhart	Van Tassell	

Voting in the negative were: Senators

Dayton	Greiner	Hillyard	Jenkins
Waddoups			

Absent or not voting were: Senators

Bell	Buttars	Robles	Stephenson
Valentine			

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1st Sub. H.B. 243, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES, was read the second time.

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

2nd Sub. H.B. 243 Rental Restrictions on Condominiums and Common Interest Communities (G. Froerer)

On motion of Senator Urquhart, the bill was circled.

* * *

1st Sub. H.B. 92, REQUIREMENT TO WEAR HUNTER ORANGE AMENDMENTS, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Romero	Stowell	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Killpack	Liljenquist	McCoy
Robles	Stephenson	Urquhart	Valentine

* * *

H.B. 235, DAM SAFETY AMENDMENTS, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Romero	Stowell	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars	Greiner	Killpack	Liljenquist
McCoy	Robles	Stephenson	Urquhart
Valentine			

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On motion of Senator Jenkins, **H.B. 113**, SALVAGE VEHICLE TITLE AMENDMENTS, was read the second time and circled.

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H.B. 233, AGGRAVATED SEXUAL ASSAULT AMENDMENTS, was read the second time. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Romero	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Killpack	Liljenquist	McCoy
Robles	Stephenson	Valentine	

* * *

H.B. 247, AMENDMENTS TO EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, was read the second time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Romero	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Buttars	Goodfellow	Killpack
Liljenquist	Robles	Stephenson	Valentine

* * *

H.B. 78, UTAH UNIFORM SECURITIES ACT MODIFICATIONS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Morgan	Okerlund
Romero	Stowell	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Buttars	Goodfellow	Liljenquist
Niederhauser	Robles	Stephenson	Urquhart
Valentine			

* * *

2nd Sub. H.B. 121, RETIRED VOLUNTEER HEALTH CARE PRACTITIONER ACT, was read the second time. Senator Van Tassell explained the bill. Senators Greiner and Dayton commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Van Tassell	Waddoups

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators

Bramble	Buttars	Goodfellow	Hillyard
Knudson	Robles	Urquhart	Valentine

* * *

H.B. 83, PROPERTY TAX RELIEF PROGRAMS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Greiner	Hinkins	Jenkins	Jones
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Buttars	Goodfellow	Hillyard
Killpack	Knudson	Robles	Urquhart
Valentine			

* * *

H.B. 105, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Greiner	Hinkins	Jenkins
Jones	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Romero	Stephenson	Stowell	Van Tassell

Absent or not voting were: Senators

Buttars	Goodfellow	Hillyard	Killpack
Knudson	Robles	Urquhart	Valentine
Waddoups			

* * *

H.B. 253, MOTOR CARRIER PERMIT FEE AMENDMENTS, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Van Tassell	

Absent or not voting were: Senators

Buttars	Goodfellow	Greiner	Hillyard
Killpack	Knudson	Robles	Urquhart
Valentine	Waddoups		

* * *

On motion of Senator Van Tassell, **H.B. 278**, B AND C ROADS FUND AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Jenkins, the circle was removed from **S.B. 39**, IMMIGRATION AMENDMENTS, and it was before the Senate.

Senator Jenkins proposed the following amendment:

1. Page 2, Lines 34 through 38

34 (1) As used in this section:

35 (a) "Contract" means an agreement for the procurement of goods or services that is

36 awarded through a request for proposals process with a public employer and includes a sole source contract .

37 [~~(a)~~] (b) "Contractor" means a subcontractor, contract employee, staffing agency, {~~trade~~

38 ~~union,~~} or any contractor regardless of its tier.

2. Page 2, Lines 47 through 49:

47 (A) the electronic verification of the work authorization program of the Illegal

48 Immigration Reform and Immigration Responsibility Act of 1996, 8 U.S.C., Sec. 1324a,

49 known as the {~~Basic Pilot~~} E-verify Program;

3. Page 5, Lines 134 through 138:

134 Securities through the Central Registration Depository[~~.~~]; {~~and~~}

135 (h) a state public benefit to be given to an individual under Title 49, Utah State

136 Retirement and Insurance Benefit Act {~~.~~} ;

(i) a home loan that will be insured, guaranteed, or purchased by:

(i) the Federal Housing Administration, the Veterans Administration, or any other federal agency; or

(ii) an enterprise as defined in 12 U.S.C., Sec. 4502; and

(j) a subordinate loan or a grant that will be made to an applicant in connection with a home loan that does not require verification under Subsection (3)(i).

137 (4) An agency or political subdivision required to verify the lawful presence in the

138 United States of an applicant under this section shall require the applicant to certify under

Senator Jenkins' motion to amend passed on a voice vote. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 1; Absent, 9.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Greiner	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Van Tassell	

Voting in the negative was: Senator
Hinkins

Absent or not voting were: Senators

Bramble	Buttars	Goodfellow	Hillyard
Knudson	Robles	Urquhart	Valentine
Waddoups			

* * *

On motion of Senator Killpack and at 3:55 p.m., the Senate adjourned until 10:00 a.m., Friday, February 20, 2009.

TWENTY–FIFTH DAY

February 20, 2009

The Senate was called to order at 10:05 a.m., with President Michael Waddoups presiding.

Prayer – President Kyle Andersen, Branch President (Singles Branch), North Ogden Coldwater Stake, The Church of Jesus Christ of Latter–day Saints
Pledge of Allegiance – Senator Brent Goodfellow
National Anthem – Barbara Newman, Ms. Utah Senior America 2008
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 19, 2009

The Speaker of the House has signed **1st Sub. S.B. 31**, UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The House passed, **S.B. 85**, HOMICIDE AMENDMENTS, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 117**, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS, by Senator A. Christensen, and it is transmitted for the signature of the President; and

The House passed, **S.B. 145**, PUBLIC SAFETY RETIREES DEATH BENEFIT REVISIONS, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.J.R. 1**, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM, by Senator P. Jones, and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 5**, JOINT RESOLUTION URGING PRESIDENTIAL SUPPORT OF TAIWAN'S PARTICIPATION IN SPECIALIZED AGENCIES OF THE UNITED NATIONS, by Senator

M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 31, S.B. 85, 1st Sub. S.B. 117, S.B. 145, 2nd Sub. S.J.R. 1, and **S.J.R. 5** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 19, 2009

The House passed **H.B. 112**, VEHICLE TOWING AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 210**, POSTING OF COLLECTIVE BARGAINING AGREEMENTS BY SCHOOL DISTRICTS AND CHARTER SCHOOLS, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed **H.B. 286**, REGULATION OF LENDING BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS, by Representative K. Garn, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.J.R. 12**, JOINT RESOLUTION SUPPORTING HYDROGEN POWER FROM ADVANCED COAL AND CARBON CAPTURE AND SEQUESTRATION TECHNOLOGY, by Representative P. Painter, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 112, 1st Sub. H.B. 210, H.B. 286,** and **1st Sub. H.J.R. 12** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 19, 2009

The House adopted the Joint Conference Committee Report dated February 19, 2009, and passed **1st Sub. S.B. 22**, VEHICLE AMENDMENTS, by Senator S. Jenkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

Mr. President: February 18, 2009

The Joint Conference Committee comprised of Sens. Jenkins, Greiner, and Romero, and Reps. Noel, Harper, and Gowans, recommends **1st Sub. S.B. 22**,

VEHICLE AMENDMENTS, by Senator S. Jenkins, et al, be replaced and favorably recommends **2nd Sub. S.B. 22,** VEHICLE AMENDMENTS.

Sen. Scott Jenkins and
Rep. Mike Noel, Chairs

On motion of Senator Greiner, the Senate voted to adopt the Joint Conference Committee report to **2nd Sub. S.B. 22**, VEHICLE AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Buttars	Davis	Dayton	Goodfellow
Greiner	Hinkins	Killpack	Liljenquist
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell	Bramble	Christensen	Hillyard
Jenkins	Jones	Knudson	Madsen
McCoy			

2nd Sub. S.B. 22 was returned to the House for the signature of the Speaker.

INTRODUCTION OF BILLS

S.B. 208, **Utah Public Notice Website Amendments** (S. Urquhart), read the first time by short title and referred to the Rules Committee.

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, U. S. Senator Robert Bennett, spoke in Committee of the Whole. Senators Romero, Valentine, Buttars, Greiner, Stowell, and Liljenquist commented.

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

* * *

On motion of Senator Killpack, and at 10:50 a.m. the Senate recessed.

The Senate was called to order at 11:35 a.m., with President Waddoups presiding.

CONSENT CALENDAR

On motion of Senator Van Tassell, **H.B. 257**, POLITICAL SUBDIVISION CLERK AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Bell, **H.B. 258**, AMENDMENTS TO NOTICE PROVISIONS FOR SUBDIVISION CHANGES, was read the third time and circled.

* * *

H.B. 65, REPORTING OF CERTAIN TRANSACTIONS EXEMPT FROM SALES AND USE TAXES, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

H.B. 65 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. 17, HYDRAULIC FRACTURING JOINT RESOLUTION, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen

Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

S.J.R. 17 was transmitted to the House for consideration.

* * *

On motion of Senator Bell, the circle was removed from **H.B. 258**, AMENDMENTS TO NOTICE PROVISIONS FOR SUBDIVISION CHANGES, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

H.B. 258 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 24, TRAFFIC ACCIDENT CLEARANCE AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

H.B. 24, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Buttars, the circle was removed from **H.B. 257**, POLITICAL SUBDIVISION CLERK AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

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.

THIRD READING CALENDAR

H.B. 85, MUTUAL BENEFIT CORPORATION – JUDICIAL LIENS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Stephenson

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.

* * *

On motion of Senator Hinkins, the circle was removed from **H.B. 54**, AMENDMENTS TO VEHICLE REGISTRATION REQUIREMENTS, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Stephenson

H.B. 54 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 266, WRONGFUL LIEN AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Bell Stephenson

H.B. 266 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 33, REFUND OF UNEARNED HEALTH INSURANCE PREMIUMS AND MEDICARE SUPPLEMENT INSURANCE PREMIUMS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Stephenson

H.B. 33 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 15, CAREER AND TECHNICAL EDUCATION AMENDMENTS, was read the third time and explained by Senator Dayton. Senator Knudson commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Stephenson

H.B. 15 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack and at 12:00 noon, the Senate adjourned until 10:00 a.m., Monday, February 23, 2009.

TWENTY–EIGHTH DAY

February 23, 2009

The Senate was called to order at 10:15 a.m., with President Michael Waddoups presiding.

Prayer – Mrs. Christina Thomas, wife of Lt. Kevin Thomas who is currently serving his 3rd deployment in Iraq
Pledge of Allegiance – Senator Karen Morgan
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 20, 2009
The Speaker of the House has signed **2nd Sub. S.B. 22**, VEHICLE AMENDMENTS, by Senator S. Jenkins, and it is transmitted for the signature of the President; and

The House passed, **S.B. 112**, OBSTRUCTION OF JUSTICE AMENDMENT, by Senator R. Okerlund, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 126**, STATE PERSONNEL MANAGEMENT ACT AMENDMENTS, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 7**, JOINT RESOLUTION DESIGNATING MAY 2009 AS UTAH LIONS CLUB EYESIGHT PRESERVATION MONTH, 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

2nd Sub. S.B. 22, S.B. 112, 1st Sub. S.B. 126, and **S.J.R. 7** 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, 2009

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 23**, CERTIFIED TAX RATE AMENDMENTS, by Representative F. Hunsaker, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 27**, PROTECTIONS FOR AGRICULTURAL PRACTICES, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 53**, DRIVER LICENSE AMENDMENTS – MOTOR DRIVEN CYCLES, by Representative T. Kiser, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 67**, PUBLIC HEARINGS ON PROPERTY TAX INCREASES, 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. 90**, ABORTION LAW AMENDMENTS, by Representative P. Ray, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 236**, DEPARTMENT OF COMMUNITY AND CULTURE GRANTS, by Representative S. Allen, et al, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. H.B. 23, H.B. 27, H.B. 53, H.B. 67, 1st Sub. H.B. 90, and **1st Sub. H.B. 236** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: February 20, 2009

The House passed, as amended, **H.B. 125**, IMPACT FEE AMENDMENTS, by Representative K. Powell, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 140**, MOTOR VEHICLE REGISTRATION FEE AMENDMENTS, by Representative C. Frank, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 297**, BUDGETARY PROCEDURES ACT RECODIFICATION, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 324**, MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS, by Representative F. Gibson, and it is transmitted for consideration; and

The House passed **H.B. 329**, WRONGFUL DEATH CLAIMS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.J.R. 5**, JOINT RESOLUTION SUPPORTING NEEDED IMPROVEMENTS IN THE NAVAJO NATION'S ABILITY TO COLLECT AND TRACK CHILD SUPPORT PAYMENTS, by Representative C. Watkins, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 125, H.B. 140, H.B. 297, H.B. 324, H.B. 329,** and **1st Sub. H.J.R. 5** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 20, 2009

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

Business and Labor Committee

S.B. 208	Utah Public Notice Website Amendments (Sen. S. Urquhart)
H.B. 129	Alcoholic Beverage Amendments Related to Minors (Rep. C. Oda) (Sen. G. Davis)
H.B. 286	Regulation of Lending by the Department of Financial Institutions (Rep. K. Garn) (Sen. L. Hillyard)
H.B. 320	Collection Agency Amendments (Rep. R. C. Webb) (Sen. S. Jenkins)

Education Committee

1st Sub. H.B. 210	Posting of Collective Bargaining Agreements by School Districts and Charter Schools (Rep. K. Sumsion) (Sen. M. Dayton)

Government Operations and Political Subdivisions Committee

H.B. 122	Government Records Access and Management Act Amendments (Rep. D. Aagard) (Sen. C. Bramble)

Health and Human Services Committee

S.B. 225	Health Amendments for Legal Immigrant Children (Sen. L. Robles)

H.B. 144	Medical Language Interpreter Act (Rep. R. Chavez–Houck) (Sen. A. Christensen)
1st Sub. H.B. 165	Health Reform – Administrative Simplification (Rep. M. Newbold) (Sen. G. Bell)
1st Sub. H.B. 188	Health System Reform – Insurance Market (Rep. D. Clark) (Sen. G. Bell)
2nd Sub. H.B. 331	Health Reform – Health Insurance Coverage in State Contracts (Rep. J. Dunnigan) (Sen. G. Davis)
H.J.R. 3	Joint Resolution Supporting Efforts to Increase and Improve Cancer Treatment, Screening, and Research Programs (Rep. S. Duckworth) (Sen. K. Mayne)

Judiciary, Law Enforcement, and Criminal Justice Committee

H.B. 136	Sex Offender Definition Amendments (Rep. P. Ray) (Sen. D. C. Buttars)
H.B. 138	Expungement of Records Amendments (Rep. Julie Fisher) (Sen. G. Bell)

Natural Resources, Agriculture and Environment Committee

1st Sub. H.J.R. 12	Joint Resolution Supporting Hydrogen Power from Advanced Coal and Carbon Capture and Sequestration Technology (Rep. P. Painter) (Sen. D. Hinkins)

Revenue and Taxation Committee

S.B. 65	Amendments to Property Tax Notice, Public Hearing, and Resolution Provisions (Sen. D. Stowell)
S.B. 189	Amendments to Sales and Use Tax (Sen. W. Niederhauser)
S.B. 190	Acquisition of a Billboard by Eminent Domain (Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee

S.B. 221	Dedication and Abandonment of a Highway (Sen. M. Madsen)
H.B. 112	Vehicle Towing Amendments (Rep. T. Kiser) (Sen. J. Greiner)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 20, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 205**, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 116**, UNIFORM FEES ON CANOES, by Representative M. Wheatley.

Wayne L. Niederhauser, Chair

Mr. President: February 20, 2009

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.R. 6**, SENATE RESOLUTION RECOGNIZING THE WORK DONE BY THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS, by Senator L. Robles; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 218**, FAMILY EMPLOYMENT PROGRAM AMENDMENTS, by Representative Janice Fisher, with the following amendments:

1. Page 2, Lines 53i through 53k
House Floor Amendments
2–11–2009:

53i (ii) an explanation of why the department is proposing the change;

53j (iii) the effect of an increase or decrease in cash benefits on families; and

53k (iv) the fiscal impact of the proposed change. ←Ĥ

(c) The department may use the Notice of Proposed Rule Amendment form filed with the Division of Administrative Rules as its report so long as the notice contains all the information required under Subsection (8)(b).

Mark B. Madsen, Chair

Mr. President: February 20, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 70**, DEPARTMENT OF ENVIRONMENTAL QUALITY AMENDMENTS, by Senator M. Dayton; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 241**, PRIORITY OF WATER RIGHTS, by Representative K. Gibson, with the following amendments:

1. Page 1, Lines 15 through 16:

15 Other Special Clauses:

16 {~~None~~} This bill takes effect on May 11, 2010.

2. Page 1, Line 24:

24 Section 73–3–21, Priorities between appropriators.
Section 2. Effective Date.
This bill takes effect on May 11, 2010.

Dennis E. Stowell, Chair

Mr. President: February 20, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 228**, PROHIBITION ON INTERNET OR MAIL–ORDER SALES OF TOBACCO PRODUCTS, by Senator M. Dayton, be replaced and favorably recommends **1st Sub. S.B. 228,** PROHIBITION ON INTERNET OR MAIL–ORDER SALES OF TOBACCO PRODUCTS with the following amendments:

1. Page 2, Lines 45 through 50:

45 (2) A person, distributor, manufacturer, or retailer shall not:

46 (a) cause tobacco products or cigarettes as defined in Section 59–22–202 to be ordered or purchased by anyone other than a licensed

47 person; or

48 (b) knowingly provide substantial assistance to a person who violates this section.

49 (3) (a) Each order or purchase of a tobacco product or cigarettes as defined in Section 59–22–202 in violation of Subsection (2) shall

50 constitute a separate violation under this section. ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 69**, GUARDIAN AD LITEM AMENDMENTS, by Representative W. Harper, with the following amendments:

1. Page 20, Lines 604 through 607:

604 (2) (a) A court may not appoint an attorney guardian ad litem in a criminal case.

605 (b) Subsection (2)(a) does not prohibit the appointment of an attorney guardian ad

606 litem in a case where a court is determining whether to adjudicate a minor for committing an

607 act that would be a crime if committed by an adult.

(c) Subsection (2)(a) does not prohibit an attorney guardian ad litem from entering an appearance, filing motions, or taking other action in a criminal case on behalf of a minor, if:

(i) the attorney guardian ad litem is appointed to represent the minor in a case that is not a criminal case; and

(ii) the interests of the minor may be impacted by:

(A) an order that has been, or may be, issued in the criminal case; or

(B) other proceedings that have occurred, or may occur, in the criminal case. ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 114**, ABORTION LITIGATION TRUST ACCOUNT AMENDMENTS, by Representative K. Sumsion; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 32**, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, by Representative B. Ferry.

D. Chris Buttars, Chair

On motion of Senator Killpack, the committee reports were adopted. **S.B. 205, H.B. 116, S.R. 6, H.B. 218,** as amended, **S.B. 70, H.B. 241,** as amended, **1st Sub. S.B. 228,** as amended, **H.B. 69,** as amended, **H.B. 114,** and **H.B. 32** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 20, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 240**, WANTON DESTRUCTION

OF LIVESTOCK, by Representative R. Menlove, and recommends it be considered read for the second time and placed on the Consent Calendar.

Dennis E. Stowell, Chair

Mr. President: February 20, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 75**, UTILITY AMENDMENTS, by Senator S. Urquhart, 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. 50**, FIREFIGHTER SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative R. Menlove, 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. 261**, AVIATION AMENDMENTS, by Representative W. Harper, et al, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

1. Page 1, Lines 24 through 25
House Floor Amendments
2–17–2009:

24 ▶ provides that Ĥ→ until July 1, 2014 ←Ĥ the Department of Transportation may

24a Ĥ→ not ←Ĥ use funds in the Aeronautics

25 Restricted Account to purchase Ĥ→ [~~and operate~~] ←Ĥ aircraft for {~~statewide aviation~~} certain purposes;

2. Page 6, Lines 169 through 169b
House Floor Amendments
2–17–2009:

169 the duty of regulating and supervising aeronautics in this state ; and
(f) the support of aerial search and rescue operations .

169a Ĥ→ (5) (a) Until July 1, 2014, monies in the account may not be used by the department for

169b the purchase [~~or operation~~] of aircraft for {~~statewide purposes~~} purposes other than those described in Subsections

(4)(a) through (f) . ←Ĥ

(b) Until July 1, 2014, monies in the account may not be used to provide or subsidize direct operating costs of travel for purposes other than those described in Subsections (4)(a) through (f).

Stephen H. Urquhart, Chair

Mr. President: February 20, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 220**, COHABITANT ABUSE PROCEDURES ACT AMENDMENTS, by Senator B. Goodfellow, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 1, Lines 14 through 16:

14 ► permits a court to issue an order to a person awaiting trial on a crime of domestic

15 violence {~~at the time that the charge is filed~~} during any court hearing where the defendant is present, instead of at the time that the person is

16 released from custody; and

2. Page 2, Lines 50 through 53:

50 (3) (a) Because of the likelihood of repeated violence directed at those who have been

51 victims of domestic violence in the past, when any defendant **is** charged with a crime involving

52 domestic violence [~~is released from custody before trial~~], the court [~~authorizing the release~~]

53 may , during any court hearing where the defendant is present, issue an order, pending trial: ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 243**, JUDICIAL PERFORMANCE EVALUATION COMMISSION MODIFICATIONS, by Senator D. C. Buttars, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

On motion of Senator Killpack, the committee reports were adopted. **1st Sub. H.B. 240, S.B. 75, H.B. 50, H.B. 261,** as amended, **S.B. 220,** as amended, and

S.B. 243 were considered read the second time and placed on the Consent Calendar.

* * *

Mr. President: February 20, 2009

The Revenue and Taxation Committee has tabled **S.B. 46**, SCHOOL PROPERTY TAX EQUALIZATION AMENDMENTS, by Senator K. Morgan, and has returned it to the Rules Committee for filing.

Wayne L. Niederhauser, Chair

S.B. 46 was returned to the Rules Committee for filing.

INTRODUCTION OF BILLS

S.B. 188, **Improvement District – Providing Electric Service** (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 214, **Office of Consumer Services Act** (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 235, **Redistribution of Sales and Use Tax Revenues and Property Tax Adjustment** (J. Valentine), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Killpack, and at 10:35 a.m., the Senate recessed.

The Senate was called to order at 2:10 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 23, 2009

The House passed, **S.B. 94**, UNDERGROUND SEWER UTILITIES FACILITIES AMENDMENTS, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 95**, MOBILE HOME PARK 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. 99**, RENEWABLE ENERGY CERTIFICATE 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

S.B. 94, S.B. 95, and **S.B. 99** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 23, 2009

The House passed, as substituted and amended, **2nd Sub. H.B. 100**, DEPARTMENT OF CORRECTIONS – TRACKING AND REIMBURSEMENT OF INDIVIDUAL PRISONER COSTS, by Representative C. Wimmer, et al, and it is transmitted for consideration; and

The House passed **H.B. 205**, WATER SOURCE PROTECTION AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 207**, CONCURRENT ENROLLMENT AMENDMENTS, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 220**, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, by Representative M. Noel, and it is transmitted for consideration; and

The House passed **H.B. 254**, HEALTH PROFESSIONAL AUTHORITY – DEATH CERTIFICATES, by Representative B. Last, and it is transmitted for consideration; and

The House passed **H.J.R. 13**, JOINT RESOLUTION – TEACHER PERFORMANCE PAY, by Representative M. Poulson, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **2nd Sub. H.B. 100, H.B. 205, 1st Sub. H.B. 207, 2nd Sub. H.B. 220, H.B. 254,** and **H.J.R. 13** were read the first time and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 279, UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell	Buttars	Hillyard	Stephenson

H.B. 279 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 91, INDIVIDUAL DEVELOPMENT ACCOUNT AMENDMENTS, was read the third time, explained by Senator Morgan, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell	Buttars	Hillyard	Stephenson

H.B. 91 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 71, WITHHOLDING TAX AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell	Buttars	Hillyard	Stephenson

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.

* * *

H.B. 102, FALSE VEHICLE TITLE AND REGISTRATION PENALTIES, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell	Buttars	Hillyard

H.B. 102 was returned to the House for further consideration.

* * *

H.B. 104, DRIVER LICENSE HEARING AMENDMENTS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell	Buttars	Hillyard

H.B. 104 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 51, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, was read the third time.

On motion of Senator Valentine, the bill was circled.

* * *

1st Sub. H.B. 92, REQUIREMENT TO WEAR HUNTER ORANGE AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Hillyard	Robles

1st Sub. H.B. 92 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stowell, the circle was removed from **H.B. 51**, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, and it was before the Senate.

Senator Valentine proposed the following amendment:

1. Page 4, Lines 92 through 106

92 (iii) the fermented alcoholic beverage is manufactured and used for {~~:~~

93 ~~(A)~~ } personal or family use and consumption {~~; or~~

94 ~~(B)~~ } , including use at an organized event where fermented alcoholic beverages are judged as to taste and

95 quality; and

96 (iv) the fermented alcoholic beverage is not for:

97 (A) sale or offering for sale; or

98 (B) consumption on a premise licensed by the commission.

99 (c) An individual may store a fermented alcoholic beverage manufactured as provided

100 in Subsection (6)(b) in the individual's personal residence.

101 (d) A fermented alcoholic beverage manufactured in accordance with Subsection (6)(b)

102 may be removed from the premises where it is manufactured:

103 (i) for personal or family use, including use at an organized event where fermented

104 alcoholic beverages are judged as to taste and quality; {~~and~~ }

105 (ii) if the fermented alcoholic beverage is transported in compliance with Section

106 41–6a–526 ; and
(iii) if the fermented alcoholic beverage is removed only in the following

quantities:
(A) during a calendar year for personal and family use unrelated to an organized event where fermented alcoholic beverages are judged as to taste and quality:
(I) one liter of wine for each individual who is 21 years of age or older residing in the household;
(II) 72 ounces of heavy beer for each individual who is 21 years of age or older residing in the household; or
(III) 72 ounces of beer for each individual who is 21 years of age or older residing in the household; and
(B) for on–premise consumption at an organized event where fermented alcoholic beverages are judged as to taste and quality, for each individual who will act as a judge at the event:
(I) one ounce of wine by volume;
(II) two ounces of heavy beer; or
(III) two ounces of beer.
(e) A partnership, corporation, or association may not manufacture a fermented alcoholic beverage under this Subsection (6) for personal or family use and consumption without obtaining a license under this chapter, except that an individual who operates a brewery under this chapter as an individual owner or in partnership with others, may remove beer from the brewery for personal or family use in the amounts described in Subsection (6)(b)(ii) .

Senator Valentine's motion to amend passed on a voice vote. Senators Davis and Goodfellow commented and the bill passed on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell			

Voting in the negative were: Senators
Dayton Waddoups

Absent or not voting were: Senators
Bell Hillyard

H.B. 51 was returned to the House for further consideration.

* * *

H.B. 235, DAM SAFETY AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell	Hillyard	Liljenquist

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.

* * *

H.B. 233, AGGRAVATED SEXUAL ASSAULT AMENDMENTS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Hillyard

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.

* * *

H.B. 247, AMENDMENTS TO EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell	Bramble	Hillyard

H.B. 247 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 78, UTAH UNIFORM SECURITIES ACT MODIFICATIONS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell	Bramble	Hillyard

H.B. 78 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. 121, RETIRED VOLUNTEER HEALTH CARE PRACTITIONER, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Hillyard

2nd Sub. 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.

* * *

H.B. 83, PROPERTY TAX RELIEF PROGRAMS, was read the third time.

On motion of Senator Knudson, **H.B. 83** was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 105, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Hillyard Stephenson

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.

* * *

H.B. 253, MOTOR CARRIER PERMIT FEE AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators
Hillyard Stephenson Stowell

H.B. 253 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 39, IMMIGRATION AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Davis

S.B. 39 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 102, SHARE THE ROAD SPECIAL GROUP LICENSE PLATE, was read the second time. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 7, Lines 197 through 206

197 (5) The department shall distribute contributions in the account to one or more

198 charitable organizations that:

199 (a) are exempt from federal income taxation under Section 501(c)(3) of the Internal

200 Revenue Code;

201 (b) have as part of their primary mission the promotion and education of ;
(i) safe bicycle

202 operation { ~~statewide~~ } ;
(ii) safe motor vehicle operation around bicycles ; and
(iii) healthy lifestyles; and

203 { ~~(c) do not receive funding from government sources; and~~

204 ~~(d)~~ } (c) contribute to the start–up fee for the production and administrative costs for

205 providing a Share the Road Bicycle Support special group license plate in accordance with

206 Subsection 41–1a–418(2)(a).

2. Page 7, Line 209 through Page 8, Line 216:

209 (b) An organization that receives a distribution from the department in accordance with

210 Subsection (5) shall expend the distribution only to:

211 (i) pay the costs of reordering Share the Road Bicycle Support special group license

212 plate decals;

213 { ~~(ii) produce and distribute educational and promotional materials on safe bicycle~~

214 ~~operation in Utah;~~

215 ~~(iii) conduct educational courses on bicycle operation and safety awareness; and~~

216 ~~(iv)~~ } (ii) produce and distribute materials to educate:

(A) bicyclists and motorists about safe bicycling, sharing the road, and obeying the law in Utah; and

(B) the public on healthy lifestyles;

(iii) participate in transportation planning that provides accommodations for safe bicycling;

(iv) promote a network of safe bicycling routes throughout the state; and

(v) provide other programs that promote bicycle safety.

Senator Niederhauser's motion to amend passed on a voice vote. Senators Jones and Stephenson commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McCoy	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Killpack Morgan

* * *

S.B. 51, RESTITUTION FUND ACCOUNT, was read the second time. Senator Liljenquist explained the bill.

Senator Liljenquist proposed the following amendment:

1. Page 2, Line 45 through Page 3, Line 59

45 (4) (a) The attorney general, county attorney, municipal attorney, or district attorney

46 may be authorized by the appropriate public treasurer to deposit restitution collected on behalf of crime victims into an interest bearing account in accordance with title 51, Chapter 7, State Money Management Act .

47 pending distribution of the funds.

48 (b) In the event restitution funds are deposited in an interest bearing account as

49 provided under Subsection (4)(a), the attorney general, county attorney, municipal attorney, or

50 district attorney shall:

51 (i) distribute any interest that accrues in the account to each crime victim on a pro rata

52 basis; and

53 (ii) if all crime victims have been made whole and funds remain, distribute any

54 remaining funds to the state Division of Finance for deposit to the Office of Crime Victims

55 Reparations.

56 (c) {~~Any interest bearing accounts used under this section must be non-speculative, fully~~

57 ~~insured, simple interest bearing accounts.~~

58 ~~(d)~~ } This section does not prevent an independent judicial authority from collecting,

59 holding, and distributing restitution.

Senator Liljenquist's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones

Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Killpack

* * *

S.B. 98, MOTOR FUEL THEFT PENALTIES, was read the second time. Senator Greiner explained the bill.

Senator Greiner proposed the following amendment:

1. Page 1, Lines 17 through 20

17 driver license shall be suspended for a conviction of theft of motor vehicle fuel {~~:~~

18 ~~• 60 days for a first offense;~~

19 ~~• six months for a second offense; and~~

20 ~~• one year for a third or subsequent offense~~ } for 90 days ; and

2. Page 4, Lines 106 through 109:

106 (ii) A suspension under this section is 90 days for each offense {~~:~~

107 ~~(A) 60 days for a first offense;~~

108 ~~(B) six months for a second offense; and~~

109 ~~(C) one year for a third or subsequent offense~~ } .

Senator Greiner's motion to amend passed on a voice vote. Senators Hillyard and Stephenson commented. Senator Hinkins declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones

Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Killpack

* * *

Due to the request of a number of Senators, **H.B. 261**, AVIATION AMENDMENTS, was removed from the Consent Calendar and placed at the bottom of the Second Reading Calendar.

* * *

S.B. 128, RAINWATER HARVESTING, was read the second time. Senator Jenkins explained the bill. Senators Greiner, Valentine, and McCoy commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 3; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Hinkins	McCoy	Robles

Absent or not voting was: Senator
Killpack

* * *

1st Sub. S.B. 131, LAW ENFORCEMENT SERVICE IN LOCAL DISTRICTS AND INTERLOCAL ENTITIES, was read the second time.

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

2nd Sub. S.B. 131 Law Enforcement Service in Local Districts and Interlocal Entities (S. Jenkins)

Senator Jenkins explained the bill.

Senator Jenkins proposed the following amendment:

1. Page 2, Line 29

29 direction of the county sheriff;

▶ specifies that if a police interlocal entity or police local district enter an interlocal agreement for law enforcement service, the sheriff is not the chief executive officer of any entity created under that agreement, unless the agreement so provides, and that the sheriff provides law enforcement service under that agreement as provided in the agreement;

2. Page 10, Line 291:

291 sheriff.

(c) If a police interlocal entity or police local district enters an interlocal agreement with a public agency, as defined in Section 11-13-103, for the provision of law enforcement service, the sheriff:

(i) does not serve as the chief executive officer of any interlocal entity created under that interlocal agreement, unless the agreement provides for the sheriff to serve as the chief executive officer; and

(ii) shall provide law enforcement service under that interlocal agreement as provided in the agreement.

3. Page 21, Lines 625 through 628:

625 property tax revenue necessary :

(I) in the case of a fire district, to cover all of the costs associated with providing {~~[~~} fire

626 protection, paramedic, and emergency services {~~]~~} {~~public safety service~~ } :

627 {~~(I)~~} (Aa) for a participating county, in the unincorporated area of the county; and

628 {~~(II)~~} (Bb) for a participating municipality, in the municipality; {~~and~~} or

(II) in the case of a police district, to cover all the costs:

(Aa) associated with providing law enforcement service:

(Ii) for a participating county, in the unincorporated area of the county; and

(IIii) for a participating municipality, in the municipality; and

(Bb) that the police district board designates as the costs to be funded by a property tax; and

Senator Jenkins' motion to amend passed on a voice vote. Senator Bramble commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Niederhauser

* * *

S.B. 134, TRANSPORTATION FUNDING AMENDMENTS, was read the second time. Senator Urquhart explained the bill.

Senator Urquhart proposed the following amendment:

1. Page 1, Lines 13 through 16

13 ▶ prohibits the state, counties, and municipalities from spending project–specific

14 funds allocated through a congressional authorization act for a transportation project

15 that is eligible for funds apportioned to the state in support of the statewide

16 transportation improvement program unless the specified project is included on the statewide transportation improvement program .

2. Page 2, Lines 37 through 39:

37 (2) A municipality may not spend project–specific funds that are allocated through an

38 authorization act for a transportation–related project that is eligible for funds apportioned to the

39 state in support of the statewide transportation improvement program unless the specified project is included on the statewide transportation improvement program .

3. Page 2, Lines 48 through 50:

48 (2) A county may not spend project–specific funds that are allocated through an

49 authorization act for a transportation–related project that is eligible for funds apportioned to the

50 state in support of the statewide transportation improvement program unless the specified project is included on the statewide transportation improvement program .

4. Page 3, Lines 64 through 67:

64 (b) The state, including any agency, department, or division of the state, may not spend

65 project–specific funds that are allocated through an authorization act for a transportation–related

66 project that is eligible for funds apportioned to the state in support of the statewide

67 transportation improvement program unless the specified project is included on the statewide transportation improvement program .

Senator Urquhart's motion to amend passed on a voice vote. Senator Okerlund commented. Senator Dayton declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Buttars Killpack

* * *

1st Sub. S.B. 132, INDIVIDUAL INCOME TAX CONTRIBUTION FOR METHAMPHETAMINE HOUSING RECONSTRUCTION AND REHABILITATION FUND, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator
Jenkins

Absent or not voting were: Senators
Bell Buttars Killpack

* * *

S.B. 148, LOW–PROFIT LIMITED LIABILITY COMPANY ACT, was read the second time. Senator Hillyard explained the bill. Senator Jenkins commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell	Killpack	Mayne	Urquhart

* * *

S.C.R. 2, CONCURRENT RESOLUTION – A CALL TO CIVILITY, was read the second time. Senator Valentine explained the bill. Senators Bramble and Romero commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

INTRODUCTION OF BILLS

S.B. 210, **Amendments to Property Tax** (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 238, **Coal Severance Tax** (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 240, **Utah Science Technology and Research Initiative Amendments** (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 267, **Landlord Disclosure Requirements** (R. Romero), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Killpack and at 4:05 p.m., the Senate adjourned until 10:00 a.m., Tuesday, February 24, 2009.

TWENTY–NINTH DAY

MORNING SESSION

February 24, 2009

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

Prayer – Bishop Sam Ware, Monroe 2nd Ward, The Church of Jesus Christ of Latter–day Saints

Pledge of Allegiance – Senator Scott McCoy

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 23, 2009

The House passed, as substituted and amended, **1st Sub. H.B. 126**, VOTER IDENTIFICATION FOR ELECTIONS, by Representative B. Daw, et al, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 150**, STATE BOARD OF EDUCATION MEMBER ELECTION PROCESS AMENDMENTS, by Representative C. Moss, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 280**, INSURANCE CODE – CONTINUING EDUCATION, by Representative J. Bird, and it is transmitted for consideration; and

The House passed **H.B. 310**, AUTHORITY OF LIEUTENANT GOVERNOR TO PERFORM MARRIAGE, by Representative C. Wimmer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 126, 1st Sub. H.B. 150, 1st Sub. H.B. 280,** and **H.B. 310** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 23, 2009

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

Education Committee

S.B. 240	Utah Science Technology and Research Initiative Amendments (Sen. S. Killpack)

Government Operations and Political Subdivisions Committee

S.B. 188	Improvement District – Providing Electric Service (Sen. D. Stowell)
H.B. 125	Impact Fee Amendments (Rep. K. Powell) (Sen. D. Liljenquist)
H.B. 297	Budgetary Procedures Act Recodification (Rep. R. Bigelow) (Sen. L. Hillyard)

Health and Human Services Committee

1st Sub. H.J.R. 5	Joint Resolution Supporting Needed Improvements in the Navajo Nation's Ability to Collect and Track Child Support Payments (Rep. C. Watkins) (Sen. D. Hinkins)

Judiciary, Law Enforcement, and Criminal Justice Committee

H.B. 329	Wrongful Death Claims (Rep. L. Fowlke) (Sen. C. Bramble)

Revenue and Taxation Committee

S.B. 235	Redistribution of Sales and Use Tax Revenues and Property Tax Adjustment (Sen. J. Valentine)
H.B. 140	Motor Vehicle Registration Fee Amendments (Rep. C. Frank)
S.B. 210	Amendments to Property Tax (Sen. C. Bramble)

Transportation, Public Utilities and Technology Committee

S.B. 214	Office of Consumer Services Act (Sen. J. Valentine)
H.B. 324	Motor Vehicle Business Regulation Act Amendments (Rep. F. Gibson) (Sen. K. Van Tassell)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 23, 2009

The Business and Labor Committee reports a favorable recommendation on **S.B. 211**, BUILDING CODE AMENDMENTS, by Senator C. Bramble, with the following amendments:

1. Page 11, Lines 326 through 328:

326 (o) in accordance with Section 58–56–4, make a report to the Business and Labor

327 Interim Committee by :

(i) no later than November 30 of each year recommending any amendments to the currently adopted fire code; and

(ii) no later than November 30 in a year of a regularly scheduled update cycle of a nationally promulgated fire code recommending the adoption of,

328 amendment to, or repeal of {~~a~~} the updated nationally promulgated fire code.

2. Page 17, Lines 519 through 520:

519 (d) {~~An~~} If not formally adopted by the Legislature at its next annual general session, an adopted code adopted under this Subsection (4) is repealed effective at midnight

520 on the last day that the Legislature adjourns sine die at its next annual general session.

3. Page 18, Lines 526 through 535:

526 (b) {~~If the board adopts a fire code under Subsection (5)(a), the board shall file with the~~

527 ~~division:~~

528 ~~(i) the text of the adopted fire code; and~~

529 ~~(ii) an analysis that includes the specific reasons and justifications for its findings.~~

530 ~~(c)~~} The board shall {~~, in accordance with Subsection (5)(b)~~} :

531 (i) publish the adopted fire code; and

532 (ii) notify the Business and Labor Interim Committee of the adoption, including a copy

533 {~~of the board's analysis described in Subsection (5)(b)~~ } of an analysis by the board identifying specific reasons and justifications for its findings .

534 (d) {~~A~~ } If not formally adopted by the Legislature at its next annual general session, a fire code adopted under this Subsection (5) is repealed effective at midnight on

535 the last day that the Legislature adjourns sine die at its next annual general session. ; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 268**, TITLE AND ESCROW COMMISSION RELATED AMENDMENTS, by Senator J. Valentine; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 154**, STATE CONSTRUCTION REGISTRY AMENDMENTS, by Representative M. Morley, with the following amendments:

1. Page 8, Lines 216 through 219:

216 (B) A preliminary notice attached to an untimely {~~, but otherwise valid.~~ } notice of

217 commencement is valid if there is also a valid and timely notice of commencement for the

218 project [~~to which the preliminary notice may attach~~] filed by a party authorized in Section

219 38–1–31.

2. Page 9, Lines 268 through 269:

268 (c) Subject to Subsection {~~(1)~~ } (2) (d), a person required by this section to give preliminary

269 notice is only required to give one notice for each project. ; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 271**, WORKERS' COMPENSATION – UNINSURED EMPLOYERS' FUND, by Representative M. Morley, with the following amendments:

1. Page 1, Lines 23 through 25:

23 Other Special Clauses:
This bill takes effect July 1, 2010.

24 This bill coordinates with H.B. 39, Utah Injured Worker Reemployment Act, to merge

25 substantive amendments.

2. Page 25, Lines 750 through 752:

750 If this H.B. 271 and H.B. 39, Utah Injured Worker Reemployment Act, both pass, it is

751 the intent of the Legislature that the Office of Legislative Research and General Counsel, in

752 preparing for publication the Utah Code database {~~for publication~~} that takes effect on July 1, 2010 :

3. Page 25, Lines 766 through 767:

766 (C) Title 34A, Chapter 3, Occupational Disease Act; or

767 (D) Title 34A, Chapter 8a, Utah Injured Worker Reemployment Act."
Section 11. Effective date.
This bill takes effect July 1, 2010.

John L. Valentine, Chair

Mr. President: February 23, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.B. 217**, DRUGS AMENDMENTS, by Senator P. Knudson, with the following amendments:

1. Page 3, Lines 67 through 72:

67 (6) For any accident and health insurance policy that takes effect or is renewed after

68 July 1, 2009, coverage for orally administered cancer chemotherapy treatments under a policy

69 of accident and health insurance may not be subject to dollar limits, copayments, or deductibles

70 that are less favorable to the insured than the dollar limits, copayments, or deductibles that

71 apply to coverage for similar cancer chemotherapy treatments that are administered intravenously or by

72 injection under the policy of accident or health insurance. ; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 42**, ADOPTION REVISIONS, by Representative S. Allen; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 265**, POSTMORTEM PROCEDURES AMENDMENTS, by Representative B. Daw.

D. Chris Buttars, Chair

Mr. President: February 23, 2009

The Education Committee reports a favorable recommendation on **H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, by Representative C. Moss, with the following amendments:

1. Page 1, Line 29
House Committee Amendments
1–28–2009:

29 (1) As used in this section {~~,~~} :
(a) {~~"school"~~} "School" means any public or private kindergarten,

2. Page 2, Line 31:

31 school.
(b) "School property" means real property owned or occupied by a public or private school, including real property temporarily occupied by students for a school activity or program.

3. Page 2, Line 33:

33 school property, if the person enters {~~at any time~~} onto {~~the~~} school property {~~of any school~~} when :
(a) students are attending the school or students are participating in any school–related activity or program on school property; and
(b) the ; and

The Education Committee reports a favorable recommendation on **H.B. 287**, UTAH EDUCATION NETWORK AMENDMENTS, by Representative K. Holdaway.

Curtis S. Bramble, Chair

Mr. President: February 20, 2009

The Government Operations and Political Subdivisions Committee recommends **S.B. 84**, IMPACT FEES REVISIONS, by Senator G. Bell, be replaced and favorably recommends **1st Sub. S.B. 84,** IMPACT FEES REVISIONS; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. S.B. 106**, ALCOHOLIC BEVERAGE CONTROL ACT RESTRICTIONS, by Senator S. McCoy; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 156**, GIFTS AND MEAL PROVISIONS FOR PUBLIC OFFICIALS, by Senator G. Bell, with the following amendments:

1. Page 7, Lines 201 through 203:

201 (C) an expenditure made for food or beverage {~~including the public official's name~~} , if

202 the aggregate daily expenditures benefitting the public official are greater than [~~$50; and~~] $25

203 unless the food or beverage is provided in connection with an event to which:

2. Page 9, Lines 273 through 274:

273 (b) Notwithstanding Subsection (1)(a), "gift" includes ;
(i) admission to a sporting,

274 recreational, or artistic event whether as a spectator or a participant ; and
(ii) cash . ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 162**, USE OF CAMPAIGN FUNDS AMENDMENTS, by Senator J. Valentine, with the following amendments:

1. Page 2, Lines 42 through 44:

42 (4) {~~A~~} (a) Except as provided in Subsection (4)(b) and Section 20A–11–402, a person who is no longer a state office candidate may not expend or transfer the

43 monies in a campaign account in a manner that would cause the former state office candidate to

44 recognize the monies as taxable income under federal tax law.

(b) A person who is no longer a state office candidate may transfer the monies in a campaign account in a manner that would cause the former state office candidate to recognize the monies as taxable income under federal tax law if the transfer is made to a campaign account for federal office.

2. Page 2, Line 58 through Page 3, Line 60:

58 (5) {~~A~~} (a) Except as provided in Subsection (5)(b) and Section 20A–11–402, a person who is no longer a legislative office candidate may not expend or transfer

59 the monies in a campaign account in a manner that would cause the former legislative office

60 candidate to recognize the monies as taxable income under federal tax law.

(b) A person who is no longer a legislative office candidate may transfer the monies in a campaign account in a manner that would cause the former legislative office candidate to recognize the monies as taxable income under federal tax law if the transfer is made to a campaign account for federal office.

3. Page 3, Lines 76 through 78:

76 (4) (a) Except as provided in Subsection (4)(b), a {~~A~~} person who is no longer an officeholder may not expend or transfer the monies in

77 a campaign account in a manner that would cause the former officeholder to recognize the

78 monies as taxable income under federal tax law.

(b) A person who is no longer an officeholder may transfer the monies in a campaign account in a manner that would cause the former officeholder to recognize the monies as taxable income under federal tax law if the transfer is made to a campaign account for federal office.

4. Page 4, Lines 94 through 96:

94 (5) {~~A~~} (a) Except as provided in Subsection (5)(a) and Section 20A–11–402, a person who is no longer a school board candidate may not expend or transfer the

95 monies in a campaign account in a manner that would cause the former school board candidate

96 to recognize the monies as taxable income under federal tax law.
(b) A person who is no longer a school board candidate may transfer the monies in a campaign account in a manner that would cause the former school board candidate to recognize the monies as taxable income under federal tax law if the transfer is made to a campaign account for federal office. ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 209**, LAND USE, DEVELOPMENT, AND MANAGEMENT ACT AMENDMENTS, by Senator G. Bell; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 118**, ARCHIVES AND GRAMA REVISIONS, by Representative D. Aagard.

Peter C. Knudson, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 211,** as amended, **S.B. 268, H.B. 154,** as amended, **H.B. 271,** as amended, **S.B. 217,** as amended, **H.B. 42, H.B. 265, H.B. 244,** as amended, **H.B. 287, 1st Sub. S.B. 84, 1st Sub. S.B. 106, S.B. 156,** as amended, **S.B. 162,** as amended, **S.B. 209,** and **H.B. 118** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 23, 2009

The Health and Human Services Committee reports a favorable recommendation on **H.B. 239**, UTAH MEDICAL EXAMINER ACT – INVESTIGATION AND AUTOPSIES AMENDMENTS, by Representative C. Oda, 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. 289**, BACKGROUND CHECKS FOR QUALIFYING

ENTITIES, by Representative S. Sandstrom, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

Mr. President: February 23, 2009

The Education Committee reports a favorable recommendation on **S.B. 185**, FEDERAL EDUCATION AGREEMENT REQUIREMENTS AMENDMENTS, by Senator M. Dayton, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 1, Lines 19 through 20:

19 Other Special Clauses:

20 {~~None~~} This bill provides an immediate effective date.

2. Page 5, Line 128:

128 authorizations established by this part are necessary.

Section 6. 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. ; and

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 264**, EDUCATOR EVALUATION AMENDMENTS, by Representative R. Menlove, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

On motion of Senator Killpack, the committee reports were adopted. **H.B. 239, H.B. 289, S.B. 185,** as amended, and **1st Sub. H.B. 264** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 187, **Alcohol Amendments** (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 215, **Justice for All Special Group License Plate** (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 241, **Instructional Expenses Requirements** (M. Madsen), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

1st Sub. S.B. 192, CORPORATION AND BUSINESS ENTITY RELATED AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Christensen	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Buttars	Davis	Madsen
McCoy	Stephenson	Urquhart	

1st Sub. S.B. 192 was transmitted to the House for consideration.

* * *

1st Sub. S.C.R. 3, CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE WORK OF THE UTAH COUNCIL ON FINANCIAL AND ECONOMIC EDUCATION, was read the first, second and third time, explained by Senator Jones, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Buttars	Madsen	McCoy
Stephenson	Urquhart		

1st Sub. S.C.R. 3 was transmitted to the House for consideration.

* * *

On motion of Senator Valentine, **H.B. 223**, STATUTE OF LIMITATIONS AMENDMENTS, was read the third time and circled.

THIRD READING CALENDAR

S.B. 102, SHARE THE ROAD SPECIAL GROUP LICENSE PLATE, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Buttars	Christensen

S.B. 102 was transmitted to the House for consideration.

* * *

S.B. 51, RESTITUTION FUND ACCOUNT, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Buttars	McCoy	Niederhauser

S.B. 51 was transmitted to the House for consideration.

* * *

On motion of Senator Greiner, **S.B. 98**, MOTOR FUEL THEFT PENALTIES, was read the third time and circled.

* * *

S.B. 128, RAINWATER HARVESTING, was read the third time and explained by Senator Jenkins.

Senator Jenkins proposed the following amendment:

1. Page 2, Lines 46 through 48

46 (7) Notwithstanding the requirements of Section 73–3–2, a person may:

47 (a) directly capture and store precipitation in {~~a~~} an underground storage container :

(i) with a maximum

48 capacity of 2,500 gallons; and

(ii) installed in accordance with relevant building codes adopted under Chapter 56, Title 58, Uniform Building Standards Act; and

Senator Jenkins' motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Voting in the negative were: Senators

Hinkins	McCoy

Absent or not voting were: Senators

Bramble	Buttars	Van Tassell

S.B. 128 was transmitted to the House for consideration.

* * *

On motion of Senator Jenkins, **2nd Sub. S.B. 131**, LAW ENFORCEMENT SERVICE IN LOCAL DISTRICTS AND INTERLOCAL ENTITIES, was read the third time and circled.

* * *

S.B. 134, TRANSPORTATION FUNDING AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Bramble	Buttars	Van Tassell

S.B. 134 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 132, INDIVIDUAL INCOME TAX CONTRIBUTION FOR METHAMPHETAMINE HOUSING RECONSTRUCTION AND REHABILITATION FUND, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Waddoups			

Voting in the negative were: Senators
Jenkins Stephenson

Absent or not voting were: Senators
Buttars Van Tassell

1st Sub. S.B. 132 was transmitted to the House for consideration.

* * *

S.B. 148, LOW–PROFIT LIMITED LIABILITY COMPANY ACT, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Jenkins Killpack

S.B. 148 was transmitted to the House for consideration.

* * *

S.C.R. 2, CONCURRENT RESOLUTION – A CALL TO CIVILITY, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Dayton	Jenkins	Killpack

S.C.R. 2 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 137, PHYSICAL THERAPY PRACTICE ACT, was read the second time. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 2, Lines 47 through 48

   47 Other Special Clauses:

   48 {~~None~~} This bill takes effect on July 1, 2009.

2. Page 16, Lines 480 through 481
   Senate Committee Amendments
   2–9–2009:

   480 (3) The duties and responsibilities of the board are described in Subsection (4) and

   481 Sections 58– {~~21b~~} 1 –201 through 58– {~~21b~~} 1 –203.

3. Page 19, Line 556:

   556 58–24b–303. Term of license –– Renewal –– Temporary license for physical therapist assistant .

4. Page 19, Lines 566 through 575:

   566 (4) A license issued under this chapter expires on the expiration date indicated on the

567 license, unless the license is renewed under this section.

(5) Notwithstanding any other provision of this chapter, the division may, by rule, grant a temporary license, that expires on July 1, 2011, as a physical therapist assistant to an individual who:

(a) was working as a physical therapist assistant in Utah before July 1, 2009; and

(b) complies with the requirements described in Subsections 58–24b–302(2)(a), (b), (c), (f), and (g).

568 Section 10. Section 58–24b–304 is enacted to read:

569 58–24b–304. Exemptions from licensure.

570 (1) In addition to the exemptions from licensure described in Section 58–1–307, as

571 modified by Subsection 58–24b–302(5), a person may engage in acts that constitute the practice

572 of physical therapy without a license issued under this chapter if:

573 (a) the person is licensed under another law of the state to engage in acts that constitute

574 the practice of physical therapy if that person does not ;

(i) claim to be a physical therapist {– ~~or~~ } ;

(ii) claim to be a

575 provider of any type of physical therapy that is outside of the scope of practice of the license that is issued to the person; ; or

(iii) engage in any acts that constitute the practice of physical therapy that are outside of the scope of practice of the license that is issued to the person;

5. Page 22, Line 677
Senate Committee Amendments
2–9–2009:

677 (a) perform a physical therapy evaluation {– ~~,~~ } or assessment Ŝ➔ [~~, or diagnoses;~~] ;

6. Page 26, Line 778
Senate Committee Amendments
2–9–2009:

778 (i) physical therapy , except to the extent that the word is used to describe conduct that a person is licensed to engage in under another law of the state ;

7. Page 34, Lines 1026 through 1028:

1026 [~~(36)~~] (37) "Unanticipated outcome" means the outcome of a medical treatment or

1027 procedure that differs from an expected result.

Section 24. Effective date.

This bill takes effect on July 1, 2009.

1028 Section {~~24~~} 25 . Repealer.

Senator Niederhauser's motion to amend passed on a voice vote. Senator Robles commented. The bill passed second reading, under suspension of the rules, on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Killpack

* * *

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

THIRD READING CALENDAR

On motion of Senator Jenkins, the circle was removed from **2nd Sub. S.B. 131**, LAW ENFORCEMENT SERVICE IN LOCAL DISTRICTS AND INTERLOCAL ENTITIES, and it was before the Senate. Senator Jenkins explained the bill.

Senator Bramble proposed the following amendment:

1. Page 1, Line 17

17 their approval if the local district is created to provide law enforcement service;
▶ requires county and municipal legislative body approval of a property tax imposed by a police local district;

2. Page 1, Line 20:

20 ▶ modifies who appoints one member of a merit system commission for a first class county in

3. Page 2, Line 29a
Senate 2nd Reading Amendments
2–23–2009:

29a Ŝ➔ ▶ specifies that if a police interlocal entity or police local district {~~enter~~} enters an interlocal

4. Page 2, Line 33
Senate 2nd Reading Amendments
2–23–2009:

33 by agreement;
▶ limits application of some provisions to districts in counties of the first class;

5. Page 2, Line 54
Senate 2nd Reading Amendments
2–23–2009:

54 17B–1–505, as renumbered and amended by Laws of Utah 2007, Chapter 329
17B–2a–903, as enacted by Laws of Utah 2007, Chapter 329

6. Page 11, Line 312:

312 county of the first class is a party; and

7. Page 11, Line 317:

317 17B–1–203 by the legislative body of a county of the first class , alone or with one or more other legislative

8. Page 18, Line 535:

535 17B–1–512(2)(a).
Section 12. Section 17B–2A–903 is amended to read:
17B–2a–903. Additional service area powers.

(1) In addition to the powers conferred on a service area under Section 17B–1–103, a service area:

{ ~~(1)~~ } (a) may issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds, to carry out the purposes of the district;

{ ~~(2)~~ } (b) that, until April 30, 2007, was a regional service area, may provide park, recreation, or parkway services, or any combination of those services; and

{ ~~(3)~~ } (c) may, with the consent of the county in which the service area is located, provide planning and zoning service.

(2) A service area that provides law enforcement service may not levy a property tax or increase its certified tax rate, as defined in Section 59–2–924, without the prior approval of:

(a)(i) the legislative body of each municipality that is partly or entirely within the boundary of the service area; and

(ii) the legislative body of the county with an unincorporated area within the boundary of the service area; or

(b)(i) a majority of the legislative bodies of all municipalities that are partly or entirely within the boundary of the service area; and

(ii) two–thirds of the legislative body of the county with an unincorporated area within the boundary of the service area.

9. Page 21, Line 645
Senate 2nd Reading Amendments
2–23–2009:

645 Area Act , within a county of the first class :

Renumber remaining sections accordingly.

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

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser

Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

2nd Sub. S.B. 131 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 142, DISPOSITION OF A DEAD BODY, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Stephenson	Urquhart

* * *

S.B. 146, HOME SCHOOLING AMENDMENTS, was read the second time. Senator Madsen explained the bill. Senator Hinkins commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Valentine
Waddoups			

Absent or not voting were: Senators

Christensen	Stephenson	Urquhart	Van Tassell

* * *

On motion of Senator Jenkins, **S.B. 159**, MATH EDUCATION INITIATIVE, was read the second time and circled.

* * *

S.B. 58, COLLECTION AND USE OF PRECIPITATION, was read the second time. Senator McCoy explained the bill. Senators Jenkins, Hinkins, Madsen, and Valentine commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 6; Absent, 2.

Voting in the affirmative were: Senators

Bell	Davis	Goodfellow	Hillyard
Hinkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Buttars	Christensen	Dayton	Greiner
Jenkins	Killpack		

Absent or not voting were: Senators

Bramble	Stephenson

* * *

S.B. 54, UNIFORM LAW – UNIFORM ASSIGNMENT OF RENTS ACT, was read the second time. Senator Romero explained the bill.

Senator Romero proposed the following amendment:

. Page 12, Line 363 through Page 13, Line 376

363 <u>57–26–111.</u> Effect of enforcement.

364 <u>The enforcement of an assignment of rents by one or more of the methods identified in</u>

365 <u>Sections 57–26–107, 57–26–108, and 57–26–109, the application of proceeds by the assignee</u>

366 under Section 57–26–112 after enforcement, the payment of expenses under Section 57–26–113,

367 or an action under Subsection 57–26–114(4) does not:

368 (1) make the assignee a purchaser in possession of the real property;

369 (2) make the assignee an agent of the assignor;

370 (3) constitute an election of remedies that precludes a later action to enforce the

371 secured obligation;

372 (4) make the secured obligation unenforceable;

373 (5) limit any right available to the assignee with respect to the secured obligation;

374 (6) limit, waive, or bar any foreclosure or power of sale remedy under the security instrument;
(7) violate Section 78B–6–901; or

375 {~~(7)~~} (8) bar a deficiency judgment pursuant to any law of this state governing or relating to

376 deficiency judgments following the enforcement of any encumbrance, lien, or security interest.

2. Page 15, Lines 441 through 460:

441 57–26–115. Perfection and priority of assignee's security interest in proceeds.

* * * *Some lines not shown* * * *

455 (3) Except as otherwise provided in Subsection (4), priority between an assignee's

456 security interest in identifiable proceeds and a conflicting interest is governed by the priority

457 rules in Article 9.

458 (4) An assignee's perfected security interest in identifiable cash proceeds is subordinate

459 to a conflicting interest that is perfected by control under Article 9 but has priority over a

460 conflicting interest that is perfected other than by control.
(5) An assignee's perfected security interest in identifiable cash

proceeds is subordinate to a conflicting interest arising under a right of recoupment or setoff.

Senator Romero's motion to amend passed on a voice vote. Senator Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Buttars	Stephenson

* * *

S.B. 56, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENT, was read the second time. Senator Killpack explained the bill.

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

1st Sub. S.B. 56 Military Installation Development Authority Amendments (S. Killpack)

On motion of Senator Killpack, the bill was circled.

* * *

On motion of Senator Killpack, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 24, 2009

The House passed, **S.B. 108**, TAX COMMISSION ADMINISTRATION, COLLECTION, AND ENFORCEMENT AMENDMENTS, 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

S.B. 108 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 24, 2009

The House concurred in the Senate amendments and passed **H.B. 24**, TRAFFIC ACCIDENT CLEARANCE 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. 102**, FALSE VEHICLE TITLE AND REGISTRATION PENALTIES, by Representative P. Ray, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 24 and **H.B. 102**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: February 24, 2009

The House passed **H.B. 152**, APPRAISAL MANAGEMENT COMPANY REGULATION, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 294**, SURVIVAL ACTION UPON INJURY OR DEATH, by Representative K. McIff, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 352**, ALCOHOLIC BEVERAGE RELATED AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.B. 375**, LOCAL GOVERNMENT RECORDS AMENDMENTS, by Representative R. Wilcox, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 152, 1st Sub. H.B. 294, 1st Sub. H.B. 352,** and **H.B. 375** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 24, 2009

The House refused to concur with the Senate Amendments to **H.B. 51**, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, by Representative C. Johnson, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

RULES COMMITTEE REPORTS

To the Members of the Senate: February 24, 2009

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

Business and Labor Committee

S.B. 187	Alcohol Amendments (Sen. J. Valentine)
S.B. 267	Landlord Disclosure Requirements (Sen. R. Romero)
H.B. 72	Children's Justice Center Amendments (Rep. L. Fowlke) (Sen. C. Bramble)
1st Sub. H.B. 280	Insurance Code – Continuing Education (Rep. J. Bird) (Sen. K. Van Tassell)

Education Committee

S.B. 241	Instructional Expenses Requirements (Sen. M. Madsen)
1st Sub. H.B. 150	State Board of Education Member Election Process Amendments (Rep. C. Moss) (Sen. P. Jones)
1st Sub. H.B. 207	Concurrent Enrollment Amendments (Rep. K. Holdaway) (Sen. M. Dayton)
H.J.R. 13	Joint Resolution – Teacher Performance Pay (Rep. M. Poulson) (Sen. K. Morgan)

Government Operations and Political Subdivisions Committee

H.B. 17	Expedited Partner Therapy Treatment (Rep. J. Seelig) (Sen. S. Urquhart)
H.B. 108	Hormone Restoration Amendments (Rep. D. Aagard) (Sen. D. Stowell)
1st Sub. H.B. 126	Voter Identification for Elections (Rep. B. Daw) (Sen. M. Madsen)
H.B. 310	Authority of Lieutenant Governor to Perform Marriage (Rep. C. Wimmer) (Sen. R. Okerlund)

Health and Human Services Committee

H.B. 254 Health Professional Authority – Death Certificates (Rep. B. Last) (Sen. S. Killpack)

Judiciary, Law Enforcement, and Criminal Justice Committee

H.B. 37 Violent Offenses Amendments (Rep. J. Seelig) (Sen. J. Greiner)

2nd Sub. H.B. 100 Department of Corrections – Tracking and Reimbursement of Individual Prisoner Costs (Rep. C. Wimmer) (Sen. C. Bramble)

2nd Sub. H.B. 220 State Payment and Reimbursement to County Correctional Facilities (Rep. M. Noel) (Sen. J. Greiner)

Natural Resources, Agriculture and Environment Committee

H.B. 205 Water Source Protection Amendments (Rep. M. Noel) (Sen. S. Urquhart)

Revenue and Taxation Committee

S.B. 238 Coal Severance Tax (Sen. G. Davis)

Transportation, Public Utilities and Technology Committee

S.B. 215 Justice for All Special Group License Plate (Sen. G. Bell)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 24, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 73**, UNINCORPORATED AREAS AMENDMENTS, by Senator K. Mayne; and

The Government Operations and Political Subdivisions Committee recommends **S.B. 63**, MODIFICATIONS TO RECORDING REQUIREMENTS – SUBDIVISIONS, by Senator R. Okerlund, be replaced and favorably recommends **1st Sub. S.B. 63,** MODIFICATIONS TO RECORDING REQUIREMENTS with the following amendments:

1. Page 1, Lines 24 through 25:

24 {~~▶ provides that the absence of a certificate of written approval does not prohibit the~~

25 ~~county recorder from recording the document;~~ }

2. Page 2, Line 47:

47 {~~10–9a–605, as last amended by Laws of Utah 2006, Chapter 240~~ }

3. Page 3, Line 57,
Senate Committee
Amendments, 2–18–09:

57 {~~17–27a–605, as last amended by Laws of Utah 2006, Chapter 240~~ }

4. Page 6, Line 156 through Page 7, Line 189:
Delete lines 156–189

5. Page 18, Line 537,
Senate Committee Amendments,
2–18–09, through Page 19, Line 571:
Delete lines 537–571

Renumber remaining sections accordingly; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 122**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, by Representative D. Aagard.

Peter C. Knudson, Chair

Mr. President: February 24, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 65**, AMENDMENTS TO PROPERTY TAX NOTICE, PUBLIC HEARING, AND RESOLUTION PROVISIONS, by Senator D. Stowell; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 189**, AMENDMENTS TO SALES AND USE TAX, by Senator W. Niederhauser; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 190**, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN, by Senator W. Niederhauser.

Wayne L. Niederhauser, Chair

Mr. President: February 23, 2009

The Natural Resources, Agriculture, and Environment Committee recommends **S.B. 80**, FIRE LIABILITY MODIFICATIONS, by Senator M. Dayton, be replaced and favorably recommends **1st Sub. S.B. 80,** FIRE LIABILITY MODIFICATIONS.

Dennis E. Stowell, Chair

Mr. President: February 23, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 244**, LONG ARM JURISDICTION AMENDMENTS, by Senator W. Niederhauser; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.J.R. 21**, JOINT RESOLUTION ON COMBATING AND REDUCING GANG ACTIVITY, by Senator L. Robles, with the following amendments:

1. Page 3, Line 64:
   64 { ~~academic~~ } academics , targeted counseling, and employment programs as a means to enhance the future of ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 222**, UNBORN CHILD PAIN PREVENTION ACT, by Representative C. Wimmer; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 275**, DOMESTIC VIOLENCE IN PRESENCE OF A CHILD AMENDMENTS, by Representative K. Gibson.

Michael G. Waddoups,
President of the Senate

On motion of Senator Jenkins, the committee reports were adopted. **S.B. 73, 1st Sub. S.B. 63,** as amended, **H.B. 122, S.B. 65, S.B. 189, S.B. 190, 1st Sub. S.B. 80, S.B. 244, S.J.R. 21,** as amended, **H.B. 222,** and **H.B. 275** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 24, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 291**, COUNTY PERSONNEL AMENDMENTS, by Representative B. King, 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. 319**, DISASTER RECOVERY FUNDING AMENDMENTS, by Representative C. Oda, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: February 23, 2009

The Natural Resources, Agriculture, and Environment Committee recommends **H.C.R. 5**, CONCURRENT RESOLUTION URGING THE REALIGNMENT OF AIR QUALITY REQUIREMENTS BY THE EPA, by Representative R. Menlove, be replaced and favorably recommends **1st Sub. H.C.R. 5,** CONCURRENT RESOLUTION URGING THE REALIGNMENT OF AIR QUALITY REQUIREMENTS BY THE EPA and that it be considered read for the second time and placed on the Consent Calendar; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.C.R. 6**, CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO CONGRESSIONAL EFFORTS TO EXPAND THE JURISDICTION OF THE CLEAN WATER ACT, by Representative M. Brown, and recommends it be considered read for the second time and placed on the Consent Calendar.

Dennis E. Stowell, Chair

Mr. President: February 23, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 123**, RETAIL AND LIBRARY THEFT AMENDMENTS, by Representative F. Gibson, 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. 127**, PERSONAL INJURY PROTECTION COVERAGE AMENDMENTS, by Representative T. Kiser, 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. 228**, ASSAULT ON SERVICE MEMBER IN UNIFORM, 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. 295**, MONEY LAUNDERING AMENDMENTS, by Representative R. Wilcox, and recommends it be considered read for the second time and placed on the Consent Calendar.

Michael G. Waddoups,
President of the Senate

On motion of Senator Greiner, the committee reports were adopted. **H.B. 291, H.B. 319, 1st Sub. H.C.R. 5, H.C.R. 6, H.B. 123, H.B. 127, H.B. 228,** and **H.B. 295** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 193, **Salvage Vehicles Amendments** (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 218, **Community Animal Shelter and Adoption Support Special Group License Plate** (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 270, **Gift Card Amendments** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

* * *

H.B. 51, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, was before the Senate.

On motion of Senator Stowell, the Senate voted to refuse to recede from its amendments to **H.B. 51**. President Waddoups appointed a conference committee consisting of Senators Stowell, Valentine, and Morgan to meet with a like committee from the House.

THIRD READING CALENDAR

On motion of Senator Greiner, the circle was removed from **S.B. 98**, MOTOR FUEL THEFT PENALTIES, and it was before the Senate.

On motion of Senator Greiner, the bill was circled.

SECOND READING CALENDAR

S.B. 150, STATE ARMORY AMENDMENTS, was read the second time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell	Davis	Knudson

* * *

S.B. 14, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, was read the second time. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:9, Lines 261 through 262

261 (l) A motion picture company that claims a tax credit under Subsection (2)(k) shall

262 retain the tax certificate in accordance with Subsection 63M−1−1804(5)(d).

(3) The office may issue up to:

(a) $7,793,700 in tax credit certificates in a fiscal year under this part; and

(b) $2,206,300 in motion picture cash rebates in a fiscal year under this part.

Senator Hillyard's motion to amend passed on a voice vote. Senators Greiner, Morgan, Jones, Jenkins, and Madsen commented. The bill passed second reading, under suspension of the rules, on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen	Knudson	Valentine

* * *

S.B. 160, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, was read the second time. Senator Jenkins explained the bill. Senator Christensen commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Knudson	Valentine

* * *

On motion of Senator Killpack, the circle was removed from **1st Sub. S.B. 56**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, and it was before the Senate. Senator Killpack explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Van Tassell			

Voting in the negative were: Senators
Stephenson Waddoups

Absent or not voting were: Senators
Knudson Valentine

* * *

S.J.R. 10, ALTERNATIVE TRAINING CENTER JOINT RESOLUTION, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Knudson Mayne

* * *

On motion of Senator Davis, legislative staff was authorized to draft a bill regarding Judicial Conduct Commission.

* * *

1st Sub. S.B. 147, DRIVER LICENSE REVISIONS, was read the second time. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 1, Lines 19 through 22

19 • the Driver License Division receives written verification from the person's

20 primary care physician that to the physician's knowledge the person has not used

21 any narcotic drug or other controlled substance except as prescribed by a

22 licensed medical practitioner within the last three years and that the physician is not aware of any physical, emotional, or mental impairment that would affect the person's ability to operate a motor vehicle safely ; and

2. Page 5, Lines 139 through 142:

139 (B) the division receives written verification from the person's primary care physician

140 that :
(I) to the physician's knowledge the person has not used any narcotic drug or other controlled

141 substance except as prescribed by a licensed medical practitioner within the last three years;

142 and
(II) the physician is not aware of any physical, emotional, or mental impairment that would affect the person's ability to operate a motor vehicle safely.

Senator Hillyard's motion to amend passed on a voice vote. Senators Buttars, Goodfellow, and Mayne commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Knudson

* * *

S.B. 149, PROHIBITION OF TEXT MESSAGING OR ELECTRONIC MAIL COMMUNICATION WHILE DRIVING, was read the second time. Senator Hillyard explained the bill.

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

1st Sub. S.B. 149 Prohibition of Text Messaging or Electronic Mail Communication While Driving (L. Hillyard)

Senator Hillyard proposed the following amendment:

1. Page 2, Lines 29 through 32

29 ▶ provides that a judge {~~ or justice ~~} may order that a person's driver license be suspended

30 for three months upon conviction of the prohibition on using a handheld wireless

31 communication device for text messaging or electronic mail communication while

32 operating a moving motor vehicle;

2. Page 5, Lines 130 through 133:

130 <u>(5) Upon a conviction of the prohibition on using a handheld wireless communication</u>

131 <u>device for text messaging or electronic mail communication while operating a moving motor</u>

132 <u>vehicle under Section 41–6a–1716, a judge</u> {~~ or justice~~ } <u>may order a suspension of the convicted</u>

133 <u>person's license for a period of three months.</u>

Senator Hillyard's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 2; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators
Dayton Stephenson

Absent or not voting was: Senator
Knudson

* * *

On motion of Senator Killpack, and at 3:30 p.m., the Senate sauntered.

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

RULES COMMITTEE REPORTS

To the Members of the Senate: February 24, 2009

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

Business and Labor Committee

S.B. 270 Gift Card Amendments (Sen. W. Niederhauser)
H.B. 152 Appraisal Management Company Regulation (Rep. M. Morley) (Sen. J. Valentine)
1st Sub. H.B. 352 Alcoholic Beverage Related Amendments (Rep. J. Dunnigan) (Sen. J. Valentine)

Government Operations and Political Subdivisions Committee

H.B. 375 Local Government Records Amendments (Rep. R. Wilcox) (Sen. A. Christensen)

Judiciary, Law Enforcement, and Criminal Justice Committee

1st Sub. H.B. 294 Survival Action upon Injury or Death (Rep. K. McIff) (Sen. M. Waddoups)

Transportation, Public Utilities and Technology Committee

S.B. 193 Salvage Vehicles Amendments (Sen. S. Urquhart)

S.B. 218 Community Animal Shelter and Adoption Support Special Group License Plate (Sen. P. Knudson)

Margaret Dayton
Rules Committee Chair

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

SECOND READING CALENDAR

1st Sub. S.B. 116, CRIMINAL PENALTY AND PROSECUTION AMENDMENTS, was read the second time. Senator Liljenquist explained the bill. Senator McCoy commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Greiner	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Davis	Goodfellow	Hillyard
Knudson	Stowell		

* * *

S.B. 118, PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Liljenquist	Madsen	Mayne

McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Davis	Hillyard	Jones	Killpack
Knudson			

* * *

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

THIRD READING CALENDAR

On motion of Senator Greiner, the circle was removed from **S.B. 98**, MOTOR FUEL THEFT PENALTIES, and it was before the Senate. Senator Greiner explained the bill.

Senator Greiner proposed the following amendment:

1. Page 1, Line 17
   Senate Committee Amendments
   2–4–2009

   17 driver license {~~shall~~} may be suspended for a conviction of theft of motor vehicle fuel Ŝ➔ [~~:~~

2. Page 1, Line 20
   Senate Committee Amendments
   2–4–2009:

   20 ~~• one year for a third or subsequent offense~~] for not more than 90 days ←Ŝ ; and

3. Page 4, Lines 104 through 106
   Senate Committee Amendments
   2–4–2009:

   104 (d) (i) The division shall immediately suspend a person's driver license {– ~~upon receiving~~

   105 ~~a record of~~ } for conviction {~~for~~ } of the offense of theft of motor vehicle fuel under Section 76–6–404.7 if the division receives:

(A) an order from the sentencing court requiring that the person's driver license be suspended; and
(B) a record of the conviction .

106 (ii) {~~A~~ } An order of suspension under this section is Ŝ➔ [~~:~~

4. Page 4, Line 109
Senate Committee Amendments
2–4–2009:

109 ~~(C) one year for a third or subsequent offense~~] at the discretion of the sentencing court, and may not be for more than 90 days for each offense ←Ŝ .

5. Page 6, Lines 156 through 157:

156 (3) In addition to the penalties for theft under Section 76–6–412, the sentencing court may order the suspension of the driver license of a

157 person convicted of theft of motor vehicle fuel {~~shall be suspended~~ } . The suspension may not be for more than 90 days as provided in Section

Senator Greiner's motion to amend passed on a voice vote. Senator Hinkins declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Davis	Hillyard	Jones	Killpack
Knudson	Madsen		

S.B. 98, as amended, was transmitted to the House for consideration.

* * *

On motion of Senator Bramble, the Senate voted to lift **2nd Sub. H.B. 100** from the Judiciary Standing Committee and assigning it to the Education Standing Committee.

SECOND READING CALENDAR

S.B. 133, ABUSE OR NEGLECT OF A DISABLED CHILD, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Jenkins	Knudson

On motion of Senator Waddoups, the following corrected committee report was requested to be placed in the Senate Journal.

Mr. President: February 6, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 133**, ABUSE OR NEGLECT OF A DISABLED CHILD, by Senator J. Valentine, with the following amendments:

1. Page 1, Lines 14 through 15:

   14 ▶ provides that a caretaker who intentionally, knowingly, or recklessly {~~, or with criminal~~

   15 ~~negligence~~ } abuses or neglects a disabled child is guilty of a third degree felony.

2. Page 2, Line 45:

45 (2) Any caretaker who intentionally, knowingly, or recklessly {~~, or with criminal negligence~~ }

D. Chris Buttars, Chair

* * *

S.B. 154, JUVENILE COURT JUDGE – FIFTH DISTRICT, was read the second time. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Davis	Hillyard	Jenkins	Knudson

* * *

S.B. 161, REPEAL OF MAXIMUM CHARGE TO PUBLISH LEGAL NOTICE, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Davis	Hillyard	Knudson

* * *

On motion of Senator Stephenson, the circle was removed from **S.B. 159**, MATH EDUCATION INITIATIVE, and it was before the Senate. Senator Stephenson explained the bill.

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

1st Sub. S.B. 159 Math Education Initiative (H. Stephenson)

The bill passed second reading on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

McCoy	Robles	Romero

Absent or not voting were: Senators

Hillyard	Killpack	Knudson

* * *

On motion of Senator Bell, **S.B. 167**, AMENDMENTS TO UNIFORM DEBT–MANAGEMENT SERVICES ACT, was read the second time and circled.

* * *

S.B. 21, STATE AND LOCAL HEALTH AUTHORITIES AMENDMENTS, was read the second time.

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

1st Sub. S.B. 21 State and Local Health Authorities Amendments (D. Stowell)

Senator Stowell explained the bill. Senator Robles commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell	Hillyard	Killpack	Knudson

* * *

S.B. 173, EMOTIONAL SUPPORT ANIMALS AND PSYCHIATRIC THERAPY ANIMALS, was read the second time. Senator Dayton explained the bill. Senators McCoy and Bramble commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 7; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Killpack	Knudson	Liljenquist
Madsen	Mayne	Niederhauser	Okerlund
Stephenson	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Davis	Goodfellow	Jones	McCoy
Morgan	Robles	Romero	

Absent or not voting was: Senator
Stowell

* * *

S.B. 77, GRANTS FOR LICENSED TEACHERS AMENDMENTS, was read the second time. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 8; Absent, 4.

Voting in the affirmative were: Senators

Bell	Christensen	Dayton	Greiner
Hillyard	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Niederhauser
Okerlund	Stephenson	Urquhart	Valentine
Waddoups			

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McCoy	Morgan	Robles	Romero

Absent or not voting were: Senators

Bramble	Buttars	Stowell	Van Tassell

* * *

S.B. 81, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, was read the second time.

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

1st Sub. S.B. 81 Concurrent Enrollment Program Amendments (M. Dayton)

Senator Dayton explained the bill. Senators Hillyard, Jenkins, Valentine, Van Tassell, and Goodfellow commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Christensen	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell	Bramble	Buttars

* * *

On motion of Senator Hillyard, the circle was removed from **S.B. 167**, AMENDMENTS TO UNIFORM DEBT–MANAGEMENT SERVICES, and it was before the Senate. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 3, Line 65

65 Revenue Code, 26 U.S.C. Section 501.
(3) (a) The administrator may waive or reduce the insurance requirement in Subsection 13–42–105 (2)(d) if the provider does not:
(i) maintain control of a trust account or receive money paid by an individual pursuant to a plan for distribution to creditors;
(ii) make payments to creditors on behalf of individuals;
(iii) collect fees by means of automatic payment from individuals; and
(iv) execute any powers of attorney that may be utilized by the provider to collect fees from or expend funds on behalf of an individual.
(b) A waiver or reduction in insurance requirements allowed by the administrator under Subsection (3)(a) shall balance the reduction in risk posed by a provider meeting the stated requirements against any continued need for insurance against employee and director dishonesty.

2. Page 4, Lines 116 through 117:

116 control.
(6) (a) The administrator may waive or reduce the insurance requirement in Subsection 13–42–111 (1)(e) if the provider does not:
(i) maintain control of a trust account or receive money paid by an individual pursuant to a plan for distribution to creditors;
(ii) make payments to creditors on behalf of individuals;
(iii) collect fees by means of automatic payment from individuals; and
(iv) execute any powers of attorney that may be utilized by the provider to collect fees from or expend funds on behalf of an individual.
(b) A waiver or reduction in insurance requirements allowed by the administrator under Subsection (6)(a) shall balance the reduction in risk posed by a provider meeting the stated requirements against any continued need for insurance against employee and director dishonesty.

117 Section 3. Section 13–42–114 is amended to read:

3. Page 6, Line 168:

168 (c) if the individual is to make regular, periodic payments to a creditor or a provider :

4. Page 12, Lines 340 through 341:

340 (5) An agreement may confer on a provider a power of attorney to settle the

341 individual's debt for no more than 50% of the {~~principal~~} outstanding amount of the debt. An agreement may

5. Page 16, Lines 483 through 490:

483 (6) (a) Except as otherwise provided in Subsections (3) and (4), if [~~a plan~~] an agreement

484 contemplates that creditors will settle an individual's debts for less than the principal amount of

485 the debt, compensation for services in connection with {~~settling a~~} setting debt may not exceed {~~, with~~

486 ~~respect to each debt, 30% of the excess of the principal amount of the debt over the amount~~

487 ~~paid the creditor pursuant to the~~ [~~plan~~] agreement, less to the extent it has not been credited

488 ~~against an earlier settlement fee:~~

489 ~~(a) the fee charged pursuant to Subsection (4)(b)(i); and~~

490 ~~(b) the aggregate of fees charged pursuant to Subsection (4)(b)(ii).~~ } one of the following applicable settlement fee limits in Subsection (6)(b) or (c), the terms of which shall be clearly disclosed in the agreement.

(b)(i) With respect to agreements where a flat settlement fee is charged based on the overall amount of included debt, total aggregate fees charged may not exceed 15% of the principal amount of debt included in the agreement, including any fees charged under Subsections (4)(b)(i) and (ii).

(ii) The flat settlement fee authorized under this Subsection (6)(b) shall be assessed in equal monthly payments over no less than half of the

length of the plan, as estimated at the plan's inception, unless:

(A) accelerated by the individual; or

(B) until offers of settlement by creditors are obtained on at least half of the outstanding debt included in the agreement.

(c)(i) With respect to agreements where fees are calculated as a percentage of the amount saved by an individual, a settlement fee may not exceed 30% of the excess of the outstanding amount of each debt over the amount actually paid to the creditor, as calculated at the time of settlement.

(ii) Settlement fees authorized under this Subsection (6)(c):

(A) shall become billable only as debts are settled; and

(B) the total aggregate amount of fees charged to any individual under this chapter, including fees charged under Subsections (4)(b)(i) and (ii), may not exceed 18% of the principal amount of debt included in the agreement at the agreement's inception.

(d) A provider may not impose or receive fees under both Subsections (6)(b) and (c).

6. Page 18, Lines 529 through 530:

529 settlement of a debt to the creditor unless, at the time of settlement, the individual :

(i) receives a

530 certification by the creditor that the payment is in full settlement of the debt ; or

(ii) is part of a payment plan that, upon completion, will lead to full settlement of the debt ;

7. Page 20, Lines 598 through 599:

598 an easily comprehensible manner {~~,~~} :

(a) the information specified in Subsections 13–42–117(4)(c)

599 and (d) ; and

(b) the provider's settlement fee structure, consistent with the limitations of Section 13–42–123 .

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

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

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins

Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Buttars

* * *

On motion of Senator Killpack and at 5:15 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 25, 2009.

THIRTIETH DAY

MORNING SESSION

February 25, 2009

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

Prayer – Lynette Erickson, Senate Docket Clerk
Pledge of Allegiance – Annette Moore, Secretary of the Senate
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE GOVERNOR

ADVISE AND CONSENT

Mr. President: February 9, 2009

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

Utah Department of Public Safety:

Commissioner D. Lance Davenport is appointed to replace Commissioner Scott Duncan as Director of the Utah Department of Public Safety, See Utah Code Ann. 53–1–107.

Utah Commission on Criminal and Juvenile Justice:

Ronald B. Gordon, Jr. is appointed to replace Judge Robert S. Yeates as Director of the Utah Commission on Criminal and Juvenile Justice, See Utah Code Ann. 63M–7–101.

Utah Department of Financial Institutions:

Commissioner G. Edward Leary is reappointed as Commissioner of the Utah Department of Financial Institutions, a term to expire on January 6, 2013. See Utah Code Ann. 7–1–202.

Board of Pardons and Parole:

Robert S. Yeates is appointed to replace Cheryl Hansen as a member of the Board of Pardons and Parole, a term to expire on February 28, 2014. See Utah Code Ann. 77–27–2 .

Board of Water Resources:

Blair R. Francis is reappointed as a member of the Board of Water Resources, a term to expire on January 1, 2013. See Utah Code Ann. 73–10–2.

Joseph Stewart Paulick is reappointed as a member of the Board of Water Resources, a term to expire on January 1, 2013. See Utah Code Ann. 73–10–2.

Neal Gawain Snow is appointed to replace D. Brad Hancock as a member of the Board of Water Resources, a term to expire on January 1, 2013. See Utah Code Ann. 73–10–2.

David Scott Humphreys is appointed to replace Ivan W. Flint as a member of the Board of Water Resources, a term to expire on January 1, 2013. See Utah Code Ann. 73–10–2.

Jordan Valley Water Conservancy District Board of Directors:

Ronald E. Sperry is appointed as a member of the Jordan Valley Water Conservancy District Board of Directors, a term to expire on January 31, 2013. See Utah Code Ann. 17A–2–1409.

Permanent Community Impact Fund Board:

Commissioner Bruce Adams is appointed to replace Commissioner Drew Cox Sitterud as a member of the Permanent Community Impact Fund Board, a term to expire on July 1, 2013. See Utah Code Ann. 9–4–304.

Mayor Kathleen L. Cooper is appointed to replace Commissioner William R. Harrison as a member of the Permanent Community Impact Fund Board, a term to expire on July 1, 2013. See Utah Code Ann. 9–4–304.

Commissioner Maloy D. Dodds is reappointed as a member of the Permanent Community Impact Fund Board, a term to expire on July 1, 2012. See Utah Code Ann. 9–4–304.

Health Data Committee:

Bill Crimm is appointed to replace Judy Ann Buffmire as a member of the Health Data Committee, a term to expire on June 30, 2012. See Utah Code Ann. 26–33a–103.

Board of Oil, Gas, and Mining:

James T. Jensen is appointed to replace Kent R. Peterson as a member of the Board of Oil, Gas, and Mining, a term to expire on March 1, 2013. See Utah Code Ann. 40–6–4.

Kelly Lynn Payne is appointed to replace Robert J. Bayer as a member of the Board of Oil, Gas, and Mining, a term to expire on March 1, 2013. See Utah Code Ann. 40–6–4.

Radiation Control Board:

Commissioner Colleen Johnson is appointed to replace Commissioner Joette E. Langianese as a member of the Radiation Control Board, a term to expire on July 1, 2010. See Utah Code Ann. 19–3–103.

Mr. President: February 18, 2009

The Senate Natural Resources, Agriculture, and Environment Confirmation Committee met on February 18, 2009 and reports a favorable recommendation for Commissioner Colleen Johnson to be confirmed as a member of the Radiation Control Board.

Dennis E. Stowell, Chair

Utah State Fair Corporation Board of Directors:

Steve Frischknecht is reappointed as a member of the Utah State Fair Corporation Board of Directors, a term to expire on December 1, 2012. See Utah Code Ann. 9–4–1104.

Board of the Utah Geological Survey:

Jack R. Hamilton is reappointed as a member of the Board of the Utah Geological Survey, a term to expire on March 1, 2013. See Utah Code Ann. 63–73–3.

William Dornan Loughlin is appointed to replace David B. Simon as a member of the Board of the Utah Geological Survey, a term to expire on March 1, 2013. See Utah Code Ann. 63–73–3.

Ellis Donald Harris, Jr. is appointed to replace Stephen B. Church as a member of the Board of the Utah Geological Survey, a term to expire on March 1, 2013. See Utah Code Ann. 63–73–3.

Tom Tripp is appointed to replace Geoffrey C. Bedell as a member of the Board of the Utah Geological Survey, a term to expire on March 1, 2013. See Utah Code Ann. 63–73–3.

Board of Substance Abuse and Mental Health:

Sabina T. Zunguze is appointed to replace Nora Thurgood Stephens as a member of the Board of Substance Abuse and Mental Health, a term to expire on September 1, 2012. See Utah Code Ann. 62A–15–106.

Board of Child and Family Services:

Savania Tsosie is appointed to replace Jan D. Watts as a member of the Board of Child and Family Services, a term to expire on July 1, 2012. See Utah Code Ann. 62A–1–107 & 62A–4a–102.

Robert Chet Loftis is appointed to replace Sterling Ray Church as a member of the Board of Child and Family Services, a term to expire on July 1, 2012. See Utah Code Ann. 62A–1–107 & 62A–4a–102.

Drinking Water Board:

Kenneth L. Bassett is reappointed as a member of the Drinking Water Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–4–103.

Jay W. Franson is reappointed as a member of the Drinking Water Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–4–103.

Helen Vara Graber is reappointed as a member of the Drinking Water Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–4–103.

Paul G. Hansen is reappointed as a member of the Drinking Water Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–4–103.

Betty G. Naylor is appointed to replace Anne N. Erickson as a member of the Drinking Water Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–4–103.

Terry Gene Beebe is appointed to replace Myron Bateman as a member of the Drinking Water Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–4–103.

State Records Committee:

Gary W. Ott is appointed to replace Robert D. Robertson as a member of the State Records Committee, a term to expire on July 1, 2010. See Utah Code Ann. 63–2–501.

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

Jon M. Huntsman, Jr.,
Governor

* * *

Senator Christensen moved to consent to the appointments as read by Leslie McLean. Senators Greiner and Okerlund commented. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hinkins	Jenkins	Jones	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Waddoups	

Absent or not voting were: Senators

Hillyard	Killpack	Knudson	Stephenson
Valentine	Van Tassell		

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 24, 2009

The House passed, as substituted and amended, **1st Sub. H.B. 151**, MOTOR VEHICLE FORFEITURE AMENDMENTS, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 153**, TRESPASS LAW AMENDMENTS, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 157**, PROPERTY TAX ASSESSMENT AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 202**, SCHOOL DISTRICT TRAFFIC VIOLATION COMPLAINT PROCEDURES, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 209**, AMENDMENTS TO CRIMINAL APPEALS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed **H.B. 221**, COUNTY CORRECTIONAL FACILITIES FUNDING AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **1st Sub. H.B. 237**, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 292**, TRAFFIC VIOLATION AND CITATION AMENDMENTS, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 299**, UNLAWFUL DETAINER AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed **H.B. 317**, CAPITAL FELONY AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 151, H.B. 153, 1st Sub. H.B. 157, H.B. 202, H.B. 209, H.B. 221, 1st Sub. H.B. 237, H.B. 292, 1st Sub. H.B. 299,** and **H.B. 317** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 24, 2009

The Speaker of the House has appointed a Conference Committee consisting of Representatives C. Johnson, G. Hughes, and C. Oda to meet with a like committee from the Senate to consider or amend **H.B. 51**, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, by Representative C. Johnson.

Sandy D. Tenney, Chief Clerk

INTRODUCTION OF BILLS

S.B. 234, **Motor Vehicle Registration Fees** (R. Okerlund), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

On motion of Senator Madsen, the circle was removed from **H.B. 223**, STATUTE OF LIMITATIONS AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Greiner	Hinkins	Jenkins	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Waddoups	

Absent or not voting were: Senators

Bramble	Buttars	Goodfellow	Hillyard
Jones	Killpack	Knudson	Stephenson
Valentine	Van Tassell		

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.

THIRD READING CALENDAR

S.B. 137, PHYSICAL THERAPY PRACTICE ACT, was read the third time and explained by Senator Niederhauser.

Senator Niederhauser proposed the following amendment:

1. Page 17, Line 512

   512 (b) complete the application process, including payment of fees set by the division, in accordance with Section 63J–1–303, to recover the costs of administering the licensing requirements relating to physical therapist assistants ;

2. Page 19, Lines 567a through 567f
   Senate 2nd Reading Amendments
   2–24–2009:

   567a Ŝ➔ (5) Notwithstanding any other provision of this chapter, the division may, by rule,

   567b grant a temporary license, that expires on July 1, {~~2011~~} 2012 , as a physical therapist assistant to an

   567c individual who:

   567d (a) was working as a physical therapist assistant in Utah before July 1, 2009; and

   567e (b) complies with the requirements described in Subsections 58–24b–302(2)(a), (b),

   567f (c), (f), and (g). ←Ŝ

Senator Niederhauser's motion to amend passed on a voice vote. Senators Bell, Stowell, and Robles commented and the bill passed on the following roll call:

Yeas, 21; Nays, 3; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Greiner	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy

Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Voting in the negative were: Senators

Christensen	Hinkins	Robles

Absent or not voting were: Senators

Buttars	Goodfellow	Hillyard	Knudson
Van Tassell			

S.B. 137 was transmitted to the House for consideration.

* * *

S.B. 142, DISPOSITION OF A DEAD BODY, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Greiner	Hinkins	Jenkins
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Buttars	Goodfellow	Hillyard	Knudson
Van Tassell			

S.B. 142 was transmitted to the House for consideration.

* * *

S.B. 146, HOME SCHOOLING AMENDMENTS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins

Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Buttars	Christensen	Hillyard	Knudson
Van Tassell			

S.B. 146 was transmitted to the House for consideration.

* * *

S.B. 58, COLLECTION AND USE OF PRECIPITATION, was read the third time and explained by Senator McCoy. Senators Stowell, Jenkins, and Okerlund commented and the bill passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hinkins
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Voting in the negative were: Senators

Dayton	Jenkins

Absent or not voting were: Senators

Hillyard	Knudson	Van Tassell

S.B. 58 was transmitted to the House for consideration.

* * *

S.B. 54, UNIFORM LAW – UNIFORM ASSIGNMENT OF RENTS ACT, was read the third time, explained by Senator Romero, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Hillyard	Knudson	Van Tassell

S.B. 54 was transmitted to the House for consideration.

* * *

S.B. 150, STATE ARMORY AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Davis	Hillyard	Knudson

S.B. 150 was transmitted to the House for consideration.

* * *

On motion of Senator Jenkins, **S.B. 14**, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, was read the third time and circled.

* * *

S.B. 160, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Knudson	Madsen

S.B. 160 was transmitted to the House for consideration.

* * *

On motion of Senator Killpack, **1st Sub. S.B. 56**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, was read the third time and circled.

* * *

S.J.R. 10, ALTERNATIVE TRAINING CENTER JOINT RESOLUTION, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Hillyard	Knudson	Madsen

S.J.R. 10 was transmitted to the House for consideration.

* * *

On motion of Senator Valentine, **1st Sub. S.B. 147**, DRIVER LICENSE REVISIONS, was read the third time and circled.

* * *

On motion of Senator Valentine, **1st Sub. S.B. 149**, PROHIBITION OF TEXT MESSAGING OR ELECTRONIC MAIL COMMUNICATION WHILE DRIVING, was read the third time and circled.

* * *

1st Sub. S.B. 116, CRIMINAL PENALTY AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Hillyard	Knudson	Mayne

1st Sub. S.B. 116 was transmitted to the House for consideration.

* * *

S.B. 118, PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS, was read the third time and explained by Senator Greiner.

Senator Greiner proposed the following amendment:

1. Page 1, Line 22

22 street gang ; and
► exempts state agencies from liability if the minor is in the custody of the state at the time of the offense .

2. Page 3, Line 71:

71 [~~(5)~~] (7) A parent or guardian is not liable under Subsection (1) or (2) if the parent or

3. Page 3, Line 74:

74 child, made a reasonable effort to restrain the child.

(8) The state and its agencies are not liable under Subsection (1) or (2) if a state agency has legal or protective custody of the minor or has guardianship of the minor at the time of the minor's conduct in violation of Subsection (1) or (2).

Senator Greiner's motion to amend passed on a voice vote. Senator Romero commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Hillyard	Knudson	Morgan

S.B. 118 was transmitted to the House for consideration.

* * *

S.B. 133, ABUSE OR NEGLECT OF A DISABLED CHILD, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Liljenquist	Mayne
McCoy	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Bramble	Hillyard	Knudson
Madsen	Morgan		

S.B. 133 was transmitted to the House for consideration.

* * *

S.B. 154, JUVENILE COURT JUDGE – FIFTH DISTRICT, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell	Bramble	Hillyard	Knudson
Valentine			

S.B. 154 was transmitted to the House for consideration.

* * *

S.B. 161, REPEAL OF MAXIMUM CHARGE TO PUBLISH LEGAL NOTICE, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell	Bramble	Hillyard	Knudson
Valentine			

S.B. 161 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 159, MATH EDUCATION INITIATIVE, was read the third time and explained by Senator Stephenson. Senators Romero and Buttars commented and the bill passed on the following roll call:

Yeas, 19; Nays, 2; Absent, 8.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Greiner	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Stephenson	Stowell	Waddoups	

Voting in the negative was: Senator

Romero	Robles

Absent or not voting were: Senators

Bell	Bramble	Goodfellow	Hillyard
Knudson	Urquhart	Valentine	Van Tassell

1st Sub. S.B. 159 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 21, STATE AND LOCAL HEALTH AUTHORITIES AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Waddoups

Absent or not voting were: Senators

Bramble	Jenkins	Knudson	Valentine
Van Tassell			

1st Sub. S.B. 21 was transmitted to the House for consideration.

* * *

On motion of Senator Killpack, the circle was removed from **1st Sub. S.B. 56**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, and it was before the Senate.

On motion of Senator Killpack, the bill was circled.

* * *

S.B. 173, EMOTIONAL SUPPORT ANIMALS AND PSYCHIATRIC THERAPY ANIMALS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Killpack	Knudson	Liljenquist	Madsen
Niederhauser	Okerlund	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McCoy	Morgan	Robles	Romero

Absent or not voting was: Senator
Bramble

S.B. 173 was transmitted to the House for consideration.

* * *

On motion of Senator Madsen, **S.B. 77**, GRANTS FOR LICENSED TEACHERS AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Hillyard, the circle was removed from **S.B. 14**, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, and it was before the Senate.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Hillyard, the circle was removed from **1st Sub. S.B. 147**, DRIVER LICENSE REVISIONS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Christensen

1st Sub. S.B. 147 was transmitted to the House for consideration.

* * *

On motion of Senator Hillyard, the circle was removed from **1st Sub. S.B. 149**, PROHIBITION OF TEXT MESSAGING OR ELECTRONIC MAIL COMMUNICATION WHILE DRIVING, and it was before the Senate. Senator Hillyard explained the bill.

Senator Madsen proposed the following amendment:

1. Page 2, Lines 29 through 32
   Senate 2nd Reading Amendments
   2–24–2009

   29 ▶ provides that a judge Ŝ➔ [~~or justice~~] ←Ŝ may order that a person's driver license be

   29a suspended

   30 for three months upon conviction <u>for a violation</u> of the prohibition on using a handheld wireless

31 communication device for text messaging or electronic mail communication while

32 operating a moving motor vehicle;

2. Page 5, Lines 130 through 133
Senate 2nd Reading Amendments
2–24–2009:

130 (5) Upon a conviction for a violation of the prohibition on using a handheld wireless communication

131 device for text messaging or electronic mail communication while operating a moving motor

132 vehicle under Section 41–6a–1716, a judge Ŝ➔ [~~or justice~~] ➔Ŝ may order a suspension of the

132a convicted

133 person's license for a period of three months.

Senator Madsen's motion to amend passed on a voice vote. Senators Stephenson, Buttars, Dayton, and Greiner commented. The bill passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators

Bramble	Madsen	Stephenson

1st Sub. S.B. 149 was transmitted to the House for consideration.

* * *

On motion of Senator Killpack, under suspension of the rules, the Senate voted to move **S.B. 156**, GIFTS AND MEAL PROVISIONS FOR PUBLIC

OFFICIALS, and **S.B. 162**, USE OF CAMPAIGN FUNDS AMENDMENTS, to the top of the Second Reading Calendar.

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: February 24, 2009

The Joint Conference Committee comprised of Sens. D. Stowell, J. Valentine, and K. Morgan, and Reps. C. Johnson, G. Hughes, and C. Oda, recommends **H.B. 51**, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, by Representative C. Johnson, with the following amendments:

1. Page 4, Line 92 through Page 4a, Line 106s
   Senate 3rd Reading Amendments
   2–23–2009:

92 (iii) the fermented alcoholic beverage is manufactured and used for Ŝ➔ [~~:~~

93 ~~(A)~~] ←Ŝ personal or family use and consumption Ŝ➔ [~~; or~~

94 ~~(B)~~] , including use at ←Ŝ an organized event where fermented alcoholic beverages are

94a judged as to taste and

95 quality; and

96 (iv) the fermented alcoholic beverage is not for:

97 (A) sale or offering for sale; or

98 (B) consumption on a premise licensed by the commission.

99 (c) An individual may store a fermented alcoholic beverage manufactured as provided

100 in Subsection (6)(b) in the individual's personal residence.

101 (d) A fermented alcoholic beverage manufactured in accordance with Subsection (6)(b)

102 may be removed from the premises where it is manufactured:

103 (i) for personal or family use, including use at an organized event where fermented

104 alcoholic beverages are judged as to taste and quality; Ŝ➔ [~~and~~] ←Ŝ

105 (ii) if the fermented alcoholic beverage is transported in compliance with Section

106 41–6a–526 Ŝ➔ ; and

106a (iii) if the fermented alcoholic beverage is removed only in the following quantities:

106b (A) {~~during a calendar year~~} for personal and family use that is unrelated to an organized event where

106c fermented alcoholic beverages are judged as to taste and quality , the quantity that may be possessed at one time is :

106d (I) one liter of wine for each individual who is 21 years of age or older residing in the

106e household;

106f (II) 72 ounces of heavy beer for each individual who is 21 years of age or older residing in the

106g household; or

106h (III) 72 ounces of beer for each individual who is 21 years of age or older residing in the

106i household; and

106j (B) for on–premise consumption at an organized event where fermented alcoholic beverages

106k are judged as to taste and quality, {~~for each individual who will act as a judge at the event:~~

106l ~~(I) one ounce of wine by volume;~~

106m ~~(II) two ounces of heavy beer; or~~

106n ~~(III) two ounces of beer.~~} the quantity that may be removed for each organized event is:
(I) one liter of wine for each wine category in which the individual enters, except that the individual may not remove wine for more than three categories for the same organized event;
(II) 72 ounces of heavy beer for each heavy beer category in which the individual enters, except that the individual may not remove heavy beer for more than three categories for the same organized event; or
(III) 72 ounces of beer for each beer category in which the individual enters, except that the individual may not remove beer for more than three categories for the same organized event.

106o (e) A partnership, corporation, or association may not manufacture a fermented alcoholic

106p beverage under this Subsection (6) for personal or family use and consumption without ←Ŝ

106q Ŝ→ obtaining a license under this chapter, except that an individual who operates a brewery

106r under this chapter as an individual owner or in partnership with others, may remove beer

106s from the brewery for personal or family use in the amounts described in Subsection (6)(b)(ii) ←Ŝ .

Sen. Dennis Stowell and
Rep. Christine Johnson, Chairs

On motion of Senator Stowell, the Senate voted to adopt the committee report and the bill passed on the following roll call vote:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Goodfellow
Greiner	Hillyard	Hinkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	

Voting in the negative were: Senators

Bell	Dayton	Waddoups

Absent or not voting were: Senators

Bramble	Jenkins	Madsen

H.B. 51 was returned to the House for further consideration.

* * *

On motion of Senator Killpack, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:35 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 25, 2009

The House passed, **S.B. 20**, LOCAL PUBLIC HEALTH EMERGENCY FUNDING, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 107**, COMMUNICATIONS AND MORTGAGE FRAUD PENALTY 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. 111**, HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS, 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, **S.B. 143**, SUNSET ACT AND REPEALERS REAUTHORIZATIONS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 9**, RESOLUTION HONORING THE UTAH LAW ENFORCEMENT MEMORIAL FOUNDATION, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 20, 1st Sub. S.B. 107, S.B. 111, S.B. 143, and **S.J.R. 9** 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, 2009

The House passed, as substituted, **1st Sub. H.B. 156**, SUBDIVISION APPROVAL AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 170**, INSURANCE AND LIFE SETTLEMENT AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.B. 194**, EDUCATION POLICIES FOR MILITARY CHILDREN, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 204**, CONCEALED FIREARMS INSTRUCTORS AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 296**, SCHOOLS FOR THE DEAF AND BLIND AMENDMENTS, by Representative K. Sumsion, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 322**, TIRE RECYCLING FEE MODIFICATIONS, by Representative N. Hendrickson, and it is transmitted for consideration; and

The House passed **H.B. 345**, ELECTED OFFICIALS – RESTRICTIONS ON LOBBYING, by Representative B. Dee, et al, and it is transmitted for consideration; and

The House passed **H.B. 346**, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS AMENDMENTS, by Representative B. Dee, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 156, H.B. 170, H.B. 194, 1st Sub. H.B. 204, 1st Sub. H.B. 296, H.B. 322, H.B. 345,** and **H.B. 346** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 25, 2009

The House passed, as amended, **S.B. 50**, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE, by Senator B. Goodfellow, 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 25, 2009

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

Revenue and Taxation Committee

1st Sub. H.B. 157	Property Tax Assessment Amendments (Rep. W. Harper) (Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee

S.B. 234	Motor Vehicle Registration Fees (Sen. R. Okerlund)
1st Sub. H.B. 151	Motor Vehicle Forfeiture Amendments (Rep. C. Herrod) (Sen. S. Killpack)
H.B. 202	School District Traffic Violation Complaint Procedures (Rep. W. Harper) (Sen. K. Van Tassell)

Workforce Services and Community and Economic Development Committee

H.B. 209	Amendments to Criminal Appeals (Rep. Julie Fisher) (Sen. J. Valentine)
H.B. 221	County Correctional Facilities Funding Amendments (Rep. M. Noel) (Sen. J. Greiner)
1st Sub. H.B. 237	Criminal Penalties Amendments – Leaving the Scene of an Accident (Rep. C. Herrod) (Sen. D. Liljenquist)
H.B. 292	Traffic Violation and Citation Amendments (Rep. D. Ipson) (Sen. S. Urquhart)
1st Sub. H.B. 299	Unlawful Detainer Amendments (Rep. G. Froerer) (Sen. G. Bell)
H.B. 317	Capital Felony Amendments (Rep. C. Wimmer) (Sen. M. Madsen)

Margaret Dayton
Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 223, **City and County Carbon Credits for Sequestration of Waste Stream Materials** (R. Romero), read the first time by short title and referred to the Rules Committee.

S.B. 236, **Uninsured and Underinsured Motorist Coverage Amendments** (M. Madsen), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

1st Sub. S.B. 81, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell	Hillyard	Madsen	Valentine

1st Sub. S.B. 81 was transmitted to the House for consideration.

* * *

S.B. 167, AMENDMENTS TO UNIFORM DEBT–MANAGEMENT SERVICES ACT, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Greiner	Valentine

S.B. 167 was transmitted to the House for consideration.

* * *

On motion of Senator Killpack, the circle was removed from **1st Sub. S.B. 56**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, and it was before the Senate. Senator Killpack explained the bill.

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

2nd Sub. S.B. 56 Military Installation Development Authority Amendments (S. Killpack)

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Bell

2nd Sub. S.B. 56 was transmitted to the House for consideration.

* * *

On motion of Senator Madsen, the circle was removed from **S.B. 77**, GRANTS FOR LICENSED TEACHERS AMENDMENTS, and it was before the Senate. Senator Madsen explained the bill. Senators Okerlund and Morgan commented. The bill passed on the following roll call:

Yeas, 15; Nays, 12; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Hillyard	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Niederhauser
Stephenson	Urquhart	Waddoups	

Voting in the negative were: Senators

Davis	Goodfellow	Hinkins	Jones
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stowell	Van Tassell

Absent or not voting were: Senators

Greiner	Valentine

S.B. 77 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Bramble, the Senate voted to lift **S.B. 199**, EQUAL RECOGNITION OF SCHOOL PARENT GROUPS, to the top of the Second Reading Calendar.

S.B. 199, EQUAL RECOGNITION OF SCHOOL PARENT GROUPS, under suspension of the rules, was read the second time.

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

1st Sub. S.B. 199 Equal Recognition of School Parent Groups (C. Bramble)

Senator Bramble explained the bill. Senator Goodfellow commented.

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Buttars, the circle was removed from **H.B. 113**, SALVAGE VEHICLE TITLE AMENDMENTS, and it was before the Senate. Senator Buttars explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
McCoy Stephenson

* * *

S.B. 156, GIFTS AND MEAL PROVISIONS FOR PUBLIC OFFICIALS, under suspension of the rules, was read the second time. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

1. Page 7, Lines 204 through 205

   204 (I) all of the members of a standing or interim committee or official legislative task

   205 force, or a party caucus { ~~, or other official body~~ } are invited; or

2. Page 7, Line 213 through Page 8, Line 214:

   213 (I) all of the members of a standing or interim committee or official legislative task

   214 force, or a party caucus { ~~, or other official body~~ } are invited; or

Senator Bell's motion to amend passed on a voice vote. Senators Jones, Hillyard, Valentine, and Goodfellow commented.

# # #

Senator Bell proposed the following amendment:

1. Page 7, Line 204:
   After "all of the members of" insert " the legislature, "

2. Page 7, Line 213:
   After "all of the members of" insert " the legislature, "

Senator Bell's motion to amend passed on a voice vote.

Senator McCoy made a motion to substitute the bill. The motion failed on the following roll call vote:

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

Voting in the affirmative were: Senators

Hillyard	Jones	Mayne	McCoy
Morgan	Robles	Romero	Stephenson

Voting in the negative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Killpack	Knudson	Liljenquist
Madsen	Niederhauser	Okerlund	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Bramble

On motion of Senator Bell, under suspension of the rules, **S.B. 156**, GIFTS AND MEAL PROVISIONS FOR PUBLIC OFFICIALS, was considered read the second and third times. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Buttars	Dayton

S.B. 156 was transmitted to the House.

* * *

On motion of Senator Valentine, under suspension of the rules, **S.B. 162**, USE OF CAMPAIGN FUNDS AMENDMENTS, was considered read the second and third times. Senator Valentine explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator
Buttars

S.B. 162 was transmitted to the House.

* * *

On motion of Senator Urquhart, the circle was removed from **2nd Sub. H.B. 243**, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES, and it was before the Senate. Senator Urquhart explained the bill.

Senator Urquhart proposed the following amendment:

1. Page 9, Lines 264 through 265

   264 (f) This section does not apply to:

   265 (i) a condominium project containing a time period unit as defined in Section {~~57–8–1~~} 57–8–3 ;

2. Page 11, Lines 311 through 312:

   311 (6) This section does not apply to:

   312 (a) an association containing a time period unit as defined in Section {~~57–8–1~~} 57–8–3 ;

Senator Urquhart's motion to amend passed on a voice vote. Senators Christensen and Mayne commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Killpack	Robles

* * *

2nd Sub. H.B. 61, LOCAL GOVERNMENT ENTITY CHANGES, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Killpack

* * *

On motion of Senator Urquhart, the circle was removed from **H.B. 278**, B AND C ROADS FUND AMENDMENTS, and it was before the Senate. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 7; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Greiner	Hillyard	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
Niederhauser	Okerlund	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Davis	Goodfellow	Hinkins	McCoy
Morgan	Robles	Romero	

Absent or not voting were: Senators

Bramble	Killpack

* * *

1st Sub. H.B. 68, DEVELOPMENT EXACTIONS, was read the second time.

On motion of Senator Bell, the bill was circled.

* * *

H.B. 26, CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS, was read the second time. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

McCoy	Romero

Absent or not voting were: Senators

Davis	Hillyard

* * *

On motion of Senator Bell, the circle was removed from **1st Sub. H.B. 68**, DEVELOPMENT EXACTIONS, and it was before the Senate. Senator Bell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators
Bramble Davis Hillyard

* * *

On motion of Senator Killpack and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Thursday, February 26, 2009.

THIRTY–FIRST DAY

MORNING SESSION

February 26, 2009

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

Prayer – The Most Reverend John C. Wester, Bishop, Roman Catholic Diocese of Salt Lake City

Pledge of Allegiance – Senator Greg Bell

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

SPECIAL MUSICAL PRESENTATION

Sunset Junior High Choir, under the direction of Linda Zeeman, sang "The Star Spangled Banner," "Let the Whole Creation Cry, " and "America the Beautiful."

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 25, 2009

The House passed, as substituted, **2nd Sub. H.B. 107**, ECONOMIC IMPACT OF ILLEGAL ALIENS, by Representative S. Clark, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 120**, SNAKE VALLEY AQUIFER RESEARCH TEAM AND ADVISORY COUNCIL, by Representative B. Winn, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 195**, UTAH UNIFORM PROBATE CODE – TRUST AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 206**, EMPLOYMENT SELECTION PROCEDURES, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 246**, PROPERTY TAX – RESIDENTIAL EXEMPTION, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 283**, ILLEGAL USE OF MOTOR VEHICLES, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 309**, COUNTY FISCAL PROCEDURES AMENDMENTS, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed **H.B. 312**, AMENDED CAMPAIGN FINANCE FILINGS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 323**, AMENDMENTS REGARDING NOTICE ON UTAH PUBLIC NOTICE WEBSITE, by Representative B. Winn, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 328**, TEACHER QUALITY AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **2nd Sub. H.B. 107, 2nd Sub. H.B. 120, H.B. 195, H.B. 206, 2nd Sub. H.B. 246, 1st Sub. H.B. 283, H.B. 309, H.B. 312, H.B. 323,** and **H.B. 328** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 25, 2009

The Business and Labor Committee recommends **S.B. 208**, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, by Senator S. Urquhart, be replaced and favorably recommends **1st Sub. S.B. 208,** UTAH PUBLIC NOTICE WEBSITE AMENDMENTS; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 129**, ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS, by Representative C. Oda; and

John L. Valentine, Chair

Mr. President: February 25, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.B. 225**, HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN, by Senator L. Robles, with the following amendments:

1. Page 1, Lines 18 through 21:

18 ▶ directs the Department of Health to amend the state Medicaid plan {~~to provide~~

19 ~~Medicaid coverage, and coverage under~~ } and the Utah Children's Health Insurance

20 Program {~~,~~} to provide coverage to an eligible legal immigrant child, regardless of the length of time that

21 the child has been in the United States.

2. Page 2, Line 45:

45 federal law and rule, the department shall {~~amend the state Medicaid plan to~~ } provide coverage ; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 165**, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, by Representative M. Newbold; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 188**, HEALTH SYSTEM REFORM – INSURANCE MARKET, by Representative D. Clark, et al; and

The Health and Human Services Committee reports a favorable recommendation on **2nd Sub. H.B. 331**, HEALTH REFORM – HEALTH INSURANCE COVERAGE IN STATE CONTRACTS, by Representative J. Dunnigan.

D. Chris Buttars, Chair

Mr. President: February 25, 2009

The Education Committee reports a favorable recommendation on **S.B. 240**, UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE AMENDMENTS, by Senator S. Killpack.

Curtis S. Bramble, Chair

Mr. President: February 25, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 205**, WATER SOURCE PROTECTION AMENDMENTS, by Representative M. Noel; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.J.R. 12**, JOINT RESOLUTION

SUPPORTING HYDROGEN POWER FROM ADVANCED COAL AND CARBON CAPTURE AND SEQUESTRATION TECHNOLOGY, by Representative P. Painter.

Dennis E. Stowell, Chair

On motion of Senator Jenkins, the committee reports were adopted. **1st Sub. S.B. 208, H.B. 129, S.B. 225,** as amended, **1st Sub. H.B. 165, 1st Sub. H.B. 188, 2nd Sub. H.B. 331, S.B. 240, H.B. 205,** and **1st Sub. H.J.R. 12** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 25, 2009

The Business and Labor Committee reports a favorable recommendation on **H.B. 286**, REGULATION OF LENDING BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS, by Representative K. Garn, 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. 320**, COLLECTION AGENCY AMENDMENTS, by Representative R. C. Webb, and recommends it be considered read for the second time and placed on the Consent Calendar.

John L. Valentine, Chair

Mr. President: February 25, 2009

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 210**, POSTING OF COLLECTIVE BARGAINING AGREEMENTS BY SCHOOL DISTRICTS AND CHARTER SCHOOLS, by Representative K. Sumsion, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

On motion of Senator Jenkins, the committee reports were adopted. **H.B. 286, H.B. 320,** and **1st Sub. H.B. 210** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 195, **Public Employee Defined Contribution Amendments** (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

S.B. 216, **Revisions to Military Installation Development Authority Act** (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 224, **Reuse of Industrial Byproduct** (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 230, **Construction Payment Amendments** (C. Bramble), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

1st Sub. H.B. 240, WANTON DISTRUCTION OF LIVESTOCK, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Liljenquist

1st Sub. 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.

* * *

S.B. 75, UTILITY AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy

Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Liljenquist

S.B. 75 was transmitted to the House for consideration.

* * *

H.B. 50, FIREFIGHTER SPECIAL GROUP LICENSE PLATE AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell	Liljenquist	Stephenson

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.

* * *

S.B. 220, COHABITANT ABUSE PROCEDURES ACT AMENDMENTS, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack

Knudson	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Bell Liljenquist

S.B. 220 was transmitted to the House for consideration.

* * *

S.B. 243, JUDICIAL PERFORMANCE EVALUATION COMMISSION MODIFICATIONS, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Bell Liljenquist

S.B. 243 was transmitted to the House for consideration.

CONCURRENCE CALENDAR

On motion of Senator Goodfellow, the Senate voted to concur in the House amendments to **S.B. 50**, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones

Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Madsen

S.B. 50 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 113, SALVAGE VEHICLE TITLE AMENDMENTS, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Madsen

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 Killpack, **2nd Sub. H.B. 243**, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES, was read the third time and circled.

* * *

2nd Sub. H.B. 61, LOCAL GOVERNMENT ENTITY CHANGES, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Madsen

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.

* * *

On motion of Senator Hillyard, the circle was removed from **S.B. 14**, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

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

* * *

H.B. 278, B AND C ROADS FUNDS AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 21; Nays, 7; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Davis	Goodfellow	Mayne	McCoy
Morgan	Robles	Romero	

Absent or not voting was: Senator
Hillyard

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. 26, CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS, was read the third time and explained by Senator Madsen.

Senator McCoy proposed the following amendment:

1. Page 6, Line 182 through Page 7, Line 185

182 **(e)** "Exposed to" means that the child or vulnerable adult {~~is able to~~} :

183 (i) is able to access or view Ŝ➔ [~~a~~] an unlawfully possessed:

183a (A) ←Ŝ controlled substance Ŝ➔ [~~,~~] ; or

183b (B) ←Ŝ chemical substance Ŝ➔ [~~, or~~] ; {~~or~~}

183c {~~(C)~~} ←Ŝ (ii) has the reasonable capacity to access drug paraphernalia; or

184 {~~(ii)~~} (iii) is able to smell an odor produced during, or as a result of, the manufacture or production of a

185 controlled substance.

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

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Hillyard

H.B. 26, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 68, DEVELOPMENT EXACTIONS, was read the third time and explained by Senator Bell. Senator Madsen commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

1st Sub. H.B. 68, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

H.B. 29, SEX OFFENDERS' CONTACT WITH CHILDREN, was read the second time. Senator Okerlund explained the bill.

Senator Okerlund proposed the following amendment:

1. Page 1, Line 21

21 • the sex offender:
• has advised the parent or guardian that the sex offender is on the state sex offender registry and is required by law to have the written permission; and
• {~~the sex offender~~} has in possession written permission from the child's parent or

2. Page 14, Lines 420 through 425:

420 76–5–301.1, child kidnapping, unless:

421 (a) (i) the sex offender, prior to accompanying the child:
(A) verbally advises the child's parent or legal guardian that the sex offender is on the state sex offender registry and is required by state law to obtain written permission in order for the sex offender to accompany the child; and
(B) requests that the child's parent or legal guardian provide written authorization for the sex offender to accompany the child, including the specific dates and locations;
(ii) the child's parent or legal guardian has provided to the sex offender written

422 authorization, including the specific dates and locations, for the sex offender to accompany the

423 child; and

424 {~~(ii)~~} (iii) the sex offender has possession of the written authorization and is accompanying

425 the child only at the dates and locations specified in the authorization;

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

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne

McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Valentine	Waddoups		

Absent or not voting were: Senators

Knudson	Urquhart	Van Tassell

* * *

H.B. 41, SEX OFFENDER REGISTRATION AMENDMENTS, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Valentine	Waddoups		

Absent or not voting were: Senators

Knudson	Urquhart	Van Tassell

* * *

2nd Sub. H.B. 59, SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS, was read the second time.

Senator Valentine proposed the following amendment:

1. Page 2, Line 51 through Page 3, Line 59

51 (a) {– ~~name~~ } names ;

52 (b) {– ~~address~~ } addresses ;
(c) local and long distance telephone connections;

53 {– ~~(c)~~ } (d) records of session times and durations;

54 {– ~~(d)~~ } (e) length of service, including the start date and types of service utilized;

55 {– ~~(e~~ } (f)) telephone or other instrument {– ~~number~~ } subscriber numbers or other subscriber {– ~~number or identity~~ } identifiers , including

56 any temporarily assigned network address; and

57 {– ~~(f)~~ } (g) means and sources of payment for the service {– ~~described under this Subsection (2)~~ } .

58 including any credit card or bank account numbers {– ~~of a subscriber to or a customer of the~~

59 ~~service~~ } .

2. Page 3, Line 62:

62 of {– ~~a~~ } the suspected sexual offense against a minor as described in the subpoena .

3. Page 3, Line 74:

74 may have regarding how to locate the Internet service provider that does own or control the Internet protocol

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, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Valentine	Waddoups		

Absent or not voting were: Senators

Knudson	Urquhart	Van Tassell

* * *

H.B. 63, AMENDMENTS TO CHILD WELFARE, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Killpack

* * *

H.B. 97, SEXUAL EXPLOITATION OF A MINOR, was read the second time. Senator Buttars explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Davis	Jenkins	Killpack	Van Tassell

* * *

H.B. 119, POWERSPORT VEHICLE FRANCHISE ACT REVISIONS, was read the second time. Senator Bramble explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Jenkins	Killpack

* * *

1st Sub. H.B. 35, HIGHER EDUCATION TAX CREDIT AND CONTRIBUTIONS, was read the second time. Senator Niederhauser explained the bill. Senator Goodfellow commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell	Buttars	Killpack

On motion of Senator Knudson, **1st Sub. H.B. 35** was placed on Third Reading Table due to fiscal impact.

On motion of Senator Knudson, **H.B.29** was placed on Third Reading Table due to fiscal impact.

On motion of Senator Knudson, **H.B. 97** was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 116, UNIFORM FEES ON CANOES, was read the second time. Senator Davis explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 2; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jones	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Dayton	Jenkins

Absent or not voting were: Senators

Buttars	Killpack	Madsen	Stephenson

* * *

H.B. 218, FAMILY EMPLOYMENT PROGRAM AMENDMENTS, was read the second time. Senator Hinkins explained the bill. Senator Robles commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Goodfellow
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Van Tassell
Waddoups			

Voting in the negative were: Senators

Bramble	Buttars	Dayton	Greiner
Jenkins	Madsen	Stephenson	Valentine

* * *

H.B. 241, PRIORITY OF WATER RIGHTS, was read the second time. Senator Okerlund explained the bill. Senators Hillyard, Davis, Stowell, Christensen, Urquhart, and Hinkins commented. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 10; Absent, 1.

Voting in the affirmative were: Senators

Buttars	Christensen	Greiner	Hinkins
Jenkins	Killpack	Knudson	Liljenquist
Madsen	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Bell	Davis	Dayton	Goodfellow
Hillyard	Jones	Mayne	McCoy
Morgan	Robles		

Absent or not voting was: Senator
Bramble

STANDING COMMITTEE REPORTS

Mr. President: February 26, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 235**, REDISTRIBUTION OF SALES AND USE TAX REVENUES AND PROPERTY TAX ADJUSTMENT, by Senator J. Valentine, with the following amendments:

1. Page 1, Lines 16 through 17:

16 ▶ {~~adjusts~~} allows a county's property tax certified tax rate to be adjusted as a result of sales and use tax

17 redistributions;

2. Page 6, Lines 164 through 179:

164 (9) (a) Beginning on January 1, 2009, and ending on December 31, 2009, a county's

165 certified tax rate {~~shall~~} may be increased at the request of the county legislative body by the amount necessary to offset up to the total amount of

166 sales and use taxes:

167 (i) collected within the boundaries of the county:

168 (A) including the sales and use taxes collected within the cities and towns within the

169 county; and

170 (B) under Chapter 12, Part 2, Local Sales and Use Tax Act; and

171 (ii) that the commission redistributes:

172 (A) from an original recipient political subdivision as defined in Section 59−12−210.1

173 to a secondary recipient political subdivision as defined in Section 59−12−210.1;

174 (B) as a result of the review, recalculations, and corrected distribution of taxes due

175 from telecommunications providers initiated by the commission; and

176 (C) if the redistribution to the secondary recipient political subdivision occurs on or after July 1, 2008, but on or before June 15, 2009.

177 (b) Beginning on January 1, 2010, and ending on December 31, 2010, a county's

178 certified tax rate shall be decreased by the amount necessary to offset {~~the~~} an increase {~~described~~} made in accordance with

179 Subsection (9)(a).

3. Page 11, Lines 315 through 319:

315 (2) Subject to Subsection (3), the commission may make a redistribution to a secondary

316 recipient political subdivision in an amount equal to the eligible portion of qualifying sales and

317 use tax revenues if:

318 (a) the commission provides written notice to the following {~~at least 30~~} within 15 days {~~before~~} after the

319 commission {~~makes~~} determines to make the redistribution:

Wayne L. Niederhauser, Chair

On motion of Senator Dayton, the committee report was adopted. **S.B. 235,** as amended, was placed on Second Reading Calendar.

* * *

On motion of Senator Killpack, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:45 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 26, 2009

The House passed, **1st Sub. S.B. 36**, SALES AND USE TAX AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 127**, RETIREMENT AMENDMENTS, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 135**, LOCAL DISTRICT TAXING AUTHORITY, 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. 158**, CHILD SUPPORT – CASH MEDICAL SUPPORT, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 36, S.B. 127, 1st Sub. S.B. 135, and **S.B. 158** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 26, 2009

The House adopted the Joint Conference Committee Report dated February 26, 2009, and passed **H.B. 51**, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, by Representative C. Johnson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 102**, FALSE VEHICLE TITLE AND REGISTRATION PENALTIES, by Representative P. Ray, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 51 and **H.B. 102** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: February 26, 2009

The House passed, as substituted, **1st Sub. H.B. 110**, FINANCIAL TRANSACTION CARD OFFENSES, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 141**, BILLBOARD AMENDMENTS, by Representative C. Frank, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 142**, REPORTING ABUSE OR NEGLECT OF THE ELDERLY OR DISABLED, by Representative L. Hemingway, and it is transmitted for consideration; and

The House passed **H.B. 184**, INCOME TAX CREDIT FOR A DISABLED DEPENDENT, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed **H.B. 351**, COURT FEES AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 387**, MOTORCYCLE HELMET AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.B. 390**, ABSENTEE BALLOT AMENDMENTS, by Representative J. Mathis, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 110, 2nd Sub. H.B. 141, H.B. 142, H.B. 184, H.B. 351, H.B. 387,** and **H.B. 390** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 26, 2009

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

Business and Labor Committee

S.B. 166	Alcoholic Beverage Control Act – Days of Sale (Sen. S. McCoy)
S.B. 230	Construction Payment Amendments (Sen. C. Bramble)
H.B. 170	Insurance and Life Settlement Amendments (Rep. J. Dunnigan) (Sen. W. Niederhauser)

Education Committee

H.B. 194	Education Policies for Military Children (Rep. R. Menlove) (Sen. M. Dayton)
H.B. 328	Teacher Quality Amendments (Rep. G. Hughes) (Sen. H. Stephenson)

Government Operations and Political Subdivisions Committee

S.B. 223	City and County Carbon Credits for Sequestration of Waste Stream Materials (Sen. R. Romero)
1st Sub. H.B. 156	Subdivision Approval Amendments (Rep. R. C. Webb) (Sen. S. Urquhart)
H.B. 309	County Fiscal Procedures Amendments (Rep. C. Herrod) (Sen. C. Bramble)
H.B. 323	Amendments Regarding Notice on Utah Public Notice Website (Rep. B. Winn) (Sen. S. Killpack)

Health and Human Services Committee

1st Sub. H.B. 296	Schools for the Deaf and Blind Amendments (Rep. K. Sumsion) (Sen. D. Liljenquist)

Natural Resources, Agriculture and Environment Committee

2nd Sub. H.B. 120	Snake Valley Aquifer Research Team and Advisory Council (Rep. B. Winn) (Sen. D. Stowell)
H.B. 322	Tire Recycling Fee Modifications (Rep. N. Hendrickson) (Sen. K. Van Tassell)

Retirement and Independent Entities Committee

S.B. 195	Public Employee Defined Contribution Amendments (Sen. D. Liljenquist)

Revenue and Taxation Committee

S.B. 224	Reuse of Industrial Byproduct (Sen. C. Bramble)
2nd Sub. H.B. 246	Property Tax – Residential Exemption (Rep. G. Froerer) (Sen. D. Stowell)

Transportation, Public Utilities and Technology Committee

S.B. 236	Uninsured and Underinsured Motorist Coverage Amendments (Sen. M. Madsen)

Workforce Services and Community and Economic Development Committee

S.B. 216	Revisions to Military Installation Development Authority Act (Sen. M. Madsen)
H.B. 195	Utah Uniform Probate Code – Trust Amendments (Rep. R. Lockhart) (Sen. W. Niederhauser)
1st Sub. H.B. 204	Concealed Firearms Instructors Amendments (Rep. C. Oda) (Sen. D. Hinkins)
H.B. 206	Employment Selection Procedures (Rep. W. Harper) (Sen. K. Mayne)
1st Sub. H.B. 283	Illegal Use of Motor Vehicles (Rep. M. Noel) (Sen. S. Urquhart)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 24, 2009

The Government Operations and Political Subdivisions Committee recommends **S.B. 63**, MODIFICATIONS TO RECORDING REQUIREMENTS – SUBDIVISIONS, by Senator R. Okerlund, be replaced and favorably recommends **1st Sub. S.B. 63,** MODIFICATIONS TO RECORDING REQUIREMENTS with the following amendments:

1. Page 1, Lines 10 through 11:

10 This bill modifies county and municipal recording and related provisions {~~ relating to the recording of~~

11 ~~subdivision plats~~ } .

2. Page 1, Lines 24 through 25:

24 {~~ ▶ provides that the absence of a certificate of written approval does not prohibit the~~

25 ~~county recorder from recording the document;~~ }

3. Page 2, Line 47:

47 {~~ 10–9a–605, as last amended by Laws of Utah 2006, Chapter 240~~ }

4. Page 3, Line 57,
Senate Committee
Amendments, 2–18–09:

57 {~~17–27a–605, as last amended by Laws of Utah 2006, Chapter 240~~ }

5. Page 3, Line 65:

65 38–9–4, as last amended by Laws of Utah 2008, Chapter 223
REPEALS:
10–8–8.5, as last amended by Laws of Utah 1993, Chapter 4

6. Page 5, Line 143:

143 (i) the plat has been signed, dedicated , and acknowledged by each owner of record;

7. Page 6, Line 156 through Page 7, Line 189:
Delete lines 156–189

8. Page 18, Line 525:

525 (i) the plat has been signed, dedicated , and acknowledged by each owner of record;

9. Page 18, Line 537,
Senate Committee Amendments,
2–18–09, through Page 19, Line 571: Delete lines 537–571

Renumber remaining sections accordingly.

10. Page 26, Line 774:

774 (c) contains a material misstatement or false claim.
Section 22. Repealer.
This bill repeals:
Section 10–8–8.5, Effect of vacation or narrowing of street or alley. ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 188**, IMPROVEMENT DISTRICT – PROVIDING ELECTRIC SERVICE, by Senator D. Stowell; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 125**, IMPACT FEE AMENDMENTS, by Representative K. Powell, with the following amendments:

1. Page 3, Line 74
House Floor Amendments
2–20–2009:

74 be located; and

2. Page 3a, Lines 82a through 82d
House Floor Amendments
2–20–2009:

82a {~~Ĥ→ (VI) sent to each owner of an undeveloped parcel of property that is:~~

82b ~~(Aa) located within the boundary of the local political subdivision or within the~~

82c ~~jurisdiction of the private entity, as the case may be; and~~

82d ~~(Bb) larger than five acres in size; and ←Ĥ~~ }

3. Page 5, Line 121b
House Floor Amendments
2–20–2009:

121b (A) {~~(I)~~ } placed on the Utah Public Notice Website created in Section 63F–1–701, if the

4. Page 5, Line 121d
House Floor Amendments
2–20–2009:

121d {~~(Aa)~~ } (I) is required under Subsection 52–4–203(3) to use that website to provide public

5. Page 5, Line 121f
House Floor Amendments
2–20–2009:

121f {~~(Bb)~~ } (II) voluntarily chooses to place notice on that website despite not being required to do

6. Page 5, Line 121h
House Floor Amendments
2–20–2009:

121h {~~(II)~~ } (B) if the local political subdivision does not provide notice on the Utah Public Notice

7. Page 5, Line 121j
House Floor Amendments
2–20–2009:

121j {~~(Aa)~~ } (I) the registered agent of the Utah

8. Page 5, Lines 121l through 121m
House Floor Amendments
2–20–2009:

121l {~~(Bb)~~ } (II) the registered agent of the Utah Association of Realtors;

121m {~~(Cc)~~ } (III) the registered agent of the Utah Chapter of the Associated General Contractors of

9. Page 5, Lines 121o through 121s
House Floor Amendments
2–20–2009:

121o {~~(Dd)~~ } (IV) the Utah office of AARP; and

121p {~~(Ee)~~ } (V) the registered agent of the Utah Taxpayers Association {~~; and~~ } .

121q {~~(B) sent to each owner of an undeveloped parcel of property that is:~~

121r ~~(I) located within the boundary of the local political subdivision; and~~

121s ~~(II) larger than five acres in size.~~ }

10. Page 6, Line 161
House Floor Amendments
2–20–2009:

161 (A) Ĥ→ (I) {~~(Aa)~~ } on the Utah Public Notice Website created in Section 63F–1–701, if the

11. Page 6, Line 161b
House Floor Amendments
2–20–2009:

161b {~~(Ii)~~ } (Aa) is required under Subsection 52–4–203(3) to use that website to provide public notice

12. Page 6, Line 161d
House Floor Amendments
2–20–2009:

161d {~~(IIii)~~ } (Bb) voluntarily chooses to provide written notice on that website despite not being

13. Page 6, Line 161f
House Floor Amendments
2–20–2009:

161f {~~(Bb)~~ } (II) if the local political subdivision does not provide notice on the Utah Public Notice

14. Page 6, Lines 162 through 164
House Floor Amendments
2–20–2009:

162 Ĥ→ [~~(I)~~] {~~(Ii)~~ } (Aa) ←Ĥ the registered agent of the Utah Home Builders Association;

163 Ĥ→ [~~(II)~~] {~~(IIii)~~ } (Bb) ←Ĥ the registered agent of the Utah Association of Realtors; [~~and~~]

164 Ĥ→ [~~(III)~~] {~~(IIIii~~ } (Cc)) ←Ĥ the registered agent of the Utah Chapter of the Associated General

15. Page 6, Line 167
House Floor Amendments
2–20–2009:

167 ~~(V)~~] {~~(IViv)~~ } (Dd) ←Ĥ the Utah office of Ĥ→ [~~the American Association of Retired Persons~~]

16. Page 6, Lines 168 through 168d
House Floor Amendments
2–20–2009:

168 Ĥ→ [~~(VI)~~] {~~(Vv)~~ } (Ee) ←Ĥ the registered agent of the Utah Taxpayers Association; {~~Ĥ→ and~~

168a ~~(II) to each owner of an undeveloped parcel of property that is:~~

168b ~~(Aa) located within the boundary of the local political subdivision or within the~~

168c ~~jurisdiction of the private entity, as the case may be; and~~

168d ~~(Bb) larger than five acres in size;~~ ~~←Ĥ~~ }

17. Page 7a, Lines 207 through 207c:

207 Ĥ→ [~~(g)~~] (E) ←Ĥ the registered agent of the Utah Taxpayers Association Ĥ→ {~~[~~} . {~~]~~} {~~; and~~

207a ~~(c) to each owner of an undeveloped parcel of property that is:~~

207b ~~(i) located within the boundary of the local political subdivision; and~~

207c ~~(ii) larger than five acres in size.~~ ←Ĥ }

18. Page 8, Line 238
House Floor Amendments
2–20–2009:

238 (A) make a copy of the impact fee enactment available to the public; Ĥ→ {~~[~~} and {~~]~~} ←Ĥ

19. Page 9, Lines 246a through 246e
House Floor Amendments
2–20–2009:

246a {~~Ĥ→ (C) mail a written copy of the impact fee enactment to each owner of an~~

246b ~~undeveloped parcel of property that is:~~

246c ~~(I) located within the boundary of the local political subdivision or within the~~

246d ~~jurisdiction of the private entity, as the case may be; and~~

246e ~~(II) larger than five acres in size; and~~ ←Ĥ }

Peter C. Knudson, Chair

Mr. President: February 26, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 140**, MOTOR VEHICLE REGISTRATION FEE AMENDMENTS, by Representative C. Frank.

Wayne L. Niederhauser, Chair

Mr. President: February 25, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 269**, PUBLIC UTILITY EASEMENT AMENDMENTS, by Senator G. Bell, with the following amendments:

1. Page 1, Lines 16 through 18:

16 ▶ provides that a gas corporation's or electric corporation's failure to possess, occupy, or use a protected utility

17 easement does not diminish or extinguish the gas corporation's or electric corporation's rights under the

18 easement.

2. Page 2, Lines 31 through 33:

31 (a) "Protected utility easement" means a recorded easement or right–of–way:

32 (i) for the use and installation of a utility facility; and

33 (ii) the ownership of which a gas corporation or electric corporation acquires and holds by any lawful means.

3. Page 3, Lines 60 through 65:

60 (6) A person may not acquire, whether by adverse possession, prescription, acquiescence, or

61 otherwise, any right, title, or interest in a public utility easement or protected utility easement

62 that is adverse to or interferes with a public utility's full use of the easement for the purposes

63 for which the easement was created.

64 (7) A gas corporation's or electric corporation's failure to possess, occupy, or use a protected utility easement

65 does not diminish or extinguish any right that the gas corporation or electric corporation has under the easement. ; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 214**, OFFICE OF CONSUMER SERVICES ACT, by Senator J. Valentine, with the following amendments:

1. Page 4, Lines 112 through 114:

112 (b) The director shall serve for a term of {~~four~~} six years.

113 (c) For purposes of the individual who is the director on May 12, 2009, that

114 individual's {~~four~~} six -year term is considered to begin on July 1, 2009.

Stephen H. Urquhart, Chair

Mr. President: February 25, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 136**, SEX OFFENDER DEFINITION AMENDMENTS, by Representative P. Ray; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **2nd Sub. H.B. 220**, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, by Representative M. Noel.

Michael G. Waddoups,
President of the Senate

On motion of Senator Knudson, the committee reports were adopted. **1st Sub. S.B. 63,** as corrected and amended, **S.B. 188, H.B. 125,** as amended, **H.B. 140, S.B. 269,** as amended, **S.B. 214,** as amended, **H.B. 136,** and **2nd Sub. H.B. 220** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 26, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 297**, BUDGETARY PROCEDURES ACT RECODIFICATION, by Representative R. Bigelow, 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.J.R. 11**, JOINT RESOLUTION EXPRESSING SUPPORT FOR AND RECOGNIZING THE VALUE OF LOCALLY ELECTED OFFICIALS, by Representative M. Brown, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: February 26, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 210**, AMENDMENTS TO PROPERTY TAX, by Senator C. Bramble,

with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 3, Lines 79 through 84:

79 (6) {~~For~~} (a) Except as provided in Subsection (6)(b), for calendar years beginning on or after January 1, 2009 and ending on or before

80 December 31, 2010, the method for determining the fair market value of an aircraft , aircraft type, or mobile flight equipment assessed under this part is equal to:

81 {~~(a)~~} (i) the value referenced in the Used Price for Avg Acft Wholesale column of the

82 Airliner Price Guide by make, model, series, and year of manufacture; minus

83 {~~(b)~~} (ii) 20% of the value described in Subsection (6)(a) (i) .

(b) Notwithstanding Subsection (6)(a), for calendar years beginning on or after January 1, 2009 and ending on or before December 1, 2010, the method for determining the fair market value of an aircraft not listed in the Airliner Price Guide is equal to:

(i) the value references in the Average Wholesale column of the Aircraft Bluebook Price Digest by make, model, series, and year of manufacture; minus

(ii) 20% of the value described in Subsection (6)(b)(ii).

84 Section 2. Retrospective operation.

Wayne L. Niederhauser. Chair

Mr. President: February 25, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 193**, SALVAGE VEHICLES AMENDMENTS, by Senator S. Urquhart, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

1. Page 1, Lines 20 through 22:

20 ► provides that {~~a person~~} an operator of a motor vehicle auction may only offer for sale, sell, or exchange five vehicles with

21 salvage certificates at or through a motor vehicle auction {~~annually~~} in any 12 month period to an in–state

22 purchaser that does not have a salvage vehicle buyer license;

2. Page 1, Lines 26 through 27:

26 ▶ provides that {~~a person~~} an operator of a motor vehicle auction may not offer for sale, sell, or exchange additional vehicles

27 with a salvage certificate to a purchaser if notified that the purchaser has not titled

3. Page 3, Lines 87 through 89:

87 (d) {~~A person~~} An operator of a motor vehicle auction may only offer for sale, sell, or exchange five vehicles with a salvage

88 certificate as defined in Section 41–1a–1001 at or through a motor vehicle auction {~~annually~~} in any 12 month period to

89 an in–state purchaser that does not have a salvage vehicle buyer license issued in accordance

4. Page 4, Lines 91 through 94:

91 (e) (i) An in–state purchaser of a vehicle with a salvage certificate as defined in Section

92 41–1a–1001 that is purchased at or through a motor vehicle auction shall title the vehicle within

93 15 days of the purchase if the purchaser does not have a salvage vehicle buyer license , dealer license, body shop license, or dismantler license issued in

94 accordance with Subsection 41–3–202 {~~(15)~~} .

5. Page 4, Lines 95 through 97:

95 (ii) {~~A person~~} An operator of a motor vehicle auction may not offer for sale, sell, or exchange additional vehicles with a salvage

96 certificate as defined in Section 41–1a–1001 at or through a motor vehicle auction to a purchaser if notified that the purchaser has not titled previously purchased

97 vehicles with a salvage certificate as required under Subsection (3)(e)(i).

6. Page 7, Lines 191 through 195:

191 (vii) special plate violation; {~~[~~} and {~~]~~}

192 (viii) failing to maintain a sign at a principal place of business {~~; and~~

193 ~~(ix) failing to title a vehicle with a salvage certificate that is purchased at or through a~~

194 ~~motor vehicle auction within 15 days of the purchase as required under Subsection~~

195 ~~41–3–201(3)(e)~~ } .

7. Page 8, Line 215:

215 purchasers ; and
(xi) failing to title a vehicle with a salvage certificate that is purchased at or through a motor vehicle auction within 15 days of the purchase as required under Subsection 41–3–201(3)(e) . ; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 112**, VEHICLE TOWING AMENDMENTS, by Representative T. Kiser, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

1. Page 1, Lines 22 through 23:

22 • was done without the vehicle, vessel, or outboard motor owner's knowledge;

23 {~~and~~}
►. grants the Department of Transportation rulemaking authority to set a maximum rate for an administrative fee that a tow truck motor carrier may charge for reporting the removal to the Motor Vehicle Division and providing notice of the removal to the registered owner and lienholder of the vehicle, vessel, or outboard motor; and

2. Page 8, Line 232:

232 law, related to incident safety, clean–up, and hazardous material handling; {~~and~~}

3. Page 8, Line 234:

234 by a tow truck motor carrier or impound yard ; and
(d) set a maximum rate for an administrative fee that a tow truck motor carrier may charge for reporting the removal as required under Subsection (1)(a)(i) and providing notice of the removal to the registered owner and lienholder of the vehicle, vessel, or outboard motor as required in Subsection (1)(b) . ; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 324**, MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS, by Representative F. Gibson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Stephen H. Urquhart, Chair

Mr. President: February 25, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 90**, METAL THEFT AMENDMENTS AND PENALTIES, by Senator J. Greiner, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 2, Lines 29 through 33:

29 ENACTS:
76–6–402.5, Utah Code Annotated 1953
30 76–6–412.5, Utah Code Annotated 1953
31 {~~76–10–907.5, Utah Code Annotated 1953~~}
32
33 Be it enacted by the Legislature of the state of Utah:
Section 1. Section 76–6–402.5 is enacted to read:
76–6–402.5. Defense regarding metal dealers.
It is a defense against a charge of theft under this part and a defense against a civil claim for conversion if any dealer as defined in Section 76–10–901 has acted in compliance with Title 76, Chapter 10, Part 9, Regulation of Metal Dealers.

2. Page 2, Lines 43 through 48:

43 As used in this part:
(1) "Catalytic converter" means a motor vehicle exhaust system component that reduces vehicle emissions by breaking down harmful exhaust emissions.

44 {~~(1)~~} (2) "Dealer" means any scrap metal processor or secondary metals dealer or recycler,

45 but does not include junk dealers or solid waste management facilities as defined in Section

46 19–6–502.

47 {~~(2)~~} (3) "Ferrous metal" means a metal that contains significant quantities of iron or steel.

48 {~~(3)~~} (4) "Identification" means a form of positive identification issued by a governmental

3. Page 2, Line 54:

54 {~~(4)~~} (5) "Junk dealer" means all persons, firms, or corporations engaged in the business of

4. Page 2, Line 57:

57 {~~(5)~~} **(6)** "Local law enforcement agency" means the law enforcement agency that has

5. Page , Line 59 through Page 3, Line 53:

59 {~~(6)~~} (7) "Nonferrous metal":

6. Page 3, Lines 62 through 63:

62 {~~(7)~~} (8) (a) "Regulated metal" means any item composed primarily of nonferrous metal,

63 except as provided in Subsection {~~(7)~~} (8) (c).

7. Page 3, Line 66:

66 except under Subsection {~~(7)~~} (8) (c);

8. Page 3, Line 79:

79 (i) ferrous metal, except as provided in Subsection {~~(7)~~} (8) (b)(ii) or (iv);

9. Page 4, Lines 108 through 109:

108 (iii) aluminum wire, siding, downspouts, or gutters[~~.~~]; {~~and~~ }

(k) catalytic converters; and

109 {~~(k)~~ } (l) wire that has been burned or that has the appearance of having been burned.

10. Page 7, Lines 187 through 190:

187 {~~Section 5. Section 76–10–907.5 is enacted to read:~~

188 ~~76–10–907.5.~~ Transactions over $100 may not be in cash.

189 ~~A dealer making a purchase of more than $100 worth of regulated metal in a single~~

190 ~~transaction shall pay for the metal by check or money order, and may not pay by cash.~~ }

11. Page 1, Lines 22 through 23:

22 Other Special Clauses:

23 {~~None~~ } This bill provides an immediate effective date.

12. Page 7, Line 190:

190 transaction shall pay for the metal by check or money order, and may not pay by cash.

Section 6. 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. ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 37**, VIOLENT OFFENSES AMENDMENTS, by Representative J. Seelig, 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. 130**, ASSET PRESERVATION AMENDMENTS, by Representative G. Hughes, 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. 138**, EXPUNGEMENT OF RECORDS AMENDMENTS, by Representative Julie Fisher, 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 recommends **H.B. 329**, WRONGFUL DEATH CLAIMS, by Representative L. Fowlke, be replaced and favorably recommends **1st Sub. H.B. 329,** WRONGFUL DEATH CLAIMS and that it be considered read for the second time and placed on the Consent Calendar.

Michael G. Waddoups,
President of the Senate

On motion of Senator Killpack, the committee reports were adopted. **H.B. 297, H.J.R. 11, S.B. 210,** as amended, **S.B. 193,** as amended, **H.B. 112,** as amended, **H.B. 324, S.B. 90,** as amended, **H.B. 37, H.B. 130, H.B. 138,** and **1st Sub. H.B. 329** were considered read the second time and placed on the Consent Calendar.

SECOND READING CALENDAR

H.B. 69, GUARDIAN AD LITEM AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Buttars	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell	Bramble	Christensen	Niederhauser
Urquhart			

SPECIAL PRESENTATION

A citation was read honoring the Great Salt Lake Council of the Boy Scouts of America.

* * *

H.B. 114, ABORTION LITIGATION TRUST ACCOUNT AMENDMENTS, was read the second time.

On motion of Senator Jenkins, the bill was circled.

* * *

H.B. 32, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, was read the second time. Senator Stephenson explained the bill. Senators Greiner, Dayton, and Buttars commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 2; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Goodfellow	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Waddoups			

Voting in the negative were: Senators

Dayton	Greiner

Absent or not voting were: Senators

Bell	Hillyard	Robles	Urquhart
Valentine	Van Tassell		

* * *

On motion of Senator Madsen, the circle was removed from **H.B. 114**, ABORTION LITIGATION TRUST ACCOUNT AMENDMENTS, and it was before the Senate. Senator Madsen explained the bill. Senator McCoy commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 3; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Stephenson	Stowell	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

McCoy	Robles	Romero

Absent or not voting were: Senators

Bell	Davis	Liljenquist	Urquhart

* * *

H.B. 261, AVIATION AMENDMENTS, was read the second time. Senator Niederhauser explained the bill.

Senator Bramble proposed the following amendment:

1. Page 1, Line 24a:
   House Floor Amendments
   2–17–2009
   Delete "until July 1, 2014"

2. Page 6, Line 169a:
   House Floor Amendments
   2–17–2009
   Delete "until July 1, 2014"

Senator Bramble's motion to amend passed on a voice vote. Senator Greiner commented. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 5; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Valentine	Van Tassell		

Voting in the negative were: Senators

Dayton	Greiner	McCoy	Morgan
Waddoups			

Absent or not voting were: Senators

Bell	Liljenquist	Madsen	Mayne
Robles	Urquhart		

* * *

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

THIRD READING CALENDAR

On motion of Senator Stephenson, the circle was removed from **S.B. 43**, INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS – CLAY'S LAW, and it was before the Senate. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 1, Lines 10 through 11
   Senate Committee Amendments
   2–13–2009

   10 This bill amends the Accident and Health Insurance part of the Insurance Code to

   11 {~~provide~~} require an insurer that provides a health benefit plan to offer coverage for treatment of autism spectrum disorders.

2. Page 1, Lines 15 through 16
   Senate Committee Amendments
   2–13–2009:

   15 ► requires that Ŝ➔ [~~an accident or health insurance policy that provides a health insurance~~

   16 ~~benefit~~] an insurer that provides a health benefit plan ←Ŝ shall {~~provide~~} offer coverage for treatment of autism spectrum disorders;

3. Page 1, Line 19
   Senate Committee Amendments
   2–13–2009:

   19 required {~~by~~} to be offered under this bill; and

4. Page 1, Lines 24 through 25
   Senate Committee Amendments
   2–13–2009:

   24 Other Special Clauses:

   25 {~~None~~} This bill coordinates with H.B. 188 by providing substantive amendments.

5. Page 3, Lines 59 through 64:

59 (2) Ŝ➔ [~~An accident or health insurance policy that provides a~~
~~health insurance benefit~~] {~~A~~} An insurer that provides a

59a health benefit plan ←Ŝ shall

60 {~~provide~~} offer coverage for treatment of autism
spectrum disorders in accordance with the

61 requirements of this section and rules made by the commissioner
under this section.

62 (3) The commissioner shall make rules, in accordance with
Title 63G, Chapter 3, Utah

63 Administrative Rulemaking Act, that set minimum standards
{~~of~~} for the coverage , described in this bill, for the
treatment of

64 autism spectrum disorders.

6. Page 3, Lines 69 through 71
Senate Committee Amendments
2–13–2009:

69 (5) Subject to Subsection (6), Ŝ➔ [~~an accident or health~~
~~insurance policy that provides a~~

70 ~~health insurance benefit~~] {~~a~~} an insurer that offers a
health benefit plan ←Ŝ shall {~~provide~~} offer coverage for
the provision of early

70a intensive behavior

71 therapy for a person with an autism spectrum disorder of at least:

7. Page 3, Lines 72 through 74
Senate Committee Amendments
2–13–2009:

72 (a) {~~$50,000~~} $35,000 annually for a child who is
less than nine years old; and

73 (b) {~~$25,000~~} $17,500 annually for a child who is
at least nine years old, but less than 17 years

74 **old.**

8. Page 3, Line 78:
After line 78 insert:
"Section 2. Coordinating S.B. 43 with H.B. 188 –– Substantive

amendments.
If this S.B. 43 and H.B. 188, Health System Reform – Insurance Market, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by:
(1) amending Subsection 31A–22–724(3)(b)(vi) to read as follows:
"(vi) coverage mandates enacted after January 1, 2009, except:
(A) coverage mandates that are required by federal law; and
(B) the insurance mandate related to autism spectrum disorders, described in Section 31A–22–636."; and
(2) amending Subsection 31A–30–109(1)(b)(ii) to read as follows:
"(ii) excludes some or all of the mandates described in Subsection 31A–22–724(3), except for the mandate related to autism spectrum disorders, described in Section 31A–22–636.".."

Senator Stephenson's motion to amend passed on a voice vote. Senators Jones, Christensen, Robles, and McCoy commented.

On motion of Senator Stephenson, the bill was circled.

SECOND READING CALENDAR

H.B. 154, STATE CONSTRUCTION REGISTRY AMENDMENTS, was read the second time. Senator Jenkins explained the bill. Senator Okerlund commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator
Morgan

Absent or not voting were: Senators

Bramble	Christensen	Killpack

* * *

H.B. 271, WORKERS' COMPENSATION – UNINSURED EMPLOYERS' FUND, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Buttars	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell	Bramble	Christensen	Killpack

* * *

On motion of Senator Killpack, the Senate voted to suspend the rules and consider Senate bills for the remainder of the day.

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

The Senate was called to order at 4:25 p.m., with President Waddoups presiding.

SECOND READING CALENDAR

S.B. 152, LEGISLATIVE MANAGEMENT POWERS, was read the second time. Senator Killpack explained the bill. Senator Romero declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Niederhauser	Stephenson

* * *

S.B. 153, COUNTY AND MUNICIPAL LAND USE AMENDMENTS, was read the second time. Senator Madsen explained the bill. Senators Stowell and Bell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Christensen	Knudson	Niederhauser

* * *

S.B. 171, MUNICIPAL ANNEXATION AMENDMENTS, was read the second time.

On motion of Senator Jenkins, the bill was circled.

* * *

S.J.R. 6, LEGISLATOR COMMUNICATIONS WITH JUDICIARY AND EXECUTIVE BRANCH JOINT RULES RESOLUTION, was read the second time. Senator Valentine explained the bill. Senators Hillyard, Waddoups, Madsen, and Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy

Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Liljenquist	Niederhauser

* * *

S.J.R. 8, JOINT RESOLUTION REGARDING ELIGIBILITY FOR LEGISLATIVE OFFICE, was read the second time. Senator McCoy explained the bill.

Senator McCoy proposed the following amendment:

1. Page 2, Line 44:
   After "appointed" insert "to fill a midterm vacancy"

2. Page 2, Line 45:
   After "appointment" insert "." and delete "for a person appointed to a midterm vacancy."

Senator McCoy's motion to amend passed on a voice vote. Senator Okerlund declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Buttars

* * *

S.B. 59, ALLOCATION AND APPORTIONMENT OF INCOME AND DEDUCTION OF A NET LOSS, was read the second time. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

. Page 8, Lines 234 through 238

234 17. {~~Sales, other than sales of tangible personal property, are in this state if:~~

235 ~~(a) the income–producing activity is performed in this state; or~~

236 ~~(b) the income–producing activity is performed both in and outside this state and a~~

237 ~~greater proportion of the income–producing activity is performed in this state than in any other~~

238 ~~state, based on costs of performance.~~ } Whether a receipt, rent, royalty, or sale in connection with other than tangible personal property is considered to be in this state is determined in accordance with Section 59–7–319.

Senator Stephenson's motion to amend passed on a voice vote. Senators Hillyard and Niederhauser commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Buttars

* * *

S.B. 52, NEW MOTOR VEHICLE FRANCHISE AMENDMENTS, was read the second time.

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

2nd Sub. S.B. 52 New Motor Vehicle Franchise Amendments (S. Killpack)

Senator Killpack explained the bill. Senator Van Tassell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
McCoy

* * *

S.B. 172, UNDERINSURED MOTORIST COVERAGE AMENDMENTS, was read the second time. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
McCoy

* * *

On motion of Senator Killpack and at 5:15 p.m., the Senate adjourned until 9:00 a.m., Friday, February 27, 2009.

THIRTY–SECOND DAY

MORNING SESSION

February 27, 2009

The Senate was called to order at 9:15 a.m., with President Michael Waddoups presiding.

Prayer – President Kevin Weaver, Kearns, Utah Stake
Pledge of Allegiance – Senator Scott Jenkins
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 26, 2009

The Speaker of the House has signed **S.B. 50**, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE, by Senator B. Goodfellow, and it is transmitted for the signature of the President; and

The House passed, **S.B. 115**, PAYMENT OF MOBILE HOME PARK RELOCATION EXPENSES, 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

S.B. 50 and **S.B. 115** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 26, 2009

The House passed, as substituted, **1st Sub. H.B. 164**, MIGRATORY BIRD PRODUCTION AREAS, by Representative C. Oda, et al, and it is transmitted for consideration; and

The House passed **H.B. 167**, COUNTY HOSPITAL RETIREMENT PROVISIONS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 197**, REAUTHORIZATION OF ADMINISTRATIVE RULES, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 290**, PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE, by Representative S. Clark, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 313**, SOCIAL HOST LIABILITY ACT, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 314**, DNA SAMPLE FOR CRIMINAL OFFENSES – AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed **H.B. 325**, OPTING OUT OF THE REAL ID ACT, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 327**, BUILDING INSPECTOR AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 164, H.B. 167, H.B. 197, 1st Sub. H.B. 290, 1st Sub. H.B. 313, H.B. 314, H.B. 325,** and **H.B. 327** were read the first time and referred to the Rules Committee.

INTRODUCTION OF BILLS

S.B. 245, **Uniform Fees on Motorcycles** (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.B. 248, **Tax Amendments** (G. Bell), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 239, UTAH MEDICAL EXAMINER ACT – INVESTIGATION AND AUTOPSIES AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Knudson

H.B. 239 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, BACKGROUND CHECKS FOR QUALIFYING ENTITIES, was read the third time, explained by Senator Robles, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell	Jones	Stephenson

H.B. 289 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 185, FEDERAL EDUCATION AGREEMENT REQUIREMENTS AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buttars	Christensen	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins

Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell	Bramble	Davis	Niederhauser
Stephenson			

S.B. 185 was transmitted to the House for consideration.

* * *

1st Sub. H.B. 264, EDUCATOR EVALUATION AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell	Bramble	Niederhauser	Stephenson

1st Sub. H.B. 264 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, COUNTY PERSONNEL AMENDMENTS, was read the third time, explained by Senator Romero, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson

Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell	Bramble	Niederhauser	Stephenson

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.

* * *

H.B. 319, DISASTER RECOVERY FUNDING AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell	Bramble	Jenkins	Niederhauser
Stephenson			

H.B. 319 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.C.R. 5, CONCURRENT RESOLUTION URGING THE REALIGNMENT OF AIR QUALITY NON–ATTAINMENT DESIGNATIONS BY THE EPA, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Niederhauser	Stephenson

1st Sub. H.C.R. 5, was returned to the House for further consideration.

* * *

H.C.R. 6, CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO CONGRESSIONAL EFFORTS TO EXPAND THE JURISDICTION OF THE CLEAN WATER ACT, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
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.

* * *

H.B. 123, RETAIL AND LIBRARY THEFT AMENDMENTS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Niederhauser

H.B. 123 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Buttars, **H.B. 127**, PERSONAL INJURY PROTECTION COVERAGE AMENDMENTS, was read the third time and circled.

* * *

H.B. 228, ASSAULT ON SERVICE MEMBER IN UNIFORM, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Davis	Niederhauser	Okerlund

H.B. 228 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 295, MONEY LAUNDERING AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Davis	Niederhauser	Okerlund

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.

THIRD READING CALENDAR

H.B. 41, SEX OFFENDER REGISTRATION AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Davis	Niederhauser

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.

* * *

On motion of Senator Urquhart, the circle was removed from **2nd Sub. H.B. 243**, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES, and it was before the Senate.

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

3rd Sub. H.B. 243 Rental Restrictions on Condominiums and Common Interest Communities (G. Froerer)

Senators Bell and Waddoups commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Niederhauser Stephenson

Senator Waddoups declared a conflict of interest.

3rd Sub. H.B. 243 was returned to the House for further consideration.

* * *

On motion of Senator Bell, the Senate voted to move to the Consent Calendar.

CONSENT CALENDAR

On motion of Senator Bell, the circle was removed from **H.B. 127**, PERSONAL INJURY PROTECTION COVERAGE AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Mayne

McCoy	Morgan	Okerlund	Robles
Romero	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Jones	Niederhauser	Stephenson	Valentine

H.B. 127 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 Killpack, **2nd Sub. H.B. 59**, SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS, was read the third time and circled.

* * *

H.B. 63, AMENDMENTS TO CHILD WELFARE, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Jones	Niederhauser	Stephenson

H.B. 63 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, the circle was removed from **2nd Sub. H.B. 59**, SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Jones	Niederhauser	Stephenson

2nd Sub. H.B. 59 was returned to the House for further consideration.

* * *

H.B. 119, POWERSPORT VEHICLE FRANCHISE ACT REVISIONS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Jones	Niederhauser	Stephenson

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.

* * *

H.B. 116, UNIFORM FEES ON CANOES, was read the third time and explained by Senator Davis. Senator Greiner commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Christensen	Niederhauser

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.

* * *

H.B. 218, FAMILY EMPLOYMENT PROGRAM AMENDMENTS, was read the third time and explained by Senator Hinkins. Senators Madsen and Mayne commented and the bill passed on the following roll call:

Yeas, 18; Nays, 9; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Goodfellow
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Urquhart	Van Tassell		

Voting in the negative were: Senators

Bell	Buttars	Dayton	Greiner
Jenkins	Madsen	Stephenson	Stowell
Valentine			

Absent or not voting were: Senators

Niederhauser	Waddoups

H.B. 218, as amended, was returned to the House for further consideration.

* * *

H.B. 241, PRIORITY OF WATER RIGHTS, was read the third time and explained by Senator Okerlund. Senators Hillyard, Davis, and Stowell commented and the bill passed on the following roll call:

Yeas, 19; Nays, 7; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Goodfellow	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Okerlund	Romero	Stephenson
Stowell	Urquhart	Van Tassell	

Voting in the negative were: Senators

Greiner	Hillyard	McCoy	Morgan
Robles	Valentine	Waddoups	

Absent or not voting were: Senators

Bramble	Dayton	Niederhauser

H.B. 241, as amended, was returned to the House for further consideration.

SPECIAL PRESENTATION

A citation was read honoring residents of the Seville Living Center in Orem, Utah.

THIRD READING CALENDAR

H.B. 69, GUARDIAN AD LITEM AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Jenkins	Niederhauser	Stowell

H.B. 69, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Stephenson, **H.B. 32**, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, was read the third time and circled.

* * *

On motion of Senator Hillyard, **H.B. 114**, ABORTION LITIGATION TRUST ACCOUNT AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Bell, **H.B. 261**, AVIATION AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Bell, **H.B. 154**, STATE CONSTRUCTION REGISTRY AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Madsen, the circle was removed from **H.B. 114**, ABORTION LITIGATION TRUST ACCOUNT AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 23; Nays, 4; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Okerlund	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Davis	McCoy	Robles	Romero

Absent or not voting were: Senators

Jenkins	Niederhauser

H.B. 114 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 Killpack, and at 10:30 a.m., the Senate sauntered.

The Senate was called to order at 10:45 a.m., with President Waddoups presiding.

* * *

H.B. 271, WORKERS' COMPENSATION – UNINSURED EMPLOYERS' FUND, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Knudson	Liljenquist	Niederhauser
Stephenson	Stowell		

H.B. 271, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Jenkins, the circle was removed from **H.B. 154**, STATE CONSTRUCTION REGISTRY AMENDMENTS, and it was before the Senate.

Senator Jenkins proposed the following amendment:

1. Page 2, Lines 35 through 43

35 38–1–7. Notice of claim –– Contents –– Recording –– Service on owner of property.

36 (1) (a) (i) Except as modified in Section 38–1–27, a person claiming benefits under this

37 chapter shall file for record with the county recorder of the county in which the property, or

38 some part of the property, is situated, a written notice to hold and claim a lien [~~within~~] no later

39 than:

40 (A) 180 days after the day on which occurs final completion of the original contract if

41 no notice of completion is filed under Section 38–1–33; or

42 (B) 90 days after the day on which a notice of completion is filed under Section

43 38–1–33 but not later than the time frame established in Subsection (1)(a)(i)(A) .

Senator Jenkins' motion to amend passed on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Okerlund	Robles	Romero	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator
Morgan

Absent or not voting were: Senators

Killpack	Liljenquist	Niederhauser	Stephenson
Stowell			

H.B. 154 was returned to the House for further consideration.

* * *

On motion of Senator Killpack, **S.B. 152**, LEGISLATIVE MANAGEMENT POWERS, was read the third time and circled.

* * *

S.B. 153, COUNTY AND MUNICIPAL LAND AND USE AMENDMENTS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Niederhauser Stephenson

S.B. 153 was transmitted to the House for consideration.

* * *

S.J.R. 6, LEGISLATOR COMMUNICATIONS WITH JUDICIARY AND EXECUTIVE BRANCH JOINT RULES RESOLUTION, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Niederhauser

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

* * *

S.J.R. 8, JOINT RESOLUTION REGARDING ELIGIBILITY FOR LEGISLATIVE OFFICE, was read the third time, explained by Senator McCoy, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Niederhauser

S.J.R. 8 was transmitted to the House for consideration.

SPECIAL PRESENTATION

A citation was read honoring fallen soldiers from Utah.

THIRD READING CALENDAR

S.B. 59, ALLOCATION AND APPORTIONMENT OF INCOME AND DEDUCTION OF A NET LOSS, was read the third time and explained by Senator Stephenson. Senators Valentine, Hillyard, and Niederhauser commented and the bill passed on the following roll call:

Yeas, 26; Nays, 2; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Voting in the negative were: Senators
Romero Valentine

Absent or not voting was: Senator
Christensen

Senators Hinkins and Valentine declared conflicts of interest.

S.B. 59 was transmitted to the House for consideration.

* * *

2nd Sub. S.B. 52, NEW MOTOR VEHICLE FRANCHISE AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Dayton

2nd Sub. S.B. 52 was transmitted to the House for consideration.

* * *

S.B. 172, UNDERINSURED MOTORIST COVERAGE AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Killpack

S.B. 172 was transmitted to the House for consideration.

* * *

On motion of Senator Niederhauser, the circle was removed from **H.B. 261**, AVIATION AMENDMENTS, and it was before the Senate.

Senator Bramble proposed the following amendment:

1. Page 6, Line 169d:
   Senate Committee Amendments
   2–23–2009
   Delete "Until July 1, 2009" and insert "monies"

Senator Bramble's motion to amend passed on a voice vote. Senate Greiner commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Morgan

H.B. 261 was returned to the House for further consideration.

* * *

On motion of Senator Killpack, the circle was removed from **S.B. 152**, LEGISLATIVE MANAGEMENT POWERS, and it was before the Senate. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 1, Lines 13 through 15

   13 ▶ provides, in statute, that the Legislative Management Committee has the authority

14 to {~~authorize the Legislature's initiation of, response to, intervention in, or~~

15 ~~participation in certain proceedings that involve a core interest of the Legislature.~~ } direct the legislative general counsel in matters involving the Legislature's participation in litigation.

1. Page 3, Lines 68 through 71:

68 (4) The Legislature delegates to the Legislative Management Committee the authority,

69 by means of a majority vote of the committee, to {~~initiate, respond to, intervene in, or otherwise~~

70 ~~participate in any judicial, administrative, or other proceeding on behalf of and in the name of~~

71 ~~the Legislature as a whole, in order to assert or defend an interest of the Legislature.~~ } direct the legislative general counsel in matters involving the Legislature's participation in litigation.

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

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Jenkins	Morgan

S.B. 152 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 179, SAFETY BELT ENFORCEMENT AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 3; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hinkins
Jones	Killpack	Knudson	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell

Voting in the negative were: Senators

Dayton	Madsen	Waddoups

Absent or not voting were: Senators

Hillyard	Jenkins

* * *

1st Sub. S.B. 53, AWARDING OF ATTORNEY FEES, was read the second time. Senator Urquhart explained the bill.

Senator Liljenquist proposed the following amendment:

1. Page 1, Line 24 through Page 2, Line 26
   Senate Committee Amendments
   2–12–2009

   24 78B–5–825.5. Attorney fees –– Private attorney general doctrine disavowed.

   25 A court may not award attorney fees under the private attorney general doctrine Ŝ➔ [~~as~~ ←Ŝ

   26 Ŝ➔ ~~stated in Stewart v. Utah Public Service Commission, 885 P.2d 759 (1994), and its progeny~~] ←Ŝ in any action filed after May 12, 2009 .

Senator Liljenquist's motion to amend passed on a voice vote. Senators Bell, McCoy, and Okerlund commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

McCoy	Morgan	Robles

* * *

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

THIRD READING CALENDAR

On motion of Senator Stephenson, the circle was removed from **S.B. 43**, INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS – CLAY'S LAW, and it was before the Senate.

Senator Stephenson proposed the following amendment:

1. Page 1, Line 19
   Senate Committee Amendments
   2–13–2009

   19 required by this bill; {~~and~~}
   " prohibits discrimination against a person who has an autism spectrum disorder as it relates to coverage by an insurer that provides accident and health insurance; and

2. Page 3, Line 78
   Senate Committee Amendments
   2–13–2009:

   78 for the preceding calendar year.
   (7) An insurer that provides accident and health insurance:
   (a) may not refuse to provide coverage to a person on the grounds that:
   (i) the person has an autism spectrum disorder; or
   (ii) the person is in need of medical care that results from an autism spectrum disorder; and
   (b) shall provide coverage to a person who has an autism spectrum disorder on the same terms, and at the same levels, as the insurer would provide to a similarly situated person who does not have an autism spectrum disorder.

Senator Stephenson's motion to amend passed on a voice vote.

On motion of Senator Stephenson, the bill was circled.

* * *

On motion of Senator Bramble, the Senate voted to lift **1st Sub. H.B. 296**, SCHOOLS FOR THE DEAF AND BLIND AMENDMENTS, from the Health and Human Services Committee and reassign it to the Education Committee.

* * *

On motion of Senator Killpack, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:05 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 27, 2009

The House passed, **S.B. 139**, EMPLOYER ELECTION RETIREMENT 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

S.B. 139 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 27, 2009

The House concurred in the Senate amendments and passed **H.B. 26**, CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 68**, DEVELOPMENT EXACTIONS, by Representative P. Painter, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 26 and **1st Sub. H.B. 68** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: February 27, 2009

The House passed, as amended, **H.B. 245**, UTAH STATE 911 COMMITTEE AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 272**, UTAH SCENIC BYWAY DESIGNATION AMENDMENTS, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 399**, CHARITABLE CARE AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and

The House passed **H.B. 402**, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS, by Representative K. Garn, and it is transmitted for consideration; and

The House passed **H.C.R. 7**, CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO THE CONGRESSIONAL ENACTMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM, by Representative M. Brown, and it is transmitted for consideration; and

The House passed **H.J.R. 18**, JOINT RESOLUTION FOR LEGISLATIVE APPROPRIATION SUBCOMMITTEE NAME CHANGE, by Representative N. Hendrickson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 245, 2nd Sub. H.B. 272, H.B. 399, H.B. 402, H.C.R. 7,** and **H.J.R. 18** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 27, 2009

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

Business and Labor Committee

1st Sub. H.B. 110 Financial Transaction Card Offenses (Rep. Julie Fisher) (Sen. G. Bell)

2nd Sub. H.B. 141 Billboard Amendments (Rep. C. Frank) (Sen. W. Niederhauser)

1st Sub. H.B. 313	Social Host Liability Act (Rep. E. Hutchings) (Sen. K. Mayne)
H.B. 327	Building Inspector Amendments (Rep. D. Aagard) (Sen. D. Liljenquist)

Education Committee

S.B. 74	At–risk Student Provisions (Sen. L. Robles)
S.B. 113	Delayed Effective Date for Illegal Immigration Legislation (Sen. P. Jones)
H.B. 312	Amended Campaign Finance Filings (Rep. S. Allen) (Sen. S. McCoy)

Government Operations and Political Subdivisions Committee

S.B. 248	Tax Amendments (Sen. G. Bell)
H.B. 197	Reauthorization of Administrative Rules (Rep. B. Ferry) (Sen. H. Stephenson)
H.B. 390	Absentee Ballot Amendments (Rep. J. Mathis) (Sen. K. Van Tassell)

Health and Human Services Committee

H.B. 128	Electronic Prescribing Act (Rep. R. Menlove) (Sen. P. Knudson)
H.B. 142	Reporting Abuse or Neglect of the Elderly or Disabled (Rep. L. Hemingway) (Sen. G. Davis)

Judiciary, Law Enforcement, and Criminal Justice Committee

H.B. 314	Dna Sample for Criminal Offenses – Amendments (Rep. R. Greenwood) (Sen. J. Greiner)
H.B. 351	Court Fees Amendments (Rep. C. Oda) (Sen. J. Greiner)

Natural Resources, Agriculture and Environment Committee

1st Sub. H.B. 164	Migratory Bird Production Areas (Rep. C. Oda) (Sen. M. Dayton)

Retirement and Independent Entities Committee

H.B. 167	County Hospital Retirement Provisions (Rep. M. Noel) (Sen. D. Stowell)

Revenue and Taxation Committee

S.B. 245	Uniform Fees on Motorcycles (Sen. B. Goodfellow)

H.B. 184 Income Tax Credit for a Disabled Dependent (Rep. J. Dougall) (Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee

1st Sub. H.B. 290 Prohibition of Wireless Communication Device Use in a Motor Vehicle (Rep. S. Clark) (Sen. L. Hillyard)

H.B. 325 Opting Out of the Real Id Act (Rep. S. Sandstrom) (Sen. M. Madsen)

H.B. 387 Motorcycle Helmet Amendments (Rep. R. Menlove) (Sen. S. Jenkins)

Margaret Dayton
Rules Committee Chair

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

SECOND READING CALENDAR

On motion of Senator Bell, **1st Sub. S.B. 165**, STATUTE OF LIMITATION REVISIONS, was read the second time and circled.

* * *

On motion of Senator Bell, **S.B. 170**, JUDICIARY AMENDMENTS, was read the second time and circled.

* * *

S.B. 176, CIVIL FEES IN COURTS OF RECORD AMENDMENTS, was read the second time. Senator Greiner explained the bill. Senators Waddoups and McCoy commented. The bill passed second reading on the following roll call:

Yeas, 15; Nays, 11; Absent, 3.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Greiner	Jenkins	Jones	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Robles	Romero	

Voting in the negative were: Senators

Bramble	Buttars	Hinkins	Madsen
Okerlund	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Goodfellow Hillyard Killpack

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 199**, EQUAL RECOGNITION OF SCHOOL PARENT GROUPS, and it was before the Senate. Senator Bramble explained the bill. Senators Jones and Stowell commented.

On motion of Senator Bramble, under suspension of the rules, **1st Sub. S.B. 199**, EQUAL RECOGNITION OF SCHOOL PARENT GROUPS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 21; Nays, 7; Absent, 1.

Voting in the affirmative were: Senators
Bramble Buttars Christensen Dayton
Goodfellow Jenkins Jones Killpack
Knudson Madsen Mayne McCoy
Niederhauser Okerlund Robles Stephenson
Stowell Urquhart Valentine Van Tassell
Waddoups

Voting in the negative were: Senators
Bell Greiner Hillyard Hinkins
Liljenquist Morgan Romero

Absent or not voting was: Senator
Davis

1st Sub. S.B. 199 was transmitted to the House.

* * *

S.B. 182, CRIMINAL RESTITUTION AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner

Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative was: Senator
Hillyard

Absent or not voting were: Senators
Jones Madsen

* * *

S.J.R. 12, JOINT RESOLUTION SUPPORTING EXPANSION OF CORRECTIONAL FACILITIES IN SAN JUAN COUNTY, was read the second time. Senator Hinkins explained the bill. Senators Van Tassell, Goodfellow, Okerlund, and Stowell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators
Jones Valentine

* * *

On motion of Senator Hillyard, the circle was removed from **S.B. 170**, JUDICIARY AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 2, Line 44:
   Delete line 44

2. Page 15, Line 440–450:
   Delete lines 440 to 450

Senator Hillyard's motion to amend passed on a voice vote.

# # #

Senator Hillyard proposed the following amendment:

1. Page 21, Lines 619 through 630

619 Section 17. Section 78B–7–205 is amended to read:

620 78B–7–205. Service –– Income withholding –– Expiration.

621 (1) If the court enters an ex parte child protective order or a child protective order, the

622 court shall:

623 (a) make reasonable efforts to ensure that the order is understood by the petitioner and

624 the respondent, if present;

625 (b) as soon as possible transmit the order to the county sheriff for service; {~~[~~} and {~~]~~}

626 (c) by the end of the next business day after the order is entered, transmit electronically

627 a copy of the order to any law enforcement agency designated by the petitioner and to the

628 statewide domestic violence network described in Section 78B–7–113 {~~[~~} . {~~]~~} ; and

629 (d) transmit a copy of the order to the statewide domestic violence network described

630 in Section 78B–7–113.

Senator Hillyard's motion to amend passed second reading on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Jones

* * *

On motion of Senator Madsen, the circle was removed from **1st Sub. S.B. 165**, STATUTE OF LIMITATIONS REVISIONS, and it was before the Senate. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Buttars Jones

* * *

S.J.R. 14, JOINT RESOLUTION – CHALLENGING THE LEGALITY OF A CONVICTION OR SENTENCE, was read the second time. Senator Bramble explained the bill. Senators Greiner, Bell, Hillyard, Buttars, and Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hinkins	Jenkins
Killpack	Knudson	Liljenquist	Madsen
Mayne	Niederhauser	Okerlund	Robles
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Davis	Goodfellow	Hillyard	McCoy
Morgan	Romero		

Absent or not voting was: Senator

Jones

* * *

S.B. 163, CONSTRUCTION TRADE EXEMPTION, was read the second time. Senator Urquhart explained the bill. Senator Mayne commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Jones	Knudson

* * *

S.B. 64, ADMINISTRATIVE RULES REVIEW COMMITTEE, was read the second time. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 3, Line 89 through Page 4, Line 92

89 <u>(8) (a) Independent of its power to review administrative rules, the committee may</u>

90 <u>review any appropriation made by the Legislature, whether in an appropriations bill or</u>

91 <u>otherwise, to ensure that the entity to which the funds were appropriated complies with any</u>

92 {~~expressed~~} legislative intent concerning the appropriation expressed in the legislation appropriating the funds .

2. Page 4, Lines 93 through 95:

93 (b) If the committee finds that an entity has not complied with any {~~expressed~~}

94 legislative intent concerning an appropriation expressed in the legislation appropriating the funds , the committee shall report the finding to the

95 Legislature's Executive Appropriations Committee.

Senator Stephenson's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Killpack	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell		

Absent or not voting were: Senators

Buttars	Hillyard	Jones	Knudson
Madsen	Valentine	Waddoups	

* * *

2nd Sub. S.B. 124, INDEMNIFICATION FOR DESIGN PROFESSIONAL SERVICES, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Killpack	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Van Tassell

Voting in the negative was: Senator
Stephenson

Absent or not voting were: Senators

Buttars	Hillyard	Jones	Knudson
Madsen	Urquhart	Valentine	Waddoups

On motion of Senator Bell, the Senate voted to include the following intent language in the Senate Journal.

INTENT LANGUAGE for 2nd Sub. S.B. 124

It is the intent of the Legislature that any contract with a design professional subject to this bill's requirements should contain provisions identifying those persons or entities, whether by name or role, who are considered within the direct or indirect control or responsibility of the design professional.

* * *

S.B. 164, IN PERSON VOTER REGISTRATION, was read the second time. Senator McCoy explained the bill. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 1; Absent, 7.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Van Tassell			

Voting in the negative was: Senator
Stowell

Absent or not voting were: Senators

Buttars	Hillyard	Jones	Knudson
Urquhart	Valentine	Waddoups	

* * *

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

THIRD READING CALENDAR

On motion of Senator Stephenson, the circle was removed from **S.B. 43**, INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS – CLAY'S LAW, and it was before the Senate. Senator Stephenson explained the bill. Senators Christensen, Romero, Robles, Liljenquist, Killpack, and Davis commented. The bill passed on the following roll call:

Yeas, 21; Nays, 4; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Hinkins	Jenkins
Killpack	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Van Tassell			

Voting in the negative were: Senators

Dayton	Greiner	Madsen	Waddoups

Absent or not voting were: Senators

Hillyard	Jones	Knudson	Urquhart

S.B. 43 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Jenkins, the circle was removed from **S.B. 171**, MUNICIPAL ANNEXATION AMENDMENTS, and it was before the Senate.

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

1st Sub. S.B. 171 Municipal Annexation Amendments (S. Jenkins)

On motion of Senator Jenkins, the bill was circled.

On motion of Senator Killpack and at 4:10 p.m., the Senate adjourned until 9:30 a.m., Monday, March 2, 2009.

THIRTY–FIFTH DAY

MORNING SESSION

March 2, 2009

The Senate was called to order at 9:50 a.m., with President Michael Waddoups presiding.

Prayer – Pastor Mike Sanders, Washington Heights Baptist Church
Pledge of Allegiance – Senator Pat Jones
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 27, 2009

The House passed, as amended, **H.B. 89**, PROSTHETIC LIMB HEALTH INSURANCE PARITY, by Representative D. Litvack, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 211**, RETIREMENT INVESTMENT REPORTS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 259**, CHANGES TO IMPACT FEES, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 400**, PETE SUAZO UTAH ATHLETIC COMMISSION AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 418**, DELINQUENT PROPERTY TAX AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed **H.J.R. 22**, JOINT RESOLUTION – UTAH'S MEDICAID ASSET TEST, by Representative R. Chavez–Houck, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 89, 1st Sub. H.B. 211, 1st Sub. H.B. 259, 2nd Sub. H.B. 400, H.B. 418,** and **H.J.R. 22** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 27, 2009

The Business and Labor Committee reports a favorable recommendation on **S.B. 187**, ALCOHOL AMENDMENTS, by Senator J. Valentine.

John L. Valentine, Chair

On motion of Senator Jenkins, the committee report was adopted. **S.B. 187** was placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 27, 2009

The Health and Human Services Committee reports a favorable recommendation on **H.B. 144**, MEDICAL LANGUAGE INTERPRETER ACT, by Representative R. Chavez–Houck, 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. 254**, HEALTH PROFESSIONAL AUTHORITY – DEATH CERTIFICATES, by Representative B. Last, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Human Services Committee reports a favorable recommendation on **H.J.R. 3**, JOINT RESOLUTION SUPPORTING EFFORTS TO INCREASE AND IMPROVE CANCER TREATMENT, SCREENING, AND RESEARCH PROGRAMS, by Representative S. Duckworth, 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 **1st Sub. H.J.R. 5**, JOINT RESOLUTION SUPPORTING NEEDED IMPROVEMENTS IN THE NAVAJO NATION'S ABILITY TO COLLECT AND TRACK CHILD SUPPORT PAYMENTS, by Representative

C. Watkins, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

On motion of Senator Jenkins, the committee reports were adopted. **H.B. 144, H.B. 254, H.J.R. 3,** and **H.J.R. 5** were considered read the second time and placed on the Consent Calendar.

THIRD READING CALENDAR

S.B. 179, SAFETY BELT ENFORCEMENT AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 20; Nays, 6; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jones	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Van Tassell

Voting in the negative were: Senators

Buttars	Dayton	Jenkins	Madsen
Stephenson	Waddoups		

Absent or not voting were: Senators

Killpack	Knudson	Valentine

S.B. 179 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 53, AWARDING OF ATTORNEY FEES, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Niederhauser	Okerlund
Stowell	Urquhart	Van Tassell	Waddoups

Voting in the negative were: Senators

Davis	Goodfellow	Mayne	McCoy
Morgan	Robles	Romero	Stephenson

Absent or not voting was: Senator
Valentine

1st Sub. S.B. 53 was transmitted to the House for consideration.

* * *

On motion of Senator Greiner, **S.B. 176**, CIVIL FEES IN COURTS OF RECORD AMENDMENTS, was read the third time and circled.

* * *

S.B. 182, CRIMINAL RESTITUTION AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen	Davis	Valentine

S.B. 182 was transmitted to the House for consideration.

* * *

S.J.R. 12, JOINT RESOLUTION SUPPORTING EXPANSION OF CORRECTIONAL FACILITIES IN SAN JUAN COUNTY, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Dayton
Goodfellow	Greiner	Hillyard	Hinkins

Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen	Davis	Valentine

S.J.R. 12 was transmitted to the House for consideration.

* * *

S.B. 170, JUDICIARY AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting was: Senator
Valentine

S.B. 170 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 165, STATUTE OF LIMITATION REVISIONS, was read the third time and explained by Senator Madsen.

Senator Madsen proposed the following amendment:

1. Page 1, Line 13:
   After "again" delete "if"

Senator Madsen's motion to amend passed on a voice vote. Senator Hillyard commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Killpack	Valentine

1st Sub. S.B. 165 was transmitted to the House for consideration.

* * *

S.J.R. 14, JOINT RESOLUTION – CHALLENGING THE LEGALITY OF A CONVICTION OR SENTENCE, was read the third time and explained by Senator Bramble. Senators McCoy, Romero commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Morgan	Niederhauser	Okerlund
Robles	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Davis	Goodfellow	Hillyard	Mayne
McCoy	Romero		

S.J.R. 14 was transmitted to the House for consideration.

On motion of Senator Bramble, the Senate voted to include the following intent language in the Senate Journal.

INTENT LANGUAGE for S.J.R. 14

The Legislature intends that when S.J.R. 14 takes effect, all cases, including pending cases, in which a person challenges the legality of a conviction or

sentence will be governed by the amendment under S.J.R. 14. This means that any person challenging the legality of a conviction or sentence, including a person with a case pending at the time S.J.R. 14 takes effect, may challenge the legality of a conviction or sentence only as and to the extent provided by statute, subject to the exceptions stated in Article I, Section 30, Subsection (2), as enacted under S.J.R. 14.

* * *

On motion of Senator Urquhart, **S.B. 163**, CONSTRUCTION TRADE EXEMPTION, was read the third time and circled.

* * *

S.B. 64, ADMINISTRATIVE RULES REVIEW COMMITTEE, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Niederhauser	Robles

S.B. 64 was transmitted to the House for consideration.

* * *

2nd Sub. S.B. 124, INDEMNIFICATION FOR DESIGN PROFESSIONAL SERVICES, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins

Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Bramble Hillyard

2nd Sub. S.B. 124 was transmitted to the House for consideration.

* * *

S.B. 164, IN PERSON VOTER REGISTRATION, was read the third time and explained by Senator McCoy. Senators Stephenson and Buttars commented.

On motion of Senator McCoy, the bill was circled.

* * *

On motion of Senator Stephenson, the circle was removed from **H.B. 32**, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, and it was before the Senate. Senators Dayton and Jenkins commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Davis Killpack

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.

SECOND READING CALENDAR

On motion of Senator Bell, the Senate voted to lift **S.B. 184,** CIVIL FILING FEES, to the top of the Second Reading Calendar.

S.B. 184, CIVIL FILING FEES, was read the second time.

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

1st Sub. S.B. 184 Civil Filing Fees (G. Bell)

The bill was placed back on the Second Reading Calendar under **S.B. 183.**

* * *

On motion of Senator Jenkins, the circle was removed from **1st Sub. S.B. 171**, MUNICIPAL ANNEXATION AMENDMENTS, and it was before the Senate.

On motion of Senator Jenkins, the bill was circled.

* * *

On motion of Senator Madsen, the Senate voted to lift **H.J.R. 1**, RESOLUTION URGING THE WITHDRAWAL OF UNITED STATES' WORLD TRADE ORGANIZATION COMMITMENT ON GAMBLING, from Rules and place it at the top of the Second Reading Calendar. Senator Hillyard commented.

H.J.R. 1, RESOLUTION URGING THE WITHDRAWAL OF UNITED STATES' WORLD TRADE ORGANIZATION COMMITMENT ON GAMBLING, was read the second time.

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

1st Sub. H.J.R. 1 Resolution Urging The Withdrawal Of United States' World Trade Organization Commitment On Gambling (S. Allen)

On motion of Senator Madsen, the bill was circled.

* * *

S.B. 157, PROPERTY TAXATION AND REGISTRATION OF AIRCRAFT, was read the second time. Senator Madsen explained the bill.

Senator Madsen proposed the following amendment:

1. Page 2, Lines 54 through 58

54 (b) (i) For purposes of Subsection (1)(a)(iii), operating property of an air charter service

55 does not include an aircraft that is:

56 {~~(i)~~} (A) used by the air charter service for air charter; and

57 {~~(ii)~~} (B) owned by a person other than the air charter service.

(ii) For purposes of this Subsection (1)(b):

(A) "person" means a natural person, individual, corporation, organization, or other legal entity; and

(B) a person does not qualify as a person other than the air charter service as described in Subsection (1)(b)(i)(B) if the person is:

(I) a principal, owner, or member of the air charter service; or

(II) a legal entity that has a principal, owner, or member of the air charter service as a principal, owner, or member of the legal entity.

58 (2) The commission shall assess and collect property tax on state–assessed commercial

Senator Madsen's motion to amend passed on a voice vote. Senator Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Buttars	Killpack	Van Tassell

* * *

On motion of Senator Jenkins, the circle was removed from **1st Sub. S.B. 171**, MUNICIPAL ANNEXATION AMENDMENTS, and it was before the Senate.

Senator Jenkins proposed the following amendment:

1. Page 1, Line 25

25 annexation petition if the area is an unincorporated island or peninsula of 50 acres or less and the municipality and county

2. Page 10, Line 276:

276 (iii) (A) the area consists of :
(I) an unincorporated island within or an unincorporated peninsula contiguous to the municipality; and
(II) no more than 50 acres; and

Senator Jenkins' motion to amend passed on a voice vote. Senator Jenkins explained the bill. Senator Bramble commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Robles	Stephenson	Urquhart
Valentine	Waddoups		

Voting in the negative were: Senators

Hinkins	Okerlund	Romero	Stowell

Absent or not voting were: Senators

Killpack	Madsen	Van Tassell

* * *

S.B. 169, GAMBLING AMENDMENTS, was read the second time. Senator Liljenquist explained the bill.

Senator Liljenquist proposed the following amendment:

1. Page 1, Line 26 through Page 2, Line 28

26 { ~~(1) "Anything of value" includes inconvenience, effort, time, cost of mailing, and~~

27 ~~transportation expenses.~~ }

28 {~~(2)~~} (1) (a) "Fringe gambling" means any gambling, lottery, or video gaming device which

2. Page 2, Line 36:

36 [~~(1)~~] {~~(3)~~} (2) (a) "Gambling" means risking anything of value for a return or risking

3. Page 2, Line 47:

47 [~~(2)~~] {~~(4)~~} (3) "Gambling bet" means money, checks, credit, or any other representation of

4. Page 2, Line 49:

49 [~~(3)~~] {~~(5)~~} (4) "Gambling device or record" means anything specifically designed for use in

5. Page 2, Lines 51 through 52:

51 [~~(4)~~] {~~(6)~~} (5) "Gambling proceeds" means anything of value used in gambling.

52 [~~(5)~~] {~~(7)~~} (6) "Lottery" means any scheme for the disposal or distribution of property by

6. Page 3, Lines 72 through 74:

72 ~~{(9) Any gambling, lottery, video gaming device, or promotional game of chance which~~

73 ~~is made available to the public for a period of more than 90 days within a one-year period is~~

74 ~~fringe gambling.}~~

Senator Liljenquist's motion to amend passed on a voice vote. Senator Romero commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Waddoups			

Voting in the negative was: Senator
Urquhart

Absent or not voting were: Senators

Bramble	Killpack	Van Tassell

* * *

1st Sub. S.B. 180, EXPUNGEMENT OF DIVISION OF CHILD AND FAMILY SERVICES RECORDS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Knudson	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Bramble	Jenkins	Killpack	Liljenquist
Van Tassell			

* * *

S.B. 183, VIOLATION OF A PROTECTIVE ORDER, was read the second time. Senator McCoy explained the bill. Senator Dayton commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative was: Senator
Romero

Absent or not voting were: Senators
Buttars Killpack

* * *

1st Sub. S.B. 184, CIVIL FILING FEES, was before the Senate. Senator Bell explained the bill. Senators Buttars, Jones, and Bramble commented.

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Jenkins, and at 11:50 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 2, 2009

The House passed, **S.B. 141**, AVIATION FUEL TAX AMENDMENTS, 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

S.B. 141 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 2, 2009

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 59**, SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS, by Representative B. Daw, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 69**, GUARDIAN AD LITEM AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 154**, STATE CONSTRUCTION REGISTRY AMENDMENTS, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 241**, PRIORITY OF WATER RIGHTS, by Representative K. Gibson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 243**, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES, 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. 261**, AVIATION AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 271**, WORKERS' COMPENSATION – UNINSURED EMPLOYERS' FUND, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.C.R. 5**, CONCURRENT RESOLUTION URGING THE REALIGNMENT OF AIR QUALITY NON–ATTAINMENT DESIGNATIONS BY THE EPA, by Representative R. Menlove, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. H.B. 59, H.B. 69, H.B. 154, H.B. 241, 3rd Sub. H.B. 243, H.B. 261, H.B. 271, and **1st Sub. H.C.R. 5**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 2, 2009

The House passed, as substituted and amended, **1st Sub. H.B. 64**, DETERRING ILLEGAL IMMIGRATION, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 192**, PERSONAL INJURY JUDGMENT INTEREST, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.B. 412**, ENERGY POLICY AMENDMENTS, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 413**, COUNTY AUTHORITY AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.J.R. 14**, JOINT RULES RESOLUTION – ETHICS TRAINING COURSE PROVISIONS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 25**, JOINT RESOLUTION URGING EMPLOYERS TO HIRE ONLY INDIVIDUALS WHO ARE AUTHORIZED TO WORK IN THE UNITED STATES, by Representative C. Herrod, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 64, H.B. 192, H.B. 412, 1st Sub. H.B. 413, H.J.R. 14,** and **H.J.R. 25** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: March 2, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 223**, CITY AND COUNTY CARBON CREDITS FOR SEQUESTRATION OF WASTE STREAM MATERIALS, by Senator R. Romero, with the following amendments:

1. Page 2, Lines 31 through 33:

31 A municipality providing waste and garbage collection and disposal services that

32 converts material to charcoal or biochar and sequesters the charcoal or biochar as fertilizer as part of the waste and garbage collection and

33 disposal services may seek and sell or trade carbon credits on any market or exchange for carbon credits.

2. Page 4, Lines 91 through 93:

91 (6) A county providing waste and garbage collection and disposal services that

92 converts material to charcoal or biochar and sequesters the charcoal or biochar as fertilizer as part of the waste and garbage collection and

93 disposal services may seek and sell or trade carbon credits on any market or exchange for carbon credits. ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 248**, TAX AMENDMENTS, by Senator G. Bell; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 108**, HORMONE RESTORATION AMENDMENTS, by Representative D. Aagard; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 126**, VOTER IDENTIFICATION FOR ELECTIONS, by Representative B. Daw.

Peter C. Knudson, Chair

Mr. President: March 2, 2009

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 216**, REVISIONS TO MILITARY INSTALLATION DEVELOPMENT AUTHORITY ACT, by Senator M. Madsen; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 317**, CAPITAL FELONY AMENDMENTS, by Representative C. Wimmer.

Mark B. Madsen, Chair

Mr. President: February 27, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 234**, MOTOR VEHICLE REGISTRATION FEES, by Senator R. Okerlund; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **1st Sub. H.B. 151**, MOTOR VEHICLE FORFEITURE AMENDMENTS, by Representative C. Herrod; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 202**, SCHOOL DISTRICT TRAFFIC VIOLATION COMPLAINT PROCEDURES, by Representative W. Harper.

Kevin Van Tassell, Chair

On motion of Senator Killpack, the committee reports were adopted. **S.B. 223,** as amended, **S.B. 248, H.B. 108, 1st Sub. H.B. 126, S.B. 216, H.B. 317,**

S.B. 234, 1st Sub. H.B. 151, and **H.B. 202** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: March 2, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 197**, REAUTHORIZATION OF ADMINISTRATIVE RULES, by Representative B. Ferry, 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. 375**, LOCAL GOVERNMENT RECORDS AMENDMENTS, by Representative R. Wilcox, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: March 2, 2009

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 292**, TRAFFIC VIOLATION AND CITATION AMENDMENTS, by Representative D. Ipson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

Mr. President: February 27, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 215**, JUSTICE FOR ALL SPECIAL GROUP LICENSE PLATE, by Senator G. Bell, 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. 218**, COMMUNITY ANIMAL SHELTER AND ADOPTION SUPPORT SPECIAL GROUP LICENSE PLATE, by Senator P. Knudson, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

1. Page 3, Lines 60 through 61:

60 animal shelters and animal adoptions; { ~~and~~ }
(c) have a humane animal welfare facility located in a county of the

first class that:

(i) has the capacity to hold at least 400 animals; and

(ii) has a low cost spay and neuter clinic located on the premises of the facility;

(d) employ:

(i) at least one full–time veterinarian that administers a low cost spay and neuter program;

(ii) at least one full–time animal cruelty investigator that assists in identifying animals for adoption;

(iii) at least one full–time animal adoption transfer coordinator; and

(iv) at least one full–time foster care coordinator; and

61 {~~(c)~~} (e) contribute to the start–up fee for the production and administrative costs for

2. Page 3, Lines 69 through 73:

69 (ii) pay the costs {~~of~~} associated with transferring animals to other animal adoption agencies , shelters, or rescue groups throughout the state. {~~:~~

70 ~~(iii) provide educational materials and publications on animal shelter and adoption~~

71 ~~programs; and~~

72 ~~(iv) establish or administer other programs that provide or support animal shelters or~~

73 ~~animal adoptions.~~ }

Kevin Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. **H.B. 197, H.B. 375, H.B. 292, S.B. 215,** and **S.B. 218,** as amended, were considered read the second time and placed on the Consent Calendar.

Mr. President: February 27, 2009

The Transportation and Public Utilities and Technology Committee has returned **S.B. 221**, DEDICATION AND ABANDONMENT OF A HIGHWAY, by Senator M. Madsen, to the Rules Committee.

Kevin Van Tassell, Chair

INTRODUCTION OF BILLS

S.B. 271, **Judicial Conduct Commission Amendments** (G. Davis), read the first time by short title and referred to the Rules Committee.

S.J.R. 18, **Joint Resolution on Fiscal Note Process** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

S.B. 29, SAFE DRINKING WATER ACT AMENDMENTS, was read the second time. Senator Stowell explained the bill.

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

1st Sub. S.B. 29 Safe Drinking Water Act Amendments (D. Stowell)

Senators Jones, McCoy, Buttars, Christensen, Knudson, and Okerlund commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Goodfellow
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
Okerlund	Robles	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Bell	Christensen	Dayton	Greiner
Knudson	McCoy	Morgan	Romero

Absent or not voting was: Senator
Niederhauser

INTRODUCTION OF BILLS

S.B. 5, **Revenue Bond and Capital Facilities Authorizations** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

S.B. 78, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, was read the second time.

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

1st Sub. S.B. 78 Protection of Constitutionally Guaranteed Activities in Certain Private Venues (M. Madsen)

Senator Madsen explained the bill. Senators Valentine, Liljenquist, Stephenson, Jones, McCoy, and Romero commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 3; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Jones	Robles	Romero

Absent or not voting was: Senator

Davis

* * *

On motion of Senator Stephenson, the Senate voted to recall **H.B. 32**, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, from the House for the purpose of an amendment.

On motion of Senator Stephenson, the Senate voted to reconsider its action on **H.B. 32**.

H.B. 32, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, was before the Senate and explained by Senator Stephenson.

Senator Stephenson proposed the following amendment:

1. Page 1, Line 25
House Floor Amendments
2–4–2009

25 {~~None~~} This bill coordinates with H.B. 11, Recodification of Natural Resources Provisions, by providing amendments.

2. Page 21b, Lines 632bk through 633
House Committee Amendments
1–27–2009:

632bk legal and constitutional requirement s.

Section 14. Coordinating H.B. 32 and H.B. 11.
If this H.B. 32 and H.B. 11, Recodification of Natural Resources Provisions, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel , in preparing the Utah Code database for publication, shall change Section 63–11–17.3, which is repealed and reenacted in this bill, so that the reenacted section reads:

"79–4–502. Violations of rules.
Unless otherwise provided in this title, a violation of any rule of the Board of Parks and Recreation is an infraction." ←Ĥ

633 Section Ĥ→ [~~14~~] {~~15~~} 16 ←Ĥ . Repealer.

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

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack

Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Hillyard

H.B. 32 was returned to the House for further consideration.

* * *

S.C.R. 4, RESOLUTION SUPPORTING OBESITY AWARENESS, was read the second time.

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

1st Sub. S.C.R. 4 Resolution Supporting Obesity Awareness (D.C. Buttars)

Senator Buttars explained the bill. Senator Romero commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stephenson	Stowell
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators

Hillyard	Killpack	Knudson	Niederhauser
Urquhart			

* * *

S.B. 186, AMENDMENTS TO STATE TAX COMMISSION PENALTY PROVISIONS, was read the second time. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 2, Line 28

28 This bill has retrospective operation to January 1, 2009.
This bill coordinates with S.B. 108, Tax Commission Administration, Collection, and Enforcement Amendments, by providing substantive and technical amendments.

2. Page 4, Lines 92 through 97:

92 (D) Section 19–6–410.5;
(E) Section 19–6–714;
93 {~~(E)~~} (F) Section 19–6–805;
94 {~~(F)~~} (G) Section 40–6–14;
95 {~~(G)~~} (H) Section 69–2–5;
96 {~~(H)~~} (I) Section 69–2–5.5; or
97 {~~(I)~~} (J) Section 69–2–5.6; or

3. Page 20, Line 602: After Line 602 insert:
Section 4. Coordinating S.B. 186 with S.B. 108 –– Substantive and technical amendments.
If this S.B. 186 and S.B. 108, Tax Commission Administration, Collection, and Enforcement Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication as follows:
(1) modify Subsection 59–1–401(3) as amended in this bill to read:
" (3) (a) [~~If a~~] A person [~~fails to pay a tax, fee, or charge due, the person~~] is subject to a penalty [~~as provided in this Subsection (3).~~] for failure to pay a tax, fee, or charge if:
[~~(b) (i) A penalty in the amount described in Subsection (3)(b)(ii) is imposed if:~~]
[~~(A) a~~] (i) the person files a return [~~with respect to a nonqualifying obligation~~] on or before the due date for filing a return described in Subsection (2)(a), but fails to pay the [~~nonqualifying obligation~~] tax, fee, or charge due on the return on or before that due date;
[~~(B) a~~] (ii) the person:
[~~(I)~~] (A) is subject to a penalty under Subsection (2)(b); and

[~~(II)~~] (B) fails to pay [~~a nonqualifying obligation~~] the tax, fee, or charge due on a return within a 90–day period after the due date for filing a return described in Subsection (2)(a);

(iii) (A) the person is subject to a penalty under Subsection (2)(b); and

(B) the commission estimates an amount of tax due for that person in accordance with Subsection 59–1–1406(2);

[~~(C) a~~] {~~(iii)~~} (iv) the person:

[~~(I)~~] (A) is mailed a notice of deficiency; and

[~~(II)~~] (B) within a 30–day period after the day on which the notice of deficiency described in Subsection [~~(3)(b)(i)(C)(I)~~] (3)(a) {~~(iii)~~} (iv) (A) is mailed:

[~~(Aa)~~] (I) does not file a petition for redetermination or a request for agency action; and

[~~(Bb)~~] (II) fails to pay [~~a nonqualifying obligation~~] the tax, fee, or charge due on a return;

[~~(D) (I)~~] {~~(iv)~~} (v) (A) the commission:

[~~(Aa)~~] (I) issues an order constituting final agency action resulting from a timely filed petition for redetermination or a timely filed request for agency action; or

[~~(Bb)~~] (II) is considered to have denied a request for reconsideration under Subsection 63G–4–302(3)(b) resulting from a timely filed petition for redetermination or a timely filed request for agency action; and

[~~(II) a~~] (B) the person fails to pay [~~a nonqualifying obligation~~] the tax, fee, or charge due on a return within a 30–day period after the date the commission:

[~~(Aa)~~] (I) issues the order constituting final agency action described in Subsection [~~(3)(b)(i)(D)(I)(Aa)~~] (3)(a) {~~(iv)~~} (v) (A)(I); or

[~~(Bb)~~] (II) is considered to have denied the request for reconsideration described in Subsection [~~(3)(b)(i)(D)(I)(Bb)~~] (3)(a) {~~(iv)~~} (v) (A)(II); or

[~~(E) a~~] {~~(v)~~} (vi) the person fails to pay [~~a nonqualifying obligation~~] the tax, fee, or charge within a 30–day period after the date of a final judicial decision resulting from a timely filed petition for judicial review.

[~~(ii)~~] (b) For purposes of Subsection [~~(3)(b)(i)~~] (3)(a), the penalty is an amount equal to the greater of:

(i) if the failure to pay a tax, fee, or charge as described in Subsection (3)(a) is with respect to an unactivated tax, fee, or charge:

(A) $20; or

(B) 10% of the unpaid [~~nonqualifying obligation~~] unactivated tax, fee, or charge due on the return[~~.~~]; or
[~~(c) (i) This Subsection (3)(c) applies to a penalty:~~]
[~~(A) imposed on or after the phase I activation date with respect to a phase I obligation; or~~]
[~~(B) imposed on or after the phase II activation date with respect to a phase II obligation.~~]
[~~(ii) (A) The penalty described in Subsection (3)(c)(ii)(B) applies if a person:~~]
[~~(I) with respect to a phase I obligation:~~]
[~~(Aa) files a return on or before the due date for filing a return described in Subsection (2)(a); and~~]
[~~(Bb) fails to pay the phase I obligation due on the return on or before the due date described in Subsection (2)(a); or~~]
[~~(II) with respect to a phase II obligation:~~]
[~~(Aa) files a return on or before the due date for filing a return described in Subsection (2)(a); and~~]
[~~(Bb) fails to pay the phase II obligation due on the return on or before the due date described in Subsection (2)(a).~~]
[~~(B) For purposes of Subsection (3)(c)(ii)(A), the penalty is an amount equal to the greater of:~~]
(ii) if the failure to pay a tax, fee, or charge as described in Subsection (3)(a) is with respect to an activated tax, fee, or charge, beginning on the activation date:
[~~(I)~~] (A) $20; or
[~~(II) (Aa)~~] (B) (I) 2% of the unpaid [~~phase I obligation or phase II obligation~~] activated tax, fee, or charge due on the return if the [~~phase I obligation or phase II obligation~~] activated tax, fee, or charge due on the return is paid no later than five days after the due date for filing a return described in Subsection (2)(a);
[~~(Bb)~~] (II) 5% of the unpaid [~~phase I obligation or phase II obligation~~] activated tax, fee, or charge due on the return if the [~~phase I obligation or phase II obligation~~] activated tax, fee, or charge due on the return is paid more than five days after the due date for filing a return described in Subsection (2)(a) but no later than 15 days after that due date; or
[~~(Cc)~~] (III) 10% of the unpaid [~~phase I obligation or phase II obligation~~] activated tax, fee, or charge due on the return if the [~~phase I obligation or phase II obligation~~] activated tax, fee, or charge due on the return is paid more than 15 days after the due date for filing a return described in Subsection (2)(a).
[~~(iii) (A) A person is subject to a penalty as provided in Subsection~~

~~(3)(c)(iii)(B) if the person:~~]
[~~(I) is subject to a penalty under Subsection (2)(c); and~~]
[~~(II) fails to pay a phase I obligation or phase II obligation due on a return within a 90–day period after the due date for filing a return described in Subsection (2)(a).~~]
[~~(B) For purposes of Subsection (3)(c)(iii)(A), the penalty is an amount equal to the greater of:~~]
[~~(I) $20; or~~]
[~~(II) (Aa) 2% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid no later than five days after the last day of the 90–day period described in Subsection (3)(c)(iii)(A)(II);~~]
[~~(Bb) 5% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than five days after the last day of the 90–day period described in Subsection (3)(c)(iii)(A)(II) but no later than 15 days after the last day of the 90–day period described in Subsection (3)(c)(iii)(A)(II); or~~]
[~~(Cc) 10% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than 15 days after the last day of the 90–day period described in Subsection (3)(c)(iii)(A)(II).~~]
[~~(iv) (A) A person is subject to a penalty as provided in Subsection (3)(c)(iv)(B) if the person:~~]
[~~(I) is mailed a notice of deficiency; and~~]
[~~(II) within a 30–day period after the day on which the notice of deficiency described in Subsection (3)(c)(iv)(A)(I) is mailed:~~]
[~~(Aa) does not file a petition for redetermination or a request for agency action; and~~]
[~~(Bb) fails to pay a phase I obligation or phase II obligation due on a return.~~]
[~~(B) For purposes of Subsection (3)(c)(iv)(A), the penalty is an amount equal to the greater of:~~]
[~~(I) $20; or~~]
[~~(II) (Aa) 2% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid no later than five days after the last day of the 30–day period described in Subsection (3)(c)(iv)(A)(II);~~]
[~~(Bb) 5% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than five days after the last day of the 30–day period~~

~~described in Subsection (3)(c)(iv)(A)(II) but no later than 15 days after the last day of the 30–day period described in Subsection (3)(c)(iv)(A)(II); or~~]

[~~(Cc) 10% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than 15 days after the last day of the 30–day period described in Subsection (3)(c)(iv)(A)(II).~~]

[~~(v) (A) A person is subject to a penalty as provided in Subsection (3)(c)(v)(B) if:~~]

[~~(I) the commission:~~]

[~~(Aa) issues an order constituting final agency action resulting from a timely filed petition for redetermination or a timely filed request for agency action; or~~]

[~~(Bb) is considered to have denied a request for reconsideration under Subsection 63G–4–302(3)(b) resulting from a timely filed petition for redetermination or a timely filed request for agency action; and~~]

[~~(II) the person fails to pay a phase I obligation or phase II obligation due on a return within a 30–day period after the date the commission:~~]

[~~(Aa) issues the order constituting final agency action described in Subsection (3)(c)(v)(A)(I)(Aa); or~~]

[~~(Bb) is considered to have denied the request for reconsideration described in Subsection (3)(c)(v)(A)(I)(Bb).~~]

[~~(B) For purposes of Subsection (3)(c)(v)(A), the penalty is an amount equal to the greater of:~~]

[~~(I) $20; or~~]

[~~(II) (Aa) 2% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid no later than five days after the last day of the 30–day period described in Subsection (3)(c)(v)(A)(II);~~]

[~~(Bb) 5% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than five days after the last day of the 30–day period described in Subsection (3)(c)(v)(A)(II) but no later than 15 days after the last day of the 30–day period described in Subsection (3)(c)(v)(A)(II); or~~]

[~~(Cc) 10% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than 15 days after the last day of the 30–day period described in Subsection (3)(c)(v)(A)(II).~~]

[~~(vi) (A) A person is subject to a penalty as provided in Subsection (3)(c)(vi)(B) if within a 30–day period after the date of a final judicial~~

~~decision resulting from a timely filed petition for judicial review, the person fails to pay a phase I obligation or phase II obligation.~~]
[~~(B) For purposes of Subsection (3)(c)(vi)(A), the penalty is an amount equal to the greater of:~~]
[~~(I) $20; or~~]
[~~(II) (Aa) 2% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid no later than five days after the last day of the 30-day period described in Subsection (3)(c)(vi)(A);~~]
[~~(Bb) 5% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than five days after the last day of the 30-day period described in Subsection (3)(c)(vi)(A) but no later than 15 days after the last day of the 30-day period described in Subsection (3)(c)(vi)(A); or~~]
[~~(Cc) 10% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than 15 days after the last day of the 30-day period described in Subsection (3)(c)(vi)(A).~~] ~~";~~
(2) modify Subsection 59-1-401(5)(b) as amended in this bill to read:
" (b) For purposes of Subsection (5)(a), the penalty per month during the period of the extension of time for filing the return is:
(i) beginning on or after April 30, 2007, and ending on the last day of the taxable year beginning on or after January 1, 2008, but beginning on or before December 31, 2008, an amount equal to 2% of the {~~unpaid~~} tax due on the return[~~.~~] , unpaid as of the day on which the return is due as provided by law ; or
(ii) for a taxable year beginning on or after January 1, 2009, an amount equal to .5% of the {~~unpaid~~} tax due on the return , unpaid as of the day on which the return is due as provided by law . "; and
(3) modify Subsection 59-1-401(7)(a) as amended in this bill to read:
" (7) (a) Additional penalties for [~~underpayments of tax~~] an underpayment of a tax, fee, or charge are as provided in this Subsection (7)(a).
(i) Except as provided in Subsection (7)(c), if any portion of an underpayment of a tax, fee, or charge is due to negligence, the penalty is 10% of the portion of the underpayment that is due to negligence .
(ii) Except as provided in Subsection (7)(d), if any portion of an underpayment of a tax, fee, or charge is due to intentional disregard of law or rule, the penalty is 15% of the entire underpayment.

(iii) {~~For~~} If any portion of an underpayment is due to an intent to evade [~~the~~] a tax, fee, or charge, the penalty is the greater of $500 per period or 50% of the {~~tax, fee, or charge~~ due } entire underpayment .
(iv) If {~~the~~} any portion of an underpayment is due to fraud with intent to evade [~~the~~] a tax, fee, or charge, the penalty is the greater of $500 per period or 100% of the entire underpayment."

Senator Stephenson's motion to amend passed on a voice vote. Senator Okerlund commented. The bill passed second reading on the following roll call:

Yeas, 16; Nays, 0; Absent, 13.

Voting in the affirmative were: Senators

Bell	Christensen	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Mayne
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Valentine	Waddoups

Absent or not voting were: Senators

Bramble	Buttars	Davis	Dayton
Hillyard	Killpack	Knudson	Liljenquist
Madsen	McCoy	Niederhauser	Urquhart
Van Tassell			

* * *

S.B. 67, MINERS' SAFETY AND TRAINING, was read the second time. Senator Robles explained the bill.

Senator Robles proposed the following amendment:

1. Page 2, Lines 46 through 47

46 response and communication plans for major coal mine accidents in Utah; {~~[~~} and {~~]~~}

47 (e) implement the notification requirements established under Subsection (2)(b) {~~[~~} . {~~]~~} {~~:~~ }

2. Page 2, Lines 48 through 50:

48 (4) The office shall:
{~~(f)~~ } (a) receive a report from a recipient of an appropriation to promote mine training and

49 safety; and

50 {~~(g)~~} (b) evaluate how effective an appropriation is in promoting mine training and safety.

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

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars	Hillyard	Knudson	Liljenquist
Urquhart			

* * *

S.B. 68, MINING PROTECTION AMENDMENTS, was read the second time.

On motion of Senator Killpack, the bill was circled.

RULES COMMITTEE REPORTS

To the Members of the Senate: March 2, 2009

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

Business and Labor Committee

H.B. 192	Personal Injury Judgment Interest (Rep. J. Dunnigan) (Sen. R. Okerlund)
2nd Sub. H.B. 400	Pete Suazo Utah Athletic Commission Amendments (Rep. C. Oda) (Sen. H. Stephenson)
H.B. 402	Enforcement of Carbon Monoxide Detector Requirements (Rep. K. Garn) (Sen. S. Killpack)

Government Operations and Political Subdivisions Committee

S.J.R. 18	Joint Resolution on Fiscal Note Process (Sen. W. Niederhauser)

H.B. 245	Utah State 911 Committee Amendments (Rep. C. Oda) (Sen. J. Greiner)
1st Sub. H.B. 259	Changes to Impact Fees (Rep. S. Sandstrom) (Sen. H. Stephenson)
1st Sub. H.B. 413	County Authority Amendments (Rep. R. Menlove) (Sen. P. Knudson)
H.J.R. 18	Joint Resolution for Legislative Appropriation Subcommittee Name Change (Rep. N. Hendrickson) (Sen. P. Knudson)

Health and Human Services Committee

1st Sub. H.B. 64	Deterring Illegal Immigration (Rep. B. Dee) (Sen. S. Jenkins)
H.B. 399	Charitable Care Amendments (Rep. B. Last) (Sen. R. Okerlund)
H.J.R. 25	Joint Resolution Urging Employers to Hire Only Individuals Who Are Authorized to Work in the United States (Rep. C. Herrod) (Sen. G. Davis)

Retirement and Independent Entities Committee

1st Sub. H.B. 211	Retirement Investment Reports (Rep. Julie Fisher) (Sen. C. Bramble)

Revenue and Taxation Committee

S.B. 5	Revenue Bond and Capital Facilities Authorizations (Sen. W. Niederhauser)
H.B. 418	Delinquent Property Tax Amendments (Rep. G. Froerer) (Sen. W. Niederhauser)

Workforce Services and Community and Economic Development Committee

S.B. 271	Judicial Conduct Commission Amendments (Sen. G. Davis)
H.B. 412	Energy Policy Amendments (Rep. R. Barrus) (Sen. S. Jenkins)

H.C.R. 7 Concurrent Resolution Expressing Opposition to the Congressional Enactment of the National Landscape Conservation System (Rep. M. Brown)
(Sen. R. Okerlund)

Margaret Dayton
Rules Committee Chair

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

* * *

On motion of Senator Killpack and at 4:00 p.m., the Senate adjourned until 9:00 a.m., Tuesday, March 3, 2009.

THIRTY–SIXTH DAY

MORNING SESSION

March 3, 2009

The Senate was called to order at 9:05 a.m., with President Michael Waddoups presiding.

Prayer – Elder Lance Wickman, Member of the First Quorum of Seventy, The Church of Jesus Christ of Latter–day Saints
Pledge of Allegiance – Senator Ross Romero
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 2, 2009

The House concurred in the Senate amendments and passed **H.B. 218**, FAMILY EMPLOYMENT PROGRAM AMENDMENTS, by Representative Janice Fisher, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 218 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 2, 2009

The House passed **H.B. 96**, STATE RETIREMENT SYSTEM PARTICIPATION FOR CHARTER SCHOOLS, by Representative C. Watkins, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 132**, SEXUAL ASSAULT VICTIM PROTOCOLS, by Representative J. Biskupski, and it is transmitted for consideration; and

The House passed **H.B. 163**, PROPERTY TRANSACTION AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 183**, NATIONAL ANIMAL IDENTIFICATION SYSTEM, by Representative M. Brown, and it is transmitted for consideration; and

The House passed **H.B. 355**, INDIGENT INMATE TRUST FUND AMENDMENTS, by Representative K. McIff, and it is transmitted for consideration; and

The House passed **H.B. 364**, BORDER AND NONRESIDENT STUDENT AMENDMENTS, by Representative D. Ipson, et al, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 401**, CUSTODY AND PARENT–TIME AMENDMENTS FOR SERVICE MEMBERS, by Representative T. Cosgrove, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 96, 1st Sub. H.B. 132, H.B. 163, H.B. 183, H.B. 355, H.B. 364,** and **1st Sub. H.B. 401** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Dayton, the Senate voted to lift **S.B. 236**, UNINSURED AND UNDERINSURED MOTORIST COVERAGE AMENDMENTS, from the Transportation, Public Utilities and Technology Committee and assign it to the Business and Labor Committee.

CONSENT CALENDAR

On motion of Senator Jenkins, **H.B. 286**, REGULATION OF LENDING BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS, was read the third time and circled.

* * *

H.B. 320, COLLECTION AGENCY AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Hillyard	Knudson	Niederhauser	Stowell

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.

* * *

1st Sub. H.B. 210, POSTING OF COLLECTIVE BARGAINING AGREEMENTS BY SCHOOL DISTRICTS AND CHARTER SCHOOLS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator
Romero

Absent or not voting was: Senator
Knudson

1st Sub. 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.

* * *

H.B. 297, BUDGETARY PROCEDURES ACT RECODIFICATION, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

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.

* * *

On motion of Senator Hillyard, the circle was removed from **H.B. 286**, REGULATION OF LENDING BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

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.J.R. 11, JOINT RESOLUTION EXPRESSING SUPPORT FOR AND RECOGNIZING THE VALUE OF LOCALLY ELECTED OFFICIALS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

H.J.R. 11 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 210, AMENDMENTS TO PROPERTY TAX, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stephenson	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Niederhauser	Stowell

S.B. 210 was transmitted to the House for consideration.

* * *

S.B. 193, SALVAGE VEHICLES AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators
McCoy Robles

S.B. 193 was transmitted to the House for consideration.

* * *

H.B. 112, VEHICLE TOWING AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

H.B. 112, as amended, was returned to the House for further consideration.

* * *

H.B. 324, MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Hillyard Madsen

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.

* * *

S.B. 90, METAL THEFT AMENDMENTS AND PENALTIES, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Jenkins

S.B. 90 was transmitted to the House for consideration.

* * *

H.B. 37, VIOLENT OFFENSES AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Jenkins

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. 130, ASSET PRESERVATION AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Greiner	Stowell

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.

* * *

H.B. 138, EXPUNGEMENT OF RECORDS AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Greiner

H.B. 138 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. 329, WRONGFUL DEATH CLAIMS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Greiner

1st Sub. H.B. 329, as amended, was returned to the House for further consideration.

THIRD READING CALENDAR

On motion of Senator Urquhart, the circle was removed from **S.B. 163**, CONSTRUCTION TRADE EXEMPTION, and it was before the Senate. Senator Urquhart explained the bill.

Senator Davis proposed the following amendment:

1. Page 3, Lines 82 through 86
   Senate Committee Amendments
   2–13–2009

82 (A) work in the plumbing and electrical trades on a Subsection (1)(h)(i) project Ŝ➔ within

82a any six month period of time:

82b (I) ←Ŝ must

83 be performed by [~~a licensed journeyman electrician or journeyman plumber except as~~

84 ~~otherwise provided in this section;~~]:

85 Ŝ➔ [~~(I)~~] ←Ŝ a licensed electrical or plumbing contractor, if the project involves an electrical

85a or

86 plumbing system or the installation of a radon mitigation system or a soil depressurization system ; and

Senator Davis' motion to amend passed on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Greiner	Hillyard

S.B. 163 was transmitted to the House for consideration.

* * *

On motion of Senator McCoy, the circle was removed from **S.B. 164**, IN PERSON VOTER REGISTRATION, and it was before the Senate. Senator McCoy explained the bill.

Senator McCoy proposed the following amendment:

1. Page 2, Lines 28 through 32

28 (1) (a) Except as provided in Subsection (3), the county clerk shall register to vote all

29 persons who [~~present themselves~~] apply for registration [~~at the county clerk's office during~~

30 ~~designated office hours~~] in person with the county clerk if those persons, on the date of the

31 election, will be legally eligible to vote in a voting precinct in the county in accordance with

32 Section 20A–2–101.

(b) If a county clerk elects to register voters at locations other than the county clerk's office, the county clerk shall ensure that the locations are approximately proportionately distributed based on population within the county.

Senator McCoy's motion to amend passed on a voice vote. Senators Buttars, Bramble, and Madsen commented.

On motion of Senator McCoy, the bill was circled.

* * *

On motion of Senator Bramble, the Senate voted to lift **S.B. 76**, ENERGY AMENDMENTS, from the Transportation, Public Utilities and Technology Committee and reassign it to the Retirement and Independent Entities Committee.

* * *

S.B. 157, PROPERTY TAXATION AND REGISTRATION OF AIRCRAFT, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Christensen	Hillyard

S.B. 157 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 171, MUNICIPAL ANNEXATION AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Hinkins	Okerlund

Absent or not voting were: Senators

Bramble	Hillyard

1st Sub. S.B. 171 was transmitted to the House for consideration.

* * *

S.B. 169, GAMBLING AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Hillyard

S.B. 169 was transmitted to the House for consideration.

* * *

On motion of Senator Bell, **1st Sub. S.B. 180**, EXPUNGEMENT OF DIVISION OF CHILD AND FAMILY SERVICES RECORDS, was read the third time and circled.

* * *

S.B. 183, VIOLATION OF PROTECTIVE ORDER, was read the third time, explained by Senator McCoy, and passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Robles	Romero

Absent or not voting were: Senators

Bramble	Hillyard	Jones

S.B. 183 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 29, SAFE DRINKING WATER ACT AMENDMENTS, was read the third time and explained by Senator Stowell.

Senator Stowell proposed the following amendment:

1. Page 2, Line 33:
   After "corporation" insert "engaged in distributing water only to its share holders"

Senator Stowell's motion to amend passed on a voice vote. Senators Christensen, Buttars, and Jenkins commented and the bill passed on the following roll call:

Yeas, 17; Nays, 11; Absent, 1.

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Goodfellow
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	Niederhauser
Okerlund	Robles	Stowell	Urquhart
Van Tassell			

Voting in the negative were: Senators

Bell	Christensen	Dayton	Greiner
Hillyard	Knudson	McCoy	Morgan
Romero	Valentine	Waddoups	

Absent or not voting was: Senator
Stephenson

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

* * *

1st Sub. S.B. 78, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, was read the third time and explained by Senator Madsen.

Senator Liljenquist proposed the following amendment:

1. Page 6, Line 161

161 a storage location poses and undue burden.
(6) A person who is subject to Section 550 of the United States Department of Homeland Security Appropriations Act of 2007, Pub. L. No. 109–295, or regulations enacted in accordance with that section, is not subject to this chapter.

Senator Liljenquist's motion to amend passed on the following roll call:

Yeas, 18; Nays, 10; Absent, 1.

Voting in the affirmative were: Senators

Bell	Davis	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Knudson
Liljenquist	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Urquhart	Van Tassell		

Voting in the negative were: Senators

Buttars	Christensen	Dayton	Jenkins
Killpack	Madsen	Niederhauser	Stowell
Valentine	Waddoups		

Absent or not voting was: Senator
Bramble

Senator Romero commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Jones	McCoy	Robles	Romero

1st Sub. S.B. 78 was transmitted to the House for consideration.

* * *

1st Sub. S.C.R. 4, RESOLUTION SUPPORTING OBESITY AWARENESS, was read the third time, explained by Senator Buttars, and passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Bramble	Christensen	Goodfellow

1st Sub. S.C.R. 4 was transmitted to the House for consideration.

* * *

On motion of Senator Hillyard, the circle was removed from **1st Sub. S.B. 180**, EXPUNGEMENT OF DIVISION OF CHILD AND FAMILY

SERVICES RECORDS, and it was before the Senate. Senator Hillyard explained the bill. Senator Buttars commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Christensen	Goodfellow

1st Sub. S.B. 180 was transmitted to the House for consideration.

* * *

S.B. 186, AMENDMENTS TO STATE TAX COMMISSION PENALTY PROVISIONS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Bell	Buttars	Christensen	Van Tassell

S.B. 186 was transmitted to the House for consideration.

* * *

S.B. 67, MINERS' SAFETY AND TRAINING, was read the third time, explained by Senator Robles, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Bell	Buttars	Christensen	Van Tassell

S.B. 67 was transmitted to the House for consideration.

* * *

On motion of Senator Greiner, the circle was removed from **S.B. 176**, CIVIL FEES IN COURTS OF RECORD AMENDMENTS, and it was before the Senate.

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

2nd Sub. S.B. 176 Civil Fees in Small Claims Courts Amendments
(J. Greiner)

2nd Sub. S.B. 176, CIVIL FEES IN SMALL CLAIMS COURTS AMENDMENTS, was considered read for the first, second, and third time. Senator Greiner explained the bill. Senators Hillyard and McCoy commented.

On motion of Senator Greiner, the bill was circled.

SECOND READING CALENDAR

On motion of Senator Bell, the circle was removed from **1st Sub. S.B. 184**, CIVIL FILING FEES, and it was before the Senate. Senator Bell explained the bill. Senators Urquhart, Buttars, and Niederhauser commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 8; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Greiner	Jenkins	Jones	Knudson

Liljenquist	Madsen	Mayne	McCoy
Okerlund	Romero	Stowell	Urquhart
Van Tassell			

Voting in the negative were: Senators

Bramble	Goodfellow	Hinkins	Morgan
Niederhauser	Stephenson	Valentine	Waddoups

Absent or not voting were: Senators

Dayton	Hillyard	Killpack	Robles

* * *

1st Sub. S.J.R. 16, JOINT RESOLUTION SUPPORTING NUCLEAR POWER, was read the second time. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 6; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Knudson	Liljenquist	Madsen
McCoy	Niederhauser	Okerlund	Stowell
Urquhart	Valentine	Waddoups	

Voting in the negative were: Senators

Goodfellow	Jones	Mayne	Morgan
Romero	Van Tassell		

Absent or not voting were: Senators

Christensen	Killpack	Robles	Stephenson

* * *

On motion of Senator Madsen, the circle was removed from **1st Sub. H.J.R. 1**, RESOLUTION URGING THE WITHDRAWAL OF UNITED STATES' WORLD TRADE ORGANIZATION COMMITMENT ON GAMBLING, and it was before the Senate. Senator Madsen explained the bill.

On motion of Senator Madsen, under suspension of the rules, **1st Sub. H.J.R. 1**, RESOLUTION URGING THE WITHDRAWAL OF UNITED STATES' WORLD TRADE ORGANIZATION COMMITMENT ON GAMBLING, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Hinkins	McCoy	Romero

Absent or not voting were: Senators

Christensen	Killpack	Robles

1st Sub. H.J.R. 1 was returned to the House for further consideration.

* * *

S.B. 69, PROOF OF CITIZENSHIP REQUIRED TO VOTE, was read the second time.

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

1st Sub. S.B. 69 Proof of Citizenship Required to Vote (M. Madsen)

On motion of Senator Madsen, the bill was circled.

* * *

3rd Sub. S.B. 83, CONDEMNATION AMENDMENTS, was read the second time.

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

4th Sub. S.B. 83 Condemnation Amendments (D. Stowell)

Senator Stowell explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Knudson
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Jenkins	Killpack	Liljenquist	Stephenson

* * *

S.B .11, INCEST AMENDMENTS, was read the second time.

On motion of Senator Stowell, the bill was circled.

* * *

1st Sub. S.B. 155, ADOPTION EXCEPTION TO CUSTODY AND VISITATION FOR PERSONS OTHER THAN PARENTS, was read the second time. Senator Hillyard explained the bill. Senators Valentine, Mayne, and Buttars commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative was: Senator
Romero

Absent or not voting were: Senators

Goodfellow	Stephenson

* * *

On motion of Senator Killpack, and at 11:50 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 3:00 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2009

The House passed, **S.J.R. 17**, HYDRAULIC FRACTURING JOINT RESOLUTION, 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

S.J.R. 17 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 3, 2009

The House concurred in the Senate amendments and passed **1st Sub. H.B. 68**, DEVELOPMENT EXACTIONS, by Representative P. Painter, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 68 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 3, 2009

The House passed, as substituted and amended, **1st Sub. H.B. 274**, LOCAL GOVERNMENT FEES AND CHARGES, by Representative C. B. Wallis, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 308**, WORKERS' COMPENSATION – MOTOR CARRIERS, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 342**, DISPROPORTIONATE RENTAL FEE AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 353**, TRUTH IN ADVERTISING ACT AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 371**, TRANSPORTATION GOVERNANCE, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 410**, LEGISLATOR SALARY AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 456**, TOBACCO ACCESS RESTRICTIONS, by Representative B. Last, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 274, 1st Sub. H.B. 308, H.B. 342, H.B. 353, H.B. 371, H.B. 410,** and **1st Sub. H.B. 456** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: March 2, 2009

The Business and Labor Committee reports a favorable recommendation on **S.B. 166**, ALCOHOLIC BEVERAGE CONTROL ACT – DAYS OF SALE, by Senator S. McCoy; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 230**, CONSTRUCTION PAYMENT AMENDMENTS, by Senator C. Bramble; and

The Business and Labor Committee recommends **S.B. 270**, GIFT CARD AMENDMENTS, by Senator W. Niederhauser, be replaced and favorably recommends **1st Sub. S.B. 270,** GIFT CARD AMENDMENTS with the following amendments:

1. Page 7, Lines 199 through 201:

199 (b) a gift card that:

200 (i) has attached to {~~it~~} more than $25 {~~when purchased~~} ; and

201 (ii) is not excluded from this chapter under Subsection (5); or

2. Page 8, Lines 214 through 215:

214 (b) [~~the records of the issuer~~] do not show the address of the purchaser or recipient, but

215 do show that the gift certificate {~~, gift card.~~} or credit memo was issued in Utah;

3. Page 8, Lines 224 through 228:

224 (5) This chapter does not apply to a gift card if the monies attached to the gift card:

225 (a) do not expire; and

226 (b) are not subject to a {~~– post–sale~~} monthly post sale :

227 (i) {~~monthly~~} maintenance fee or charge; or

228 (ii) dormancy fee or charge. ; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 152**, APPRAISAL MANAGEMENT COMPANY REGULATION, by Representative M. Morley, with the following amendments:

1. Page 14, Line 423 through Page 15, Line 434:

423 (1) An appraisal management company required to be registered under this chapter, or a

424 controlling person, employee, or agent of the appraisal management company may not

425 influence or attempt to influence the development, reporting, or review of an appraisal through:

426 (a) coercion;

427 (b) extortion;

428 (c) collusion;

429 (d) compensation;

430 (e) instruction;

431 (f) inducement;

432 (g) intimidation;

433 (h) bribery; or

434 (i) any other manner that would constitute undue influence . ; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 170**, INSURANCE AND LIFE SETTLEMENT AMENDMENTS, by Representative J. Dunnigan, with the following amendments:

1. Page 10, Lines 296 through 304h
House Floor Amendments
2–25–2009:

296 [~~(d)~~] (iv) Ĥ→ [~~a [viatical] life~~ settlement provider, a [viatical] ~~life~~ settlement purchaser, a

297 ~~financing entity, a related provider trust, or a special purpose entity from executing~~] the execution:

297a (A) of ←Ĥ any of the

298 following with respect to the death benefit or ownership of any portion of a [~~viaticated~~] settled

299 policy as provided for in Section 31A–36–109:

300 [~~(i)~~] Ĥ→ [~~(A)~~] (I) ←Ĥ an assignment;

301 [~~(ii)~~] Ĥ→ [~~(B)~~] (II) ←Ĥ a sale;

302 [~~(iii)~~] Ĥ→ [~~(C)~~] (III) ←Ĥ a transfer;

303 [~~(iv)~~] Ĥ→ [~~(D)~~] (IV) ←Ĥ a devise; or

304 [~~(v)~~] Ĥ→ [~~(E)~~] (V) ←Ĥ a bequest Ĥ→ [~~.~~] ; and

304a (B) by any of the following:

304b (I) a life settlement provider;

304c (II) a life settlement purchaser;

304d (III) a financing entity;

304e (IV) a related provider trust;

304f (V) a special purpose entity; {~~or~~ }

304g (VI) a qualified institutional buyer as defined in Rule 144A, 17 C.F.R.

304h Sec. 230.144A {~~.~~ } ; or
(VII) an accredited investor as defined in Regulation D, Rule 501, 17 C.F.R. Sec. 230.501. ←Ĥ ; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 352**, ALCOHOLIC BEVERAGE RELATED AMENDMENTS, by Representative J. Dunnigan.

John L. Valentine, Chair

Mr. President: March 2, 2009

The Health and Human Services Committee reports a favorable recommendation on **H.B. 128**, ELECTRONIC PRESCRIBING ACT, by Representative R. Menlove, with the following amendments:

1. Page 1, Lines 14 through 15
House Committee Amendments
2–4–2009:

14 ▶ requires a practitioner to provide each existing patient of the practitioner with the

15 option to participate in electronic prescribing , if the practitioner prescribes a drug or device for the patient on or after July 1 , 2012 ;

2. Page 4, Lines 107 through 109:

107 (1) Subject to the provisions of this section, a practitioner shall provide each existing

108 patient of the practitioner with the option of participating in electronic prescribing for

109 prescriptions issued for the patient , if the practitioner prescribes a drug or device for the patient on or after July 1 , 2012 . ; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 142**, REPORTING ABUSE OR NEGLECT OF THE ELDERLY OR DISABLED, by Representative L. Hemingway.

D. Chris Buttars, Chair

Mr. President: March 2, 2009

The Education Committee reports a favorable recommendation on **S.B. 74**, AT–RISK STUDENT PROVISIONS, by Senator L. Robles, with the following amendments:

1. Page 2, Lines 53 through 55:

53 (1) In addition to { ~~participation~~ } the individual schools that participate in the gang prevention and intervention program

54 established under Section 53A–15–601 for at–risk students, a local school board or governing

55 board of a charter school shall enact policies to ensure the following at all public schools :

2. Page 2, Line 58 through Page 3, Line 59:

58 (b) a student who participates in gang activities {~~shall~~} may be excluded from participation in

59 extracurricular activities, including interscholastic athletics, as determined by school

3. Page 3, Line 62:

62 notification and appropriate administrative and law enforcement actions, {~~including~~} which may include obtaining

4. Page 3, Line 64:

64 (d) if a serious gang–related incident , as determined by the school administrator in consultation with local law enforcement, occurs on school property, at school related

5. Page 3, Line 67:

67 (i) informing them, in general terms, about the incident , but removing all personally identifiable information about students from the notice ;

6. Page 4, Line 90:

90 through school websites, handbooks, letters to parents and guardians, {~~and~~} or other reasonable ; and

The Education Committee reports a favorable recommendation on **S.B. 241**, INSTRUCTIONAL EXPENSES REQUIREMENTS, by Senator M. Madsen, with the following amendments:

1. Page 1, Line 17:

17 Education; {~~and~~}
► provides an exemption for small school districts; and

2. Page 2, Line 50:

50 of receiving the request.
(4) The provisions under this section do not apply to a school district with an enrollment of less than 5,000 students. ; and

The Education Committee reports a favorable recommendation on **2nd Sub. H.B. 100**, DEPARTMENT OF CORRECTIONS – TRACKING AND REIMBURSEMENT OF INDIVIDUAL PRISONER COSTS, by Representative C. Wimmer, et al, with the following amendments:

1. Page 3, Line 77
House Floor Amendments
2–23–2009:

77 (2) {~~In order to~~} (a) To fulfill {~~this~~} the responsibility under Subsection (1) , the [~~boards~~] State Board of Education and the

2. Page 3, Line 79
House Floor Amendments
2–23–2009:

79 public agencies to provide educational and related administrative services . Contracts for postsecondary education and training shall be under Subsection (2)(b) .

(b)(i) The contract under Subsection (2)(a) to provide postsecondary education and training shall be with a community college if the correctional facility is located within the service region of a community college, except under Subsection (2)(b)(ii).

(ii) If the community college under Subsection (2)(b)(i) declines to provide the education and training or cannot meet reasonable contractual terms for providing the education and training as specified by the Utah Department of Corrections, postsecondary education and training under Subsection (2)(a) may be procured through other appropriate private or public agencies.

3. Page 7, Line 193
House Floor Amendments
2–23–2009:

193 offenders and inmates as defined in Section 64–13–1.

(3) Funds appropriated from the Prison Telephone Surcharge Account may only be used by the Department purposes under Subsections 53A–1–403.5(3)(a)(i) and (iv). ; and

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 296**, SCHOOLS FOR THE DEAF AND BLIND AMENDMENTS, by Representative K. Sumsion, et al; and

The Education Committee reports a favorable recommendation on **H.B. 328**, TEACHER QUALITY AMENDMENTS, by Representative G. Hughes.

Curtis S. Bramble, Chair

Mr. President: March 2, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 224**, REUSE OF INDUSTRIAL BYPRODUCT, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 157**, PROPERTY TAX ASSESSMENT AMENDMENTS, by Representative W. Harper; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 184**, INCOME TAX CREDIT FOR A DISABLED DEPENDENT, by Representative J. Dougall.

Wayne L. Niederhauser, Chair

Mr. President: March 3, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **2nd Sub. H.B. 120**, SNAKE VALLEY AQUIFER RESEARCH TEAM AND ADVISORY COUNCIL, by Representative B. Winn; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 164**, MIGRATORY BIRD PRODUCTION AREAS, by Representative C. Oda, with the following amendments:

1. Page 9, Lines 243 through 244:

243 (a) remove land from a migratory bird production area {~~, if removal of the land would~~

244 ~~not result in a migratory bird production area of less than 300 contiguous acres~~ } ; or

2. Page 9, Lines 252 through 256:

252 (c) if land is being added to the migratory bird production area, an affidavit signed by the owner or owners {~~:~~

253 ~~(i) indicating that the land is removed from the migratory bird production area; or~~

254 ~~(ii)~~ –} indicating that the land {~~–:~~

255 ~~(A) is added to the migratory bird production area; and~~

256 ~~(B)~~ } meets the description provided in Subsection 23–28–201(1)(b)(iii).

3. Page 9, Line 259:

259 migratory bird production area is located.

(4) If removing land from a migratory bird production area results in a migratory bird production area of less than 300 contiguous acres:

(a) the migratory bird production area ceases to exist; and

(b) the landowner shall:

(i) notify each landowner within the former migratory bird production area; and

(ii) file the revision notice required by this section for the entire migratory bird production area.

4. Page 11, Line 322:

322 Notwithstanding Title 78B, Chapter 6, Part 5, Eminent Domain and except as provided by Subsection (2) , the state, a state

5. Page 11, Line 325:

325 {~~(1)~~ } (a) the condemnation does not have an unreasonable adverse effect upon the migratory

6. Page 11, Line 327:

327 {~~(2)~~ } (b) there is no reasonable and prudent alterative to the condemnation.

(2) Real property within a migratory bird production area may be condemned in accordance with Title 78B, Chapter 6, Part 5, Eminent Domain, for an international airport:

(a) located within a county of the first class; and

(b) that has a United States customs office on its premises. ; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 322**, TIRE RECYCLING FEE MODIFICATIONS, by Representative N. Hendrickson, with the following amendments:

1. Page 1, Lines 16 through 17
House Committee Amendments
2–17–2009:

16 Other Special Clauses:

17 {~~None~~} This bill takes effect on July 1, 2009.

2. Page 2, Line 34:

34 (b) 22.5 inches to and including 24.5 inches is $2.
Section 2. Effective date.
This bill takes effect on July 1, 2009.

Dennis E. Stowell, Chair

Mr. President: March 3, 2009

The Transportation and Public Utilities and Technology Committee recommends **S.B. 41**, SITING OF HIGH VOLTAGE POWER LINE ACT, by Senator P. Knudson, be replaced and favorably recommends **2nd Sub. S.B. 41,** SITING OF HIGH VOLTAGE POWER LINE ACT.

Kevin Van Tassell, Chair

Mr. President: March 3, 2009

The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 195**, PUBLIC EMPLOYEE DEFINED CONTRIBUTION AMENDMENTS, by Senator D. Liljenquist, with the following amendments:

1. Page 1, Lines 15 through 17:

15 ▶ suspends, for the period of July 1, 2009 through June 30, 2010 only, one-half of the 1.5%

16 employer defined contribution made on behalf of those employees in the Public

17 Employees' Noncontributory Retirement System;

2. Page 3, Lines 74 through 78:

74 (8) (a) Notwithstanding any other provision of this section, for the period that starts

75 with the beginning of the pay period which starting date falls most closely to July 1, 2009 and

76 ending at the end of the pay period which end date falls most closely to June 30, 2010, one-half of the

77 participating employer contribution to a qualified defined contribution plan under Subsections

78 (1)(a) and (b) is suspended for an active member, except for an active member:

Daniel R. Liljenquist, Chair

On motion of Senator Jenkins, the committee reports were adopted. **S.B. 166, S.B. 230, 1st Sub. S.B. 270,** as amended, **H.B. 152,** as amended, **H.B. 170,** as amended, **1st Sub. H.B. 352, H.B. 128,** as amended, **H.B. 142, S.B. 74,** as amended, **S.B. 241,** as amended, **2nd Sub. H.B. 100,** as amended, **1st Sub. H.B. 296, H.B. 328, S.B. 224, 1st Sub. H.B. 157, H.B. 184, 2nd Sub. H.B. 120, 1st Sub. H.B. 164,** as amended, **H.B. 322,** as amended, **2nd Sub. S.B. 41,** and **S.B. 195** as amended, were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: March 2, 2009

The Business and Labor Committee reports a favorable recommendation on **H.B. 72**, CHILDREN'S JUSTICE CENTER AMENDMENTS, by Representative L. Fowlke, and recommends it be considered read for the second time and placed on the Consent Calendar.

John L. Valentine, Chair

Mr. President: March 2, 2009

The Education Committee reports a favorable recommendation on **H.B. 194**, EDUCATION POLICIES FOR MILITARY CHILDREN, by Representative R. Menlove, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

Mr. President: March 2, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 245**, UNIFORM FEES ON MOTORCYCLES, by Senator B. Goodfellow, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 3, Lines 66 through 74:

66 (g) "Other motorcycle" means a motor vehicle that:

67 (i) is:

68 (A) a motorcycle as defined in Section 41−1a−102; and

69 (B) designed primarily for use and operation over unimproved terrain;

70 (ii) is required to be registered in accordance with Title 41, Chapter 1a, Part 2,

71 Registration; and

72 (iii) has:

73 (A) an engine with {~~more than 150~~} 201 cubic centimeters displacement or more ; or

74 (B) a motor that produces more than five horsepower.

2. Page 5, Lines 142 through 151:

142 [~~(t)~~] (m) (i) "Small motor vehicle" means :
(A) a motor vehicle that:

143 {~~(A)~~} (I) is required to be registered in accordance with Title 41, Motor Vehicles; and

144 {~~(B)~~} (II) has:

145 {~~(I)~~} (Aa) an engine with 150 or less cubic centimeters displacement; or

146 {~~(II)~~} (Bb) a motor that produces five or less horsepower; {~~and~~} or
(B) a motorcycle as defined in Section 41−1a−102 that:
(I) is required to be registered in accordance with Title 41, Motor Vehicles; and
(II) has:
(Aa) an engine with 200 or less cubic centimeters displacement; or
(Bb) a motor that produces five or less horsepower; and

147 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

148 commission may by rule develop a process for an owner of a motor vehicle or motorcycle to certify whether :

149 (A) the motor vehicle has:

150 {~~(A)~~} (I) an engine with 150 or less cubic centimeters displacement; or

151 {~~(B)~~} (II) a motor that produces five or less horsepower {~~.~~} ; or

(B) the motorcycle has:

(I) an engine with 200 or less cubic centimeters displacement; or

(II) a motor that produces five or less horsepower.

3. Page 6, Lines 152 through 164:

152 (n) "Small street motorcycle" means a motor vehicle that:

153 (i) is:

154 (A) a motorcycle as defined in Section 41–1a–102; and

155 (B) designed primarily for use and operation on highways;

156 (ii) is required to be registered in accordance with Title 41, Chapter 1a, Part 2,

157 Registration; and

158 (iii) has {~~:~~

159 ~~(A)~~ } an engine with:

160 {~~(I)~~ } (A) {~~151~~ } 201 cubic centimeters displacement or more; and

161 {~~(II)~~ } (B) {~~650~~ } 750 cubic centimeters displacement or less {~~; or~~ } .

162 {~~(B) a motor that produces:~~

163 ~~(I) more than five horsepower; and~~

164 ~~(II) seven horsepower or less.~~ }

4. Page 6, Lines 172 through 181:

172 [~~(v)~~] (p) "Street motorcycle" means a motor vehicle that:

173 (i) is:

174 (A) a motorcycle as defined in Section 41–1a–102; and

175 (B) designed primarily for use and operation on highways;

176 (ii) is required to be registered in accordance with Title 41, Chapter 1a, Part 2,

177 Registration; and

178 (iii) has:

179 (A) an engine with [~~more than 150~~] {~~651~~} 751 cubic centimeters displacement or more; or

180 (B) a motor that produces more than {~~[~~} five {~~]~~} {~~seven~~} horsepower.

181 [~~(w)~~] (q) "Tangible personal property owner" means a person that owns an item of

Wayne L. Niederhauser

Mr. President: March 3, 2009

The Retirement and Independent Entities Committee reports a favorable recommendation on **H.B. 167**, COUNTY HOSPITAL RETIREMENT PROVISIONS, by Representative M. Noel, and recommends it be considered read for the second time and placed on the Consent Calendar.

Daniel R. Liljenquist, Chair

On motion of Senator Jenkins, the committee reports were adopted. **H.B. 72, H.B. 194, S.B. 245,** as amended, and **H.B. 167** were considered read the second time and placed on the Consent Calendar.

SECOND READING CALENDAR

On motion of Senator Stowell, the circle was removed from **S.B. 11**, INCEST AMENDMENTS, and it was before the Senate.

Senator Stowell proposed the following amendment:

1. Page 1, Line 15

15 ▶ increases the statute of limitations for prosecution from four to {~~seven~~} eight years , and requires the crime be reported within four years after it occurs .

2. Page 2, Line 35:

35 (ii) incest shall be commenced within {~~seven~~} eight years after the offense is committed , if within four years after its commission the offense is reported to a law enforcement agency ;

Senator Stowell's motion to amend passed on a voice vote. Senator Stowell explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Liljenquist	Valentine

* * *

On motion of Senator Knudson, **S.B. 79**, HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, was read the second time and circled.

* * *

S.B. 82, LOCAL HEALTH AUTHORITY FUNDING AMENDMENTS, was read the second time. Senator Stowell explained the bill. Senator Okerlund commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard	Liljenquist

* * *

S.B. 213, RESTAURANT NUTRITION LABELING, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator
Morgan

Absent or not voting were: Senators

Bramble	Killpack	Liljenquist

* * *

S.B. 61, HOME SCHOOL AND PRIVATE SCHOOL STUDENTS' PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, was read the second time. Senator Madsen explained the bill. Senators Waddoups, Morgan, and Buttars commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 10; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Killpack	Knudson	Madsen	Niederhauser
Okerlund	Stephenson	Urquhart	Valentine
Waddoups			

Voting in the negative were: Senators

Goodfellow	Greiner	Hillyard	Jones
Mayne	McCoy	Morgan	Robles
Romero	Stowell		

Absent or not voting were: Senators

Liljenquist	Van Tassell

* * *

S.B. 205, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS, was read the second time. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 1, Line 13

13 ▶ modifies the definitions of "base taxable value," "inactive airport site," "inactive industrial site," and "project

2. Page 1, Line 26 through Page 2, Line 28:

26 {~~▶ extends the length of time that an agency may be authorized to be paid tax~~

27 ~~increment under an urban renewal project area budget for an inactive industrial site~~

28 ~~or an inactive airport site from 15 to 20 years;~~ }

3. Page 2, Line 42:

42 {~~May 12, 2009~~} the effective date of this bill ; and

4. Page 2, Line 47:

47 {~~None~~} This bill provides an immediate effective date.

5. Page 11, Lines 329 through 330:

329 (ii) "Industrial property" means private real property {~~that~~} :

330 (A) over half of which is located within the boundary of a town, as defined in Section 10–1–104; and

6. Page 11, Lines 331 through 332:

331 (B) comprises some or all of an inactive industrial site.

(iii) "Perimeter portion" means the portion of an inactive industrial site that is:

(A) part of the inactive industrial site because it lies within the perimeter described in Subsection 17C–1–102(23)(b); and

(B) located within the boundary of a city, as defined in Section 10–1–104.

332 (b) {~~A~~} (i) Subject to Subsection (4)(b)(ii), a county agency may undertake urban renewal, economic development, or

6. Page 11, Line 334:

334 property submits a written request to the county agency to do so.
(ii) A county agency may not include a perimeter portion within a project area without the approval of the city in which the perimeter portion is located.

8. Page 19, Line 556:

556 industrial site or inactive airport site, at least 60% of tax increment for at least {~~[~~} 15 {~~]~~} {~~20~~ } years; or

9. Page 19, Line 584:

584 on or after {~~May 11, 2009~~ } the effective date of this bill :

10. Page 22, Lines 651 through 653:

651 (8) (a) An agency may not use tax increment to pay the debt service of or any other amount related to a bond issued or

652 other obligation incurred if the bond was issued or the obligation was incurred:
(i) by an interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation Act;
(ii) on or after {~~May 11, 2009 if the bond is issued or the obligation is incurred~~ } the effective date of this bill; and

653 (iii) to finance a telecommunication facility.
(b) Subsection (8)(a) may not be construed to prohibit the refinancing, restatement, or refunding of a bond issued before the effective date of this bill.

11. Page 25, Line 744:

744 An agency that uses tax increment on or after {~~May 11, 2009~~ } the effective date of this bill to pay for communication

12. Page 25, Line 747:

747 provider of communication service with respect to the communication infrastructure or communication facility for which the tax increment is used ; and

13. Page 28, Line 856:

856 (b) An urban renewal project area budget adopted on or after {~~May 11, 2009~~ } the effective date of this bill shall specify:

14. Page 31, Line 941:

941 (b) An economic development project area budget adopted on or after {~~May 11, 2009~~} the effective date of this bill shall

15. Page 32, Line 977:

977 on or after May 1, 2000 but before {~~May 12, 2009~~} the effective date of this bill .

16. Page 32, Line 979:

979 project area budget adopted on or after May 1, 2000 but before {~~May 12, 2009~~} the effective date of this bill that provides for

17. Page 32, Line 987:

987 development project area budgets adopted on or after May 1, 2002 but before {~~May 12, 2009~~} the effective date of this bill , if

18. Page 34, Lines 1031 through 1032:

1031 (3) A resolution adopted or interlocal agreement entered under Subsection (2) on or after

1032 {~~May 11, 2009~~} the effective date of this bill shall specify:

19. Page 37, Line 1116:

1116 resolution approved or an interlocal agreement adopted under Section 17C–4–201.

Section 22. 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.

Section 23. Revisor instructions.

It is the intent of the Legislature that, in preparing the Utah Code database for publication, the Office of Legislative Research and General Counsel shall replace the language "the effective date of this bill" with the bill's actual effective date.

Senator Bramble's motion to amend passed on a voice vote. Senator Davis commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Stephenson
Stowell	Valentine	Waddoups	

Voting in the negative was: Senator
Romero

Absent or not voting were: Senators

Buttars	Liljenquist	Niederhauser	Urquhart
Van Tassell			

* * *

On motion of Senator Knudson, the circle was removed from **S.B. 79**, HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, and it was before the Senate. Senator Knudson explained the bill. Senators Valentine, McCoy, Dayton, Liljenquist, Buttars, Robles, Hillyard, Jones, Stephenson, Romero, Niederhauser, and Goodfellow commented. Senators Jones, Goodfellow, and Bramble declared conflicts of interest. The bill passed second reading on the following roll call:

Yeas, 16; Nays, 12; Absent, 1.

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Niederhauser
Okerlund	Stowell	Van Tassell	Waddoups

Voting in the negative were: Senators

Bell	Christensen	Goodfellow	Greiner
Mayne	McCoy	Morgan	Robles
Romero	Stephenson	Urquhart	Valentine

Absent or not voting was: Senator
Hillyard

* * *

On motion of Senator Killpack and at 4:45 p.m., the Senate adjourned until 9:00 a.m., Wednesday, March 4, 2009.

THIRTY–SEVENTH DAY

MORNING SESSION

March 4, 2009

The Senate was called to order at 9:15 a.m., with President Michael Waddoups presiding.

Prayer – Reverend Sean Parker Dennison, South Valley Unitarian Universalist Society
Pledge of Allegiance – Senator Karen Mayne
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2009

The House passed, as substituted and amended, **4th Sub. H.B. 148**, VICTIM RIGHTS AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed **H.B. 334**, WRITING ASSESSMENT AND INSTRUCTION, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 349**, HEAVY BEER AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 432**, HIGHER EDUCATION BUDGET AUTHORITY AMENDMENTS, by Representative K. Holdaway, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **4th Sub. H.B. 148, H.B. 334, H.B. 349,** and **H.B. 432** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: March 3, 2009

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee deleted **S.B. 32**, WRONGFUL DEATH AMENDMENTS, by

Senator S. McCoy, and replaced it with **1st Sub. S.B. 32**, WRONGFUL DEATH AMENDMENTS, and has returned it to the Rules Committee without recommendation; and

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 45**, CONCEALED FIREARM PERMIT FOR RETIRED PEACE OFFICER, by Senator B. Goodfellow, to the Rules Committee without recommendation; and

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 125**, INTEREST ON PERSONAL INJURY JUDGMENTS, by Senator R. Okerlund, to the Rules Committee without recommendation; and

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 181**, CRIMINAL PROSECUTION AMENDMENTS, by Senator D. Liljenquist, to the Rules Committee without recommendation; and

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 227**, CONCEALED FIREARM PERMIT FEES AMENDMENTS, by Senator S. McCoy, to the Rules Committee without recommendation; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **1st Sub. H.B. 294**, SURVIVAL ACTION UPON INJURY OR DEATH, by Representative K. McIff, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 314**, DNA SAMPLE FOR CRIMINAL OFFENSES – AMENDMENTS, by Representative R. Greenwood, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 351**, COURT FEES AMENDMENTS, by Representative C. Oda, to the Rules Committee.

Scott K. Jenkins, Chair

On motion of Senator Killpack , the committee reports were adopted. **1st Sub. S.B. 32, S.B. 45, S.B. 125, S.B. 181, S.B. 227, 1st Sub. H.B. 294, H.B. 314,** and **H.B. 351** were returned to the Rules Committee.

* * *

Senator Dayton made the motion that any bills which have not been reported out of Senate Standing Committees after the conclusion of their last scheduled meeting be reported back to the Rules Committee. The motion passed.

THIRD READING CALENDAR

On motion of Senator Bell, **1st Sub. S.B. 184**, CIVIL FILING FEES, was read the third time and circled.

* * *

1st Sub. S.J.R. 16, JOINT RESOLUTION SUPPORTING NUCLEAR POWER, was read the third time and explained by Senator Hinkins. Senators Valentine, Romero, Van Tassell, Stowell, Buttars, and Jones commented and the bill passed on the following roll call:

Yeas, 22; Nays, 7; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Goodfellow	Jones	Mayne	McCoy
Morgan	Robles	Romero	

1st Sub. S.J.R. 16 was transmitted to the House for consideration.

* * *

4th Sub. S.B. 83, CONDEMNATION AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Killpack

4th Sub. S.B. 83 was transmitted to the House for consideration.

* * *

On motion of Senator Greiner, the circle was removed from **2nd Sub. S.B. 176**, CIVIL FEES IN SMALL CLAIMS COURTS AMENDMENTS, and it was before the Senate.

Senator Greiner proposed the following amendment:

1. Page 1, Lines 12 through 17

12 This bill:

13 ▶ increases the jurisdictional amount for small claims court to $12,500;

14 ▶ increases the filing fee for a small claims affidavit from $45 to {~~$90~~} $75 if the claim,

15 exclusive of court costs, interest, and attorney fees is $2,000 or less;

16 ▶ increases the filing fee for a small claims affidavit from $70 to {~~$140~~} $110 if the claim,

17 exclusive of court costs, interest, and attorney fees is between $2,000 and $7,500;

2. Page 1, Line 22 through Page 2, Line 26:

22 ▶ increases the filling fee for a small claims counter affidavit from $35 to {~~$70~~} $65 if the

23 claim, exclusive of court costs, interest, and attorney fees is $2,000 or less;

24 ▶ increases the filing fee for a small claims counter affidavit from $50 to {~~$100~~} $90 if the

25 claim, exclusive of court costs, interest, and attorney fees is between $2,000 and

26 $7,500;

3. Page 2, Line 55 through Page 3, Line 59:

55 (c) The fee for filing a small claims affidavit is:

56 (i) [~~$45~~] {~~$55~~} $75 if the claim for damages or amount in interpleader exclusive of court

57 costs, interest, and attorney fees is $2,000 or less; [~~and~~]

58 (ii) [~~$70~~] {~~$90~~} $110 if the claim for damages or amount in interpleader exclusive of court

59 costs, interest, and attorney fees is greater than $2,000[~~.~~], but less than $7,500;

4. Page 3, Lines 75 through 79:

75 (e) The fee for filing a small claims counter affidavit is:

76 (i) [~~$35~~] {~~$45~~} $65 if the claim for relief exclusive of court costs, interest, and attorney fees

77 is $2,000 or less; [~~and~~]

78 (ii) [~~$50~~] {~~$70~~} $90 if the claim for relief exclusive of court costs, interest, and attorney fees

79 is greater than $2,000[~~.~~], but less than $7,500;

Senator Greiner's motion to amend passed on a voice vote. Senator Greiner explained the bill. Senators Urquhart, Waddoups, and Mayne commented. The bill passed on the following roll call:

Yeas, 22; Nays, 5; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Urquhart	Van Tassell		

Voting in the negative were: Senators

Hillyard	Hinkins	Stephenson	Stowell
Waddoups			

Absent or not voting were: Senators
Killpack Valentine

2nd Sub. S.B. 176 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 155, ADOPTION EXCEPTION TO CUSTODY AND VISITATION FOR PERSONS OTHER THAN PARENTS, was read the third time and explained by Senator Hillyard. Senator Romero commented and the bill passed on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Stephenson
Stowell	Urquhart	Waddoups	

Voting in the negative were: Senators
Knudson McCoy Romero

Absent or not voting were: Senators
Killpack Valentine Van Tassell

1st Sub. S.B. 155 was transmitted to the House for consideration.

* * *

S.B. 11, INCEST AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators
Hillyard Valentine

S.B. 11 was transmitted to the House for consideration.

* * *

S.B. 82, LOCAL HEALTH AUTHORITY FUNDING AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Hillyard

S.B. 82 was transmitted to the House for consideration.

* * *

On motion of Senator Bell, the circle was removed from **1st Sub. S.B. 184**, CIVIL FILING FEES, and it was before the Senate. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

1. Page 5, Lines 127 through 141

127 (aa) The Judicial Council shall by rule establish a schedule of fees for copies of

128 documents and forms and for the search and retrieval of records under Title 63G, Chapter 2,

129 Government Records Access and Management Act. Fees under this Subsection (1)(aa) shall be

130 credited to the court as a reimbursement of expenditures.

(bb) Any motion or other written application to the court for an order that does not have a fee established by this section is $10.

131 {~~(bb)~~} (cc) There is no fee for services or the filing of documents not listed in this section or

132 otherwise provided by law.

133 {~~(cc)~~} (dd) Except as provided in this section, all fees collected under this section are paid to

134 the General Fund. Except as provided in this section, all fees shall be paid at the time the clerk

135 accepts the pleading for filing or performs the requested service.

136 {~~(dd)~~} (ee) The filing fees under this section may not be charged to the state, its agencies, or

137 political subdivisions filing or defending any action. In judgments awarded in favor of the

138 state, its agencies, or political subdivisions, except the Office of Recovery Services, the court

139 shall order the filing fees and collection costs to be paid by the judgment debtor. The sums

140 collected under this Subsection (1) {~~(dd)~~} (ee) shall be applied to the fees after credit to the judgment,

141 order, fine, tax, lien, or other penalty and costs permitted by law.

Senator Bell's motion to amend passed on a voice vote. Senator Romero commented.

On motion of Senator Bell, the bill was circled.

* * *

S.B. 213, RESTAURANT NUTRITION LABELING, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hinkins

Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Goodfellow	Hillyard	Knudson

S.B. 213 was transmitted to the House for consideration.

* * *

S.B. 61, HOME SCHOOL AND PRIVATE SCHOOL STUDENTS' PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, was read the third time and explained by Senator Madsen. Senator Morgan commented and the bill failed on the following roll call:

Yeas, 13; Nays, 16; Absent, 0.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Jenkins	Killpack	Knudson	Madsen
Niederhauser	Stephenson	Urquhart	Valentine
Waddoups			

Voting in the negative were: Senators

Bell	Davis	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Liljenquist
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stowell	Van Tassell

S.B. 61 was filed.

* * *

S.B. 205, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Stephenson	Stowell	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator
Romero

Absent or not voting were: Senators

Christensen	Liljenquist	Urquhart

S.B. 205 was transmitted to the House for consideration.

* * *

On motion of Senator Knudson, **S.B. 79**, HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, was read the third time and circled.

SECOND READING CALENDAR

H.B. 42, ADOPTION REVISIONS, was read the second time.

On motion of Senator Jenkins, the bill was circled.

* * *

H.B. 265, POSTMORTEM PROCEDURES AMENDMENTS, was read the second time. Senator Robles explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators

Christensen	Liljenquist	Madsen	Urquhart

* * *

H.B. 244, DISRUPTION OF SCHOOL ACTIVITIES, was read the second time.

On motion of Senator Jenkins, the bill was circled.

* * *

H.B. 287, UTAH EDUCATION NETWORK AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Christensen	Greiner	Liljenquist
Madsen	Urquhart		

* * *

H.B. 118, ARCHIVES AND GRAMA REVISIONS, was read the second time. Senator Goodfellow explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Goodfellow
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Christensen	Dayton	Greiner
Liljenquist	Madsen	Urquhart	

* * *

On motion of Senator Jenkins, **H.B. 122**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, was read the second time and circled.

* * *

H.B. 222, UNBORN CHILD PAIN PREVENTION ACT, was read the second time. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment:

1. Page 1, Lines 14 through 19

14 performed shall , except when a medical emergency exists and there is not adequate time to comply with the requirements of this bill , be informed {~~of any~~} :

• that, upon the woman's request, an anesthetic or analgesic {~~that would~~} will be administered to the unborn child, either directly or through the woman, to eliminate or

15 alleviate organic pain to the unborn child ; and

• of any medical risks to the woman associated with the

16 anesthetic or analgesic {~~, unless:~~

17 ~~• a medical emergency exists; or~~

18 ~~• the abortion is being performed to save the life of the woman or to prevent grave~~

19 ~~damage to her medical health~~} ;

2. Page 1, Line 26:

26 • includes information {~~, from both sides of the issue,~~} relating to the ability of an

3. Page 2, Lines 32 through 36:

32 anesthetic or analgesic, unless {~~:~~

33 ~~•~~ } a medical emergency exists; {~~or~~} and there is not adequate time to comply with the requirements of this bill; and

34 {~~• the physician informs the woman that the physician, or the facility at which the~~

35 ~~abortion is to be performed, cannot or does not provide the service of~~

36 ~~administering an anesthetic or analgesic to an unborn child; and~~}

4. Page 2, Lines 40 through 41:

40 Other Special Clauses:

41 {~~None~~} This bill coordinates with H.B. 90 by providing substantive and technical amendments.

5. Page 3, Lines 63 through 64
House Floor Amendments
2–5–2009:

63 informs the woman {~~of~~} :

64 (i) consistent with Subsection (3)(a), of the nature of the proposed abortion procedure or

6. Page 3, Line 68
House Floor Amendments
2–5–2009:

68 (ii) of the probable gestational age and a description of the development of the unborn

7. Page 3, Line 70
House Floor Amendments
2–5–2009:

70 (iii) of the medical risks associated with carrying her child to term; and

8. Page 3, Lines 73 through 75
House Floor Amendments
2–5–2009:

73 (A) {~~any~~} that, upon the woman's request, an anesthetic or analgesic {~~that would~~} will be administered to the

unborn child, either directly or through the woman, to eliminate or alleviate organic pain to the

74 unborn child that may be caused by the particular method of abortion to be employed; and

75 (B) of any medical risks Ĥ→ to the woman that are ←Ĥ associated with

9. Page 4, Line 119 through Page 5, Line 121:

119 (b) The information described in Subsection (2)(a)(iv) may be omitted from the

120 information required to be provided to a pregnant woman under this section if :

(i) the abortion is

121 performed for a reason described in Subsection 76–7–302(2)(a) or (d) {~~.~~ } ; and

(ii) due to a serious medical emergency, time does not permit compliance with the requirement to provide the information described in Subsection (2)(a)(iv).

10. Page 6, Lines 161 through 165:

161 {~~(8) A physician is not guilty of violating this section for failure to furnish any of the~~

162 ~~information described in Subsections (2)(a)(i) through (iii) or (2)(b) through (f), if, in the~~

163 ~~physician's professional judgment, the abortion was to prevent the birth of a child who would~~

164 ~~have been born with grave defects.~~ }

165 {~~[~~} (8) {~~]~~} {~~(9)~~ } A physician who complies with the provisions of this section and Section

11. Page 8, Line 223
House Floor Amendments
2–5–2009:

223 brochure that contains truthful, nonmisleading information {~~on both sides of the issue~~ } regarding:

12. Page 8, Lines 232 through 236
House Floor Amendments
2–5–2009:

232 (b) A person or facility is not required to provide the information described in

233 Subsection (2)(a) to a patient or potential patient, {~~unless~~} if the abortion is to be performed:

234 (i) on an unborn child who is {~~at least~~} less than 20 weeks gestational age at the time of the

235 abortion; {~~and~~} or
(ii) on an unborn child who is at least 20 weeks gestational age at the time of the abortion, if:
(A) the abortion is being performed

236 {~~(ii)~~ –} for a reason {~~other than a reason~~} described in Subsection 76–7–302(2)(a) or (d) {~~.~~} ; and
(B) due to a serious medical emergency, time does not permit compliance with the requirement to provide the information described in Subsection (2)(a).

13. Page 9, Line 274 through Page 10, Line 283:

274 A physician who performs an abortion of an unborn child who is at least 20 weeks

275 gestational age shall administer an anesthetic or analgesic to eliminate or alleviate organic pain

276 to the unborn child that may be caused by the particular method of abortion to be employed, if

277 the woman having the abortion consents to the administration of an anesthetic or analgesic to

278 the unborn child, unless {~~:~~

279 ~~(1)~~} the physician is prevented from administering the anesthetic or analgesic by a

280 medical emergency {~~; or~~} .

281 {~~(2) prior to performing the abortion, the physician informs the woman that the~~

282 ~~physician, or the facility at which the abortion is to be performed, cannot or does not provide~~

283 ~~the service of administering an anesthetic or analgesic to an unborn child.~~ }

14. Page 10, Line 288:

After line 288 insert:

"Section 5. Coordinating H.B. 222 with H.B. 90 –– Substantive and technical amendments.

If this H.B. 222 and H.B. 90, Abortion Law Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by modifying:

(1) Subsection 76–7–305(3)(b)(i) to read as follows:

"(i) the abortion is performed for a reason described in Subsection 76–7–302(3)(b)(i); and"; and

(2) Subsection 76–7–305.5(2)(b)(ii)(A) to read as follows:

"(A) the abortion is being performed for a reason described in Subsection76–7–302(3)(b)(i); and".."

Senator Buttars' motion to amend passed on a voice vote.

On motion of Senator Buttars, the bill was circled.

* * *

H.B. 275, DOMESTIC VIOLENCE IN PRESENCE OF A CHILD AMENDMENTS, was read the second time.

On motion of Senator Greiner, the bill was circled.

* * *

On motion of Senator Greiner, the circle was removed from **H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, and it was before the Senate. Senator Greiner explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 1, Line 11
House Committee Amendments
1–28–2009

11 This bill:

▶ provides a definition of school property, which includes certain areas where school programs or activities are being conducted;

2. Page 2, Lines 31a through 31b
Senate Committee Amendments
2–24–2009:

31a Ŝ➔ (b) "School property" means real property :
(i) that is owned or occupied by a public or private

31b school ; or
(ii)(A) that is temporarily occupied by students for a school–related activity or program; and
(B) regarding which, during the time the activity or program is being conducted, the main use of the real property is allocated to participants in the activity or program.
, including real property temporarily occupied by students for a school activity or

Senator Hillyard's motion to amend passed on a voice vote. Senator Jenkins commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jones	Knudson	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator
Jenkins

Absent or not voting were: Senators

Bramble	Christensen	Killpack	Liljenquist
Madsen			

* * *

On motion of Senator Jenkins, and at 10:40 a.m., the Senate sauntered.

The Senate was called to order at 10:55 a.m., with President Waddoups presiding.

* * *

On motion of Senator Dayton, the circle was removed from **H.B. 275**, DOMESTIC VIOLENCE IN PRESENCE OF A CHILD AMENDMENTS, and it was before the Senate. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Greiner	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Buttars	Goodfellow	Hillyard
Killpack	Niederhauser	Stephenson	Stowell
Valentine			

* * *

H.B. 129, ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS, was read the second time. Senator Davis explained the bill.

Senator Davis proposed the following amendment:

1. Page 7, Line 207 through Page 8, Line 216
House Committee Amendments
2–9–2009

207 (1) {~~A~~} Subject to the other provisions of this section, a retail licensee to whom a minor is liable under Section 32A–14b–201 may bring

208 an action in a court of competent jurisdiction to collect the amount described in Section

209 32A–14b–201.

210 (2) The action allowed under this section may be brought against:

211 (a) the minor; or

212 (b) if the minor is less than 18 years of age, a parent or guardian of the minor.

213 (3) An action under this chapter may not be commenced more than two years after the

214 day on which the applicable fine is imposed by the commission.

215 (4) Nothing in this chapter precludes a cause of action or additional recovery against a

216 minor under law other than this chapter.
(5) Notwithstanding the other provisions of this part:
(a) the state or an agency of the state is not liable under this part when a state agency has legal or protective custody of, or has guardianship of a minor at the time:
(i) the minor engages in conduct with regard to a violation related to a minor; or
(ii) an applicable fine is imposed on the retail licensee by the commission; and
(b) a retail liquor licensee may not bring an action against the state or an agency of the state under the circumstances described in Subsection (5)(a).

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

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Killpack	Stephenson	Valentine

On motion of Senator Knudson, **H.B. 129** was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Buttars, the circle was removed from **H.B. 222**, UNBORN CHILD PAIN PREVENTION ACT, and it was before the Senate. Senator Buttars explained the bill. Senators McCoy, Romero, and Jenkins commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins

Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Voting in the negative were: Senators

Davis	McCoy	Robles	Romero

Absent or not voting were: Senators

Goodfellow	Killpack	Valentine

* * *

On motion of Senator Bramble, the circle was removed from **H.B. 122**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 1, Lines 21 through 23b
House Floor Amendments
2–18–2009

21 ► prohibits a governmental entity's chief administrative officer, the records

22 committee, and a court from releasing certain protected records via means of a

23 balancing test Ĥ➔ unless it is determined, by a preponderance of the evidence or by clear and convincing evidence, as applicable, that the public

23a interest favoring access to the record outweighs the interest favoring restriction of access to the

23b record ➔Ĥ ; and

2. Page 18, Lines 546 through 550e
House Floor Amendments
2–18–2009:

546 Section 5. Section 63G–2–406 is enacted to read:

547 63G–2–406. {~~Restrictions on~~} Evidentiary standards for release of certain enforcement and litigation records.

548 Ĥ→ [~~The provisions of Subsections 63G–2–401(6), 63G–2–403(11)(b), and 63G–2–404(8)(a)~~

549 ~~do not apply to records that are classified as protected under Subsection 63G–2–305(9), (10),~~

550 ~~(16), (17), (18), (23), (24), or (33).~~] {~~Records that are~~} (1) A record that is classified as protected under {~~Subsections~~} Subsection

550a 63G–2–305(9), {~~(10),~~} (16), (17), (18), (23), (24), or (33) may be ordered to be disclosed under the

550b provisions of Subsections 63G–2–401(6), 63G–2–403(11)(b), and 63G–2–404(8)(a) only if the

550c person or party seeking disclosure of the record has established, by a preponderance of the evidence, that the public interest favoring access outweighs the interest favoring restriction of access.

(2) A record that is classified as protected under Subsection 65G–2–305(10) may be ordered to be disclosed under the provisions of Subsections 63G–2–401(6), 63G–2–403(11)(b), and 63G–2–404(8) only if the person or party seeking disclosure of the record has established, by clear and convincing

550d evidence, that the public interest favoring access outweighs the interest {~~in~~} favoring restriction

550e of access. ←Ĥ

Senator Bramble's motion to amend passed on a voice vote. Senators Bell and Niederhauser commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator
Romero

Absent or not voting was: Senator Killpack

* * *

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

THIRD READING CALENDAR

On motion of Senator Knudson, **H.B. 265** was placed on Third Reading Table due to fiscal impact.

SECOND READING CALENDAR

1st Sub. H.B. 165, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, was read the second time.

On motion of Senator Bell, the bill was circled.

* * *

On motion of Senator Jenkins, and at 11:40 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:45 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2009

The House passed, **1st Sub. S.B. 21**, STATE AND LOCAL HEALTH AUTHORITIES AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 116**, CRIMINAL PENALTY AMENDMENTS, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 120**, WORKERS' COMPENSATION ACT – MEDICAL REPORTS, 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. 133**, ABUSE OR NEGLECT OF A DISABLED CHILD, 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. 152**, LEGISLATIVE MANAGEMENT POWERS, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 156**, GIFTS AND MEAL PROVISIONS FOR PUBLIC OFFICIALS, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 162**, USE OF CAMPAIGN FUNDS AMENDMENTS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 165**, STATUTE OF LIMITATION REVISIONS, by Senator M. Madsen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 173**, EMOTIONAL SUPPORT ANIMALS AND PSYCHIATRIC THERAPY ANIMALS, 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

1st Sub. S.B. 21, 1st Sub. S.B. 116, S.B. 120, S.B. 133, S.B. 152, S.B. 156, S.B. 162, 1st Sub. S.B. 165, and **S.B. 173** 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, 2009

The House concurred in the Senate amendments and passed **H.B. 32**, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, by Representative B. Ferry, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 112**, VEHICLE TOWING AMENDMENTS, by Representative T. Kiser, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 329**, WRONGFUL DEATH CLAIMS, by Representative L. Fowlke, 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. 1**, RESOLUTION URGING THE WITHDRAWAL OF UNITED STATES' WORLD TRADE ORGANIZATION COMMITMENT ON

GAMBLING, by Representative S. Allen, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 32, H.B. 112, 1st Sub. H.B. 329, and **1st Sub. H.J.R. 1**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 4, 2009

The House passed **H.B. 449**, VETERANS NURSING HOME AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed **H.C.R. 9**, CONCURRENT RESOLUTION HONORING DON PEAY, by Representative B. Dee, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 449** and **H.C.R. 9** were read the first time and referred to the Rules Committee.

* * *

Mr. President: March 4, 2009

The House passed, as amended, **S.B. 39**, IMMIGRATION AMENDMENTS, by Senator S. Jenkins, 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 4, 2009

The Business and Labor Committee reports a favorable recommendation on **S.B. 236**, UNINSURED AND UNDERINSURED MOTORIST COVERAGE AMENDMENTS, by Senator M. Madsen; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 110**, FINANCIAL TRANSACTION CARD OFFENSES, by Representative Julie Fisher; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 280**, INSURANCE CODE – CONTINUING EDUCATION, by Representative J. Bird; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 313**, SOCIAL HOST LIABILITY ACT, by Representative E. Hutchings.

John L. Valentine, Chair

Mr. President: March 3, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 156**, SUBDIVISION APPROVAL AMENDMENTS, by Representative R. C. Webb; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 259**, CHANGES TO IMPACT FEES, by Representative S. Sandstrom, with the following amendments:

1. Page 15, Lines 443 through 445:

443 (i) the school is intended to replace another school, whether on the same or a different

444 parcel; {~~and~~ }
(ii) the new school creates no greater demand or need for public facilities than the school being replaced; and

445 {~~(ii)~~ } (iii) the new school and the school being replaced are both within:

Peter C. Knudson, Chair

Mr. President: March 3, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 5**, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, by Senator W. Niederhauser; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 418**, DELINQUENT PROPERTY TAX AMENDMENTS, by Representative G. Froerer.

Wayne L. Niederhauser, Chair

Mr. President: March 3, 2009

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **1st Sub. H.B. 283**, ILLEGAL USE OF MOTOR VEHICLES, by Representative M. Noel, with the following amendments:

1. Page 5, Lines 145 through 146
House Floor Amendments
2–25–2009:

145 (ii) require the person to pay restitution {~~not to exceed $500~~} for any damage caused by

146 the unlawful motor vehicle travel; and

2. Page 6, Lines 173 through 174:

173 (b) require the person to pay restitution {~~not to exceed $500~~} for damage caused by the

174 unlawful motor vehicle use; and

3. Page 6, Lines 179 through 180:

179 (a) impose a fine not to exceed {~~$500~~} $1,000 ;

180 (b) require the person to pay restitution {~~not to exceed $1,000~~} for damage caused by the ; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 412**, ENERGY POLICY AMENDMENTS, by Representative R. Barrus, with the following amendments:

1. Page 3, Line 75:
After "long–term" insert "wholesale"; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.C.R. 7**, CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO THE CONGRESSIONAL ENACTMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM, by Representative M. Brown.

Mark B. Madsen, Chair

Mr. President: March 4, 2009

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 64**, DETERRING ILLEGAL IMMIGRATION, by Representative B. Dee; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 399**, CHARITABLE CARE AMENDMENTS, by Representative B. Last.

D. Chris Buttars, Chair

On motion of Senator Jenkins, the committee reports were adopted. **S.B. 236, 1st Sub. H.B. 110, 1st Sub. H.B. 280, 1st Sub. H.B. 313, 1st Sub. H.B. 156, 1st Sub. H.B. 259,** as amended, **S.B. 5, H.B. 418, 1st Sub. H.B. 283,** as amended, **H.B. 412, H.C.R. 7, 1st Sub. H.B. 64,** and **H.B. 399** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: March 4, 2009

The Business and Labor Committee reports a favorable recommendation on **H.B. 192**, PERSONAL INJURY JUDGMENT INTEREST, by Representative J. Dunnigan, and recommends it be considered read for the second time and placed on the Consent Calendar.

John L. Valentine, Chair

Mr. President: March 3, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 18**, JOINT RESOLUTION ON FISCAL NOTE PROCESS, by Senator W. Niederhauser, 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. 245**, UTAH STATE 911 COMMITTEE 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 **H.B. 310**, AUTHORITY OF LIEUTENANT GOVERNOR TO PERFORM MARRIAGE, by Representative C. Wimmer, 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. 323**, AMENDMENTS REGARDING NOTICE ON UTAH PUBLIC NOTICE WEBSITE, by Representative B. Winn, 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. 390**, ABSENTEE BALLOT AMENDMENTS, by Representative J. Mathis, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 413**, COUNTY AUTHORITY AMENDMENTS, by Representative R. Menlove, 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.J.R. 18**, JOINT RESOLUTION FOR LEGISLATIVE APPROPRIATION SUBCOMMITTEE NAME CHANGE, by Representative N. Hendrickson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: March 3, 2009

The Workforce Services and Community and Economic Development Committee recommends **S.B. 271**, JUDICIAL CONDUCT COMMISSION AMENDMENTS, by Senator G. Davis, be replaced and favorably recommends **1st Sub. S.B. 271**, JUDICIAL CONDUCT COMMISSION AMENDMENTS and that it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

On motion of Senator Davis, the committee reports were adopted. **H.B. 192, S.J.R. 18, H.B. 245, H.B. 310, H.B. 323, H.B. 390, 1st Sub. H.B. 413, H.J.R. 18,** and **1st Sub. S.B. 271** were considered read the second time and placed on the Consent Calendar.

On motion of Senator Davis, the Senate voted to lift **1st Sub. S.B. 271** from the Consent Calendar and placed it at the top of the Second Reading Calendar.

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Mr. President: March 4, 2009

With committee review, the Business and Labor Committee has returned **S.B. 267**, LANDLORD DISCLOSURE REQUIREMENTS, by Senator R. Romero, to the Rules Committee without recommendation; and

The Business and Labor Committee has returned **2nd Sub. H.B. 141**, BILLBOARD AMENDMENTS, by Representative C. Frank, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **H.B. 327**, BUILDING INSPECTOR AMENDMENTS, by Representative D. Aagard, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **2nd Sub. H.B. 400**, PETE SUAZO UTAH ATHLETIC COMMISSION AMENDMENTS, by Representative C. Oda, to the Rules Committee; and

The Business and Labor Committee has returned **H.B. 402**, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS, by Representative K. Garn, to the Rules Committee.

John L. Valentine, Chair

Mr. President: March 4, 2009

Without committee review, the Health and Human Services Committee has returned **S.B. 86**, AMENDMENTS TO PREFERRED DRUG LIST, by Senator A. Christensen, to the Rules Committee; and

Without committee review, the Health and Human Services Committee has returned **H.J.R. 25**, JOINT RESOLUTION URGING EMPLOYERS TO HIRE ONLY INDIVIDUALS WHO ARE AUTHORIZED TO WORK IN THE UNITED STATES, by Representative C. Herrod, to the Rules Committee.

D. Chris Buttars, Chair

Mr. President: March 3, 2009

With committee review, the Education Committee has returned **S.B. 109**, LOCAL SCHOOL FUNDING LEGISLATIVE TASK FORCE, by Senator D. C. Buttars, to the Rules Committee and recommends the bill be referred to interim study; and

With committee review, the Education Committee has returned **S.B. 113**, DELAYED EFFECTIVE DATE FOR ILLEGAL IMMIGRATION LEGISLATION, by Senator P. Jones, to the Rules Committee without recommendation; and

With committee review, the Education Committee has returned **S.B. 123**, SCHOOL DISTRICT DIVISION PROCESS, by Senator L. Hillyard, to the Rules Committee without recommendation with the following amendments:

1. Page 5, Lines 128 through 142:

128 (5) (a) If a proposal submitted under Subsection (2)(a)(iii) is certified under Subsection

129 (2)(f) or (g), the legislative body of each county in which part of the proposed new school

130 district is located shall submit the proposal to the respective clerk of each county to be voted

131 on:

132 (i) (A) by the legal voters residing within the [~~proposed new~~] existing school district

133 boundaries if the student enrollment in the proposed new school district is greater than or equal to 15,000 students or 25 percent of the student enrollment of the existing school district; and

(B) by the legal voters residing within the proposed new school district boundaries if the student enrollment in the proposed new school district is less than 15,000 students or 25 percent of the student enrollment of the existing district ;

134 (ii) in accordance with the procedures and requirements applicable to a regular general

135 election under Title 20A, Election Code; and

136 (iii) at the next regular general election or municipal general election, whichever is

137 first.

138 (b) (i) If a majority of the legal voters {~~within the [proposed new~~] existing school

139 ~~district boundaries~~ } voting on the proposal at an election under Subsection (5)(a) vote in favor

140 of the creation of the new district:

141 (A) each county legislative body shall, within 60 days after the canvass date, file with

142 the lieutenant governor the written notice, with the accompanying map or plat, required under ; and

Without committee review, the Education Committee has returned **S.B. 177**, NEW SCHOOL DISTRICT AMENDMENTS, by Senator D. C. Buttars, to the Rules Committee; and

With committee review, the Education Committee has returned **1st Sub. H.B. 150**, STATE BOARD OF EDUCATION MEMBER ELECTION PROCESS AMENDMENTS, by Representative C. Moss, et al, to the Rules Committee without recommendation; and

Without committee review, the Education Committee has returned **1st Sub. H.B. 207**, CONCURRENT ENROLLMENT AMENDMENTS, by Representative K. Holdaway, to the Rules Committee; and

With committee review, the Education Committee has returned **H.B. 238**, EXEMPTION OF UNIVERSITY HOUSING FROM EVICTION LAWS, by Representative K. Holdaway, to the Rules Committee without recommendation; and

With committee review, the Education Committee has returned **H.B. 312**, AMENDED CAMPAIGN FINANCE FILINGS, by Representative S. Allen, to the Rules Committee without recommendation; and

Without committee review, the Education Committee has returned **H.J.R. 13**, JOINT RESOLUTION – TEACHER PERFORMANCE PAY, by Representative M. Poulson, et al, to the Rules Committee.

Curtis S. Bramble, Chair

Mr. President: March 3, 2009

With committee review, the Revenue and Taxation Committee deleted **S.B. 47**, GRANT IN LIEU OF PROPERTY TAXES ACT, by Senator G. Davis, and replaced it with **1st Sub. S.B. 47,** COUNTY REGIONAL FACILITIES PROPERTY TAX, and has returned it to the Rules Committee without recommendation; and

With committee review, the Revenue and Taxation Committee has returned **S.B. 130**, INCOME TAX CREDIT – CONTRIBUTIONS FOR WHICH FEDERAL MATCHING MONIES ARE OFFERED, by Senator S. McCoy, to the Rules Committee with a recommendation that it be referred to interim study; and

Without committee review, the Revenue and Taxation Committee has returned **S.B. 238**, COAL SEVERANCE TAX, by Senator G. Davis, to the Rules Committee; and

With committee review, the Revenue and Taxation Committee has returned **2nd Sub. H.B. 246**, PROPERTY TAX – RESIDENTIAL EXEMPTION, by Representative G. Froerer, to the Rules Committee without recommendation.

Wayne L. Niederhauser, Chair

Mr. President: March 4, 2009

Without committee review, the Workforce Services and Community and Economic Development Committee has returned **H.B. 195**, UTAH UNIFORM

PROBATE CODE – TRUST AMENDMENTS, by Representative R. Lockhart, to the Rules Committee; and

Without committee review, the Workforce Services and Community and Economic Development Committee has returned **1st Sub. H.B. 204**, CONCEALED FIREARMS INSTRUCTORS AMENDMENTS, by Representative C. Oda, to the Rules Committee; and

Without committee review, the Workforce Services and Community and Economic Development Committee has returned **H.B. 206**, EMPLOYMENT SELECTION PROCEDURES, by Representative W. Harper, to the Rules Committee; and

Without committee review, the Workforce Services and Community and Economic Development Committee has returned **H.B. 209**, AMENDMENTS TO CRIMINAL APPEALS, by Representative Julie Fisher, to the Rules Committee; and

Without committee review, the Workforce Services and Community and Economic Development Committee has returned **H.B. 221**, COUNTY CORRECTIONAL FACILITIES FUNDING AMENDMENTS, by Representative M. Noel, to the Rules Committee; and

Without committee review, the Workforce Services and Community and Economic Development Committee has returned **1st Sub. H.B. 237**, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT, by Representative C. Herrod, to the Rules Committee; and

Without committee review, the Workforce Services and Community and Economic Development Committee has returned **1st Sub. H.B. 299**, UNLAWFUL DETAINER AMENDMENTS, by Representative G. Froerer, to the Rules Committee.

Mark B. Madsen, Chair

Mr. President: March 3, 2009

Without committee review, the Transportation and Public Utilities and Technology Committee has returned **S.B. 151**, DRIVER LICENSE DEFENSIVE DRIVING COURSE AMENDMENTS, by Senator K. Van Tassell, to the Rules Committee; and

Without committee review, the Transportation and Public Utilities and Technology Committee has returned **S.B. 178**, CLASS B AND C ROADS AMENDMENTS, by Senator K. Van Tassell, to the Rules Committee; and

Without committee review, the Transportation and Public Utilities and Technology Committee has returned **1st Sub. H.B. 290**, PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE, by Representative S. Clark, to the Rules Committee; and

Without committee review, the Transportation and Public Utilities and Technology Committee has returned **H.B. 325**, OPTING OUT OF THE REAL ID ACT, by Representative S. Sandstrom, to the Rules Committee; and

Without committee review, the Transportation and Public Utilities and Technology Committee has returned **H.B. 387**, MOTORCYCLE HELMET AMENDMENTS, by Representative R. Menlove, to the Rules Committee.

Stephen H. Urquhart, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 267, 2nd Sub. H.B. 141, H.B. 327, H.B. 400, H.B. 402, S.B. 86, H.J.R. 25, S.B. 109, S.B. 113, S.B. 123,** as amended, **S.B. 177, 1st Sub. H.B. 150, 1st Sub. H.B. 207, H.B. 238, H.B. 312, H.J.R. 13, 1st Sub. S.B. 47, S.B. 130, S.B. 238, 2nd Sub. H.B. 246, H.B. 195, 1st Sub. H.B. 204, H.B. 206, H.B. 209, H.B. 221, 1st Sub. H.B. 237, 1st Sub. H.B. 299, S.B. 151, S.B. 178, 1st Sub. H.B. 290, H.B. 325,** and **H.B. 387** were returned to the Rules Committee without recommendation.

SECOND READING CALENDAR

On motion of Senator Bell, **1st Sub. H.B. 188**, HEALTH SYSTEM REFORM – INSURANCE MARKET, was read the second time and circled.

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On motion of Senator Davis, **2nd Sub. H.B. 331**, HEALTH REFORM – HEALTH INSURANCE COVERAGE IN STATE CONTRACTS, was read the second time and circled.

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On motion of Senator Urquhart, **H.B. 205**, WATER SOURCE PROTECTION AMENDMENTS, was read the second time and circled.

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

THIRD READING CALENDAR

On motion of Senator Knudson, the circle was removed from **S.B. 79**, HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, and it was before the Senate.

Senator Valentine made a motion to substitute the bill. The motion failed on the following roll call vote:

Yeas, 12; Nays, 15; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Goodfellow	Greiner	Mayne	McCoy
Morgan	Robles	Romero	Valentine

Voting in the negative were: Senators

Buttars	Dayton	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Waddoups	

Absent or not voting were: Senators

Hillyard	Van Tassell

Senator Stephenson made a motion for the Senate to reconsider its action on the substitute bill. The motion passed on a voice vote.

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

2nd Sub. S.B. 79 Health Reform – Medical Malpractice Amendments (J. Valentine)

The motion passed on the following roll call vote:

Yeas, 16; Nays, 13; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Mayne	McCoy	Morgan	Robles
Romero	Stephenson	Valentine	Van Tassell

Voting in the negative were: Senators

Dayton	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Niederhauser	Okerlund	Stowell	Urquhart
Waddoups			

Senators Romero and Bell commented.

On motion of Senator Knudson, the bill was circled.

SPECIAL PRESENTATION

A citation was given to Utah's Mother of the Year and Young Mother of the Year, Danielle Kennington and Dixie Clifford.

STANDING COMMITTEE REPORTS

Mr. President: March 4, 2009

Without committee review, the Government Operations and Political Subdivisions Committee has returned **S.B. 60**, DISTRICTS PROVIDING SERVICE TO TAXED PROPERTY, by Senator M. Waddoups, to the Rules Committee; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned **H.B. 17**, EXPEDITED PARTNER THERAPY TREATMENT, by Representative J. Seelig, to the Rules Committee; and

With committee review, the Government Operations and Political Subdivisions Committee has returned **H.B. 48**, BALLOT QUESTION AMENDMENTS, by Representative K. Grover, to the Rules Committee without recommendation; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned **H.B. 309**, COUNTY FISCAL PROCEDURES AMENDMENTS, by Representative C. Herrod, to the Rules Committee.

Peter C. Knudson, Chair

On motion of Senator Killpack, the committee reports were adopted. **S.B. 60, H.B. 17, H.B. 48,** and **H.B. 309** were returned to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Liljenquist, the circle was removed from **H.B. 42**, ADOPTION REVISIONS, and it was before the Senate. Senator Liljenquist explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Liljenquist
Madsen	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Valentine	Waddoups		

Voting in the negative was: Senator
McCoy

Absent or not voting were: Senators

Buttars	Killpack	Knudson	Mayne
Urquhart	Van Tassell		

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On motion of Senator Bell, the circle was removed from **1st Sub. H.B. 165**, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, and it was before the Senate.

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

3rd Sub. H.B. 165 Health Reform – Administration Simplification (M. Newbold)

Senator Bell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack

Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Hillyard	Knudson	Liljenquist	Urquhart

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On motion of Senator Bell, the circle was removed from **1st Sub. H.B. 188**, HEALTH SYSTEM REFORM – INSURANCE MARKET, and it was before the Senate.

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

2nd Sub. H.B. 188 Health System Reform – Insurance Market (D. Clark)

Senator Bell explained the bill. Senators Killpack, Stowell, Davis, Christensen, Buttars, Stephenson, and Niederhauser commented.

Senator Bell proposed the following amendment:

1. Page 18, Line 535

535 law , provided that the insurer offers one plan under Subsection (2)(a) that covers the mandate enacted after January 1, 2009 ; and

2. Page 19, Lines 555 through 556:

555 (c) beginning July 1, 2012 may offer products under Subsection (3)(a) that :
(i) are not

556 subject to Subsection 31A–22–617(2); and
(ii) are subject to the reimbursement requirements in Section 31A–8–501;

3. Page 19, Line 559:

559 reimbursement level of at least 75% of tier one providers ; and
(e) are not subject to coverage mandates enacted after January 1, 2009 that are not required by federal law, provided that an insurer offers one plan that covers a mandate enacted after January 1, 2009 .

Senator Bell's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Goodfellow	Hinkins	Jenkins	Jones
Killpack	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Dayton	Greiner	Hillyard
Knudson	Liljenquist		

On motion of Senator Jenkins, **2nd Sub. H.B. 188** was placed on Third Reading Table due to fiscal impact.

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On motion of Senator Davis, the circle was removed from **2nd Sub. H.B. 331**, HEALTH REFORM – HEALTH INSURANCE COVERAGE IN STATE CONTRACTS, and it was before the Senate. Senator Davis explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Goodfellow	Hinkins	Jenkins	Jones
Killpack	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Dayton	Greiner	Hillyard
Knudson	Liljenquist	Valentine	

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On motion of Senator Urquhart, the circle was removed from **H.B. 205**, WATER SOURCE PROTECTION AMENDMENTS, and it was before the

Senate. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell	Bramble	Greiner	Hillyard
Knudson	Morgan	Valentine	

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1st Sub. H.J.R. 12, JOINT RESOLUTION SUPPORTING HYDROGEN POWER FROM ADVANCED COAL AND CARBON CAPTURE AND SEQUESTRATION TECHNOLOGY, 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, 6.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Bramble	Greiner	Hillyard
Knudson	Valentine		

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On motion of Senator Liljenquist, **H.B. 125**, IMPACT FEE AMENDMENTS, was read the second time and circled.

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On motion of Senator Liljenquist, **H.B. 140**, MOTOR VEHICLE REGISTRATION FEE AMENDMENTS, was read the second time and circled.

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H.B. 136, SEX OFFENDER DEFINITION AMENDMENTS, was read the second time. Senator Buttars explained the bill. Senator McCoy commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Greiner	Hillyard	Knudson	Valentine

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On motion of Senator Liljenquist, **2nd Sub. H.B. 220**, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, was read the second time and circled.

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H.B. 108, HORMONE RESTORATION AMENDMENTS, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Hinkins	Jenkins
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators

Greiner	Hillyard	Knudson	Valentine

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1st Sub. H.B. 126, VOTER IDENTIFICATION FOR ELECTIONS, was read the second time.

On motion of Senator Madsen, the bill was circled.

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H.B. 317, CAPITAL FELONY AMENDMENTS, was read the second time.

On motion of Senator Madsen, the bill was circled.

* * *

1st Sub. H.B. 151, MOTOR VEHICLE FORFEITURE AMENDMENTS, was read the second time. Senator Killpack explained the bill. Senators Waddoups, Jenkins, and Buttars commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator
Hinkins

Absent or not voting were: Senators

Hillyard	Knudson	Robles

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On motion of Senator Greiner, the circle was removed from **2nd Sub. H.B. 220**, STATE PAYMENT AND REIMBURSEMENT TO COUNTY

CORRECTIONAL FACILITIES, and it was before the Senate. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Hillyard	Knudson	Niederhauser	Valentine

On motion of Senator Greiner, **2nd Sub. H.B. 220** was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Killpack, the Senate voted to lift **S.B. 73**, UNINCORPORATED AREAS AMENDMENTS, to the top of the Second Reading Calendar.

* * *

On motion of Senator Killpack and at 5:10 p.m., the Senate adjourned until 9:00 a.m., Thursday, March 5, 2009.

THIRTY–EIGHTH DAY

MORNING SESSION

March 5, 2009

The Senate was called to order at 9:15 a.m., with President Michael Waddoups presiding.

Prayer – President David Jensen, Counselor in the Eagle Mountain Stake, The Church of Jesus Christ of Latter–day Saints
Pledge of Allegiance – Senator Luz Robles
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2009

The House passed, **1st Sub. S.B. 29**, SAFE DRINKING WATER ACT AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 53**, AWARDING OF ATTORNEY FEES, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 90**, METAL THEFT AMENDMENTS AND PENALTIES, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 98**, MOTOR FUEL THEFT PENALTIES, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 102**, SHARE THE ROAD SPECIAL GROUP LICENSE PLATE, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 121**, WORKERS' COMPENSATION – ATTORNEY FEES, 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, **2nd Sub. S.B. 124**, INDEMNIFICATION FOR DESIGN PROFESSIONAL SERVICES, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 160**, UTAH VENTURE CAPITAL ENHANCEMENT ACT 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. 170**, JUDICIARY AMENDMENTS, 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

1st Sub. S.B. 29, 1st Sub. S.B. 53, S.B. 90, S.B. 98, S.B. 102, S.B. 121, 2nd Sub. S.B. 124, S.B. 160, and **S.B. 170** 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, 2009

The House passed **H.B. 302**, DISTRIBUTION OF TOBACCO SETTLEMENT MONIES AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 444**, BUDGET IMPLEMENTATION ADJUSTMENTS – TOBACCO SETTLEMENT FUNDS, by Representative R. Bigelow, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 302** and **H.B. 444** were read the first time and referred to the Rules Committee.

* * *

Mr. President: March 4, 2009

The House passed, as amended, **S.B. 35**, SALES AND USE TAX DEFINITIONS RELATING TO PROPERTY, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House passed, as amended, **2nd Sub. S.B. 56**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, by Senator S. Killpack, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 118**, PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS, by Senator J. Greiner, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

CONSENT CALENDAR

H.B. 144, MEDICAL LANGUAGE INTERPRETER ACT, was read the third time, explained by Senator Christensen, and passed on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Madsen
Mayne	Morgan	Okerlund	Romero
Stephenson	Stowell	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Hillyard	Knudson	Liljenquist
McCoy	Niederhauser	Robles	Urquhart
Valentine			

H.B. 144 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 254, HEALTH PROFESSIONAL AUTHORITY – DEATH CERTIFICATES, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	Morgan	Niederhauser

Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators

Hillyard	Knudson	McCoy

H.B. 254 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.J.R. 3, JOINT RESOLUTION SUPPORTING EFFORTS TO INCREASE AND IMPROVE CANCER TREATMENT, SCREENING, AND RESEARCH PROGRAMS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Liljenquist	Madsen	Stowell	Valentine

H.J.R. 3 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.J.R. 5, JOINT RESOLUTION SUPPORTING NEEDED IMPROVEMENTS IN THE NAVAJO NATION'S ABILITY TO COLLECT AND TRACK CHILD SUPPORT PAYMENTS, was read the third time, explained by Senator , and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jones	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Jenkins	Killpack	Knudson
Madsen	Stowell	Valentine	

1st Sub. H.J.R. 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 Stephenson, the Senate voted to lift **H.B. 197**, REAUTHORIZATION OF ADMINISTRATIVE RULES, from the Consent Calendar and place it at the top of the Second Reading Calendar.

* * *

H.B. 375, LOCAL GOVERNMENT RECORDS AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Jenkins	Madsen	Stowell	Urquhart

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.

* * *

H.B. 292, TRAFFIC VIOLATION AND CITATION AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Jenkins	Killpack	Madsen	Stephenson
Stowell			

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.

* * *

S.B. 215, JUSTICE FOR ALL SPECIAL GROUP LICENSE PLATE, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Jenkins	Knudson	Madsen	Stowell

S.B. 215 was transmitted to the House for consideration.

* * *

S.B. 218, COMMUNITY ANIMAL SHELTER AND ADOPTION SUPPORT SPECIAL GROUP LICENSE PLATE, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Jenkins	Killpack	Madsen	Stephenson
Stowell			

S.B. 218 was transmitted to the House for consideration.

STANDING COMMITTEE REPORTS

Mr. President: March 5, 2009

The Retirement and Independent Entities Committee recommends **S.B. 76**, ENERGY AMENDMENTS, by Senator C. Bramble, be replaced and favorably recommends **3rd Sub. S.B. 76,** ENERGY AMENDMENTS.

Daniel R. Liljenquist, Chair

On motion of Senator Bell, the committee report was adopted. **3rd Sub. S.B. 76** was placed on Second Reading Calendar.

Mr. President: March 5, 2009

The Retirement and Independent Entities Committee reports a favorable recommendation on **1st Sub. H.B. 211**, RETIREMENT INVESTMENT REPORTS, by Representative Julie Fisher, and recommends it be considered read for the second time and placed on the Consent Calendar.

Daniel R. Liljenquist, Chair

On motion of Senator Bell, the committee report was adopted. **1st Sub. H.B. 211** was considered read the second time and placed on the Consent Calendar.

THIRD READING CALENDAR

H.B. 287, UTAH EDUCATION NETWORK AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Christensen	Killpack	Knudson
Liljenquist	Stephenson		

H.B. 287 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 118, ARCHIVES AND GRAMA REVISIONS, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Christensen	Killpack	Knudson

H.B. 118 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 Greiner, **H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, was read the third time and circled.

* * *

H.B. 275, DOMESTIC VIOLENCE IN PRESENCE OF A CHILD AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Greiner	Hillyard	Killpack

H.B. 275 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 222, UNBORN CHILD PAIN PREVENTION, was read the third time and explained by Senator Buttars.

Senator Buttars proposed the following amendment:

1. Page 1, Lines 14b through 15
   Senate 2nd Reading Amendments
   3–4–2009

   14b • that, upon the woman's request, an ←Ŝ anesthetic or analgesic Ŝ→ [~~that would~~] will

   14c be administered to the unborn child, {~~either directly or~~} through the woman, to ←Ŝ eliminate or

15 alleviate organic pain to the unborn child Ŝ➔ ; ←Ŝ and

2. Page 3, Lines 73 through 74
Senate 2nd Reading Amendments
3–4–2009:

73 (A) Ŝ➔ [~~any~~] that, upon the woman's request, an ←Ŝ anesthetic or analgesic Ŝ➔ [~~that~~

73a ~~would~~] will be administered to the unborn child, {~~either directly or~~} through the woman, to ←Ŝ

73b eliminate or alleviate organic pain to the

74 unborn child that may be caused by the particular method of abortion to be employed; and

Senator Buttars' motion to amend passed on a voice vote. Senator McCoy commented and the bill passed on the following roll call:

Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Davis	McCoy	Robles	Romero

Absent or not voting were: Senators

Goodfellow	Hillyard	Killpack

H.B. 222, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Bramble, **H.B. 122**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Jenkins, **H.B. 42**, ADOPTION REVISIONS, was read the third time and circled.

* * *

3rd Sub. H.B. 165, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Christensen	Hillyard	Killpack	Mayne
McCoy			

3rd Sub. H.B. 165, as amended, was returned to the House for further consideration.

* * *

2nd Sub. H.B. 331, HEALTH REFORM – HEALTH INSURANCE COVERAGE IN STATE CONTRACTS, was read the third time, explained by Senator Davis, and passed on the following roll call:

Yeas, 17; Nays, 6; Absent, 6.

Voting in the affirmative were: Senators

Bell	Davis	Goodfellow	Hinkins
Jones	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Van Tassell
Waddoups			

Voting in the negative were: Senators

Bramble	Buttars	Dayton	Jenkins
Stephenson	Valentine		

Absent or not voting were: Senators

Christensen	Greiner	Hillyard	Killpack
Knudson	McCoy		

2nd Sub. H.B. 331 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Liljenquist, the circle was removed from **H.B. 42**, ADOPTION REVISIONS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator
McCoy

Absent or not voting were: Senators

Bell	Christensen	Hillyard	Killpack

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. 205, WATER SOURCE PROTECTION AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Christensen	Hillyard	Killpack	Knudson
Valentine			

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.

* * *

1st Sub. H.J.R. 12, JOINT RESOLUTION SUPPORTING HYDROGEN POWER FROM ADVANCED COAL AND CARBON CAPTURE AND SEQUESTRATION TECHNOLOGY, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Hillyard	Killpack	Knudson	Niederhauser
Valentine			

1st Sub. H.J.R. 12 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Greiner, the circle was removed from **H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, and it was before the Senate.

Senator Jenkins proposed the following amendment:

1. Page 1, Line 16
   Senate 2nd Reading Amendments
   3–4–2009

   16 defendant's presence on school property Ĥ➔ ;
   ►requires that school property be posted and that the signs advise the public that entering the property while evading law enforcement is against the law; and

2. Page 2, Lines 31e through 32
   Senate 2nd Reading Amendments
   3–4–2009:

31e of the real property is allocated to participants in the activity or program. {–

31f ~~including real property temporarily occupied by students for a school activity or~~

31c ~~program.~~ } ←Ŝ

32 (2) School property shall be posted by legible signs that provide notice to the public that:

(a) the posted property is school property; and

(b) if a person enters the school property while evading a law enforcement officer, the person is in violation of state law.

(3) A person is guilty of the class A misdemeanor of evading law enforcement while on

3. Page 2, Line 36
Senate 2nd Reading Amendments
3–4–2009:

36 {~~(3)~~ } (4) It is not a defense that the person did not know that the person had entered onto

4. Page 2, Line 38
Senate 2nd Reading Amendments
3–4–2009:

38 {~~(4)~~ } (5) As a part of the sentence for violation of this section, the court shall order the

5. Page 2, Line 40a
Senate 2nd Reading Amendments
3–4–2009:

40a Ĥ→ {~~(5)~~ } (6) The offense under this section of evading law enforcement while on school property

Senator Jenkins' motion to amend failed on a voice vote. Senators Jones and Bramble commented and the bill passed on the following roll call:

Yeas, 21; Nays, 4; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jones	Knudson	Liljenquist	Mayne

McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine			

Voting in the negative were: Senators

Buttars	Jenkins	Madsen	Waddoups

Absent or not voting were: Senators

Hillyard	Killpack	Niederhauser	Van Tassell

H.B. 244 was returned to the House for further consideration.

* * *

H.B. 136, SEX OFFENDER DEFINITION AMENDMENTS, was read the third time and explained by Senator Buttars.

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

1st Sub. H.B. 136 Sex Offender Definition Amendments (P. Ray)

Senator McCoy commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Killpack	Niederhauser

1st Sub. H.B. 136 was returned to the House for further consideration.

* * *

H.B. 108, HORMONE RESTORATION AMENDMENTS, was read the third time and explained by Senator Stowell. Senators Dayton, Christensen, Mayne, and Robles commented and the bill passed on the following roll call:

Yeas, 19; Nays, 6; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Goodfellow
Hinkins	Jenkins	Jones	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Voting in the negative were: Senators

Christensen	Davis	Dayton	Hillyard
Knudson	Romero		

Absent or not voting were: Senators

Greiner	Killpack	Niederhauser	Valentine

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 Christensen, **1st Sub. H.B. 151**, MOTOR VEHICLE FORFEITURE AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Bramble, the Senate voted to lift **S.B. 224,** REUSE OF INDUSTRIAL BYPRODUCT, to the top of the Second Reading Calendar.

S.B. 224, REUSE OF INDUSTRIAL BYPRODUCT, was read the second time.

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

1st Sub. S.B. 224 Reuse of Industrial Byproduct (C. Bramble)

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Bramble, and at 10:50 a.m., the Senate sauntered.

The Senate was called to order at 11:10 a.m., with President Waddoups presiding.

SECOND READING CALENDAR

H.B. 197, REAUTHORIZATION OF ADMINISTRATIVE RULES, was read the second time.

On motion of Senator Jenkins, the bill was circled.

* * *

H.B. 202, SCHOOL DISTRICT TRAFFIC VIOLATION COMPLAINT PROCEDURES, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bramble	Christensen	Dayton	Goodfellow
Greiner	Hinkins	Jenkins	Jones
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell	Buttars	Davis	Hillyard
Killpack	Knudson	Stephenson	

* * *

On motion of Senator Madsen, the circle was removed from **1st Sub. H.B. 126**, VOTER IDENTIFICATION FOR ELECTIONS, and it was before the Senate. Senator Madsen explained the bill. Senator McCoy commented. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 8; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Greiner	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McCoy	Morgan	Robles	Romero

Absent or not voting were: Senators

Bell	Hillyard	Killpack

* * *

On motion of Senator Madsen, the circle was removed from **H.B. 317**, CAPITAL FELONY AMENDMENTS, and it was before the Senate. Senator Madsen explained the bill.

Senator Madsen proposed the following amendment:

1. Page 1, Line 20

20 76–3–206, as last amended by Laws of Utah 2001, Chapter 209
76–3–207.7, as enacted by Laws of Utah 2007, Chapter 275

2. Page 2, Line 34:

34 shall be heard in accordance with rules promulgated by the Utah State Supreme Court.
Section 2. Section 76–3–207.7 is amended to read:
76–3–207.7. First degree felony aggravated murder –– Noncapital felony –– Penalties –– Sentenced by court.
(1) A person who has pled guilty to or been convicted of first degree felony aggravated murder under Section 76–5–202 shall be sentenced by the court.
(2) The sentence under this section shall be life in prison without parole or an indeterminate prison term of not less than {~~20~~} 25 years and which may be for life.

Senator Madsen's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell	Hillyard	Killpack

* * *

H.B. 152, APPRAISAL MANAGEMENT COMPANY REGULATION, was read the second time.

On motion of Senator Valentine, the bill was circled.

* * *

H.B. 170, INSURANCE AND LIFE SETTLEMENT AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Bell	Hillyard	Killpack	Van Tassell

* * *

1st Sub. H.B. 352, ALCOHOLIC BEVERAGE RELATED AMENDMENTS, was read the second time. Senator Valentine explained the bill. Senator Waddoups commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bell	Bramble	Buttars	Killpack
Van Tassell			

* * *

H.B. 128, ELECTRONIC PRESCRIBING ACT, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Buttars	Hillyard	Killpack
Urquhart	Valentine		

* * *

H.B. 142, REPORTING ABUSE OR NEGLECT OF THE ELDERLY OR DISABLED, was read the second time. Senator Davis explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Buttars	Killpack	Liljenquist
Urquhart	Valentine		

* * *

2nd Sub. H.B. 100, DEPARTMENT OF CORRECTIONS – TRACKING AND REIMBURSEMENT OF INDIVIDUAL PRISONER COSTS, was read the second time. Senator Bramble explained the bill. Senators Goodfellow. Jenkins, Romero, and Dayton commented. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 8; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Dayton
Greiner	Hillyard	Hinkins	Knudson
Liljenquist	Madsen	Niederhauser	Okerlund
Robles	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Davis	Goodfellow	Jenkins	Jones
Mayne	McCoy	Morgan	Romero

Absent or not voting were: Senators

Christensen	Killpack

* * *

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

THIRD READING CALENDAR

On motion of Senator Knudson, the Senate voted to lift **2nd Sub. H.B. 188**, HEALTH SYSTEM REFORM – INSURANCE MARKET, from the Third Reading Table and place it at the top of the Third Reading Calendar.

On motion of Senator Jenkins, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:50 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2009

The House passed, **1st Sub. S.B. 15**, WORKERS' COMPENSATION PREMIUM ASSESSMENT AND RELATED FUNDING, 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. 54**, UNIFORM LAW – UNIFORM ASSIGNMENT OF RENTS ACT, by Senator R. Romero, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 150**, STATE ARMORY 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. 153**, COUNTY AND MUNICIPAL LAND USE AMENDMENTS, by Senator M. Madsen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 180**, EXPUNGEMENT OF DIVISION OF CHILD AND FAMILY SERVICES RECORDS, 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. 10**, ALTERNATIVE TRAINING CENTER JOINT RESOLUTION, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 15, S.B. 54, S.B. 150, S.B. 153, 1st Sub. S.B. 180, and **S.J.R. 10** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 5, 2009

The House passed, as amended, **H.B. 185**, TRANSPORTATION AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 383**, WATER RIGHTS ADJUDICATION AMENDMENTS, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.J.R. 8**, JOINT RESOLUTION REGARDING SECRET BALLOT, by Representative C. Wimmer, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 185, H.B. 383,** and **1st Sub. H.J.R. 8** were read the first time and referred to the Rules Committee.

* * *

Mr. President: March 5, 2009

The House passed, as amended, **1st Sub. S.B. 81**, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, by Senator M. Dayton, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

SECOND READING CALENDAR

On motion of Senator Valentine, the circle was removed from **H.B. 152**, APPRAISAL MANAGEMENT COMPANY REGULATION, and it was before the Senate. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jones	Killpack	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Hillyard	Jenkins	Knudson
Liljenquist	Stephenson		

* * *

1st. Sub. H.B. 296, SCHOOLS FOR THE DEAF AND BLIND 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, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Stephenson

On motion of Senator Bramble, **1st Sub. H.B. 296** was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Valentine, the circle was removed from **H.B. 140**, MOTOR VEHICLE AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill. Senator Bramble commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Bell

On motion of Senator Valentine, **H.B. 140** was placed on Third Reading Table due to fiscal impact.

* * *

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

THIRD READING CALENDAR

On motion of Senator Killpack, the circle was removed from **1st Sub. H.B. 151**, MOTOR VEHICLE FORFEITURE AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Niederhauser	Valentine

1st Sub. H.B. 151 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 Bell, the circle was removed from **1st Sub. S.B. 184**, CIVIL FILING FEES, and it was before the Senate. Senator Bell explained the bill.

Senator McCoy proposed the following amendment:

1. Page 1, Line 24 through Page 2, Line 26

24 (1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a

25 court of record not governed by another subsection is [~~$155~~] {~~$310~~} $360 .

26 (b) The fee for filing a complaint or petition is:

2. Page 2, Lines 31 through 34:

31 (iii) [~~$155~~] {~~$310~~} $360 if the claim for damages or amount in interpleader is $10,000 or

32 more;

33 (iv) [~~$155~~] {~~$225~~} $310 if the petition is filed under Title 30, Chapter 3, Divorce, or Title 30,

34 Chapter 4, Separate Maintenance; and

3. Page 5, Lines 131 through 136
Senate 3rd Reading Amendments
3–4–2009:

131 (bb) {~~Ŝ➔ Any motion or other written application to the court for an order that does~~

131a ~~not have a fee established by this section is $10.~~

131b ~~(cc) ←Ŝ~~} There is no fee for services or the filing of documents not listed in this section or

132 otherwise provided by law.

133 {~~Ŝ➔~~} {~~[~~} (cc) {~~]~~} { ~~(dd) ←Ŝ~~ } Except as provided in this section, all fees collected under this section are paid to

134 the General Fund. Except as provided in this section, all fees shall be paid at the time the clerk

135 accepts the pleading for filing or performs the requested service.

136 {~~Ŝ➔~~} {~~[~~} (dd) {~~]~~} {~~(ee) ←Ŝ~~} The filing fees under this section may not be charged to the state, its agencies, or

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

Yeas, 22; Nays, 2; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne

McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell		

Voting in the negative were: Senators

Goodfellow	Waddoups

Absent or not voting were: Senators

Greiner	Hillyard	Killpack	Madsen
Valentine			

1st Sub. S.B. 184 was transmitted to the House for consideration.

* * *

2nd Sub. H.B. 188, HEALTH SYSTEM REFORM – INSURANCE MARKET, was read the third time and explained by Senator Bell.

Senator Bell proposed the following amendment:

1. Page 33, Lines 989 through 990

989 administrator for the placement of {~~health care insurance~~} a health benefit plan, other than a hospital confinement indemnity policy, unless prior to the customer's purchase

990 of {~~health care insurance~~} the health benefit plan the producer:

Senator Bell's motion to amend passed on a voice vote. Senators Romero, Van Tassell, Davis, Robles, Buttars, and Killpack commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Dayton

2nd Sub. H.B. 188, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

H.B. 328, TEACHER QUALITY AMENDMENTS, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator
Goodfellow

Absent or not voting were: Senators

Bramble	Hillyard	Romero

On motion of Senator Stephenson, **H.B. 328** was placed on Third Reading Table due to fiscal impact.

* * *

1st Sub. H.B. 157, PROPERTY TAX ASSESSMENT AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senators Van Tassell and Okerlund commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Buttars	Hillyard	Killpack
Urquhart	Valentine		

* * *

On motion of Senator Killpack, **S.B. 73**, UNINCORPORATED AREAS AMENDMENTS, will be considered Friday, March 6, 2009, at 10:00 a.m.

On motion of Senator Jenkins, under suspension of the rules, the Senate voted to consider Senate bills for the remainder of the day.

* * *

1st Sub. S.B. 271, JUDICIAL CONDUCT COMMISSION AMENDMENTS, was read the second time. Senator Davis explained the bill. Senator Buttars commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Hillyard	Urquhart

* * *

S.R. 6, SENATE RESOLUTION RECOGNIZING THE WORK DONE BY THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS, was read the second time. Senator Robles explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins

Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Christensen	Killpack	Urquhart
Valentine			

* * *

S.B. 70, DEPARTMENT OF ENVIRONMENTAL QUALITY AMENDMENTS, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Dayton	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator

Davis

Absent or not voting were: Senators

Bramble	Christensen	Goodfellow	Knudson

* * *

1st Sub. S.B. 228, PROHIBITION ON INTERNET OR MAIL–ORDER SALES OF TOBACCO PRODUCTS, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Dayton	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Waddoups	

Voting in the negative was: Senator
Davis

Absent or not voting were: Senators
Bramble Christensen Goodfellow Knudson
Van Tassell

* * *

On motion of Senator Killpack, the Senate voted to lift the following bills from the Second Reading Calendar and Consent Calendar and return them to the Rules Committee for prioritization:

H.B.72, H.B. 194, H.B. 167, H.B. 192, H.B. 245, H.B. 310, H.B. 323, H.B. 390, 1st Sub. H.B. 413, H.J.R. 18, 1st Sub. H.B. 211, H.B. 197, H.B. 125, H.B. 184, 2nd Sub. H.B. 120, 1st Sub. H.B. 164, H.B. 322, 1st Sub. H.B. 110, 1st Sub. H.B. 280, 1st Sub. H.B. 313, 1st Sub. H.B. 156, 1st Sub. H.B. 259, H.B. 418, 1st Sub. H.B. 283, H.B. 412, H.C.R. 7, 1st Sub. H.B. 64, and **H.B. 399.**

* * *

Senator Liljenquist made a motion for the Senate to reconsider its action on **S.B. 61,** HOME SCHOOL AND PRIVATE SCHOOL STUDENTS' PARTICIPATION IN EXTRACURRICULAR ACTIVITIES. Senators Romero, Stowell, Buttars, Madsen, and Davis commented. The motion passed on the following roll call vote:

Yeas, 17; Nays, 12; Absent, 0.

Voting in the affirmative were: Senators
Bramble Buttars Christensen Dayton
Hinkins Jenkins Killpack Knudson
Liljenquist Madsen Niederhauser Okerlund
Stephenson Stowell Urquhart Valentine
Waddoups

Voting in the negative were: Senators
Bell Davis Goodfellow Greiner
Hillyard Jones Mayne McCoy
Morgan Robles Romero Van Tassell

S.B. 61, HOME SCHOOL AND PRIVATE SCHOOL STUDENTS' PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, was returned to the Third Reading Calendar and circled.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2009

The House passed, as substituted, **1st Sub. H.B. 143**, VEHICLE TITLE, INSPECTION AND EMISSION TESTING EXEMPTIONS, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 145**, WORKPLACE DRUG TESTING PROGRAMS, by Representative T. Beck, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 169**, PUBLIC LANDS POLICY COORDINATION AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 174**, LICENSING OF VOCATIONAL REHABILITATION COUNSELORS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 357**, FIREARMS AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 389**, APPLICATIONS FOR A SMALL AMOUNT OF WATER, by Representative P. Painter, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 143, 1st Sub. H.B. 145, 1st Sub. H.B. 169, H.B. 174, 1st Sub. H.B. 357,** and **H.B. 389** were read the first time and referred to the Rules Committee.

On motion of Senator Valentine and at 4:30 p.m., the Senate adjourned until 8:00 a.m., Friday, March 6, 2009.

THIRTY–NINTH DAY

MORNING SESSION

March 6, 2009

The Senate was called to order at 8:20 a.m., with President Michael Waddoups presiding.

Prayer – Lowell Lieshman
Pledge of Allegiance – Senator Mark Madsen
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

SPECIAL MUSICAL PRESENTATION

A quartet from Parawan, Utah called One Voice sang "The Star Spangled Banner" and "Utah,We Love Thee"

CONSENT CALENDAR

S.B. 245, UNIFORM FEES ON MOTORCYCLES, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Mayne	McCoy	Morgan
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard	Knudson	Madsen	Niederhauser
Okerlund	Robles		

S.B. 245 was transmitted to the House for consideration.

* * *

S.J.R. 18, JOINT RESOLUTION ON FISCAL NOTE PROCESS, was read the third time.

On motion of Senator Killpack, the bill was circled.

CONCURRENCE CALENDAR

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to **S.B. 39**, IMMIGRATION AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Knudson	Robles

S.B. 39 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **S.B. 35**, SALES AND USE TAX DEFINITIONS RELATING TO PROPERTY. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell	Hillyard	Knudson	Robles
Valentine			

S.B. 35 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 56**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell	Hillyard	Knudson	Robles
Valentine			

2nd Sub. S.B. 56 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Greiner, the Senate voted to concur in the House amendments to **S.B. 118**, PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell	Hillyard	Knudson	Robles
Valentine			

S.B. 118 was returned to the House for the signature of the Speaker.

* * *

1st Sub. S.B. 81, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, was before the Senate, explained by Senator Dayton.

On motion of Senator Dayton, the bill was circled.

CONSENT CALENDAR

On motion of Senator Niederhauser, the circle was removed from **S.J.R. 18**, JOINT RESOLUTION ON FISCAL NOT PROCESS, and it was before the Senate. Senator Niederhauser explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Greiner	Hinkins	Jenkins
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Goodfellow	Hillyard	Knudson
Robles	Valentine		

S.J.R. 18 was transmitted to the House for consideration.

CONCURRENCE CALENDAR

On motion of Senator Dayton, the circle was removed from **1st Sub. S.B. 81**, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, and it was before the Senate.

On motion of Senator Dayton, the Senate voted to concur in the House amendments to **1st Sub. S.B. 81**, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 21; Nays, 2; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Greiner	Hinkins	Jenkins
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Van Tassell
Waddoups			

Voting in the negative were: Senators

Jones	Romero

Absent or not voting were: Senators

Bell	Goodfellow	Hillyard	Knudson
Robles	Valentine		

1st Sub. S.B. 81 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Madsen, the circle was removed from **S.B. 61**, HOME SCHOOL AND PRIVATE SCHOOL STUDENTS' PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, and it was before the Senate.

Senator Madsen proposed the following amendment:

1. Page 4, Lines 96 through 98

96 (g) To demonstrate a home school student's compliance with scholastic eligibility

97 requirements, the individual providing the primary instruction of a home school student shall

98 submit an affidavit to the school principal that indicates:

2. Page 4, Lines 101 through 105:

101 (h) A public school student who has been declared to be academically ineligible to

102 participate in an extracurricular activity and who subsequently enrolls in a home school shall

103 lose eligibility for participation in the extracurricular activity until the student:

104 (i) demonstrates academic eligibility by providing test results or a portfolio of the

105 student's work to the school principal , provided that a student may not reestablish academic eligibility under this Subsection (6)(h)(i) during the same activity season in which the student was declared to be academically ineligible :

Senator Madsen's motion to amend passed on a voice vote.

On motion of Senator Madsen, the bill was circled.

* * *

H.B. 202, SCHOOL DISTRICT TRAFFIC VIOLATION COMPLAINT PROCEDURES, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators

Davis	Hillyard	Killpack	Knudson
Niederhauser			

H.B. 202 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 126, VOTER IDENTIFICATION FOR ELECTIONS, was read the third time and explained by Senator Madsen. Senator McCoy commented.

On motion of Senator Madsen, the bill was circled.

* * *

H.B. 317, CAPITAL FELONY AMENDMENTS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Knudson	Mayne

H.B. 317, as amended, was returned to the House for further consideration.

* * *

H.B. 170, INSURANCE AND LIFE SETTLEMENT AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell	Christensen	Hillyard	Knudson

H.B. 170, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Valentine, **1st Sub. H.B. 352**, ALCOHOLIC BEVERAGE RELATED AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Killpack, **H.B. 128**, ELECTRONIC PRESCRIBING ACT, was read the third time and circled.

* * *

H.B. 142, REPORTING ABUSE OR NEGLECT OF THE ELDERLY OR DISABLED, was read the third time, explained by Senator Davis, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell	Hillyard	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.

* * *

2nd Sub. H.B. 100, DEPARTMENT OF CORRECTIONS – TRACKING AND REIMBURSEMENT OF INDIVIDUAL PRISONER COSTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 22; Nays, 7; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Davis	Goodfellow	Mayne	McCoy
Morgan	Robles	Romero	

2nd Sub. H.B. 100, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Knudson, the circle was removed from **H.B. 128**, ELECTRONIC PRESCRIBING ACT, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Killpack

H.B. 128, as amended, was returned to the House for further consideration.

* * *

H.B. 152, APPRAISAL MANAGEMENT COMPANY REGULATION, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Christensen Killpack

H.B. 152, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 157, PROPERTY TAX ASSESSMENT AMENDMENTS, was read the third time and explained by Senator Niederhauser. Senators Jenkins, Buttars, and Hillyard commented and the bill passed on the following roll call:

Yeas, 21; Nays, 2; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Madsen	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Goodfellow	Morgan

Absent or not voting were: Senators

Bell	Killpack	Knudson	Liljenquist
Mayne	McCoy		

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.

* * *

1st Sub. S.B. 271, JUDICIAL CONDUCT COMMISSION AMENDMENTS, was read the third time, explained by Senator Davis, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell	Bramble	Hillyard	Killpack
Liljenquist	McCoy	Urquhart	

1st Sub. S.B. 271 was transmitted to the House for consideration.

* * *

S.R. 6, SENATE RESOLUTION RECOGNIZING THE WORK DONE BY THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS, was read the third time, explained by Senator Robles, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Liljenquist	Urquhart

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

* * *

S.B. 70, DEPARTMENT OF ENVIRONMENTAL QUALITY AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Hillyard	Niederhauser	Stephenson	Urquhart

S.B. 70 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 228, PROHIBITION ON INTERNET OR MAIL–ORDER SALES OF TOBACCO PRODUCTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Greiner	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stephenson	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Bramble	Goodfellow	Hillyard
Niederhauser	Urquhart		

1st Sub. S.B. 228 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Killpack, **S.B. 211**, BUILDING CODE AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Valentine, **S.B. 268**, TITLE AND ESCROW COMMISSION RELATED AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Knudson, **S.B. 217**, DRUGS AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Killpack, **1st Sub. S.B. 84**, IMPACT FEES REVISIONS, was read the second time and circled.

* * *

On motion of Senator Killpack, and at 9:45 a.m., the Senate sauntered.

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

TIME CERTAIN CALENDAR

S.B. 73, UNINCORPORATED AREAS AMENDMENTS, was read the second time. Senator Mayne explained the bill.

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

1st Sub. S.B. 73 Unincorporated Areas Amendments (K. Mayne)

Senators Jones, Niederhauser, Goodfellow and Buttars commented.

On motion of Senator Mayne, under suspension of the rules, **1st Sub. S.B. 73**, UNINCORPORATED AREAS AMENDMENTS, was considered read the second and third times. Senator Mayne explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen	Hillyard	Knudson

1st Sub. S.B. 73 was transmitted to the House.

SECOND READING CALENDAR

On motion of Senator Bell, the circle was removed from **1st Sub. S.B. 84**, IMPACT FEES REVISIONS, and it was before the Senate.

Senator Bell proposed the following amendment:

1. Page 1, Lines 12 through 13

12 {~~▶ modifies the definition of "development approval" for public entities that may~~

13 ~~develop without written authorization;~~ }

2. Page 2, Lines 33 through 34:

33 Other Special Clauses:

34 {~~None~~} This bill coordinates with H.B. 259, Changes to Impact Fees, by technically superseding and merging amendments.

This bill coordinates with H.B. 274, Local Government Fees and Charges, by technically superseding and merging amendments.

3. Page 4, Lines 88 through 92:

88 (4) "Development approval" means {~~:~~

89 ~~(a) except as provided in Subsection (4)(b),~~ } any written authorization from a local

90 political subdivision that authorizes the commencement of development activity {~~[~~} . {~~]~~} {~~; or~~

91 ~~(b) development activity, for a public entity that may develop without written~~

92 ~~authorization from a local political subdivision.~~ }

4. Page 17, Line 511:

511 in the district office.

Section 9. Coordinating S.B. 84 with H.B. 259 –– Technically superseding and merging amendments.

If this S.B. 84 and H.B. 259, Changes to Impact Fees, both pass, it is the intent of the Legislature that:

(1) the amendments to Subsections 11–36–201(1)(c) and (d) in this bill supersede the amendments to Subsections 11–36–201(1)(c) and (d) in H.B. 259, when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication; and

(2) the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, modify Subsection 11–36–202(6) to read:

"[(7)] (6) Notwithstanding any other provision of this chapter:

(a) [a municipality imposing impact fees to fund fire trucks as of the effective date of this act may impose impact fees for fire trucks until July 1, 1997; and (b)] an impact fee to pay for a public safety facility that is a fire suppression vehicle may not be imposed [with respect to land that has a zoning designation other than commercial] on residential components of development[.];

(b) an impact fee may not be imposed on a school district or charter school for a park, recreation facility, open space, or trail;

(c) an impact fee may not be imposed on development activity that consists of the construction of a school, whether by a school district or a charter school, if:

(i) the school is intended to replace another school, whether on the same or a different parcel; and

(ii) the new school and the school being replaced are both within:

(A) the boundary of the local political subdivision; or

(B) the jurisdiction of the private entity; and

(d) an impact fee may not be imposed on a school district or charter school unless:

(i) the development resulting from the school district or charter school's development activity directly results in a need for additional system improvements for which the impact fee is imposed; and

(ii) the impact fee is calculated to cover only the school district or charter school's proportionate share of the cost of those additional system improvements.".

Section 10. Coordinating S.B. 84 with H.B. 274 –– Technically superseding and merging amendments.

If this S.B. 84 and H.B. 274, Local Government Fees and Charges, both pass, it is the intent of the Legislature that:

(1) the amendments to Subsections 11–36–201(1)(c) and (d) in this bill supersede the amendments to Subsections 11–36–201(1)(c) and (d) in H.B. 274, when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication; and

(2) the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, modify Subsection 11–36–202(6) to read:

"[~~(7)~~] (6) Notwithstanding any other provision of this chapter:

(a) [~~a municipality imposing impact fees to fund fire trucks as of the effective date of this act may impose impact fees for fire trucks until July 1, 1997; and (b)~~] an impact fee to pay for a public safety facility that is a

fire suppression vehicle may not be imposed [~~with respect to land that has a zoning designation other than commercial~~] on residential components of development[~~.~~];

(b) an impact fee for a road facility may be imposed on the state only if and to the extent that:

(i) the state's development causes an impact on the road facility; and

(ii) the portion of the road facility related to an impact fee is not funded by the state or by the federal government; and

(c) to the extent that the impact fee includes a component for a law enforcement facility, the impact fee may not be imposed on development activity for:

(i) the Utah National Guard;

(ii) the Utah Highway Patrol; or

(iii) a state institution of higher education that has its own police force."

Senator Bell's motion to amend passed on a voice vote. Senator Bell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Hillyard	Knudson	Niederhauser

* * *

1st Sub. S.B. 106, ALCOHOLIC BEVERAGE CONTROL ACT RESTRICTIONS, was read the second time. Senator McCoy explained the bill. Senators Valentine and Jones commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hinkins
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Dayton	Hillyard	Jenkins	Knudson

* * *

S.B. 209, LAND USE, DEVELOPMENT, AND MANAGEMENT ACT AMENDMENTS, was read the second time.

On motion of Senator Bell, the bill was circled.

* * *

1st Sub. S.B. 63, MODIFICATIONS TO RECORDING REQUIREMENTS, was read the second time. Senator Okerlund explained the bill.

Senator Okerlund proposed the following amendment:

1. Page 1, Lines 13 through 21
   Senate Committee Amendments
   3–2–2009

13 This bill:

14 {~~▶ authorizes the county recorder to assign a different name to a subdivision on a plat~~

15 ~~if the name duplicates one already assigned to a subdivision on a recorded plat;~~ }

16 ▶ requires landowners to sign and dedicate a plat;

17 {~~▶ requires a surveyor making a plat to certify that the surveyor has provided a~~

18 ~~reference to the filing number of a record of survey map, rather than that the~~

19 ~~surveyor has completed a survey;~~

20 ▶ ~~requires the filing of a surveyor's affidavit by a surveyor who sets monuments~~

21 ~~during construction if that surveyor is not the same surveyor who made the plat;~~ }

2. Page 3, Lines 72 through 73
Senate Committee Amendments
3–2–2009:

72 (1) {~~(a)~~} Unless exempt under Section 10–9a–605 or excluded from the definition of

73 subdivision under {~~Subsection~~} Section 10–9a–103 {~~(44)~~} , whenever any land is laid out and platted, the

3. Page 3, Line 75
Senate Committee Amendments
3–2–2009:

75 {~~[~~} (a) {~~]~~} {~~(i)~~} a subdivision name [~~or designation of the subdivision~~] that is distinct from any

4. Page 3, Line 77
Senate Committee Amendments
3–2–2009:

77 {~~[~~} (b) {~~]~~} {~~(ii)~~} the boundaries, course, and dimensions of all of the parcels of ground divided,

5. Page 3, Line 81
Senate Committee Amendments
3–2–2009:

81 {~~[~~} (c) {~~]~~} {~~(iii)~~} the lot or unit reference, block or building reference, street or site address,

6. Page 3, Line 84 through Page 4, Line 88
Senate Committee Amendments
3–2–2009:

84 {~~[~~} (d) {~~]~~} {~~(iv)~~} every existing right–of–way and easement grant of record for underground

85 facilities, as defined in Section 54–8a–2, and for other utility facilities.

86 {~~(b) The county recorder may assign a different name to a subdivision on a plat~~

87 ~~submitted for recording if necessary to make the plat comply with the requirement of~~

88 ~~Subsection (1)(a)(i).~~ }

7. Page 4, Lines 104 through 118:

104 (ii) has {~~[~~} completed a {~~]~~} {~~provided a reference to the filing number of a record of~~ } survey

105 {~~map~~ } of the {~~existing~~ } property {~~boundary~~ } described on the plat {~~and filed~~ } in accordance with

106 Section 17–23–17 {~~[~~} and has verified all measurements; and {~~]~~} {~~;~~ }

107 (iii) has placed monuments as represented on the plat {~~[~~} . {~~]~~} {~~; and~~

108 ~~(iv) has indicated monuments to be set during construction.~~

109 ~~(c) If a monument is set during construction by a surveyor other than the surveyor who~~

110 ~~made the plat, the surveyor setting the monument shall record a surveyor's affidavit in the~~

111 ~~office of the county in which the property is located indicating:~~

112 ~~(i) that the surveyor setting the monument holds a license in accordance with Title 58,~~

113 ~~Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;~~

114 ~~(ii) that each monument is set in the location specified on the plat;~~

115 ~~(iii) that the surveyor setting the monument has verified all measurements;~~

116 ~~(iv) the location of each street and lot monument that varies from the monuments~~

117 ~~specified on the plat; and~~

118 ~~(v) the physical description of each monument set.~~ }

8. Page 5, Line 119
Corrected Senate Committee
Amendments, 3–2–2009:

Reinstate "(c)" and delete "(d)"

9. Page 15, Lines 454 through 455:

454 (1) {~~(a)~~} Unless exempt under Section 17–27a–605 or excluded from the definition of

455 subdivision under {~~Subsection~~} Section 17–27a–103 {~~(48)~~} , whenever any land is laid out and platted, the

10. Page 15, Line 457:

457 {~~[~~} (a) {~~]~~} {~~(i)~~} a subdivision name [~~or designation of the subdivision~~] that is distinct from any

11. Page 15, Line 459:

459 {~~[~~} (b) {~~]~~} {~~(ii)~~} the boundaries, course, and dimensions of all of the parcels of ground divided,

12. Page 16, Line 463:

463 {~~[~~} (c) {~~]~~} {~~(iii)~~} the lot or unit reference, block or building reference, street or site address,

13. Page 16, Line 466:

466 {~~[~~} (d) {~~]~~} {~~(iv)~~} every existing right–of–way and easement grant of record for underground

14. Page 16, Lines 468 through 470:

468 {~~(b) The county recorder may assign a different name to a subdivision on a plat~~

469 ~~submitted for recording if necessary to make the plat comply with the requirement of~~

470 ~~Subsection (1)(a)(i).~~ }

15. Page 16, Line 486 through Page 17, Line 501:

486 (ii) has {~~[~~} completed a {~~]~~} {~~provided a reference to the filing number of a record of~~} survey

487 {~~map~~} of the {~~existing~~} property {~~boundary~~} described on the plat {~~and filed~~} in accordance with

488 Section 17–23–17 {~~[~~} and has verified all measurements; and {~~]~~} {~~;~~}

489 (iii) has placed monuments as represented on the plat {~~[~~} . {~~]~~} {~~; and~~

490 ~~(iv) has indicated monuments to be set during construction.~~

491 ~~(c) If a monument is set during construction by a surveyor other than the surveyor who~~

492 ~~made the plat, the surveyor setting the monument shall record a surveyor's affidavit in the~~

493 ~~office of the county in which the property is located indicating:~~

494 ~~(i) that the surveyor setting the monument holds a license in accordance with Title 58,~~

495 ~~Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;~~

496 ~~(ii) that each monument is set in the location specified on the plat;~~

497 ~~(iii) that the surveyor setting the monument has verified all measurements;~~

498 ~~(iv) the location of each street and lot monument that varies from the monuments~~

499 ~~specified on the plat; and~~

500 ~~(v) the physical description of each monument set.~~ }

501 {~~[~~} (c) {~~]~~} {~~(d)~~ } (i) As applicable, the owner or operator of the underground and utility

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

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Knudson	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Jenkins	Killpack	Liljenquist

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 224**, REUSE OF INDUSTRIAL BYPRODUCT, and it was before the Senate. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Killpack	Liljenquist

* * *

On motion of Senator Bramble, the circle was removed from **S.B. 211**, BUILDING CODE AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Hillyard	Killpack

* * *

S.B. 65, AMENDMENTS TO PROPERTY TAX NOTICE, PUBLIC HEARING, AND RESOLUTION PROVISIONS, was read the second time. Senator Stowell explained the bill.

Senator Stowell proposed the following amendment:

1. Page 1, Line 23

23 This bill provides revisor instructions.
This bill coordinates with H.B. 67, Public Hearings on Property Tax Increases, and S.B. 208, Utah Public Notice Website Amendments, by providing substantive and technical amendments.
This bill coordinates with H.B. 23, Certified Tax Rate Amendments, by providing substantive and technical amendments.

2. Page 11, Lines 322 through 325:

322 year taxing entity's annual budget is adopted; and
(B) before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity's certified tax rate:

323 {~~(B)~~} (I) provides notice by meeting the advertisement requirements of Subsections (6)

324 and (7) {~~before the calendar year taxing entity levies a tax rate that exceeds the calendar year~~

325 ~~taxing entity's certified tax rate~~} ; or

3. Page 11, Line 331:

331 (Bb) before the calendar year taxing entity conducts the public {~~hearing~~} meeting at which the

4. Page 11, Line 335:

335 (A) on or before the calendar year taxing entity conducts the public {~~hearing~~} meeting at which

5. Page 13, Line 376:

376 (7) before the fiscal year taxing entity conducts the public {~~hearing~~} meeting at which the fiscal year

6. Page 15, Lines 436 through 438:

436 (i) be run once each week for the two weeks [~~preceding the adoption of the final~~] :

437 (A) before a taxing entity conducts a public hearing at which the taxing entity's annual budget is

438 discussed; and
(B) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity's certified tax rate; and

7. Page 15, Lines 445 through 446:

445 (f) (i) For purposes of Subsection (3)(a)(i)(A) or (4)(a), the form and content of an

446 advertisement shall be substantially as follows:

8. Page 16, Lines 464 through 465:

464 [~~(3) The~~] (ii) For purposes of Subsection (3)(a)(i)(B)(I), the form and content of [~~the~~

465 ~~notice~~] an advertisement shall be {~~[~~} substantially {~~]~~} as follows:

9. Page 18, Line 524:

524 shall announce at that public hearing the scheduled time and place of the next public {~~hearing~~} meeting at

10. Page 18, Line 530:

530 the next public {~~hearing~~} meeting at which the taxing entity will consider adopting a resolution levying

11. Page 18, Line 535:

535 meet the notice requirements of Subsection (3)(a) {~~(ii)~~} (i)(B)(I) .

12. Page 35, Line 1073:

After Line 1073 insert:
Section 21. Coordinating S.B. 65 with H.B. 67 and S.B. 208 -- Substantive and technical amendments.
If this S.B. 65, H.B. 67, Public Hearings on Property Tax Increases, and S.B. 208, Utah Public Notice Website, all pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication by:
(1) modifying Subsections 59-2-919(6) and (7) as amended in this bill in the version of the Utah Code database that takes effect on January 1, 2010

as follows:

" (6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this section shall be published :

(i) in a newspaper or combination of newspapers of general circulation in the taxing entity until January 1, 2011; and

(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F–1–701 .

(b) The advertisement described in {~~this section~~} Subsection (6)(a)(i) shall:

(i) be no less than 1/4 page in size;

(ii) use type no smaller than 18 point; and

(iii) be surrounded by a 1/4–inch border.

(c) The advertisement described in {~~this section~~} Subsection (6)(a)(i) may not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

(d) It is the intent of the Legislature that:

(i) whenever possible, the advertisement described in {~~this section~~} Subsection (6)(a)(i) appear in a newspaper that is published at least one day per week; and

(ii) the newspaper or combination of newspapers selected:

(A) be of general interest and readership in the taxing entity; and

(B) not be of limited subject matter.

(e) (i) The advertisement {~~described in this section shall~~} :

{~~(i)~~} (A) described in Subsection (6)(a)(i) shall:

(I) except as provided in Subsection (6)(e)(ii), be run once each week for the two weeks [~~preceding the adoption of the final~~] :

(Aa) before a taxing entity conducts a public hearing at which the taxing entity's annual budget is discussed; and

(Bb) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity's certified tax rate; and

{~~(ii)~~} (II) state that the taxing entity will meet on a certain day, time, and place fixed in the advertisement, which shall be not less than seven days after the day the first advertisement is published, for the purpose of hearing comments regarding any proposed increase and to explain the reasons for the proposed increase {~~.~~} ; or

(B) described in Subsection (6)(a)(ii) shall:

(I) be published two weeks:

(Aa) before a taxing entity conducts a public hearing at which the taxing

entity's annual budget is discussed; and
(Bb) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity's certified tax rate; and
(II) state that the taxing entity will meet on a certain day, time, and place fixed in the advertisement, which shall be not less than seven days after the day the first advertisement is published, for the purpose of hearing comments regarding any proposed increase and to explain the reasons for the proposed increase.

(ii) If a taxing entity's public hearing information is published by the county auditor in accordance with Section 59–2–919.2, the taxing entity is not subject to the requirement to run the advertisement twice, as required by Subsection (6)(e)(i)(A), but shall run the advertisement once during the week:
(A) before the taxing entity conducts a public hearing at which the taxing entity's annual budget is discussed; and
(B) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity's certified tax rate.
[~~(f) The meeting on the proposed increase may coincide with the hearing on the proposed budget of the taxing entity.~~]
(f) (i) For purposes of Subsection (3)(a)(i)(A) or (4)(a), the form and content of an advertisement shall be substantially as follows:

"NOTICE OF PROPOSED TAX INCREASE
(NAME OF TAXING ENTITY)

The (name of the taxing entity) is proposing to increase its property tax revenue.

{• ~~If the proposed budget is approved, this would be an increase of % above the (name of the taxing entity) property tax budgeted revenue for the prior year.~~ }
• The (name of the taxing entity) tax on a (insert the average value of a residence in the taxing entity rounded to the nearest thousand dollars) residence would increase from $ to $, which is $ per year.
• The (name of the taxing entity) tax on a (insert the value of a business having the same value as the average value of a residence in the taxing entity) business would increase from $ to $, which is $ per year.
• If the proposed budget is approved, (name of the taxing entity) would

increase its property tax budgeted revenue by ___% above last year's property tax budgeted revenue excluding new growth.
All concerned citizens are invited to a public hearing on the tax increase.

PUBLIC HEARING

Date/Time: (date) (time)
Location: (name of meeting place and address of meeting place)
To obtain more information regarding the tax increase, citizens may contact the (name of the taxing entity) at (phone number of taxing entity)."

[~~(3) The~~] (ii) For purposes of Subsection (3)(a)(i)(B)(I), the form and content of [~~the notice~~] an advertisement shall be {~~[~~} substantially {~~]~~} as follows:

"NOTICE OF PROPOSED TAX INCREASE
(NAME OF TAXING ENTITY)

The (name of the taxing entity) is proposing to increase its property tax revenue.

{~~• If the proposed budget is approved, this would be an increase of _____% above the (name of the taxing entity) property tax budgeted revenue for the prior year.~~}

• The (name of the taxing entity) tax on a (insert the average value of a residence in the taxing entity rounded to the nearest thousand dollars) residence would increase from $_____ to $_____, which is $_____ per year.

• The (name of the taxing entity) tax on a (insert the value of a business having the same value as the average value of a residence in the taxing entity) business would increase from $_____ to $_____, which is $_____ per year.

• If the proposed budget is approved, (name of the taxing entity) would increase its property tax budgeted revenue by ___% above last year's property tax budgeted revenue excluding new growth.

(Name of taxing entity) property tax revenue from new growth and other sources will increase from $_____ to $_____.
All concerned citizens are invited to a public hearing on the tax increase.

PUBLIC HEARING

Date/Time: (date) (time)
Location: (name of meeting place and address of meeting place)
To obtain more information regarding the tax increase, citizens may contact the (name of the taxing entity) at (phone number of taxing entity).

[~~(4)~~] (7) The commission:

(a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah

Administrative Rulemaking Act, governing the joint use of one advertisement [~~under this section or Section 59–2–918~~] described in Subsection (6) by two or more taxing entities; and
(b) may[~~, upon petition by any taxing entity,~~] authorize [~~either~~]:
(i) until January 1, 2011, the use of a weekly [~~newspapers~~] newspaper:
(A) in [~~counties~~] a county having both daily and weekly newspapers [~~where~~] if the weekly newspaper would provide equal or greater notice to the taxpayer; and
(B) if the county petitions the commission for the use of the weekly newspaper; or
(ii) the use by a taxing entity except for a calendar year taxing entity that provides the notice described in Subsection (3)(a)(i)(B)(II) of a commission[–]approved direct notice to each taxpayer if [~~the~~]:
(A) the cost of the advertisement would cause undue hardship; [~~and~~]
(B) the direct notice is different and separate from that provided for in Section 59–2–919.1[~~.~~]; and
(C) the taxing entity petitions the commission for the use of a commission approved direct notice. ; and
(2) modifying Section 59–2–919.2 enacted in H.B. 67 in the version of the Utah Code database that takes effect on January 1, 2010 as follows:
(a) in Subsection 59–2–919.2(1)(a), replace the references to "Subsection 59–2–919(7)" with "Subsection 59–2–919(8)(a)(i)";
(b) in Subsection 59–2–919.2(1)(b), replace the reference to "advertisement" with "notice";
(c) modify Subsection 59–2–919.2(2)(b)(ii) to read:
"(ii) the date, time, and location of the public hearing described in Subsection 59–2–919(8)(a)(i);";
(d) modify Subsection 59–2–919.2(4)(a) to read:
"(a) who attends the public hearing described in Subsection 59–2–919(8)(a)(i) of the taxing entity; or"; and
(e) modify Subsection 59–2–919.2(6) to read:
"(6) The publication of the list under this section does not remove or change the notice requirements of Section 59–2–919 for a taxing entity.".

Section 22. Coordinating S.B. 65 with H.B. 67 –– Substantive and technical amendments.
If this S.B. 65 and H.B. 67, Public Hearings on Property Tax Increases, both pass, it is the intent of the Legislature that the Office of Legislative

Research and General Counsel prepare the Utah Code database for publication by:
(1) modifying Subsection 59–2–919(6) as amended in this bill in the version of the Utah Code database that takes effect on January 1, 2010 as follows:
" (6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this section shall be published in a newspaper or combination of newspapers of general circulation in the taxing entity.
(b) The advertisement described in this section shall:
(i) be no less than 1/4 page in size;
(ii) use type no smaller than 18 point; and
(iii) be surrounded by a 1/4–inch border.
(c) The advertisement described in this section may not be placed in that portion of the newspaper where legal notices and classified advertisements appear.
(d) It is the intent of the Legislature that:
(i) whenever possible, the advertisement described in this section appear in a newspaper that is published at least one day per week; and
(ii) the newspaper or combination of newspapers selected:
(A) be of general interest and readership in the taxing entity; and
(B) not be of limited subject matter.
(e) (i) The advertisement described in this section shall:
{~~(i)~~} (A) except as provided in Subsection (6)(e)(ii), be run once each week for the two weeks [~~preceding the adoption of the final~~] :
(I) before a taxing entity conducts a public hearing at which the taxing entity's annual budget is discussed; and
(II) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity's certified tax rate; and
{~~(ii)~~} (B) state that the taxing entity will meet on a certain day, time, and place fixed in the advertisement, which shall be not less than seven days after the day the first advertisement is published, for the purpose of hearing comments regarding any proposed increase and to explain the reasons for the proposed increase.
(ii) If a taxing entity's public hearing information is published by the county auditor in accordance with Section 59–2–919.2, the taxing entity is not subject to the requirement to run the advertisement twice, as required by Subsection (6)(e)(i)(A), but shall run the advertisement once

during the week:
(A) before the taxing entity conducts a public hearing at which the taxing entity's annual budget is discussed; and
(B) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity's certified tax rate.
[~~(f) The meeting on the proposed increase may coincide with the hearing on the proposed budget of the taxing entity.~~]
(f) (i) For purposes of Subsection (3)(a)(i)(A) or (4)(a), the form and content of an advertisement shall be substantially as follows:

"NOTICE OF PROPOSED TAX INCREASE
(NAME OF TAXING ENTITY)

The (name of the taxing entity) is proposing to increase its property tax revenue.

{ ~~• If the proposed budget is approved, this would be an increase of % above the (name of the taxing entity) property tax budgeted revenue for the prior year.~~ }

• The (name of the taxing entity) tax on a (insert the average value of a residence in the taxing entity rounded to the nearest thousand dollars) residence would increase from $ to $, which is $ per year.

• The (name of the taxing entity) tax on a (insert the value of a business having the same value as the average value of a residence in the taxing entity) business would increase from $ to $, which is $ per year.

• If the proposed budget is approved, (name of the taxing entity) would increase its property tax budgeted revenue by % above last year's property tax budgeted revenue excluding new growth.

All concerned citizens are invited to a public hearing on the tax increase.

PUBLIC HEARING

Date/Time: (date) (time)

Location: (name of meeting place and address of meeting place)

To obtain more information regarding the tax increase, citizens may contact the (name of the taxing entity) at (phone number of taxing entity)."

[~~(3) The~~] (ii) For purposes of Subsection (3)(a)(i)(B)(I), the form and content of [~~the notice~~] an advertisement shall be {~~[~~} substantially {~~]~~} as follows:

"NOTICE OF PROPOSED TAX INCREASE
(NAME OF TAXING ENTITY)

The (name of the taxing entity) is proposing to increase its property tax revenue.

{ ~~• If the proposed budget is approved, this would be an increase of _____% above the (name of the taxing entity) property tax budgeted revenue for the prior year.~~ }

• The (name of the taxing entity) tax on a (insert the average value of a residence in the taxing entity rounded to the nearest thousand dollars) residence would increase from $_____ to $_____, which is $_____ per year.

• The (name of the taxing entity) tax on a (insert the value of a business having the same value as the average value of a residence in the taxing entity) business would increase from $_____ to $_____, which is $_____ per year.

• If the proposed budget is approved, (name of the taxing entity) would increase its property tax budgeted revenue by ____% above last year's property tax budgeted revenue excluding new growth.

(Name of taxing entity) property tax revenue from new growth and other sources will increase from $_____ to $_____.

All concerned citizens are invited to a public hearing on the tax increase.

PUBLIC HEARING

Date/Time: (date) (time)

Location: (name of meeting place and address of meeting place)

To obtain more information regarding the tax increase, citizens may contact the (name of the taxing entity) at (phone number of taxing entity). ; and

(2) modifying Section 59–2–919.2 enacted in H.B. 67 in the version of the Utah Code database that takes effect on January 1, 2010 as follows:

(a) in Subsection 59–2–919.2(1)(a), replace the references to "Subsection 59–2–919(7)" with "Subsection 59–2–919(8)(a)(i)";

(b) in Subsection 59–2–919.2(1)(b), replace the reference to "advertisement" with "notice";

(c) modify Subsection 59–2–919.2(2)(b)(ii) to read:

"(ii) the date, time, and location of the public hearing described in Subsection 59–2–919(8)(a)(i);";

(d) modify Subsection 59–2–919.2(4)(a) to read:

"(a) who attends the public hearing described in Subsection

59–2–919(8)(a)(i) of the taxing entity; or"; and
(e) modify Subsection 59–2–919.2(6) to read:
"(6) The publication of the list under this section does not remove or change the notice requirements of Section 59–2–919 for a taxing entity.".

Section 23. Coordinating S.B. 65 with S.B. 208 –– Substantive and technical amendments.
If this S.B. 65 and S.B. 208, Utah Public Notice Website Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication by modifying Subsections 59–2–919(6) and (7) as amended in this bill in the version of the Utah Code database that takes effect on May 12, 2009 as follows:
" (6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this section shall be published :
(i) in a newspaper or combination of newspapers of general circulation in the taxing entity until January 1, 2011; and
(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F–1–701 .
(b) The advertisement described in {~~this section~~} Subsection (6)(a)(i) shall:
(i) be no less than 1/4 page in size;
(ii) use type no smaller than 18 point; and
(iii) be surrounded by a 1/4–inch border.
(c) The advertisement described in {~~this section~~} Subsection (6)(a)(i) may not be placed in that portion of the newspaper where legal notices and classified advertisements appear.
(d) It is the intent of the Legislature that:
(i) whenever possible, the advertisement described in {~~this section~~} Subsection (6)(a)(i) appear in a newspaper that is published at least one day per week; and
(ii) the newspaper or combination of newspapers selected:
(A) be of general interest and readership in the taxing entity; and
(B) not be of limited subject matter.
(e) The advertisement {~~described in this section shall~~} :
(i) described in Subsection (6)(a)(i) shall:
(A) be run once each week for the two weeks [~~preceding the adoption of the final~~] :
(I) before a taxing entity conducts a public hearing at which the taxing

entity's annual budget is discussed; and
(II) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity's certified tax rate; and
{ ~~(ii)~~ } (B) state that the taxing entity will meet on a certain day, time, and place fixed in the advertisement, which shall be not less than seven days after the day the first advertisement is published, for the purpose of hearing comments regarding any proposed increase and to explain the reasons for the proposed increase { ~~.~~ } ; or
(ii) described in Subsection (6)(a)(ii) shall:
(A) be published two weeks:
(I) before a taxing entity conducts a public hearing at which the taxing entity's annual budget is discussed; and
(II) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity's certified tax rate; and
(B) state that the taxing entity will meet on a certain day, time, and place fixed in the advertisement, which shall be not less than seven days after the day the first advertisement is published, for the purpose of hearing comments regarding any proposed increase and to explain the reasons for the proposed increase.
[~~(f) The meeting on the proposed increase may coincide with the hearing on the proposed budget of the taxing entity.~~]
(f) (i) For purposes of Subsection (3)(a)(i)(A) or (4)(a), the form and content of an advertisement shall be substantially as follows:

"NOTICE OF PROPOSED TAX INCREASE
(NAME OF TAXING ENTITY)

The (name of the taxing entity) is proposing to increase its property tax revenue.

- If the proposed budget is approved, this would be an increase of _____% above the (name of the taxing entity) property tax budgeted revenue for the prior year.
- The (name of the taxing entity) tax on a (insert the average value of a residence in the taxing entity rounded to the nearest thousand dollars) residence would increase from $_____ to $_____, which is $_____ per year.
- The (name of the taxing entity) tax on a (insert the value of a business having the same value as the average value of a residence in the taxing

entity) business would increase from $_____ to $_____, which is $_____ per year.

All concerned citizens are invited to a public hearing on the tax increase.

PUBLIC HEARING

Date/Time: (date) (time)

Location: (name of meeting place and address of meeting place)

To obtain more information regarding the tax increase, citizens may contact the (name of the taxing entity) at (phone number of taxing entity)."

[~~(3) The~~] (ii) For purposes of Subsection (3)(a)(i)(B)(I), the form and content of [~~the notice~~] an advertisement shall be {~~[~~} substantially {~~]~~} as follows:

"NOTICE OF PROPOSED TAX INCREASE

(NAME OF TAXING ENTITY)

The (name of the taxing entity) is proposing to increase its property tax revenue.

- If the proposed budget is approved, this would be an increase of _____% above the (name of the taxing entity) property tax budgeted revenue for the prior year.
- The (name of the taxing entity) tax on a (insert the average value of a residence in the taxing entity rounded to the nearest thousand dollars) residence would increase from $_____ to $_____, which is $_____ per year.
- The (name of the taxing entity) tax on a (insert the value of a business having the same value as the average value of a residence in the taxing entity) business would increase from $_____ to $_____, which is $_____ per year.

(Name of taxing entity) property tax revenue from new growth and other sources will increase from $_____ to $_____.

All concerned citizens are invited to a public hearing on the tax increase.

PUBLIC HEARING

Date/Time: (date) (time)

Location: (name of meeting place and address of meeting place)

To obtain more information regarding the tax increase, citizens may contact the (name of the taxing entity) at (phone number of taxing entity)."

[~~(4)~~] (7) The commission:

(a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, governing the joint use of one

advertisement [~~under this section or Section 59–2–918~~] described in Subsection (6) by two or more taxing entities; and
(b) may[~~, upon petition by any taxing entity,~~] authorize [~~either~~]:
(i) until January 1, 2011, the use of a weekly [~~newspapers~~] newspaper:
(A) in [~~counties~~] a county having both daily and weekly newspapers [~~where~~] if the weekly newspaper would provide equal or greater notice to the taxpayer; and
(B) if the county petitions the commission for the use of the weekly newspaper; or
(ii) the use by a taxing entity except for a calendar year taxing entity that provides the notice described in Subsection (3)(a)(i)(B)(II) of a commission[–]approved direct notice to each taxpayer if [~~the~~]:
(A) the cost of the advertisement would cause undue hardship; [~~and~~]
(B) the direct notice is different and separate from that provided for in Section 59–2–919.1[~~.~~]; and
(C) the taxing entity petitions the commission for the use of a commission approved direct notice. "

Section 24. Coordinating S.B. 65 with H.B. 23 –– Substantive and technical amendments.
If this S.B. 65 and H.B. 23, Certified Tax Rate Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication by replacing the reference to "public notice and hearing requirements of Sections 59–2–918 and 59–2–919" in Subsection 59–2–924(3)(c)(viii)(B) as amended in H.B. 23 with "notice and public hearing provisions of Section 59–2–919".

Senator Stowell's motion to amend passed on a voice vote. Senator Stephenson commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy

Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Hillyard Knudson

* * *

On motion of Senator Buttars, the Senate voted to recall **1st Sub. H.B. 136**, SEX OFFENDER DEFINITION AMENDMENTS, for the purpose of amending.

* * *

On motion of Senator Bell, the circle was removed from **S.B. 209**, LAND USE, DEVELOPMENT, AND MANAGEMENT ACT AMENDMENTS, and it was before the Senate. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

1. Page 2, Line 40

40 {~~None~~} This bill coordinates with S.B. 63, Modifications to Recording Requirements, by technically and substantively superseding and merging amendments.

2. Page 16, Line 475:

475 Section 10–8–8.5, Effect of vacation or narrowing of street or alley.

Section 16. Coordinating S.B. 209 with S.B. 63 –– Technically and substantively superseding and merging amendments.

If this S.B. 209 and S.B. 63, Modifications to Recording Requirements, both pass, it is the intent of the Legislature that:

(1) the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, modify:

(a) Subsection 10–9a–606(1)(b) to read:

"(b) the separate ownership or conveyance is approved by the owners of at least 75% of the lots, units, and parcels on the plat, after the municipality gives its approval." ;

(b) Subsection 10–9a–608(1)(a) to read:

"(1)(a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition with the land use authority to have some or

all of the plat vacated or amended." ;

(c) Subsection 10–9a–609(1)(a) to read:

"(a) there is good cause for the vacation or amendment; and" ;

(d) Subsection 17–27a–606(1)(b) to read:

"(b) the separate ownership or conveyance is approved by the owners of at least 75% of the lots, units, and parcels on the plat, after the county gives its approval." ;

(e) Subsection 17–27a–608(1)(a) to read:

"(1)(a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition with the land use authority to have some or all of the plat vacated or amended." ;

(f) Subsection 17–27a–609(1)(a) to read:

"(a) there is good cause for the vacation or amendment; and" ;

(2)(a) the amendments to Section 10–9a–609.5 in this bill supersede the amendments to Section 10–9a–609.5 in S.B. 63, when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication, except that Subsection 10–9a–609.5(3), as enacted in S.B. 63, shall be inserted as a new Subsection 10–9a–609.5(3) and modified to read:

"(3) A legislative body may vacate some or all of a street, right–of–way, or easement by recording in the county recorder's office an ordinance containing a legal description of the vacated street, right–of–way, or easement or the vacated portion of the street, right–of–way, or easement, as the case may be." ; and

(b) the remaining subsections of Section 10–9a–609.5 shall be renumbered accordingly; and

(3)(a) the amendments to Section 17–27a–609.5 in this bill supersede the amendments to Section 17–27a–609.5 in S.B. 63, when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication, except that Subsection 17–27a–609.5(3), as enacted in S.B. 63, shall be inserted as a new Subsection 17–27a–609.5(3) and modified to read:

"(3) A legislative body may vacate some or all of a street, right–of–way, or easement by recording in the county recorder's office an ordinance containing a legal description of the vacated street, right–of–way, or easement or the vacated portion of the street, right–of–way, or easement, as the case may be." and

(b) the remaining subsections of Section 17–27a–609.5 shall be renumbered accordingly.

Senator Bell's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Hillyard	Liljenquist

* * *

On motion of Senator Greiner, the Senate voted to recall **H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, for the purpose of amending.

* * *

S.B. 189, AMENDMENTS TO SALES AND USE TAX, was read the second time.

Senator Niederhauser proposed the following amendment:

1. Page 1, Line 24

24 This bill provides for retrospective operation.
This bill coordinates with H.B. 403, Sales and Use Tax and Income Tax Amendments, by technically merging the amendments.

2. Page 26, Line 794:

794 (b) have retrospective operation to July 1, 2008.
Section 4. Coordinating S.B. 189 with H.B. 403, Sales and Use Tax and Income Tax Amendments — Technically merging the amendments.
If this S.B. 189 and H.B. 403, Sales and Use Tax and Income Tax Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the version of the Utah Code database that takes effect on July 1, 2009 for publication by

modifying Subsection 59–12–2003(4) to read:

"(4) The state may not impose a tax under this part on the sales and uses described in Section 59–12–104 to the extent the sales and uses are exempt from taxation under Section 59–12–104."

Senator Niederhauser's motion to amend passed on a voice vote. Senator Niederhauser explained the bill. The bill passed second reading, under suspension of the rules, on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Liljenquist	Stephenson

* * *

On motion of Senator Niederhauser, **S.B. 190**, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN, was read the second time and circled.

* * *

On motion of Senator Dayton, **1st Sub. S.B. 80**, FIRE LIABILITY MODIFICATIONS, was read the second time and circled.

* * *

S.B. 244, LONG ARM JURISDICTION AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins

Jones	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell	Bramble	Hillyard	Killpack
Knudson	Madsen	Stephenson	

* * *

S.J.R. 21, JOINT RESOLUTION ON COMBATING AND REDUCING GANG ACTIVITY, was read the second time. Senator Robles explained the bill. Senators Mayne and Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Hillyard	Killpack	Knudson
Stephenson			

* * *

On motion of Senator Dayton, the circle was removed from **1st Sub. S.B. 80**, FIRE LIABILITY MODIFICATIONS, and it was before the Senate.

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

4th Sub. S. B. 80 Fire Liability Modifications (M. Dayton)

Senator Dayton explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Hillyard	Killpack	Stephenson

* * *

On motion of Senator Niederhauser, the circle was removed from **S.B. 190**, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN, and it was before the Senate.

Senator Niederhauser proposed the following amendment:

1. Page 3, Lines 79 through 80

79 the municipality shall pay just compensation {~~for outdoor advertising and all associated property~~

80 ~~rights pertaining to the outdoor advertising~~ } to the billboard owner in an amount that is the greater of:

2. Page 3, Lines 86 through 89:

86 (A) the {~~consideration of the~~ } present value, at a fair market capitalization rate, of the greater of:

87 (I) {~~past~~ } actual annual revenue, less annual rent expense; and

88 (II) projected future annual revenue, less annual rent expense;

89 (B) any {~~property~~ } other right associated with the billboard structure that is acquired;

3. Page 4, Lines 91 through 94:

91 (D) damage to the economic unit {~~consisting of:~~

92 ~~(I) the billboard structure actually taken; and~~

93 ~~(II) remaining property, contiguous and not contiguous, to the outdoor advertising sign~~

94 ~~company's interest~~ } described in Subsection 72–7–510(3)(b), of which the billboard owner's interest is a part .

4. Page 6, Lines 175 through 176:

175 shall pay just compensation { ~~for outdoor advertising and all associated property rights pertaining~~

176 ~~to the outdoor advertising~~ } to the billboard owner in an amount that is the greater of:

5. Page 6, Line 182 through Page 7, Line 185:

182 (A) the { ~~consideration of the~~ } present value, at a fair market capitalization rate, of the greater of:

183 (I) { ~~past~~ } actual annual revenue, less annual rent expense; and

184 (II) projected future annual revenue, less annual rent expense;

185 (B) any { ~~property~~ } other right associated with the billboard structure that is acquired;

5. Page 7, Lines 187 through 190:

187 (D) damage to the economic unit { ~~consisting of:~~

188 ~~(I) the billboard structure actually taken; and~~

189 ~~(II) remaining property, contiguous and not contiguous, to the outdoor advertising sign~~

190 ~~company's interest~~ } described in Subsection 72–7–510(3)(b), of which the billboard owner's interest is a part .

Senator Niederhauser's motion to amend passed on a voice vote. Senator Niederhauser explained the bill. Senators Jones and Buttars commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins

Jenkins	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Romero	Stowell	Van Tassell	Waddoups

Voting in the negative was: Senator
Jones

Absent or not voting were: Senators

Bell	Hillyard	Killpack	Knudson
Robles	Stephenson	Urquhart	Valentine

* * *

On motion of Senator Jenkins, **S.B. 208**, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Jenkins, **S.B. 225**, HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN, was read the second time and circled.

* * *

On motion of Senator Jenkins, **S.B. 240**, UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE AMENDMENTS, was read the second time and circled.

* * *

Senator Morgan made the motion to lift **S.B. 46**, SCHOOL PROPERTY TAX EQUALIZATION AMENDMENTS, from Rules and place it at the top of the Second Reading Calendar for the purpose of substitution. Senators Bramble, Jones, and Jenkins commented and the motion passed on the following roll call:

Yeas, 15; Nays, 11; Absent, 3.

Voting in the affirmative were: Senators

Davis	Dayton	Goodfellow	Greiner
Jones	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Robles
Romero	Stephenson	Waddoups	

Voting in the negative were: Senators

Bramble	Buttars	Christensen	Hillyard
Hinkins	Jenkins	Killpack	Okerlund
Stowell	Urquhart	Van Tassell	

Absent or not voting were: Senators
Bell Knudson Valentine

S.B. 46 was placed on the Second Reading Calendar.

* * *

On motion of Senator Jenkins, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:45 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 6, 2009

The House requests the return of **H.B. 185**, TRANSPORTATION AMENDMENTS, by Representative W. Harper, for correction.

Sandy D. Tenney, Chief Clerk

H.B. 185, was returned to the House for correction.

* * *

Mr. President: March 6, 2009

The Speaker of the House has signed **S.B. 35**, SALES AND USE TAX DEFINITIONS RELATING TO PROPERTY, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 39**, IMMIGRATION 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. 56**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, by Senator S. Killpack, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 81**, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, by Senator M. Dayton, and it is transmitted for the signature of the President; and

The House passed, **S.B. 87**, PREFERRED DRUG LIST REVISIONS, by Senator A. Christensen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 118**, PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS, by Senator J. Greiner, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 35, S.B. 39, 2nd Sub. S.B. 56, 1st Sub. S.B. 81, S.B. 87, and **S.B. 118** 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, 2009

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 165**, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, by Representative M. Newbold, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 222**, UNBORN CHILD PAIN PREVENTION ACT, by Representative C. Wimmer, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

3rd Sub. H.B. 165 and **H.B. 222** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 6, 2009

The House passed, as amended, **H.B. 201**, MUNICIPAL DISINCORPORATION AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 311**, UTAH STATE RAILROAD MUSEUM AUTHORITY, by Representative N. Hansen, and it is transmitted for consideration; and

The House passed **H.B. 392**, NATURAL GAS FOR VEHICLES, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 430**, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS, by Representative K. Garn, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 439**, AMENDMENTS TO CITY OR TOWN SALES AND USE TAX FOR

BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 356**, BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed **H.B. 384**, PUBLIC LEWDNESS AMENDMENTS, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 179**, STATE–OWNED LAND AMENDMENTS, by Representative K. Gibson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 179, H.B. 201, 1st Sub. H.B. 311, H.B. 392, H.B. 430, 1st Sub. H.B. 439, 1st Sub. H.B. 356,** and **H.B. 384** were read the first time and referred to the Rules Committee.

* * *

Mr. President: March 6, 2009

The House passed, as amended, **1st Sub. S.B. 192**, CORPORATION AND BUSINESS ENTITY RELATED AMENDMENTS, by Senator L. Hillyard, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

Mr. President: March 6, 2009

The House transmits **1st Sub. H.B. 136**, SEX OFFENDER DEFINITION AMENDMENTS, by Representative P. Ray, for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Third Reading Calendar.

* * *

Mr. President: March 6, 2009

The House refused to concur with the Senate Amendments to **H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, by Representative C. Moss, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Greiner, the Senate voted to refuse to recede from its amendments to **H.B. 244**. President Waddoups appointed a conference committee consisting of Senators Greiner, Goodfellow, and Morgan to meet with a like committee from the House.

INTRODUCTION OF BILLS

S.B. 260, **Housing Relief Restricted Special Revenue Fund** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Jenkins, legislative staff was authorized to draft a bill regarding housing stimulus money.

On motion of Senator Jenkins, legislative staff was authorized to draft a bill regarding youth driver license enforcement. Senator Jones commented.

On motion of Senator Dayton, legislative staff was authorized to draft a bill regarding adjusting the dates on the legislative calendar.

SECOND READING CALENDAR

S.B. 235, REDISTRIBUTION OF SALES AND USE TAX REVENUES AND PROPERTY TAX ADJUSTMENT, was read the second time.

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

1st Sub. S.B. 235 Redistribution of Sales and Use Tax Revenues and Property Tax Adjustment (J. Valentine)

Senator Valentine proposed the following amendment:

1. Page 6, Lines 170 through 174

170 <u>(2) Subject to Subsection (3), the commission may make a redistribution to a secondary</u>

171 recipient political subdivision in an amount equal to the eligible portion of qualifying sales and

172 use tax revenues if:

173 (a) the commission provides written notice to the following {~~at least 30~~} within 15 days {~~before~~} after the

174 commission {~~makes~~} determines to make the redistribution:

Senator Valentine's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Liljenquist	Madsen	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell	Bramble	Hillyard	Killpack
Knudson	Mayne	Stephenson	

* * *

On motion of Senator Valentine, the Senate voted to lift **S.B. 214** to the top of the Second Reading Calendar.

S.B. 214, OFFICE OF CONSUMER SERVICES ACT, was read the second time. Senator Valentine explained the bill.

Senator Valentine proposed the following amendment:

1. Page 1, Lines 15 through 17

15 ▶ establishes a director of the office, including:

16 • addressing appointment; {~~and~~}

17 • addressing terms; and

• addressing removal;

1. Page 4, Lines 107 through 114
Senate Committee Amendments
2–26–2009:

107 [~~(1)~~] (2) (a) The governor shall appoint, with the [~~concurrence of the Committee of~~

108 ~~Consumer Services~~] consent of the Senate, a qualified person in the field of public utilities

109 [~~who may carry out the policies and directives of the Committee of Consumer Services.~~] to be

110 the director of the office.

111 [~~(2) This person shall:~~]

112 (b) The director shall serve for a term of Ŝ➔ [~~four~~] six ←Ŝ years.

113 (c) For purposes of the individual who is the director on May 12, 2009, that

114 individual's Ŝ➔ [~~four~~] six ←Ŝ –year term is considered to begin on July 1, 2009.

(d) The governor may remove the director for cause.

* * *

Senator Valentine's motion to amend passed on a voice vote. Senators Davis and McCoy commented. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 5; Absent, 6.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Killpack	Knudson	Madsen	Niederhauser
Okerlund	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Jones	McCoy	Morgan	Robles
Romero			

Absent or not voting were: Senators

Bell	Bramble	Goodfellow	Liljenquist
Mayne	Stephenson		

* * *

On motion of Senator Urquhart, the circle was removed from **S.B. 208**, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, and it was before the Senate.

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

2nd Sub. S.B. 208 Utah Public Notice Website Amendments (S. Urquhart)

Senator Urquhart explained the bill. Senators Hillyard, Jones, Davis, and Romero commented. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 8; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Hillyard	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McCoy	Morgan	Robles	Romero

Absent or not voting were: Senators

Bramble	Greiner	Valentine

* * *

On motion of Senator Killpack, the Senate voted to lift **1st Sub. H.J.R. 8**, JOINT RESOLUTION REGARDING SECRET BALLOT, from Rules and place it at the top of the Second Reading Calendar.

* * *

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

THIRD READING CALENDAR

On motion of Senator Knudson, the Senate voted to lift **H.B. 29, H.B. 97,** and **H.B. 265** from the Third Reading Table and place them on the Third Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Killpack, the Senate voted to consider a House bill on a Senate day.

* * *

1st Sub. H.J.R. 8, JOINT RESOLUTION REGARDING SECRET BALLOT, was read the second time. Senator Stephenson explained the bill. Senators Robles, McCoy, Goodfellow, Romero, Davis, and Mayne commented.

On motion of Senator Stephenson, under suspension of the rules, **1st Sub. H.J.R. 8**, JOINT RESOLUTION REGARDING SECRET BALLOT, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Killpack	Knudson	Liljenquist
Madsen	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McCoy	Morgan	Robles	Romero

1st Sub. H.J.R. 8 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 Killpack, University of Utah President, Michael Young spoke in Committee of the Whole. An honorary degree was presented to Senator Peter Knudson.

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 6, 2009

The House transmits, as amended, **H.B. 185**, TRANSPORTATION AMENDMENTS, by Representative W. Harper, after technical corrections.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 185** was referred to the Rules Committee.

Mr. President: March 6, 2009

The House passed **H.B. 425**, CARSON SMITH SCHOLARSHIP PROGRAM AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 425** was read the first time and referred to the Rules Committee.

Mr. President: March 6, 2009

The Speaker of the House has appointed a Conference Committee consisting of Representatives C. Moss, G. Hughes, and K. Holdaway to meet with a like committee from the Senate to consider or amend **H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, by Representative C. Moss.

Sandy D. Tenney, Chief Clerk

* * *

On motion of Senator Killpack and at 4:35 p.m., the Senate adjourned until 8:00 a.m., Monday, March 9, 2009.

FORTY–SECOND DAY

MORNING SESSION

March 9, 2009

The Senate was called to order at 8:20 a.m., with President Michael Waddoups presiding.

Prayer – Major General Brian L. Tarbet, Adjutant General, Utah National Guard
Pledge of Allegiance – Senator David Hinkins
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

INTRODUCTION OF BILLS

S.B. 2, **New Fiscal Year Supplemental Appropriations Act** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

H.B. 29, SEX OFFENDERS' CONTACT WITH CHILDREN, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Davis	Stephenson	Urquhart

H.B. 29, as amended, was returned to the House for further consideration.

CONCURRENCE CALENDAR

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **1st Sub. S.B. 192**, CORPORATION AND BUSINESS ENTITY RELATED AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Stephenson	Urquhart

1st Sub. S.B. 192 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 97, SEXUAL EXPLOITATION OF A MINOR, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Niederhauser	Stephenson

H.B. 97 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 265, POSTMORTEM PROCEDURES AMENDMENTS, was read the third time and explained by Senator Robles. Senators Greiner, Jenkins, Buttars, and Christensen commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Goodfellow	Hinkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell		

Voting in the negative were: Senators

Bell	Dayton	Greiner	Jenkins
Knudson	Waddoups		

Absent or not voting was: Senator
Hillyard

HB. 265 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. 136, SEX OFFENDER DEFINITION AMENDMENTS, was read the third time and explained by Senator Buttars.

Senator Buttars proposed the following amendment:

1. Page 7, Line 186:
   Delete "three" and insert "four"

Senator Buttars' motion to amend passed on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

1st Sub. H.B. 136, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Knudson, the circle was removed from **2nd Sub. S.B. 79**, HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, and it was before the Senate.

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

3rd Sub. S.B. 79 Health Reform – Medical Malpractice Amendments (P. Knudson)

Senator Knudson explained the bill. Senators Valentine, Romero, Christensen, and Jones commented. The bill passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators
Hillyard Madsen

3rd Sub. S.B. 79 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 84, IMPACT FEES REVISIONS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Greiner	Hillyard

1st Sub. S.B. 84 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 106, ALCOHOLIC BEVERAGE CONTROL ACT RESTRICTIONS, was read the third time, explained by Senator McCoy, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Greiner	Hillyard

1st Sub. S.B. 106 was transmitted to the House for consideration.

* * *

On motion of Senator Madsen, the circle was removed from **1st Sub. H.B. 126**, VOTER IDENTIFICATION FOR ELECTIONS, and it was before the Senate.

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

2nd Sub. H.B. 126 Voter Identification for Elections (B. Daw)

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

McCoy	Robles	Romero

2nd Sub. H.B. 126 was returned to the House for further consideration.

* * *

On motion of Senator Greiner, the Senate voted to lift **S.B. 90**, METAL THEFT AMENDMENTS AND PENALTIES, from enrolling and place it at the top of the Third Reading Calendar.

S.B. 90, METAL THEFT AMENDMENTS AND PENALTIES, was before the Senate, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Mayne	Niederhauser

S.B. 90 was transmitted to the House.

* * *

1st Sub. S.B. 63, MODIFICATIONS TO RECORDING REQUIREMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Greiner Niederhauser

1st Sub. S.B. 63 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 224, REUSE OF INDUSTRIAL BYPRODUCT, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Greiner

1st Sub. S.B. 224 was transmitted to the House for consideration.

* * *

S.B. 211, BUILDING CODE AMENDMENTS, was read the third time and explained by Senator Bramble. Senator McCoy, Hillyard, and Jenkins commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Christensen	Niederhauser

S.B. 211 was transmitted to the House for consideration.

* * *

S.B. 65, AMENDMENTS TO PROPERTY TAX NOTICE, PUBLIC HEARING, AND RESOLUTION PROVISIONS, was read the third time and explained by Senator Stowell.

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

1st Sub. S.B. 65 Amendments to Property Tax Notice, Public Hearing, and Resolution Provisions (S. Stowell)

Senator Stowell explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Christensen	Greiner	Niederhauser

1st Sub. S.B. 65 was transmitted to the House for consideration.

* * *

S.B. 209, LAND USE, DEVELOPMENT, AND MANAGEMENT ACT AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Bramble	Christensen	Hillyard	Van Tassell

S.B. 209 was transmitted to the House for consideration.

* * *

S.B. 189, AMENDMENTS TO SALES AND USE TAX, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Christensen	Hillyard

S.B. 189 was transmitted to the House for consideration.

* * *

S.B. 244, LONG ARM JURISDICTION AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Christensen	Hillyard	Knudson

S.B. 244 was transmitted to the House for consideration.

* * *

S.J.R. 21, JOINT RESOLUTION ON COMBATING AND REDUCING GANG ACTIVITY, was read the third time, explained by Senator Robles, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Christensen	Davis	Jenkins
Knudson	Valentine		

S.J.R. 21 was transmitted to the House for consideration.

* * *

4th Sub. S.B. 80, FIRE LIABILITY MODIFICATIONS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Bramble

4th Sub. S.B. 80 was transmitted to the House for consideration.

* * *

On motion of Senator Niederhauser, **S.B. 190**, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN, was read the third time and circled.

* * *

1st Sub. S.B. 235, REDISTRIBUTION OF SALES AND USE TAX REVENUES, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Greiner	Hillyard	Niederhauser

1st Sub. S.B. 235 was transmitted to the House for consideration.

* * *

S.B. 214, OFFICE OF CONSUMER SERVICES ACT, was read the third time and explained by Senator Valentine. Senator Bell commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Killpack	Knudson	Liljenquist
Madsen	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McCoy	Morgan	Robles	Romero

S.B. 214 was transmitted to the House for consideration.

* * *

2nd Sub. S.B. 208, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, was read the third time and explained by Senator Urquhart. Senator Bramble commented and the bill passed on the following roll call:

Yeas, 19; Nays, 10; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Killpack	Knudson	Liljenquist
Madsen	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Waddoups	

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McCoy	Morgan	Robles	Romero
Valentine	Van Tassell		

2nd Sub. S.B. 208 was transmitted to the House for consideration.

* * *

On motion of Senator Hillyard, the Senate voted to lift **S.B. 2**, NEW FISCAL YEAR APPROPRIATIONS ACT, from Rules and place it at the top of the Second Reading Calendar.

* * *

On motion of Senator Killpack, and at 10:10 a.m., the Senate sauntered.

The Senate was called to order at 10:55 a.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 9, 2009

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 100**, DEPARTMENT OF CORRECTIONS – TRACKING AND REIMBURSEMENT OF INDIVIDUAL PRISONER COSTS, by Representative C. Wimmer, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 128**, ELECTRONIC PRESCRIBING ACT, 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. 152**, APPRAISAL MANAGEMENT COMPANY REGULATION, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 170**, INSURANCE AND LIFE SETTLEMENT 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. 188**, HEALTH SYSTEM REFORM – INSURANCE MARKET, by Representative D. Clark, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 317**, CAPITAL FELONY AMENDMENTS, by Representative C. Wimmer, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. H.B. 100, H.B. 128, H.B. 152, H.B. 170, 2nd Sub. H.B. 188, and **H.B. 317** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 9, 2009

The House passed, as substituted, **1st Sub. H.B. 337**, CHOOSE LIFE SPECIAL GROUP LICENSE PLATE, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 450**, TRADEMARK AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.J.R. 9**, JOINT RESOLUTION ON COST–EFFECTIVE ENERGY EFFICIENCY AND UTILITY DEMAND–SIDE MANAGEMENT, by Representative R. Barrus, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 337, H.B. 450,** and **1st Sub. H.J.R. 9** were read the first time and referred to the Rules Committee.

THIRD READING CALENDAR

On motion of Senator Niederhauser, the circle was removed from **S.B. 190**, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN, and it was before the Senate. Senator Niederhauser explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Madsen	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Jenkins	Mayne	Van Tassell

S.B. 190 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Valentine, the Senate voted to lift **S.B. 187**, ALCOHOL AMENDMENTS, to the top of the Second Reading Calendar.

S.B. 187, ALCOHOL AMENDMENTS, was read the second time.

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

1st Sub. S.B. 187 Alcohol Amendments (J. Valentine)

On motion of Senator Valentine, the bill was circled.

* * *

S.B. 188, IMPROVEMENT DISTRICT – PROVIDING ELECTRIC SERVICE, was read the second time. Senator Stowell explained the bill. Senator Niederhauser commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Greiner	Mayne	Niederhauser

* * *

S.B. 2, NEW FISCAL YEAR APPROPRIATIONS ACT, was read the second time.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Killpack, the circle was removed from **S.B. 68**, MINING PROTECTION AMENDMENTS, and it was before the Senate.

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

1st Sub. S.B. 68 Mining Protection Amendments (S. Killpack)

Senator Killpack proposed the following amendment:

1. Page 11, Line 317

   317 (b) may be changed to another mining use without losing its status as a vested mining use.

2. Page 11, Line 335:

   335 (i) is contiguous {~~or~~} and related in mineralization to surface or subsurface land or a mineral

3. Page 12, Line 362:

   362 {~~regularly scheduled~~} available meeting that is more than {~~five~~} ten days after receiving the notice under

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

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

McCoy	Morgan

Absent or not voting were: Senators

Goodfellow	Knudson	Robles

* * *

S.B. 223, CITY AND COUNTY CARBON CREDITS FOR SEQUESTRATION OF WASTE STREAM MATERIALS, was read the second time. Senator Romero explained the bill. Senators Jenkins, Niederhauser, Buttars, and Dayton commented. The bill failed second reading on the following roll call:

Yeas, 9; Nays, 17; Absent, 3.

Voting in the affirmative were: Senators

Davis	Goodfellow	Jones	Knudson
Mayne	McCoy	Morgan	Robles
Romero			

Voting in the negative were: Senators

Bell	Buttars	Christensen	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Killpack	Liljenquist	Madsen	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
Waddoups			

Absent or not voting were: Senators

Bramble	Valentine	Van Tassell

The bill was filed.

SPECIAL PRESENTATION

A citation was read honoring the Utah Department of Transportation Dive Team, Grand County Sheriff's Office, Grand County Sheriff's Office Search and Rescue Team, Utah Department of Natural Resources, Moab Valley Police Department and the U.S. National Park Service.

SECOND READING CALENDAR

S.B. 269, PUBLIC UTILITY EASEMENT AMENDMENTS, was read the second time. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

1. Page 3, Lines 65 through 65a
   Senate Committee Amendments
   2–26–2009

   65 does not diminish or extinguish any right that the gas corporation Ŝ➔ or electric corporation ←Ŝ

   65a has under the easement.
   (8) Nothing in this section may be construed to affect the right of a condemnor to condemn a public utility easement as provided by law.

Senator Bell's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars	Hillyard	Hinkins	Niederhauser
Valentine			

* * *

On motion of Senator Killpack, and at 11:50 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 3:00 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 9, 2009

The Speaker of the House has signed **1st Sub. S.B. 192**, CORPORATION AND BUSINESS ENTITY RELATED AMENDMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 192 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 9, 2009

The House passed **H.B. 101**, ASSERTIVE COMMUNITY MENTAL HEALTH TREATMENT PILOT PROGRAM, by Representative C. Moss, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 171**, LEGAL IMMIGRANT CHILDREN HEALTH CARE AMENDMENTS, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 276**, CUSTODIAL INTERFERENCE AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 340**, RESPITE CARE ASSISTANCE FUND, by Representative J. Draxler, and it is transmitted for consideration; and

The House passed **H.B. 362**, GOVERNMENT RECORDS AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 101, H.B. 171, H.B. 276, 1st Sub. H.B. 340,** and **H.B. 362** were read the first time and referred to the Rules Committee.

INTRODUCTION OF BILLS

S.B. 257, **Disaster Recovery Fund Funding Modifications** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 258, **Medicaid Drug Program Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 259, **Public Safety Restricted Account Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.J.R. 22, **Resolution Approving Contract for Construction of Utah Science Technology and Research Initiative Centers** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.J.R. 23, **Joint Rules Resolution Date Changes** (M. Dayton), read the first time by short title and referred to the Rules Committee.

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: March 9, 2009

the Joint Conference Committee comprised of Sens. J. Greiner, B. Goodfellow, and K. Morgan, and Reps. C. Moss, G. Hughes, and K. Holdaway, recommends **H.B. 244,** DISRUPTION OF SCHOOL ACTIVITIES, by

Representative C. Moss, be replaced and favorably recommenda **1st Sub. H.B. 244,** DISRUPTION OF SCHOOL ACTIVITIES.

Sen. Jon Greiner and
Rep. Carol Moss, Chairs

1st Sub. H.B. 244, DISRUPTION OF SCHOOL ACTIVITIES, was before the Senate, explained by Senator Greiner, and passed on the following roll call:

Yeas, 21; Nays, 3; Absent, 5.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Greiner
Hillyard	Hinkins	Jones	Killpack
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Dayton	Jenkins	Madsen

Absent or not voting were: Senators

Bell	Bramble	Goodfellow	Knudson
Stowell			

1st Sub. H.B. 244 was returned to the House.

* * *

On motion of Senator Killpack, under suspension of the rules, the Senate voted to consider bills on the Second Reading Calendar read for the second and third time.

* * *

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

THIRD READING CALENDAR

On motion of Senator Bramble, the circle was removed from **H.B. 122**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Morgan	Okerlund	Robles
Stephenson	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

McCoy	Romero

Absent or not voting were: Senators

Niederhauser	Stowell	Urquhart

H.B. 122 was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 9, 2009

The House passed **H.J.R. 28**, JOINT RESOLUTION HONORING THE BATTLESHIP USS UTAH ON ITS 100TH ANNIVERSARY, by Representative Julie Fisher, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.J.R. 28** was read the first time and referred to the Rules Committee.

On motion of Senator Knudson, under suspension of the rules, the Senate voted to lift **H.J.R. 28** from the Rules Committee and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Knudson, under suspension of the rules, **H.J.R. 28**, JOINT RESOLUTION HONORING THE BATTLESHIP USS UTAH ON ITS 100TH ANNIVERSARY, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Niederhauser	Urquhart

H.J.R. 28 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. 225**, HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN, and it was before the Senate. Senator Robles explained the bill. Senators Knudson and Stowell commented. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 6; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Goodfellow
Hillyard	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stowell	Valentine	Van Tassell	

Voting in the negative were: Senators

Dayton	Greiner	Hinkins	Madsen
Stephenson	Waddoups		

Absent or not voting were: Senators

Bramble	Christensen	Niederhauser	Urquhart

* * *

On motion of Senator Madsen, under suspension of the rules, **S.B. 216**, REVISIONS TO MILITARY INSTALLATION DEVELOPMENT AUTHORITY ACT, was considered read the second and third times. Senator Madsen explained the bill.

Senator Killpack proposed the following amendment:

1. Page 1, Line 21

21 This bill {~~provides an immediate effective date~~} takes effect October 1, 2009 .

2. Page 6, Lines 159 through 162:

159 {~~If approved by two-thirds of all the members elected to each house, this bill takes effect~~

160 ~~upon approval by the governor, or the day following the constitutional time limit of Utah~~

161 ~~Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,~~

162 ~~the date of veto override~~ } This bill takes effect October 1, 2009 .

Senator Killpack's motion to amend passed on a voice vote. Senators Jones and Romero commented. The bill passed on the following roll call:

Yeas, 19; Nays, 10; Absent, 0.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Greiner	Hillyard	Hinkins	Killpack
Knudson	Liljenquist	Madsen	Morgan
Niederhauser	Okerlund	Stephenson	Stowell
Urquhart	Valentine	Waddoups	

Voting in the negative were: Senators

Bell	Davis	Goodfellow	Jenkins
Jones	Mayne	McCoy	Robles
Romero	Van Tassell		

S.B. 216 was transmitted to the House.

* * *

On motion of Senator Okerlund, **S.B. 234**, MOTOR VEHICLE REGISTRATION FEES, was read the second time and circled.

* * *

On motion of Senator McCoy, under suspension of the rules, **S.B. 166**, ALCOHOLIC BEVERAGE CONTROL ACT, was considered read the second

and third times. Senator McCoy explained the bill. The bill passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative was: Senator
Buttars

Absent or not voting were: Senators
Christensen Morgan

S.B. 166 was transmitted to the House.

* * *

On motion of Senator Valentine, the circle was removed from **1st Sub. S.B. 187**, ALCOHOL AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill.

Senator Valentine proposed the following amendment:

1. Page 191, Lines 5894 through 5909

5894 (1) This bill takes effect on May 12, 2009 except:

5895 (a) the amendments in this bill to the following take effect on July 1, 2009:

5896 (i) Section 32A–5–101;

5897 (ii) Section 32A–5–102, except for Subsection 32A–5–102(1)(j);

5898 (iii) Section 32A–5–103 (Effective 07/01/09);

5899 (iv) Section 32A–5–104;

5900 (v) Section 32A–5–106; {~~and~~ }

5901 (vi) Section 32A–5–107;
(vii) Section 11–10–1;
(viii) Section 26–38–2;
(ix) Section 26–38–3;
(x) Subsections 32A–1–105(12), (23), (35), and the existing (64) that defines a "visitor";
(xi) Section 32A–1–304.5;
(xii) Section 32A–1–603;
(xiii) Section 32A–12–209.5; and
(xiv) Section 53–10–305;

5902 (b) the amendments in this bill to the following take effect on January 1, 2010:

5903 (i) Section 32A–4–102;

5904 (ii) Section 32A–4–202;

5905 (iii) Section 32A–4–303;

5906 (iv) Section 32A–4–402;

5907 (v) Section 32A–10–202; and

5908 (vi) Section 32A–14a–102 and

5909 (c) Subsection 32A–5–102(1)(j) takes effect on July 1, 2010.

Senator Valentine's motion to amend passed on a voice vote.

On motion of Senator Valentine, under suspension of the rules, **1st Sub. S.B. 187**, ALCOHOL AMENDMENTS, was considered read the second and third times. Senator Valentine explained the bill. Senators McCoy, Romero, and Van Tassell commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Bramble

1st Sub. S.B. 187 was transmitted to the House.

INTRODUCTION OF BILLS

S.B. 201, **General Obligation Bond Authorization Amendments** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 272, **Driver License Sanction Amendments** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Dayton, the Senate voted to lift the following bills from the Rules Committee and place them at the top of the Second Reading Calendar:

S.B. 272, S.B. 201, S.B. 257, S.B. 258, S.B. 259, S.B. 260, S.J.R. 22, and **S.J.R. 23**

* * *

On motion of Senator Jenkins, under suspension of the rules, **S.B. 272**, DRIVER LICENSE SANCTIONS AMENDMENTS, was considered read the second and third times. Senator Jenkins explained the bill. Senators Greiner and Valentine commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator
Greiner

S.B. 272 was transmitted to the House.

* * *

On motion of Senator Niederhauser, under suspension of the rules, **S.B. 201**, GENERAL OBLIGATION BOND AUTHORIZATION AMENDMENTS, was

considered read the second and third times. Senator Niederhauser explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Goodfellow

S.B. 201 was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, **S.B. 257**, DISASTER RECOVERY FUND FUNDING MODIFICATIONS, was considered read the second and third times. Senator Hillyard explained the bill. Senator Romero commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Goodfellow	Madsen	Niederhauser
Valentine			

S.B. 257 was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, **S.B. 258**, MEDICAID DRUG PROGRAM AMENDMENTS, was considered read the

second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Madsen	Valentine

S.B. 258 was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, **S.B. 259**, PUBLIC SAFETY RESTRICTED ACCOUNT AMENDMENTS, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Madsen	Niederhauser	Valentine

S.B. 259 was transmitted to the House.

* * *

On motion of Senator Jenkins, under suspension of the rules, **S.B. 260**, HOUSING RELIEF RESTRICTED SPECIAL REVENUE FUND, was

considered read the second and third times. Senator Jenkins explained the bill. Senators Mayne and Greiner commented. The bill passed on the following roll call:

Yeas, 22; Nays, 5; Absent, 2.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Van Tassell	Waddoups		

Voting in the negative were: Senators

Buttars	Dayton	Hinkins	Madsen
Stephenson			

Absent or not voting were: Senators

Bramble	Valentine

S.B. 260 was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, **S.J.R. 22**, RESOLUTION APPROVING CONTRACT FOR CONSTRUCTION OF UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE CENTERS, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Voting in the negative were: Senators

Buttars	Dayton

Absent or not voting were: Senators

Bramble	Madsen	Valentine

S.J.R. 22 was transmitted to the House.

* * *

On motion of Senator Dayton, under suspension of the rules, **S.J.R. 23**, JOINT RULES RESOLUTION DATE CHANGES, was considered read the second and third times. Senator Dayton explained the bill. Senator Davis commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Killpack	Madsen	Valentine

S.J.R. 23 was transmitted to the House.

* * *

On motion of Senator Hillyard, **S.B. 230**, CONSTRUCTION PAYMENT AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Hillyard, the circle was removed from **S.B. 2**, NEW FISCAL YEAR APPROPRIATIONS ACT, and it was before the Senate.

Senator Hillyard proposed the following amendment:

1. Page 16, Line 570:
   Delete “GFR” and insert “General Fund Restricted”

2. Page 24, Line 891:
   Delete “270,000” and insert “1,225,000”

3. Page 24, Line 893:
   Delete "2,282,400" and insert "3,237,400"

4. Page 24, Line 897:
   Delete Line 897

5. Page 24, Line 902:
   Delete "1,942,600" and insert "987,600"

6. Page 58, Line 2194:
   Delete "5,647,000" and insert "2,947,000" and after Line 2194 insert "From Uniform School Fund, One–time 2,700,000"

7. Page 141, Line 5345:
   After "Change on Name of Division Records (per occurrence)" insert "20.00"

Senator Hillyard's motion to amend passed on a voice vote. Senator Hillyard explained the bill.

On motion of Senator Hillyard, under suspension of the rules, **S.B. 2**, NEW FISCAL YEAR APPROPRIATIONS ACT, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator
McCoy

Absent or not voting were: Senators

Bramble	Killpack	Madsen

S.B. 2 was transmitted to the House.

* * *

On motion of Senator Niederhauser, under suspension of the rules, **1st Sub. S.B. 270**, GIFT CARD AMENDMENTS, was considered read the second and

third times. Senator Niederhauser explained the bill. Senator Jones commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jones	Killpack	Knudson	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Hillyard	Jenkins	Madsen

1st Sub. S.B. 270 was transmitted to the House.

* * *

On motion of Senator Bramble, the circle was removed from **S.B. 230**, CONSTRUCTION PAYMENT AMENDMENTS, and it was before the Senate.

Senator Bramble proposed the following amendment:

1. Page 6, Lines 153 through 159

153 (1) (a) Upon final completion of a construction project and in accordance with Section

154 38–1–40:

155 (i) an owner of a construction project or an original contractor {~~[~~} may {~~]~~} {~~shall~~ } file a notice

156 of completion with the database; [~~and~~] or

157 (ii) a lender that has provided financing for the construction project, a surety that has

158 provided bonding for the construction project, or a title company issuing a title insurance

159 policy on the construction project, {~~[~~} may {~~]~~} {~~shall~~ } file a notice of completion.

2. Page 8, Lines 216 through 219:

216 (1) An owner, as defined in Section 14–2–1, or a contractor of a commercial

217 nonresidential construction project shall file a notice of intent to file a notice of completion

218 with the database in accordance with the provisions of Section 38–1–33 if:

219 (a) the completion of performance time under the contract is greater than 120 days;

3. Page 8, Lines 223 through 225:

223 (2) The notice of intent described in Subsection (1) shall be filed at least 45 days before

224 the day on which the owner or contractor of a commercial nonresidential construction project

225 files or could have filed a notice of completion under Section 38–1–33.

4. Page 8, Lines 229 through 233:

229 (a) that includes:

230 (i) the total amount remaining due under the contract {~~;~~

231 ~~(ii)~~ } , a purchase order , or agreement relating to the person's labor, materials, and services;

232 and

233 {~~(iii)~~ } (ii) a separate statement of all known amounts or categories of work in dispute; and

5. Page 8, Lines 240 through 242:

240 (b) A demand for adequate assurance as described in Subsection (4)(a) may include a

241 request for a statement from the owner, contractor, or subcontractor that the owner, contractor,

242 or subcontractor has sufficient funds dedicated and available to pay for all sums due or that will become due

6. Page 9, Line 261:

261 payment of the remaining contract balance claimed by the person seeking adequate assurance for completion of the construction project, including:

7. Page 10, Lines 277 through 278:

277 (7) A court shall award reasonable attorney fees to a prevailing party for an action {– ~~upon~~

278 ~~a payment bond~~ } brought under this section.

Senator Bramble's motion to amend passed on a voice vote.

On motion of Senator Bramble, under suspension of the rules, **S.B. 230**, CONSTRUCTION PAYMENT AMENDMENTS, was considered read the second and third times. Senator Romero declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Hillyard	Urquhart

S.B. 230 was transmitted to the House.

* * *

On motion of Senator Robles, under suspension of the rules, **S.B. 74**, AT–RISK STUDENT PROVISIONS, was considered read the second and third times. Senator Robles explained the bill. Senator Dayton commented. The bill passed on the following roll call:

Yeas, 24; Nays, 3; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard

Hinkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Van Tassell	Waddoups

Voting in the negative were: Senators

Dayton	Jenkins	Madsen

Absent or not voting were: Senators

Urquhart	Valentine

S.B. 74 was transmitted to the House.

* * *

On motion of Senator Madsen, under suspension of the rules, **S.B. 241**, INSTRUCTION EXPENSES REQUIREMENTS, was considered read the second and third times. Senator Madsen explained the bill. Senators Greiner, Hillyard, and Jones commented. The bill failed on the following roll call:

Yeas, 12; Nays, 17; Absent, 0.

Voting in the affirmative were: Senators

Bramble	Buttars	Dayton	Jenkins
Killpack	Liljenquist	Madsen	Niederhauser
Stephenson	Stowell	Valentine	Waddoups

Voting in the negative were: Senators

Bell	Christensen	Davis	Goodfellow
Greiner	Hillyard	Hinkins	Jones
Knudson	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Urquhart
Van Tassell			

S.B. 241 was filed.

* * *

2nd Sub. S.B. 41, SITING OF HIGH VOLTAGE POWER LINE ACT, was read the second time.

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

3rd Sub. S.B. 41 Siting of High Voltage Power Line Act (P. Knudson)

On motion of Senator Knudson, under suspension of the rules, **3rd Sub. S.B. 41**, SITING OF HIGH VOLTAGE POWER LINE ACT, was considered read the second and third times. Senator Knudson explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Greiner	Hillyard	Stephenson	Urquhart

3rd Sub. S.B. 41 was transmitted to the House.

* * *

On motion of Senator Liljenquist, **S.B. 195**, PUBLIC EMPLOYEE DEFINED CONTRIBUTION AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Madsen, **S.B. 236**, UNINSURED AND UNDERINSURED MOTORIST COVERAGE AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Madsen, the circle was removed from **1st Sub. S.B. 69**, PROOF OF CITIZENSHIP REQUIRED TO VOTE, and it was before the Senate. Senator Madsen explained the bill.

Senator Madsen proposed the following amendment:

1. Page 13, Lines 391 through 395

391 ENROLLMENT LIST; {~~OR~~ }

392 (H) OTHER DOCUMENTATION ESTABLISHING THAT YOU ARE A MEMBER

393 OF A FEDERALLY RECOGNIZED INDIAN TRIBE OR BAND, ALASKAN NATIVE

394 VILLAGE, OR OTHER TRIBE RECOGNIZED BY FEDERAL LAW OR FORMALLY

395 ACKNOWLEDGED BY A STATE {~~,~~ } ; OR
(I) AN OFFICIAL STATEMENT FROM THE FEDERAL SOCIAL SECURITY ADMINISTRATION INDICATING THAT YOU ARE A CITIZEN.

2. Page 17, Lines 511 through 512:

511 enrollment list; {~~or~~ }

512 (ix) other documentation establishing that the applicant is a member of a tribe {~~,~~ } or
(x) an official statement from the federal Social Security Administration indicating that the applicant is a citizen.

3. Page 40, Lines 1208 through 1212:

1208 ENROLLMENT LIST; {~~OR~~ }

1209 (I) OTHER DOCUMENTATION ESTABLISHING THAT YOU ARE A MEMBER

1210 OF A FEDERALLY RECOGNIZED INDIAN TRIBE OR BAND, ALASKAN NATIVE

1211 VILLAGE, OR OTHER TRIBE RECOGNIZED BY FEDERAL LAW OR FORMALLY

1212 ACKNOWLEDGED BY A STATE {~~,~~ } ; OR
(J) AN OFFICIAL STATEMENT FROM THE FEDERAL SOCIAL SECURITY ADMINISTRATION INDICATING THAT YOU ARE A CITIZEN.

4. Page 42, Lines 1283 through 1284:

1283 enrollment list; {~~or~~ }

1284 (x) other documentation establishing that the applicant is a member of a tribe {~~,~~ } ; or

(xi) an official statement from the federal Social Security Administration indicating that the applicant is a citizen.

Senator Madsen's motion to amend passed on a voice vote.

On motion of Senator Madsen, under suspension of the rules, **1st Sub. S.B. 69,** PROOF OF CITIZENSHIP REQUIRED TO VOTE**,** was considered read the second and third times. Senator Madsen explained the bill. Senator Robles commented. The bill passed on the following roll call:

Yeas, 22; Nays, 7; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Killpack	Knudson	Liljenquist
Madsen	Mayne	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Davis	Goodfellow	Jones	McCoy
Morgan	Robles	Romero	

1st Sub. S.B. 69 was transmitted to the House.

* * *

On motion of Senator Niederhauser, under suspension of the rules, **S.B. 5**, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, was considered read the second and third times. Senator Niederhauser explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Bell Knudson

S.B. 5 was transmitted to the House.

* * *

On motion of Senator Bramble, under suspension of the rules, **3rd Sub. S.B. 76**, ENERGY AMENDMENTS, was considered read the second and third times. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 17, Lines 496 through 499

496 63H–2–503. Audits.

497 { ~~The authority shall comply with the audit requirements of Title 51, Chapter 2a.~~

498 ~~Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local~~

499 ~~Entities Act.~~ }
(1) The state auditor may audit or contract with an independent certified public accountant to audit the books and accounts of the authority, including compliance with this chapter.
(2) The authority shall reimburse the state auditor from the authority's available moneys for the actual and necessary costs of an audit conducted under Subsection (1).

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

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell	Jenkins	Knudson	Stephenson

3rd Sub. S.B. 76 was transmitted to the House.

THIRD READING CALENDAR

On motion of Senator Killpack, under suspension of the rules, the Senate voted to consider rules under the line on the Third Reading Calendar

* * *

S.B. 188, IMPROVEMENT DISTRICT – PROVIDING ELECTRIC SERVICE, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Goodfellow	Hillyard	Knudson

S.B. 188 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 68, MINING PROTECTION AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 25; Nays, 3; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

McCoy	Morgan	Robles

Absent or not voting was: Senator

Knudson

1st Sub. S.B. 68 was transmitted to the House for consideration.

* * *

S.B. 269, PUBLIC UTILITY EASEMENT AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Van Tassell	Waddoups		

Absent or not voting were: Senators

Stephenson	Urquhart	Valentine

S.B. 269 was transmitted to the House for consideration.

* * *

S.B. 225, HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN, was read the third time, explained by Senator Robles, and passed on the following roll call:

Yeas, 15; Nays, 14; Absent, 0.

Voting in the affirmative were: Senators

Bell	Davis	Goodfellow	Hillyard
Jones	Liljenquist	Mayne	McCoy
Morgan	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	

Voting in the negative were: Senators

Bramble	Buttars	Christensen	Dayton
Greiner	Hinkins	Jenkins	Killpack
Knudson	Madsen	Niederhauser	Okerlund
Stephenson	Waddoups		

S.B. 225 was transmitted to the House for consideration.

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COMMUNICATIONS FROM THE HOUSE

Mr. President: March 9, 2009

The House adopted the Joint Conference Committee Report dated March 9, 2009, and passed **1st Sub. H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, by Representative C. Moss, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. 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.

* * *

Mr. President: March 9, 2009

The House passed, as amended, **H.B. 173**, OUTDOOR GUIDES AND OUTFITTERS LICENSING ACT, by Representative E. Vickers, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 198**, MARRIAGE LICENSE FEE AMENDMENTS, by Representative C. Johnson, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 256**, LIVESTOCK WATERING RIGHTS AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed **H.B. 307**, TOURISM MARKETING PERFORMANCE ACCOUNT AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 326**, FORCIBLE ENTRY AND DETAINER AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 333**, MOTOR VEHICLE IMPOUND AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 347**, ALCOHOLIC BEVERAGE CONTROL ACT MODIFICATIONS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 370**, DISABLED PARKING VIOLATION AMENDMENTS, by Representative S. Mascaro, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 376**, REVISIONS TO ALCOHOLIC BEVERAGE CONTROL ACT, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed **H.B. 377**, JUDICIAL CODE AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed **H.B. 378**, CIRCUIT BREAKER AMENDMENTS, by Representative T. Cosgrove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 379**, ENVIRONMENTAL LITIGATION BOND, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 404**, DISCLOSURE OF REAL PROPERTY , by Representative M. Newbold, and it is transmitted for consideration; and

The House passed **H.B. 411**, UTAH TECHNOLOGY GOVERNANCE ACT AMENDMENTS, by Representative S. Clark, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 437**, OBSTRUCTION OF NATURAL RESOURCE OR AGRICULTURAL PRODUCTION, by Representative M. Noel, and it is transmitted for consideration; and

The House passed **H.B. 445**, HEALTH PROGRAM REVISIONS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 451**, PUBLIC EMPLOYEES' BENEFIT AND INSURANCE PROGRAM AMENDMENTS, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 457**, TRUTH IN MUSIC, by Representative G. Hughes, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 173, H.B. 198, 1st Sub. H.B. 256,H.B. 307, 1st Sub. H.B. 326,H.B. 333, 1st Sub. H.B. 347, 1st Sub. H.B. 370, H.B. 376,H.B. 377, H.B. 378, H.B. 379, 1st sub. H.B. 404, H.B. 411,**

H.B. 437,H.B. 445, H.B. 451, and **H.B. 457** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Killpack, the Senate voted to lift the following bills from Rules and place them on the Consent Calendar:

H.B. 72, H.B. 194, H.B. 167, H.B. 192, H.B. 245, H.B. 310, H.B. 323, H.B. 390, 1st Sub. H.B. 413, H.J.R. 18, and **1st Sub. H.B. 211**

On motion of Senator Killpack, the Senate voted to lift the following bill from the Third Reading Table it on the Third Reading Calendar: **H.B. 129**

On motion of Senator Killpack, the Senate voted to lift the following bills from Rules and place them on the top of the Second Reading Calendar:

H.B. 197, H.B. 345, H.B. 246, H.B. 302, H.B. 444, H.B. 402, 1st Sub. H.B. 274, H.B. 364, H.B. 410, 1st Sub. H.B. 64, 1st Sub. H.B. 132, H.J.R. 14, H.B. 432, H.B. 371, H.B. 153, 1st Sub. H.B. 299,and **H.B. 450**

* * *

On motion of Senator Killpack and at 6:20 p.m., the Senate adjourned until 8:00 a.m., Tuesday, March 10, 2009.

FORTY–THIRD DAY

MORNING SESSION

March 10, 2009

The Senate was called to order at 8:25 a.m., with President Michael Waddoups presiding.

Prayer – Reverend Alan Borcher, Light of the Valley Lutheran Church, Riverton
Pledge of Allegiance – Senator Jon Greiner
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

CONSENT CALENDAR

H.B. 72, CHILDREN'S JUSTICE CENTER AMENDMENTS, was read the third time.

On motion of Senator Christensen, the bill was circled.

* * *

H.B. 194, EDUCATION POLICIES FOR MILITARY CHILDREN, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jones	Killpack	Knudson	Liljenquist
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Hillyard	Jenkins	Madsen
McCoy			

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.

* * *

H.B. 167, COUNTY HOSPITAL RETIREMENT PROVISIONS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Madsen	McCoy

H.B. 167 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 192, PERSONAL INJURY JUDGMENT INTEREST, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Madsen	McCoy

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. 245, UTAH STATE 911 COMMITTEE AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell	Hillyard	Madsen	Stephenson

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.

* * *

H.B. 310, AUTHORITY OF THE LIEUTENANT GOVERNOR TO PERFORM MARRIAGES, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell	Hillyard	Madsen	Stephenson

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.

* * *

H.B. 323, AMENDMENTS REGARDING NOTICE ON UTAH PUBLIC NOTICE WEBSITE, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell	Madsen	Robles

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.

* * *

1st Sub. H.B. 413, COUNTY AUTHORITY AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Killpack	Knudson	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell	Christensen	Jones	Madsen
Robles			

1st Sub. H.B. 413 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. 18, JOINT RESOLUTION FOR LEGISLATIVE APPROPRIATION SUBCOMMITTEE NAME CHANGE, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Christensen	Jones	Madsen	Robles

H.J.R. 18 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. 211, RETIREMENT INVESTMENT REPORTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Christensen	Jones	Madsen	Robles

1st 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.

* * *

On motion of Senator Bramble, the circle was removed from **H.B. 72**, CHILDREN'S JUSTICE CENTER AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Christensen	Knudson	Madsen	Robles

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.

THIRD READING CALENDAR

H.B. 129, ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS, was read the third time, explained by Senator Davis, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Madsen

H.B. 129, as amended, was returned to the House for further consideration.

INTRODUCTION OF BILLS

S.B. 202, **Drug Offender Reform Act Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Stephenson, **H.B. 197**, REAUTHORIZATION OF ADMINISTRATIVE RULES, was read the second time and circled.

* * *

H.B. 345, ELECTED OFFICIALS – RESTRICTIONS ON LOBBYING, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 9; Absent, 1.

Voting in the affirmative were: Senators

Bell	Christensen	Greiner	Hillyard
Hinkins	Jones	Killpack	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Jenkins	Knudson	Stephenson
Stowell			

Absent or not voting was: Senator
Madsen

* * *

H.B. 346, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS AMENDMENTS, was read the second time.

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

1st Sub. H.B. 346 Campaign and Financial Reporting Requirements Amendments (B. Dee)

Senator Bell explained the bill. Senators Hillyard, Bramble, Buttars, Greiner, Goodfellow, Mayne, Madsen, and Valentine commented.

On motion of Senator Bell, the bill was circled.

* * *

H.B. 302, DISTRIBUTION OF TOBACCO SETTLEMENT MONIES AMENDMENTS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 4; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Voting in the negative were: Senators

McCoy	Morgan	Robles	Romero

Absent or not voting was: Senator
Valentine

* * *

On motion of Senator Hillyard, **H.B. 444**, BUDGET IMPLEMENTATION ADJUSTMENTS – TOBACCO SETTLEMENT FUNDS, was read the second time and circled.

* * *

On motion of Senator Killpack, **H.B. 402**, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS, was read the second time and circled.

* * *

1st Sub. H.B. 274, LOCAL GOVERNMENT FEES AND CHARGES, was read the second time. Senator Jenkins explained the bill. Senator Buttars commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Valentine

* * *

On motion of Senator Urquhart, under suspension of the rules, **H.B. 364**, BORDER AND NONRESIDENT STUDENT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Greiner	Hillyard	Hinkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Buttars	Goodfellow	Jenkins
Stephenson			

H.B. 364 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 410, LEGISLATOR SALARY AMENDMENTS, was read the second time. Senator Hillyard explained the bill. Senators Buttars, Bell, Romero, Jones, Valentine, Morgan, and Davis commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 5; Absent, 2.

Voting in the affirmative were: Senators

Bell	Christensen	Dayton	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Buttars	Davis	Goodfellow	Knudson
Madsen			

Absent or not voting were: Senators

Bramble	Urquhart

* * *

1st Sub. H.B. 64, DETERRING ILLEGAL IMMIGRATION, was read the second time. Senator Jenkins explained the bill. Senators Greiner, Valentine, Buttars, McCoy, Romero, and Robles commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator

Romero

Absent or not voting were: Senators

Bramble	Buttars	Hillyard	Stephenson

* * *

1st Sub. H.B. 132, SEXUAL ASSAULT VICTIM PROTOCOLS, was read the second time.

On motion of Senator Valentine, the bill was circled.

* * *

H.J.R. 14, JOINT RULES RESOLUTION – ETHICS TRAINING COURSE PROVISIONS, was read the second time. Senator Bell explained the bill. Senators Romero, Valentine, Jones, and McCoy commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell		

Voting in the negative was: Senator
Waddoups

Absent or not voting were: Senators
Bramble Dayton

* * *

On motion of Senator Valentine, the circle was removed from **1st Sub. H.B. 132**, SEXUAL ASSAULT VICTIM PROTOCOLS, and it was before the Senate. Senator Valentine explained the bill. Senator Robles commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Bell Bramble

* * *

On motion of Senator Hillyard, the Senate voted to lift **S.B. 202**, DRUG OFFENDER REFORM ACT AMENDMENTS, from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Hillyard, **S.B. 202**, DRUG OFFENDER REFORM ACT AMENDMENTS, was read the second time and circled.

* * *

H.B. 432, HIGHER EDUCATION BUDGET AUTHORITY AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Buttars	Christensen	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators
Bell Bramble Davis

* * *

On motion of Senator Killpack, **H.B. 371**, TRANSPORTATION GOVERNANCE, was read the second time and circled.

* * *

H.B. 153, TRESPASS LAW AMENDMENTS, was read the second time. Senator Stowell explained the bill.

Senator Stowell proposed the following amendment:

1. Page 1, Line 12

12 ► creates the offense of criminal trespass on agricultural or range lands;
► creates the offense of cutting the fencing of agricultural or range lands;

2. Page 2, Line 38
House Floor Amendments
2–24–2009:

38 (2) A person is guilty of the class B misdemeanor criminal offense of criminal trespass on agricultural or range land and is liable for

3. Page 2, Line 48
House Floor Amendments
2–24–2009:
(3) A person is guilty of the class B misdemeanor criminal offense of cutting the fencing of agricultural or range land if the person willfully cuts any fencing as described under Subsection (2)(b).

48 { ~~(3) A violation of Subsection (2) is a class B misdemeanor.~~ }

4. Page 2, Line 50
House Floor Amendments
2–24–2009:

50 any violation of Subsection (2) or (3) may also be liable for:

Senator Stowell's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars	Hillyard	Knudson	Niederhauser
Robles			

* * *

On motion of Senator Killpack, the circle was removed from **H.B. 402**, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS, and it was before the Senate. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 1, Line 16

16 in residential dwellings against anyone other than the occupant of the dwelling , subject to an exception for new construction ; and

2. Page 2, Line 36:

36 {~~A~~ } (1) Subject to Subsection (2), a municipality may not enforce an ordinance, rule, or regulation requiring the

3. Page 2, Line 38:

38 anyone other than the occupant of the dwelling.
(2) Subsection (1) may not be construed to affect:
(a) a developer's obligation to comply with a building code that requires the installation of a carbon monoxide detector as part of new construction; or
(b) a municipality's ability to require a developer to comply with a building code that requires the installation of a carbon monoxide detector as part of new construction.

4. Page 2, Line 42:

42 {~~A~~ } (1) Subject to Subsection (2), a county may not enforce an ordinance, rule, or regulation requiring the installation or

4. Page 2, Line 44:

44 the occupant of the dwelling.
(2) Subsection (1) may not be construed to affect:
(a) a developer's obligation to comply with a building code that requires the installation of a carbon monoxide detector as part of new construction; or
(b) a county's ability to require a developer to comply with a building code that requires the installation of a carbon monoxide detector as part of new construction.

Senator Killpack's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Davis	Dayton	Goodfellow
Greiner	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Buttars	Christensen	Hillyard
Knudson	Niederhauser	Valentine	

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2009

The House concurred in the Senate amendments and passed **H.B. 29**, SEX OFFENDERS' CONTACT WITH CHILDREN, 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. 126**, VOTER IDENTIFICATION FOR ELECTIONS, by Representative B. Daw, 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. 136**, SEX OFFENDER DEFINITION AMENDMENTS, by Representative P. Ray, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 29, 2nd Sub. H.B. 126, and **1st Sub. H.B. 136** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 10, 2009

The House passed **H.B. 2**, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed **H.B. 447**, UTAH EMERGENCY MEDICAL SERVICES SYSTEM ACT AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 455**, COURT SECURITY RESTRICTED ACCOUNT, by Representative E. Hutchings, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 2, H.B. 447,** and **H.B. 455** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Killpack, and at 10:45 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:30 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2009

The House passed, **S.B. 2**, NEW FISCAL YEAR 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, **3rd Sub. S.B. 79**, HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 2 and **3rd Sub. S.B. 79** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 10, 2009

The House passed **H.B. 4**, GENERAL OBLIGATION BONDS AUTHORIZATIONS, by Representative S. Clark, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 124**, INSURANCE COVERAGE FOR EOSINOPHILIC GASTROINTESTINAL DISORDERS AND SHORT BOWEL SYNDROME, by Representative C. Johnson, and it is transmitted for consideration; and

The House passed **H.B. 306**, HEALTH AND HUMAN SERVICES–RELATED COMMISSION, COMMITTEE, AND COUNCIL

AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 373**, AMENDMENTS TO DEPARTMENT OF CORRECTIONS' OPERATIONS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 391**, BUDGETARY PROCEDURES ACT REVISIONS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 436**, STATE PROHIBITION OF SUDAN RELATED CONTRACTS, by Representative D. Litvack, and it is transmitted for consideration; and

The House passed **H.B. 446**, MEDICAID RESTRICTED ACCOUNT AMENDMENTS, by Representative R. Edwards, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.J.R. 17**, JOINT RESOLUTION URGING CONGRESSIONAL AND PRESIDENTIAL OPPOSITION TO FEDERAL BAILOUTS AND PROMOTION OF FISCAL RESPONSIBILITY, by Representative C. Frank, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 4, H.B. 124, H.B. 306, H.B. 373, H.B. 391, H.B. 436, H.B. 446,** and **H.J.R. 17** were read the first time and referred to the Rules Committee.

INTRODUCTION OF BILLS

S.B. 239, **Transportation Revisions** (S. Killpack), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **S.B. 202**, DRUG OFFENDER REFORM ACT AMENDMENTS, and it was before the Senate.

On motion of Senator Hillyard, under suspension of the rules, **S.B. 202**, DRUG OFFENDER REFORM ACT AMENDMENTS, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Hinkins

S.B. 202 was transmitted to the House.

* * *

On motion of Senator Urquhart, the Senate voted to recall **1st Sub. S.B. 53**, AWARDING OF ATTORNEY FEES, for the purpose of making a correction. The bill was placed on the Third Reading Calendar.

THIRD READING CALENDAR

1st Sub. S.B. 53, AWARDING OF ATTORNEY FEES, was before the Senate, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 18; Nays, 6; Absent, 5.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Greiner	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Voting in the negative were: Senators

Davis	Goodfellow	McCoy	Morgan
Robles	Romero		

Absent or not voting were: Senators

Bell	Hillyard	Hinkins	Madsen
Van Tassell			

1st Sub. S.B. 53 was transmitted to the House.

On motion of Senator Killpack, the Senate voted to lift **S.B. 239**, TRANSPORTATION REVISIONS, from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Killpack, the Senate voted to lift the following bills from Rules and place them at the bottom of the Second Reading Calendar:

H.B. 342, 2nd Sub. H.B. 120, H.B. 399, H.B. 412, H.B. 430, H.B. 384, H.B. 383, H.B. 163, H.B. 179, 1st Sub. H.B. 357, H.B. 449, H.B. 14, 2nd Sub. H.B. 141, 1st Sub. H.B. 308, H.B. 185, H.B. 389, 1st Sub. H.B. 439, H.B. 198, and **H.B. 195**

SECOND READING CALENDAR

On motion of Senator Stephenson, the circle was removed from **H.B. 197**, REAUTHORIZATION OF ADMINISTRATIVE RULES, and it was before the Senate. Senator Stephenson explained the bill. Senators Valentine and Goodfellow commented.

On motion of Senator Stephenson, under suspension of the rules, **H.B. 197**, REAUTHORIZATION OF ADMINISTRATIVE RULES, was considered read the second and third times and passed on the following roll call:

Yeas, 19; Nays, 7; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Jenkins	Killpack
Knudson	Liljenquist	Morgan	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McCoy	Robles	Romero	

Absent or not voting were: Senators

Hillyard	Hinkins	Madsen

Senator Killpack declared a conflict of interest.

H.B. 197 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 Killpack, **S.B. 239**, TRANSPORTATION REVISIONS, was read the second time and circled.

* * *

On motion of Senator Jenkins, **1st Sub. H.B. 299**, UNLAWFUL DETAINER AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Bramble, **H.B. 450**, TRADEMARK AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Jenkins, the Senate voted to suspend the rules to consider bills below the line today.

* * *

H.B. 390, ABSENTEE BALLOT AMENDMENTS, was read the second time. Senator Van Tassell explained the bill. Senators Davis and McCoy commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 8; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Dayton
Greiner	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Niederhauser
Okerlund	Stephenson	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Davis	Goodfellow	Mayne	McCoy
Morgan	Robles	Romero	Stowell

Absent or not voting were: Senators

Buttars	Hillyard	Jones	Urquhart

* * *

On motion of Senator Bramble, **H.B. 342**, DISPROPORTIONATE RENTAL FEE AMENDMENTS, was read the second time and circled.

* * *

2nd Sub. H.B. 120, SNAKE VALLEY AQUIFER RESEARCH TEAM AND ADVISORY COUNCIL, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell	Buttars	Madsen	Morgan

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 346**, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS AMENDMENTS, and it was before the Senate.

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

3rd Sub. H.B. 346 Campaign and Financial Reporting Requirements Amendments (B. Dee)

Senator Bell explained the bill. Senators Valentine and Mayne commented.

On motion of Senator Bell, under suspension of the rules, **3rd Sub. H.B. 346**, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	

Voting in the negative was: Senator
Waddoups

Absent or not voting was: Senator
Madsen

3rd Sub. H.B. 346 was returned to the House for further consideration.

* * *

H.B. 399, CHARITABLE CARE AMENDMENTS, was read the second time. Senator Okerlund explained the bill.

Senator Okerlund proposed the following amendment:

1. Page 3, Lines 75 through 76
   a. House Committee Amendments
   b. 2–24–2009

75 Ĥ→ [~~(C)~~] (III) ←Ĥ a charitable donation {~~ to ~~} that is restricted for charitable services at the health care facility { ~~, including a~~

75a ~~charitable donation~~

76 ~~from a patient of the health care facility~~ } Ĥ→ ; or

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

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell	Jenkins	Madsen

* * *

On motion of Senator Killpack, the circle was removed from **H.B. 371**, TRANSPORTATION GOVERNANCE, and it was before the Senate. Senator Killpack explained the bill. Senators Hillyard and Mayne commented.

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

1st Sub. H.B. 371 Transportation Governance (W. Harper)

The bill passed second reading on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator

Hinkins

Absent or not voting were: Senators

Hillyard	Madsen	Robles

* * *

H.B. 412, ENERGY POLICY AMENDMENTS, was read the second time. Senator Jenkins explained the bill. Senators Jones, McCoy, Valentine, Bramble, and Romero commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 9; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Greiner	Hillyard	Hinkins	Jenkins

Killpack	Knudson	Liljenquist	Okerlund
Stephenson	Stowell	Urquhart	Van Tassell
Waddoups			

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McCoy	Morgan	Robles	Romero
Valentine			

Absent or not voting were: Senators

Bell	Madsen	Niederhauser

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2009

The House passed, **1st Sub. S.B. 271**, JUDICIAL CONDUCT COMMISSION 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

1st Sub. S.B. 271 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

SECOND READING CALENDAR

On motion of Senator Bramble, the circle was removed from **H.B. 342**, DISPROPORTIONATE RENTAL FEE AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell	Madsen	Niederhauser

* * *

On motion of Senator Killpack, **H.B. 430**, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS, was read the second time and circled.

* * *

H.B. 384, PUBLIC LEWDNESS AMENDMENTS, was read the second time. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Buttars	Dayton	Hinkins
Killpack	Madsen	Stephenson	

On motion of Senator Knudson, **H.B. 384** was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 383, WATER RIGHTS ADJUDICATION AMENDMENTS, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Dayton	Goodfellow	Madsen

* * *

H.B. 163, PROPERTY TRANSACTION AMENDMENTS, 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, 6.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Mayne	McCoy	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Dayton	Goodfellow	Madsen
Morgan	Stephenson		

* * *

H.B. 179, STATE–OWNED LAND AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

1st Sub. H.B. 357, FIREARMS AMENDMENTS, was read the second time. Senator Madsen explained the bill.

On motion of Senator Madsen, the bill was circled.

* * *

H.B. 449, VETERANS NURSING HOME AMENDMENTS, was read the second time.

On motion of Senator Dayton, the bill was circled.

* * *

H.B. 14, MATERIAL HARMFUL TO MINORS AMENDMENTS, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Bramble	Van Tassell

* * *

On motion of Senator Killpack, the circle was removed from **S.B. 239**, TRANSPORTATION REVISIONS, and it was before the Senate under the suspension of the rules. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 7, Lines 189 through 190

189 (1) (a) The total amount of bonds issued under this section may not exceed

190 {~~$2,186,000,000~~} $2,207,000,000 .

Senator Killpack's motion to amend passed on a voice vote.

On motion of Senator Killpack, under suspension of the rules, **S.B. 239**, TRANSPORTATION REVISIONS, was considered read the second and third times. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator McCoy

Absent or not voting was: Senator Stowell

S.B. 239 was transmitted to the House.

* * *

On motion of Senator Bramble, the circle was removed from **H.B. 179**, STATE–OWNED LAND AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. Senators Valentine and Robles commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 5; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Jenkins	Killpack	Knudson	Liljenquist
Mayne	McCoy	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Hinkins	Jones	Morgan	Robles
Romero			

Absent or not voting were: Senators

Goodfellow	Madsen

* * *

On motion of Senator Dayton, the circle was removed from **H.B. 449**, VETERANS NURSING HOME AMENDMENTS, and it was before the Senate. Senator Dayton explained the bill.

On motion of Senator Dayton, under suspension of the rules, **H.B. 449**, VETERANS NURSING HOME AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars	Hillyard	Killpack	Liljenquist
Madsen			

H.B. 449 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. 141, BILLBOARD AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senator Bramble commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Killpack	Madsen

* * *

1st Sub. H.B. 308, WORKERS' COMPENSATION – MOTOR CARRIERS, was read the second time. Senator Urquhart explained the bill.

Senator Urquhart proposed the following amendment:

1. Page 5, Line 144 through Page 6, Line 166

144 (c) {~~(i)~~} "Occupational accident related insurance" means insurance {~~to provide protection~~

145 ~~against economic losses resulting from:~~

146 ~~(A) a medical condition including:~~

147 ~~(I) a medical care expense; or~~

148 ~~(II) the risk of disability;~~

149 ~~(B) accident; or~~

150 ~~(C) occupational disease.~~

151 ~~(ii) "Occupational accident related insurance":~~

152 ~~(A) includes a contract with disability contingencies including:~~

153 ~~(I) an income replacement contract;~~

154 ~~(II) a health care contract;~~

155 ~~(III) an expense reimbursement contract;~~

156 ~~(IV) a credit accident and health contract;~~

157 ~~(V) a continuing care contract; and~~

158 ~~(VI) a long-term care contract; and~~

159 ~~(B) may provide:~~

160 ~~(I) hospital coverage;~~

161 ~~(II) surgical coverage;~~

162 ~~(III) medical coverage;~~

163 ~~(IV) loss of income coverage;~~

164 ~~(V) prescription drug coverage;~~

165 ~~(VI) dental coverage; or~~

166 ~~(VII) vision coverage.~~

~~-~~} that provides the following coverage for an injury sustained in the course of working under a written agreement described in Subsection (5)(e)(iii):

(i) disability benefits;

(ii) death benefits;

(iii) medical expense benefits, which include:

(A) hospital coverage;

(B) surgical coverage;

(C) prescription drug coverage; and
(D) dental coverage.

Senator Urquhart's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Buttars	Hillyard	Killpack
Liljenquist	Madsen	McCoy	

* * *

H.B. 185, TRANSPORTATION AMENDMENTS, was read the second time.

On motion of Senator Jenkins, the bill was circled.

* * *

H.B. 389, APPLICATIONS FOR A SMALL AMOUNT OF WATER, was read the second time. Senator Stowell explained the bill. Senators Van Tassell and Okerlund commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Buttars	Hillyard	Killpack
Madsen	McCoy		

* * *

1st Sub. H.B. 439, AMENDMENTS TO CITY OR TOWN SALES AND USE TAX FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES, was read the second time.

On motion of Senator Goodfellow, the bill was circled.

* * *

H.B. 198, MARRIAGE LICENSE FEE AMENDMENTS, was read the second time. Senator Bell explained the bill. Senators Christensen and Valentine commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 5; Absent, 4.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Goodfellow
Greiner	Hinkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Voting in the negative were: Senators

Dayton	Jenkins	Killpack	Niederhauser
Okerlund			

Absent or not voting were: Senators

Bramble	Buttars	Hillyard	Van Tassell

* * *

On motion of Senator Madsen, the circle was removed from **1st Sub. H.B. 357**, FIREARMS AMENDMENTS, and it was before the Senate.

On motion of Senator Madsen, the bill was circled.

* * *

H.B. 195, UTAH UNIFORM PROBATE CODE – TRUST AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Bramble	Greiner	Hillyard	Van Tassell

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2009

The House passed, **2nd Sub. S.B. 52**, NEW MOTOR VEHICLE FRANCHISE AMENDMENTS, by Senator S. Killpack, 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. 53**, AWARDING OF ATTORNEY FEES, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **4th Sub. S.B. 83**, CONDEMNATION AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 90**, METAL THEFT AMENDMENTS AND PENALTIES, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 134**, TRANSPORTATION FUNDING AMENDMENTS, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 146**, HOME SCHOOLING AMENDMENTS, by Senator M. Madsen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 182**, CRIMINAL 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.B. 210**, AMENDMENTS TO PROPERTY TAX, 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. 2**, CONCURRENT RESOLUTION – A CALL TO CIVILITY, by Senator J. Valentine, et al, 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. 3**, CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE WORK OF THE UTAH COUNCIL ON FINANCIAL AND ECONOMIC EDUCATION, 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, **1st Sub. S.C.R. 4**, RESOLUTION SUPPORTING OBESITY AWARENESS, by Senator D. C. Buttars, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.J.R. 16**, JOINT RESOLUTION SUPPORTING NUCLEAR POWER, 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

2nd Sub. S.B. 52, 1st Sub. S.B. 53, 4th Sub. S.B. 83, S.B. 90, S.B. 134, S.B. 146, S.B. 182, S.B. 210, S.C.R. 2, 1st Sub. S.C.R. 3, 1st Sub. S.C.R. 4, and **1st Sub. S.J.R. 16** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 10, 2009

The House passed, as amended, **H.B. 316**, TIME LIMITATION FOR PROSECUTION OF ENVIRONMENTAL CRIMES, by Representative C. Wimmer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 316** was read the first time and referred to the Rules Committee.

* * *

Mr. President: March 10, 2009

The House passed, as amended, **1st Sub. S.B. 147**, DRIVER LICENSE REVISIONS, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 161**, REPEAL OF MAXIMUM CHARGE TO PUBLISH LEGAL NOTICE, by Senator K. Van Tassell, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President: March 10, 2009

The House returns **1st Sub. S.B. 106**, ALCOHOLIC BEVERAGE CONTROL ACT RESTRICTIONS, by Senator S. McCoy, to the Senate.

Sandy D. Tenney, Chief Clerk

The bill will be filed.

SECOND READING CALENDAR

On motion of Senator Madsen, the circle was removed from **1st Sub. H.B. 357**, FIREARMS AMENDMENTS, and it was before the Senate. Senator Madsen explained the bill.

Senator Madsen proposed the following amendment:

1. Page 3, Lines 64 through 66

64 (c) in a posted prohibited area.
(2) Subsection (1)(a) does not apply to a minor under 18 years of age, since a minor under 18 years of age may not carry a loaded firearm in or on a vehicle.

65 {~~(2)~~} (3) A violation of this section is a class B misdemeanor.

66 Section 3. Section 76–10–511 is amended to read:

2. Page 3, Lines 69 through 72:

69 Except for persons described in Section 76–10–503 and 18 U.S.C. Sec. 922(g) and as otherwise prescribed in this part , a person

70 may have a loaded firearm [~~at his~~]:

71 (1) at the person's place of residence, including any temporary residence or camp[~~.~~]; or

72 (2) on the person's real property.

Senator Madsen's motion to amend passed on a voice vote.

# # #

Senator Madsen proposed the following amendment:

1. Page 3, Lines 64 through 65

64 (c) in a posted prohibited area.

65 (2) Notwithstanding Subsection (1)(a)(i) and (ii), a person may not possess a loaded rifle, shotgun, or muzzle–loading rifle in a vehicle.

(3) A violation of this section is a class B misdemeanor.

Senator Madsen's motion to amend passed on a voice vote. Senators Valentine, Christensen, Buttars, Goodfellow, Hinkins, Mayne, Bell, and Jones commented.

On motion of Senator Madsen, under suspension of the rules, **1st Sub. H.B. 357**, FIREARMS AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 25; Nays, 3; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Jones	McCoy	Robles

Absent or not voting was: Senator
Hillyard

1st Sub. H.B. 357 was returned to the House for further consideration.

* * *

On motion of Senator Killpack, the Senate voted to lift the following bills from Rules and place them on the Second Reading Calendar:

1st Sub. H.B. 356, 2nd Sub. H.B. 400, H.B. 17, 1st Sub. H.B. 259, 1st Sub. H.B. 456, 1st Sub. H.B. 156, 1st Sub. H.B. 283, 1st Sub. H.B. 294, 1st Sub. H.B. 290, H.B. 209, H.B. 425, H.B. 392, 1st Sub. H.B. 313, 2nd Sub. H.B. 272, H.B. 327, 1st Sub. H.B. 401, 1st Sub. H.J.R. 9, H.B. 183, H.B. 251, H.B. 173, 1st Sub. H.B. 340, H.B. 353, 4th Sub. H.B. 148, and **1st Sub. H.B. 280**

On motion of Senator Killpack and at 6:00 p.m., the Senate adjourned until 8:00 a.m., Wednesday, March 11, 2009.

FORTY–FOURTH DAY

MORNING SESSION

March 11, 2009

The Senate was called to order at 8:40 a.m., with President Michael Waddoups presiding.

Prayer – Alma Evans, Parowan, Utah
Pledge of Allegiance – Senator Margaret Dayton
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 8)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2009

The House passed, **S.B. 11**, INCEST AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 155**, ADOPTION EXCEPTION TO CUSTODY AND VISITATION FOR PERSONS OTHER THAN PARENTS, 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. 171**, MUNICIPAL ANNEXATION 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. 185**, FEDERAL EDUCATION AGREEMENT REQUIREMENTS 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. 220**, COHABITANT ABUSE PROCEDURES ACT AMENDMENTS, by Senator B. Goodfellow, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 11, 1st Sub. S.B. 155, 1st Sub. S.B. 171, S.B. 185, and **S.B. 220** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 10, 2009

The House passed, as amended, **1st Sub. S.B. 78**, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, by Senator M. Madsen, et al, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 148**, LOW–PROFIT LIMITED LIABILITY COMPANY ACT, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 167**, AMENDMENTS TO UNIFORM DEBT–MANAGEMENT SERVICES ACT, by Senator L. Hillyard, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

CONCURRENCE CALENDAR

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **1st Sub. S.B. 147**, DRIVER LICENSE REVISIONS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Goodfellow

1st Sub. S.B. 147 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Van Tassell, the Senate voted to concur in the House amendments to **S.B. 161**, REPEAL OF MAXIMUM CHARGE TO PUBLISH LEGAL NOTICE. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Goodfellow

S.B. 161 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Jenkins, **H.B. 345**, ELECTED OFFICIALS – RESTRICTIONS ON LOBBYING, was read the third time and circled.

* * *

H.B. 302, DISTRIBUTION OF TOBACCO SETTLEMENT MONIES AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Goodfellow	Valentine

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.

* * *

1st Sub. H.B. 274, LOCAL GOVERNMENT FEES AND CHARGES, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Waddoups

Absent or not voting were: Senators

Goodfellow	Madsen	Robles	Valentine
Van Tassell			

1st Sub. H.B. 274 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 Bell, the circle was removed from **H.B. 345**, ELECTED OFFICIALS – RESTRICTIONS ON LOBBYING, and it was before the Senate. Senators Stephenson, Bramble, Davis, and Jones commented. Senator Stephenson declared a conflict of interest. The bill passed on the following roll call:

Yeas, 16; Nays, 13; Absent, 0.

Voting in the affirmative were: Senators

Bell	Christensen	Hillyard	Jones
Killpack	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Robles	Romero
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Knudson	Madsen	Okerlund	Stephenson
Stowell			

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.

* * *

H.B. 410, LEGISLATOR SALARY AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Buttars	Davis	Knudson	Madsen

H.B. 410 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. 64, DETERRING ILLEGAL IMMIGRATION, was read the third time and explained by Senator Jenkins. Senators Greiner, Robles, and Stowell commented.

Senator Romero proposed the following amendment:

1. Page 2, Lines 42 through 44
House Committee Amendments
2–26–2009

42 (1) (a) The Office of the Attorney General is authorized to administer and coordinate the

43 operation of a multi–agency strike force to combat violent and other major Ĥ→ felony ←Ĥ crimes

43a committed

44 within the state that are associated with illegal immigration and human trafficking.

(b) For purposes of this section, "violent and other major felony crimes" means:

(i) those felonies referred to in Subsection 76–3–203.5(1)(c)(i);

(ii) money laundering under Sections 76–10–1903 and 76–10–1904;

(iii) felonies involving the smuggling, distribution, or use of illegal drugs; and

(iv) felonies committed by members of gangs.

Senator Romero's motion to amend failed on a voice vote.

On motion of Senator Jenkins, the bill was circled.

* * *

H.J.R. 14, JOINT RULES RESOLUTION – ETHICS TRAINING COURSE PROVISIONS, was read the third time and explained by Senator Bell.

Senator Bell proposed the following amendment:

1. Page 1, Line 11

11 completion of an ethics training course for {~~Legislators~~} legislators and lobbyists .

2. Page 1, Line 15:

15 maintain an ethics training course for members of the Legislature and lobbyists ;

3. Page 1, Lines 16 through 17:

16 ▶ requires that training materials and exercises be available on the Internet to

17 legislators , lobbyists, and to the public;

4. Page 1, Line 18:

18 ▶ provides that the course be designed to assist legislators and lobbyists in understanding and

5. Page 1, Line 20:

20 ▶ requires that provisions be included to verify when a legislator **or lobbyist** has successfully

6. Page 1, Line 22:

22 ▶ requires that legislators and lobbyists complete the course annually or as directed by the

7. Page 2, Line 36:

36 maintain an ethics training course for members of the Legislature and lobbyists .

8. Page 2, Lines 38 through 39:

38 available on the Internet to legislators , lobbyists, and to the public.

39 (3) The ethics training course shall be designed to assist legislators and lobbyists in understanding

9. Page 2, Line 42:

42 (4) The ethics training course shall include provisions for verifying when a legislator or lobbyist

10. Page 2, Line 44:

44 (5) A legislator or lobbyist shall successfully complete the key training exercises of the ethics

11. Page 2, Line 45:

45 training course once each year or as directed by the Legislative Management Committee.
(6) A lobbyist who does not complete the training required by this rule is subject to an ethics complaint under Senate or House rule.

Senator Bell's motion to amend passed on a voice vote. Senator Greiner commented and the bill passed on the following roll call:

Yeas, 23; Nays, 4; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Urquhart	Valentine	Van Tassell	

Voting in the negative were: Senators

Buttars	Dayton	Stowell	Waddoups

Absent or not voting were: Senators

Jenkins	Niederhauser

H.J.R. 14, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 132, SEXUAL ASSAULT VICTIM PROTOCOLS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell			

Absent or not voting were: Senators

Dayton	Jenkins	Niederhauser	Waddoups

1st Sub. H.B. 132 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 432, HIGHER EDUCATION BUDGET AUTHORITY AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy

Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell		

Absent or not voting were: Senators

Buttars	Jenkins	Waddoups

H.B. 432 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Greiner, **H.B. 153**, TRESPASS LAW AMENDMENTS, was read the third time and circled.

* * *

H.B. 402, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS, was read the third time.

On motion of Senator Killpack, the bill was circled.

* * *

H.B. 390, ABSENTEE BALLOT AMENDMENTS, was read the third time and explained by Senator Van Tassell. Senators Davis and McCoy commented and the bill passed on the following roll call:

Yeas, 18; Nays, 9; Absent, 2.

Voting in the affirmative were: Senators

Buttars	Christensen	Dayton	Greiner
Hillyard	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Okerlund
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Bell	Davis	Goodfellow	Jones
Mayne	McCoy	Morgan	Robles
Romero			

Absent or not voting were: Senators

Bramble	Niederhauser

H.B. 390 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 Killpack, the circle was removed from **H.B. 402**, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS, and it was before the Senate.

Senator Killpack proposed the following amendment:

1. Page 2, Line 38b:
   Delete "developer's" and insert "building permit applicant's"

2. Page 2, Line 38d:
   Delete "developer" and insert "building permit applicant"

3. Page 2, Line 44b:
   Delete "developer's" and insert "building permit applicant's"

4. Page 2, Line 44d:
   Delete "developer" and insert "building permit applicant"

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

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Hinkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator
Greiner

Absent or not voting were: Senators

Bramble	Hillyard	Jenkins	Urquhart

H.B. 402 was returned to the House for further consideration.

* * *

On motion of Senator Stowell, the circle was removed from **H.B. 153**, TRESPASS LAW AMENDMENTS, and it was before the Senate.

Senator Christensen proposed the following amendment:

1. Page 1, Line 12a:
   After "cutting" insert "destroying, or rendering ineffective"

2. Page 2, Line 48a:
   After "cutting" insert "destroying, or rendering ineffective"

3. Page 2, Line 48b:
   After "cuts" insert "destroys, or renders ineffective"

Senator Christensen's motion to amend passed on a voice vote and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Killpack	Liljenquist	Niederhauser
Urquhart			

H.B. 153 was returned to the House for further consideration.

* * *

2nd Sub. H.B. 120, SNAKE VALLEY AQUIFER RESEARCH TEAM AND ADVISORY COUNCIL, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins

Jenkins	Jones	Knudson	Madsen
McCoy	Morgan	Okerlund	Robles
Romero	Stowell	Valentine	Waddoups

Absent or not voting were: Senators

Bramble	Buttars	Killpack	Liljenquist
Mayne	Niederhauser	Stephenson	Urquhart
Van Tassell			

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.B. 399, CHARITABLE CARE AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

Yeas, 18; Nays, 0; Absent, 11.

Voting in the affirmative were: Senators

Bell	Christensen	Dayton	Goodfellow
Greiner	Hinkins	Jenkins	Jones
Knudson	Madsen	McCoy	Morgan
Okerlund	Robles	Romero	Stowell
Valentine	Waddoups		

Absent or not voting were: Senators

Bramble	Buttars	Davis	Hillyard
Killpack	Liljenquist	Mayne	Niederhauser
Stephenson	Urquhart	Van Tassell	

H.B. 399, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 371, TRANSPORTATION GOVERNANCE, was read the third time.

On motion of Senator Jenkins, the bill was circled.

* * *

H.B. 412, ENERGY POLICY AMENDMENTS, was read the third time and explained by Senator Jenkins. Senators Jones, McCoy, Okerlund, and Buttars commented.

Senator Romero proposed the following amendment:

1. Page 3, Line 59:
   Delete: "including a bill or resolution, or"

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

Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Romero	Stephenson	Stowell
Urquhart	Waddoups		

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Robles

Absent or not voting were: Senators

Niederhauser	Valentine	Van Tassell

H.B. 412, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Killpack, and at 10:45 a.m., the Senate sauntered.

The Senate was called to order at 11:00 a.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2009

The House passed, **S.B. 5**, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 201**, GENERAL OBLIGATION BOND AUTHORIZATION AMENDMENTS, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 202**, DRUG OFFENDER REFORM ACT AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 257**, DISASTER RECOVERY FUND FUNDING MODIFICATIONS, 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. 259**, PUBLIC SAFETY RESTRICTED ACCOUNT 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.J.R. 22**, RESOLUTION APPROVING CONTRACT FOR CONSTRUCTION OF UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE CENTERS, 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

S.B. 5, S.B. 201, S.B. 202, S.B. 257, S.B. 259, and **S.J.R. 22** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 11, 2009

The House concurred in the Senate amendments and passed **H.B. 129**, ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS, by Representative C. Oda, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 346**, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS AMENDMENTS, by Representative B. Dee, et al, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 129 and **3rd Sub. H.B. 346** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 11, 2009

The House passed, as amended, **H.J.R. 21**, MASTER STUDY RESOLUTION, by Representative K. Garn, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.J.R. 21** was read the first time and referred to the Rules Committee.

THIRD READING CALENDAR

H.B. 342, DISPROPORTIONATE RENTAL FEE AMENDMENTS, was read the third time and explained by Senator Bramble. Senator McCoy commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen	Niederhauser	Urquhart

H.B. 342 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 Killpack, the Senate voted to lift **H.J.R. 21**, MASTER STUDY RESOLUTION, from Rules and place it at the top of the Second Reading Calendar.

* * *

H.B. 383, WATER RIGHTS ADJUDICATION AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Niederhauser

H.B. 383 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 163, PROPERTY TRANSACTION AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Hillyard	Killpack	Madsen	Niederhauser

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 Greiner, the Senate voted to lift **2nd Sub. H.B. 220**, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, from the Third Reading Table and place it at the top of the Third Reading Calendar.

* * *

2nd Sub. H.B. 220, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, was read the third time and explained by Senator Greiner.

Senator Greiner proposed the following amendment:

1. Page 1, Lines 21 through 22

21 ► grants rulemaking authority to the Utah Commission on Criminal and Juvenile

22 Justice;

► provides that the Utah Commission on Criminal and Juvenile Justice shall adjust the amount to be paid to the counties for housing state probationary inmates or state parole inmates to ensure that the total amount of the payments made does not exceed the amount appropriated by the Legislature for the payments.

2. Page 4, Line 95:

95 Subsection (2).

(c) Notwithstanding any other provision of this section, CCJJ shall adjust the amount of the payments described in Subsection (7)(b), on a pro rata basis, to ensure that the total amount of the payments made does not exceed the amount appropriated by the Legislature for the payments.

Senator Greiner's motion to amend passed on a voice vote. Senators Valentine and Hillyard commented and the bill passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative was: Senator
Goodfellow

Absent or not voting were: Senators
Madsen Niederhauser

2nd Sub. H.B. 220, as amended, was returned to the House for further consideration.

* * *

H.B. 14, MATERIAL HARMFUL TO MINORS AMENDMENTS, was read the third time and explained by Senator Bell. Senator Dayton commented and the bill passed on the following roll call:

Yeas, 22; Nays, 2; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Liljenquist
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell		

Voting in the negative were: Senators
Dayton Hinkins

Absent or not voting were: Senators

Knudson	Madsen	Niederhauser	Valentine
Waddoups			

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.

* * *

H.B. 179, STATE–OWNED LAND AMENDMENTS, was read the third time and explained by Senator Bramble. Senators Morgan, Robles, and McCoy commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Killpack	Knudson	Liljenquist	Madsen

Mayne	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Goodfellow	Hinkins	Jenkins	Jones
McCoy	Morgan	Robles	Romero

Senator Niederhauser declared a conflict of interest.

H.B. 179 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2009

The House passed, **S.B. 51**, RESTITUTION FUND ACCOUNT, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 140**, FINANCIAL INSTITUTIONS DISCLOSURE OF RECORDS, 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. 157**, PROPERTY TAXATION AND REGISTRATION OF AIRCRAFT, by Senator M. Madsen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 184**, CIVIL FILING FEES, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 51, S.B. 140, S.B. 157, and **1st Sub. S.B. 184** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 11, 2009

The House passed, as amended, **1st Sub. S.B. 84**, IMPACT FEES REVISIONS, by Senator G. Bell, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 137**, PHYSICAL THERAPY PRACTICE ACT, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 163**, CONSTRUCTION TRADE EXEMPTION, by Senator S. Urquhart, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

THIRD READING CALENDAR

On motion of Senator Bramble, the Senate voted to lift **1st Sub. H.B. 296**, SCHOOLS FOR THE DEAF AND BLIND AMENDMENTS, from the Third Reading Table and place it on the Third Reading Calendar.

1st Sub. H.B. 296, SCHOOLS FOR THE DEAF AND BLIND AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Madsen

1st Sub. H.B. 296 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, under suspension of the rules, the Senate voted to lift the following bills and place them on the top of the Second Reading Calendar:

H.B. 2, H.B. 4, H.B. 306, H.B. 307, H.B. 373, H.B. 444, H.B. 445, H.B. 446, H.B. 447, and **H.J.R. 29**

* * *

On motion of Senator Killpack, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:10 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2009

The House passed, **1st Sub. S.B. 23**, INCOME TAXATION OF PASS–THROUGH ENTITIES AND PASS–THROUGH ENTITY TAXPAYERS, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 147**, DRIVER LICENSE REVISIONS, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 161**, REPEAL OF MAXIMUM CHARGE TO PUBLISH LEGAL NOTICE, by Senator K. Van Tassell, and it is transmitted for the signature of the President; and

The House passed, **S.B. 216**, REVISIONS TO MILITARY INSTALLATION DEVELOPMENT AUTHORITY ACT, by Senator M. Madsen, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 23, 1st Sub. S.B. 147, S.B. 161, and **S.B. 216** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 11, 2009

The House passed, as amended, **S.B. 75**, UTILITY AMENDMENTS, by Senator S. Urquhart, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

CONCURRENCE CALENDAR

1st Sub. S.B. 78, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, was before the Senate.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **S.B. 148**, LOW–PROFIT LIMITED LIABILITY COMPANY ACT. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Christensen	Dayton	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stephenson	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Buttars	Davis	Goodfellow
Niederhauser	Urquhart		

S.B. 148 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Madsen, the circle was removed from **1st Sub. S.B. 78**, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, and it was before the Senate.

On motion of Senator Madsen, the Senate refused to concur in the House amendments. **1st Sub. S.B. 78** was returned to the House.

* * *

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **S.B. 167**, AMENDMENTS TO UNIFORM DEBT–MANAGEMENT SERVICES ACT. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Killpack	Knudson	Urquhart
Valentine			

S.B. 167 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, the Senate voted to concur in the House amendments to **1st Sub. S.B. 84**, IMPACT FEES REVISIONS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Killpack	Urquhart	Valentine

1st Sub. S.B. 84 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **S.B. 137**, PHYSICAL THERAPY PRACTICE ACT. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Valentine

S.B. 137 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Urquhart, the Senate refused to concur in the House amendments to **S.B. 163**, CONSTRUCTION TRADE EXEMPTION. **S.B. 163** was returned to the House.

* * *

On motion of Senator Urquhart, the Senate voted to concur in the House amendments to **S.B. 75**, UTILITY AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Madsen	Mayne	Valentine

S.B. 75 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Killpack, the Senate voted to lift **H.J.R. 21**, MASTER STUDY RESOLUTION, to the top of the Second Reading Calendar.

On motion of Senator Killpack, under suspension of the rules, **H.J.R. 21**, MASTER STUDY RESOLUTION, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Madsen	Mayne	Valentine

H.J.R. 21 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, the Senate voted to recall **1st Sub. S.B. 184**, CIVIL FILING FEES, from enrolling.

THIRD READING CALENDAR

2nd Sub. H.B. 141, BILLBOARD AMENDMENTS, was read the third time and explained by Senator Niederhauser. Senators Hillyard, Bell, and McCoy commented.

On motion of Senator Bell, the bill was circled.

* * *

On motion of Senator Jenkins, the circle was removed from **1st Sub. H.B. 64**, DETERRING ILLEGAL IMMIGRATION, and it was before the Senate.

Senator Jenkins proposed the following amendment:

1. Page 2, Lines 26 through 29

26 This bill appropriates:

27 ▶ {~~as an ongoing appropriation subject to future budget constraints,~~} $891,000 from {~~the~~

28 ~~General Fund~~} "Federal Funds – American Recovery and Reinvestment Act (HR 1, 111th United States Congress)" for fiscal {~~year 2009–10 to the Office of the Attorney General~~} years 2009 and 2010 only, to the Commission on Criminal and Juvenile Justice .

29 Other Special Clauses:

2. Page 3, Lines 65 through 68:

65 Section 3. Appropriation.

66 {~~As an ongoing appropriation subject to future budget constraints, there~~} There is appropriated

67 from {~~the General Fund~~} "Federal Funds – American Recovery and Reinvestment Act (HR 1, 111th United States Congress" for fiscal {~~year 2009–10~~} years 2009 and 2010 only , $891,000 to the {~~Office of the Attorney General~~} Commission on Criminal and Juvenile Justice

68 to help fund the efforts of the multi–agency strike force referred to in Section 67–55–22.7.

Senator Jenkins' motion to amend passed on a voice vote.

# # #

Senator Romero proposed the following amendment:

1. Page 2, Lines 42 through 44
House Committee Amendments
2–26–2009

42 (1) (a) The Office of the Attorney General is authorized to administer and coordinate the

43 operation of a multi–agency strike force to combat violent and other major Ĥ→ felony ←Ĥ crimes

43a committed

44 within the state that are associated with illegal immigration and human trafficking.

(b) For purposes of this section, "violent and other major felony crimes" means:

(i) those felonies referred to in Subsection 76–3–203.5(1)(c)(i);

(ii) money laundering under Sections 76–10–1903 and 76–10–1904;

(iii) felonies involving the smuggling, distribution, or use of illegal drugs; and

(iv) felonies committed by members of gangs.

Senator Romero's motion to amend failed on a voice vote. Senators McCoy, Romero, Greiner, Buttars, and Robles commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Madsen

1st Sub. H.B. 64, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 308, WORKERS' COMPENSATION – MOTOR CARRIERS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

1st Sub. H.B. 308, as amended, was returned to the House for further consideration.

* * *

H.B. 389, APPLICATIONS FOR A SMALL AMOUNT OF WATER, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

H.B. 389 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 198, MARRIAGE LICENSE FEE AMENDMENTS, was read the third time and explained by Senator Bell. Senator Hillyard commented and the bill passed on the following roll call:

Yeas, 15; Nays, 14; Absent, 0.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Goodfellow	Jones	Knudson	Liljenquist
Mayne	McCoy	Morgan	Robles
Romero	Urquhart	Van Tassell	

Voting in the negative were: Senators

Bramble	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Madsen
Niederhauser	Okerlund	Stephenson	Stowell
Valentine	Waddoups		

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.

* * *

H.B. 195, UTAH UNIFORM PROBATE CODE – TRUST AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

H.B. 195 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

On motion of Senator Niederhauser, the Senate voted to include the following intent language in the Senate Journal:

INTENT LANGUAGE FOR H.B. 195

It is the intent of the legislature that passage of this act is for the following purposes: To expand the definition of "trust" in the Uniform Probate Code to include health savings accounts; To clarify that a depository health savings account is established retroactive to the first day an individual is covered by a high deductible health plan, provided that the health savings account is opened by a fiduciary trustee or non–fiduciary custodian by the time prescribed by law, without extensions, for filing the account holder's federal income tax return for that year; and to clarify that enrollment by an individual in a high deductible health plan, as defined in Section 223 of the Internal Revenue Code, is sufficient

evidence of such individual's intent and affirmation to open a depository health savings account.

* * *

On motion of Senator Killpack, the circle was removed from **1st Sub. H.B. 371**, TRANSPORTATION GOVERNANCE, and it was before the Senate.

Senator Stowell proposed the following amendment:

1. Page 15, Lines 440 through 441

440 (b) Beginning with the appointment of commissioners on or after July 1, 2009 and subject to the restriction in Subsection (2)(d) , the

441 selection of commissioners shall be as follows:

2. Page 15, Line 449:

449 fourth, fifth, or sixth class.
(d) No more than two commissioners appointed under Subsection (2)(b) may be selected from any one of the four regions established by the department.

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

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative was: Senator
Hinkins

Absent or not voting were: Senators
Bramble Mayne

1st Sub. H.B. 371 was and returned to the House for further consideration.

SECOND READING CALENDAR

H.B. 2, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, was read the second time.

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

1st Sub. H.B. 2 Minimum School Program Budget Amendments (H. Stephenson)

Senator Stephenson proposed the following amendment:

1. Page 1, Lines 13 through 14

13 ▶ establishes a ceiling for the state contribution to the Minimum School Program for

14 fiscal year 2009–10 of {~~$2,138,232,586~~} $2,137,932,586 ;

2. Page 1, Lines 22 through 24:

22 This bill appropriates:

23 ▶ the following Minimum School Program monies:

24 • {~~$2,031,884,786~~} $2,031,584,786 from the Uniform School Fund for fiscal year 2009–10;

3. Page 5, Lines 125 through 139:

125 (4) (a) (i) [~~Except as provided in Subsection (4)(a)(ii), a~~] A school district shall

126 allocate a portion of school district revenues for each resident student of the school district who

127 is enrolled in a charter school on October 1 {~~[~~} equal to 25% of the lesser of {~~]~~} {~~as follows~~:

128 ~~(A) in fiscal years 2008–09 and 2009–10, the allocation shall equal 25% of the lesser of:~~ }

129 {~~[~~} (A) {~~]~~} {~~(I)~~} district per pupil local revenues; or

130 {~~[~~} (B) {~~]~~} {~~(II)~~} charter school students' average local revenues {~~[~~} . {~~]~~} {~~;~~ }

131 {~~(B) in fiscal year 2010–11, the allocation shall equal 50% of the lesser of:~~

132 ~~(I) district per pupil local revenues; or~~

133 ~~(II) charter school students' average local revenues;~~

134 ~~(C) in fiscal year 2011–12, the allocation shall equal 75% of the lesser of:~~

135 ~~(I) district per pupil local revenues; or~~

136 ~~(II) charter school students' average local revenues; and~~

137 ~~(D) beginning in fiscal year 2012–13, the allocation shall equal 100% of the lesser of:~~

138 ~~(I) district per pupil local revenues; or~~

139 ~~(II) charter school students' average local revenues.~~ }

4. Page 7, Lines 205 through 207:

205 (1) The total contribution of the state toward the cost of the minimum school program

206 may not exceed the sum of [~~$2,497,012,086~~] {~~$2,138,232,586~~ } $2,137,932,586 for the fiscal year beginning July

207 1, [~~2008~~] 2009, except as otherwise provided by the Legislature through supplemental

5. Page 9, Line 261:

261 [~~(hh)~~] (ee) Teacher Salary Supplement Restricted Account, [~~$4,300,000~~] {~~$4,000,000~~ } $3,700,000 ;

Senator Stephenson's motion to amend passed on a voice vote.

# # #

Senator Stephenson proposed the following amendment:

1. Page 1, Lines 13 through 14

13 ▶ establishes a ceiling for the state contribution to the Minimum School Program for

14 fiscal year 2009–10 of {~~$2,138,232,586~~} $2,137,352,586 ;

2. Page 1, Lines 22 through 24:

22 This bill appropriates:

23 ▶ the following Minimum School Program monies:

24 • {~~$2,031,884,786~~} $2,031,004,786 from the Uniform School Fund for fiscal year 2009–10;

3. Page 2, Lines 32 through 35:

32 (H.R. 1, 111th Congress) for fiscal year 2008–09 only; {~~and~~}

33 ▶ the following School Building Program monies:

34 • $22,499,700 from the Uniform School Fund for fiscal year 2009–10; and

35 • $3,171,700 from the Uniform School Fund for fiscal year 2008–09 only {~~.~~} ; and

▶ $580,000 as an ongoing appropriation to the State Board of Education to fund salary adjustments for educators at the Utah Schools for the Deaf and the Blind.

4. Page 7, Lines 205 through 207:

205 (1) The total contribution of the state toward the cost of the minimum school program

206 may not exceed the sum of [~~$2,497,012,086~~] {~~$2,138,232,586~~} $2,137,352,586 for the fiscal year beginning July

207 1, [~~2008~~] 2009, except as otherwise provided by the Legislature through supplemental

5. Page 8, Line 237:

237 [~~(n)~~] (m) Social Security and retirement programs, [~~$349,906,049~~] {~~$13,987,831~~} $13,407,831 ;

6. Page 23, Line 687:

687 $91,200,000.

Section 17. Ongoing appropriation.

As an ongoing appropriation subject to future budget constraints, there is appropriated from the Uniform Fund for fiscal year 2009–10, $580,000 to the State Board of Education to fund salary adjustments for educators at the Utah Schools for the Deaf and the Blind as provided in Section 53A–25–111 or Section 53A–25b–402.

renumber remaining sections accordingly

Senator Stephenson's motion to amend passed on a voice vote. Senators Hillyard, McCoy, Goodfellow, Bell, and Morgan commented.

On motion of Senator Stephenson, under suspension of the rules, **1st Sub. H.B. 2**, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 15; Nays, 9; Absent, 5.

Voting in the affirmative were: Senators

Bell	Christensen	Dayton	Greiner
Killpack	Liljenquist	Madsen	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Davis	Goodfellow	Hinkins	Jones
Mayne	McCoy	Morgan	Robles
Romero			

Absent or not voting were: Senators

Bramble	Buttars	Hillyard	Jenkins
Knudson			

Senator Killpack declared a conflict of interest.

1st Sub. H.B. 2, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Killpack, the Senate voted to place the following bills on the Second Reading Calendar under **H.B. 447:**

H.B. 290, H.B. 355, H.B. 378, H.B. 455, H.B. 174, and **H.B. 430**

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

The Senate was called to order at 4:20 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2009

The House passed, **3rd Sub. S.B. 41**, SITING OF HIGH VOLTAGE POWER LINE ACT, 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

3rd Sub. S.B. 41 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, 2009

The House concurred in the Senate amendments and passed **H.B. 153**, TRESPASS LAW AMENDMENTS, by Representative J. Mathis, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 220**, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, by Representative M. Noel, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 357**, FIREARMS AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 399**, CHARITABLE CARE AMENDMENTS, by Representative B. Last, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 402**, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS, by Representative K. Garn, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.J.R. 14**, JOINT RULES RESOLUTION – ETHICS TRAINING COURSE PROVISIONS,

by Representative L. Fowlke, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 153, 2nd Sub. H.B. 220, 1st Sub. H.B. 357, H.B. 399, H.B. 402, and **H.J.R. 14**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 11, 2009

The House requests the return of **1st Sub. S.B. 23**, INCOME TAXATION OF PASS–THROUGH ENTITIES AND PASS–THROUGH ENTITY TAXPAYERS, by Senator W. Niederhauser, for reconsideration.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 23 was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Niederhauser, under suspension of the rules, **H.B. 4**, GENERAL OBLIGATION BONDS AUTHORIZATIONS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator
Hinkins

Absent or not voting was: Senator
Bramble

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 Hillyard, under suspension of the rules, **H.B. 306**, HEALTH AND HUMAN SERVICES–RELATED COMMISSION, COMMITTEE, AND COUNCIL AMENDMENTS, was considered read the second and third times. Senators Robles and Christensen commented and the bill passed on the following roll call:

Yeas, 23; Nays, 2; Absent, 4.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Hinkins	Robles

Absent or not voting were: Senators

Bell	Bramble	Madsen	Stephenson

H.B. 306 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, the Senate voted to recall and reconsider **1st Sub. S.B. 171**, MUNICIPAL ANNEXATION AMENDMENTS, from the House for the purpose of correcting an amendment.

1st Sub. S.B. 171, MUNICIPAL ANNEXATION AMENDMENTS, was before the Senate, explained by Senator Jenkins, and passed, under suspension of the rules, on the following roll call:

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

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy

Morgan	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell	Bramble	Niederhauser	Stephenson

1st Sub. S.B. 171 was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, **H.B. 307**, TOURISM MARKETING PERFORMANCE ACCOUNT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 21; Nays, 2; Absent, 6.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Okerlund
Robles	Romero	Urquhart	Valentine
Van Tassell			

Voting in the negative were: Senators

Hinkins	Morgan

Absent or not voting were: Senators

Bell	Bramble	Niederhauser	Stephenson
Stowell	Waddoups		

H.B. 307 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 Greiner, under suspension of the rules, **H.B. 373**, AMENDMENTS TO DEPARTMENT OF CORRECTIONS' OPERATIONS, was considered read the second and third times and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine		

Absent or not voting were: Senators

Bell	Bramble	Goodfellow	Liljenquist
Stephenson	Van Tassell	Waddoups	

H.B. 373 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 Romero, the Senate voted to reconsider its action on **H.B. 412** on the following roll call vote:

Yeas, 24; Nays, 3; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Dayton	Hinkins	Knudson

Absent or not voting were: Senators

Bell	Liljenquist

H.B. 412, ENERGY POLICY AMENDMENTS, was before the Senate, explained by Senator Romero.

Senator Romero proposed the following amendment:

1. Page 2, Line 59:
   Delete "legislative action"

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

Yeas, 21; Nays, 4; Absent, 4.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Killpack	Knudson	Madsen	Mayne
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Goodfellow	Jones	Morgan	Robles

Absent or not voting were: Senators

Bell	Bramble	Liljenquist	McCoy

H.B. 412 was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, **H.B. 445**, HEALTH PROGRAM REVISIONS, was considered read the second and third times. Senator Morgan commented and the bill passed on the following roll call:

Yeas, 16; Nays, 6; Absent, 7.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Hillyard	Jenkins	Jones	Killpack
Knudson	Okerlund	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Goodfellow	Hinkins	Mayne	Morgan
Robles	Romero		

Absent or not voting were: Senators

Bell	Bramble	Greiner	Liljenquist
Madsen	McCoy	Niederhauser	

H.B. 445 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 Killpack, the Senate voted to lift **H.B. 185,** TRANSPORTATION AMENDMENTS, to the top of the Second Reading Calendar.

On motion of Senator Killpack, the circle was removed from **H.B. 185**, TRANSPORTATION AMENDMENTS, and it was before the Senate.

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

1st Sub. H.B. 185 Transportation Amendments (W. Harper)

On motion of Senator Killpack, under suspension of the rules, **1st Sub. H.B. 185**, TRANSPORTATION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell	Bramble	Greiner	Madsen
McCoy			

1st Sub. H.B. 185 was and returned to the House for further consideration.

* * *

On motion of Senator Hillyard, under suspension of the rules, **H.B. 446**, MEDICAID RESTRICTED ACCOUNT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins

Jones	Killpack	Knudson	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Christensen	Greiner	Madsen

H.B. 446 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, under suspension of the rules, **H.B. 447**, UTAH EMERGENCY MEDICAL SERVICES SYSTEM ACT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Davis	Goodfellow

Absent or not voting were: Senators

Greiner	Madsen

H.B. 447 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. 290**, PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE, was read the second time and circled.

* * *

On motion of Senator Bell, the circle was removed from **S.B. 248**, TAX AMENDMENTS, and it was before the Senate.

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

1st Sub. S.B. 248 Tax Amendments (G. Bell)

On motion of Senator Bell, under suspension of the rules, **1st Sub. S.B. 248**, TAX AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	

Absent or not voting were: Senators

Hillyard	Killpack	Knudson	Liljenquist
Madsen	Waddoups		

1st Sub. S.B. 248 was transmitted to the House.

* * *

On motion of Senator Okerlund, under suspension of the rules, **H.B. 355**, INDIGENT INMATE TRUST FUND AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 16; Nays, 2; Absent, 11.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Goodfellow
Greiner	Hinkins	Liljenquist	McCoy
Morgan	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Valentine	Van Tassell

Voting in the negative were: Senators
Dayton Madsen

Absent or not voting were: Senators

Bell	Buttars	Hillyard	Jenkins
Jones	Killpack	Knudson	Mayne
Robles	Romero	Waddoups	

H.B. 355 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 378, CIRCUIT BREAKER AMENDMENTS, was read the second time. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 1, Lines 13 through 18

13 ▶ decreases a claimant's household income by $1,000 for {~~each dependent claimed~~} a dependant that the claimant is eligible to claim on

14 the claimant's federal taxes for purposes of qualifying for a homeowner's credit for a

15 maximum household income decrease of {~~$2,000~~} $1,000 ;

16 ▶ decreases a claimant's household income by $1,000 for {~~each dependent claimed~~} a dependant that the claimant is eligible to claim on

17 the claimant's federal taxes for purposes of qualifying for a renter's credit for a

18 maximum household income decrease of {~~$2,000~~} $1,000 ; and

2. Page 2, Line 56 through Page 3, Line 63:

56 (4) (a) Subject to Subsection (4)(b), for purposes of calculating a claimant's household

57 income to determine the amount of the claimant's homeowner's credit under Subsection (1), a

58 claimant's household income shall be decreased by $1,000 for {~~each~~} a dependent with respect to

59 whom a claimant is eligible to make a deduction as allowed as a personal exemption deduction

60 on the claimant's federal individual income tax return for the taxable year for which the

61 household income is calculated.

62 (b) For purposes of Subsection (4)(a):

63 (i) the maximum amount a claimant's household income may be decreased is {~~$2,000~~} $1,000 ;

3. Page 4, Lines 98 through 105:

98 (6) (a) Subject to Subsection (6)(b), for purposes of calculating a claimant's household

99 income to determine the amount of the claimant's renter's credit under Subsection (1), a

100 claimant's household income shall be decreased by $1,000 for {~~each~~} a dependent with respect to

101 whom a claimant is eligible to make a deduction as allowed as a personal exemption deduction

102 on the claimant's federal individual income tax return for the taxable year for which the

103 household income is calculated.

104 (b) For purposes of Subsection (6)(a):

105 (i) the maximum amount a claimant's household income may be decreased is {~~$2,000~~} $1,000 ;

Senator Niederhauser's motion to amend passed on a voice vote. Senator Greiner commented.

On motion of Senator Niederhauser, the bill was circled.

* * *

On motion of Senator Niederhauser, and at 5:25 p.m., the Senate sauntered.

The Senate was called to order at 5:40 p.m., with President Waddoups presiding.

* * *

On motion of Senator Niederhauser, the circle was removed from **H.B. 378**, CIRCUIT BREAKER AMENDMENTS, and it was before the Senate.

On motion of Senator Niederhauser, under suspension of the rules, **H.B. 378**, CIRCUIT BREAKER AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Liljenquist	Madsen	McCoy	Morgan
Niederhauser	Okerlund	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	

Absent or not voting were: Senators

Bell	Hillyard	Jenkins	Jones
Killpack	Knudson	Mayne	Robles
Romero	Waddoups		

H.B. 378, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Greiner, under suspension of the rules, **H.B. 455**, COURT SECURITY RESTRICTED ACCOUNT, was considered read the second and third times and passed on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Liljenquist
Madsen	McCoy	Morgan	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	

Absent or not voting were: Senators

Bell	Bramble	Hillyard	Jenkins
Jones	Killpack	Knudson	Mayne
Robles	Waddoups		

H.B. 455 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 174, LICENSING OF VOCATIONAL REHABILITATION COUNSELORS, was read the second time.

On motion of Senator Van Tassell, the bill was circled.

* * *

On motion of Senator Valentine, **1st Sub. H.B. 356**, BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS, was read the second time and circled.

* * *

2nd Sub. H.B. 400, PETE SUAZO UTAH ATHLETIC COMMISSION AMENDMENTS, was read the second time. Senator Stephenson explained the bill. Senator Greiner commented.

On motion of Senator Stephenson, the bill was circled.

* * *

On motion of Senator Killpack, the circle was removed from **S.B. 240**, UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE AMENDMENTS, and it was before the Senate.

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

1st Sub. S.B. 240 Utah Science Technology and Research Initiative Amendments (S. Killpack)

Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 2, Line 39:
   Reinstate "eight" and delete "seven"

2. Page 2, Line 41:
   Reinstate "two" and delete "three"

Senator Killpack's motion to amend passed on a voice vote.

On motion of Senator Killpack, under suspension of the rules, **1st Sub. S.B. 240**, UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Buttars	Hillyard	Jones
Madsen			

1st Sub. S.B. 240 was transmitted to the House.

* * *

On motion of Senator Stephenson, the circle was removed from **2nd Sub. H.B. 400**, PETE SUAZO UTAH ATHLETIC COMMISSION AMENDMENTS, and it was before the Senate.

On motion of Senator Stephenson, under suspension of the rules, **2nd Sub. H.B. 400**, PETE SUAZO UTAH ATHLETIC COMMISSION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Liljenquist	Niederhauser

2nd Sub. H.B. 400 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, the circle was removed from **1st Sub. H.B. 299**, UNLAWFUL DETAINER AMENDMENTS, and it was before the Senate. Senators Jones, Robles, Van Tassell, and McCoy commented.

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

3rd Sub. H.B. 299 Unlawful Detainer Amendments (G. Froerer)

On motion of Senator Bell, under suspension of the rules, **3rd Sub. H.B. 299**, UNLAWFUL DETAINER AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	

Absent or not voting were: Senators

Buttars	Hillyard	Killpack	Knudson
Liljenquist	Waddoups		

3rd Sub. H.B. 299, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Urquhart, under suspension of the rules, **H.B. 17**, EXPEDITED PARTNER THERAPY TREATMENT, was considered read the second and third times.

Senator Dayton proposed the following amendment:

1. Page 1, Line 22

22 ► makes conforming changes to the Pharmacy Practices Act; {~~and~~}
► provides immunity from medical malpractice actions for a practitioner who uses expedited partner therapy; and

2. Page 3, Line 83:

83 and the partner under Section 58–17b–613.
(5)(a) The legislature finds that the prevention and treatment of sexually transmitted diseases in the state is a compelling public health issue.
(b) A practitioner or licensee under this chapter is not liable for a medical malpractice action if the use of expedited partner therapy is in compliance with this section, except for those acts which are grossly negligent or willful and wonton.

Senator Dayton's motion to amend passed on a voice vote. Senators McCoy, Valentine, and Greiner commented and the bill passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Greiner	Hinkins	Jenkins
Jones	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell		

Absent or not voting were: Senators

Buttars	Goodfellow	Hillyard	Killpack
Knudson	Niederhauser	Waddoups	

H.B. 17 was returned to the House for further consideration.

* * *

On motion of Senator Stephenson, **1st Sub. H.B. 259**, PROHIBITION OF IMPACT FEES ON SCHOOL DISTRICTS AND CHARTER SCHOOLS, was read the second time and circled.

* * *

On motion of Senator Bell, the circle was removed from **1st Sub. H.B. 356**, BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS, and it was before the Senate.

On motion of Senator Bell, under suspension of the rules, **1st Sub. H.B. 356**, BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 18; Nays, 0; Absent, 11.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Greiner	Hinkins	Jenkins	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Romero	Stephenson	Stowell
Urquhart	Van Tassell		

Absent or not voting were: Senators

Buttars	Dayton	Goodfellow	Hillyard
Jones	Killpack	Knudson	Niederhauser
Robles	Valentine	Waddoups	

1st Sub. H.B. 356 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 11, 2009

The House refuses to recede from its amendments to **1st Sub. S.B. 78**, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, by Senator M. Madsen, et al, and has appointed a Conference Committee consisting of Representatives C. Oda, C. Wimmer, and C. Watkins to meet with a like committee from the Senate on this bill.

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. 78**. President Waddoups appointed a conference

committee consisting of Senators Madsen, Dayton, and Mayne to meet with a like committee from the House.

SECOND READING CALENDAR

On motion of Senator Van Tassell, **H.B. 456**, TOBACCO ACCESS RESTRICTIONS, was read the second time and circled.

* * *

On motion of Senator Urquhart, under suspension of the rules, **1st Sub. H.B. 156**, SUBDIVISION APPROVAL AMENDMENTS, was considered read the second and third times.

Senator Van Tassell proposed the following amendment:

1. Page 1, Line 12

12 ▶ authorizes an owner of a contiguous parcel of agricultural land within a county of the third, fourth, fifth, or

2. Page 3, Line 60:

60 (4) (a) As used in this Subsection (4) {~~, "minor~~} :
(i) "Applicable land":
(A) means the agricultural land sought to be divided under this Subsection (4) by a minor subdivision; and
(B) includes land previously divided from the agricultural land by a minor subdivision.
(ii) "Minor subdivision" means a division of a single, contiguous parcel of

3. Page 3, Lines 62 through 63:

62 parcel per 100 acres of {~~agricultural~~} applicable land.

63 (b) (i) Notwithstanding Sections 17–27a–603 and 17–27a–604, an owner of agricultural

4. Page 3, Lines 65 through 66:

65 the county in which the land is located :
(A) a recordable deed describing by metes and bounds each

66 parcel divided from the agricultural land {~~.~~} ; and
(B) a notice of the creation of a minor subdivision, containing the

legal description of each parcel divided from the agricultural land.

(ii) An owner of agricultural land may not make a minor subdivision if the minor subdivision would result in the applicable land having more than one minor subdivision parcel per 100 acres of applicable land.

Senator Van Tassell's motion to amend passed on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Greiner	Hinkins	Jenkins
Jones	Liljenquist	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell			

Absent or not voting were: Senators

Dayton	Goodfellow	Hillyard	Killpack
Knudson	Madsen	Mayne	Waddoups

1st Sub. H.B. 156 was returned to the House for further consideration.

* * *

1st Sub. H.B. 283, ILLEGAL USE OF MOTOR VEHICLES, was read the second time.

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

2nd Sub. H.B. 283 Illegal Use of Motor Vehicles (M. Noel)

Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Greiner	Hinkins	Jenkins
Jones	Knudson	McCoy	Morgan

Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Dayton	Goodfellow	Hillyard	Killpack
Liljenquist	Madsen	Mayne	Niederhauser

* * *

On motion of Senator Niederhauser, the circle was removed from **1st Sub. H.B. 456**, TOBACCO ACCESS RESTRICTIONS, and it was before the Senate.

On motion of Senator Niederhauser, under suspension of the rules, **1st Sub. H.B. 456**, TOBACCO ACCESS RESTRICTIONS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Dayton	Killpack	Madsen	Mayne

1st Sub. H.B. 456 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, the circle was removed from **H.B. 444**, BUDGET IMPLEMENTATION ADJUSTMENTS – TOBACCO SETTLEMENT FUNDS, and it was before the Senate.

On motion of Senator Hillyard, the following substitute bill replaced the original bill:

1st Sub. H.B. 444 Budget Implementation Adjustments – Tobacco Settlement Funds (R. Bigelow)

Senator Hillyard proposed the following amendment:

1. Page 3, Line 65:
After "programs" delete "500,000 of" and delete line 66.

Senator Hillyard's motion to amend passed on a voice vote.

# # #

Senator Valentine proposed the following amendment:

1. Page 1, Lines 14 through 21

14 This bill:

* * * *Some lines not shown* * * *

17 ▶ eliminates the drug board pilot program in the Department of Human Services; {~~and~~}

18 ▶ increases funding to the Department of Health for the Children's Health Insurance

19 Program ; and
▶ makes several one–time appropriations .

20 Monies Appropriated in this Bill:

21 {~~None~~} This bill appropriates:
▶ $500,000 to the Department of Health for tobacco cessation programs;
▶ $1,600,000 to the Division of Arts and Museums for two separate children's museums; and
▶ $400,000 to the Division of Housing and Community Development for the Shakespeare Festival.

2. Page 5, Lines 134 through 135:

134 (iv) if the program is a tobacco cessation program, the report required in Section

135 51–9–203.
Section 3. Appropriation.
There is appropriated from the Tobacco Settlement Restricted Account for fiscal year 2009–2010 only:
(1) $500,000 to the Department of Health for tobacco reduction and cessation programs;
(2) $800,000 to the Division of Arts and Museums – Museum

Services for the Library square Foundation for Art, culture and Sciences for the Leonardo Children's Museum;

(3) $800,000 to the Division of Arts and Museums – Museum Services for the Museum of Natural Curiosity at Thanksgiving Point; and

(4) $400,000 to the division of Housing and Community Development – Community Assistance for the Shakespeare Festival.

Renumber the remaining sections accordingly.

Senator Valentine's motion to amend passed on a voice vote.

Senators Bramble, Stowell, McCoy, Okerlund, Liljenquist, and Knudson commented.

On motion of Senator Hillyard, under suspension of the rules, **1st Sub. H.B. 444**, BUDGET IMPLEMENTATION ADJUSTMENTS – TOBACCO SETTLEMENT FUNDS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 4; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Christensen	Hinkins	Niederhauser	Romero

1st Sub. H.B. 444 was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2009

The House passed, **1st Sub. S.B. 73**, UNINCORPORATED AREAS AMENDMENTS, by Senator K. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 75**, UTILITY 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. 84**, IMPACT FEES REVISIONS, by Senator G. Bell, and it is transmitted for the signature of the President; and

The House passed, **S.B. 91**, ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT, by Senator J. Greiner, 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. 137**, PHYSICAL THERAPY PRACTICE ACT, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 148**, LOW–PROFIT LIMITED LIABILITY COMPANY ACT, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 167**, AMENDMENTS TO UNIFORM DEBT–MANAGEMENT SERVICES ACT, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The House passed, **S.B. 239**, TRANSPORTATION REVISIONS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 183**, VIOLATION OF PROTECTIVE ORDER, by Senator S. McCoy, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 73, S.B. 75, 1st Sub. S.B. 84, S.B. 91, S.B. 137, S.B. 148, S.B. 167, S.B. 239, and **S.B. 183** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 11, 2009

The House passed, as amended, **1st Sub. S.B. 18**, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS, by Senator W. Niederhauser, et al, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 57**, LOCAL OPTION TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS, by Senator R. Okerlund, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 68**, MINING PROTECTION AMENDMENTS, by Senator S. Killpack, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President: March 11, 2009

The House has rejected **S.B. 48**, TEACHER LICENSING BY COMPETENCY AMENDMENTS, by Senator D. C. Buttars, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

S.B. 48 was filed

* * *

On motion of Senator Killpack and at 7:15 p.m., the Senate adjourned until 8:00 a.m., Thursday, March 12, 2009.

FORTY–FIFTH DAY

MORNING SESSION

March 12, 2009

The Senate was called to order at 8:20 a.m., with President Michael Waddoups presiding.

Prayer – Senator Greg Bell
Pledge of Allegiance – Senator Wayne Niederhauser
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 73)

SPECIAL MUSICAL PRESENTATION

Brian Allen sang "The Star Spangled Banner"

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2009

The House passed, **S.B. 70**, DEPARTMENT OF ENVIRONMENTAL QUALITY 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, **4th Sub. S.B. 80**, FIRE LIABILITY MODIFICATIONS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 142**, DISPOSITION OF A DEAD BODY, 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. 171**, MUNICIPAL ANNEXATION 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. 248**, TAX AMENDMENTS, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 70, 4th Sub. S.B. 80, S.B. 142, 1st Sub. S.B. 171, and **1st Sub. S.B. 248** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 11, 2009

The House concurred in the Senate amendments and passed **1st Sub. H.B. 64**, DETERRING ILLEGAL IMMIGRATION, 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. 308**, WORKERS' COMPENSATION – MOTOR CARRIERS, by Representative D. Ipson, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 64 and **1st Sub. H.B. 308**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 11, 2009

The House passed, as amended, **H.J.R. 29**, LEGISLATIVE DIRECTION TO THE PUBLIC EMPLOYEES' BENEFIT AND INSURANCE PROGRAM, by Representative B. Dee, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.J.R. 29** was read the first time and referred to the Rules Committee.

* * *

Mr. President: March 11, 2009

The House passed, as amended, **1st Sub. S.B. 187**, ALCOHOL AMENDMENTS, by Senator J. Valentine, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 193**, SALVAGE VEHICLES AMENDMENTS, by Senator S. Urquhart, and it is transmitted for further consideration; and

The House passed, as amended, **3rd Sub. S.B. 208**, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, by Senator S. Urquhart, et al, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President: March 11, 2009

The House refuses to recede from its amendments to **S.B. 163**, CONSTRUCTION TRADE EXEMPTION, by Senator S. Urquhart, and has appointed a Conference Committee consisting of Representatives K. Grover, C. Herrod, and J. Gowans to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Urquhart, the Senate voted to refuse to recede from its amendments to **S.B. 163**. President Waddoups appointed a conference committee consisting of Senators Urquhart, Liljenquist, and Davis to meet with a like committee from the House.

* * *

Mr. President: March 11, 2009

The House refused to concur with the Senate Amendments to **1st Sub. H.B. 371**, TRANSPORTATION GOVERNANCE, by Representative W. Harper, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Killpack, the Senate voted to refuse to recede from its amendments to **1st Sub. H.B. 371**. President Waddoups appointed a conference committee consisting of Senators Killpack, Niederhauser, and Mayne to meet with a like committee from the House.

* * *

Mr. President: March 11, 2009

The House adopted the Joint Conference Committee Report dated March 11, 2009, and passed **2nd Sub. S.B. 78**, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, by Senator M. Madsen, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

Mr. President: March 11, 2009

The Joint Conference Committee comprised of Sens. Mark B. Madsen, Margaret Dayton, and Karen Mayne, and Reps. Curtis Oda, Carl Wimmer, and

Christine Watkins, recommends **1st Sub. S.B. 78**, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, by Senator M. Madsen, et al, be replaced and favorably recommends **2nd Sub. S.B. 78,** PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES.

Sen. Mark B. Madsen
and Rep. Curtis Oda, Chairs

On motion of Senator Madsen, the Senate voted to adopt the Joint Conference Committee Report and the bill passed on the following roll call:

Yeas, 22; Nays, 3; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Voting in the negative were: Senators

McCoy	Robles	Romero

Absent or not voting were: Senators

Bramble	Jenkins	Morgan	Van Tassell

2nd Sub. S.B. 78 was returned to the House for the signature of the Speaker.

CONCURRENCE CALENDAR

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **1st Sub. S.B. 18**, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan

Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Bramble	Greiner	Madsen	Van Tassell

1st Sub. S.B. 18 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Okerlund, the Senate voted to concur in the House amendments to **S.B. 57**, LOCAL OPTION TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Bramble	Greiner	Madsen	Van Tassell

S.B. 57 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, the Senate voted to concur in the House amendments to **1st Sub. S.B. 68**, MINING PROTECTION AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 22; Nays, 3; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson

Liljenquist	Mayne	Niederhauser	Okerlund
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Voting in the negative were: Senators

McCoy	Morgan	Robles

Absent or not voting were: Senators

Bramble	Greiner	Madsen	Van Tassell

1st Sub. S.B. 68 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

2nd Sub. H.B. 283, ILLEGAL USE OF MOTOR VEHICLES, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Bramble	Christensen	Greiner	Madsen
Van Tassell			

2nd Sub. H.B. 283, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Niederhauser. the Senate voted to remove **H.B. 20**, REPEAL OF CERTAIN INCOME TAX CREDITS AND CONTRIBUTIONS, from the Third Reading Table and place it on the Third Reading Calendar.

H.B. 20, REPEAL OF CERTAIN INCOME TAX CREDITS AND CONTRIBUTIONS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Bramble	Greiner	Madsen	Van Tassell

H.B. 20 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the circle was removed from **2nd Sub. H.B. 141**, BILLBOARD AMENDMENTS, and it was before the Senate.

Senator Bell proposed the following amendment:

1. Page 15, Line 443

443 lanes, or feeder systems, from or to another federal, state, county, city, or other route.
(11) "Interstate billboard" means a billboard that is intended to be viewed from a highway that is an interstate.

2. Page 15, Line 451:

451 direction.
(14) "Noninterstate billboard" means a billboard that is intended to be viewed from a street or highway that is not an interstate.

3. Page 17, Line 520:

520 (ii) (A) for an interstate billboard, 500 feet from the base of the billboard {, } ; or
(B) for a noninterstate billboard, 300 feet from the base of the billboard.

Senator Bell's motion to amend failed on the following roll call:

Yeas, 7; Nays, 19; Absent, 3.

Voting in the affirmative were: Senators

Bell	Christensen	Greiner	Hillyard
Jenkins	Jones	McCoy	

Voting in the negative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Hinkins	Killpack	Knudson
Liljenquist	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Madsen	Stephenson	Van Tassell

Senators Buttars and Valentine commented and the bill passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Waddoups

Voting in the negative was: Senator
Jones

Absent or not voting were: Senators

Greiner	Madsen	Stephenson	Van Tassell

2nd Sub. H. B. 141, 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. 352**, ALCOHOLIC BEVERAGE RELATED AMENDMENTS, and it was before the Senate.

Senator Valentine proposed the following amendment:

1. Page 13, Lines 378 through 379

378 {~~(i)~~} (ii)(A) a peace officer, examiner, or investigator; and

379 {~~(ii)~~} (B) employed by a nondepartment enforcement agency.

2. Page 13, Line 396 through Page 14, Line 399:

396 (2) {~~If~~} (a) Subject to Subsection (2)(b), if an investigator is permitted by another provision of this chapter to inspect a book

397 or record of a private club licensee, in addition to any other rights under this title, the

398 investigator may inspect, have a copy of, or otherwise review any record of the private club

399 licensee that is a visual recording of the operations of the private club licensee.

(b) An investigator who is a peace officer may not inspect, have a copy of, or otherwise review a visual recording described in Subsection (2)(a) without probable cause.

3. Page 14, Lines 406 through 407:

406 {~~(i)~~} (ii)(A) a peace officer, examiner, or investigator; and

407 {~~(ii)~~} (B) employed by a nondepartment enforcement agency.

4. Page 14, Lines 424 through 427:

424 (2) {~~If~~} (a) Subject to Subsection (2)(b), if an investigator is permitted by another provision of this chapter to inspect a book

425 or record of a on-premise beer retailer licensee that is a tavern, in addition to any other rights

426 under this title, the investigator may inspect, have a copy of, or otherwise review any record of

427 the tavern that is a visual recording of the operations of the tavern.

(b) An investigator who is a peace officer may not inspect, have a copy of,

or otherwise review a visual recording described in Subsection (2)(a) without probable cause.

Senator Valentine's motion to amend passed on a voice vote. Senators Buttars and Mayne commented and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Madsen	Van Tassell

1st Sub. H.B. 352 was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **1st Sub. H.B. 290**, PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE, and it was before the Senate.

On motion of Senator Hillyard, the following substitute bill replaced the original bill:

3rd Sub. H.B. 290 Prohibition of Wireless Communication Device Use in a Motor Vehicle (S. Clark)

Senator Hillyard explained the bill.

Senator Stowell proposed the following amendment:

1. Page 1, Line 24 through Page 2, Line 25

24 operating a moving motor vehicle;

► provides that enforcement of a violation of this section shall only be as a secondary action when the vehicle has been detained for a suspected violation of another offense;

2. Page 3, Line 85:

85 (B) the commission of the offense upon which the current conviction is based.

(5) Enforcement of this section by a state or local law enforcement officer shall be only as a secondary action when the vehicle has been detained for a suspected violation by any person in the vehicle of Title 41, Motor Vehicles, other than this section, or for another offense.

Senator Stowell's motion to amend failed on a voice vote. Senator Greiner commented.

On motion of Senator Hillyard, under suspension of the rules, **3rd Sub. H.B. 290**, PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators
Madsen Van Tassell

3rd Sub. H.B. 290 was and returned to the House for further consideration.

* * *

On motion of Senator Knudson, the circle was removed from **H.B. 174**, LICENSING OF VOCATIONAL REHABILITATION COUNSELORS, and it was before the Senate.

Senator Knudson proposed the following amendment:

1. Page 4, Lines 98 through 100
House Committee Amendments
3–3–2009

98 (a) submit an application in a form as prescribed by the division;

99 (b) pay a fee determined by the department under Section 63J–1–303 to recover the costs of administering licensing requirements relating to vocational rehabilitation counselors ;

100 (c) be of good moral character;

2. Page 4, Lines 102a through 102b
House Committee Amendments
3–3–2009:

102a (e) provide satisfactory evidence of having ←Ĥ 4,000 hours of disability related work experience under the

102b supervision of a

3. Page 4, Lines 106 through 106a
House Committee Amendments
3–3–2009:

106 (2) Ĥ→ Beginning January 1, 2010, and ending December 31, {– ~~2011~~ } 2010 , an applicant is not

106a required to verify that the 4,000 hours of work experience required under Subsection (1)(e)

4. Page 4, Lines 106g through 106h
House Committee Amendments
3–3–2009:

106g (b) at least ten years experience in vocational rehabilitation counseling or a disability related

106h field;

5. Page 4a, Lines 112 through 117c
House Committee Amendments
3–3–2009:

112 (1) The division shall issue each license under this chapter in accordance with {– ~~a~~

113 ~~two–year~~ } an annual renewal cycle established by rule.

114 (2) {~~The division may extend or shorten a renewal cycle by as much as one year to~~

115 ~~maintain an established renewal cycle or to change an established renewal cycle.~~

116 ~~(3)~~ } Each license automatically expires on the expiration date shown on the license

117 unless renewed by the licensee in accordance with Section 58–1–308.

117a Ĥ→ {~~(4)~~ } (3) Each person holding a license under this chapter as a vocational rehabilitation

117b counselor shall complete in each {~~two–year~~ } period of licensure a program of qualifying

117c continuing professional education in accordance with standards defined by rule. ←Ĥ

Senator Knudson's motion to amend passed on a voice vote.

On motion of Senator Knudson, under suspension of the rules, **H.B. 174**, LICENSING OF VOCATIONAL REHABILITATION COUNSELORS, was considered read the second and third times and passed on the following roll call:

Yeas, 21; Nays, 3; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Goodfellow	Greiner	Hinkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Waddoups			

Voting in the negative were: Senators

Dayton	Jenkins	Stephenson

Absent or not voting were: Senators

Davis	Hillyard	Madsen	Valentine
Van Tassell			

H.B. 174, as amended, was returned to the House for further consideration.

On motion of Senator Killpack, the Senate voted to suspend the rules for the remainder of the day and bills on the Second Reading Calendar be considered read for the second and third time.

* * *

On motion of Senator Killpack, the circle was removed from **H.B. 430**, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS, and it was before the Senate.

Senator Killpack proposed the following amendment:

1. Page 6, Line 181 through Page 7, Line 183

181 (6) "Renewable energy" means the energy generation as defined in Subsection

182 10–19–102(11) and includes generation powered by nuclear fuel .

183 (7) "Renewable energy development zone" means a renewable energy development

Senator Killpack's motion to amend passed on a voice vote.

On motion of Senator Killpack, under suspension of the rules, **H.B. 430**, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Voting in the negative was: Senator
McCoy

Absent or not voting were: Senators

Goodfellow	Liljenquist	Robles	Van Tassell

H.B. 430, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Greiner, the Senate voted to reconsider its action on **S.B. 90**.

S.B. 90, METAL THEFT AMENDMENTS AND PENALTIES, was before the Senate, explained by Senator Greiner, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Waddoups	

Absent or not voting were: Senators

Bell	Buttars	Hillyard	Robles
Valentine	Van Tassell		

S.B. 90 was transmitted to the House.

* * *

On motion of Senator Christensen, the Senate voted to lift **H.B. 173** to the top of the Second Reading Calendar.

H.B. 173, OUTDOOR GUIDES AND OUTFITTERS LICENSING ACT, was read the second time.

On motion of Senator Christensen, the following substitute bill replaced the original bill:

1st Sub. H.B. 173 Outdoor Guides and Outfitters Licensing Act (E. Vickers)

On motion of Senator Christensen, under suspension of the rules, **1st Sub. H.B. 173**, OUTDOOR GUIDES AND OUTFITTERS LICENSING ACT, was considered read the second and third times and failed on the following roll call:

Yeas, 13; Nays, 10; Absent, 6.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Goodfellow	Greiner	Jones	Liljenquist
Madsen	Mayne	McCoy	Niederhauser
Romero			

Voting in the negative were: Senators

Dayton	Hinkins	Jenkins	Killpack
Morgan	Okerlund	Stephenson	Stowell
Urquhart	Waddoups		

Absent or not voting were: Senators

Buttars	Hillyard	Knudson	Robles
Valentine	Van Tassell		

1st Sub. H.B. 173 was filed.

* * *

On motion of Senator Dayton, **1st Sub. H.B. 294**, SURVIVAL ACTION UPON INJURY OR DEATH, was read the second time and circled.

* * *

On motion of Senator Dayton, **H.B. 209**, AMENDMENTS TO CRIMINAL APPEALS, was read the second time and circled.

* * *

On motion of Senator Bramble, under suspension of the rules, **H.B. 425**, CARSON SMITH SCHOLARSHIP PROGRAM AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Waddoups	

Absent or not voting were: Senators

Buttars	Christensen	Killpack	Knudson
Valentine	Van Tassell		

H.B. 425 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, under suspension of the rules, **H.B. 392**, NATURAL GAS FOR VEHICLES, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Waddoups			

Absent or not voting were: Senators

Buttars	Killpack	Valentine	Van Tassell

H.B. 392 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 12, 2009

The House concurred in the Senate amendments and passed **1st Sub. H.B. 2**, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, by Representative M. Newbold, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 2, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 12, 2009

The Speaker of the House has appointed a Conference Committee consisting of Representatives W. Harper, J. Dougall, and N. Hendrickson to meet with a like

committee from the Senate to consider or amend **1st Sub. H.B. 371**, TRANSPORTATION GOVERNANCE, by Representative W. Harper.

Sandy D. Tenney, Chief Clerk

* * *

Mr. President: March 12, 2009

The House passed **H.C.R. 10**, CONCURRENT RESOLUTION HONORING THE LIFE AND CONTRIBUTIONS OF LARRY H. MILLER, by Representative C. Wimmer, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.C.R. 10** was read the first time and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Madsen, the Senate voted to lift **H.C.R. 10**, CONCURRENT RESOLUTION HONORING THE LIFE AND CONTRIBUTIONS OF LARRY H. MILLER, from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Madsen, under suspension of the rules, **H.C.R. 10**, CONCURRENT RESOLUTION HONORING THE LIFE AND CONTRIBUTIONS OF LARRY H. MILLER, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	McCoy

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.

COMMITTEE OF THE WHOLE

On motion of Senator Madsen, Gail Miller spoke in Committee of the Whole.

On motion of Senator Jenkins, the Committee of the Whole was dissolved.

* * *

1st Sub. H.B. 313, SOCIAL HOST LIABILITY ACT, was read the second time.

Senator Mayne proposed the following amendment:

1. Page 3, Lines 60 through 64

60 (7) "Underage drinking gathering" means a gathering of two or more individuals:

61 (a) at which {~~service to or consumption of~~} an individual knowingly serves, aids in the service of, or allows the service of an alcoholic beverage {~~by~~} to an underage person

62 {~~occurs~~} ; and

63 (b) to which an emergency response provider is required to respond, except for a

64 response related solely to providing medical care at the location of the gathering.

2. Page 3, Lines 81 through 82:

81 (5) An individual who violates Subsection (1) is liable under this part regardless of

82 whether the individual is present at an underage drinking gathering.

(6) If a minor is issued a citation under this section, the minor's parent or legal guardian may not be held liable for an amount of civil penalty imposed on the minor as a result of the minor's citation.

Senator Mayne's motion to amend passed on a voice vote.

On motion of Senator Mayne, under suspension of the rules, **1st Sub. H.B. 313**, SOCIAL HOST LIABILITY ACT, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	Morgan
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Hillyard	Madsen	McCoy	Niederhauser
Stephenson			

1st Sub. H.B. 313 was returned to the House for further consideration.

* * *

2nd Sub. H.B. 272, UTAH SCENIC BYWAY DESIGNATION AMENDMENTS, was read the second time.

On motion of Senator Valentine, the following substitute bill replaced the original bill:

3rd Sub. H.B. 272 Utah Scenic Byway Designation Amendments (C. Herrod)

Senator Valentine proposed the following amendment:

1. Page 3, Line 79

79 (2) (a) The committee shall consist of the following {~~14~~} 15 members:

2. Page 4, Lines 93 through 94:

93 ~~identified in Subsection (2)(a) ; and~~]
(ii) one local government tourism representative appointed by the governor;

94 [~~(c)~~] {~~(ii)~~} (iii) a representative from the [~~private sector selected by the state entities identified~~

3. Page 4, Line 96:

96 {~~(iii)~~} (iv) three local elected officials from a county, city, or town within the state appointed

4. Page 4, Line 98:

98 {~~(iv)~~} (v) a member from the House of Representatives appointed by the speaker of the

5. Page 4, Line 100:

100 {~~(v)~~} (vi) a member from the Senate appointed by the president of the Senate.

6. Page 4, Line 104:

104 made under Subsection (2)(a)(i), (ii), {~~or (iii)~~} (iii), or (iv) adjust the length of terms to ensure that the terms

7. Page 4, Line 107:

107 (d) (i) The appointments made under Subsection (2)(a) {~~(iv)~~} (v) and (2)(a) {~~(v)~~} (vi) by the speaker

8. Page 4, Lines 110 through 111:

110 appointments made under Subsections (2)(a) {~~(iv)~~} (v) and (2)(a) {~~(v)~~} (vi) as follows:

111 (A) if the speaker appoints a member under (2)(a) {~~(iv)~~} (v) , the next appointment made by

9. Page 4, Line 114:

114 (B) if the president appoints a member under (2)(a) {~~(v)~~} (vi) , the next appointment made by

10. Page 5, Lines 119 through 120:

119 (b) The members appointed under Subsections (2)(a)[~~(v), (vi), (vii), and (viii)~~](i) {~~(D)~~} (E)

120 through (H) serve as nonvoting, ex officio members of the committee.

11. Page 7, Line 181:

181 (i) a person or another entity , with the consent of any landowners affected by the segmentation, has requested the segmentation of a portion of a road or

12. Page 7, Line 190:

190 upon the request of a person or another entity , with the consent of any landowners affected by the segmentation , that person or entity may appeal the denial of the

Senator Valentine's motion to amend passed on a voice vote.

On motion of Senator Valentine, the bill was circled.

* * *

On motion of Senator Liljenquist, under suspension of the rules, **H.B. 327**, BUILDING INSPECTOR AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Madsen	McCoy	Stephenson
Urquhart			

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.

* * *

On motion of Senator Bell, under suspension of the rules, **1st Sub. H.B. 401**, CUSTODY AND PARENT–TIME AMENDMENTS FOR SERVICE MEMBERS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist

Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators

Bramble	Killpack	McCoy

1st Sub. H.B. 401 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. 209**, AMENDMENTS TO CRIMINAL APPEALS, and it was before the Senate.

On motion of Senator Valentine, under suspension of the rules, **H.B. 209**, AMENDMENTS TO CRIMINAL APPEALS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Christensen	Killpack	Madsen	McCoy

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 Jones, under suspension of the rules, **1st Sub. H.J.R. 9**, JOINT RESOLUTION ON COST–EFFECTIVE ENERGY EFFICIENCY AND

UTILITY DEMAND–SIDE MANAGEMENT, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Christensen	Knudson

1st Sub. 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.

* * *

On motion of Senator Killpack, and at 10:30 a.m., the Senate sauntered.

The Senate was called to order at 10:55 a.m., with President Waddoups presiding.

* * *

On motion of Senator Waddoups, the circle was removed from **1st Sub. H.B. 294**, SURVIVAL ACTION UPON INJURY OR DEATH, and it was before the Senate.

On motion of Senator Waddoups, under suspension of the rules, **1st Sub. H.B. 294**, SURVIVAL ACTION UPON INJURY OR DEATH, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators
Buttars Davis Jenkins Niederhauser
Stephenson

1st Sub. 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.

* * *

On motion of Senator Valentine, **H.B. 183**, NATIONAL ANIMAL IDENTIFICATION SYSTEM, was read the second time and circled.

* * *

On motion of Senator Hillyard, under suspension of the rules, **H.B. 251**, JOINT CUSTODY AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators
Bramble Niederhauser

H.B. 251 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Dayton, the Senate voted to lift **H.C.R. 9**, CONCURRENT RESOLUTION HONORING DON PEAY, from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Dayton, under suspension of the rules, **H.C.R. 9**, CONCURRENT RESOLUTION HONORING DON PEAY, was considered read the second and third times. Senators Stowell, Valentine, Christensen, Van Tassell, Jenkins, Romero, Stephenson, Liljenquist, and Bell and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell		

Absent or not voting were: Senators

Bramble	Mayne	Waddoups

H.C.R. 9 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Okerlund, under suspension of the rules, the Senate voted to reconsider its action on **1st Sub. H.B. 173**.

1st Sub. H.B. 173, HUNTING GUIDES AND OUTFITTERS LICENSING ACT, was before the Senate, explained by Senator Christensen. Senators Jenkins, Stowell, and Okerlund commented.

On motion of Senator Christensen, under suspension of the rules, **1st Sub. H.B. 173**, HUNTING GUIDES AND OUTFITTERS LICENSING ACT, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 4; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Hinkins	Madsen	Stephenson	Stowell

Absent or not voting was: Senator
Hillyard

1st Sub. H.B. 173 was returned to the House for further consideration.

ADVISE AND CONSENT

COMMUNICATIONS FROM THE GOVERNOR

Mr. President: January 20, 2009

In accordance with Utah Code 67–1–1 and 67–1–2, (2008) I propose and transmit the following appointment:

SECOND DISTRICT COURT

Mark R. DeCaria is appointed as a Judge of the Second District Court. See Utah const. ant. VIII, 8; Utah Code 78A–10–101.

Thank you for your timely consideration and confirmation of the above appointment.

Jon M. Huntsman, Jr.
Governor

* * *

Mr. President: March 10, 2009

The Senate Judicial Confirmation Committee met on March 10, 2009, and reports a favorable recommendation for Mr. Mark R. DeCaria to be confirmed to the position of Judge in the Second District Court.

Scott K. Jenkins, Chair

On motion of Senator Valentine, the Senate voted to approve of the above appointment on the following roll call:

Yeas, 24; Nays, 3; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators
Madsen Stephenson Urquhart

Absent or not voting were: Senators
Buttars Hillyard

COMMITTEE OF THE WHOLE

On motion of Senator Valentine, Judge Mark R. DeCaria spoke in Committee of the Whole. Senators Greiner and Valentine commented.

On motion of Senator Valentine, the Committee of the Whole was dissolved.

* * *

Mr. President: March 8, 2009

In accordance with Utah Code Ann. 67–1–1 and 67–1–2, I propose and transmit the following appointments:

Public Service Commission:

Ted Boyer is reappointed as a member of the Public Service Commission, a term to expire on March 1, 2015. See Utah Code Ann. 54–1–1.5.

Mr. President: March 5, 2009

The Senate Transportation and Public Utilities and Technology Confirmation Committee met on March 5, 2009 and reports a favorable recommendation for Mr. Ted Boyer as a member of the Public Service Commission.

Stephen Urquhart, Chair

Board of State History:

Claudia F. Berry is reappointed as a member of the State Board of History, a term to expire on April 1, 2013. See Utah Code Ann. 9–8–204.

Dr. Martha Sonntag Bradley is reappointed as a member of the State Board of History, a term to expire on April 1, 2013. See Utah Code Ann. 9–8–204.

Scott R. Christensen is reappointed as a member of the State Board of History, a term to expire on April 1, 2013. See Utah Code Ann. 9–8–204.

Michael W. Homer is reappointed as a member of the State Board of History, a term to expire on April 1, 2013. See Utah Code Ann. 9–8–204.

Max J. Smith is reappointed as a member of the State Board of History, a term to expire on April 1, 2013. See Utah Code Ann. 9–8–204.

Mark K. Winder is reappointed as a member of the State Board of History, a term to expire on April 1, 2013. See Utah Code Ann. 9–8–204.

Central Utah Water Conservancy District Board of Directors:

Dallin W. Jensen is appointed to replace the late Gary D. Palmer as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire on January 1, 2012. See Utah Code Ann. 17A–2–1409.

Air Quality Board:

Nan W. Bunker is reappointed as a member of the Air Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–2–103.

Joel Edward Elstein is reappointed as a member of the Air Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–2–103.

Kerry Elizabeth Kelly is appointed to replace James R. Horrocks as a member of the Air Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–2–103.

Brent Capener Bradford is appointed to replace Stead Burwell as a member of the Air Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–2–103.

Real Estate Appraiser Licensing and Certification Board:

Jeanette H. Payne is appointed to replace Ambria L. Spencer as a member of the Real Estate Appraiser Licensing and Certification Board, a term to expire on July 1, 2010. See Utah Code Ann. 61–2b–7.

Health Facility Committee:

Dr. Lynn Taylor Dayton is appointed to replace Dr. Paul Clayton as a member of the Health Facility Committee, a term to expire on July 1, 2012. See Utah Code Ann. 26–1–7 & 26–21–3.

James Gary Sheets, II is appointed to as a member of the Health Facility Committee, a term to expire on July 1, 2012. See Utah Code Ann. 26–1–7 & 26–21–3.

Jeffrey Love is appointed to as a member of the Health Facility Committee, a term to expire on July 1, 2012. See Utah Code Ann. 26–1–7 & 26–21–3.

Utah Horse Racing Commission:

David Bruce Giles is reappointed as a member of the Utah Horse Racing Commission, a term to expire on December 31, 2012. See Utah Code Ann. 4–38–3. Mr. Giles resides in Congressional District 1.

Dennis Ray Hunter is reappointed as a member of the Utah Horse Racing Commission, a term to expire on December 31, 2012. See Utah Code Ann. 4–38–3. Mr. Hunter resides in Congressional District 1.

Don J. Edmunds is reappointed as a member of the Utah Horse Racing Commission, a term to expire on December 31, 2012. See Utah Code Ann. 4–38–3. Mr. Giles resides in Congressional District 3.

Gary D. Allred is appointed to replace Senator David P. Hinkins as a member of the Utah Horse Racing Commission, a term to expire on December 31, 2012. See Utah Code Ann. 4–38–3. Mr. Allred resides in Congressional District 2.

Stuart Sprouse is appointed to replace Don R. Randall as a member of the Utah Horse Racing Commission, a term to expire on December 31, 2012. See Utah Code Ann. 4–38–3. Mr. Giles resides in Congressional District 3.

Board of Oil, Gas, and Mining:

Jake Y. Harouny is reappointed as a member of the Board of Oil, Gas, and Mining, a term to expire on March 1, 2013. See Utah Code Ann. 40–6–4. Mr. Harouny is a Republican.

Jean M. Semborski is reappointed as a member of the Board of Oil, Gas, and Mining, a term to expire on March 1, 2013. See Utah Code Ann. 40–6–4. Ms. Semborski is an Independent.

State Board of Regents:

Brent L. Brown is appointed to replace Joel Wright as a member of the State Board of Regents, a term to expire on June 30, 2011. See Utah Code Ann. 53B–1–104.

Mr. President: March 11, 2009

The Senate Education Confirmation Committee met on March 11, 2009 and reports a favorable recommendation for Mr. Brent L. Brown as a member of the State Board of Regents.

Curtis S. Bramble, Chair

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr.,
Governor

On motion of Senator Valentine, the Senate voted to waive the 15–day requirement on the submittals dated February 26 and March 3, 2009, proposing appointments to various boards and commissions within state government.

* * *

On motion of Senator Valentine, the Senate voted to approve of the above appointments on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Hillyard

COMMITTEE OF THE WHOLE

On motion of Senator Valentine, Brent Brown, spoke in Committee of the Whole.

On motion of Senator Valentine, the Committee of the Whole was dissolved.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The Speaker of the House has signed **S.B. 18**, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS, by Senator W. Niederhauser, et al, and it is transmitted for the signature of the President; and

The House passed, **S.B. 28**, PROHIBITED ACTIVITIES OF GANG OFFENDERS, by Senator J. Greiner, 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. 57**, LOCAL OPTION TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS, by Senator R. Okerlund, and it is transmitted for the signature of the President; and

The House passed, **S.B. 66**, HIGHWAY DESIGNATION AMENDMENTS, by Senator D. Hinkins, et al, 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. 68**, MINING PROTECTION AMENDMENTS, by Senator S. Killpack, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 78**, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, by Senator M. Madsen, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 240**, UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE AMENDMENTS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 8**, JOINT RESOLUTION REGARDING ELIGIBILITY FOR LEGISLATIVE OFFICE, by Senator S. McCoy, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 18, S.B. 28, S.B. 57, S.B. 66, 1st Sub. S.B. 68, 2nd Sub. S.B. 78, 1st Sub. S.B. 240, and **S.J.R. 8** 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, 2009

The House passed, as amended, **1st Sub. S.B. 23**, INCOME TAXATION OF PASS–THROUGH ENTITIES AND PASS–THROUGH ENTITY TAXPAYERS, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 172**, UNDERINSURED MOTORIST COVERAGE AMENDMENTS, by Senator S. Urquhart, and it is transmitted for further consideration; and

The House passed, as amended, **2nd Sub. S.B. 176**, CIVIL FEES IN SMALL CLAIMS COURTS AMENDMENTS, by Senator J. Greiner, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 186**, AMENDMENTS TO STATE TAX COMMISSION PENALTY PROVISIONS, by Senator H. Stephenson, and it is transmitted for further consideration; and

The House substituted, amended, and passed, **2nd Sub. S.B. 260**, HOUSING RELIEF RESTRICTED SPECIAL REVENUE FUND, by Senator S. Jenkins, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 269**, PUBLIC UTILITY EASEMENT AMENDMENTS, by Senator G. Bell, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

On motion of Senator Killpack, the Senate voted to lift **H.B. 328** from the Third Reading Table and place it at the top of the Third Reading Calendar.

On motion of Senator Killpack, the Senate voted to lift **1st Sub. H.B. 256** and **1st Sub. H.B. 169** to the top of the Second Reading Calendar.

On motion of Senator Killpack, the Senate voted to place the following bills at the bottom of the Second Reading Calendar:

H.B. 457, 1st Sub. H.B. 404, H.B. 349, 1st Sub. H.B. 326, H.B. 309, H.B. 334, H.B. 377, H.B. 437, 2nd Sub. H.B. 107, and **1st Sub. H.B. 143**

* * *

On motion of Senator Killpack, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:30 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House passed, **S.B. 205**, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY 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. 209**, LAND USE, DEVELOPMENT, AND MANAGEMENT ACT AMENDMENTS, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President

Sandy D. Tenney, Chief Clerk

S.B. 205 and **S.B. 209** 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, 2009

The House passed, as amended, **S.B. 190**, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN, by Senator W. Niederhauser, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

Mr. President: March 12, 2009

The House adopted the Joint Conference Committee Report dated March 12, 2009, and passed **S.B. 163**, CONSTRUCTION TRADE EXEMPTION, by Senator S. Urquhart, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The Joint Conference Committee comprised of Sens. Urquhart, Liljenquist, and Davis, and Reps. Grover, Herrod, and Gowans, recommends **S.B. 163**, CONSTRUCTION TRADE EXEMPTION, by Senator S. Urquhart, with the following amendments:

1. Page 1, Lines 13 through 19
   Senate Committee Amendments
   2–13–2009:

13 This bill:

14 ▶ provides that electrical and plumbing work done Ŝ➔ within a six month period ←Ŝ on

14a a building project with a value

15 of less than $3,000 must be done by a licensed electrical or plumbing contractor if

16 the project involves an electrical or plumbing system; and

17 ▶ provides that the electrical or plumbing work may be done by a licensed

18 journeyman electrician or plumber if the project involves a Ŝ➔ [~~single item~~] component of an

18a electrical or plumbing system ←Ŝ such as a

19 faucet, toilet, fixture, Ŝ➔ [~~plug,~~] device, outlet, ←Ŝ or electrical switch.

2. Page 3, Lines 82 through 88
House Floor Amendments
3–11–2009:

82 (A) work in the plumbing and electrical trades on a Subsection (1)(h)(i) project Ŝ➔ within

82a any six month period of time:

82b (I) ←Ŝ must

83 be performed by [~~a licensed journeyman electrician or journeyman plumber except as~~

84 ~~otherwise provided in this section;~~]:

85 Ŝ➔ [~~(I)~~] ←Ŝ a licensed electrical or plumbing contractor, if the project involves an electrical

85a or

86 plumbing system Ĥ➔ [~~Ŝ➔ or the installation of a radon mitigation system or a soil depressurization~~

86a ~~system ←Ŝ~~] ←Ĥ ; and

87 (II) Ŝ➔ Ĥ➔ {~~[~~} may {~~]~~} {~~must~~} ←Ĥ be performed by ←Ŝ a licensed journeyman electrician or

87a1 plumber Ĥ➔ or an individual referred to in Subsection (1)(h)(ii)(A)(I) ←Ĥ , if the

87a project involves a Ŝ➔ [~~single item~~] component of the system ←Ŝ

88 such as a faucet, toilet, fixture, Ŝ➔ [~~plug~~] device, outlet ←Ŝ , or electrical switch;

3. Page 4, Lines 104 through 105b
House Floor Amendments
3–11–2009:

104 licensed by the division; Ĥ➔ [~~and~~] ←Ĥ

105 (G) Ĥ➔ installation, repair, or replacement of a radon mitigation system or a soil

105a depressurization system must be performed by a licensed contractor; and

105b (H) ←Ĥ if the total value of the project is greater than $1,000, the person shall file with the

Sen. Steve Urquhart and
Rep. Keith Grover, Chairs

On motion of Senator Urquhart, the Senate voted to adopt the Joint Conference Committee Report and the bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Knudson	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Christensen	Greiner	Killpack
Liljenquist	Madsen		

S.B. 163 was returned to the House for their action.

* * *

Mr. President: March 12, 2009

The House has rejected **S.J.R. 14**, JOINT RESOLUTION – CHALLENGING THE LEGALITY OF A CONVICTION OR SENTENCE, by Senator C. Bramble, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

S.J.R. 14 was filed.

CONCURRENCE CALENDAR

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **1st Sub. S.B. 187**, ALCOHOL AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Christensen	Greiner	Killpack

1st Sub. S.B. 187 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Urquhart, the Senate voted to concur in the House amendments to **S.B. 193**, SALVAGE VEHICLES AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Voting in the negative were: Senators

McCoy	Robles

Absent or not voting were: Senators

Greiner	Killpack	Valentine

S.B. 193 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 **3rd Sub. S.B. 208**, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS. Senators Romero and Mayne commented. The bill, as amended, passed on the following roll call:

Yeas, 16; Nays, 10; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Liljenquist	Madsen	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Waddoups

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Knudson
Mayne	McCoy	Morgan	Robles
Romero	Van Tassell		

Absent or not voting were: Senators

Bramble	Killpack	Valentine

3rd Sub. S.B. 208 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **1st Sub. S.B. 23**, INCOME TAXATION OF PASS–THROUGH ENTITIES AND PASS–THROUGH ENTITY TAXPAYERS. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Killpack	Valentine

1st Sub. S.B. 23 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Urquhart, the Senate voted to concur in the House amendments to **S.B. 172**, UNDERINSURED MOTORIST COVERAGE AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Davis	Valentine

S.B. 172 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Greiner, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 176**, CIVIL FEES IN SMALL CLAIMS COURTS AMENDMENTS. Senators Waddoups and Urquhart commented. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Robles

2nd Sub. S.B. 176 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. 186**, AMENDMENTS TO STATE TAX COMMISSION PENALTY PROVISIONS. Senator Niederhauser commented. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Robles

S.B. 186 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 **2nd Sub. S.B. 260**, HOUSING RELIEF RESTRICTED SPECIAL REVENUE FUND. Senators McCoy and Niederhauser commented. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Madsen

2nd Sub. S.B. 260 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, the Senate voted to concur in the House amendments to **S.B. 269**, PUBLIC UTILITY EASEMENT AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Madsen

S.B. 269 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 328, TEACHER QUALITY AMENDMENTS, was read the third time and explained by Senator Stephenson. Senators Goodfellow, Buttars, Romero, and Robles commented and the bill passed on the following roll call:

Yeas, 18; Nays, 10; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Jenkins
Killpack	Knudson	Liljenquist	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Voting in the negative were: Senators

Davis	Goodfellow	Hinkins	Jones
Mayne	McCoy	Morgan	Robles
Romero	Van Tassell		

Absent or not voting was: Senator
Madsen

H.B. 328 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 12, 2009

The House concurred in the Senate amendments and passed **H.B. 17**, EXPEDITED PARTNER THERAPY TREATMENT, by Representative J. Seelig, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 156**, SUBDIVISION APPROVAL AMENDMENTS, by Representative R. C. Webb, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 412**, ENERGY POLICY AMENDMENTS, by Representative R. Barrus, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 17, 1st Sub. H.B. 156, and **H.B. 412**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 12, 2009

The House refused to concur with the Senate Amendments to **H.B. 122**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, by Representative D. Aagard, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Bramble, the Senate voted to refuse to recede from its amendments to **H.B. 122**. President Waddoups appointed a conference committee consisting of Senators Bramble, Bell and McCoy to meet with a like committee from the House.

THIRD READING CALENDAR

On motion of Senator Niederhauser, the Senate voted to lift **1st Sub. H.B. 35**, HIGHER EDUCATION TAX CREDIT AND CONTRIBUTION, from the Third Reading Table and place it on the Third Reading Calendar.

1st Sub. H.B. 35, HIGHER EDUCATION TAX CREDIT AND CONTRIBUTION, was read the third time.

On motion of Senator Niederhauser, the following substitute bill replaced the original bill:

3rd Sub. H.B. 35 Higher Education Tax Credit and Contribution (J. Dougall)

On motion of Senator Niederhauser, under suspension of the rules, **3rd Sub. H.B. 35**, HIGHER EDUCATION TAX CREDIT AND CONTRIBUTION, was considered read the first, second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Killpack	Madsen	Robles
Valentine			

3rd Sub. H.B. 35 was returned to the House for further consideration.

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: March 12, 2009

The Joint Conference Committee comprised of Sens. Killpack, Mayne, and Niederhauser, and Reps. Harper, Dougall, and Hendrickson, recommends **1st Sub. H.B. 371**, TRANSPORTATION GOVERNANCE, by Representative W. Harper, be replaced and favorably recommends **2nd Sub. H.B. 371**, TRANSPORTATION GOVERNANCE.

Sen. Sheldon Killpack and
Rep. Wayne Harper, Chairs

On motion of Senator Killpack, the Senate voted to adopt the Joint Conference Committee Report and the bill passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Davis	Dayton	Goodfellow
Greiner	Jenkins	Jones	Killpack

Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Buttars	Christensen	Hillyard
Hinkins	Madsen	Valentine	

2nd Sub. H.B. 371 was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Stephenson, the circle was removed from **1st Sub. H.B. 259**, CHANGES TO IMPACT FEES, and it was before the Senate.

On motion of Senator Stephenson, the following substitute bill replaced the original bill:

2nd Sub. H.B. 259 Changes to Impact Fees (S. Sandstrom)

On motion of Senator Stephenson, under suspension of the rules, **2nd Sub. H.B. 259**, CHANGES TO IMPACT FEES, was considered read the first, second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Jenkins
Jones	Killpack	Knudson	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Hillyard	Hinkins	Madsen
Valentine			

2nd Sub. H.B. 259 was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House concurred in the Senate amendments and passed **H.B. 174**, LICENSING OF VOCATIONAL REHABILITATION COUNSELORS, by

Representative R. Menlove, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 283**, ILLEGAL USE OF MOTOR VEHICLES, by Representative M. Noel, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 290**, PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE, by Representative S. Clark, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 299**, UNLAWFUL DETAINER AMENDMENTS, by Representative G. Froerer, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 174, 2nd Sub. H.B. 283, 3rd Sub. H.B. 290, and **3rd Sub. H.B. 299**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

Mr. President: March 12, 2009

The House refused to concur with the Senate Amendments to **1st Sub. H.B. 185**, TRANSPORTATION AMENDMENTS, by Representative W. Harper, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Killpack, the Senate voted to refuse to recede from its amendments to **1st Sub. H.B. 185**. President Waddoups appointed a conference committee consisting of Senators Killpack, Niederhauser, and McCoy to meet with a like committee from the House.

* * *

Mr. President: March 12, 2009

The House refused to concur with the Senate Amendments to **H.B. 378**, CIRCUIT BREAKER AMENDMENTS, by Representative T. Cosgrove, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Hillyard, the Senate voted to refuse to recede from its amendments to **H.B. 378**. President Waddoups appointed a conference committee consisting of Senators Hillyard, Knudson, and Goodfellow to meet with a like committee from the House.

SECOND READING CALENDAR

On motion of Senator Van Tassell, the circle was removed from **H.B. 183**, NATIONAL ANIMAL IDENTIFICATION SYSTEM, and it was before the Senate. Senator Van Tassell explained the bill. Senator Christensen commented.

On motion of Senator Van Tassell, under suspension of the rules, **H.B. 183**, NATIONAL ANIMAL IDENTIFICATION SYSTEM, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	McCoy	Niederhauser

H.B. 183 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SPECIAL PRESENTATION

Students from the Kindred Spirits School preformed for the Senate.

INTRODUCTION OF BILLS

S.B. 3, **Appropriations Adjustments** (L. Hillyard), 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. 3**, APPROPRIATIONS ADJUSTMENTS, from Rules and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

S.B. 3, APPROPRIATIONS ADJUSTMENTS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Hillyard, the Senate voted to lift **1st Sub. H.B. 340** to the top of the Second Reading Calendar.

On motion of Senator Hillyard, under suspension of the rules, **1st Sub. H.B. 340**, RESPITE CARE ASSISTANCE FUND, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Hinkins	Niederhauser

1st Sub. 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.

* * *

On motion of Senator Killpack, the Senate voted to lift **H.B. 384** from the Third Reading Table and place it on the Third Reading Calendar.

* * *

On motion of Senator Killpack, the Senate voted to lift **H.B. 377**, JUDICIAL CODE AMENDMENTS, from Rules and place it on the Second Reading Calendar above **H.B. 457**.

On motion of Senator Killpack, and at 4:10 p.m., the Senate sauntered.

The Senate was called to order at 4:35 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House concurred in the Senate amendments and passed **1st Sub. H.B. 173**, HUNTING GUIDES AND OUTFITTERS LICENSING ACT, by Representative E. Vickers, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 313**, SOCIAL HOST LIABILITY ACT, by Representative E. Hutchings, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 352**, ALCOHOLIC BEVERAGE RELATED AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 430**, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS, by Representative K. Garn, et al, and it is transmitted for the signature of the President; and

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 173, 1st Sub. H.B. 313, 1st Sub. H.B. 352, and **H.B. 430**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 12, 2009

The House substituted and passed, **1st Sub. S.B. 14**, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, by Senator L. Hillyard, et al, 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 Stowell, under suspension of the rules, **1st Sub. H.B. 256**, LIVESTOCK WATERING RIGHTS AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Niederhauser	Valentine

1st Sub. H.B. 256 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, the Senate voted to lift the following bills from Rules and place them at the bottom of the Second Reading Calendar:

H.B. 89, H.B. 96, H.C.R. 7, H.B. 206, 1st Sub. H.B. 237, H.B. 411, 1st Sub. H.B. 164, H.B. 325, H.B. 201, 1st Sub. H.B. 370, H.B. 125, 1st Sub. H.B. 110, H.B. 124, H.J.R. 22, H.B. 270, H.J.R. 25, H.B. 436, H.B. 298, and **1st Sub. H.B. 145**

THIRD READING CALENDAR

H.B. 384, PUBLIC LEWDNESS AMENDMENTS, was read the third time and explained by Senator Urquhart. Senators Greiner, Romero, Bell, McCoy, Liljenquist, Buttars, Robles, and Madsen commented.

Senator Urquhart proposed the following amendment:

1. Page 1, Line 19

   19 {~~None~~} This bill coordinates with H.B. 136, Sex Offender Definition Amendments, by providing that specified amendments in this bill supersede amendments in H.B. 136.

2. Page 4, Line 91:

   91 (ii) the person has previously been convicted of a violation of this section.

Section 3. Coordinating H.B. 384 and H.B. 136 – Superseding amendments.

If this H.B. 384 and H.B. 136, Sex Offender Definition Amendments, both pass, it is the intent of the Legislature that the amendments to Subsection 76–9–702(2) in this bill supersede the amendments to Subsection 76–9–702(2) in H.B. 136 when the office of Legislative Research and General Counsel prepares the Utah Code Database for publication.

Senator Urquhart's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Liljenquist
Madsen	Mayne	Morgan	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator
McCoy

Absent or not voting were: Senators

Bramble	Killpack	Knudson	Niederhauser

H.B. 384, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Valentine, the circle was removed from **3rd Sub. H.B. 272**, UTAH SCENIC BYWAY DESIGNATION AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill. Senator Stowell commented.

On motion of Senator Valentine, under suspension of the rules, **3rd Sub. H.B. 272**, UTAH SCENIC BYWAY DESIGNATION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 17; Nays, 10; Absent, 2.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Jenkins	Jones	Killpack

Liljenquist	Madsen	Mayne	McCoy
Robles	Romero	Stephenson	Valentine
Waddoups			

Voting in the negative were: Senators

Bell	Greiner	Hillyard	Hinkins
Knudson	Morgan	Okerlund	Stowell
Urquhart	Van Tassell		

Absent or not voting were: Senators

Bramble	Niederhauser

3rd Sub. H.B. 272 was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House passed, as amended, **1st Sub. S.B. 224**, REUSE OF INDUSTRIAL BYPRODUCT, by Senator C. Bramble, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

Mr. President: March 12, 2009

The Speaker of the House has appointed a Conference Committee consisting of Representatives D. Aagard, J. Dougall, and N. Hendrickson to meet with a like committee from the Senate to consider or amend **H.B. 122**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, by Representative D. Aagard.

Sandy D. Tenney, Chief Clerk

* * *

Mr. President: March 12, 2009

The Speaker of the House has appointed a Conference Committee consisting of Representatives W. Harper, K. Garn, and D. Litvack to meet with a like

committee from the Senate to consider or amend **1st Sub. H.B. 185**, TRANSPORTATION AMENDMENTS, by Representative W. Harper.

Sandy D. Tenney, Chief Clerk

* * *

Mr. President: March 12, 2009

The Speaker of the House has appointed a Conference Committee consisting of Representatives T. Cosgrove, G. Froerer, and M. Newbold to meet with a like committee from the Senate to consider or amend **H.B. 378**, CIRCUIT BREAKER AMENDMENTS, by Representative T. Cosgrove.

Sandy D. Tenney, Chief Clerk

* * *

Mr. President: March 12, 2009

The House has rejected **S.B. 218**, COMMUNITY ANIMAL SHELTER AND ADOPTION SUPPORT SPECIAL GROUP LICENSE PLATE, by Senator P. Knudson, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

S.B. 218 was filed.

SECOND READING CALENDAR

H.B. 353, TRUTH IN ADVERTISING ACT AMENDMENTS, was read the second time. Senator Dayton explained the bill.

Senator Dayton proposed the following amendment:

1. Page 4a, Line ll4k:
   After "person" insert "by presenting false age identification"

Senator Dayton's motion to amend passed on a voice vote.

# # #

Senator Romero proposed the following amendment:

1. Page 3, Line 85:
   After "(g)," insert "knowingly"

2. Page 4, Line 114n:
After "(A)" insert "knowingly"

Senator Romero's motion to amend failed on a voice vote. Senators McCoy, Valentine, Bramble, Romero, Bell, Buttars, and Goodfellow commented.

On motion of Senator Dayton, under suspension of the rules, **H.B. 353**, TRUTH IN ADVERTISING ACT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 4; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Davis	Goodfellow	McCoy	Romero

H.B. 353 was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House substituted, amended, and passed, **3rd Sub. S.B. 270**, GIFT CARD AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House substituted and passed, **1st Sub. S.B. 189**, AMENDMENTS TO SALES AND USE TAX, by Senator W. Niederhauser, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills was placed on the Concurrence 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.

Senator Hillyard proposed the following amendment:

1. Page 52, Line 1938:
   After Line 1938 insert:
   "From General Fund Restricted – Prison Telephone Surcharge Account 1,500,000"

2. Page 52, Line 1940:
   Delete "(55,000)" and insert "1,445,000"

3. Page 77, Line 2884:
   Delete Line 2884

4. Page 77, Line 2886:
   Delete "1,481,100" and insert "481,100"

5. Page 77, Lines 2890–2896
   Delete Lines 2890–2896

Senator Hillyard's motion to amend passed on a voice vote.

# # #

Senator Knudson proposed the following amendment:

1. Page 62, Line 2316 to 2322:
   Delete lines 2316 to 2322

Senator Knudson's motion to amend passed on a voice vote.

# # #

Senator Jones proposed the following amendment:

1. Page 65, Line 2461:
   Delete "28,100" and insert "218,200"

2. Page 65, Line 2462:
   After Line 2462 insert:
   "From General Fund Restricted – Medicaid Restricted Account 76,000"

3. Page 66, Line 2465:
   After Line 2465 insert:
   "Other Optional Services 266,100"

Senator Jones' motion to amend passed on a voice vote.

# # #

Senator Hillyard proposed the following amendment:

1. Page 54, Line 2008:
   After "Fund" delete "Restricted – Court Security Account"

Senator Hillyard's motion to amend passed on a voice vote.

# # #

Senator Liljenquist proposed the following amendment:

1. Page 65, Line 2455:
   After Line 2455 insert:
   "From Federal Funds 1,000,000"

2. Page 65, Line 2456:
   After Line 2456 insert:
   "From General Fund Restricted – Medicaid Restricted Account 1,000,000"

3. Page 65, Line 2458:
   After Line 2458 insert:
   "Contracted Health Plans 2,000,000"

Senator Liljenquist's motion to amend passed on a voice vote.

On motion of Senator Hillyard, under suspension of the rules, **S.B. 3**, APPROPRIATIONS ADJUSTMENTS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 26; Nays, 2; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators
Goodfellow McCoy

Absent or not voting was: Senator
Buttars

S.B. 3 was transmitted to the House.

CONCURRENCE CALENDAR

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **S.B. 190**, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Buttars

S.B. 190 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **3rd Sub. S.B. 270**, GIFT CARD AMENDMENTS.

On motion of Senator Niederhauser, under suspension of the rules, the Senate voted to consider the bill for the first, second and third time. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Buttars

3rd Sub. S.B. 270 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, the Senate voted to lift **H.J.R. 29** to the top of the Second Reading Calendar.

* * *

On motion of Senator Killpack, and at 6:25p.m., the Senate recessed.

EVENING SESSION

The Senate reassembled at 7:50 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The Speaker of the House has signed **1st Sub. S.B. 23**, INCOME TAXATION OF PASS–THROUGH ENTITIES AND PASS–THROUGH ENTITY TAXPAYERS, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The House passed, **3rd Sub. S.B. 76**, ENERGY 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 **S.B. 163**, CONSTRUCTION TRADE EXEMPTION, by Senator S. Urquhart, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 172**, UNDERINSURED MOTORIST COVERAGE AMENDMENTS, by Senator S. Urquhart, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 176**, CIVIL FEES IN SMALL CLAIMS COURTS AMENDMENTS, by Senator J. Greiner, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 186**, AMENDMENTS TO STATE TAX COMMISSION PENALTY PROVISIONS, 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. 187**, ALCOHOL AMENDMENTS, by Senator J. Valentine, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 193**, SALVAGE VEHICLES 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. 208**, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, by Senator S. Urquhart, et al, and it is transmitted for the signature of the President; and

The House passed, **S.B. 211**, BUILDING 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. 235**, REDISTRIBUTION OF SALES AND USE TAX REVENUES, 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. 243**, JUDICIAL PERFORMANCE EVALUATION COMMISSION MODIFICATIONS, by Senator D. C. Buttars, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 244**, LONG ARM JURISDICTION AMENDMENTS, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 260**, HOUSING RELIEF RESTRICTED SPECIAL REVENUE FUND, by Senator S. Jenkins, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 269**, PUBLIC UTILITY EASEMENT AMENDMENTS, by Senator G. Bell, and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 23**, JOINT RULES RESOLUTION DATE CHANGES, 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

1st Sub. S.B. 23, 3rd Sub. S.B. 76, S.B. 163, S.B. 172, 2nd Sub. S.B. 176, S.B. 186, 1st Sub. S.B. 187, S.B. 193, 3rd Sub. S.B. 208, S.B. 211, 1st Sub. S.B. 235, S.B. 243, S.B. 244, 2nd Sub. S.B. 260, S.B. 269, and **S.J.R. 23** 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, 2009

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 35**, HIGHER EDUCATION CONTRIBUTION, by Representative J. Dougall, and it is transmitted for the signature of the President; and

The House adopted the Joint Conference Committee Report dated March 12, 2009, and passed **2nd Sub. H.B. 371**, TRANSPORTATION GOVERNANCE, by Representative W. Harper, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

3rd Sub. H.B. 35 and **2nd Sub. H.B. 371**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 12, 2009

The House adopted the Joint Conference Committee Report dated March 12, 2009, and passed **1st Sub. H.B. 378**, CIRCUIT BREAKER AMENDMENTS, by Representative T. Cosgrove, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

JOINT CONFERENCE COMMITTEE REPORT

The Joint Conference Committee comprised of Sens. Hillyard, Knudson, and Goodfellow, and Reps. Cosgrove, Froerer, and Newbold, recommends **H.B. 378**, CIRCUIT BREAKER AMENDMENTS, by Representative T. Cosgrove, be replaced and favorably recommends **1st Sub. H.B. 378,** CIRCUIT BREAKER AMENDMENTS.

Sen. Lyle Hillyard and
Rep. Tim Cosgrove, Chairs

On motion of Senator Hillyard, the Senate voted to adopt the Joint Conference Committee Report and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Davis	Goodfellow

1st Sub. H.B. 378 was returned to the House for further consideration.

Mr. President: March 12, 2009

The House has rejected **3rd Sub. S.B. 199**, EQUAL RECOGNITION OF SCHOOL PARENT GROUPS, by Senator C. Bramble, and it is transmitted for filing.

3rd Sub. S.B. 199 was filed.

CONCURRENCE CALENDAR

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **1st Sub. S.B. 14**, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Davis	Goodfellow	Liljenquist

1st Sub. S.B. 14 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **1st Sub. S.B. 224**, REUSE OF INDUSTRIAL BYPRODUCT. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Davis	Goodfellow	Greiner	Liljenquist

1st Sub. S.B. 224 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **1st Sub. S.B. 189**, AMENDMENTS TO SALES AND USE TAX. The bill, as amended, passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Buttars	Christensen	Dayton	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Bramble	Davis	Goodfellow
Liljenquist	McCoy		

1st Sub. S.B. 189 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Okerlund, **H.J.R. 29**, LEGISLATIVE DIRECTION TO THE PUBLIC EMPLOYEES' BENEFIT AND INSURANCE PROGRAM, was read the second time and circled.

* * *

On motion of Senator Stowell, under suspension of the rules, **1st Sub. H.B. 169**, PUBLIC LANDS POLICY COORDINATION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell	Bramble	McCoy	Niederhauser

1st Sub. H.B. 169 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Liljenquist, the circle was removed from **H.J.R. 29**, LEGISLATIVE DIRECTION TO THE PUBLIC EMPLOYEES' BENEFIT AND INSURANCE PROGRAM, and it was before the Senate. Senator Liljenquist explained the bill.

On motion of Senator Liljenquist, under suspension of the rules, **H.J.R. 29**, LEGISLATIVE DIRECTION TO THE PUBLIC EMPLOYEES' BENEFIT AND INSURANCE PROGRAM, was considered read the second and third times. Senators Romero and Davis commented and the billpassed on the following roll call:

Yeas, 18; Nays, 2; Absent, 9.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Hillyard	Jenkins	Jones
Liljenquist	Madsen	Mayne	Okerlund
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Morgan	Robles

Absent or not voting were: Senators

Bell	Bramble	Greiner	Hinkins
Killpack	Knudson	McCoy	Niederhauser
Stephenson			

H.J.R. 29 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Knudson, under suspension of the rules, **4th Sub. H.B. 148**, VICTIM RIGHTS AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	Morgan	Okerlund	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell	Bramble	Killpack	Liljenquist
McCoy	Niederhauser	Robles	Stephenson

4th Sub. H.B. 148 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, the circle was removed from **S.B. 268**, TITLE AND ESCROW COMMISSION RELATED AMENDMENTS, and it was before the Senate.

On motion of Senator Valentine the enacting clause was struck.

* * *

On motion of Senator Van Tassell, under suspension of the rules, **1st Sub. H.B. 280**, INSURANCE CODE – CONTINUING EDUCATION, was considered read the second and third times and passed on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Mayne	Morgan
Okerlund	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell	Bramble	Goodfellow	Killpack
Liljenquist	Madsen	McCoy	Niederhauser
Robles			

1st Sub. H.B. 280 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stephenson, under suspension of the rules, **H.B. 457**, TRUTH IN MUSIC, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Greiner	Hillyard	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Bramble	Goodfellow	Hinkins
Killpack	McCoy		

Senator Urquhart declared a conflict of interest.

H.B. 457 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, **H.B. 377**, JUDICIAL CODE AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Buttars, under suspension of the rules, **1st Sub. H.B. 404**, DISCLOSURE OF REAL PROPERTY, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell	Bramble	Hinkins	McCoy

1st Sub. H.B. 404 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 Killpack, **H.B. 349**, HEAVY BEER AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Killpack, the Senate voted to lift **H.B. 164** to the top of the Second Reading Calendar.

H.B. 164, MIGRATORY BIRD PRODUCTION AREAS, was read the second time. Senator Mayne commented.

On motion of Senator Dayton, the following substitute bill replaced the original bill:

3rd Sub. H.B. 164 Migratory Bird Production Areas (C. Oda)

On motion of Senator Dayton, under suspension of the rules, **3rd Sub. H.B. 164**, MIGRATORY BIRD PRODUCTION AREAS, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Robles

3rd Sub. H.B. 164 was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House passed, **S.B. 90**, METAL THEFT AMENDMENTS AND PENALTIES, by Senator J. Greiner, 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. 190**, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **3rd Sub. S.B. 270**, GIFT CARD AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 90, S.B. 190, and **3rd Sub. S.B. 270** 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, 2009

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 259**, LOCAL GOVERNMENT AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 353**, TRUTH IN ADVERTISING ACT AMENDMENTS, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 384**, PUBLIC LEWDNESS AMENDMENTS, by Representative D. Ipson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 272**, UTAH SCENIC BYWAY DESIGNATION AMENDMENTS, by Representative C. Herrod, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. H.B. 259, H.B. 353, H.B. 384, and **3rd Sub. H.B. 272**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 326**, FORCIBLE ENTRY AND DETAINER AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Christensen	Robles

1st Sub. 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.

* * *

On motion of Senator Bramble, under suspension of the rules, **H.B. 309**, COUNTY FISCAL PROCEDURES AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 2; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Killpack	Knudson	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Hinkins	Jones

Absent or not voting were: Senators

Buttars	Christensen	Liljenquist	Robles

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.

* * *

On motion of Senator Stephenson, under suspension of the rules, **H.B. 334**, WRITING ASSESSMENT AND INSTRUCTION, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Dayton	Greiner	Liljenquist
Madsen	Robles		

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.

* * *

On motion of Senator Urquhart, under suspension of the rules, **H.B. 437**, OBSTRUCTION OF NATURAL RESOURCE OR AGRICULTURAL PRODUCTION, was considered read the second and third times and passed on the following roll call:

Yeas, 21; Nays, 1; Absent, 7.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Goodfellow
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Mayne	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator
Davis

Absent or not voting were: Senators

Buttars	Dayton	Greiner	Liljenquist
Madsen	McCoy	Robles	

H.B. 437 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, **2nd Sub. H.B. 107**, ECONOMIC IMPACT OF ILLEGAL ALIENS, was read the second time and circled.

* * *

On motion of Senator Valentine, under suspension of the rules, **1st Sub. H.B. 143**, VEHICLE TITLE, INSPECTION AND EMISSION TESTING EXEMPTIONS, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Killpack	Liljenquist

1st Sub. H.B. 143 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, the circle was removed from **H.B. 377**, JUDICIAL CODE AMENDMENTS, and it was before the Senate.

On motion of Senator Bell, under suspension of the rules, **H.B. 377**, JUDICIAL CODE AMENDMENTS,, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars	Hillyard	Killpack	Morgan
Valentine			

H.B. 377 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Dayton, **H.B. 89**, PROSTHETIC LIMB HEALTH INSURANCE PARITY, was read the second time and circled.

* * *

H.B. 96, STATE RETIREMENT SYSTEM PARTICIPATION FOR CHARTER SCHOOLS, was read the second time.

On motion of Senator Hinkins, the following substitute bill replaced the original bill:

1st Sub. H.B. 96 State Retirement System Participation for Charter Schools (C. Watkins)

On motion of Senator Hinkins, under suspension of the rules, **1st Sub. H.B. 96**, STATE RETIREMENT SYSTEM PARTICIPATION FOR CHARTER SCHOOLS, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars	Killpack	Liljenquist	Stephenson
Valentine			

1st Sub. H.B. 96 was to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House passed, **S.B. 3**, APPROPRIATIONS ADJUSTMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 14**, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, by Senator L. Hillyard, et al, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 189**, AMENDMENTS TO SALES AND USE TAX, by Senator W. Niederhauser, and it is transmitted for the signature of the President. Sandy D. Tenney, Chief Clerk

S.B. 3, 1st Sub. S.B. 14, and **1st Sub. S.B. 189** 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, 2009

The House substituted and passed, **2nd Sub. S.B. 230**, CONSTRUCTION PAYMENT 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 Hillyard, the Senate voted to lift **H.B. 391** from Rules and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

H.B. 391, BUDGETARY PROCEDURES ACT REVISIONS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Jenkins, the circle was removed from **1st Sub. H.B. 107**, ECONOMIC IMPACT OF ILLEGAL ALIENS, and it was before the Senate. Senators Waddoups, Valentine, and Robles commented

On motion of Senator Jenkins, the bill was circled.

* * *

On motion of Senator Killpack, and at 9:15 p.m., the Senate sauntered.

The Senate was called to order at 9:35 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The Speaker of the House has signed **1st Sub. S.B. 224**, REUSE OF INDUSTRIAL BYPRODUCT, by Senator C. Bramble, and it is transmitted for the signature of the President. Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 224 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 12, 2009

The House passed, as amended, **S.B. 169**, GAMBLING AMENDMENTS, by Senator D. Liljenquist, 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 Hillyard, the circle was removed from **H.B. 391**, BUDGETARY PROCEDURES ACT REVISIONS, and it was before the Senate.

On motion of Senator Hillyard, under suspension of the rules, **H.B. 391**, BUDGETARY PROCEDURES ACT REVISIONS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Buttars	Greiner	Valentine

H.B. 391 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, under suspension of the rules, **1st Sub. H.B. 110**, FINANCIAL TRANSACTION CARD OFFENSES, was considered read the

second and third times. Senator Bramble commented and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Madsen	Valentine

1st Sub. H.B. 110 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

JOINT CONFERENCE COMMITTEE REPORT

The Joint Conference Committee comprised of Sens. Killpack, McCoy, and Niederhauser, and Reps. Harper, Garn, and Litvack, recommends **1st Sub. H.B. 185**, TRANSPORTATION AMENDMENTS, by Representative W. Harper, be replaced and favorably recommends **3rd Sub. H.B. 185**, TRANSPORTATION AMENDMENTS.

Sen. Sheldon Killpack
and Rep. Wayne Harper, Chairs

On motion of Senator Killpack, the Senate voted to adopt the Joint Conference Committee Report and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators
Jenkins Valentine

3rd Sub. H.B. 185 was returned to the House for further consideration.

CONCURRENCE CALENDAR

On motion of Senator Liljenquist, the Senate voted to concur in the House amendments to **S.B. 169**, GAMBLING AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Madsen Urquhart

S.B. 169 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 230**, CONSTRUCTION PAYMENT AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Robles

2nd Sub. S.B. 230 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Mayne, under suspension of the rules, **H.B. 206**, EMPLOYMENT SELECTION PROCEDURES, was considered read the second and third times and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

H.B. 206 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 12, 2009

The House passed, as substituted, **1st Sub. H.B. 178**, HEALTH INSURANCE AND PROGRAM AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.J.R. 23**, JOINT RULES RESOLUTION – EXECUTIVE APPROPRIATIONS COMMITTEE AMENDMENTS, by Representative B. Ferry, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 178** and **H.J.R. 23** were read the first time and referred to the Rules Committee.

On motion of Senator Killpack, the Senate voted to lift **1st Sub. H.B. 178** and **H.J.R. 23** to the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Liljenquist, under suspension of the rules, **1st Sub. H.B. 178**, HEALTH INSURANCE AND PROGRAM AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

1st Sub. H.B. 178 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stephenson, under suspension of the rules, **H.J.R. 23**, JOINT RULES RESOLUTION – EXECUTIVE APPROPRIATIONS COMMITTEE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

H.J.R. 23 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. 237, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT, was read the second time. Senator Liljenquist explained the bill. Senator Hillyard commented.

On motion of Senator Liljenquist, the bill was circled.

* * *

On motion of Senator Greiner, under suspension of the rules, **H.B. 411**, UTAH TECHNOLOGY GOVERNANCE ACT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Buttars

H.B. 411 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 12, 2009

The House concurred in the Senate amendments and passed **1st Sub. H.B. 96**, STATE RETIREMENT SYSTEM PARTICIPATION FOR CHARTER SCHOOLS, by Representative C. Watkins, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 164**, MIGRATORY BIRD PRODUCTION AREAS, by Representative C. Oda, et al, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 96 and **3rd Sub. H.B. 164**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 12, 2009

The House passed, as amended, **S.B. 214**, OFFICE OF CONSUMER SERVICES ACT, by Senator J. Valentine, 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 Liljenquist, the circle was removed from **1st Sub. H.B. 237**, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT, and it was before the Senate.

On motion of Senator Liljenquist, under suspension of the rules, **1st Sub. H.B. 237**, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT, was considered read the second and third times and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Stowell

1st Sub. 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.

CONCURRENCE CALENDAR

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **S.B. 214**, OFFICE OF CONSUMER SERVICES ACT. The bill, as amended, passed on the following roll call:

Yeas, 23; Nays, 2; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Niederhauser	Okerlund
Robles	Romero	Stephenson	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

McCoy	Morgan

Absent or not voting were: Senators

Buttars	Hinkins	Killpack	Stowell

S.B. 214 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House adopted the Joint Conference Committee Report dated March 12, 2009, and passed **3rd Sub. H.B. 185**, TRANSPORTATION AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House adopted the Joint Conference Committee Report dated March 12, 2009, and passed **1st Sub. H.B. 378**, CIRCUIT BREAKER AMENDMENTS, by Representative T. Cosgrove, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

3rd Sub. H.B. 185 and **1st Sub. H.B. 378** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 12, 2009

The House passed, **1st Sub. S.B. 228**, PROHIBITION ON INTERNET OR MAIL–ORDER SALES OF TOBACCO PRODUCTS, by Senator M. Dayton, 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**, GAMBLING AMENDMENTS, by Senator D. Liljenquist, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 230**, CONSTRUCTION PAYMENT AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 228, S.B. 169, and **2nd Sub. S.B. 230** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

SECOND READING CALENDAR

On motion of Senator Robles, under suspension of the rules, **H.B. 436**, STATE PROHIBITION OF SUDAN RELATED CONTRACTS, was considered read the second and third times. Senators Bramble, Liljenquist, and Urquhart commented and the bill passed on the following roll call:

Yeas, 24; Nays, 5; Absent, 0.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Voting in the negative were: Senators

Bell	Hinkins	Jenkins	Knudson
Valentine			

H.B. 436 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 12, 2009

The House substituted, amended, and passed, **2nd Sub. S.B. 272**, DRIVER LICENSE SANCTIONS AND SENTENCING REQUIREMENTS FOR DRIVING UNDER THE INFLUENCE AND ALCOHOL RELATED OFFENSES, by Senator S. Jenkins, 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 Jenkins, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 272**, DRIVER LICENSE SANCTIONS AND SENTENCING REQUIREMENTS FOR DRIVING UNDER THE INFLUENCE AND ALCOHOL RELATED OFFENSES. Senator Greiner commented. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Goodfellow	Madsen

2nd Sub. S.B. 272 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House substituted and passed, **2nd Sub. S.J.R. 6**, LEGISLATOR COMMUNICATIONS WITH JUDICIARY JOINT RULES RESOLUTION, by Senator J. Valentine, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

Mr. President: March 2, 2009

The House passed, **2nd Sub. S.B. 131**, LAW ENFORCEMENT SERVICE IN LOCAL DISTRICTS AND INTERLOCAL ENTITIES, 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. 188**, IMPROVEMENT DISTRICT – PROVIDING ELECTRIC SERVICE, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 213**, RESTAURANT NUTRITION LABELING, by Senator H. Stephenson, 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. 214**, OFFICE OF CONSUMER SERVICES ACT, by Senator J. Valentine, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 65**, AMENDMENTS TO PROPERTY TAX NOTICE, PUBLIC HEARING, AND RESOLUTION PROVISIONS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President

Sandy D. Tenney, Chief Clerk

2nd Sub. S.B. 131, S.B. 188, S.B. 213, S.B. 214 and **1st Sub. S.B. 65** 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, 2009

The House has rejected **1st Sub. S.B. 159**, MATH EDUCATION INITIATIVE, by Senator H. Stephenson, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 159 was filed.

CONCURRENCE CALENDAR

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **2nd Sub. S.J.R. 6**, LEGISLATOR COMMUNICATIONS WITH JUDICIARY AND EXECUTIVE BRANCH JOINT RULES RESOLUTION. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Urquhart

2nd. Sub. S.J.R. 6 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The Speaker of the House has signed **2nd Sub. S.J.R. 6**, LEGISLATOR COMMUNICATIONS WITH JUDICIARY JOINT RULES RESOLUTION, 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. 272**, DRIVER LICENSE SANCTIONS AND SENTENCING REQUIREMENTS FOR DRIVING UNDER THE INFLUENCE AND ALCOHOL RELATED OFFENSES, by Senator S. Jenkins, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. S.J.R. 6 and **2nd Sub. S.B. 272** 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 Killpack, the Senate struck the enacting clause on all Senate bills and resolutions remaining on the calendar and with the Rules Committee and ordered them filed.

President Michael Waddoups directed Annette Moore and Leslie McLean to read, revise, and make minor corrections to the Daily Senate Journals and be responsible for certifying the indexed and bound copy as the accurate record of the proceedings of the 2009 General Session of the Fifty–Eighth Legislature.

President Waddoups appointed Senators John Valentine, Steve Urquhart, and Gene Davis to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Waddoups appointed Senators Peter Knudson, Margaret Dayton and Luz Robles to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Sheldon Killpack and Senator Patricia Jones expressed appreciation to the opposite party.

Senator Allen Christensen, Chairman of the Employee Committee, asked that all Senate employees stand and receive the thanks of the Senators. He also

expressed thanks to all the legislative employees serving in the Office of Legislative Research and General Counsel, Fiscal Analyst, Auditor General, and to the employees in Legislative Printing.

Senator Christensen also expressed appreciation to the Senate interns for the exceptional work they have done throughout the session.

On motion of Senator Christensen, the Senate voted to give each member of the Senate staff an additional 8 hours' compensation at the rates established for each employee.

President Waddoups expressed appreciation to Senator Killpack, Senator Jenkins, Senator Bell, Senator Dayton, and Senator Lyle Hillyard for his excellent service as Appropriations Chairman and Senator Peter Knudson for his service as Appropriations Vice–Chairman.

Senator Knudson reported the House has been notified that the business of the Senate has concluded and the Senate is ready to adjourn sine die.

Senator Valentine reported that his committee, with a like committee from the House of Representatives had notified the Governor. The Governor asked that the committee convey to each house that he has no further business to bring before the legislature but that he would like to speak before each house prior to their adjournment sine die.

Governor Jon M. Huntsman Jr. made closing remarks and expressed appreciation to the Senate.

On motion of Senator Killpack and at 12:00 a.m., the Senate adjourned sine die.

SENATE STRUCK ENACTING CLAUSE
HOUSE BILLS AND RESOLUTIONS

Mr. Speaker: March 12, 2009

I am directed to inform the House of Representatives that the Senate on this day struck the enacting clause on the following House Bills and Resolutions:

H.B. 48	Ballot Question Amendments (Rep. K. Grover)
1st Sub. H.B. 49	Voter Challenge Amendments (Rep. N. Hansen)
H.B. 70	Cigarette Tax Exemption Amendments (Rep. E. Vickers)
H.B. 76	Income Tax Credit for Military Retired Pay (Rep. S. Mascaro)
H.B. 83	Property Tax Relief Programs (Rep. G. Froerer)

H.B. 89	Prosthetic Limb Health Insurance Parity (Rep. D. Litvack)
H.B. 101	Assertive Community Mental Health Treatment Pilot Program (Rep. C. Moss)
2nd Sub. H.B. 107	Economic Impact of Illegal Aliens (Rep. S. Clark)
H.B. 122	Government Records Access and Management Act Amendments (Rep. D. Aagard)
H.B. 124	Insurance Coverage for Eosinophilic Gastrointestinal Disorders and Short Bowel Syndrome (Rep. C. Johnson)
H.B. 125	Impact Fee Amendments (Rep. K. Powell)
H.B. 140	Motor Vehicle Registration Fee Amendments (Rep. C. Frank)
1st Sub. H.B. 145	Workplace Drug Testing Programs (Rep. T. Beck)
1st Sub. H.B. 150	State Board of Education Member Election Process Amendments (Rep. C. Moss)
H.B. 171	Legal Immigrant Children Health Care Amendments (Rep. K. Holdaway)
H.B. 184	Income Tax Credit for a Disabled Dependent (Rep. J. Dougall)
H.B. 201	Municipal Disincorporation Amendments (Rep. G. Froerer)
1st Sub. H.B. 204	Concealed Firearms Instructors Amendments (Rep. C. Oda)
1st Sub. H.B. 207	Concurrent Enrollment Amendments (Rep. K. Holdaway)
H.B. 221	County Correctional Facilities Funding Amendments (Rep. M. Noel)
H.B. 238	Exemption of University Housing from Eviction Laws (Rep. K. Holdaway)
2nd Sub. H.B. 246	Property Tax – Residential Exemption (Rep. G. Froerer)
H.B. 270	Parent–time Holiday and Notification Amendments (Rep. L. Fowlke)
H.B. 276	Custodial Interference Amendments (Rep. C. Wimmer)
H.B. 298	Juvenile Transfers from Justice Court (Rep. K. McIff)
1st Sub. H.B. 311	Utah State Railroad Museum Authority (Rep. N. Hansen)
H.B. 312	Amended Campaign Finance Filings (Rep. S. Allen)
H.B. 314	DNA Sample for Criminal Offenses – Amendments (Rep. R. Greenwood)
H.B. 316	Time Limitation for Prosecution of Environmental Crimes (Rep. C. Wimmer)
H.B. 322	Tire Recycling Fee Modifications (Rep. N. Hendrickson)
H.B. 325	Opting Out of the Real ID Act (Rep. S. Sandstrom)

H.B. 333	Motor Vehicle Impound Amendments (Rep. C. Oda)
1st Sub. H.B. 337	Choose Life Special Group License Plate (Rep. C. Herrod)
1st Sub. H.B. 347	Alcoholic Beverage Control Act Modifications (Rep. G. Hughes)
H.B. 349	Heavy Beer Amendments (Rep. C. Oda)
H.B. 351	Court Fees Amendments (Rep. C. Oda)
H.B. 362	Government Records Amendments (Rep. G. Hughes)
1st Sub. H.B. 370	Disabled Parking Violation Amendments (Rep. S. Mascaro)
H.B. 376	Revisions to Alcoholic Beverage Control Act (Rep. G. Hughes)
H.B. 379	Environmental Litigation Bond (Rep. M. Noel)
H.B. 387	Motorcycle Helmet Amendments (Rep. R. Menlove)
H.B. 418	Delinquent Property Tax Amendments (Rep. G. Froerer)
1st Sub. H.B. 439	Amendments to City or Town Sales and Use Tax for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities (Rep. K. Holdaway)
H.B. 450	Trademark Amendments (Rep. B. Last)
H.B. 451	Public Employees' Benefit and Insurance Program Amendments (Rep. B. Dee)
H.C.R. 2	Healthy Family Partnership Concurrent Resolution (Rep. C. Oda)
H.C.R. 7	Concurrent Resolution Expressing Opposition to the Congressional Enactment of the National Landscape Conservation System (Rep. M. Brown)
H.J.R. 13	Joint Resolution – Teacher Performance Pay (Rep. M. Poulson)
1st Sub. H.J.R. 17	Joint Resolution Urging Congressional and Presidential Opposition to Federal Bailouts and Promotion of Fiscal Responsibility (Rep. C. Frank)
H.J.R. 22	Joint Resolution – Utah's Medicaid Asset Test (Rep. R. Chavez–Houck)

H.J.R. 25	Joint Resolution Urging Employers to Hire Only Individuals Who Are Authorized to Work in the United States (Rep. C. Herrod)

Annette Moore
Secretary of the Senate

HOUSE STRUCK ENACTING CLAUSE SENATE BILLS AND RESOLUTIONS

Mr. President: March 12, 2009

I am directed to inform the Utah State Senate that the House Committee on Rules has struck the enacting clause on the following Senate Bills and Resolutions:

S.B. 10	Department of Community and Culture – State–Owned Art Inventory (M. Madsen)
S.B. 19	Criminal Offense Penalties Amendment (J. Greiner)
S.B. 33	Utility Transmission Corridor Siting Task Force (S. Jenkins)
2nd Sub. S.B. 38	Severance Tax Amendments (J. Valentine)
S.B. 43	Insurance Coverage for Autism Spectrum Disorders – Clay's Law (H. Stephenson)
S.B. 49	Small Business Access to Justice Act (R. Romero)
S.B. 58	Collection and Use of Precipitation (S. McCoy)
S.B. 59	Allocation and Apportionment of Income and Deduction of a Net Loss (H. Stephenson)
1st Sub. S.B. 63	Modifications to Recording Requirements (R. Okerlund)
S.B. 64	Administrative Rules Review Committee (H. Stephenson)
S.B. 67	Miners' Safety and Training (L. Robles)
1st Sub. S.B. 69	Proof of Citizenship Required to Vote (M. Madsen)
S.B. 74	At–Risk Student Provisions (L. Robles)
S.B. 77	Grants for Licensed Teachers Amendments (M. Madsen)
S.B. 82	Local Health Authority Funding Amendments (D. Stowell)
S.B. 119	Hospital Emergency Room Task Force (D. Buttars)
S.B. 128	Rainwater Harvesting (S. Jenkins)
1st Sub. S.B. 132	Individual Income Tax Contribution for Methamphetamine Housing Reconstruction and Rehabilitation (K. Mayne)
S.B. 149	Prohibition of Text Messaging or Electronic Mail Communication While Driving (L. Hillyard)

S.B. 154	Juvenile Court Judge–Fifth District (S. Urquhart)
S.B. 166	Alcoholic Beverage Control Act – Days of Sale (S. McCoy)
S.B. 179	Safety Belt Enforcement Amendments (C. Bramble)
S.B. 215	Justice for All Special Group License Plate (G. Bell)
S.B. 225	Health Amendments for Legal Immigrant Children (L. Robles)
S.B. 245	Uniform Fees on Motorcycles (B. Goodfellow)
S.B. 258	Medicaid Drug Program Amendments (L. Hillyard)
S.J.R. 12	Joint Resolution Supporting Expansion of Correctional Facilities in San Juan County (D. Hinkins)
S.J.R. 18	Joint Resolution on Fiscal Note Process (W. Niederhauser)
S.J.R. 21	Joint Resolution on Combating and Reducing Gang Activity (L. Robles)

Sandy Tenney
Chief Clerk of the House

Mr. President: March 12, 2009

The Rules Committee recommends the enacting clause be stricken on the following Senate Bills and Resolutions and they be filed:

S.B. 30	Enhancement of Truth in Advertising Act (Sen. M. Dayton)
1st Sub. S.B. 32	Wrongful Death Amendments (Sen. S. McCoy)
S.B. 34	Amendments to Sales and Use Tax Exemption for Certain Machinery, Equipment, or Parts (Sen. W. Niederhauser)
S.B. 42	Nuclear Power Distribution and Generation (Sen. S. McCoy)
S.B. 44	Coal Mining and Reclamation Amendments (Sen. G. Davis)
S.B. 45	Concealed Firearm Permit for Retired Peace Officer (Sen. B. Goodfellow)
S.B. 46	School Property Tax Equalization Amendments (Sen. K. Morgan)
1st Sub. S.B. 47	County Regional Facilities Property Tax (Sen. G. Davis)
S.B. 48	Teacher Licensing by Competency Amendments (Sen. D. C. Buttars)
S.B. 55	Governor's Interagency Coordinating Council on Health Disparities and Economic Self–sufficiency (Sen. L. Robles)

S.B. 60	Districts Providing Service to Taxed Property (Sen. M. Waddoups)
S.B. 61	Home School and Private School Students' Participation in Extracurricular Activities (Sen. M. Madsen)
S.B. 62	Insurance Coverage for Essential Medical Services (Sen. M. Waddoups)
S.B. 71	Forest Reserve Fund Amendments (Sen. R. Okerlund)
S.B. 72	Taxes on Motor Fuels (Sen. J. Valentine)
S.B. 86	Amendments to Preferred Drug List (Sen. A. Christensen)
S.B. 89	Public Safety Retirement Death Benefit Modifications (Sen. J. Greiner)
S.B. 96	Concealed Firearm Permit Residency Requirement (Sen. S. McCoy)
S.B. 101	State Ethics Commission (Sen. S. McCoy)
1st Sub. S.B. 106	Alcoholic Beverage Control Act Restrictions (Sen. S. McCoy)
S.B. 109	Local School Funding Legislative Task Force (Sen. D. C. Buttars)
S.B. 113	Delayed Effective Date for Illegal Immigration Legislation (Sen. P. Jones)
2nd Sub. S.B. 114	Tobacco Tax Amendments (Sen. A. Christensen)
S.B. 123	School District Division Process (Sen. L. Hillyard)
S.B. 125	Interest on Personal Injury Judgments (Sen. R. Okerlund)
S.B. 130	Income Tax Credit – Contributions for Which Federal Matching Monies Are Offered (Sen. S. McCoy)
S.B. 144	Pete Suazo Memorial Highway (Sen. L. Robles)
S.B. 151	Driver License Defensive Driving Course Amendments (Sen. K. Van Tassell)
1st Sub. S.B. 159	Math Education Initiative (Sen. H. Stephenson)
S.B. 164	In Person Voter Registration (Sen. S. McCoy)
S.B. 168	Alcoholic Beverage Control Act – Hours Restrictions (Sen. S. McCoy)
S.B. 174	Redistricting Commission (Sen. R. Romero)
S.B. 175	Signage Requirements Relating to Children and Animals in Parked Cars (Sen. K. Mayne)
S.B. 177	New School District Amendments (Sen. D. C. Buttars)
S.B. 178	Class B and C Roads Amendments (Sen. K. Van Tassell)
S.B. 181	Criminal Prosecution Amendments (Sen. D. Liljenquist)
S.B. 191	Life Insurance and Viatical Settlements Related Amendments (Sen. W. Niederhauser)
S.B. 194	Nondiscrimination Amendments (Sen. S. McCoy)

S.B. 195	Public Employee Defined Contribution Amendments (Sen. D. Liljenquist)
S.B. 196	Liquor Purchase Price for Licensees (Sen. S. McCoy)
S.B. 197	Alcoholic Beverage Resort License (Sen. S. McCoy)
S.B. 198	Escaped Property Tax Amendments (Sen. H. Stephenson)
3rd Sub. S.B. 199	Equal Recognition of School Parent Groups (Sen. C. Bramble)
S.B. 200	Consolidation of Certain Human Services Ombudsman Programs (Sen. L. Hillyard)
S.B. 203	Revisions to Transportation (Sen. S. Jenkins)
S.B. 204	Property Tax Deferrals (Sen. J. Valentine)
S.B. 206	Assignment of Officials for High School Athletic Activities (Sen. M. Madsen)
S.B. 212	Utah Common Interest Ownership Act (Sen. G. Bell)
S.B. 217	Drugs Amendments (Sen. P. Knudson)
S.B. 218	Community Animal Shelter and Adoption Support Special Group License Plate (Sen. P. Knudson)
S.B. 219	County Auditor Modifications (Sen. P. Knudson)
S.B. 221	Dedication and Abandonment of a Highway (Sen. M. Madsen)
S.B. 222	Special Assessment Area Amendments (Sen. M. Madsen)
S.B. 223	City and County Carbon Credits for Sequestration of Waste Stream Materials (Sen. R. Romero)
S.B. 226	Foreclosure Amendments (Sen. J. Valentine)
S.B. 227	Concealed Firearm Permit Fees Amendments (Sen. S. McCoy)
S.B. 229	General Tax Amendments (Sen. J. Valentine)
S.B. 231	Telecommunications Universal Service Fund Revisions (Sen. J. Valentine)
S.B. 232	Income Tax Revisions (Sen. J. Valentine)
S.B. 233	Property Tax Modifications (Sen. J. Valentine)
S.B. 234	Motor Vehicle Registration Fees (Sen. R. Okerlund)
S.B. 236	Uninsured and Underinsured Motorist Coverage Amendments (Sen. M. Madsen)
S.B. 237	Conviction Surcharge Amendments (Sen. J. Greiner)
S.B. 238	Coal Severance Tax (Sen. G. Davis)
S.B. 241	Instructional Expenses Requirements (Sen. M. Madsen)
S.B. 242	Contractor's Licensing Amendments (Sen. S. Jenkins)
S.B. 246	School Amendments (Sen. D. C. Buttars)
S.B. 247	Rural Hospital Funding (Sen. D. Stowell)
S.B. 249	Utility Franchise Tax Amendments (Sen. C. Bramble)

S.B. 250	Government Law Modifications (Sen. R. Romero)
S.B. 251	Transportation Funding Modifications (Sen. K. Mayne)
S.B. 252	Disbursement of Federal Stimulus Funds (Sen. S. Killpack)
S.B. 253	Health and Human Services Modifications (Sen. L. Robles)
S.B. 254	Amendments to General Government (Sen. G. Davis)
S.B. 255	Amendments – General Government (Sen. G. Davis)
S.B. 256	Adjustments to Implement Budget – 5 (Sen. L. Hillyard)
S.B. 261	Revisions to General Government (Sen. S. Killpack)
S.B. 262	General Government Modifications (Sen. G. Bell)
S.B. 263	Amendments to Tax (Sen. S. Jenkins)
S.B. 264	Tax Modifications (Sen. G. Bell)
S.B. 265	General Government Revisions (Sen. J. Valentine)
S.B. 266	Sales Tax Amendments (Sen. J. Valentine)
S.B. 267	Landlord Disclosure Requirements (Sen. R. Romero)
S.B. 268	Title and Escrow Commission Related Amendments (Sen. J. Valentine)
S.J.R. 13	Resolution Amending Legislative Rules to Allow Abstaining from Voting (Sen. C. Bramble)
S.J.R. 14	Joint Resolution – Challenging the Legality of a Conviction or Sentence (Sen. C. Bramble)
S.J.R. 15	Joint Rules Resolution –– Legislative Ethics (Sen. J. Valentine)
S.J.R. 19	Joint Resolution Regarding Legislative Ethics (Sen. G. Davis)
S.J.R. 20	Joint Resolution to Oppose Federal Card Check Legislation (Sen. D. Liljenquist)
S.R. 4	Senate Rules Resolution – Ethics Revisions (Sen. G. Davis)
S.R. 5	Senate Rules Resolution Allowing Abstaining from Voting (Sen. C. Bramble)

Margaret Dayton
Rules Committee Chair

SUMMARY OF LEGISLATION
2009 GENERAL SESSION

	House	Senate	Total
Bills Introduced	400	230	630
Bills Passed	244	156	400
Bills Vetoed	2	0	2
Line Items Vetoed	0	1	1
Total Bills Enacted	***242***	***156***	**398**
Concurrent Resolutions Introduced	10	4	14
Joint Resolutions Introduced	29	21	50
House & Senate Resolutions Introduced	4	6	10
Total Resolutions Introduced	***43***	***31***	**74**
Concurrent Resolutions Passed	8	4	12
Joint Resolutions Passed	16	15	31
House & Senate Resolutions Passed	4	4	8
Total Resolutions Passed	***28***	***23***	**51**

STATISTICAL SUMMARY OF GENERAL SESSIONS
2002-2008

	2002	2003	2004	2005	2006	2007	2008
Bills Introduced	664	706	673	670	663	685	694
Bills Passed	380	392	419	370	371	392	400
Bills Vetoed	3	4	6	2	4	0	1
Vetos Overridden	1	0	0	0	0	0	0
Joint Resolutions Introduced	31	40	36	41	38	29	50
Joint Resolutions Passed	23	21	18	32	17	15	31
Concurrent Resolutions Introduced	17	22	21	24	11	12	14
Concurrent Resolutions Passed	11	11	16	20	5	12	12
House & Senate Resolutions Introduced	14	17	14	13	7	5	10
House & Senate Resolutions Passed	10	13	10	9	6	4	8

SUBJECT INDEX

ALL SENATE AND HOUSE BILLS

AND RESOLUTIONS

(P) – Passed & (F) – Failed

2009 GENERAL SESSION

FIFTY–EIGHTH LEGISLATURE

January 26 through March 12, 2009

2009 BUDGET ADJUSTMENTS

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Settlement Funds, Bigelow, R. . . . . HB 444 (F)
Capital Improvement Appropriation Modification, Bigelow, R. . . . HB 300 (P)
Current Fiscal Year Supplemental Appropriations, Bigelow, R. . . . . HB 3 (P)
Current School Year Supplemental Minimum School
Program Budget Adjustments, Stephenson, H. . . . . SB 4 (P)
Distribution of Tobacco Settlement Monies
Amendments, Bigelow, R. . . . . HB 302 (P)
General Obligation Bonds Authorizations, Clark, S. . . . . HB 4 (P)
Health and Human Services–related Commission,
Committee, and Council Amendments, Bigelow, R. . . . . HB 306 (P)
State Disaster Recovery Restricted Account
Amendments, Bigelow, R. . . . . HB 301 (P)

2010 BUDGET ADJUSTMENTS

Amendments to Department of Corrections' Operations, Ray, P. . . HB 373 (P)
Appropriations Adjustments, Hillyard, L. . . . . SB 3 (P)
Drug Offender Reform Act Amendments, Hillyard, L. . . . . SB 202 (P)
General Obligation Bond Authorization
Amendments, Niederhauser, W. . . . . SB 201 (P)
New Fiscal Year Appropriations Act, Hillyard, L. . . . . SB 2 (P)
Preferred Drug List Revisions, Christensen, A. . . . . SB 87 (P)
Resolution Approving Contract for Construction of Utah Science
Technology and Research Initiative Centers, Hillyard, L. . . . . SJR 22 (P)
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Authorizations, Niederhauser, W. . . . . SB 5 (P)
Tourism Marketing Performance Account
Amendments, Bigelow, R. . . . . HB 307 (P)

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Abortion Law Amendments, Ray, P. . . . . HB 90 (P)
Abortion Litigation Trust Account Amendments, Sumsion, K. . . . . HB 114 (P)
Unborn Child Pain Prevention Act, Wimmer, C. . . . . HB 222 (P)

ABUSE

Abuse or Neglect of a Disabled Child, Valentine, J. . . . . SB 133 (P)
Amendments to Child Welfare, Harper, W. . . . . HB 63 (P)

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Background Checks for Qualifying Entities, Sandstrom, S. . . . . HB 289 (P)

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Administrative Rulemaking Act Amendments, Stephenson, H. . . . . SB 88 (P)
Amendments to Agency Rulemaking Regarding
Criminal Penalties, Ferry, B. . . . . HB 32 (P)
Department of Environmental Quality Amendments, Dayton, M. . . . SB 70 (P)
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Reauthorization of Administrative Rules, Ferry, B. . . . . HB 197 (P)

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Adoption Amendments, Chavez–Houck, R. . . . . HB 288 (F)
Adoption Revisions, Allen, S. . . . . HB 42 (P)

ADVANCE HEALTH CARE DIRECTIVE

Advance Health Care Directive Act Amendments, Christensen, A. SB 117 (P)

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Livestock Watering Rights Amendments, Noel, M. . . . . HB 256 (P)
National Animal Identification System, Brown, M. . . . . HB 183 (P)
Obstruction of Natural Resource or Agricultural
Production, Noel, M. . . . . HB 437 (P)
Property Tax – Greenbelt Rollback, Menlove, R. . . . . HB 193 (F)
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Air Quality Board Amendments, Barrus, R. . . . . HB 191 (F)
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Aviation Amendments, Harper, W. . . . . HB 261 (P)
Aviation Fuel Tax Amendments, Niederhauser, W. . . . . SB 141 (P)
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Advisory Council, Winn, B. . . . . HB 120 (P)

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Manufacturing License, Johnson, C. . . . . HB 51 (P)
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Municipal Annexation Amendments, Jenkins, S. . . . . SB 171 (P)
Township Amendments, Riesen, P. . . . . HB 74 (F)
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Electronic Prescribing Act, Menlove, R. . . . . HB 128 (P)
Hormone Restoration Amendments, Aagard, D. . . . . HB 108 (P)
Hunting Guides and Outfitters Licensing Act, Vickers, E. . . . . HB 173 (P)
Insurance Code – Continuing Education, Bird, J. . . . . HB 280 (P)
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Transmitted to the House 279
Signed by the President and transmitted to the Governor 983

S.B. 67 –– MINERS' SAFETY AND TRAINING *(L. Robles)*
Read the first time by short title and referred to the Rules Committee. 310
Assigned to standing committee 346
Committee report adopted and placed on calendar 380
Read the second time 642
Amendments 642
Read the third time 661
Transmitted to the House 662
Enacting Clause Stricken 1039

S.B. 68 –– MINING PROTECTION AMENDMENTS *(S. Killpack)*
Read the first time by short title and referred to the Rules Committee. 330
Assigned to standing committee 346
Committee report adopted and placed on calendar 380
Read the second time 643
Circled 643
Uncircled 827
Substituted 827
Amendments 828
Read the third time 852
Transmitted to the House 853
Placed on Concurrence Calendar 951
Concurrence 956
Returned to the House 957
Signed by the President and transmitted to the Governor 983

S.B. 69 –– PROOF OF CITIZENSHIP REQUIRED TO VOTE *(M. Madsen)*
Read the first time by short title and referred to the Rules Committee. 272
Assigned to standing committee 327
Committee report adopted and placed on calendar 387
Read the second time 664
Substituted 664
Circled 664
Uncircled 848
Amendments 848
Read the second and third time 850
Transmitted to the House 850
Enacting Clause Stricken 1039

S.B. 70 –– DEPARTMENT OF ENVIRONMENTAL QUALITY AMENDMENTS *(M. Dayton)*
Read the first time by short title and referred to the Rules Committee. 351
Assigned to standing committee 361
Committee report adopted and placed on calendar 425
Read the second time 758
Read the third time 771
Transmitted to the House 772
Signed by the President and transmitted to the Governor 952

S.B. 71 — FOREST RESERVE FUND AMENDMENTS *(R. Okerlund)*
Enacting Clause Stricken 1041

S.B. 72 — TAXES ON MOTOR FUELS *(J. Valentine)*
Enacting Clause Stricken 1041

S.B. 73 — UNINCORPORATED AREAS AMENDMENTS *(K. Mayne)*
Read the first time by short title and referred to the Rules Committee. 290
Assigned to standing committee 303
Committee report adopted and placed on calendar 477
Placed on Time Certain Calendar 757
Read the second time 773
Substituted 773
Read the second and third time 773
Transmitted to the House 773
Signed by the President and transmitted to the Governor 950

S.B. 74 — AT–RISK STUDENT PROVISIONS *(L. Robles)*
Read the first time by short title and referred to the Rules Committee. 381
Assigned to standing committee 603
Amendments 670
Committee report adopted and placed on calendar 676
Read the second and third time 846
Transmitted to the House 847
Enacting Clause Stricken 1039

S.B. 75 — UTILITY AMENDMENTS *(S. Urquhart)*
Read the first time by short title and referred to the Rules Committee. 364
Assigned to standing committee 378
Read the second time and placed on Consent Calendar 427
Read the third time 535
Transmitted to the House 536
Placed on Concurrence Calendar 914
Concurrence 917
Returned to the House 917
Signed by the President and transmitted to the Governor 950

S.B. 76 — ENERGY AMENDMENTS *(C. Bramble)*
Read the first time by short title and referred to the Rules Committee. 226
Assigned to standing committee 244
Substituted 735
Committee report adopted and placed on calendar 735
Read the second and third time 851
Amendments 851
Transmitted to the House 852
Signed by the President and transmitted to the Governor 1010

S.B. 77 — GRANTS FOR LICENSED TEACHERS AMENDMENTS *(M. Madsen)*
Read the first time by short title and referred to the Rules Committee. 226
Assigned to standing committee 243
Committee report adopted and placed on calendar 290
Read the second time 492
Read the third time 513
Circled 513
Uncircled 523
Transmitted to the House 524
Enacting Clause Stricken 1039

S.B. 78 — PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES *(M. Madsen)*
Read the first time by short title and referred to the Rules Committee. 226
Assigned to standing committee 242
Amendments 362, 659
Committee report adopted and placed on calendar 363
Read the second time 633
Substituted 633, 955
Read the third time 659
Transmitted to the House 660
Placed on Concurrence Calendar 895
Before the Senate 915
Circled 915
Uncircled 915
Refuse to Concur 915
Joint Conference Committee Appointed 945
Joint Conference Committee Report 955
Returned to the House 955
Signed by the President and transmitted to the Governor 983

S.B. 79 — HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS *(P. Knudson)*
Read the first time by short title and referred to the Rules Committee. 226
Assigned to standing committee 243, 323
Amendments 394
Committee report adopted and placed on calendar 396
Read the second time 680
Circled 680, 696, 721,
Uncircled 685, 720, 816
Read the third time 696
Substituted 720, 816
Transmitted to the House 816
Signed by the President and transmitted to the Governor 872

S.B. 80 — FIRE LIABILITY MODIFICATIONS *(M. Dayton)*
Read the first time by short title and referred to the Rules Committee. 226
Assigned to standing committee 243
Substituted 477, 800
Committee report adopted and placed on calendar 477
Read the second time 799
Circled 799
Uncircled 800
Read the third time 823
Transmitted to the House 823
Signed by the President and transmitted to the Governor 952

S.B. 81 — CONCURRENT ENROLLMENT PROGRAM AMENDMENTS *(M. Dayton)*
Read the first time by short title and referred to the Rules Committee. 207
Assigned to standing committee 220
Amendments 289
Committee report adopted and placed on calendar 290
Read the second time 493
Substituted 493
Read the third time 522
Transmitted to the House 522
Placed on Concurrence Calendar 751
Before the Senate 764
Circled 764
Uncircled 764
Concurrence 764
Returned to the House 765
Signed by the President and transmitted to the Governor 805

S.B. 82 –– LOCAL HEALTH AUTHORITY FUNDING AMENDMENTS *(D. Stowell)*
Read the first time by short title and referred to the Rules Committee. 207
Assigned to standing committee 221
Amendments 395
Committee report adopted and placed on calendar 396
Read the second time 680
Read the third time 693
Transmitted to the House 693
Enacting Clause Stricken 1039

S.B. 83 –– CONDEMNATION AMENDMENTS *(D. Stowell)*
Read the first time by short title and referred to the Rules Committee. 207
Assigned to standing committee 221
Substituted 384, 664
Committee report adopted and placed on calendar 387
Read the second time 664
Read the third time 689
Transmitted to the House 690
Signed by the President and transmitted to the Governor 890

S.B. 84 –– IMPACT FEES REVISIONS *(G. Bell)*
Read the first time by short title and referred to the Rules Committee. 146
Assigned to standing committee 327
Substituted 455
Committee report adopted and placed on calendar 457
Read the second time 772
Circled 772
Uncircled 773
Amendments 774
Read the third time 817
Transmitted to the House 817
Placed on Concurrence Calendar 912
Concurrence 916
Returned to the House 916
Signed by the President and transmitted to the Governor 950

S.B. 85 –– HOMICIDE AMENDMENTS *(S. Urquhart)*
Read the first time by short title and referred to the Rules Committee. 82
Assigned to standing committee 109
Committee report adopted and placed on calendar 157
Read the second time 259
Read the third time 274
Transmitted to the House 275
Signed by the President and transmitted to the Governor 411

S.B. 86 –– AMENDMENTS TO PREFERRED DRUG LIST *(A. Christensen)*
Read the first time by short title and referred to the Rules Committee. 82
Assigned to standing committee 124
Returned to the Rules Committee 719
Enacting Clause Stricken 1041

S.B. 87 –– PREFERRED DRUG LIST REVISIONS *(A. Christensen)*
Read the first time by short title and referred to the Rules Committee. 82
Assigned to standing committee 108
Amendments 172, 284, 300
Committee report adopted and placed on calendar 173
Read the second time 284
Read the third time 295
Circled 295
Uncircled 300
Transmitted to the House 301
Signed by the President and transmitted to the Governor 805

S.B. 88 –– ADMINISTRATIVE RULEMAKING ACT AMENDMENTS *(H. Stephenson)*
Read the first time by short title and referred to the Rules Committee. 83
Assigned to standing committee 92
Committee report adopted and placed on calendar 125
Read the second time 163
Read the third time 179
Transmitted to the House 179
Signed by the President and transmitted to the Governor 302

S.B. 89 –– PUBLIC SAFETY RETIREMENT DEATH BENEFIT MODIFICATIONS *(J. Greiner)*
Read the first time by short title and referred to the Rules Committee. 83
Enacting Clause Stricken 1041

S.B. 90 –– METAL THEFT AMENDMENTS AND PENALTIES *(J. Greiner)*
Read the first time by short title and referred to the Rules Committee. 83
Assigned to standing committee 92
Amendments 564
Read the second time and placed on Consent Calendar 567
Read the third time 652
Transmitted to the House 652
Placed on calendar 818
Recalled from enrolling 818
Before the Senate 818
Transmitted to the House 819
Reconsideration 965
Before the Senate 966
Transmitted to the House 966
Signed by the President and transmitted to the Governor . . . . . 730 , 890 , 1017

S.B. 91 –– ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT *(J. Greiner)*
Read the first time by short title and referred to the Rules Committee. 83
Assigned to standing committee 92
Amendments 156
Committee report adopted and placed on calendar 157
Read the second time 259
Circled 259, 352
Uncircled 335, 354
Read the third time 352
Transmitted to the House 355
Signed by the President and transmitted to the Governor 950

S.B. 92 –– LOCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS *(P. Jones)*
Read the first time by short title and referred to the Rules Committee. 83
Assigned to standing committee 92
Amendments 144
Committee report adopted and placed on calendar 146
Read the second time 183
Read the third time 198
Transmitted to the House 198
Signed by the President and transmitted to the Governor 343

S.B. 93 –– BUILDING AUTHORITIES *(D. Stowell)*
Read the first time by short title and referred to the Rules Committee. 83
Assigned to standing committee 92
Read the second time and placed on Consent Calendar 126
Read the third time 175
Transmitted to the House 175
Signed by the President and transmitted to the Governor 302

S.B. 94 –– UNDERGROUND SEWER UTILITIES FACILITIES AMENDMENTS *(J. Greiner)*
Read the first time by short title and referred to the Rules Committee. 83
Assigned to standing committee 93
Committee report adopted and placed on calendar 157
Read the second time 236
Read the third time 257
Transmitted to the House 257
Signed by the President and transmitted to the Governor 429

S.B. 95 –– MOBILE HOME PARK AMENDMENTS *(S. Jenkins)*
Read the first time by short title and referred to the Rules Committee. 83
Assigned to standing committee 93
Amendments 155
Committee report adopted and placed on calendar 157
Read the second time 258
Read the third time 274
Transmitted to the House 274
Signed by the President and transmitted to the Governor 429

S.B. 96 –– CONCEALED FIREARM PERMIT RESIDENCY REQUIREMENT *(S. McCoy)*
Read the first time by short title and referred to the Rules Committee. 83
Enacting Clause Stricken 1041

S.B. 97 –– GOOD SAMARITAN ACT FOR ENGINEERS *(M. Waddoups)*
Read the first time by short title and referred to the Rules Committee. 83
Assigned to standing committee 92
Committee report adopted and placed on calendar 125
Read the second time 164
Circled 164
Uncircled 182
Read the third time 197
Transmitted to the House 198
Signed by the President and transmitted to the Governor 376

S.B. 98 –– MOTOR FUEL THEFT PENALTIES *(J. Greiner)*
Read the first time by short title and referred to the Rules Committee. 83
Assigned to standing committee 92
Amendments 193
Committee report adopted and placed on calendar 196
Read the second time 442
Amendments 442, 487
Read the third time 461
Circled . . . . . 461 , 480
Uncircled . . . . . 479 , 487
Transmitted to the House 488
Signed by the President and transmitted to the Governor 730

S.B. 99 –– RENEWABLE ENERGY CERTIFICATE REVISIONS *(C. Bramble)*
Read the first time by short title and referred to the Rules Committee. 83
Assigned to standing committee 93
Committee report adopted and placed on calendar 157
Read the second time 258
Read the third time 274
Transmitted to the House 274
Signed by the President and transmitted to the Governor 429

S.B. 100 –– FINANCIAL AND ECONOMIC LITERACY EDUCATION AMENDMENTS *(P. Jones)*
Read the first time by short title and referred to the Rules Committee. 83
Assigned to standing committee 92
Amendments 145
Committee report adopted and placed on calendar 146
Read the second time 201
Read the third time 211
Transmitted to the House 211
Signed by the President and transmitted to the Governor 393

S.B. 101 –– STATE ETHICS COMMISSION *(S. McCoy)*
Read the first time by short title and referred to the Rules Committee. 83
Enacting Clause Stricken 1041

S.B. 102 –– SHARE THE ROAD SPECIAL GROUP LICENSE PLATE *(W. Niederhauser)*
Read the first time by short title and referred to the Rules Committee. 83
Assigned to standing committee 109
Committee report adopted and placed on calendar 196
Read the second time 439
Amendments 439
Read the third time 460
Transmitted to the House 460
Signed by the President and transmitted to the Governor 730

S.B. 103 –– UNIFORM LAWS – UNIFORM PRINCIPAL AND INCOME ACT AMENDMENTS *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 84
Assigned to standing committee 92
Committee report adopted and placed on calendar 111
Read the second time 161
Amendments 161, 177
Read the third time 177
Transmitted to the House 178
Signed by the President and transmitted to the Governor 343

S.B. 104 –– HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 84
Assigned to standing committee 92
Committee report adopted and placed on calendar 111
Read the second time 163
Read the third time 178
Transmitted to the House 179
Placed on Concurrence Calendar 303
Concurrence 334
Returned to the House 335
Signed by the President and transmitted to the Governor 343

S.B. 105 –– ENGINEERING AND COMPUTER SCIENCE INITIATIVE AMENDMENTS *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 84
Assigned to standing committee 92
Committee report adopted and placed on calendar 111
Read the second time 162
Read the third time 178
Transmitted to the House 178
Signed by the President and transmitted to the Governor 302

S.B. 106 –– ALCOHOLIC BEVERAGE CONTROL ACT RESTRICTIONS *(S. McCoy)*
Read the first time by short title and referred to the Rules Committee. 84
Assigned to standing committee 378
Substituted 378
Committee report adopted and placed on calendar 457
Read the second time 776
Read the third time 817
Transmitted to the House 817
Filed 891
Enacting Clause Stricken 1041

S.B. 107 –– COMMUNICATIONS FRAUD PENALTY AMENDMENTS *(D. Hinkins)*
Read the first time by short title and referred to the Rules Committee. 84
Assigned to standing committee 109
Substituted 156
Read for the first time and second time 156
Committee report adopted and placed on calendar 157
Read the second time 259
Read the third time 275
Transmitted to the House 275
Signed by the President and transmitted to the Governor 519

S.B. 108 –– TAX COMMISSION ADMINISTRATION, COLLECTION, AND ENFORCEMENT AMENDMENTS *(W. Niederhauser)*
Read the first time by short title and referred to the Rules Committee. 84
Assigned to standing committee 109
Amendments 171, 318
Committee report adopted and placed on calendar 173
Read the second time 277
Read the third time 293
Circled 293
Uncircled 318
Transmitted to the House 318
Signed by the President and transmitted to the Governor 473

S.B. 109 –– LOCAL SCHOOL FUNDING LEGISLATIVE TASK FORCE *(D. C. Buttars)*
Read the first time by short title and referred to the Rules Committee. 84
Assigned to standing committee 108
Returned to the Rules Committee 719
Enacting Clause Stricken 1041

S.B. 110 –– OIL AND GAS LIMITATION OF ACTIONS AMENDMENTS *(K. Van Tassell)*
Read the first time by short title and referred to the Rules Committee. 84
Assigned to standing committee 109
Read the second time and placed on Consent Calendar 157
Read the third time 208
Transmitted to the House 208
Signed by the President and transmitted to the Governor 324

S.B. 111 — HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS *(G. Davis)*
Read the first time by short title and referred to the Rules Committee. 84
Assigned to standing committee 108
Amendments 139, 337
Committee report adopted and placed on calendar 146
Read the second time 181
Failed 181
Filed 182
Reconsidered 199
Before the Senate 199
Circled 199
Uncircled 337
Read the third time 352
Transmitted to the House 353
Signed by the President and transmitted to the Governor 519

S.B. 112 — OBSTRUCTION OF JUSTICE AMENDMENT *(R. Okerlund)*
Read the first time by short title and referred to the Rules Committee. 84
Assigned to standing committee 109
Amendments 156, 276
Committee report adopted and placed on calendar 157
Read the second time 276
Read the third time 292
Transmitted to the House 293
Signed by the President and transmitted to the Governor 419

S.B. 113 — DELAYED EFFECTIVE DATE FOR ILLEGAL IMMIGRATION LEGISLATION *(P. Jones)*
Read the first time by short title and referred to the Rules Committee. 84
Assigned to standing committee 603
Returned to the Rules Committee 719
Enacting Clause Stricken 1041

S.B. 114 — TOBACCO TAX AMENDMENTS *(A. Christensen)*
Read the first time by short title and referred to the Rules Committee. 84
Assigned to standing committee 138
Substituted 310
Filed 310
Enacting Clause Stricken 1041

S.B. 115 — PAYMENT OF MOBILE HOME PARK RELOCATION EXPENSES *(W. Niederhauser)*
Read the first time by short title and referred to the Rules Committee. 84
Assigned to standing committee 108
Committee report adopted and placed on calendar 157
Read the second time 201
Circled 201
Uncircled 236
Read the third time 257
Transmitted to the House 258
Signed by the President and transmitted to the Governor 578

S.B. 116 — CRIMINAL PENALTY AND PROSECUTION AMENDMENTS *(D. Liljenquist)*
Read the first time by short title and referred to the Rules Committee. 94
Assigned to standing committee 109
Substituted 269
Read for the first time and referred to the Rules Committee 269
Committee report adopted and placed on calendar 270
Read the second time 486
Read the third time 509
Transmitted to the House 509
Signed by the President and transmitted to the Governor 709

S.B. 117 –– ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS *(A. Christensen)*
Read the first time by short title and referred to the Rules Committee. 94
Assigned to standing committee 108
Amendments 139
Committee report adopted and placed on calendar 146
Read the second time 182
Substituted 183
Read the third time 198
Circled 198
Uncircled 203
Transmitted to the House 203
Placed on Concurrence Calendar 376
Concurrence 389
Returned to the House 389
Signed by the President and transmitted to the Governor 411

S.B. 118 –– PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS *(J. Greiner)*
Read the first time by short title and referred to the Rules Committee. 94
Assigned to standing committee 109
Amendments 269, 509
Committee report adopted and placed on calendar 270
Read the second time 486
Read the third time 509
Transmitted to the House 510
Placed on Concurrence Calendar 731
Concurrence 763
Returned to the House 764
Signed by the President and transmitted to the Governor 805

S.B. 119 –– HOSPITAL EMERGENCY ROOM TASK FORCE *(D. C. Buttars)*
Read the first time by short title and referred to the Rules Committee. 94
Assigned to standing committee 108
Committee report adopted and placed on calendar 146
Read the second time 183
Circled 183, 209
Uncircled 198, 210
Read the third time 209
Transmitted to the House 211
Enacting Clause Stricken 1039

S.B. 120 –– WORKERS' COMPENSATION ACT – MEDICAL REPORTS *(K. Mayne)*
Read the first time by short title and referred to the Rules Committee. 95
Assigned to standing committee 124
Committee report adopted and placed on calendar 173
Read the second time 278
Read the third time 293
Amendments 293
Transmitted to the House 294
Signed by the President and transmitted to the Governor 709

S.B. 121 –– WORKERS' COMPENSATION – ATTORNEY FEES *(K. Mayne)*
Read the first time by short title and referred to the Rules Committee. 95
Assigned to standing committee 124
Committee report adopted and placed on calendar 173
Read the second time 278
Read the third time 294
Transmitted to the House 295
Signed by the President and transmitted to the Governor 730

S.B. 122 –– UNIFORM STATE LAW – UNIFORM UNSWORN FOREIGN DECLARATIONS ACT *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 111
Assigned to standing committee 124
Committee report adopted and placed on calendar 157
Read the second time 201
Read the third time 211
Transmitted to the House 212
Signed by the President and transmitted to the Governor 324

S.B. 123 –– SCHOOL DISTRICT DIVISION PROCESS *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 111
Assigned to standing committee 124
Amendments 715
Returned to the Rules Committee 719
Enacting Clause Stricken 1041

S.B. 124 –– INDEMNIFICATION FOR DESIGN PROFESSIONAL SERVICES *(G. Bell)*
Read the first time by short title and referred to the Rules Committee. 111
Assigned to standing committee 124
Substituted 346
Committee report adopted and placed on calendar 349
Read the second time 610
Intent language 611
Read the third time 619
Transmitted to the House 620
Signed by the President and transmitted to the Governor 730

S.B. 125 –– INTEREST ON PERSONAL INJURY JUDGMENTS *(R. Okerlund)*
Read the first time by short title and referred to the Rules Committee. 111
Assigned to standing committee 124
Returned to the Rules Committee 688
Enacting Clause Stricken 1041

S.B. 126 — STATE PERSONNEL MANAGEMENT ACT AMENDMENTS *(D. Liljenquist)*
Read the first time by short title and referred to the Rules Committee. 112
Assigned to standing committee 137
Substituted 265
Committee report adopted and placed on calendar 270
Read the second time 275
Circled 275
Uncircled 283
Read the second and third time 283
Amendments 283
Transmitted to the House 284
Signed by the President and transmitted to the Governor 419

S.B. 127 –– RETIREMENT AMENDMENTS *(D. Liljenquist)*
Read the first time by short title and referred to the Rules Committee. 112
Assigned to standing committee 138
Read the second time and placed on Consent Calendar 252
Read the third time 314
Transmitted to the House 315
Signed by the President and transmitted to the Governor 550

S.B. 128 — RAINWATER HARVESTING *(S. Jenkins)*
Read the first time by short title and referred to the Rules Committee. 112
Assigned to standing committee 138
Committee report adopted and placed on calendar 206
Read the second time 443
Amendments 461
Read the third time 461
Transmitted to the House 462
Enacting Clause Stricken 1039

S.B. 129 — MENTAL HEALTH THERAPIST GRANT AND SCHOLARSHIP ACT REPEAL *(D. Liljenquist)*
Read the first time by short title and referred to the Rules Committee. 112
Assigned to standing committee 137
Read the second time and placed on Consent Calendar 173
Read the third time 227
Transmitted to the House 227
Signed by the President and transmitted to the Governor 376

S.B. 130 — INCOME TAX CREDIT – CONTRIBUTIONS FOR WHICH FEDERAL MATCHING MONIES ARE OFFERED *(S. McCoy)*
Read the first time by short title and referred to the Rules Committee. 112
Assigned to standing committee 138
Returned to the Rules Committee 719
Enacting Clause Stricken 1041

S.B. 131 — LAW ENFORCEMENT SERVICE IN LOCAL DISTRICTS AND INTERLOCAL ENTITIES *(S. Jenkins)*
Read the first time by short title and referred to the Rules Committee. 112
Assigned to standing committee 137
Committee report adopted and placed on calendar 224
Substituted 221, 443
Amendments 222, 444, 466
Read the second time 443
Read the third time 462
Circled 462
Uncircled 466
Transmitted to the House 469
Signed by the President and transmitted to the Governor 1034

S.B. 132 — INDIVIDUAL INCOME TAX CONTRIBUTION FOR METHAMPHETAMINE HOUSING RECONSTRUCTION AND REHABILITATION FUND *(K. Mayne)*
Read the first time by short title and referred to the Rules Committee. 112
Assigned to standing committee 138
Substituted 223
Committee report adopted and placed on calendar 224
Read the second time 447
Read the third time 462
Transmitted to the House 463
Enacting Clause Stricken 1039

S.B. 133 — ABUSE OR NEGLECT OF A DISABLED CHILD *(J. Valentine)*
Read the first time by short title and referred to the Rules Committee. 126
Assigned to standing committee 153
Amendments 269
Committee report adopted and placed on calendar 270
Read the second time 489
Corrected committee report with amendments 489
Read the third time 510
Transmitted to the House 511
Signed by the President and transmitted to the Governor 709

S.B. 134 –– TRANSPORTATION FUNDING AMENDMENTS *(S. Urquhart)*
Read the first time by short title and referred to the Rules Committee. 126
Assigned to standing committee 154
Committee report adopted and placed on calendar 206
Read the second time 445
Amendments 445
Read the third time 462
Transmitted to the House 462
Signed by the President and transmitted to the Governor 890

S.B. 135 –– LOCAL DISTRICT TAXING AUTHORITY *(C. Bramble)*
Read the first time by short title and referred to the Rules Committee. 126
Assigned to standing committee 153
Committee report adopted and placed on calendar 195
Read the second time 357
Substituted 357
Read the third time 365
Circled 365
Uncircled 366
Transmitted to the House 367
Signed by the President and transmitted to the Governor 550

S.B. 136 –– DIESEL–POWERED MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM AMENDMENTS *(G. Bell)*
Read the first time by short title and referred to the Rules Committee. 126
Assigned to standing committee 154
Read the second time and placed on Consent Calendar 207
Read the third time 272
Transmitted to the House 272
Signed by the President and transmitted to the Governor 382

S.B. 137 –– PHYSICAL THERAPY PRACTICE ACT *(W. Niederhauser)*
Read the first time by short title and referred to the Rules Committee. 126
Assigned to standing committee 153
Amendments 245, 464, 504
Committee report adopted and placed on calendar 250
Read the second time 464
Read the third time 504
Transmitted to the House 505
Placed on Concurrence Calendar 913
Concurrence 916
Returned to the House 917
Signed by the President and transmitted to the Governor 950

S.B. 138 –– INTERNAL SERVICE FUND RATE COMMITTEE AMENDMENTS *(J. Valentine)*
Read the first time by short title and referred to the Rules Committee. 146
Assigned to standing committee 170
Amendments 250
Read the second time and placed on Consent Calendar 252
Read the third time 310
Transmitted to the House 311
Signed by the President and transmitted to the Governor 382

S.B. 139 –– EMPLOYER ELECTION RETIREMENT AMENDMENTS *(C. Bramble)*
Read the first time by short title and referred to the Rules Committee. 146
Assigned to standing committee 154
Read the second time and placed on Consent Calendar 252
Read the third time 315
Transmitted to the House 315
Signed by the President and transmitted to the Governor 601

S.B. 140 –– FINANCIAL INSTITUTIONS DISCLOSURE OF RECORDS *(M. Dayton)*
Read the first time by short title and referred to the Rules Committee. 146
Assigned to standing committee 152
Committee report adopted and placed on calendar 195
Read the second time 356
Read the third time 365
Transmitted to the House 365
Signed by the President and transmitted to the Governor 912

S.B. 141 –– AVIATION FUEL TAX AMENDMENTS *(W. Niederhauser)*
Read the first time by short title and referred to the Rules Committee. 147
Assigned to standing committee 154
Committee report adopted and placed on calendar 195
Read the second time 357
Read the third time 365
Transmitted to the House 366
Signed by the President and transmitted to the Governor 626

S.B. 142 –– DISPOSITION OF A DEAD BODY *(A. Christensen)*
Read the first time by short title and referred to the Rules Committee. 147
Assigned to standing committee 153
Committee report adopted and placed on calendar 250
Read the second time 469
Read the third time 505
Transmitted to the House 505
Signed by the President and transmitted to the Governor 952

S.B. 143 –– SUNSET ACT AND REPEALERS REAUTHORIZATIONS *(S. Killpack)*
Read the first time by short title and referred to the Rules Committee. 147
Placed on calendar 189
Amendments 340
Read the second time 340
Read the third time 356
Transmitted to the House 356
Signed by the President and transmitted to the Governor 519

S.B. 144 –– PETE SUAZO MEMORIAL HIGHWAY *(L. Robles)*
Read the first time by short title and referred to the Rules Committee. 174
Enacting Clause Stricken 1041

S.B. 145 –– PUBLIC SAFETY RETIREES DEATH BENEFIT REVISIONS *(J. Greiner)*
Read the first time by short title and referred to the Rules Committee. 174
Assigned to standing committee 188
Read the second time and placed on Consent Calendar 252
Read the third time 315
Transmitted to the House 316
Signed by the President and transmitted to the Governor 411

S.B. 146 –– HOME SCHOOLING AMENDMENTS *(M. Madsen)*
Read the first time by short title and referred to the Rules Committee. 174
Assigned to standing committee 188
Committee report adopted and placed on calendar 250
Read the second time 469
Read the third time 505
Transmitted to the House 506
Signed by the President and transmitted to the Governor 890

S.B. 147 –– DRIVER LICENSE REVISIONS *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 174
Assigned to standing committee 189
Substituted 267
Committee report adopted and placed on calendar 270
Read the second time 482
Amendments 483
Read the third time 508
Circled 508
Uncircled 514
Transmitted to the House 514
Placed on Concurrence Calendar 890
Concurrence 895
Returned to the House 895
Signed by the President and transmitted to the Governor 914

S.B. 148 –– LOW–PROFIT LIMITED LIABILITY COMPANY ACT *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 174
Assigned to standing committee 188
Amendments 244
Committee report adopted and placed on calendar 250
Read the second time 447
Read the third time 463
Transmitted to the House 463
Placed on Concurrence Calendar 895
Concurrence 915
Returned to the House 915
Signed by the President and transmitted to the Governor 950

S.B. 149 –– PROHIBITION OF TEXT MESSAGING OR ELECTRONIC MAIL COMMUNICATION WHILE DRIVING *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 174
Assigned to standing committee 189
Amendments 267, 484, 514
Committee report adopted and placed on calendar 270
Read the second time 484
Substituted 484
Read the third time 509
Circled 509
Uncircled 514
Transmitted to the House 515
Enacting Clause Stricken 1039

S.B. 150 –– STATE ARMORY AMENDMENTS *(S. Jenkins)*
Read the first time by short title and referred to the Rules Committee. 174
Assigned to standing committee 188
Committee report adopted and placed on calendar 270
Read the second time 480
Read the third time 507
Transmitted to the House 507
Signed by the President and transmitted to the Governor 750

S.B. 151 –– DRIVER LICENSE DEFENSIVE DRIVING COURSE AMENDMENTS *(K. Van Tassell)*
Read the first time by short title and referred to the Rules Committee. 174
Assigned to standing committee 189
Returned to the Rules Committee 719
Enacting Clause Stricken 1041

S.B. 152 –– LEGISLATIVE MANAGEMENT POWERS *(M. Waddoups)*
Read the first time by short title and referred to the Rules Committee. 174
Assigned to standing committee 188
Committee report adopted and placed on calendar 309
Read the second time 573
Read the third time 593
Circled 593
Uncircled 597
Amendments 597
Transmitted to the House 598
Signed by the President and transmitted to the Governor 709

S.B. 153 –– COUNTY AND MUNICIPAL LAND USE AMENDMENTS *(M. Madsen)*
Read the first time by short title and referred to the Rules Committee. 174
Assigned to standing committee 188
Committee report adopted and placed on calendar 309
Read the second time 574
Read the third time 593
Transmitted to the House 594
Signed by the President and transmitted to the Governor 750

S.B. 154 –– JUVENILE COURT JUDGE – FIFTH DISTRICT *(S. Urquhart)*
Read the first time by short title and referred to the Rules Committee. 174
Assigned to standing committee 188
Committee report adopted and placed on calendar 270
Read the second time 490
Read the third time 511
Transmitted to the House 511
Enacting Clause Stricken 1040

S.B. 155 –– ADOPTION EXCEPTION TO CUSTODY AND VISITATION FOR PERSONS OTHER THAN PARENTS *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 175
Assigned to standing committee 304
Substituted 386
Committee report adopted and placed on calendar 387
Read the second time 665
Read the third time 692
Transmitted to the House 692
Signed by the President and transmitted to the Governor 894

S.B. 156 –– GIFTS AND MEAL PROVISIONS FOR PUBLIC OFFICIALS *(G. Bell)*
Read the first time by short title and referred to the Rules Committee. 175
Assigned to standing committee 360
Amendments 455, 525
Committee report adopted and placed on calendar 457
Read the second time 525
Read the second and third time 526
Transmitted to the House 526
Signed by the President and transmitted to the Governor 709

S.B. 157 –– PROPERTY TAXATION OF AIRCRAFT *(M. Madsen)*
Read the first time by short title and referred to the Rules Committee. 175
Assigned to standing committee 189
Read for the first time and retitled 347
Amendments 347, 621
Committee report adopted and placed on calendar 349
Read the second time 621
Read the third time 656
Transmitted to the House 656
Signed by the President and transmitted to the Governor 912

S.B. 158 –– CHILD SUPPORT – CASH MEDICAL SUPPORT *(G. Bell)*
Read the first time by short title and referred to the Rules Committee. 196
Assigned to standing committee 205
Read the second time and placed on Consent Calendar 252
Read the third time 312
Transmitted to the House 313
Signed by the President and transmitted to the Governor 550

S.B. 159 –– MATH EDUCATION INITIATIVE *(H. Stephenson)*
Read the first time by short title and referred to the Rules Committee. 197
Assigned to standing committee 205
Amendments 248
Committee report adopted and placed on calendar 250
Read the second time 470
Circled 470
Uncircled 491
Substituted 491
Read the third time 512
Transmitted to the House 512
Filed 1034
Enacting Clause Stricken 1041

S.B. 160 –– UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS *(S. Jenkins)*
Read the first time by short title and referred to the Rules Committee. 197
Assigned to standing committee 206
Committee report adopted and placed on calendar 270
Read the second time 481
Read the third time 507
Transmitted to the House 508
Signed by the President and transmitted to the Governor 730

S.B. 161 –– REPEAL OF MAXIMUM CHARGE TO PUBLISH LEGAL NOTICE *(K. Van Tassell)*
Read the first time by short title and referred to the Rules Committee. 197
Assigned to standing committee 205
Amendments 270
Committee report adopted and placed on calendar 270
Read the second time 490
Read the third time 511
Transmitted to the House 511
Placed on Concurrence Calendar 891
Concurrence 895
Returned to the House 896
Signed by the President and transmitted to the Governor 914

S.B. 162 –– USE OF CAMPAIGN FUNDS AMENDMENTS *(J. Valentine)*
Read the first time by short title and referred to the Rules Committee. 197
Assigned to standing committee 360
Amendments 455
Committee report adopted and placed on calendar 457
Read the second and third time 526
Transmitted to the House 527
Signed by the President and transmitted to the Governor 709

S.B. 163 –– CONSTRUCTION TRADE EXEMPTION *(S. Urquhart)*
Read the first time by short title and referred to the Rules Committee. 207
Assigned to standing committee 220
Amendments 328, 654, 985
Committee report adopted and placed on calendar 330
Read the second time 609
Read the third time 619
Circled 619
Uncircled 654
Transmitted to the House 655
Placed on Concurrence Calendar 913
Refuse to Concur 917
Refuse to Recede 954
Joint Conference Committee Report 985
Returned to the House 987
Signed by the President and transmitted to the Governor 1010

S.B. 164 –– IN PERSON VOTER REGISTRATION *(S. McCoy)*
Read the first time by short title and referred to the Rules Committee. 207
Assigned to standing committee 221
Committee report adopted and placed on calendar 349
Read the second time 611
Read the third time 620
Circled 620, 656
Uncircled 655
Amendments 655
Enacting Clause Stricken 1041

S.B. 165 — STATUTE OF LIMITATION REVISIONS *(M. Madsen)*
Read the first time by short title and referred to the Rules Committee. 207
Assigned to standing committee 221
Substituted 307
Committee report adopted and placed on calendar 309
Read the second time 604
Circled 604
Uncircled 608
Read the third time 617
Amendments 617
Transmitted to the House 618
Signed by the President and transmitted to the Governor 709

S.B. 166 –– ALCOHOLIC BEVERAGE CONTROL ACT – DAYS OF SALE *(S. McCoy)*
Read the first time by short title and referred to the Rules Committee. 207
Assigned to standing committee 551
Committee report adopted and placed on calendar 676
Read the second and third time 835
Transmitted to the House 836
Enacting Clause Stricken 1040

S.B. 167 –– AMENDMENTS TO UNIFORM DEBT–MANAGEMENT SERVICES ACT *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 207
Assigned to standing committee 220
Committee report adopted and placed on calendar 290
Read the second time 491
Circled 491
Uncircled 494
Amendments 494
Read the third time 522
Transmitted to the House 522
Placed on Concurrence Calendar 895
Concurrence 915
Returned to the House 916
Signed by the President and transmitted to the Governor 950

S.B. 168 –– ALCOHOLIC BEVERAGE CONTROL ACT – HOURS RESTRICTIONS *(S. McCoy)*
Read the first time by short title and referred to the Rules Committee. 207
Enacting Clause Stricken 1041

S.B. 169 –– GAMBLING AMENDMENTS *(D. Liljenquist)*
Read the first time by short title and referred to the Rules Committee. 207
Assigned to standing committee 221
Committee report adopted and placed on calendar 349
Read the second time 623
Amendments 623
Read the third time 657
Transmitted to the House 657
Placed on Concurrence Calendar 1024
Concurrence 1026
Returned to the House 1026
Signed by the President and transmitted to the Governor 1032

S.B. 170 –– JUDICIARY AMENDMENTS *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 208
Assigned to standing committee 221
Amendments 307, 606
Read the second time 604
Circled 604
Uncircled 606
Read the third time 617
Transmitted to the House 617
Signed by the President and transmitted to the Governor 730

S.B. 171 –– MUNICIPAL ANNEXATION AMENDMENTS *(S. Jenkins)*
Read the first time by short title and referred to the Rules Committee. 208
Assigned to standing committee 221
Amendments 305, 622
Committee report adopted and placed on calendar 309
Read the second time 574
Circled 574, 612, 621
Uncircled 612, 621, 622
Substituted 612
Read the third time 656
Transmitted to the House 657
Signed by the President and transmitted to the Governor . . . . . 894 , 952
Recalled 930
Before the Senate 930
Transmitted to the House 931

S.B. 172 –– UNDERINSURED MOTORIST COVERAGE AMENDMENTS *(S. Urquhart)*
Read the first time by short title and referred to the Rules Committee. 226
Assigned to standing committee 244
Committee report adopted and placed on calendar 309
Read the second time 577
Read the third time 596
Transmitted to the House 597
Placed on Concurrence Calendar 983
Concurrence 989
Returned to the House 990
Signed by the President and transmitted to the Governor 1010

S.B. 173 –– EMOTIONAL SUPPORT ANIMALS AND PSYCHIATRIC THERAPY ANIMALS *(M. Dayton)*
Read the first time by short title and referred to the Rules Committee. 226
Assigned to standing committee 243
Committee report adopted and placed on calendar 290
Read the second time 492
Read the third time 513
Transmitted to the House 513
Signed by the President and transmitted to the Governor 709

S.B. 174 –– REDISTRICTING COMMISSION *(R. Romero)*
Read the first time by short title and referred to the Rules Committee. 226
Enacting Clause Stricken 1041

S.B. 175 –– SIGNAGE REQUIREMENTS RELATING TO CHILDREN AND ANIMALS IN PARKED CARS *(K. Mayne)*
Read the first time by short title and referred to the Rules Committee. 226
Assigned to standing committee 243
Returned to the Rules Committee 364
Enacting Clause Stricken 1041

S.B. 176 –– CIVIL FEES IN SMALL CLAIMS COURTS AMENDMENTS *(J. Greiner)*
Read the first time by short title and referred to the Rules Committee. 226
Assigned to standing committee 243
Committee report adopted and placed on calendar 309
Read the second time 604
Read the third time 616
Circled 616, 662
Uncircled 662, 690
Substituted 662
Read the first, second and third time 662
Amendments 690
Transmitted to the House 692
Placed on Concurrence Calendar 983
Concurrence 990
Returned to the House 990
Signed by the President and transmitted to the Governor 1010

S.B. 177 –– NEW SCHOOL DISTRICT AMENDMENTS *(D. C. Buttars)*
Read the first time by short title and referred to the Rules Committee. 226
Assigned to standing committee 243
Returned to the Rules Committee 719
Enacting Clause Stricken 1041

S.B. 178 –– CLASS B AND C ROADS AMENDMENTS *(K. Van Tassell)*
Read the first time by short title and referred to the Rules Committee. 226
Assigned to standing committee 244
Returned to the Rules Committee 719
Enacting Clause Stricken 1041

S.B. 179 –– SAFETY BELT ENFORCEMENT AMENDMENTS *(C. Bramble)*
Read the first time by short title and referred to the Rules Committee. 227
Assigned to standing committee 244
Committee report adopted and placed on calendar 309
Read the second time 598
Read the third time 615
Transmitted to the House 615
Enacting Clause Stricken 1040

S.B. 180 –– EXPUNGEMENT OF DIVISION OF CHILD AND FAMILY SERVICES RECORDS *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 227
Assigned to standing committee 243
Substituted 348
Committee report adopted and placed on calendar 349
Read the second time 625
Read the third time 657
Circled 657
Uncircled 660
Transmitted to the House 661
Signed by the President and transmitted to the Governor 750

S.B. 181 –– CRIMINAL PROSECUTION AMENDMENTS *(D. Liljenquist)*
Read the first time by short title and referred to the Rules Committee. 253
Assigned to standing committee 264
Returned to the Rules Committee 688
Enacting Clause Stricken 1041

S.B. 182 –– CRIMINAL RESTITUTION AMENDMENTS *(C. Bramble)*
Read the first time by short title and referred to the Rules Committee. 253
Assigned to standing committee 264
Committee report adopted and placed on calendar 309
Read the second time 605
Read the third time 616
Transmitted to the House 616
Signed by the President and transmitted to the Governor 890

S.B. 183 –– VIOLATION OF PROTECTIVE ORDER *(S. McCoy)*
Read the first time by short title and referred to the Rules Committee. 253
Assigned to standing committee 264
Amendments 348
Committee report adopted and placed on calendar 349
Read the second time 625
Read the third time 658
Transmitted to the House 658
Signed by the President and transmitted to the Governor 950

S.B. 184 –– CIVIL FILING FEES *(G. Bell)*
Read the first time by short title and referred to the Rules Committee. 253
Assigned to standing committee 264
Committee report adopted and placed on calendar 349
Read the second time 621
Substituted 621
Before the Senate 626
Circled 626, 689, 694
Uncircled 662, 693, 753
Read the third time 689
Amendments 693, 753
Transmitted to the House 755
Recalled 918
Signed by the President and transmitted to the Governor 912

S.B. 185 –– FEDERAL EDUCATION AGREEMENT REQUIREMENTS AMENDMENTS *(M. Dayton)*
Read the first time by short title and referred to the Rules Committee. 381
Assigned to standing committee 383
Amendments 458
Read the second time and placed on Consent Calendar 458
Read the third time 580
Transmitted to the House 581
Signed by the President and transmitted to the Governor 894

S.B. 186 –– AMENDMENTS TO STATE TAX COMMISSION PENALTY PROVISIONS *(H. Stephenson)*
Read the first time by short title and referred to the Rules Committee. 330
Assigned to standing committee 346
Committee report adopted and placed on calendar 380
Read the second time 635
Amendments 636
Read the third time 661
Transmitted to the House 661
Placed on Concurrence Calendar 983
Concurrence 990
Returned to the House 991
Signed by the President and transmitted to the Governor 1010

S.B. 187 –– ALCOHOL AMENDMENTS *(J. Valentine)*
Read the first time by short title and referred to the Rules Committee. 458
Assigned to standing committee 474
Committee report adopted and placed on calendar 614
Read the second time 827
Substituted 827
Circled 827
Uncircled 836
Amendments 836
Read the second and third time 837
Transmitted to the House 838
Placed on Concurrence Calendar 953
Concurrence 987
Returned to the House 988
Signed by the President and transmitted to the Governor 1010

S.B. 188 –– IMPROVEMENT DISTRICT – PROVIDING ELECTRIC SERVICE *(D. Stowell)*
Read the first time by short title and referred to the Rules Committee. 428
Assigned to standing committee 450
Committee report adopted and placed on calendar 560
Read the second time 827
Read the third time 852
Transmitted to the House 852
Signed by the President and transmitted to the Governor 1034

S.B. 189 –– AMENDMENTS TO SALES AND USE TAX *(W. Niederhauser)*
Read the first time by short title and referred to the Rules Committee. 397
Assigned to standing committee 422
Committee report adopted and placed on calendar 477
Read the second time 798
Amendments 798
Read the third time 821
Transmitted to the House 822
Placed on Concurrence Calendar 1004
Concurrence 1012
Returned to the House 1013
Signed by the President and transmitted to the Governor 1023

S.B. 190 –– ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN *(W. Niederhauser)*
Read the first time by short title and referred to the Rules Committee. 398
Assigned to standing committee 422
Committee report adopted and placed on calendar 477
Read the second time 799
Circled 799, 823
Uncircled 801, 826
Amendments 801
Read the third time 823
Transmitted to the House 826
Placed on Concurrence Calendar 985
Concurrence 1007
Returned to the House 1007
Signed by the President and transmitted to the Governor 1017

S.B. 191 –– LIFE INSURANCE AND VIATICAL SETTLEMENTS RELATED AMENDMENTS *(W. Niederhauser)*
Enacting Clause Stricken 1041

S.B. 192 –– CORPORATION RELATED AMENDMENTS *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 310
Assigned to standing committee 345
Substituted 397
Read the first and second time and placed on Consent Calendar 397
Read the third time 459
Transmitted to the House 459
Placed on Concurrence Calendar 806
Concurrence 814
Returned to the House 814
Signed by the President and transmitted to the Governor 830

S.B. 193 –– SALVAGE VEHICLES AMENDMENTS *(S. Urquhart)*
Read the first time by short title and referred to the Rules Committee. 479
Assigned to standing committee 486
Amendments 561
Read the second time and placed on Consent Calendar 567
Read the third time 650
Transmitted to the House 651
Placed on Concurrence Calendar 953
Concurrence 988
Returned to the House 988
Signed by the President and transmitted to the Governor 1010

S.B. 194 –– NONDISCRIMINATION AMENDMENTS *(S. McCoy)*
Read the first time by short title and referred to the Rules Committee. 272
Enacting Clause Stricken 1041

S.B. 195 –– PUBLIC EMPLOYEE DEFINED CONTRIBUTION AMENDMENTS *(D. Liljenquist)*
Read the first time by short title and referred to the Rules Committee. 534
Assigned to standing committee 552
Amendments 675
Committee report adopted and placed on calendar 676
Read the second time 848
Circled 848
Enacting Clause Stricken 1042

S.B. 196 –– LIQUOR PURCHASE PRICE FOR LICENSEES *(S. McCoy)*
Enacting Clause Stricken 1042

S.B. 197 –– ALCOHOLIC BEVERAGE RESORT LICENSE *(S. McCoy)*
Enacting Clause Stricken 1042

S.B. 198 –– ESCAPED PROPERTY TAX AMENDMENTS *(H. Stephenson)*
Enacting Clause Stricken 1042

S.B. 199 –– EQUAL RECOGNITION OF SCHOOL PARENT GROUPS *(C. Bramble)*
Read the first time by short title and referred to the Rules Committee. 283
Assigned to standing committee 303
Amendments 363
Committee report adopted and placed on calendar 363
Read the second time 524
Substituted 524
Circled 524
Uncircled 605
Read the second and third time 605
Transmitted to the House 605
Filed 1011
Enacting Clause Stricken 1042

S.B. 200 –– CONSOLIDATION OF CERTAIN HUMAN SERVICES OMBUDSMAN PROGRAMS *(L. Hillyard)*
Enacting Clause Stricken 1042

S.B. 201 –– GENERAL OBLIGATION BOND AUTHORIZATION AMENDMENTS *(W. Niederhauser)*
Read the first time by short title and referred to the Rules Committee. 838
Placed on calendar 838
Read the second and third time 838
Transmitted to the House 839
Signed by the President and transmitted to the Governor 907

S.B. 202 –– DRUG OFFENDER REFORM ACT AMENDMENTS *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 863
Placed on calendar 868
Read the second time 868
Circled 868
Uncircled 873
Read the second and third time 873
Transmitted to the House 874
Signed by the President and transmitted to the Governor 907

S.B. 203 –– REVISIONS TO TRANSPORTATION *(S. Jenkins)*
Enacting Clause Stricken 1042

S.B. 204 –– PROPERTY TAX DEFERRALS *(J. Valentine)*
Enacting Clause Stricken 1042

S.B. 205 –– COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS *(C. Bramble)*
Read the first time by short title and referred to the Rules Committee. 364
Assigned to standing committee 378
Committee report adopted and placed on calendar 425
Read the second time 681
Amendments 682
Read the third time 695
Transmitted to the House 696
Signed by the President and transmitted to the Governor 984

S.B. 206 –– ASSIGNMENT OF OFFICIALS FOR HIGH SCHOOL ATHLETIC ACTIVITIES *(M. Madsen)*
Enacting Clause Stricken 1042

S.B. 208 — UTAH PUBLIC NOTICE WEBSITE AMENDMENTS *(S. Urquhart)*
Read the first time by short title and referred to the Rules Committee. 412
Assigned to standing committee 421
Substituted 532, 810
Committee report adopted and placed on calendar 534
Read the second time 803
Circled 803
Uncircled 810
Read the third time 824
Transmitted to the House 825
Placed on Concurrence Calendar 953
Concurrence 988
Returned to the House 989
Signed by the President and transmitted to the Governor 1010

S.B. 209 — LAND USE, DEVELOPMENT, AND MANAGEMENT ACT AMENDMENTS *(G. Bell)*
Read the first time by short title and referred to the Rules Committee. 351
Assigned to standing committee 360
Committee report adopted and placed on calendar 457
Read the second time 777
Circled 777
Uncircled 796
Amendments 796
Read the third time 821
Transmitted to the House 821
Signed by the President and transmitted to the Governor 984

S.B. 210 — AMENDMENTS TO PROPERTY TAX *(C. Bramble)*
Read the first time by short title and referred to the Rules Committee. 448
Assigned to standing committee 450
Amendments 561
Read the second time and placed on Consent Calendar 567
Read the third time 650
Transmitted to the House 650
Signed by the President and transmitted to the Governor 890

S.B. 211 — BUILDING CODE AMENDMENTS *(C. Bramble)*
Read the first time by short title and referred to the Rules Committee. 364
Assigned to standing committee 377
Amendments 451
Committee report adopted and placed on calendar 457
Read the second time 772
Circled 772
Uncircled 782
Read the third time 820
Transmitted to the House 820
Signed by the President and transmitted to the Governor 1010

S.B. 212 — UTAH COMMON INTEREST OWNERSHIP ACT *(G. Bell)*
Enacting Clause Stricken 1042

S.B. 213 — RESTAURANT NUTRITION LABELING *(H. Stephenson)*
Read the first time by short title and referred to the Rules Committee. 310
Assigned to standing committee 346
Committee report adopted and placed on calendar 396
Read the second time 680
Read the third time 694
Transmitted to the House 695
Signed by the President and transmitted to the Governor 1034

S.B. 214 –– OFFICE OF CONSUMER SERVICES ACT *(J. Valentine)*
Read the first time by short title and referred to the Rules Committee. 428
Assigned to standing committee 450
Amendments 559, 808
Committee report adopted and placed on calendar 560
Read the second time 808
Read the third time 824
Transmitted to the House 824
Concurrence 1030
Returned to the House 1031
Signed by the President and transmitted to the Governor 1034

S.B. 215 –– JUSTICE FOR ALL SPECIAL GROUP LICENSE PLATE *(G. Bell)*
Read the first time by short title and referred to the Rules Committee. 458
Assigned to standing committee 475
Read the second time and placed on Consent Calendar 631
Read the third time 734
Transmitted to the House 734
Enacting Clause Stricken 1040

S.B. 216 –– REVISIONS TO MILITARY INSTALLATION DEVELOPMENT AUTHORITY ACT *(M. Madsen)*
Read the first time by short title and referred to the Rules Committee. 535
Assigned to standing committee 553
Committee report adopted and placed on calendar 629
Read the second and third time 834
Amendments 834
Transmitted to the House 835
Signed by the President and transmitted to the Governor 914

S.B. 217 –– DRUGS AMENDMENTS *(P. Knudson)*
Read the first time by short title and referred to the Rules Committee. 330
Assigned to standing committee 346
Amendments 453
Committee report adopted and placed on calendar 457
Read the second time 772
Circled 772
Enacting Clause Stricken 1042

S.B. 218 –– COMMUNITY ANIMAL SHELTER AND ADOPTION SUPPORT SPECIAL GROUP LICENSE PLATE *(P. Knudson)*
Read the first time by short title and referred to the Rules Committee. 479
Assigned to standing committee 486
Amendments 630
Read the second time and placed on Consent Calendar 631
Read the third time 735
Transmitted to the House 735
Filed 1003
Enacting Clause Stricken 1042

S.B. 219 –– COUNTY AUDITOR MODIFICATIONS *(P. Knudson)*
Enacting Clause Stricken 1042

S.B. 220 –– COHABITANT ABUSE PROCEDURES ACT AMENDMENTS *(B. Goodfellow)*
Read the first time by short title and referred to the Rules Committee. 290
Assigned to standing committee 304
Amendments 427
Read the second time and placed on Consent Calendar 427
Read the third time 536
Transmitted to the House 537
Signed by the President and transmitted to the Governor 894

S.B. 221 –– DEDICATION AND ABANDONMENT OF A HIGHWAY *(M. Madsen)*
Read the first time by short title and referred to the Rules Committee. 398
Assigned to standing committee 422
Returned to the Rules Committee 632
Enacting Clause Stricken 1042

S.B. 222 –– SPECIAL ASSESSMENT AREA AMENDMENTS *(M. Madsen)*
Enacting Clause Stricken 1042

S.B. 223 –– CITY AND COUNTY CARBON CREDITS FOR SEQUESTRATION OF WASTE STREAM MATERIALS *(R. Romero)*
Read the first time by short title and referred to the Rules Committee. 521
Assigned to standing committee 552
Amendments 628
Committee report adopted and placed on calendar 629
Read the second time 828
Failed 828
Filed 829
Enacting Clause Stricken 1042

S.B. 224 –– REUSE OF INDUSTRIAL BYPRODUCT *(C. Bramble)*
Read the first time by short title and referred to the Rules Committee. 535
Assigned to standing committee 552
Read the second time 744
Substituted 744
Circled 744
Uncircled 782
Read the third time 819
Transmitted to the House 819
Placed on Concurrence Calendar 1002
Concurrence 1012
Returned to the House 1012
Signed by the President and transmitted to the Governor 1024

S.B. 225 –– HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN *(L. Robles)*
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Signed by the President and returned to the House 359

H.B. 23 –– CERTIFIED TAX RATE AMENDMENTS *(F. Hunsaker)*
Read for the first time and referred to the Rules Committee 187
Assigned to standing committee 206
Committee report adopted and placed on calendar 270
Read the second time 371
Substituted 371
Read the third time 398
Returned to the House 398
Signed by the President and returned to the House 420

H.B. 24 –– TRAFFIC ACCIDENT CLEARANCE AMENDMENTS *(E. Hutchings)*
Read for the first time and referred to the Rules Committee 204
Assigned to standing committee 221
Amendments 350
Read the second time and placed on Consent Calendar 351
Read the third time 414
Returned to the House 415
Signed by the President and returned to the House 473

H.B. 25 –– GUN DEALER PENALTY AMENDMENTS *(C. Oda)*
Read for the first time and referred to the Rules Committee 99
Assigned to standing committee 124
Read the second time and placed on Consent Calendar 196
Read the third time 254
Signed by the President and returned to the House 255

H.B. 26 –– CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS *(M. Morley)*
Read for the first time and referred to the Rules Committee 152
Assigned to standing committee 170
Amendments 386, 540
Committee report adopted and placed on calendar 387
Read the second time 529
Read the third time 540
Returned to the House 541
Signed by the President and returned to the House 601

H.B. 27 –– PROTECTIONS FOR AGRICULTURAL PRACTICES *(M. Morley)*
Read for the first time and referred to the Rules Committee 108
Assigned to standing committee 138
Amendments 249, 391
Committee report adopted and placed on calendar 250
Read the second time 299
Circled 299
Uncircled 367
Amendments 367
Read the third time 390
Returned to the House . . . . . 390 , 392
Reconsideration 391
Signed by the President and returned to the House 420

H.B. 28 –– PERSONAL PROPERTY TAX AMENDMENTS *(C. Frank)*
Read for the first time and referred to the Rules Committee 152
Assigned to standing committee 171
Committee report adopted and placed on calendar 270
Read the second time 372
Read the third time 398
Signed by the President and returned to the House 399

H.B. 29 –– SEX OFFENDERS' CONTACT WITH CHILDREN *(R. Greenwood)*
Read for the first time and referred to the Rules Committee 287
Assigned to standing committee 304
Committee report adopted and placed on calendar 387
Read the second time 541
Amendments 541
Tabled on Third Reading 546
Placed on Third Reading Calendar 810
Read the third time 813
Returned to the House 813
Signed by the President and returned to the House 871

H.B. 30 –– COMMERCIAL MOTOR VEHICLE AMENDMENTS *(T. Kiser)*
Read for the first time and referred to the Rules Committee 108
Assigned to standing committee 138
Amendments 190, 230, 282
Committee report adopted and placed on calendar 196
Read the second time 216
Read the third time 230
Returned to the House 230
Recede from amendments 282
Substituted 282
Returned to the House 283
Signed by the President and returned to the House 325

H.B. 31 –– UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT *(C. Wimmer)*
Read for the first time and referred to the Rules Committee 119
Assigned to standing committee 137
Committee report adopted and placed on calendar 173
Read the second time 200
Circled 200, 228
Uncircled 213, 237
Read the third time 228
Amendments 237
Returned to the House 240
Signed by the President and returned to the House . . . . . 281 , 344

H.B. 32 –– AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES *(B. Ferry)*
Read for the first time and referred to the Rules Committee 204
Assigned to standing committee 221
Committee report adopted and placed on calendar 425
Read the second time 568
Read the third time 591
Circled 591
Uncircled 620
Signed by the President and returned to the House . . . . . 620 , 710
Recalled 633
Reconsideration 634
Before the Senate 634
Amendments 634
Returned to the House 635

H.B. 33 –– REFUND OF UNEARNED HEALTH INSURANCE PREMIUMS AND MEDICARE SUPPLEMENT INSURANCE PREMIUMS *(P. Ray)*
Read for the first time and referred to the Rules Committee 135
Assigned to standing committee 153
Committee report adopted and placed on calendar 290
Read the second time 402
Read the third time 417
Signed by the President and returned to the House 417

H.B. 34 –– PENALTIES FOR DESTRUCTION OF BALD EAGLE *(R. Barrus)*
Read for the first time and referred to the Rules Committee 136
Assigned to standing committee 154
Committee report adopted and placed on calendar 195
Read the second time 215
Read the third time 229
Signed by the President and returned to the House 230

H.B. 35 –– HIGHER EDUCATION CONTRIBUTION *(J. Dougall)*
Read for the first time and referred to the Rules Committee 345
Assigned to standing committee 360
Amendments 396
Committee report adopted and placed on calendar 396
Read the second time 546
Tabled on Third Reading Calendar 546
Placed on Third Reading Calendar 993
Read the third time 993
Read the first, second and third time 994
Returned to the House 994
Signed by the President and returned to the House 1010

H.B. 37 –– VIOLENT OFFENSES AMENDMENTS *(J. Seelig)*
Read for the first time and referred to the Rules Committee 383
Assigned to standing committee 475
Read the second time and placed on Consent Calendar 567
Read the third time 652
Signed by the President and returned to the House 653

H.B. 38 –– REFUGEE SERVICES FUND AMENDMENTS *(C. Herrod)*
Read for the first time and referred to the Rules Committee 135
Assigned to standing committee 154
Read the second time and placed on Consent Calendar 225
Read the third time 292
Circled 292
Uncircled 295
Signed by the President and returned to the House 295

H.B. 39 –– UTAH INJURED WORKER REEMPLOYMENT ACT *(M. Morley)*
Read for the first time and referred to the Rules Committee 108
Assigned to standing committee 137
Committee report adopted and placed on calendar 173
Read the second time 200
Read the third time 210
Signed by the President and returned to the House 210

H.B. 40 –– MOTORCYCLE RIDER EDUCATION PROGRAM AMENDMENTS *(B. Daw)*
Read for the first time and referred to the Rules Committee 108
Assigned to standing committee 138
Committee report adopted and placed on calendar 196
Read the second time 216
Read the third time 230
Signed by the President and returned to the House 231

H.B. 41 –– SEX OFFENDER REGISTRATION AMENDMENTS *(K. Sumsion)*
Read for the first time and referred to the Rules Committee 242
Assigned to standing committee 264
Committee report adopted and placed on calendar 387
Read the second time 543
Read the third time 585
Signed by the President and returned to the House 585

H.B. 42 –– ADOPTION REVISIONS *(S. Allen)*
Read for the first time and referred to the Rules Committee 345
Assigned to standing committee 361
Committee report adopted and placed on calendar 457
Read the second time 696
Circled 696, 738
Uncircled 722, 740
Read the third time 738
Signed by the President and returned to the House 740

H.B. 43 –– COORDINATING MUNICIPAL AND SPECIAL DISTRICT ELECTIONS *(K. Grover)*
Read for the first time and referred to the Rules Committee 123
Assigned to standing committee 153
Read the second time and placed on Consent Calendar 272
Read the third time 331
Signed by the President and returned to the House 331

H.B. 44 –– LOCAL AND SPECIAL SERVICE DISTRICT ELECTION AMENDMENTS *(K. Grover)*
Read for the first time and referred to the Rules Committee 123
Assigned to standing committee 153
Read the second time and placed on Consent Calendar 272
Read the third time 331
Signed by the President and returned to the House 332

H.B. 45 –– PER DIEM AND TRAVEL EXPENSES FOR STATE BOARDS AND COMMISSIONS *(D. Aagard)*
Read for the first time and referred to the Rules Committee 108
Assigned to standing committee 137
Read the second time and placed on Consent Calendar 225
Read the third time 290
Circled 290
Uncircled 311
Signed by the President and returned to the House 312

H.B. 46 –– DESIGNATION OF STATE HIGHWAYS AMENDMENTS *(T. Kiser)*
Read for the first time and referred to the Rules Committee 108
Assigned to standing committee 138
Committee report adopted and placed on calendar 196
Read the second time 217
Read the third time 233
Signed by the President and returned to the House 234

H.B. 47 –– CRIMINAL PROCEDURE – INVESTIGATION AMENDMENTS *(P. Ray)*
Read for the first time and referred to the Rules Committee 108
Assigned to standing committee 138
Read the second time and placed on Consent Calendar 196
Read the third time 255
Signed by the President and returned to the House 255

H.B. 48 –– BALLOT QUESTION AMENDMENTS *(K. Grover)*
Read for the first time and referred to the Rules Committee 123
Assigned to standing committee 153
Returned to the Rules Committee 721
Enacting Clause Stricken 1036

H.B. 49 –– VOTER CHALLENGE AMENDMENTS *(N. Hansen)*
Read for the first time and referred to the Rules Committee 286
Enacting Clause Stricken 1036

H.B. 50 –– FIREFIGHTER SPECIAL GROUP LICENSE PLATE AMENDMENTS *(R. Menlove)*
Read for the first time and referred to the Rules Committee 152
Assigned to standing committee 361
Read the second time and placed on Consent Calendar 427
Read the third time 536
Signed by the President and returned to the House 536

H.B. 51 –– EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE *(C. Johnson)*
Read for the first time and referred to the Rules Committee 123
Assigned to standing committee 152
Committee report adopted and placed on calendar 330
Read the second time 402
Read the third time 432
Circled 432
Uncircled 433
Amendments 433, 516
Returned to the House 435
Before the Senate 479
Refuse to Concur 479
Joint Conference Committee Report 516
Returned to the House 518
Signed by the President and returned to the House 550

H.B. 52 –– INSURANCE CODE AMENDMENTS *(J. Dunnigan)*
Read for the first time and referred to the Rules Committee 136
Assigned to standing committee 153
Committee report adopted and placed on calendar 195
Read the second time 214
Read the third time 228
Circled 228
Uncircled 231
Amendments 231
Returned to the House 233
Signed by the President and returned to the House 263

H.B. 53 –– DRIVER LICENSE AMENDMENTS – MOTOR DRIVEN CYCLES *(T. Kiser)*
Read for the first time and referred to the Rules Committee 108
Assigned to standing committee 138
Committee report adopted and placed on calendar 196
Read the second time 217
Circled 217
Uncircled 369
Read the third time 390
Amendments 391
Returned to the House 391
Signed by the President and returned to the House 420

H.B. 54 –– AMENDMENTS TO VEHICLE REGISTRATION REQUIREMENTS *(F. Gibson)*
Read for the first time and referred to the Rules Committee 123
Assigned to standing committee 154
Committee report adopted and placed on calendar 224
Read the second time 297
Read the third time 319
Circled 319
Uncircled 416
Signed by the President and returned to the House 416

H.B. 55 –– AMENDMENTS TO TOURISM, RECREATION, CULTURAL, CONVENTION, AND AIRPORT FACILITIES TAX ACT *(W. Harper)*
Read for the first time and referred to the Rules Committee 152
Assigned to standing committee 171
Read the second time and placed on Consent Calendar 225
Read the third time 292
Signed by the President and returned to the House 292

H.B. 56 –– DECLARATION OF CANDIDACY AMENDMENTS *(D. Aagard)*
Read for the first time and referred to the Rules Committee 119
Assigned to standing committee 137
Read the second time and placed on Consent Calendar 225
Read the third time 290
Circled 290
Uncircled 311
Signed by the President and returned to the House 311

H.B. 58 –– SALES AND USE TAX – DETERMINING THE LOCATION OF CERTAIN TRANSACTIONS *(W. Harper)*
Read for the first time and referred to the Rules Committee 119
Assigned to standing committee 138
Read the second time and placed on Consent Calendar 225
Read the third time 291
Signed by the President and returned to the House 291

H.B. 59 –– SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS *(B. Daw)*
Read for the first time and referred to the Rules Committee 242
Assigned to standing committee 264
Committee report adopted and placed on calendar 387
Read the second time 543
Amendments 543
Read the third time 587
Circled 587
Uncircled 587
Returned to the House 588
Signed by the President and returned to the House 627

H.B. 60 –– FAMILY PRESERVATION SERVICES AMENDMENTS *(W. Harper)*
Read for the first time and referred to the Rules Committee 165
Assigned to standing committee 188
Committee report adopted and placed on calendar 250
Read the second time 298
Read the third time 319
Signed by the President and returned to the House 320

H.B. 61 –– LOCAL GOVERNMENT ENTITY CHANGES *(K. Holdaway)*
Read for the first time and referred to the Rules Committee 286
Assigned to standing committee 304
Committee report adopted and placed on calendar 387
Read the second time 528
Read the third time 538
Signed by the President and returned to the House 539

H.B. 62 –– STATE WATER DEVELOPMENT COMMISSION AMENDMENTS *(K. Gibson)*
Read for the first time and referred to the Rules Committee 165
Assigned to standing committee 188
Amendments 250
Committee report adopted and placed on calendar 250
Read the second time 299
Read the third time 320
Returned to the House 320
Signed by the President and returned to the House 359

H.B. 63 –– AMENDMENTS TO CHILD WELFARE *(W. Harper)*
Read for the first time and referred to the Rules Committee 187
Assigned to standing committee 205
Committee report adopted and placed on calendar 387
Read the second time 544
Read the third time 587
Signed by the President and returned to the House 587

H.B. 64 –– DETERRING ILLEGAL IMMIGRATION *(B. Dee)*
Read for the first time and referred to the Rules Committee 628
Assigned to standing committee 644
Committee report adopted and placed on calendar 713
Returned to the Rules Committee 759
Placed on calendar 856
Read the second time 866
Read the third time 898
Amendments . . . . . 898 , 919
Circled 899
Uncircled 918
Returned to the House 920
Signed by the President and returned to the House 953

H.B. 65 –– REPORTING OF CERTAIN TRANSACTIONS EXEMPT FROM SALES AND USE TAXES *(Julie Fisher)*
Read for the first time and referred to the Rules Committee 286
Assigned to standing committee 304
Read the second time and placed on Consent Calendar 351
Read the third time 413
Signed by the President and returned to the House 413

H.B. 67 –– PUBLIC HEARINGS ON PROPERTY TAX INCREASES *(G. Froerer)*
Read for the first time and referred to the Rules Committee 169
Assigned to standing committee 189
Committee report adopted and placed on calendar 224
Read the second time 297
Circled 297
Uncircled 372
Amendments 372
Read the third time 399
Returned to the House 399
Signed by the President and returned to the House 420

H.B. 68 –– DEVELOPMENT EXACTIONS *(P. Painter)*
Read for the first time and referred to the Rules Committee 242
Assigned to standing committee 264
Amendments 384
Committee report adopted and placed on calendar 387
Read the second time 529
Circled 529
Uncircled 529
Read the third time 541
Returned to the House 541
Signed by the President and returned to the House 601, 666

H.B. 69 –– GUARDIAN AD LITEM AMENDMENTS *(W. Harper)*
Read for the first time and referred to the Rules Committee 187
Assigned to standing committee 205
Amendments 424
Committee report adopted and placed on calendar 425
Read the second time 567
Read the third time 590
Returned to the House 590
Signed by the President and returned to the House 627

H.B. 70 –– CIGARETTE TAX EXEMPTION AMENDMENTS *(E. Vickers)*
Read for the first time and referred to the Rules Committee 264
Enacting Clause Stricken 1036

H.B. 71 –– WITHHOLDING TAX AMENDMENTS *(E. Vickers)*
Read for the first time and referred to the Rules Committee 303
Assigned to standing committee 346
Read the second time and placed on Consent Calendar 381
Read the third time 430
Signed by the President and returned to the House 431

H.B. 72 –– CHILDREN'S JUSTICE CENTER AMENDMENTS *(L. Fowlke)*
Read for the first time and referred to the Rules Committee 242
Assigned to standing committee 474
Read the second time and placed on Consent Calendar 679
Returned to the Rules Committee 759
Placed on Consent Calendar 856
Read the third time 857
Circled 857
Uncircled 862
Signed by the President and returned to the House 862

H.B. 75 –– UTAH COMMUNICATIONS AGENCY NETWORK AMENDMENTS *(F. Hunsaker)*
Read for the first time and referred to the Rules Committee 135
Assigned to standing committee 153
Read the second time and placed on Consent Calendar 310
Read the third time 351
Signed by the President and returned to the House 352

H.B. 76 –– INCOME TAX CREDIT FOR MILITARY RETIRED PAY *(S. Mascaro)*
Read for the first time and referred to the Rules Committee 286
Enacting Clause Stricken 1036

H.B. 78 –– UTAH UNIFORM SECURITIES ACT MODIFICATIONS *(J. Bird)*
Read for the first time and referred to the Rules Committee 187
Assigned to standing committee 243
Committee report adopted and placed on calendar 363
Read the second time 405
Read the third time 436
Signed by the President and returned to the House 436

H.B. 80 –– STUDY ON TAXPAYER ADVOCATE PROGRAM *(K. Grover)*
Read for the first time and referred to the Rules Committee 169
Assigned to standing committee 189
Amendments 224
Committee report adopted and placed on calendar 224
Read the second time 298
Read the third time 319
Returned to the House 319
Signed by the President and returned to the House 359

H.B. 81 –– HEALTH CARE PATIENT IDENTITY PROTECTION *(S. Sandstrom)*
Read for the first time and referred to the Rules Committee 152
Assigned to standing committee 170
Read the second time and placed on Consent Calendar 252
Read the third time 314
Signed by the President and returned to the House 314

H.B. 83 –– PROPERTY TAX RELIEF PROGRAMS *(G. Froerer)*
Read for the first time and referred to the Rules Committee 287
Assigned to standing committee 304
Committee report adopted and placed on calendar 380
Read the second time 406
Read the third time 437
Tabled on Third Reading Calendar 437
Enacting Clause Stricken 1036

H.B. 85 –– MUTUAL BENEFIT CORPORATION – JUDICIAL LIENS *(P. Painter)*
Read for the first time and referred to the Rules Committee 152
Assigned to standing committee 170
Committee report adopted and placed on calendar 290
Read the second time 401
Read the third time 415
Signed by the President and returned to the House 415

H.B. 86 –– DIVISION OF REAL ESTATE RELATED AMENDMENTS *(G. Froerer)*
Read for the first time and referred to the Rules Committee 136
Assigned to standing committee 153
Committee report adopted and placed on calendar 195
Read the second time 214
Circled 214
Uncircled 216
Read the third time 233
Signed by the President and returned to the House 233

H.B. 87 –– IDENTITY THEFT AMENDMENT *(Julie Fisher)*
Read for the first time and referred to the Rules Committee 135
Assigned to standing committee 153
Read the second time and placed on Consent Calendar 272
Read the third time 333
Signed by the President and returned to the House 334

H.B. 89 –– PROSTHETIC LIMB HEALTH INSURANCE PARITY *(D. Litvack)*
Read for the first time and referred to the Rules Committee 614
Placed on calendar 1000
Read the second time 1021
Circled 1021
Enacting Clause Stricken 1037

H.B. 90 –– ABORTION LAW AMENDMENTS *(P. Ray)*
Read for the first time and referred to the Rules Committee 187
Assigned to standing committee 205
Committee report adopted and placed on calendar 250
Read the second time 298
Circled 298, 342
Uncircled 341, 369
Amendments 341
Read the third time 392
Returned to the House 392
Signed by the President and returned to the House 420

H.B. 91 –– INDIVIDUAL DEVELOPMENT ACCOUNT AMENDMENTS *(F.J. Seegmiller)*
Read for the first time and referred to the Rules Committee 220
Assigned to standing committee 244
Read the second time and placed on Consent Calendar 364
Read the third time 430
Signed by the President and returned to the House 430

H.B. 92 –– REQUIREMENT TO WEAR HUNTER ORANGE AMENDMENTS *(S. Sandstrom)*
Read for the first time and referred to the Rules Committee 264
Assigned to standing committee 304
Committee report adopted and placed on calendar 349
Read the second time 403
Read the third time 432
Signed by the President and returned to the House 433

H.B. 96 –– STATE RETIREMENT SYSTEM PARTICIPATION FOR CHARTER SCHOOLS *(C. Watkins)*
Read for the first time and referred to the Rules Committee 647
Placed on calendar 1000
Read the second time 1022
Substituted 1022
Read the second and third time 1022
Returned to the House 1022
Signed by the President and returned to the House 1029

H.B. 97 –– SEXUAL EXPLOITATION OF A MINOR *(R. Bigelow)*
Read for the first time and referred to the Rules Committee 281
Assigned to standing committee 304
Committee report adopted and placed on calendar 387
Read the second time 545
Tabled on Third Reading Calendar 546
Placed on Third Reading Calendar 810
Read the third time 814
Signed by the President and returned to the House 814

H.B. 100 –– DEPARTMENT OF CORRECTIONS – TRACKING AND REIMBURSEMENT OF INDIVIDUAL PRISONER COSTS *(C. Wimmer)*
Read for the first time and referred to the Rules Committee 429
Assigned to standing committee 475
Amendments 672
Committee report adopted and placed on calendar 676
Read the second time 749
Read the third time 768
Returned to the House 768
Signed by the President and returned to the House 825

H.B. 101 –– ASSERTIVE COMMUNITY MENTAL HEALTH TREATMENT PILOT PROGRAM *(C. Moss)*
Read for the first time and referred to the Rules Committee 831
Enacting Clause Stricken 1037

H.B. 102 –– FALSE VEHICLE TITLE AND REGISTRATION PENALTIES *(P. Ray)*
Read for the first time and referred to the Rules Committee 286
Assigned to standing committee 304
Amendments 380
Read the second time and placed on Consent Calendar 381
Read the third time 431
Returned to the House 431
Signed by the President and returned to the House . . . . . 473 , 550

H.B. 104 –– DRIVER LICENSE HEARING AMENDMENTS *(R. Greenwood)*
Read for the first time and referred to the Rules Committee 286
Assigned to standing committee 305
Read the second time and placed on Consent Calendar 381
Read the third time 431
Signed by the President and returned to the House 432

H.B. 105 –– DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS *(J. Mathis)*
Read for the first time and referred to the Rules Committee 287
Assigned to standing committee 304
Committee report adopted and placed on calendar 380
Read the second time 407
Read the third time 437
Signed by the President and returned to the House 438

H.B. 106 –– CONTROLLED SUBSTANCE DATABASE AMENDMENTS *(B. Daw)*
Read for the first time and referred to the Rules Committee 135
Assigned to standing committee 153
Read the second time and placed on Consent Calendar 272
Read the third time 334
Signed by the President and returned to the House 334

H.B. 107 –– ECONOMIC IMPACT OF ILLEGAL ALIENS *(S. Clark)*
Read for the first time and referred to the Rules Committee 532
Placed on calendar 984
Read the second time 1020
Circled 1020
Uncircled 1023
Circled 1023
Enacting Clause Stricken 1037

H.B. 108 –– HORMONE RESTORATION AMENDMENTS *(D. Aagard)*
Read for the first time and referred to the Rules Committee 287
Assigned to standing committee 474
Committee report adopted and placed on calendar 629
Read the second time 726
Read the third time 743
Signed by the President and returned to the House 744

H.B. 110 –– FINANCIAL TRANSACTION CARD OFFENSES *(Julie Fisher)*
Read for the first time and referred to the Rules Committee 551
Assigned to standing committee 602
Committee report adopted and placed on calendar 713
Returned to the Rules Committee 759
Placed on calendar 1000
Read the second and third time 1025
Signed by the President and returned to the House 1025

H.B. 112 –– VEHICLE TOWING AMENDMENTS *(T. Kiser)*
Read for the first time and referred to the Rules Committee 411
Assigned to standing committee 422
Amendments 563
Read the second time and placed on Consent Calendar 567
Read the third time 651
Returned to the House 651
Signed by the President and returned to the House 710

H.B. 113 –– SALVAGE VEHICLE TITLE AMENDMENTS *(T. Kiser)*
Read for the first time and referred to the Rules Committee 242
Assigned to standing committee 265
Committee report adopted and placed on calendar 349
Read the second time 404
Circled 404
Uncircled 524
Read the third time 538
Signed by the President and returned to the House 538

H.B. 114 –– ABORTION LITIGATION TRUST ACCOUNT AMENDMENTS *(K. Sumsion)*
Read for the first time and referred to the Rules Committee 345
Assigned to standing committee 361
Committee report adopted and placed on calendar 425
Read the second time 567
Circled 568, 591
Uncircled 568, 591
Read the third time 591
Signed by the President and returned to the House 591

H.B. 116 –– UNIFORM FEES ON CANOES *(M. Wheatley)*
Read for the first time and referred to the Rules Committee 286
Assigned to standing committee 378
Committee report adopted and placed on calendar 425
Read the second time 546
Read the third time 588
Signed by the President and returned to the House 589

H.B. 118 –– ARCHIVES AND GRAMA REVISIONS *(D. Aagard)*
Read for the first time and referred to the Rules Committee 303
Assigned to standing committee 327
Committee report adopted and placed on calendar 457
Read the second time 697
Read the third time 736
Signed by the President and returned to the House 736

H.B. 119 –– POWERSPORT VEHICLE FRANCHISE ACT REVISIONS *(J. Gowans)*
Read for the first time and referred to the Rules Committee 325
Assigned to standing committee 345
Committee report adopted and placed on calendar 396
Read the second time 545
Read the third time 588
Signed by the President and returned to the House 588

H.B. 120 –– SNAKE VALLEY AQUIFER RESEARCH TEAM AND ADVISORY COUNCIL *(B. Winn)*
Read for the first time and referred to the Rules Committee 532
Assigned to standing committee 552
Committee report adopted and placed on calendar 676
Returned to the Rules Committee 759
Placed on calendar 875
Read the second time 877
Read the third time 904
Signed by the President and returned to the House 905

H.B. 121 –– RETIRED VOLUNTEER HEALTH CARE PRACTITIONER ACT *(M. Brown)*
Read for the first time and referred to the Rules Committee 242
Assigned to standing committee 264
Committee report adopted and placed on calendar 363
Read the second time 406
Read the third time 437
Signed by the President and returned to the House 437

H.B. 122 –– GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS *(D. Aagard)*
Read for the first time and referred to the Rules Committee 383
Assigned to standing committee 421
Committee report adopted and placed on calendar 477
Read the second time 698
Circled 698, 738
Uncircled 706, 832
Amendments 706
Read the third time 738
Returned to the House 833
Enacting Clause Stricken 1037

H.B. 123 –– RETAIL AND LIBRARY THEFT AMENDMENTS *(F. Gibson)*
Read for the first time and referred to the Rules Committee 264
Assigned to standing committee 361
Read the second time and placed on Consent Calendar 479
Read the third time 583
Signed by the President and returned to the House 584

H.B. 124 –– INSURANCE COVERAGE FOR EOSINOPHILIC GASTROINTESTINAL DISORDERS AND SHORT BOWEL SYNDROME *(C. Johnson)*
Read for the first time and referred to the Rules Committee 873
Placed on calendar 1000
Enacting Clause Stricken 1037

H.B. 125 –– IMPACT FEE AMENDMENTS *(K. Powell)*
Read for the first time and referred to the Rules Committee 421
Assigned to standing committee 450
Amendments 554
Committee report adopted and placed on calendar 560
Read the second time 725
Circled 725
Returned to the Rules Committee 759
Placed on calendar 1000
Enacting Clause Stricken 1037

H.B. 126 –– VOTER IDENTIFICATION FOR ELECTIONS *(B. Daw)*
Read for the first time and referred to the Rules Committee 449
Assigned to standing committee 474
Committee report adopted and placed on calendar 629
Read the second time 727
Circled 727, 766
Uncircled 745, 817
Read the third time 766
Substituted 818
Returned to the House 818
Signed by the President and returned to the House 871

H.B. 127 –– PERSONAL INJURY PROTECTION COVERAGE AMENDMENTS *(T. Kiser)*
Read for the first time and referred to the Rules Committee 281
Assigned to standing committee 304
Read the second time and placed on Consent Calendar 479
Read the third time 584
Circled 584
Uncircled 586
Signed by the President and returned to the House 587

H.B. 128 –– ELECTRONIC PRESCRIBING ACT *(R. Menlove)*
Read for the first time and referred to the Rules Committee 345
Assigned to standing committee 603
Amendments 670
Committee report adopted and placed on calendar 676
Read the second time 748
Read the third time 767
Circled 767
Uncircled 769
Returned to the House 769
Signed by the President and returned to the House 825

H.B. 129 –– ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS *(C. Oda)*
Read for the first time and referred to the Rules Committee 383
Assigned to standing committee 421
Committee report adopted and placed on calendar 534
Read the second time 704
Amendments 704
Tabled on Third Reading Calendar 705
Placed on Third Reading Calendar 856
Read the third time 862
Returned to the House 863
Signed by the President and returned to the House 907

H.B. 130 –– ASSET PRESERVATION AMENDMENTS *(G. Hughes)*
Read for the first time and referred to the Rules Committee 377
Assigned to standing committee 384
Read the second time and placed on Consent Calendar 567
Read the third time 653
Signed by the President and returned to the House 653

H.B. 132 –– SEXUAL ASSAULT VICTIM PROTOCOLS *(J. Biskupski)*
Read for the first time and referred to the Rules Committee 647
Placed on calendar 856
Read the second time 866
Circled 867
Uncircled 867
Read the third time 901
Signed by the President and returned to the House 901

H.B. 136 –– SEX OFFENDER DEFINITION AMENDMENTS *(P. Ray)*
Read for the first time and referred to the Rules Committee 383
Assigned to standing committee 422
Committee report adopted and placed on calendar 560
Read the second time 726
Read the third time 743
Substituted 743
Returned to the House 743
Recalled 796
Placed on Third Reading Calendar 806
Read the third time 815
Amendments 815
Returned to the House 816
Signed by the President and returned to the House 871

H.B. 138 –– EXPUNGEMENT OF RECORDS AMENDMENTS *(Julie Fisher)*
Read for the first time and referred to the Rules Committee 383
Assigned to standing committee 422
Read the second time and placed on Consent Calendar 567
Read the third time 653
Signed by the President and returned to the House 654

H.B. 140 –– MOTOR VEHICLE REGISTRATION FEE AMENDMENTS *(C. Frank)*
Read for the first time and referred to the Rules Committee 421
Assigned to standing committee 450
Committee report adopted and placed on calendar 560
Read the second time 725
Circled 725
Uncircled 752
Tabled on Third Reading Calendar 753
Enacting Clause Stricken 1037

H.B. 141 –– BILLBOARD AMENDMENTS *(C. Frank)*
Read for the first time and referred to the Rules Committee 551
Assigned to standing committee 602
Returned to the Rules Committee 719
Placed on calendar 875
Read the second time 885
Read the third time 918
Circled 918
Uncircled 958
Amendments 958
Signed by the President and returned to the House 959

H.B. 142 –– REPORTING ABUSE OR NEGLECT OF THE ELDERLY OR DISABLED *(L. Hemingway)*
Read for the first time and referred to the Rules Committee 551
Assigned to standing committee 603
Committee report adopted and placed on calendar 676
Read the second time 748
Read the third time 768
Signed by the President and returned to the House 768

H.B. 143 –– VEHICLE TITLE, INSPECTION AND EMISSION TESTING EXEMPTIONS *(K. Sumsion)*
Read for the first time and referred to the Rules Committee 760
Placed on calendar 984
Read the second and third time 1020
Signed by the President and returned to the House 1021

H.B. 144 –– MEDICAL LANGUAGE INTERPRETER ACT *(R. Chavez–Houck)*
Read for the first time and referred to the Rules Committee 383
Assigned to standing committee 422
Read the second time and placed on Consent Calendar 615
Read the third time 731
Signed by the President and returned to the House 731

H.B. 145 –– WORKPLACE DRUG TESTING PROGRAMS *(T. Beck)*
Read for the first time and referred to the Rules Committee 760
Placed on calendar 1000
Enacting Clause Stricken 1037

H.B. 148 –– VICTIM RIGHTS AMENDMENTS *(R. C. Webb)*
Read for the first time and referred to the Rules Committee 687
Placed on calendar 893
Read the second and third time 1014
Signed by the President and returned to the House 1014

H.B. 149 — FOREST RESERVE FUND REVISIONS *(M. Noel)*
Read for the first time and referred to the Rules Committee 242
Assigned to standing committee 264
Committee report adopted and placed on calendar 290
Read the second time 295
Circled 296
Uncircled 336
Read the second and third time 336
Signed by the President and returned to the House 337

H.B. 150 — STATE BOARD OF EDUCATION MEMBER ELECTION PROCESS AMENDMENTS *(C. Moss)*
Read for the first time and referred to the Rules Committee 449
Assigned to standing committee 474
Returned to the Rules Committee 719
Enacting Clause Stricken 1037

H.B. 151 — MOTOR VEHICLE FORFEITURE AMENDMENTS *(C. Herrod)*
Read for the first time and referred to the Rules Committee 503
Assigned to standing committee 521
Committee report adopted and placed on calendar 630
Read the second time 727
Read the third time 744
Circled 744
Uncircled 753
Signed by the President and returned to the House 753

H.B. 152 — APPRAISAL MANAGEMENT COMPANY REGULATION *(M. Morley)*
Read for the first time and referred to the Rules Committee 473
Assigned to standing committee 485
Amendments 668
Committee report adopted and placed on calendar 676
Read the second time 747
Circled 747
Uncircled 751
Read the third time 769
Returned to the House 769
Signed by the President and returned to the House 825

H.B. 153 — TRESPASS LAW AMENDMENTS *(J. Mathis)*
Read for the first time and referred to the Rules Committee 503
Placed on calendar 856
Read the second time 868
Amendments 868, 904
Read the third time 902
Circled 902
Uncircled 904
Returned to the House 904
Signed by the President and returned to the House 929

H.B. 154 — STATE CONSTRUCTION REGISTRY AMENDMENTS *(M. Morley)*
Read for the first time and referred to the Rules Committee 360
Assigned to standing committee 377
Amendments 452, 592
Committee report adopted and placed on calendar 457
Read the second time 572
Read the third time 591
Circled 591
Uncircled 592
Returned to the House 593
Signed by the President and returned to the House 627

H.B. 156 –– SUBDIVISION APPROVAL AMENDMENTS *(R. C. Webb)*
Read for the first time and referred to the Rules Committee 520
Assigned to standing committee 552
Committee report adopted and placed on calendar 713
Returned to the Rules Committee 759
Placed on calendar 893
Read the second and third time 945
Amendments 945
Returned to the House 946
Signed by the President and returned to the House 993

H.B. 157 –– PROPERTY TAX ASSESSMENT AMENDMENTS *(W. Harper)*
Read for the first time and referred to the Rules Committee 503
Assigned to standing committee 521
Committee report adopted and placed on calendar 676
Read the second time 756
Read the third time 770
Signed by the President and returned to the House 770

H.B. 163 –– PROPERTY TRANSACTION AMENDMENTS *(R. Lockhart)*
Read for the first time and referred to the Rules Committee 647
Placed on calendar 875
Read the second time 882
Read the third time 909
Signed by the President and returned to the House 909

H.B. 164 –– MIGRATORY BIRD PRODUCTION AREAS *(C. Oda)*
Read for the first time and referred to the Rules Committee 579
Assigned to standing committee 603
Amendents 673
Committee report adopted and placed on calendar 676
Returned to the Rules Committee 759
Placed on calendar 1000
Read the second time 1016
Substituted 1017
Returned to the House 1017
Signed by the President and returned to the House 1029

H.B. 165 –– HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION *(M. Newbold)*
Read for the first time and referred to the Rules Committee 393
Assigned to standing committee 422
Committee report adopted and placed on calendar 534
Read the second time 708
Circled 708
Uncircled 722
Substituted 722
Read the third time 739
Returned to the House 739
Signed by the President and returned to the House 805

H.B. 167 –– COUNTY HOSPITAL RETIREMENT PROVISIONS *(M. Noel)*
Read for the first time and referred to the Rules Committee 579
Assigned to standing committee 603
Read the second time and placed on Consent Calendar 679
Returned to the Rules Committee 759
Placed on Consent Calendar 856
Read the third time 858
Signed by the President and returned to the House 858

H.B. 169 –– PUBLIC LANDS POLICY COORDINATION AMENDMENTS *(M. Noel)*
Read for the first time and referred to the Rules Committee 760
Read the second and third time 1013
Signed by the President and returned to the House 1013

H.B. 170 –– INSURANCE AND LIFE SETTLEMENT AMENDMENTS *(J. Dunnigan)*
Read for the first time and referred to the Rules Committee 520
Assigned to standing committee 551
Amendments 668
Committee report adopted and placed on calendar 676
Read the second time 747
Read the third time 767
Returned to the House 767
Signed by the President and returned to the House 825

H.B. 171 –– LEGAL IMMIGRANT CHILDREN HEALTH CARE AMENDMENTS *(K. Holdaway)*
Read for the first time and referred to the Rules Committee 831
Enacting Clause Stricken 1037

H.B. 173 –– OUTDOOR GUIDES AND OUTFITTERS LICENSING ACT *(E. Vickers)*
Read for the first time and referred to the Rules Committee 855
Placed on calendar 893
Read the second time 966
Substituted 966
Read the second and third time 966
Failed 966
Filed 967
Reconsideration 977
Read the second and third time 977
Returned to the House 978
Signed by the President and returned to the House 999

H.B. 174 –– LICENSING OF VOCATIONAL REHABILITATION COUNSELORS *(R. Menlove)*
Read for the first time and referred to the Rules Committee 760
Placed on calendar 927
Read the second time 940
Circled 940
Uncircled 962
Amendments 962
Read the second and third time 964
Returned to the House 964
Signed by the President and returned to the House 996

H.B. 178 –– HEALTH INSURANCE AND PROGRAM AMENDMENTS *(J. Dunnigan)*
Read for the first time and referred to the Rules Committee 1027
Placed on calendar 1027
Read the second and third time 1028
Signed by the President and returned to the House 1028

H.B. 179 –– STATE–OWNED LAND AMENDMENTS *(K. Gibson)*
Read for the first time and referred to the Rules Committee 806
Placed on calendar 875
Read the second time 882
Circled 882
Uncircled 884
Read the third time 911
Signed by the President and returned to the House 912

H.B. 183 –– NATIONAL ANIMAL IDENTIFICATION SYSTEM *(M. Brown)*
Read for the first time and referred to the Rules Committee 647
Placed on calendar 893
Read the second time 976
Circled 976
Uncircled 997
Read the second and third time 997
Signed by the President and returned to the House 997

H.B. 184 –– INCOME TAX CREDIT FOR A DISABLED DEPENDENT *(J. Dougall)*
Read for the first time and referred to the Rules Committee 551
Assigned to standing committee 604
Committee report adopted and placed on calendar 676
Returned to the Rules Committee 759
Enacting Clause Stricken 1037

H.B. 185 –– TRANSPORTATION AMENDMENTS *(W. Harper)*
Read for the first time and referred to the Rules Committee 751
Returned to the House for correction 804
Referred to the Rules Committee 811
Placed on calendar 875
Read the second time 887
Circled 887
Uncircled 934
Substituted 934, 1025
Read the second and third time 934
Returned to the House 934
Refuse to Recede 996
Joint Conference Committee Report 1025
Returned to the House 1026
Signed by the President and returned to the House 1031

H.B. 188 –– HEALTH SYSTEM REFORM – INSURANCE MARKET *(D. Clark)*
Read for the first time and referred to the Rules Committee 393
Assigned to standing committee 422
Committee report adopted and placed on calendar 534
Read the second time 719
Circled 719
Uncircled 723
Substituted 723
Amendments 723, 755
Tabled on Third Reading Calendar 724
Placed on Third Reading Calendar 749
Read the third time 755
Returned to the House 756
Signed by the President and returned to the House 825

H.B. 192 –– PERSONAL INJURY JUDGMENT INTEREST *(J. Dunnigan)*
Read for the first time and referred to the Rules Committee 628
Assigned to standing committee 643
Read the second time and placed on Consent Calendar 714
Returned to the Rules Committee 759
Placed on Consent Calendar 856
Read the third time 858
Signed by the President and returned to the House 859

H.B. 194 –– EDUCATION POLICIES FOR MILITARY CHILDREN *(R. Menlove)*
Read for the first time and referred to the Rules Committee 520
Assigned to standing committee 552
Read the second time and placed on Consent Calendar 679
Returned to the Rules Committee 759
Placed on Consent Calendar 856
Read the third time 857
Signed by the President and returned to the House 858

H.B. 195 –– UTAH UNIFORM PROBATE CODE – TRUST AMENDMENTS *(R. Lockhart)*
Read for the first time and referred to the Rules Committee 532
Assigned to standing committee 553
Returned to the Rules Committee 719
Placed on calendar 875
Read the second time 888
Read the third time 922
Intent Language 922
Signed by the President and returned to the House 922

H.B. 197 –– REAUTHORIZATION OF ADMINISTRATIVE RULES *(B. Ferry)*
Read for the first time and referred to the Rules Committee 579
Assigned to standing committee 603
Read the second time and placed on Consent Calendar 631
Placed on calendar 733, 856
Read the second time 745, 863
Circled 745
Returned to the Rules Committee 759
Circled 863
Uncircled 875
Read the second and third time 875
Signed by the President and returned to the House 875

H.B. 198 –– MARRIAGE LICENSE FEE AMENDMENTS *(C. Johnson)*
Read for the first time and referred to the Rules Committee 855
Placed on calendar 875
Read the second time 888
Read the third time 921
Signed by the President and returned to the House 922

H.B. 201 –– MUNICIPAL DISINCORPORATION AMENDMENTS *(G. Froerer)*
Read for the first time and referred to the Rules Committee 806
Placed on calendar 1000
Enacting Clause Stricken 1037

H.B. 202 –– SCHOOL DISTRICT TRAFFIC VIOLATION COMPLAINT PROCEDURES *(W. Harper)*
Read for the first time and referred to the Rules Committee 503
Assigned to standing committee 521
Committee report adopted and placed on calendar 630
Read the second time 745
Read the third time 766
Signed by the President and returned to the House 766

H.B. 204 –– CONCEALED FIREARMS INSTRUCTORS AMENDMENTS *(C. Oda)*
Read for the first time and referred to the Rules Committee 520
Assigned to standing committee 553
Returned to the Rules Committee 719
Enacting Clause Stricken 1037

H.B. 205 –– WATER SOURCE PROTECTION AMENDMENTS *(M. Noel)*
Read for the first time and referred to the Rules Committee 429
Assigned to standing committee 475
Committee report adopted and placed on calendar 534
Read the second time 719
Circled 719
Uncircled 724
Read the third time 740
Signed by the President and returned to the House 741

H.B. 206 –– EMPLOYMENT SELECTION PROCEDURES *(W. Harper)*
Read for the first time and referred to the Rules Committee 532
Assigned to standing committee 553
Returned to the Rules Committee 719
Placed on calendar 1000
Read the second and third time 1027
Signed by the President and returned to the House 1027

H.B. 207 –– CONCURRENT ENROLLMENT AMENDMENTS *(K. Holdaway)*
Read for the first time and referred to the Rules Committee 429
Assigned to standing committee 474
Returned to the Rules Committee 719
Enacting Clause Stricken 1037

H.B. 209 –– AMENDMENTS TO CRIMINAL APPEALS *(Julie Fisher)*
Read for the first time and referred to the Rules Committee 503
Assigned to standing committee 521
Returned to the Rules Committee 719
Placed on calendar 893
Read the second time 967
Circled 967
Uncircled 974
Read the second and third time 974
Signed by the President and returned to the House 974

H.B. 210 –– POSTING OF COLLECTIVE BARGAINING AGREEMENTS BY SCHOOL DISTRICTS AND CHARTER SCHOOLS *(K. Sumsion)*
Read for the first time and referred to the Rules Committee 411
Assigned to standing committee 421
Read the second time and placed on Consent Calendar 534
Read the third time 648
Signed by the President and returned to the House 648

H.B. 211 –– RETIREMENT INVESTMENT REPORTS *(Julie Fisher)*
Read for the first time and referred to the Rules Committee 614
Assigned to standing committee 644
Read the second time and placed on Consent Calendar 735
Returned to the Rules Committee 759
Placed on Consent Calendar 856
Read the third time 861
Signed by the President and returned to the House 862

H.B. 216 –– TELECOMMUNICATION PRICING FLEXIBILITY AMENDMENTS *(F. Hunsaker)*
Read for the first time and referred to the Rules Committee 136
Assigned to standing committee 154
Committee report adopted and placed on calendar 206
Read the second time 296
Circled 296
Uncircled 335
Read the third time 355
Signed by the President and returned to the House 355

H.B. 218 — FAMILY EMPLOYMENT PROGRAM AMENDMENTS *(Janice Fisher)*
Read for the first time and referred to the Rules Committee 303
Assigned to standing committee 328
Amendments 423
Committee report adopted and placed on calendar 425
Read the second time 547
Read the third time 589
Returned to the House 589
Signed by the President and returned to the House 646

H.B. 220 — STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES *(M. Noel)*
Read for the first time and referred to the Rules Committee 429
Assigned to standing committee 475
Committee report adopted and placed on calendar 560
Read the second time 726
Circled 726
Uncircled 727
Tabled on Third Reading Calendar 728
Placed on Third Reading Calendar 909
Read the third time 910
Amendments 910
Returned to the House 911
Signed by the President and returned to the House 929

H.B. 221 — COUNTY CORRECTIONAL FACILITIES FUNDING AMENDMENTS *(M. Noel)*
Read for the first time and referred to the Rules Committee 503
Assigned to standing committee 521
Returned to the Rules Committee 719
Enacting Clause Stricken 1037

H.B. 222 — UNBORN CHILD PAIN PREVENTION ACT *(C. Wimmer)*
Read for the first time and referred to the Rules Committee 220
Assigned to standing committee 384
Committee report adopted and placed on calendar 477
Read the second time 698
Amendments 698, 737
Circled 702
Uncircled 705
Read the third time 737
Returned to the House 738
Signed by the President and returned to the House 805

H.B. 223 — STATUTE OF LIMITATIONS AMENDMENTS *(C. Wimmer)*
Read for the first time and referred to the Rules Committee 242
Assigned to standing committee 264
Read the second time and placed on Consent Calendar 397
Read the third time 460
Circled 460
Uncircled 503
Signed by the President and returned to the House 504

H.B. 226 — DISASTER RECOVERY AND EMERGENCY MANAGEMENT AMENDMENTS *(C. Oda)*
Read for the first time and referred to the Rules Committee 152
Assigned to standing committee 170
Read the second time and placed on Consent Calendar 225
Read the third time 291
Signed by the President and returned to the House 291

H.B. 228 — ASSAULT ON SERVICE MEMBER IN UNIFORM *(E. Hutchings)*
Read for the first time and referred to the Rules Committee 360
Assigned to standing committee 377
Read the second time and placed on Consent Calendar 479
Read the third time 584
Signed by the President and returned to the House 584

H.B. 231 — UTAH COMMISSION ON VOLUNTEERS AMENDMENTS *(D. Aagard)*
Read for the first time and referred to the Rules Committee 135
Assigned to standing committee 153
Committee report adopted and placed on calendar 270
Read the second time 296
Read the third time 318
Signed by the President and returned to the House 319

H.B. 232 –– CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS REVISIONS *(D. Aagard)*
Read for the first time and referred to the Rules Committee 119
Assigned to standing committee 137
Committee report adopted and placed on calendar 224
Read the second time 297
Circled 297
Uncircled 336
Read the third time 355
Signed by the President and returned to the House 356

H.B. 233 –– AGGRAVATED SEXUAL ASSAULT AMENDMENTS *(C. Wimmer)*
Read for the first time and referred to the Rules Committee 242
Assigned to standing committee 264
Committee report adopted and placed on calendar 349
Read the second time 404
Read the third time 435
Signed by the President and returned to the House 435

H.B. 234 –– CONSUMER CREDIT PROTECTION ACT MODIFICATION *(Julie Fisher)*
Read for the first time and referred to the Rules Committee 152
Assigned to standing committee 170
Read the second time and placed on Consent Calendar 252
Read the third time 312
Signed by the President and returned to the House 312

H.B. 235 –– DAM SAFETY AMENDMENTS *(S. Sandstrom)*
Read for the first time and referred to the Rules Committee 286
Assigned to standing committee 304
Committee report adopted and placed on calendar 349
Read the second time 404
Read the third time 435
Signed by the President and returned to the House 435

H.B. 236 –– DEPARTMENT OF COMMUNITY AND CULTURE GRANTS *(S. Allen)*
Read for the first time and referred to the Rules Committee 204
Assigned to standing committee 221
Committee report adopted and placed on calendar 270
Read the second time 373
Amendments 373
Read the third time 399
Substituted 399
Returned to the House 400
Signed by the President and returned to the House 420

H.B. 237 –– CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT *(C. Herrod)*
Read for the first time and referred to the Rules Committee 503
Assigned to standing committee 521
Returned to the Rules Committee 719
Placed on calendar 1000
Read the second time 1029
Circled 1029
Uncircled 1030
Read the second and third time 1030
Signed by the President and returned to the House 1030

H.B. 238 –– EXEMPTION OF UNIVERSITY HOUSING FROM EVICTION LAWS *(K. Holdaway)*
Read for the first time and referred to the Rules Committee 136
Assigned to standing committee 170
Returned to the Rules Committee 719
Enacting Clause Stricken 1037

H.B. 239 — UTAH MEDICAL EXAMINER ACT – INVESTIGATION AND AUTOPSIES AMENDMENTS *(C. Oda)*
Read for the first time and referred to the Rules Committee 345
Assigned to standing committee 361
Read the second time and placed on Consent Calendar 458
Read the third time 579
Signed by the President and returned to the House 580

H.B. 240 — WANTON DESTRUCTION OF LIVESTOCK *(R. Menlove)*
Read for the first time and referred to the Rules Committee 360
Assigned to standing committee 378
Read the second time and placed on Consent Calendar 427
Read the third time 535
Signed by the President and returned to the House 535

H.B. 241 — PRIORITY OF WATER RIGHTS *(K. Gibson)*
Read for the first time and referred to the Rules Committee 325
Assigned to standing committee 346
Amendments 424
Committee report adopted and placed on calendar 425
Read the second time 547
Read the third time 589
Returned to the House 590
Signed by the President and returned to the House 627

H.B. 243 — RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES *(G. Froerer)*
Read for the first time and referred to the Rules Committee 187
Assigned to standing committee 205
Substituted 329, 403, 586
Committee report adopted and placed on calendar 330
Read the second time 403
Circled 403, 538
Uncircled 527, 585
Amendments 527
Read the third time 538
Returned to the House 586
Signed by the President and returned to the House 627

H.B. 244 — DISRUPTION OF SCHOOL ACTIVITIES *(C. Moss)*
Read for the first time and referred to the Rules Committee 152
Assigned to standing committee 170
Amendments 454, 702, 741
Committee report adopted and placed on calendar 457
Read the second time 697
Circled 697, 737
Uncircled 702, 741
Read the third time 737
Returned to the House 743
Recalled 798
Refuse to Recede 807
Joint Conference Committee 831
Substituted 831
Before the Senate 832
Returned to the House 832
Signed by the President and returned to the House 854

H.B. 245 –– UTAH STATE 911 COMMITTEE AMENDMENTS *(C. Oda)*
Read for the first time and referred to the Rules Committee 602
Assigned to standing committee 644
Read the second time and placed on Consent Calendar 714
Returned to the Rules Committee 759
Placed on Consent Calendar 856
Read the third time 859
Signed by the President and returned to the House 859

H.B. 246 –– PROPERTY TAX – RESIDENTIAL EXEMPTION *(G. Froerer)*
Read for the first time and referred to the Rules Committee 532
Assigned to standing committee 552
Returned to the Rules Committee 719
Placed on calendar 856
Enacting Clause Stricken 1037

H.B. 247 –– AMENDMENTS TO EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS *(J. Bird)*
Read for the first time and referred to the Rules Committee 152
Assigned to standing committee 170
Committee report adopted and placed on calendar 349
Read the second time 405
Read the third time 436
Signed by the President and returned to the House 436

H.B. 250 –– REVISOR'S STATUTE *(K. Garn)*
Read for the first time and referred to the Rules Committee 99
Placed on calendar 125
Read the second time 199
Read the third time 209
Signed by the President and returned to the House 209

H.B. 251 –– JOINT CUSTODY AMENDMENTS *(L. Fowlke)*
Read for the first time and referred to the Rules Committee 383
Placed on calendar 893
Read the second and third time 976
Signed by the President and returned to the House 976

H.B. 252 –– EMERGENCY MANAGEMENT ADMINISTRATION COUNCIL AMENDMENTS *(C. Oda)*
Read for the first time and referred to the Rules Committee 152
Assigned to standing committee 170
Read the second time and placed on Consent Calendar 310
Read the third time 352
Signed by the President and returned to the House 352

H.B. 253 –– MOTOR CARRIER PERMIT FEE AMENDMENTS *(T. Kiser)*
Read for the first time and referred to the Rules Committee 286
Assigned to standing committee 305
Committee report adopted and placed on calendar 380
Read the second time 407
Read the third time 438
Signed by the President and returned to the House 438

H.B. 254 –– HEALTH PROFESSIONAL AUTHORITY – DEATH CERTIFICATES *(B. Last)*
Read for the first time and referred to the Rules Committee 429
Assigned to standing committee 475
Read the second time and placed on Consent Calendar 615
Read the third time 731
Signed by the President and returned to the House 732

H.B. 256 –– LIVESTOCK WATERING RIGHTS AMENDMENTS *(M. Noel)*
Read for the first time and referred to the Rules Committee 855
Read the second and third time 999
Signed by the President and returned to the House 1000

H.B. 257 –– POLITICAL SUBDIVISION CLERK AMENDMENTS *(M. Newbold)*
Read for the first time and referred to the Rules Committee 152
Assigned to standing committee 170
Read the second time and placed on Consent Calendar 351
Read the third time 413
Circled 413
Uncircled 415
Signed by the President and returned to the House 415

H.B. 258 –– AMENDMENTS TO NOTICE PROVISIONS FOR SUBDIVISION CHANGES *(K. Powell)*
Read for the first time and referred to the Rules Committee 187
Assigned to standing committee 205
Read the second time and placed on Consent Calendar 351
Read the third time 413
Circled 413
Uncircled 414
Signed by the President and returned to the House 414

H.B. 259 –– LOCAL GOVERNMENT AMENDMENTS *(S. Sandstrom)*
Read for the first time and referred to the Rules Committee 614
Assigned to standing committee 644
Amendments 711
Committee report adopted and placed on calendar 713
Returned to the Rules Committee 759
Placed on calendar 893
Read the second time 943
Circled 943
Uncircled 995
Substituted 995
Read the first, second and third time 995
Returned to the House 995
Signed by the President and returned to the House 1018

H.B. 261 –– AVIATION AMENDMENTS *(W. Harper)*
Read for the first time and referred to the Rules Committee 360
Assigned to standing committee 378
Amendments . . . . . 426 , 569, 597
Read the second time and placed on Consent Calendar 427
Placed on Second Reading Calendar 443
Read the second time 569
Read the third time 591
Circled 591
Uncircled 597
Returned to the House 597
Signed by the President and returned to the House 627

H.B. 264 –– EDUCATOR EVALUATION AMENDMENTS *(R. Menlove)*
Read for the first time and referred to the Rules Committee 360
Assigned to standing committee 377
Read the second time and placed on Consent Calendar 458
Read the third time 581
Signed by the President and returned to the House 581

H.B. 265 –– POSTMORTEM PROCEDURES AMENDMENTS *(B. Daw)*
Read for the first time and referred to the Rules Committee 325
Assigned to standing committee 346
Committee report adopted and placed on calendar 457
Read the second time 696
Tabled on Third Reading Calendar 708
Placed on Third Reading Calendar 810
Read the third time 815
Signed by the President and returned to the House 815

H.B. 266 –– WRONGFUL LIEN AMENDMENTS *(G. Froerer)*
Read for the first time and referred to the Rules Committee 187
Assigned to standing committee 205
Committee report adopted and placed on calendar 290
Read the second time 401
Read the third time 416
Signed by the President and returned to the House 416

H.B. 270 –– PARENT–TIME HOLIDAY AND NOTIFICATION AMENDMENTS *(L. Fowlke)*
Read for the first time and referred to the Rules Committee 345
Placed on calendar 1000
Enacting Clause Stricken 1037

H.B. 271 –– WORKERS' COMPENSATION – UNINSURED EMPLOYERS' FUND *(M. Morley)*
Read for the first time and referred to the Rules Committee 325
Assigned to standing committee 345
Amendments 452
Committee report adopted and placed on calendar 457
Read the second time 573
Read the third time 592
Returned to the House 592
Signed by the President and returned to the House 627

H.B. 272 –– UTAH SCENIC BYWAY DESIGNATION AMENDMENTS *(C. Herrod)*
Read for the first time and referred to the Rules Committee 602
Placed on calendar 893
Read the second time 971
Substituted 971
Amendments 971
Circled 973
Uncircled 1001
Read the second and third time 1001
Returned to the House 1002
Signed by the President and returned to the House 1018

H.B. 274 –– LOCAL GOVERNMENT FEES AND CHARGES *(C. B. Wallis)*
Read for the first time and referred to the Rules Committee 667
Placed on calendar 856
Read the second time 864
Read the third time 897
Signed by the President and returned to the House 897

H.B. 275 –– DOMESTIC VIOLENCE IN PRESENCE OF A CHILD AMENDMENTS *(K. Gibson)*
Read for the first time and referred to the Rules Committee 286
Assigned to standing committee 304
Committee report adopted and placed on calendar 477
Read the second time 702
Circled 702
Uncircled 703
Read the third time 737
Signed by the President and returned to the House 737

H.B. 276 –– CUSTODIAL INTERFERENCE AMENDMENTS *(C. Wimmer)*
Read for the first time and referred to the Rules Committee 831
Enacting Clause Stricken 1037

H.B. 278 –– B AND C ROADS FUND AMENDMENTS *(M. Noel)*
Read for the first time and referred to the Rules Committee 287
Assigned to standing committee 305
Committee report adopted and placed on calendar 380
Read the second time 407
Circled 407
Uncircled 528
Read the third time 539
Signed by the President and returned to the House 540

H.B. 279 –– UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT *(B. Last)*
Read for the first time and referred to the Rules Committee 303
Assigned to standing committee 327
Read the second time and placed on Consent Calendar 364
Read the third time 429
Signed by the President and returned to the House 430

H.B. 280 –– INSURANCE CODE – CONTINUING EDUCATION *(J. Bird)*
Read for the first time and referred to the Rules Committee 449
Assigned to standing committee 474
Committee report adopted and placed on calendar 713
Returned to the Rules Committee 759
Placed on calendar 893
Read the second and third time 1015
Signed by the President and returned to the House 1015

H.B. 283 –– ILLEGAL USE OF MOTOR VEHICLES *(M. Noel)*
Read for the first time and referred to the Rules Committee 532
Assigned to standing committee 553
Amendments 711
Committee report adopted and placed on calendar 713
Returned to the Rules Committee 759
Placed on calendar 893
Read the second time 946
Substituted 946
Read the third time 957
Returned to the House 957
Signed by the President and returned to the House 996

H.B. 286 –– REGULATION OF LENDING BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS *(K. Garn)*
Read for the first time and referred to the Rules Committee 411
Assigned to standing committee 421
Read the second time and placed on Consent Calendar 534
Read the third time 647
Circled 647
Uncircled 649
Signed by the President and returned to the House 649

H.B. 287 –– UTAH EDUCATION NETWORK AMENDMENTS *(K. Holdaway)*
Read for the first time and referred to the Rules Committee 377
Assigned to standing committee 384
Committee report adopted and placed on calendar 457
Read the second time 697
Read the third time 736
Signed by the President and returned to the House 736

H.B. 289 –– BACKGROUND CHECKS FOR QUALIFYING ENTITIES *(S. Sandstrom)*
Read for the first time and referred to the Rules Committee 345
Assigned to standing committee 361
Read the second time and placed on Consent Calendar 458
Read the third time 580
Signed by the President and returned to the House 580

H.B. 290 –– PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE *(S. Clark)*
Read for the first time and referred to the Rules Committee 579
Assigned to standing committee 604
Returned to the Rules Committee 719
Placed on calendar 893
Read the second time 935
Circled 935
Uncircled 961
Substituted 961
Amendments 961
Read the second and third time 962
Returned to the House 962
Signed by the President and returned to the House 996

H.B. 291 –– COUNTY PERSONNEL AMENDMENTS *(B. King)*
Read for the first time and referred to the Rules Committee 345
Assigned to standing committee 361
Read the second time and placed on Consent Calendar 479
Read the third time 581
Signed by the President and returned to the House 582

H.B. 292 –– TRAFFIC VIOLATION AND CITATION AMENDMENTS *(D. Ipson)*
Read for the first time and referred to the Rules Committee 503
Assigned to standing committee 521
Read the second time and placed on Consent Calendar 631
Read the third time 734
Signed by the President and returned to the House 734

H.B. 294 –– SURVIVAL ACTION UPON INJURY OR DEATH *(K. McIff)*
Read for the first time and referred to the Rules Committee 473
Assigned to standing committee 485
Returned to the Rules Committee 688
Placed on calendar 893
Read the second time 967
Circled 967
Uncircled 975
Signed by the President and returned to the House 976

H.B. 295 –– MONEY LAUNDERING AMENDMENTS *(R. Wilcox)*
Read for the first time and referred to the Rules Committee 345
Assigned to standing committee 361
Read the second time and placed on Consent Calendar 479
Read the third time 584
Signed by the President and returned to the House 585

H.B. 296 –– SCHOOLS FOR THE DEAF AND BLIND AMENDMENTS *(K. Sumsion)*
Read for the first time and referred to the Rules Committee 520
Assigned to standing committee 552
Committee report adopted and placed on calendar 676
Read the second time 752
Tabled on Third Reading Calendar 752
Placed on Third Reading Calendar 913
Read the third time 913
Signed by the President and returned to the House 913

H.B. 297 –– BUDGETARY PROCEDURES ACT RECODIFICATION *(R. Bigelow)*
Read for the first time and referred to the Rules Committee 421
Assigned to standing committee 450
Read the second time and placed on Consent Calendar 567
Read the third time 648
Signed by the President and returned to the House 649

H.B. 298 — JUVENILE TRANSFERS FROM JUSTICE COURT *(K. McIff)*
Read for the first time and referred to the Rules Committee 383
Placed on calendar 1000
Enacting Clause Stricken 1037

H.B. 299 — UNLAWFUL DETAINER AMENDMENTS *(G. Froerer)*
Read for the first time and referred to the Rules Committee 503
Assigned to standing committee 521
Returned to the Rules Committee 719
Placed on calendar 856
Read the second time 876
Circled 876
Uncircled 942
Substituted 942
Read the second and third time 942
Returned to the House 942
Signed by the President and returned to the House 996

H.B. 300 — CAPITAL IMPROVEMENT APPROPRIATION MODIFICATION *(R. Bigelow)*
Read for the first time and referred to the Rules Committee 165
Placed on calendar 165
Read the second and third time 166
Signed by the President and returned to the House 167

H.B. 301 — STATE DISASTER RECOVERY RESTRICTED ACCOUNT AMENDMENTS *(R. Bigelow)*
Read for the first time and referred to the Rules Committee 165
Placed on calendar 165
Read the second and third time 167
Signed by the President and returned to the House 168

H.B. 302 — DISTRIBUTION OF TOBACCO SETTLEMENT MONIES AMENDMENTS *(R. Bigelow)*
Read for the first time and referred to the Rules Committee 730
Placed on calendar 856
Read the second time 864
Read the third time 896
Signed by the President and returned to the House 896

H.B. 306 — HEALTH AND HUMAN SERVICES–RELATED COMMISSION, COMMITTEE, AND COUNCIL AMENDMENTS *(R. Bigelow)*
Read for the first time and referred to the Rules Committee 873
Placed on calendar 914
Read the second and third time 930
Signed by the President and returned to the House 930

H.B. 307 — TOURISM MARKETING PERFORMANCE ACCOUNT AMENDMENTS *(R. Bigelow)*
Read for the first time and referred to the Rules Committee 855
Placed on calendar 914
Read the second and third time 931
Signed by the President and returned to the House 931

H.B. 308 — WORKERS' COMPENSATION – MOTOR CARRIERS *(D. Ipson)*
Read for the first time and referred to the Rules Committee 667
Placed on calendar 875
Read the second time 885
Amendments 885
Read the third time 920
Returned to the House 921
Signed by the President and returned to the House 953

H.B. 309 –– COUNTY FISCAL PROCEDURES AMENDMENTS *(C. Herrod)*
Read for the first time and referred to the Rules Committee 532
Assigned to standing committee 552
Returned to the Rules Committee 721
Placed on calendar 984
Read the second and third time 1019
Signed by the President and returned to the House 1019

H.B. 310 –– AUTHORITY OF LIEUTENANT GOVERNOR TO PERFORM MARRIAGE *(C. Wimmer)*
Read for the first time and referred to the Rules Committee 449
Assigned to standing committee 474
Read the second time and placed on Consent Calendar 714
Returned to the Rules Committee 759
Placed on Consent Calendar 856
Read the third time 859
Signed by the President and returned to the House 860

H.B. 311 –– UTAH STATE RAILROAD MUSEUM AUTHORITY *(N. Hansen)*
Read for the first time and referred to the Rules Committee 806
Enacting Clause Stricken 1037

H.B. 312 –– AMENDED CAMPAIGN FINANCE FILINGS *(S. Allen)*
Read for the first time and referred to the Rules Committee 532
Assigned to standing committee 603
Returned to the Rules Committee 719
Enacting Clause Stricken 1037

H.B. 313 –– SOCIAL HOST LIABILITY ACT *(E. Hutchings)*
Read for the first time and referred to the Rules Committee 579
Assigned to standing committee 603
Committee report adopted and placed on calendar 713
Returned to the Rules Committee 759
Placed on calendar 893
Read the second time 970
Amendments 970
Read the second and third time 970
Returned to the House 971
Signed by the President and returned to the House 999

H.B. 314 –– DNA SAMPLE FOR CRIMINAL OFFENSES – AMENDMENTS *(R. Greenwood)*
Read for the first time and referred to the Rules Committee 579
Assigned to standing committee 603
Returned to the Rules Committee 688
Enacting Clause Stricken 1037

H.B. 316 –– TIME LIMITATION FOR PROSECUTION OF ENVIRONMENTAL CRIMES *(C. Wimmer)*
Read for the first time and referred to the Rules Committee 890
Enacting Clause Stricken 1037

H.B. 317 –– CAPITAL FELONY AMENDMENTS *(C. Wimmer)*
Read for the first time and referred to the Rules Committee 503
Assigned to standing committee 521
Committee report adopted and placed on calendar 629
Read the second time 727
Circled 727
Uncircled 746
Amendments 746
Read the third time 766
Returned to the House 767
Signed by the President and returned to the House 825

H.B. 319 –– DISASTER RECOVERY FUNDING AMENDMENTS *(C. Oda)*
Read for the first time and referred to the Rules Committee 377
Assigned to standing committee 384
Read the second time and placed on Consent Calendar 479
Read the third time 582
Signed by the President and returned to the House 582

H.B. 320 –– COLLECTION AGENCY AMENDMENTS *(R. C. Webb)*
Read for the first time and referred to the Rules Committee 383
Assigned to standing committee 421
Read the second time and placed on Consent Calendar 534
Read the third time 647
Signed by the President and returned to the House 648

H.B. 322 –– TIRE RECYCLING FEE MODIFICATIONS *(N. Hendrickson)*
Read for the first time and referred to the Rules Committee 520
Assigned to standing committee 552
Amendments 674
Committee report adopted and placed on calendar 676
Returned to the Rules Committee 759
Enacting Clause Stricken 1037

H.B. 323 –– AMENDMENTS REGARDING NOTICE ON UTAH PUBLIC NOTICE WEBSITE *(B. Winn)*
Read for the first time and referred to the Rules Committee 532
Assigned to standing committee 552
Read the second time and placed on Consent Calendar 714
Returned to the Rules Committee 759
Placed on Consent Calendar 856
Read the third time 860
Signed by the President and returned to the House 860

H.B. 324 –– MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS *(F. Gibson)*
Read for the first time and referred to the Rules Committee 421
Assigned to standing committee 450
Read the second time and placed on Consent Calendar 567
Read the third time 651
Signed by the President and returned to the House 652

H.B. 325 –– OPTING OUT OF THE REAL ID ACT *(S. Sandstrom)*
Read for the first time and referred to the Rules Committee 579
Assigned to standing committee 604
Returned to the Rules Committee 719
Placed on calendar 1000
Enacting Clause Stricken 1037

H.B. 326 –– FORCIBLE ENTRY AND DETAINER AMENDMENTS *(L. Fowlke)*
Read for the first time and referred to the Rules Committee 855
Placed on calendar 984
Read the second and third time 1018
Signed by the President and returned to the House 1019

H.B. 327 –– BUILDING INSPECTOR AMENDMENTS *(D. Aagard)*
Read for the first time and referred to the Rules Committee 579
Assigned to standing committee 603
Returned to the Rules Committee 719
Placed on calendar 893
Read the second and third time 973
Signed by the President and returned to the House 973

H.B. 328 –– TEACHER QUALITY AMENDMENTS *(G. Hughes)*
Read for the first time and referred to the Rules Committee 532
Assigned to standing committee 552
Committee report adopted and placed on calendar 676
Read the third time 756
Tabled on Third Reading Calendar 756
Placed on Third Reading Calendar 984
Read the third time 992
Signed by the President and returned to the House 992

H.B. 329 –– WRONGFUL DEATH CLAIMS *(L. Fowlke)*
Read for the first time and referred to the Rules Committee 421
Assigned to standing committee 450
Substituted 567
Read the second time and placed on Consent Calendar 567
Read the third time 654
Returned to the House 654
Signed by the President and returned to the House 710

H.B. 331 –– HEALTH REFORM – HEALTH INSURANCE COVERAGE IN STATE CONTRACTS *(J. Dunnigan)*
Read for the first time and referred to the Rules Committee 393
Assigned to standing committee 422
Committee report adopted and placed on calendar 534
Read the second time 719
Circled 719
Uncircled 724
Read the third time 739
Signed by the President and returned to the House 740

H.B. 333 –– MOTOR VEHICLE IMPOUND AMENDMENTS *(C. Oda)*
Read for the first time and referred to the Rules Committee 855
Enacting Clause Stricken 1038

H.B. 334 –– WRITING ASSESSMENT AND INSTRUCTION *(M. Newbold)*
Read for the first time and referred to the Rules Committee 687
Placed on calendar 984
Read the second and third time 1019
Signed by the President and returned to the House 1020

H.B. 337 –– CHOOSE LIFE SPECIAL GROUP LICENSE PLATE *(C. Herrod)*
Read for the first time and referred to the Rules Committee 826
Enacting Clause Stricken 1038

H.B. 340 –– RESPITE CARE ASSISTANCE FUND *(J. Draxler)*
Read for the first time and referred to the Rules Committee 831
Placed on calendar 893
Read the second and third time 998
Signed by the President and returned to the House 998

H.B. 342 –– DISPROPORTIONATE RENTAL FEE AMENDMENTS *(G. Froerer)*
Read for the first time and referred to the Rules Committee 667
Placed on calendar 875
Read the second time 876
Circled 876
Uncircled 880
Read the third time 908
Signed by the President and returned to the House 908

H.B. 345 –– ELECTED OFFICIALS – RESTRICTIONS ON LOBBYING *(B. Dee)*
Read for the first time and referred to the Rules Committee 520
Placed on calendar 856
Read the second time 863
Read the third time 896
Circled 896
Uncircled 897
Signed by the President and returned to the House 898

H.B. 346 –– CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS AMENDMENTS *(B. Dee)*
Read for the first time and referred to the Rules Committee 520
Read the second time 863
Substituted 863, 877
Circled 864
Uncircled 877
Read the second and third time 877
Returned to the House 878
Signed by the President and returned to the House 907

H.B. 347 –– ALCOHOLIC BEVERAGE CONTROL ACT MODIFICATIONS *(G. Hughes)*
Read for the first time and referred to the Rules Committee 855
Enacting Clause Stricken 1038

H.B. 349 –– HEAVY BEER AMENDMENTS *(C. Oda)*
Read for the first time and referred to the Rules Committee 687
Placed on calendar 984
Read the second time 1016
Circled 1016
Enacting Clause Stricken 1038

H.B. 351 –– COURT FEES AMENDMENTS *(C. Oda)*
Read for the first time and referred to the Rules Committee 551
Assigned to standing committee 603
Returned to the Rules Committee 688
Enacting Clause Stricken 1038

H.B. 352 –– ALCOHOLIC BEVERAGE RELATED AMENDMENTS *(J. Dunnigan)*
Read for the first time and referred to the Rules Committee 473
Assigned to standing committee 485
Committee report adopted and placed on calendar 676
Read the second time 747
Read the third time 767
Circled 767
Uncircled 959
Amendments 960
Returned to the House 961
Signed by the President and returned to the House 999

H.B. 353 –– TRUTH IN ADVERTISING ACT AMENDMENTS *(M. Morley)*
Read for the first time and referred to the Rules Committee 667
Placed on calendar 893
Read the second time 1003
Amendments 1003
Read the second and third time 1004
Returned to the House 1004
Signed by the President and returned to the House 1018

H.B. 355 –– INDIGENT INMATE TRUST FUND AMENDMENTS *(K. McIff)*
Read for the first time and referred to the Rules Committee 647
Placed on calendar 927
Read the second and third time 936
Signed by the President and returned to the House 937

H.B. 356 –– BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS *(M. Newbold)*
Read for the first time and referred to the Rules Committee 806
Placed on calendar 893
Read the second time 940
Circled 940
Uncircled 944
Read the second and third time 944
Signed by the President and returned to the House 944

H.B. 357 –– FIREARMS AMENDMENTS *(S. Sandstrom)*
Read for the first time and referred to the Rules Committee 760
Placed on calendar 875
Read the second time 882
Circled . . . . . 882 , 888
Uncircled . . . . . 888 , 891
Amendments 891
Read the second and third time 892
Returned to the House 892
Signed by the President and returned to the House 929

H.B. 362 –– GOVERNMENT RECORDS AMENDMENTS *(G. Hughes)*
Read for the first time and referred to the Rules Committee 831
Enacting Clause Stricken 1038

H.B. 364 –– BORDER AND NONRESIDENT STUDENT AMENDMENTS *(D. Ipson)*
Read for the first time and referred to the Rules Committee 647
Placed on calendar 856
Read the second and third time 865
Signed by the President and returned to the House 865

H.B. 370 –– DISABLED PARKING VIOLATION AMENDMENTS *(S. Mascaro)*
Read for the first time and referred to the Rules Committee 855
Placed on calendar 1000
Enacting Clause Stricken 1038

H.B. 371 –– TRANSPORTATION GOVERNANCE *(W. Harper)*
Read for the first time and referred to the Rules Committee 667
Placed on calendar 856
Read the second time 868
Circled 868, 905
Uncircled 879, 923
Substituted 879, 994
Read the third time 905
Amendments 923
Returned to the House 924
Refuse to Recede 954
Joint Conference Committee Report 994
Returned to the House 995
Signed by the President and returned to the House 1010

H.B. 373 –– AMENDMENTS TO DEPARTMENT OF CORRECTIONS' OPERATIONS *(P. Ray)*
Read for the first time and referred to the Rules Committee 873
Placed on calendar 914
Read the second and third time 931
Signed by the President and returned to the House 932

H.B. 375 –– LOCAL GOVERNMENT RECORDS AMENDMENTS *(R. Wilcox)*
Read for the first time and referred to the Rules Committee 473
Assigned to standing committee 485
Read the second time and placed on Consent Calendar 631
Read the third time 733
Signed by the President and returned to the House 733

H.B. 376 –– REVISIONS TO ALCOHOLIC BEVERAGE CONTROL ACT *(G. Hughes)*
Read for the first time and referred to the Rules Committee 855
Enacting Clause Stricken 1038

H.B. 377 –– JUDICIAL CODE AMENDMENTS *(D. Aagard)*
Read for the first time and referred to the Rules Committee 855
Placed on calendar . . . . . 984 , 998
Read the second time 1016
Circled 1016
Uncircled 1021
Read the second and third time 1021
Signed by the President and returned to the House 1021

H.B. 378 –– CIRCUIT BREAKER AMENDMENTS *(T. Cosgrove)*
Read for the first time and referred to the Rules Committee 855
Placed on calendar 927
Read the second time 937
Amendments 937
Circled 938
Uncircled 939
Read the second and third time 939
Returned to the House 939
Refuse to Recede 996
Substituted 1010
Joint Conference Committee Report 1010
Returned to the House 1011
Signed by the President and returned to the House 1031

H.B. 379 –– ENVIRONMENTAL LITIGATION BOND *(M. Noel)*
Read for the first time and referred to the Rules Committee 855
Enacting Clause Stricken 1038

H.B. 383 –– WATER RIGHTS ADJUDICATION AMENDMENTS *(J. Gowans)*
Read for the first time and referred to the Rules Committee 751
Placed on calendar 875
Read the second time 881
Read the third time 908
Signed by the President and returned to the House 909

H.B. 384 –– PUBLIC LEWDNESS AMENDMENTS *(D. Ipson)*
Read for the first time and referred to the Rules Committee 806
Placed on calendar 875
Read the second time 881
Tabled on Third Reading Calendar 881
Placed on Third Reading Calendar 998
Read the third time 1000
Amendments 1000
Returned to the House 1001
Signed by the President and returned to the House 1018

H.B. 387 –– MOTORCYCLE HELMET AMENDMENTS *(R. Menlove)*
Read for the first time and referred to the Rules Committee 551
Assigned to standing committee 604
Returned to the Rules Committee 719
Enacting Clause Stricken 1038

H.B. 389 –– APPLICATIONS FOR A SMALL AMOUNT OF WATER *(P. Painter)*
Read for the first time and referred to the Rules Committee 760
Placed on calendar 875
Read the second time 887
Read the third time 921
Signed by the President and returned to the House 921

H.B. 390 — ABSENTEE BALLOT AMENDMENTS *(J. Mathis)*
Read for the first time and referred to the Rules Committee 551
Assigned to standing committee 603
Read the second time and placed on Consent Calendar 714
Returned to the Rules Committee 759
Placed on Consent Calendar 856
Read the second time 876
Read the third time 902
Signed by the President and returned to the House 903

H.B. 391 — BUDGETARY PROCEDURES ACT REVISIONS *(R. Bigelow)*
Read for the first time and referred to the Rules Committee 873
Placed on calendar 1023
Read the second time 1023
Circled 1023
Uncircled 1024
Read the second and third time 1024
Signed by the President and returned to the House 1024

H.B. 392 — NATURAL GAS FOR VEHICLES *(D. Ipson)*
Read for the first time and referred to the Rules Committee 806
Placed on calendar 893
Read the second and third time 968
Signed by the President and returned to the House 968

H.B. 399 — CHARITABLE CARE AMENDMENTS *(B. Last)*
Read for the first time and referred to the Rules Committee 602
Assigned to standing committee 644
Committee report adopted and placed on calendar 713
Returned to the Rules Committee 759
Placed on calendar 875
Read the second time 878
Amendments 878
Read the third time 905
Returned to the House 905
Signed by the President and returned to the House 929

H.B. 400 — PETE SUAZO UTAH ATHLETIC COMMISSION AMENDMENTS *(C. Oda)*
Read for the first time and referred to the Rules Committee 614
Assigned to standing committee 643
Returned to the Rules Committee 719
Placed on calendar 893
Read the second time 940
Circled 940
Uncircled 941
Read the second and third time 941
Signed by the President and returned to the House 942

H.B. 401 — CUSTODY AND PARENT–TIME AMENDMENTS FOR SERVICE MEMBERS *(T. Cosgrove)*
Read for the first time and referred to the Rules Committee 647
Placed on calendar 893
Read the second and third time 973
Signed by the President and returned to the House 974

H.B. 402 –– ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS *(K. Garn)*
Read for the first time and referred to the Rules Committee 602
Assigned to standing committee 643
Returned to the Rules Committee 719
Placed on calendar 856
Read the second time 864
Circled 864, 902
Uncircled 870, 903
Amendments 870, 903
Read the third time 902
Returned to the House 903
Signed by the President and returned to the House 929

H.B. 404 –– DISCLOSURE OF REAL PROPERTY *(M. Newbold)*
Read for the first time and referred to the Rules Committee 855
Placed on calendar 984
Read the second and third time 1016
Signed by the President and returned to the House 1016

H.B. 410 –– LEGISLATOR SALARY AMENDMENTS *(R. Bigelow)*
Read for the first time and referred to the Rules Committee 667
Placed on calendar 856
Read the second time 865
Read the third time 898
Signed by the President and returned to the House 898

H.B. 411 –– UTAH TECHNOLOGY GOVERNANCE ACT AMENDMENTS *(S. Clark)*
Read for the first time and referred to the Rules Committee 855
Placed on calendar 1000
Read the second and third time 1029
Signed by the President and returned to the House 1029

H.B. 412 –– ENERGY POLICY AMENDMENTS *(R. Barrus)*
Read for the first time and referred to the Rules Committee 628
Assigned to standing committee 644
Amendments 712, 906, 932
Committee report adopted and placed on calendar 713
Returned to the Rules Committee 759
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Committee report adopted and placed on calendar 713
Returned to the Rules Committee 759
Enacting Clause Stricken 1038

H.B. 425 –– CARSON SMITH SCHOLARSHIP PROGRAM AMENDMENTS *(M. Newbold)*
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H.B. 436 –– STATE PROHIBITION OF SUDAN RELATED CONTRACTS *(D. Litvack)*
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Placed on calendar 1000
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Signed by the President and returned to the House 1032

H.B. 437 –– OBSTRUCTION OF NATURAL RESOURCE OR AGRICULTURAL PRODUCTION *(M. Noel)*
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H.B. 439 –– AMENDMENTS TO CITY OR TOWN SALES AND USE TAX FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES *(K. Holdaway)*
Read for the first time and referred to the Rules Committee 806
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Enacting Clause Stricken 1038

H.B. 444 –– BUDGET IMPLEMENTATION ADJUSTMENTS – TOBACCO SETTLEMENT FUNDS *(R. Bigelow)*
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H.B. 445 — HEALTH PROGRAM REVISIONS *(R. Bigelow)*
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Placed on calendar 914
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H.B. 446 — MEDICAID RESTRICTED ACCOUNT AMENDMENTS *(R. Edwards)*
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Placed on calendar 914
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Signed by the President and returned to the House 935

H.B. 447 — UTAH EMERGENCY MEDICAL SERVICES SYSTEM ACT AMENDMENTS *(R. Bigelow)*
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H.B. 449 — VETERANS NURSING HOME AMENDMENTS *(G. Hughes)*
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Enacting Clause Stricken 1038

H.B. 451 — PUBLIC EMPLOYEES' BENEFIT AND INSURANCE PROGRAM AMENDMENTS *(B. Dee)*
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Enacting Clause Stricken 1038

H.B. 455 — COURT SECURITY RESTRICTED ACCOUNT *(E. Hutchings)*
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H.B. 456 — TOBACCO ACCESS RESTRICTIONS *(B. Last)*
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H.C.R. 2 –– HEALTHY FAMILY PARTNERSHIP CONCURRENT RESOLUTION *(C. Oda)*
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H.C.R. 3 –– CONCURRENT RESOLUTION HONORING THE 200TH ANNIVERSARY OF THE BIRTH OF ABRAHAM LINCOLN *(Julie Fisher)*
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H.C.R. 6 –– CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO CONGRESSIONAL EFFORTS TO EXPAND THE JURISDICTION OF THE CLEAN WATER ACT *(M. Brown)*
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Signed by the President and returned to the House 583

H.C.R. 7 –– CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO THE CONGRESSIONAL ENACTMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM *(M. Brown)*
Read for the first time and referred to the Rules Committee 602
Assigned to standing committee 645
Committee report adopted and placed on calendar 713
Returned to the Rules Committee 759
Placed on calendar 1000
Enacting Clause Stricken 1038

H.C.R. 8 –– CONCURRENT RESOLUTION SUPPORTING CURRENT BUREAU OF LAND MANAGEMENT RESOURCE MANAGEMENT PLANS *(J. Mathis)*
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H.C.R. 10 –– CONCURRENT RESOLUTION HONORING THE LIFE AND CONTRIBUTIONS OF LARRY H. MILLER *(C. Wimmer)*
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H.J.R. 1 — RESOLUTION URGING THE WITHDRAWAL OF UNITED STATES' WORLD TRADE ORGANIZATION COMMITMENT ON GAMBLING *(S. Allen)*
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H.J.R. 3 — JOINT RESOLUTION SUPPORTING EFFORTS TO INCREASE AND IMPROVE CANCER TREATMENT, SCREENING, AND RESEARCH PROGRAMS *(S. Duckworth)*
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Signed by the President and returned to the House 732

H.J.R. 5 — JOINT RESOLUTION SUPPORTING NEEDED IMPROVEMENTS IN THE NAVAJO NATION'S ABILITY TO COLLECT AND TRACK CHILD SUPPORT PAYMENTS *(C. Watkins)*
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Assigned to standing committee 450
Read the second time and placed on Consent Calendar 615
Read the third time 732
Signed by the President and returned to the House 733

H.J.R. 7 — EQUINE RESOURCES JOINT RESOLUTION *(B. Winn)*
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H.J.R. 8 — JOINT RESOLUTION REGARDING SECRET BALLOT *(C. Wimmer)*
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H.J.R. 9 — JOINT RESOLUTION ON COST–EFFECTIVE ENERGY EFFICIENCY AND UTILITY DEMAND–SIDE MANAGEMENT *(R. Barrus)*
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H.J.R. 12 –– JOINT RESOLUTION SUPPORTING HYDROGEN POWER FROM ADVANCED COAL AND CARBON CAPTURE AND SEQUESTRATION TECHNOLOGY *(P. Painter)*
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H.J.R. 13 –– JOINT RESOLUTION – TEACHER PERFORMANCE PAY *(M. Poulson)*
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Enacting Clause Stricken 1038

H.J.R. 14 –– JOINT RULES RESOLUTION – ETHICS TRAINING COURSE PROVISIONS *(L. Fowlke)*
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H.J.R. 17 –– JOINT RESOLUTION URGING CONGRESSIONAL AND PRESIDENTIAL OPPOSITION TO FEDERAL BAILOUTS AND PROMOTION OF FISCAL RESPONSIBILITY *(C. Frank)*
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Enacting Clause Stricken 1038

H.J.R. 18 –– JOINT RESOLUTION FOR LEGISLATIVE APPROPRIATION SUBCOMMITTEE NAME CHANGE *(N. Hendrickson)*
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Assigned to standing committee 644
Read the second time and placed on Consent Calendar 714
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H.J.R. 21 –– MASTER STUDY RESOLUTION *(K. Garn)*
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Signed by the President and returned to the House 918

H.J.R. 22 –– JOINT RESOLUTION – UTAH'S MEDICAID ASSET TEST *(R. Chavez–Houck)*
Read for the first time and referred to the Rules Committee 614
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H.J.R. 23 –– JOINT RULES RESOLUTION – EXECUTIVE APPROPRIATIONS COMMITTEE AMENDMENTS *(B. Ferry)*
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H.J.R. 25 –– JOINT RESOLUTION URGING EMPLOYERS TO HIRE ONLY INDIVIDUALS WHO ARE AUTHORIZED TO WORK IN THE UNITED STATES *(C. Herrod)*
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H.J.R. 28 –– JOINT RESOLUTION HONORING THE BATTLESHIP USS UTAH ON ITS 100TH ANNIVERSARY *(Julie Fisher)*
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H.J.R. 29 –– LEGISLATIVE DIRECTION TO THE PUBLIC EMPLOYEES' BENEFIT AND INSURANCE PROGRAM *(B. Dee)*
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ALL SENATE BILLS

AND RESOLUTIONS

2009 GENERAL SESSION

FIFTY–EIGHTH LEGISLATURE

January 26 through March 12, 2009

S.B. 2 **New Fiscal Year Appropriations Act** L. Hillyard
Governor Signed on 3/31/2009
Effective Date: 7/1/2009

S.B. 3 **Appropriations Adjustments** L. Hillyard
Governor Line Item Veto on 3/31/2009
Effective Date: 3/31/2009

S.B. 4 **Current School Year Supplemental Minimum School Program Budget Adjustments** H. Stephenson
Governor Signed on 2/9/2009
Effective Date: 2/9/2009

S.B. 5 **Revenue Bond and Capital Facilities Authorizations** W. Niederhauser
Governor Signed on 3/23/2009
Effective Date: 5/12/2009

S.B. 10 **Department of Community and Culture – State–owned Art Inventory** M. Madsen
Senate/ filed on 3/12/2009

S.B. 11 **Incest Amendments** D. Stowell
Governor Signed on 3/20/2009
Effective Date: 3/20/2009

S.B. 12 **DUI Amendments** S. Killpack
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 13 **Administering Substances to Wildlife** M. Dayton
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 14 **Financial Incentives for Motion Picture Productions** L. Hillyard
Governor Signed on 3/23/2009
Effective Date: 5/12/2009

S.B. 15 **Workers' Compensation Premium Assessment and Related Funding** K. Mayne
Governor Signed on 3/20/2009
Effective Date: 3/20/2009

S.B. 16 **Prohibited Gang Activity** J. Greiner
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 17 **Surface Coal Mining Amendments** D. Stowell
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 18 **Utah Transparency Advisory Board Amendments** W. Niederhauser
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 19 **Criminal Offense Penalties Amendment** J. Greiner
Senate/ filed on 3/12/2009

S.B. 20 **Local Public Health Emergency Funding** D. Stowell
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 21 **State and Local Health Authorities Amendments** D. Stowell
Governor Signed on 3/23/2009
Effective Date: 7/1/2010

S.B. 22 **Vehicle Amendments** S. Jenkins
Governor Signed on 3/25/2009
Effective Date: 7/1/2009

S.B. 23 **Income Taxation of Pass–through Entities and Pass–through Entity Taxpayers** W. Niederhauser
Governor Signed on 3/25/2009
Effective Date: 3/25/2009

S.B. 24 **Early Voting Amendments** P. Knudson
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 25 **Online Voter Registration** P. Knudson
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 26 **Open and Public Meetings Act – Meeting Record** P. Knudson
Governor Signed on 3/23/2009
Effective Date: 5/12/2009

S.B. 27 **Election Law Changes** P. Knudson
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 28 **Prohibited Activities of Gang Offenders** J. Greiner
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 29 **Safe Drinking Water Act Amendments** D. Stowell
Governor Signed on 3/30/2009
Effective Date: 5/12/2009

S.B. 30 **Enhancement of Truth in Advertising Act** M. Dayton
Senate/ enacting clause struck on 3/12/2009

S.B. 31 **Utah Residential Mortgage Practices and Licensing Act** W. Niederhauser
Governor Signed on 3/30/2009
Effective Date: 1/10/2010

S.B. 32 **Wrongful Death Amendments** S. McCoy
Senate/ enacting clause struck on 3/12/2009

S.B. 33 **Utility Transmission Corridor Siting Task Force** S. Jenkins
Senate/ filed on 3/12/2009

S.B. 34 **Amendments to Sales and Use Tax Exemption for Certain Machinery, Equipment, or Parts** W. Niederhauser
Senate/ enacting clause struck on 3/12/2009

S.B. 35 **Sales and Use Tax Definitions Relating to Property** W. Niederhauser
Governor Signed on 3/25/2009
Effective Date: 7/1/2009

S.B. 36 **Sales and Use Tax Amendments** C. Bramble
Governor Signed on 3/24/2009
Effective Date: 7/1/2009

S.B. 37 **Utah Substance Abuse and Anti–violence Coordinating Council Amendments** K. Van Tassell
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 38 **Severance Tax Amendments** J. Valentine
Senate/ filed on 3/12/2009

S.B. 39 **Immigration Amendments** S. Jenkins
Governor Signed on 3/23/2009
Effective Date: 7/1/2009

S.B. 40 **Lawful Presence Verification for Issuance of a Driver License or Identification Card** C. Bramble
Governor Signed on 3/25/2009
Effective Date: 1/1/2010

S.B. 41 **Siting of High Voltage Power Line Act** P. Knudson
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 42 **Nuclear Power Distribution and Generation** S. McCoy
Senate/ enacting clause struck on 3/12/2009

S.B. 43 **Insurance Coverage for Autism Spectrum Disorders – Clay's Law** H. Stephenson
Senate/ filed on 3/12/2009

S.B. 44 **Coal Mining and Reclamation Amendments** G. Davis
Senate/ enacting clause struck on 3/12/2009

S.B. 45 **Concealed Firearm Permit for Retired Peace Officer** B. Goodfellow
Senate/ enacting clause struck on 3/12/2009

S.B. 46 **School Property Tax Equalization Amendments** K. Morgan
Senate/ enacting clause struck on 3/12/2009

S.B. 47 **County Regional Facilities Property Tax** G. Davis
Senate/ enacting clause struck on 3/12/2009

S.B. 48 **Teacher Licensing by Competency Amendments** D. Buttars
Senate/ filed on 3/11/2009

S.B. 49 **Small Business Access to Justice Act** R. Romero
Senate/ filed on 3/12/2009

S.B. 50 **Restricting the Movement of a Motor Vehicle** B. Goodfellow
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 51 **Restitution Fund Account** D. Liljenquist
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 52 **New Motor Vehicle Franchise Amendments** S. Killpack
Governor Signed on 3/25/2009
Effective Date: 3/25/2009

S.B. 53 **Awarding of Attorney Fees** S. Urquhart
Governor Signed on 3/30/2009
Effective Date: 5/12/2009

S.B. 54 **Uniform Law – Uniform Assignment of Rents Act** R. Romero
Governor Signed on 3/23/2009
Effective Date: 5/12/2009

S.B. 55 **Governor's Interagency Coordinating Council on Health Disparities and Economic Self–sufficiency** L. Robles
Senate/ enacting clause struck on 3/12/2009

S.B. 56 **Military Installation Development Authority Amendments** S. Killpack
Governor Signed on 3/20/2009
Effective Date: 3/20/2009

S.B. 57 **Local Option Transportation Corridor Preservation Fund Amendments** R. Okerlund
Governor Signed on 3/30/2009
Effective Date: 5/12/2009

S.B. 58 **Collection and Use of Precipitation** S. McCoy
Senate/ filed on 3/12/2009

S.B. 59 **Allocation and Apportionment of Income and Deduction of a Net Loss** H. Stephenson
Senate/ filed on 3/12/2009

S.B. 60 **Districts Providing Service to Taxed Property** M. Waddoups
Senate/ enacting clause struck on 3/12/2009

S.B. 61 **Home School and Private School Students' Participation in Extracurricular Activities** M. Madsen
Senate/ enacting clause struck on 3/12/2009

S.B. 62 **Insurance Coverage for Essential Medical Services** M. Waddoups
Senate/ enacting clause struck on 3/12/2009

S.B. 63 **Modifications to Recording Requirements** R. Okerlund
Senate/ filed on 3/12/2009

S.B. 64 **Administrative Rules Review Committee** H. Stephenson
Senate/ filed on 3/12/2009

S.B. 65 **Amendments to Property Tax Notice, Public Hearing, and Resolution Provisions** D. Stowell
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 66 **Highway Designation Amendments** D. Hinkins
Governor Signed on 3/30/2009
Effective Date: 5/12/2009

S.B. 67 **Miners' Safety and Training** L. Robles
Senate/ filed on 3/12/2009

S.B. 68 **Mining Protection Amendments** S. Killpack
Governor Signed on 3/30/2009
Effective Date: 5/12/2009

S.B. 69 **Proof of Citizenship Required to Vote** M. Madsen
Senate/ filed on 3/12/2009

S.B. 70 **Department of Environmental Quality Amendments** M. Dayton
Governor Signed on 3/30/2009
Effective Date: 5/12/2009

S.B. 71 **Forest Reserve Fund Amendments** R. Okerlund
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 72 **Taxes on Motor Fuels** J. Valentine
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 73 **Unincorporated Areas Amendments** K. Mayne
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 74 **At–risk Student Provisions** L. Robles
Senate/ filed on 3/12/2009

S.B. 75 **Utility Amendments** S. Urquhart
Governor Signed on 3/25/2009
Effective Date: 3/25/2009

S.B. 76 **Energy Amendments** C. Bramble
Governor Signed on 3/30/2009
Effective Date: 5/12/2009

S.B. 77 **Grants for Licensed Teachers Amendments** M. Madsen
Senate/ filed on 3/12/2009

S.B. 78 **Protection of Constitutionally Guaranteed Activities in Certain Private Venues** M. Madsen
Governor Signed on 3/30/2009
Effective Date: 5/12/2009

S.B. 79 **Health Reform – Medical Malpractice Amendments** P. Knudson
Governor Signed on 3/11/2009
Effective Date: 5/12/2009

S.B. 80 **Fire Liability Modifications** M. Dayton
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 81 **Concurrent Enrollment Program Amendments** M. Dayton
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 82 **Local Health Authority Funding Amendments** D. Stowell
Senate/ filed on 3/12/2009

S.B. 83 **Condemnation Amendments** D. Stowell
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 84 **Impact Fees Revisions** G. Bell
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 85 **Homicide Amendments** S. Urquhart
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 86 **Amendments to Preferred Drug List** A. Christensen
Senate/ enacting clause struck on 3/12/2009

S.B. 87 **Preferred Drug List Revisions** A. Christensen
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 88 **Administrative Rulemaking Act Amendments** H. Stephenson
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 89 **Public Safety Retirement Death Benefit Modifications** J. Greiner
Senate/ enacting clause struck on 3/12/2009

S.B. 90 **Metal Theft Amendments and Penalties** J. Greiner
Governor Signed on 3/25/2009
Effective Date: 3/25/2009

S.B. 91 **Electronic Communication Harassment Amendment** J. Greiner
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 92 **Local Governmental Cooperation in Education Matters** P. Jones
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 93 **Building Authorities** D. Stowell
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 94 **Underground Sewer Utilities Facilities Amendments** J. Greiner
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 95 **Mobile Home Park Amendments** S. Jenkins
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 96 **Concealed Firearm Permit Residency Requirement** S. McCoy
Senate/ enacting clause struck on 3/12/2009

S.B. 97 **Good Samaritan Act for Engineers** M. Waddoups
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 98 **Motor Fuel Theft Penalties** J. Greiner
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 99 **Renewable Energy Certificate Revisions** C. Bramble
Governor Signed on 3/23/2009
Effective Date: 5/12/2009

S.B. 100 **Financial and Economic Literacy Education Amendments** P. Jones
Governor Signed on 3/20/2009
Effective Date: 7/1/2009

S.B. 101 **State Ethics Commission** S. McCoy
Senate/ enacting clause struck on 3/12/2009

S.B. 102 **Share the Road Special Group License Plate** W. Niederhauser
Governor Signed on 3/30/2009
Effective Date: 10/1/2009

S.B. 103 **Uniform Laws – Uniform Principal and Income Act Amendments** L. Hillyard
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 104 **Higher Education Scholarship Program Amendments** L. Hillyard
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 105 **Engineering and Computer Science Initiative Amendments** L. Hillyard
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 106 **Alcoholic Beverage Control Act Restrictions** S. McCoy
Senate/ enacting clause struck on 3/12/2009

S.B. 107 **Communications and Mortgage Fraud Penalty Amendments** D. Hinkins
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 108 **Tax Commission Administration, Collection, and Enforcement Amendments** W. Niederhauser
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 109 **Local School Funding Legislative Task Force** D. Buttars
Senate/ enacting clause struck on 3/12/2009

S.B. 110 **Oil and Gas Limitation of Actions Amendments** K. Van Tassell
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 111 **Health Care Workforce Financial Assistance Program Amendments** G. Davis
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 112 **Obstruction of Justice Amendment** R. Okerlund
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 113 **Delayed Effective Date for Illegal Immigration Legislation** P. Jones
Senate/ enacting clause struck on 3/12/2009

S.B. 114 **Tobacco Tax Amendments** A. Christensen
Senate/ enacting clause struck on 3/12/2009

S.B. 115 **Payment of Mobile Home Park Relocation Expenses** W. Niederhauser
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 116 **Criminal Penalty Amendments** D. Liljenquist
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 117 **Advance Health Care Directive Act Amendments** A. Christensen
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 118 **Parental Responsibility for Juvenile Criminal Gang Offense Costs** J. Greiner
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 119 **Hospital Emergency Room Task Force** D. Buttars
Senate/ filed on 3/12/2009

S.B. 120 **Workers' Compensation Act – Medical Reports** K. Mayne
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 121 **Workers' Compensation – Attorney Fees** K. Mayne
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 122 **Uniform State Law – Uniform Unsworn Foreign Declarations Act** L. Hillyard
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 123 **School District Division Process** L. Hillyard
Senate/ enacting clause struck on 3/12/2009

S.B. 124 **Indemnification for Design Professional Services** G. Bell
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 125 **Interest on Personal Injury Judgments** R. Okerlund
Senate/ enacting clause struck on 3/12/2009

S.B. 126 **State Personnel Management Act Amendments** D. Liljenquist
Governor Signed on 3/2/2009
Effective Date: 3/2/2009

S.B. 127 **Retirement Amendments** D. Liljenquist
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 128 **Rainwater Harvesting** S. Jenkins
Senate/ filed on 3/12/2009

S.B. 129 **Mental Health Therapist Grant and Scholarship Act Repeal** D. Liljenquist
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 130 **Income Tax Credit – Contributions for Which Federal Matching Monies Are Offered** S. McCoy
Senate/ enacting clause struck on

S.B. 131 **Law Enforcement Service in Local Districts and Interlocal Entities** S. Jenkins
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 132 **Individual Income Tax Contribution for Methamphetamine Housing Reconstruction and Rehabilitation Fund** K. Mayne
Senate/ filed on 3/12/2009

S.B. 133 **Abuse or Neglect of a Disabled Child** J. Valentine
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 134 **Transportation Funding Amendments** S. Urquhart
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 135 **Local District Taxing Authority** C. Bramble
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 136 **Diesel–powered Motor Vehicle Emissions Inspection Program Amendments** G. Bell
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 137 **Physical Therapy Practice Act** W. Niederhauser
Governor Signed on 3/24/2009
Effective Date: 7/1/2009

S.B. 138 **Internal Service Fund Rate Committee Amendments** J. Valentine
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 139 **Employer Election Retirement Amendments** C. Bramble
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 140 **Financial Institutions Disclosure of Records** M. Dayton
Governor Signed on 3/30/2009
Effective Date: 5/12/2009

S.B. 141 **Aviation Fuel Tax Amendments** W. Niederhauser
Governor Signed on 3/24/2009
Effective Date: 7/1/2009

S.B. 142 **Disposition of a Dead Body** A. Christensen
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 143 **Sunset Act and Repealers Reauthorizations** S. Killpack
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 144 **Pete Suazo Memorial Highway** L. Robles
Senate/ enacting clause struck on 3/12/2009

S.B. 145 **Public Safety Retirees Death Benefit Revisions** J. Greiner
Governor Signed on 3/24/2009
Effective Date: 7/1/2009

S.B. 146 **Home Schooling Amendments** M. Madsen
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 147 **Driver License Revisions** L. Hillyard
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 148 **Low–profit Limited Liability Company Act** L. Hillyard
Governor Signed on 3/23/2009
Effective Date: 3/23/2009

S.B. 149 **Prohibition of Text Messaging or Electronic Mail Communication While Driving** L. Hillyard
Senate/ filed on 3/12/2009

S.B. 150 **State Armory Amendments** S. Jenkins
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 151 **Driver License Defensive Driving Course Amendments** K. Van Tassell
Senate/ enacting clause struck on 3/12/2009

S.B. 152 **Legislative Management Powers** M. Waddoups
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 153 **County and Municipal Land Use Amendments** M. Madsen
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 154 **Juvenile Court Judge – Fifth District** S. Urquhart
Senate/ filed on 3/12/2009

S.B. 155 **Adoption Exception to Custody and Visitation for Persons Other than Parents** L. Hillyard
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 156 **Gifts and Meal Provisions for Public Officials** G. Bell
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 157 **Property Taxation and Registration of Aircraft** M. Madsen
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 158 **Child Support – Cash Medical Support** G. Bell
Governor Signed on 3/23/2009
Effective Date: 5/12/2009

S.B. 159 **Math Education Initiative** H. Stephenson
Senate/ filed on 3/12/2009

S.B. 160 **Utah Venture Capital Enhancement Act Amendments** S. Jenkins
Governor Signed on 3/23/2009
Effective Date: 5/12/2009

S.B. 161 **Repeal of Maximum Charge to Publish Legal Notice** K. Van Tassell
Governor Signed on 3/23/2009
Effective Date: 5/12/2009

S.B. 162 **Use of Campaign Funds Amendments** J. Valentine
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 163 **Construction Trade Exemption** S. Urquhart
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 164 **In Person Voter Registration** S. McCoy
Senate/ enacting clause struck on 3/12/2009

S.B. 165 **Statute of Limitation Revisions** M. Madsen
Governor Signed on 3/23/2009
Effective Date: 5/12/2009

S.B. 166 **Alcoholic Beverage Control Act – Days of Sale** S. McCoy
Senate/ filed on 3/12/2009

S.B. 167 **Amendments to Uniform Debt–management Services Act** L. Hillyard
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 168 **Alcoholic Beverage Control Act – Hours Restrictions** S. McCoy
Senate/ enacting clause struck on 3/12/2009

S.B. 169 **Gambling Amendments** D. Liljenquist
Governor Signed on 3/30/2009
Effective Date: 4/1/2010

S.B. 170 **Judiciary Amendments** L. Hillyard
Governor Signed on 3/23/2009
Effective Date: 5/12/2009

S.B. 171 **Municipal Annexation Amendments** S. Jenkins
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 172 **Underinsured Motorist Coverage Amendments** S. Urquhart
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 173 **Emotional Support Animals and Psychiatric Therapy Animals** M. Dayton
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 174 **Redistricting Commission** R. Romero
Senate/ enacting clause struck on 3/12/2009

S.B. 175 **Signage Requirements Relating to Children and Animals in Parked Cars** K. Mayne
Senate/ enacting clause struck on 3/12/2009

S.B. 176 **Civil Fees in Small Claims Courts Amendments** J. Greiner
Governor Signed on 3/23/2009
Effective Date: 5/12/2009

S.B. 177 **New School District Amendments** D. Buttars
Senate/ enacting clause struck on 3/12/2009

S.B. 178 **Class B and C Roads Amendments** K. Van Tassell
Senate/ enacting clause struck on 3/12/2009

S.B. 179 **Safety Belt Enforcement Amendments** C. Bramble
Senate/ filed on 3/12/2009

S.B. 180 **Expungement of Division of Child and Family Services Records** L. Hillyard
Governor Signed on 3/23/2009
Effective Date: 5/12/2009

S.B. 181 **Criminal Prosecution Amendments** D. Liljenquist
Senate/ enacting clause struck on 3/12/2009

S.B. 182 **Criminal Restitution Amendments** C. Bramble
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 183 **Violation of Protective Order** S. McCoy
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 184 **Civil Filing Fees** G. Bell
Governor Signed on 3/23/2009
Effective Date: 5/12/2009

S.B. 185 **Federal Education Agreement Requirements Amendments** M. Dayton
Governor Signed on 3/20/2009
Effective Date: 3/20/2009

S.B. 186 **Amendments to State Tax Commission Penalty Provisions** H. Stephenson
Governor Signed on 3/25/2009
Effective Date: 3/25/2009

S.B. 187 **Alcohol Amendments** J. Valentine
Governor Signed on 3/30/2009
Effective Date: 5/12/2009

S.B. 188 **Improvement District – Providing Electric Service** D. Stowell
Governor Signed on 3/30/2009
Effective Date: 5/12/2009

S.B. 189 **Amendments to Sales and Use Tax** W. Niederhauser
Governor Signed on 3/30/2009
Effective Date: 3/30/2009

S.B. 190 **Acquisition of a Billboard by Eminent Domain** W. Niederhauser
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 191 **Life Insurance and Viatical Settlements Related Amendments** W. Niederhauser
Bill Numbered by Title Without any Substance on

S.B. 192 **Corporation and Business Entity Related Amendments** L. Hillyard
Governor Signed on 3/30/2009
Effective Date: 3/30/2009

S.B. 193 **Salvage Vehicles Amendments** S. Urquhart
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 194 **Nondiscrimination Amendments** S. McCoy
Senate/ enacting clause struck on 3/12/2009

S.B. 195 **Public Employee Defined Contribution Amendments** D. Liljenquist
Senate/ enacting clause struck on 3/12/2009

S.B. 196 **Liquor Purchase Price for Licensees** S. McCoy
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 197 **Alcoholic Beverage Resort License** S. McCoy
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 198 **Escaped Property Tax Amendments** H. Stephenson
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 199 **Equal Recognition of School Parent Groups** C. Bramble
Senate/ filed on 3/12/2009

S.B. 200 **Consolidation of Certain Human Services Ombudsman Programs** L. Hillyard
Bill Numbered by Title Without any Substance on

S.B. 201 **General Obligation Bond Authorization Amendments** W. Niederhauser
Governor Signed on 3/23/2009
Effective Date: 3/23/2009

S.B. 202 **Drug Offender Reform Act Amendments** L. Hillyard
Governor Signed on 3/25/2009
Effective Date: 7/1/2009

S.B. 203 **Revisions to Transportation** S. Jenkins
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 204 **Property Tax Deferrals** J. Valentine
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 205 **Community Development and Renewal Agency Amendments** C. Bramble
Governor Signed on 3/30/2009
Effective Date: 3/30/2009

S.B. 206 **Assignment of Officials for High School Athletic Activities** M. Madsen
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 207 **Prohibition on Creation of Monopolies by Capitol Preservation Board** M. Madsen
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 208 **Utah Public Notice Website Amendments** S. Urquhart
Governor Signed on 3/30/2009
Effective Date: 5/12/2009

S.B. 209 **Land Use, Development, and Management Act Amendments** G. Bell
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 210 **Amendments to Property Tax** C. Bramble
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 211 **Building Code Amendments** C. Bramble
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 212 **Utah Common Interest Ownership Act** G. Bell
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 213 **Restaurant Nutrition Labeling** H. Stephenson
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 214 **Office of Consumer Services Act** J. Valentine
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 215 **Justice for All Special Group License Plate** G. Bell
Senate/ filed on 3/12/2009

S.B. 216 **Revisions to Military Installation Development Authority Act** M. Madsen
Governor Signed on 3/31/2009
Effective Date: 10/1/2009

S.B. 217 **Drugs Amendments** P. Knudson
Senate/ enacting clause struck on 3/12/2009

S.B. 218 **Community Animal Shelter and Adoption Support Special Group License Plate** P. Knudson
Senate/ filed on 3/12/2009

S.B. 219 **County Auditor Modifications** P. Knudson
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 220 **Cohabitant Abuse Procedures Act Amendments** B. Goodfellow
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 221 **Dedication and Abandonment of a Highway** M. Madsen
Senate/ enacting clause struck on 3/12/2009

S.B. 222 **Special Assessment Area Amendments** M. Madsen
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 223 **City and County Carbon Credits for Sequestration of Waste Stream Materials** R. Romero
Senate/ failed on 3/9/2009

S.B. 224 **Reuse of Industrial Byproduct** C. Bramble
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 225 **Health Amendments for Legal Immigrant Children** L. Robles
Senate/ filed on 3/12/2009

S.B. 226 **Foreclosure Amendments** J. Valentine
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 227 **Concealed Firearm Permit Fees Amendments** S. McCoy
Senate/ enacting clause struck on 3/12/2009

S.B. 228 **Prohibition on Internet or Mail–order Sales of Tobacco Products** M. Dayton
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 229 **General Tax Amendments** J. Valentine
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 230 **Construction Payment Amendments** C. Bramble
Governor Signed on 3/24/2009
Effective Date: 10/1/2009

S.B. 231 **Telecommunications Universal Service Fund Revisions** J. Valentine
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 232 **Income Tax Revisions** J. Valentine
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 233 **Property Tax Modifications** J. Valentine
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 234 **Motor Vehicle Registration Fees** R. Okerlund
Senate/ enacting clause struck on 3/12/2009

S.B. 235 **Redistribution of Sales and Use Tax Revenues** J. Valentine
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 236 **Uninsured and Underinsured Motorist Coverage Amendments** M. Madsen
Senate/ enacting clause struck on 3/12/2009

S.B. 237 **Conviction Surcharge Amendments** J. Greiner
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 238 **Coal Severance Tax** G. Davis
Senate/ enacting clause struck on 3/12/2009

S.B. 239 **Transportation Revisions** S. Killpack
Governor Signed on 3/24/2009
Effective Date: 7/1/2009

S.B. 240 **Utah Science Technology and Research Initiative Amendments** S. Killpack
Governor Signed on 3/24/2009
Effective Date: 7/1/2009

S.B. 241 **Instructional Expenses Requirements** M. Madsen
Senate/ failed on 3/9/2009

S.B. 242 **Contractor's Licensing Amendments** S. Jenkins
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 243 **Judicial Performance Evaluation Commission Modifications** D. Buttars
Governor Signed on 3/24/2009
Effective Date: 3/24/2009

S.B. 244 **Long Arm Jurisdiction Amendments** W. Niederhauser
Governor Signed on 3/25/2009
Effective Date: 5/12/2009

S.B. 245 **Uniform Fees on Motorcycles** B. Goodfellow
Senate/ filed on 3/12/2009

S.B. 246 **School Amendments** D. Buttars
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 247 **Rural Hospital Funding** D. Stowell
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 248 **Tax Amendments** G. Bell
Governor Signed on 3/24/2009
Effective Date: 3/24/2009

S.B. 249 **Utility Franchise Tax Amendments** C. Bramble
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 250 **Government Law Modifications** R. Romero
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 251 **Transportation Funding Modifications** K. Mayne
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 252 **Disbursement of Federal Stimulus Funds** S. Killpack
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 253 **Health and Human Services Modifications** L. Robles
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 254 **Amendments to General Government** G. Davis
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 255 **Amendments – General Government** G. Davis
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 256 **Adjustments to Implement Budget – 5** L. Hillyard
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 257 **Disaster Recovery Fund Funding Modifications** L. Hillyard
Governor Signed on 3/30/2009
Effective Date: 5/12/2009

S.B. 258 **Medicaid Drug Program Amendments** L. Hillyard
Senate/ filed on 3/12/2009

S.B. 259 **Public Safety Restricted Account Amendments** L. Hillyard
Governor Signed on 3/20/2009
Effective Date: 7/1/2009

S.B. 260 **Housing Relief Restricted Special Revenue Fund** S. Jenkins
Governor Signed on 3/19/2009
Effective Date: 3/19/2009

S.B. 261 **Revisions to General Government** S. Killpack
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 262 **General Government Modifications** G. Bell
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 263 **Amendments to Tax** S. Jenkins
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 264 **Tax Modifications** G. Bell
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 265 **General Government Revisions** J. Valentine
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 266 **Sales Tax Amendments** J. Valentine
Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 267 **Landlord Disclosure Requirements** R. Romero
Senate/ enacting clause struck on 3/12/2009

S.B. 268 **Title and Escrow Commission Related Amendments** J. Valentine
Senate/ enacting clause struck on 3/12/2009

S.B. 269 **Public Utility Easement Amendments** G. Bell
Governor Signed on 3/24/2009
Effective Date: 5/12/2009

S.B. 270 **Gift Card or Document Amendments** W. Niederhauser
Governor Signed on 3/25/2009
Effective Date: 7/1/2011

S.B. 271 **Judicial Conduct Commission Amendments** G. Davis
Governor Signed on 3/20/2009
Effective Date: 5/12/2009

S.B. 272 **Driver License Sanctions and Sentencing Requirements for Driving Under the Influence and Alcohol Related Offenses** S. Jenkins
Governor Signed on 3/30/2009
Effective Date: 7/1/2009

S.C.R. 1 **Concurrent Resolution Requesting a Federal Waiver to Establish an Employer–sponsored Work Program** S. Jenkins
Governor Signed on 3/2/2009
Effective Date: 3/2/2009

S.C.R. 2 **Concurrent Resolution – a Call to Civility** J. Valentine
Governor Signed on 3/20/2009
Effective Date: 3/20/2009

S.C.R. 3 **Concurrent Resolution Expressing Support for the Work of the Utah Council on Financial and Economic Education** P. Jones
Governor Signed on 3/20/2009
Effective Date: 3/20/2009

S.C.R. 4 **Resolution Supporting Obesity Awareness** D. Buttars
Governor Declined to Sign on 4/1/2009

S.J.R. 1 **Joint Resolution – Renewable Energy System** P. Jones
Senate/ to Lieutenant Governor on 2/24/2009
Effective Date: 2/19/2009

S.J.R. 2 **Topaz Museum and Civil Liberties Learning Center Joint Resolution** D. Stowell
Senate/ to Lieutenant Governor on 2/18/2009
Effective Date: 2/12/2009

S.J.R. 3 **Joint Resolution Approving Appointment of Legislative General Counsel** S. Killpack
Senate/ to Lieutenant Governor on 2/5/2009
Effective Date: 2/3/2009

S.J.R. 4 **Recycling of Electronic Waste Joint Resolution** S. McCoy
Senate/ enrolled bill to Printing on 2/23/2009
Effective Date: 2/18/2009

S.J.R. 5 **Joint Resolution Urging Presidential Support of Taiwan's Participation in Specialized Agencies of the United Nations** M. Waddoups
Senate/ to Lieutenant Governor on 2/24/2009
Effective Date: 2/19/2009

S.J.R. 6 **Legislator Communications with Judiciary Joint Rules Resolution** J. Valentine
Senate/ to Lieutenant Governor on 3/19/2009
Effective Date: 3/12/2009

S.J.R. 7 **Joint Resolution Designating May 2009 as Utah Lions Club Eyesight Preservation Month** K. Mayne
Senate/ to Lieutenant Governor on 2/25/2009
Effective Date: 2/20/2009

S.J.R. 8 **Joint Resolution Regarding Eligibility for Legislative Office** S. McCoy
Senate/ to Lieutenant Governor on 3/23/2009
Effective Date: 1/1/2011

S.J.R. 9 **Resolution Honoring the Utah Law Enforcement Memorial Foundation** J. Greiner
Senate/ to Lieutenant Governor on 2/27/2009
Effective Date: 2/25/2009

S.J.R. 10 **Alternative Training Center Joint Resolution** D. Stowell
Senate/ to Lieutenant Governor on 3/19/2009
Effective Date: 3/5/2009

S.J.R. 11 **Joint Resolution Urging Football Playoff** S. Jenkins
Senate/ to Lieutenant Governor on 2/23/2009
Effective Date: 2/18/2009

S.J.R. 12 **Joint Resolution Supporting Expansion of Correctional Facilities in San Juan County** D. Hinkins
Senate/ filed on 3/12/2009

S.J.R. 13 **Resolution Amending Legislative Rules to Allow Abstaining from Voting** C. Bramble
Senate/ enacting clause struck on 3/12/2009

S.J.R. 14 **Joint Resolution – Challenging the Legality of a Conviction or Sentence** C. Bramble
Senate/ filed on 3/12/2009

S.J.R. 15 **Joint Rules Resolution –– Legislative Ethics** J. Valentine
Bill Numbered by Title Without any Substance on 2/7/2009

S.J.R. 16 **Joint Resolution Supporting Nuclear Power** D. Hinkins
Senate/ to Lieutenant Governor on 3/19/2009
Effective Date: 3/10/2009

S.J.R. 17 **Hydraulic Fracturing Joint Resolution** D. Hinkins
Senate/ to Lieutenant Governor on 3/5/2009
Effective Date: 3/3/2009

S.J.R. 18 **Joint Resolution on Fiscal Note Process** W. Niederhauser
Senate/ filed on 3/12/2009

S.J.R. 19 **Joint Resolution Regarding Legislative Ethics** G. Davis
Senate/ enacting clause struck on 3/12/2009

S.J.R. 20 **Joint Resolution to Oppose Federal Card Check Legislation** D. Liljenquist
Bill Numbered by Title Without any Substance on

S.J.R. 21 **Joint Resolution on Combating and Reducing Gang Activity** L. Robles
Senate/ filed on 3/12/2009

S.J.R. 22 **Resolution Approving Contract for Construction of Utah Science Technology and Research Initiative Centers** L. Hillyard
Senate/ to Lieutenant Governor on 3/20/2009
Effective Date: 3/11/2009

S.J.R. 23 **Joint Rules Resolution Date Changes** M. Dayton
Senate/ to Lieutenant Governor on 3/19/2009
Effective Date: 3/12/2009

S.R. 1 **Ecumenical Patriarch Senate Resolution** P. Jones
Senate/ to Lieutenant Governor on 2/9/2009
Effective Date: 2/5/2009

S.R. 2 **Senate Resolution Supporting the Narrows Water Project in Central Utah** R. Okerlund
Senate/ to Lieutenant Governor on 2/9/2009
Effective Date: 2/5/2009

S.R. 3 **Resolution Designating September 2009 as Hydrocephalus Awareness Month and Urging National Registry** G. Bell
Senate/ to Lieutenant Governor on 2/24/2009
Effective Date: 2/12/2009

S.R. 4 **Senate Rules Resolution – Ethics Revisions** G. Davis
Senate/ enacting clause struck on 3/12/2009

S.R. 5 **Senate Rules Resolution Allowing Abstaining from Voting** C. Bramble
Senate/ enacting clause struck on 3/12/2009

S.R. 6 **Senate Resolution Recognizing the Work Done by the League of United Latin American Citizens** L. Robles
Senate/ to Lieutenant Governor on 3/18/2009
Effective Date: 3/6/2009

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STATE OF UTAH

SENATE JOURNAL

FIRST SPECIAL SESSION
OF THE
FIFTY–EIGHTH LEGISLATURE

Convened and Adjourned on Wednesday, May 20, 2009

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the First Special Session of the Fifty–Eighth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the First Special Session convening on Wednesday, May 20, 2009, and adjourning sine die the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk

SENATE JOURNAL

FIRST SPECIAL SESSION OF THE FIFTY–EIGHTH LEGISLATURE

May 20, 2009

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr, the Senate of the Fifty–Eighth Legislature of the State of Utah met in the Senate Chamber of the State Capitol in a Special Session at 2:00 p.m. on Wednesday, May 20, 2009.

The Senate was called to order at 2:35 p.m., with President Michael Waddoups presiding.

Prayer – Senator John Valentine
Pledge of Allegiance – Senator Brent Goodfellow
Roll Call – All Senators present except Senator McCoy, excused.

Annette B. Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the adjournment of the 2009 General Session of the Fifty–Eighth Legislature of the State of Utah, matters have arisen that require immediate legislative attention; and,

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature into Special Session;

NOW, THEREFORE, I, Jon M. Huntsman, Jr., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do by this Proclamation call the Fifty–Eighth Legislature of the State of Utah into a First Special Session at the Utah State Capitol, in Salt Lake City, Utah, on the 20th day of May 2009, at 2:00 p.m., for the following purposes:

1. To make appropriations contained in Section 15, 2009 General Session HB 2, Minimum School Program Budget Amendments, effective in FY 2009, and reallocate education stabilization funds appropriated from the American Recovery and Reinvestment Act.

2. To address Medicaid Hospital Provider rates for FY 2010.

3. To adjust funding to the Departments of Health and Human Services, including the Division of Juvenile Justice Services, to offset the Federal Medicaid Assistance Program estimates for FY 2009.

4. To adjust appropriations related to funding from Federal Funds – American Recovery and Reinvestment Act of 2009.

5. To appropriate funds to and from General Fund Restricted Accounts and budget line items that had been reclassified from Restricted Special Revenue Funds in the 2009 General Session HB 391, Budgetary Procedures Act Revisions.

6. To move funding for the Housing Grant Program from the Finance Mandated Line Item to the Housing Relief Restricted Special Revenue Fund and to change the effective date of the appropriation from FY 2010 to FY 2009.

7. To balance transfers among the General Fund, Education Fund, and Uniform School Funds in FY 2009 and to correct an FY 2010 transfer from the Education Fund to the Uniform School Fund in 2009 General Session SB 3, Appropriations Adjustments, Item 175.

8. To accelerate from FY 2010 to FY 2009 transfers between the Severance Tax Holding Account and the General Fund.

9. To adjust the disposition of the motor vehicle registration fee revenue increase enacted by 2009 General Session SB 239, Transportation Revisions.

10. To appropriate funds to cover the cost of implementation of SB 230, Construction Payment Amendments that passed during the 2009 General Session after the Bill of Bills.

11. To advise and consent to the Governor's appointments transmitted to the Senate pursuant to Utah Code Ann. Sections 67–1–1 and 67–1–2.

12. To make technical corrections to public and legal notice requirements, including renumbering sections and subsections, and to restore language in the Open and

Public Meetings Act and the Division of Oil, Gas, and Mining Notice Requirements.

13. To authorize the State Treasurer to apportion up to $1.2 million in Forest Service special projects payments directly to county special service districts from Title III of the Secure Rural Schools and Community Self Determination Act.

14. To modify the Employment Selection Procedures Act to permit an employer to request information from an applicant to review the employer's internal records for employment related actions or to provide a governmental agency with information related to a governmental program, service, or benefit; and to clarify when information may be disclosed by an employer as required by law.

15. To consider whether an owner of agricultural land within a less populated county should, under limited circumstances, be authorized to create a minor subdivision regardless of local planning and zoning.

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 State Capitol in Salt Lake City, Utah, this 15th day of May, 2009.
Jon M. Huntsman, Jr.
Governor
Gary R. Herbert
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a proclamation issued under the date of May 15th, 2009, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamations calling the Fifty–Eighth Legislature of the State of Utah into a First Special Session at the State Capitol Complex at Salt Lake City, Utah, on the 20th day of May, 2009, at 2:00 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 Certification of the 2009 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 18th day of May, 2009.
Gary R. Herbert
Lieutenant Governor

* * *

On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2009 General Session of the Fifty–Eighth Legislature as the rules for the First Special Session.

President Waddoups appointed a committee comprised of Senators Dennis Stowell, Dan Liljenquist, and Luz Robles to notify Governor Jon M. Huntsman, Jr. that the Senate is convened in the First Special Session in accordance with his proclamation and is organized and ready to receive any communication from him.

President Waddoups appointed a committee comprised of Senators Wayne Niederhauser, Howard Stephenson, and Karen Morgan to notify the House of Representatives that the Senate is organized and ready to do business.

Senator Niederhauser reported that the House has been notified.

Senator Stowell reported that the Governor has been notified.

On motion of Senator Dayton, and as provided by the Utah State Constitution and the Joint Rules of the Legislature, the Senate voted to suspend the reading of the titles of bills and resolutions on the Senate calendar as they are read for the first time and introduced and considered on Second Reading, Third Reading, and Consent Calendars. This suspension applies to all bills and resolutions introduced during this special legislative session, except that any senator may request the reading of the long title, short title, or both of any House of Senate bill or resolution.

INTRODUCTION OF BILLS

S.B. 1001, **Forest Reserve Fund Amendments** (R. Okerlund), read the first time by short title and referred to the Rules Committee.

S.B. 1002, **Legal Notice Amendments** (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 1003, **Disposition of Registration Fee Revenues** (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 1004, **Supplemental Appropriations Adjustments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Killpack, under suspension of the rules, the Senate voted to place **S.B. 1001, S.B. 1002, S.B. 1003,** and **S.B. 1004** on the Second Reading Calendar.

COMMUNICATIONS FROM THE HOUSE

Mr. President: May 20, 2009

The House passed **H.B. 1001**, SUBDIVISION APPROVAL AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 1001** was read the first time and referred to the Rules Committee.

* * *

On motion of Senator Killpack, under suspension of the rules, the Senate voted to lift **H.B. 1001** from Rules and place it at the bottom of the Second Reading Calendar.

SECOND READING CALENDAR

S.B. 1001, FOREST RESERVE FUND AMENDMENTS, was read the second time. Senator Okerlund explained the bill.

On motion of Senator Okerlund, the following substitute bill replaced the original bill:

1st Sub. S.B. 1001 Forest Reserve Fund Amendments (R. Okerlund)

On motion of Senator Okerlund, under suspension of the rules, **1st Sub. S.B. 1001**, FOREST RESERVE FUND AMENDMENTS, was considered read

the second and third times. Senator Okerlund explained the bill. Senator Valentine commented. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell	Davis	McCoy

1st Sub. S.B. 1001 was transmitted to the House.

* * *

S.B. 1002, LEGAL NOTICE AMENDMENTS, was read the second time. Senator Urquhart explained the bill.

On motion of Senator Urquhart, the following substitute bill replaced the original bill:

1st Sub. S.B. 1002 Legal Notice Amendments (S. Urquhart)

On motion of Senator Urquhart, under suspension of the rules, **1st Sub. S.B. 1002**, LEGAL NOTICE AMENDMENTS, was considered read the second and third times. Senator Urquhart explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Bell McCoy

1st Sub. S.B. 1002 was transmitted to the House.

* * *

On motion of Senator Killpack, under suspension of the rules, **S.B. 1003**, DISPOSITION OF REGISTRATION FEE REVENUES, was considered read the second and third times. Senator Killpack explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Bell McCoy

S.B. 1003 was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, **S.B. 1004**, SUPPLEMENTAL APPROPRIATIONS ADJUSTMENTS, was considered read the second and third times. Senator Hillyard explained the bill. Senator Urquhart commented. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Bell McCoy

S.B. 1004 was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: May 20, 2009

The House passed, as substituted, **1st Sub. H.B. 1002**, CONDITIONS FOR REQUESTING AND DISCLOSING INFORMATION UNDER EMPLOYMENT SELECTION PROCEDURES ACT, by Representative W. Harper, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 1002** was read the first time and referred to the Rules Committee.

On motion of Senator Killpack, under suspension of the rules, the Senate voted to lift **1st Sub. H.B. 1002** from Rules and place it at the bottom of the Second Reading Calendar.

ADVISE AND CONSENT

COMMUNICATIONS FROM THE GOVERNOR

Mr. President: May 5, 2009

In accordance with Utah Code Ann. 67–1–1 and 67–1–2, I propose and transmit the following appointments:

State Money Management Council:

Mark D. Watkins is appointed to replace Bruce Cohne as a member of the State Money Management Council, a term to expire on March 1, 2011. See Utah Code Ann. 51–7–16.

Mark O. McRae is appointed to replace Daniel A. Mule as a member of the State Money Management Council, a term to expire on March 1, 2011. See Utah Code Ann. 51–7–16.

Mark A. Altom is reappointed as a member of the State Money Management Council, a term to expire on March 1, 2013. See Utah Code Ann. 51–7–16.

Charles Richard Schwarz is reappointed as a member of the State Money Management Council, a term to expire on March 1, 2013. See Utah Code Ann. 51–7–16.

William W. Wallace is reappointed as a member of the State Money Management Council, a term to expire on March 1, 2013. See Utah Code Ann. 51–7–16.

Defined Contribution Risk Adjustor Board:

S. David Jackson is appointed as a member of the Defined Contribution Risk Adjustor Board, a term to expire on May 20, 2011. See Utah Code Ann. 31A–42–201.

Dennis Kunimura is appointed as a member of the Defined Contribution Risk Adjustor Board, a term to expire on May 20, 2011. See Utah Code Ann. 31A–42–201.

James D. Pinkerton is appointed as a member of the Defined Contribution Risk Adjustor Board, a term to expire on May 20, 2011. See Utah Code Ann. 31A–42–201.

Mark A. Brown is appointed as a member of the Defined Contribution Risk Adjustor Board, a term to expire on May 20, 2013. See Utah Code Ann. 31A–42–201.

Norman K. Thurston is appointed as a member of the Defined Contribution Risk Adjustor Board, a term to expire on May 20, 2013. See Utah Code Ann. 31A–42–201.

Tanji J. Northrup is appointed as a member of the Defined Contribution Risk Adjustor Board, a term to expire on May 20, 2013. See Utah Code Ann. 31A–42–201.

Board of State History:

Dr. Deanne Matheny is appointed to replace Claudia Berry as a member of the Board of State History, a term to expire on April 1, 2013. See Utah Code Ann. 9–8–204.

Quality Growth Commission:

Charles R. Duboc, Jr. is appointed to replace Kent Mitchell as a member of the Quality Growth Commission, a term to expire on April 15, 2011. See Utah Code Ann. 11–38–201.

David Mansell is appointed to replace Jaren L. Davis as a member of the Quality Growth Commission, a term to expire on April 15, 2013. See Utah Code Ann. 11–38–201.

JT Martin is appointed to replace Mayor Darrell H. Smith as a member of the Quality Growth Commission, a term to expire on March 1, 2013. See Utah Code Ann. 11–38–201.

Michael L. Kohler is reappointed as a member of the Quality Growth Commission, a term to expire on March 1, 2013. See Utah Code Ann. 11–38–201.

Flint F. Richards is reappointed as a member of the Quality Growth Commission, a term to expire on March 1, 2013. See Utah Code Ann. 11–38–201.

Crime Victim Reparations Board:

Rodney G. Snow is reappointed as a member of the Crime Victim Reparations Board, a term to expire on April 15, 2013. See Utah Code Ann. 63–25a–404.

Gretchen McNees is appointed to replace Louis S. Speth as a member of the Crime Victim Reparations Board, a term to expire on April 15, 2013. See Utah Code Ann. 63–25a–404 .

Loydene Hubbard Berg is appointed to replace Karen Watkins as a member of the Crime Victim Reparations Board, a term to expire on April 15, 2013. See Utah Code Ann. 63–25a–404 .

Upper Sevier Water Conservancy District Board of Directors:

Deven Gass is appointed to replace Chris Fullmer as a member of the Upper Sevier Water Conservancy District Board of Directors, a term to expire on January 2, 2013. See Utah Code Ann. 17A–2–1409.

Delin Garn Roundy is appointed to replace Sheldon Proctor as a member of the Upper Sevier Water Conservancy District Board of Directors, a term to expire on January 2, 2012. See Utah Code Ann. 17A–2–1409.

S. Leland Riggs is reappointed as a member of the Upper Sevier Water Conservancy District Board of Directors, a term to expire on January 2, 2012. See Utah Code Ann. 17A–2–1409.

Utah Commission on Uniform State Laws:

Representative Lorie D. Fowlke is appointed to replace Rep. Greg Curtis as a member of the Utah Commission on Uniform State Laws, a term to expire on July 1, 2013. See Utah Code Ann. 68–4–5.

Solid and Hazardous Waste Control Board:

Larry A. Ellertson is appointed to replace Craig W. Anderson as a member of the Solid and Hazardous Waste Control Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–6–103.

Brad Mertz is appointed to replace Craig Forster as a member of the Solid and Hazardous Waste Control Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–6–103.

Air Quality Board:

Dr. Robert Paine is appointed to replace Dr. Wayne M. Samuelson as a member of the Air Quality Board, a term to expire on March 1, 2011. See Utah Code Ann. 19–2–103.

Utah State Retirement Board:

Jay R. Blain is appointed to replace Phyllis Sorenson as a member of the Utah State Retirement Board, a term to expire on July 1, 2011. See Utah Code Ann. 49–11–202.

Water Quality Board:

Darrel H. Mensel is reappointed as a member of the Water Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–5–103.

Gregory Leonard Rowley is reappointed as a member of the Water Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–5–103.

Paula Haye Doughty is reappointed as a member of the Water Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–5–103.

Merritt Karen Frey is reappointed as a member of the Water Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–5–103.

Mayor Lou Ann Newell Christensen is appointed to replace Mayor Joe L. Piccolo as a member of the Water Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–5–103.

Board of Business and Economic Development:

Robert G. Adams is appointed to replace Bill Boyle as a member of the Board of Business and Economic Development, a term to expire on March 15, 2013. See Utah Code Ann. 63–38f–302.

Peter Mouskondis is appointed to replace Richard R. Nelson as a member of the Board of Business and Economic Development, a term to expire on March 15, 2013. See Utah Code Ann. 63–38f–302.

Wildlife Board:

William N. Fenimore is appointed to replace Lee E. Howard as a member of the Wildlife Board, a term to expire on August 15, 2015. See Utah Code Ann. 23–14–2.

Gary Jake Albrecht is appointed to replace Paul Niemeyer as a member of the Wildlife Board, a term to expire on August 15, 2015. See Utah Code Ann. 23–14–2.

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr.
Governor

On motion of Senator Hillyard, the Senate voted to approve the appointments read by Leslie McLean on the following roll call vote:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	McCoy

SECOND READING CALENDAR

On motion of Senator Urquhart, under suspension of the rules, **H.B. 1001**, SUBDIVISION APPROVAL AMENDMENTS, was considered read the second and third times. Senator Hinkins commented and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	McCoy

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.

* * *

On motion of Senator Mayne, under suspension of the rules, **1st Sub. H.B. 1002**, CONDITIONS FOR REQUESTING AND DISCLOSING INFORMATION UNDER EMPLOYMENT SELECTION PROCEDURES ACT, was considered read the second and third times. Senator Valentine commented and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	McCoy

1st Sub. 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 Killpack, and at 3:30 p.m., the Senate sauntered.

The Senate was called to order at 4:00 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: May 20, 2009

The House passed **H.B. 1003**, APPROPRIATIONS ADJUSTMENTS RELATED TO FEDERAL FUNDS, by Representative R. Bigelow, with the following amendments:

1. Page 2, Line 43:
   Delete “(2,000,000)” and insert “(2,500,000)”

2. Page 2, Line 45:
   Delete “(2,000,000)” and insert “(2,500,000)”

3. Page 3, Line 86:
Delete "2,937,500" and insert "2,437,500"

4. Page 3, Line 89:
Delete "2,462,500" and insert "2,962,500"

5. Page 5, Line 150:
After Line 150 insert:
"ECONOMIC DEVELOPMENT AND REVENUE
DEPARTMENT OF COMMUNITY AND CULTURE
ITEM 14A To Department of Community and Culture – Housing and Community Development
From General Fund, One–time (500,000)
From Federal Funds – American Recovery and Reinvestment Act 500,000
The Legislature intends that $500,000 appropriated by this item to the Huntsman Cancer Center from Federal Funds – American Recovery and Reinvestment Act of 2009 shall come from the General State Fiscal Stabilization Program."

6. Page 5, Line 153:
After Line 153 insert:
"From General Fund, One–time 1,000,000
From Federal Funds 2,000,000"

7. Page 5, Line 156:
Delete "6,572,600" and insert "9,572,600"

8. Page 4, Line 114:
After Line 114 insert:
"ITEM 11A To Department of Human Services – Division of Aging and Adult Services
From Federal Funds – American Recovery and Reinvestment Act 35,300
Schedule of Programs:
Non–Formula Funds 35,300"

9. Page 4, Line 139:
After Line 139 insert:
"TRANSPORTATION & ENVIRONMENTAL QUALITY
DEPARTMENT OF TRANSPORTATION
ITEM 13A To Department of Transportation – Construction Management

From Federal Funds – American Recovery and Reinvestment Act 64,045,200
Schedule of Programs:
State Construction – New 64,045,200"

10. Page 5, Line 151:
After Line 151 insert:
"DEPARTMENT OF HEALTH
ITEM 14A To Department of Health – Community and Family Health Services
From Federal Funds – American Recovery and Reinvestment Act 3,011,200
Schedule of Programs:
Director's Office 3,011,200
ITEM 14B To Department of Health – Executive Director's Operations
From Federal Funds – American Recovery and Reinvestment Act 1,230,000
Schedule of Programs:
Executive Director 1,230,000
All General Funds appropriated to the Department of Health – Executive Director's Operations line item are contingent upon expenditures from Federal Funds – American Recovery and Reinvestment Act (H.R. 1, 111th United States Congress) not exceeding amounts appropriated from Federal Funds – American Recovery and Reinvestment Act in all appropriations bills passed for FY 2010. If expenditures in this line item from Federal Funds – American Recovery and Reinvestment Act exceed amounts appropriated to this line item from Federal Funds – American Recovery and Reinvestment Act in FY 2010, the Division of Finance shall reduce the General Fund allocations to this line item by one dollar for every one dollar in Federal Funds – American Recovery and Reinvestment Act expenditures that exceed Federal Funds – American Recovery and Reinvestment Act appropriations.
ITEM 14C To Department of Health – Epidemiology and Laboratory Services
From Federal Funds – American Recovery and Reinvestment Act 134,400
Schedule of Programs:
Director's Office 134,400
All General Funds appropriated to the Department of Health – Epidemiology and Laboratory Services line item are contingent

upon expenditures from Federal Funds – American Recovery and Reinvestment Act (H.R. 1, 111th United States Congress) not exceeding amounts appropriated from Federal Funds – American Recovery and Reinvestment Act in all appropriations bills passed for FY 2010. If expenditures in this line item from Federal Funds – American Recovery and Reinvestment Act exceed amounts appropriated to this line item from Federal Funds – American Recovery and Reinvestment Act in FY 2010, the Division of Finance shall reduce the General Fund allocations to this line item by one dollar for every one dollar in Federal Funds – American Recovery and Reinvestment Act expenditures that exceed Federal Funds – American Recovery and Reinvestment Act appropriations."

11. Page 5, Line 156
After Line 156 insert:
"ITEM 15A To Department of Human Services – Division of Aging and Adult Services
From Federal Funds – American Recovery and Reinvestment Act 123,500
Schedule of Programs:
Non–Formula Funds 123,500"

12. Page 5, Line 175
Delete "9,000,000" and insert "9,600,000"

13. Page 5, Line 177
Delete "9,000,000" and insert "9,600,000"

14. Page 5, Line 182
After Line 182 insert:
"SNOW COLLEGE
ITEM 20A To Snow College – Education and General
From Federal Funds – American Recovery and Reinvestment Act 2,000,000
Schedule of Programs:
Education and General 2,000,000
DIXIE STATE COLLEGE
ITEM 20B To Dixie State College – Education and General
From Federal Funds – American Recovery and Reinvestment Act 500,000
Schedule of Programs:

Education and General 500,000"
and it is transmitted to the Senate for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 1003** was read the first time and referred to the Rules Committee.

On motion of Senator Killpack, under suspension of the rules, the Senate voted to lift **H.B. 1003** from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Hillyard, under suspension of the rules, **H.B. 1003**, APPROPRIATIONS ADJUSTMENTS RELATED TO FEDERAL FUNDS, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Van Tassell	Waddoups		

Voting in the negative was: Senator
Madsen

Absent or not voting were: Senators
McCoy Urquhart

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 Killpack, and at 4:15 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: May 20, 2009

The House passed, **1st Sub. S.B. 1001**, FOREST RESERVE FUND 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, **1st Sub. S.B. 1002**, LEGAL NOTICE AMENDMENTS, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 1003**, DISPOSITION OF REGISTRATION FEE REVENUES, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 1004**, SUPPLEMENTAL APPROPRIATIONS ADJUSTMENTS, 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

1st Sub. S.B. 1001, 1st Sub. S.B. 1002, S.B. 1003, and **S.B. 1004** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

President Waddoups appointed Senators David Hinkins, Stephen Urquhart, and Karen Mayne to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Waddoups appointed Senators Margaret Dayton, Ralph Okerlund, and Brent Goodfellow to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Dayton reported the House has been notified that the business of the Senate has concluded and the Senate is ready to adjourn sine die.

Senator Mayne reported that his committee had notified the Governor. The Governor asked that the committee convey to the Senate that he has no further business to bring before the legislature.

On motion of Senator Killpack and at 4:40 p.m., the Senate adjourned sine die.

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FIFTY–EIGHTH LEGISLATURE

FIRST SPECIAL SESSION

Convened and Adjourned on

Wednesday, May 20, 2009

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STATE OF UTAH

SENATE JOURNAL

FIRST EXTRAORDINARY SESSION
OF THE
FIFTY–EIGHTH LEGISLATURE

Convened and Adjourned on
Wednesday, June 17, 2009

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the First Extraordinary Session of the Fifty–Eighth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the First Extraordinary Session convening on Wednesday, June 17, 2009, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk

STATE OF UTAH

SENATE JOURNAL

FIRST EXTRAORDINARY SESSION of the FIFTY–EIGHTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Eighth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the First Extraordinary Session at 12:00 noon on Wednesday, June 17, 2009.

The Senate was called to order at 12:15 p.m. with President Michael Waddoups presiding.

Prayer – Senator Scott Jenkins

Pledge – Senator Lyle Hillyard

Annette Moore, Secretary of the Senate, read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2009 General Session of the 58th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 58th Legislature into a First Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 17th day of June, 2009 at 12:00 noon, for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2009 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 Salt Lake Capitol in Salt Lake City, Utah, this 3rd day of June, 2009.

Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of June3, 2009, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a First Extraordinary Session at the State Capitol, at Salt Lake City, Utah, on the 17th day of June, 2009, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2009 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 4th day of June 2009.

Gary R. Herbert
Lieutenant Governor

Roll call – All Senators present, except Senators Buttars and Dayton, excused.

On motion of Senator Jones, the Senate voted to adopt the Senate Rules of the 2009 General Session of the Fifty–Eighth Legislature as the rules for the First Extraordinary Session.

President Waddoups appointed a committee comprised of Senators Curtis Bramble, Greg Bell, and Ross Romero to notify the Governor's representative that the Senate is convened in the First Extraordinary Session in accordance with his proclamation.

Senator Bramble advised the Senate that the Governor's representative has been notified of the convening of the First Extraordinary Session.

* * *

Leslie McLean read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President: May 5, 2009

In accordance with Utah Code Ann. 67–1–1 and 67–1–2, I propose and transmit the following appointments:

Transportation Commission:

Jeffrey D. Holt is appointed to replace Commissioner Glen E. Brown as a member of the Transportation Commission, a term to expire on April 1, 2015. See Utah Code Ann. 72–1–301.

Wayne K. Barlow is appointed to replace Commissioner Stephen M. Bodily as a member of the Transportation Commission, a term to expire on April 1, 2015. See Utah Code Ann. 72–1–301.

Securities Commission:

Laura Polacheck is appointed as a member of the Securities Commission, a term to expire on May 12, 2013. See Utah Code Ann. 61–1–18.5.

Eric Anthony Christiansen is appointed as a member of the Securities Commission, a term to expire on May 12, 2013. See Utah Code Ann. 61–1–18.5.

Jane E. Cameron is appointed as a member of the Securities Commission, a term to expire on May 12, 2013. See Utah Code Ann. 61–1–18.5.

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr.
Governor

* * *

Mr. President: June 17, 2009

The Senate Transportation and Public Utilities and Technology Confirmation Committee met on June 16, 2009 and reports favorable recommendations for Mr. Jeffrey D. Holt and Mr. Wayne K. Barlow as members of the Transportation Commission.

Stephen H. Urquhart, Chair

* * *

Mr. President: June 3, 2009

In accordance with Utah Code Ann. 67–1–1 and 67–1–2, I propose and transmit the following appointments:

Utah State Retirement Board:

Kathy Jones–Price is reappointed as a member of the Utah State Retirement Board, a term to expire on July 1, 2013. See Utah Code Ann. 49–11–202.

Phillip W. Clinger is reappointed as a member of the Utah State Retirement Board, a term to expire on July 1, 2013. See Utah Code Ann. 49–11–202.

John L. Lunt is reappointed as a member of the Utah State Retirement Board, a term to expire on July 1, 2013. See Utah Code Ann. 49–11–202.

Title and Escrow Commission:

Jerry M. Houghton is reappointed as a member of the Title and Escrow Commission, a term to expire on June 30, 2013. See Utah Code Ann. 31A–2–403.

Utah State Fair Corporation Board of Directors:

Gary Arrington is appointed to replace Lillian Bayles as a member of the Utah State Fair Corporation Board of Directors, a term to expire on December 1, 2012. See Utah Code Ann. 9–4–1104.

Defined Contribution Risk Adjustor Board:

Earl F. Hurst is appointed as a member of the Defined Contribution Risk Adjustor Board, a term to expire on June 30, 2013. See Utah Code Ann. 31A–42–201.

Utah Comprehensive Health Insurance Pool Board of Directors:

Michael Dean Bahr is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire on June 30, 2013. See Utah Code Ann. 31A–29–104.

Matthew Mark Minkevitch is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire on June 30, 2013. See Utah Code Ann. 31A–29–104.

Robert Hinckley Perry is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire on June 30, 2013. See Utah Code Ann. 31A–29–104.

Elizabeth Hunter is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire on June 30, 2013. See Utah Code Ann. 31A–29–104.

Dr. Douglas James Hasbrouck is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire on June 30, 2013. See Utah Code Ann. 31A–29–104.

Solid and Hazardous Waste Control Board:

Kevin R. Murray is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–6–103.

Dennis R. Riding is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–6–103.

Gary L. Mossor is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–6–103.

Scott Allen Bruce is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–6–103.

Kory England Coleman is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–6–103.

Securities Commission:

Tim Bangerter is appointed as a member of the Securities Commission, a term to expire on May 12, 2011. See Utah Code Ann. 61–1–18.5.

Michael C. O'Brien is appointed as a member of the Securities Commission, a term to expire on May 12, 2011. See Utah Code Ann. 61–1–18.5.

Utah State University Board of Trustees:

Douglas S. Foxley is reappointed as a member of the Utah State University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Ronald W. Jibson is reappointed as a member of the Utah State University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Robert Lynn Foley is reappointed as a member of the Utah State University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Susan D. Johnson is appointed to replace David Johnson III as a member of the Utah State University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Weber State University Board of Trustees:

James C. Beardall is reappointed as a member of the Weber State University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Kathryn Lindquist is reappointed as a member of the Weber State University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Jerry Stevenson is reappointed as a member of the Weber State University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Steve Starks is appointed to replace Steven Peterson as a member of the Weber State University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

University of Utah Board of Trustees:

Tim Anderson is reappointed as a member of the University of Utah Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

A. Scott Anderson is appointed to replace Hope Eccles as a member of the University of Utah Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Joyce P. Valdez is appointed to replace Scott Parker as a member of the University of Utah Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Lisa Eccles is appointed to replace Lorena Riffo–Jenson as a member of the University of Utah Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Salt Lake Community College Board of Trustees:

Jesselie B. Anderson is reappointed as a member of the Salt Lake Community College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Larry Hancock is reappointed as a member of the Salt Lake Community College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Anna Kay Waddoups is reappointed as a member of the Salt Lake Community College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Karen Gail Saxton Miller is appointed to replace Dave Thomas as a member of the Salt Lake Community College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Utah Valley University Board of Trustees:

Carolyn H. Miller is reappointed as a member of the Utah Valley University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Doyle M. Mortimer is reappointed as a member of the Utah Valley University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Rebecca Marriott Champion is appointed to replace Timothy Clark as a member of the Utah Valley University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Southern Utah University Board of Trustees:

Gayle Pollock is reappointed as a member of the Southern Utah University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Renn Zaphiropoulos is reappointed as a member of the Southern Utah University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Nina Barnes is appointed to replace Dane Leavitt as a member of the Southern Utah University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Snow College Board of Trustees:

Theressa Alder is reappointed as a member of the Snow College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Eddie L. Cox is reappointed as a member of the Snow College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Mary Gardner Greathouse is reappointed as a member of the Snow College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Douglas L. Barton is appointed to replace Timothy Blackham as a member of the Snow College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

College of Eastern Utah Board of Trustees:

Neal Peacock is reappointed as a member of the College of Eastern Utah Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Erroll Holt is appointed to replace Dennis Dooley as a member of the College of Eastern Utah Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Jason Dunn is appointed to replace Senator David Hinkins as a member of the College of Eastern Utah Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Dixie State College Board of Trustees:

Steve Caplin is reappointed as a member of the Dixie State College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Christopher A. Roybal is reappointed as a member of the Dixie State College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Elizabeth Rhodes Bingham is appointed to replace Shawn Shouthwick–King as a member of the Dixie State College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Jon Pike is appointed to replace D. Williams Ronnow as a member of the Dixie State College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Kathie Thayne is appointed to replace Vickie Reese Wilson as a member of the Dixie State College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Utah College of Applied Technology Board of Trustees:

Jason P. Perry is appointed as a member of the Utah College of Applied Technology Board of Trustees, a term to expire on August 31, 2013. See Utah Code Ann. 53B–2a–103.

William A. Sederburg is appointed as a member of the Utah College of Applied Technology Board of Trustees, a term to expire on August 31, 2013. See Utah Code Ann. 53B–2a–103.

State Board of Regents:

Jed H. Pitcher is reappointed as a member of the State Board of Regents, a term to expire on June 30, 2013. See Utah Code Ann. 53B–1–104.

Bonnie Jean Beesley is reappointed as a member of the State Board of Regents, a term to expire on June 30, 2013. See Utah Code Ann. 53B–1–104.

Thank you for your timely consideration and confirmation of the above appointment.

Jon M. Huntsman, Jr.
Governor

* * *

Mr. President: June 17, 2009

At its meeting today, the Senate Business and Labor Confirmation Committee voted unanimously to recommend that the Senate approve the nominations of the following to Securities Commission: Tim Bangerter, Jane E. Cameron, Erik Anthony Christiansen, Laura Polacheck, and Michael C. O"Brien.

Thank you for your consideration in this matter.

John L. Valentine, Chair

* * *

On motion of Senator Jenkins, the Senate voted to waive the 15–day requirement on the submittals dated June 3, 2009, for the purposes of acting on gubernatorial nominees.

Senator Hillyard moved to consent to the appointment as read by Leslie McLean. Senators Valentine and Urquhart commented. Senators Valentine and Greiner declared conflicts of interest. The motion passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Dayton	McCoy

* * *

President Waddoups directed the committee to wait upon the Governor's representative to notify him that the Senate has concluded its business.

Senator Bramble reported that the committee had notified the Governor's representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Killpack, and at 12:40 p.m., the Senate adjourned sine die.

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